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**ISSUE 79-04**



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filed not later than April 4, 1979

## 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 123rd item in the February, 1978, Register would be cited as WSR 78-02-123.

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

DENNIS W. COOPER  
Code Reviser

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# WASHINGTON STATE REGISTER

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## STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

### 1. ARRANGEMENT OF THE REGISTER

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

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

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

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

### 3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATTER

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

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

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

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

### 5. EFFECTIVE DATE OF RULES

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

### 6. EDITORIAL CORRECTIONS

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

### 7. INDEX AND TABLES

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

1979

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

Issue No.	Distribution Date	First Agency Action Date <sup>2</sup>	Closing Dates <sup>1</sup>		
			OTS <sup>3</sup> or 10 pages maximum (14 days)	Non-OTS and 11 to 29 pages (28 days)	Non-OTS and 30 pages or more (42 days)
79-01	Jan 17	Feb 6	Jan 3	Dec 20, 1978	Dec 6, 1978
79-02	Feb 21	Mar 13	Feb 7	Jan 24	Jan 10
79-03	Mar 21	Apr 10	Mar 7	Feb 21	Feb 7
79-04	Apr 18	May 8	Apr 4	Mar 21	Mar 7
79-05	May 16	Jun 5	May 2	Apr 18	Apr 14
79-06	Jun 20	Jul 10	Jun 6	May 23	May 9
79-07	Jul 18	Aug 7	Jul 3	Jun 20	Jun 6
79-08	Aug 15	Sep 4	Aug 1	Jul 18	Jul 3
79-09	Sep 19	Oct 9	Sep 5	Aug 22	Aug 8
79-10	Oct 17	Nov 6	Oct 3	Sep 19	Sep 5
79-11	Nov 21	Dec 11	Nov 7	Oct 24	Oct 10
79-12	Dec 19	Jan 8, 1980	Dec 5	Nov 21	Nov 7

<sup>1</sup>All documents are due at the Code Reviser's Office by 5:00 p.m. on the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-12-035 or 1-13-035.

<sup>2</sup>No proceeding shall 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(2) and 34.04.025(2). These dates represent the twentieth day after the distribution date of the immediately preceding Register.

<sup>3</sup>OTS is the acronym used for the Order Typing Service offered by the Code Reviser's Office which is briefly explained in WAC 1-12-220 and WAC 1-13-240.

**WSR 79-03-032**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Order 1375—Filed March 1, 1979]

I, Michael Stewart, Ex. Assist., of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to food assistance programs, amending chapter 388-54 WAC.

I, Michael Stewart, Ex. Assist., find that an emergency exists and that the foregoing 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 such emergency is the Department is required by the U. S. Department of Agriculture to have these rules in effect on March 1, 1979.

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

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

The undersigned hereby declares that he 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).

APPROVED AND ADOPTED March 1, 1979.

By Michael S. Stewart  
 Executive Assistant

**Reviser's Note:** The rules relating to food assistance programs, chapter 388-54 WAC, were adopted both as permanent and emergency rules by the Department of Social and Health Services in Administrative Order Numbers 1374 and 1375, respectively. Due to the length of the rules, and the fact that they are identical in both their permanent and emergency versions, they are displayed in the Register only once, under WSR 79-03-033.

**WSR 79-03-033**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Order 1374—Filed March 1, 1979]

I, Michael Stewart, Ex. Assist., of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to food assistance programs, amending chapter 388-54 WAC.

This action is taken pursuant to Notice No. WSR 78-12-086 filed with the code reviser on 12/6/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

The undersigned hereby declares that he 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).

APPROVED AND ADOPTED February 28, 1979.

By Michael S. Stewart  
 Executive Assistant

Chapter 388-54 WAC  
**FOOD ASSISTANCE PROGRAMS**

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NEW SECTIONWAC 388-54-600 PURPOSE OF PROGRAM.

The food stamp program is designed to promote the general welfare and to safeguard the health and well-being of the nation's population by raising the levels of nutrition among low-income households.

NEW SECTION

WAC 388-54-605 GENERAL FOOD STAMP PROVISIONS. (1) The department of social and health services shall administer the food stamp program in accordance with an approved plan with the food and nutrition service (FNS) of the United States department of agriculture.

(2) Rules in this chapter are for the purpose of carrying out certain requirements for participation in the program. Unless specifically provided for in this chapter, rules and definitions in other chapters of Title 388 WAC do not apply to provisions of chapter 388-54 WAC.

(3) Use or disclosure of information obtained from applicant households, exclusively for the program, shall be restricted to persons directly connected with the administration or enforcement of the provisions of the Food Stamp Act or regulations, or with other Federal or federally aided, means-tested assistance programs, or with general assistance programs that are subject to the joint processing requirements specified in this program.

The material and information contained in the case file shall be made available for inspection during normal working hours if there is a written request by a responsible member of the household, its currently authorized representative, or a person acting in its behalf to review materials contained in its case file. However, the department may withhold confidential information, such as the names of individuals who have disclosed information about the household without the household's knowledge, or the nature or status of pending criminal prosecutions.

(4) The department shall provide any household, aggrieved by the action of the department or an issuing agency in its administration of the program which affects the participation of the household in the program, with a fair hearing upon its request. Chapter 388-08 WAC shall apply unless otherwise indicated in this chapter.

(5) In the certification of applicant households and in the issuance of food coupons to eligible households, there shall be no discrimination against any household because of race, religious creed, political beliefs, or national origin.

(6) During a presidentially declared disaster or a disaster declared by FNS, the department shall certify affected households in accordance with FNS instructions.

NEW SECTIONWAC 388-54-610 APPLICATION AND PARTICIPATION—INITIATING THE APPLICATION.

(1) The department shall make application forms readily accessible and provide one to anyone who requests it.

(2) The household must file an application by submitting the form to the Food Stamp office either in person, through an authorized representative or by mail.

(3) Each household has a right to file a food stamp application on forms as determined by the department on the same day it contacts the department.

(a) The department shall mail an application to any household who requests one by telephone. This shall be mailed the same day as the telephone request is received.

(b) When a written request for an application is received by the department, an application shall be mailed the same day the written request is received.

(c) If a household contacts the wrong certification office within a project area, in writing, in person or by telephone, the certification office shall:

(i) Give the household the address and telephone number of the appropriate office.

(ii) Mail the application to the appropriate office on the same day.

(4) An application can be filed as long as it contains the applicant's name and address and is signed by a responsible member of the household or authorized representative. The household shall be informed of this fact and also informed that it does not have to be interviewed before filing the application.

(5) The household may voluntarily withdraw its application at any time prior to determination of eligibility.

(6) If a household refuses to cooperate with the CSO, the application shall be denied at the time of refusal.

(i) The household must be able to cooperate but clearly demonstrate that it will not take action.

(ii) If there is any question as to whether the household has merely failed to cooperate, as opposed to refused to cooperate, the household shall not be denied.

NEW SECTION

WAC 388-54-620 ———INTERVIEW. (1) All food stamp households including those submitting applications by mail must be personally interviewed prior to certification. The interview may be conducted with either a responsible member of the household or its authorized representative.

(2) All interviews will take place in the certification office except in those cases where an office visit is waived; then a home visit or telephone interview is required. Office visits can be waived:

(a) If the household is unable to appoint an authorized representative and has no adult member able to visit the office because of hardships such as, but not limited to, illness, lack of transportation, prolonged severe weather, work hours, care of a household member or remoteness.

(b) If the household is unable to appoint an authorized representative and has no adult member able to visit the office because of age (65 or over), mental or physical handicap.

(3) A home visit shall be used only if the time of the visit is scheduled in advance with the household.

NEW SECTION

WAC 388-54-625 ———TIME LIMITS. The application process must be completed in such a manner that the eligible household may participate in the program as soon as possible; however in no case later than

30 days of the date of receipt of the application by the department.

#### NEW SECTION

WAC 388-54-630 ————VERIFICATION. (1) Mandatory verifications shall include:

(a) Gross non-exempt income. Where verification is not possible because either the person or organization providing the income has failed to cooperate or is unavailable, the eligibility worker shall determine the amount to be used for certification purposes based on the best available information.

(b) Alien status. The department shall verify the alien status of those household members identified as aliens on the application by the use of INS documents, court orders or other appropriate documentations in possession of the household member. The state agency shall not contact the INS to obtain information about the alien's correct status without the alien's written consent.

(c) Utility expenses. The department shall verify the utility expenses only if the household wishes to claim expenses in excess of the utility standard and the expense would actually result in a deduction:

(i) if the utility expense cannot be verified in the 30 days application period, the standard utility allowance shall be used.

(ii) expenses claimed for an unoccupied home will be the actual expenses incurred.

(2) The following need not be verified unless inconsistent with other information on the application, previous applications, or other documented information known to the department.

(a) Resource information or the exempt status of income.

(b) Nonfinancial information such as household composition, tax dependency, deductible expenses, liquid resources and loans, citizenship.

If it is necessary to verify a loan, a simple statement signed by both parties to the loan shall be sufficient.

(3) The following sources of verification shall be used:

(a) Documentary evidence shall be the primary source of verification. Documentary evidence consists of a written confirmation of a household's circumstances. Whenever documentary evidence cannot be obtained, the department shall use alternate sources of verifications such as:

(i) Collateral contacts. A collateral contact is a verbal confirmation of a household's circumstances by a person outside of the household. This contact may be made either in person or over the phone with any individual who can provide an accurate third party verification of the household's statements.

(ii) Home visits. Only if documentary evidence cannot be obtained and the visit is scheduled in advance with the household.

(b) Documentation shall be in sufficient detail to permit a reviewer to determine the reasonableness and accuracy of the determination.

(4) The household has primary responsibility for providing documentary evidence to support its income statements and to resolve any questionable information. If it would be difficult or impossible for the household to

obtain the documentary evidence in a timely manner, the department shall offer assistance in obtaining this evidence. Designation of a collateral contact is also the responsibility of the household.

(5) At recertification, a change in income or source of income, or actual utility expenses claimed, in an amount over \$25, shall be verified.

(a) All other changes shall be subject to the same verification procedures as apply at initial certification.

(b) Unchanged information shall not be verified unless questionable.

#### NEW SECTION

WAC 388-54-635 ————AUTHORIZED REPRESENTATIVE. (1) An authorized representative is an adult non-household member who has been designated in writing by the head of household, spouse or other responsible member of the family to act on behalf of the household in one or all of the following capacities:

(a) Making application. The authorized representative shall be a person who is sufficiently aware of relevant household circumstances.

(b) Obtaining coupons. The authorized representative for coupon issuance may be the same individual designated to make application for the household or may be another individual.

(c) Emergency situations. The household member named on the Identification Card may also designate an emergency authorized representative at a later date. A separate written designation is needed each time an emergency authorized representative is used.

(d) Using coupons. The authorized representative may use coupons to purchase food for the household's consumption, with the full knowledge and consent of the household, provided the authorized representative has the household's ID card.

(2) An authorized representative shall also mean a designated employee of a private non-profit organization or institution conducting a drug addiction or alcoholic treatment and rehabilitation center which acts on behalf of eligible persons who reside at the center in making application, obtaining coupons and using coupons.

(3) The following restrictions apply to authorized representatives:

(a) A retailer who is authorized to accept food coupons, or an employee of the department, may not act for a household in applying, or in purchase of coupons or food, without the specific written approval of the CSO administrator following a determination that no one else is available to serve.

(b) A multi-household authorized representative may act on behalf of more than one household when the CSO determines there is a bona fide need.

(c) Individuals disqualified for fraud may not serve as authorized representatives during their disqualification period unless no other adult is available.

(4) In the event employers are designated as authorized representatives or a single authorized representative has access to a large number of ATPs or coupons, the department should exercise caution to assure that:

(a) The household has freely requested the assistance of the authorized representative;

(b) The household circumstances are correctly represented and the household is receiving the correct amount of benefits;

(c) The authorized representative is properly using the coupons, and

(5) Any suspicion of abuse by an authorized representative shall be reported to FNS.

**NEW SECTION**

**WAC 388-54-640 ——— OPPORTUNITY TO PARTICIPATE.** (1) An eligible household shall be provided an opportunity to participate as soon as possible but not later than 30 days after the application was filed. An application is considered filed the day the department receives an application containing the applicant's name and address, which is signed by either a responsible member of the household or the household's authorized representative.

(2) An opportunity to participate consists of providing households with an Authorization to Purchase (ATP) card or other authorization and having an issuance facility open and available for the household to obtain its allotment.

(3) Households that are found to be ineligible shall be sent a notice of denial as soon as possible but not later than 30 days following the date the application was filed.

(4) If the department does not determine a household's eligibility and provide an opportunity to participate within 30 days of the application, the department shall take the following action:

(a) Determine whether the delay was the fault of the household. A delay shall be considered the fault of the household if:

(i) The household has failed to complete the application form even though the department offered, or attempted to offer assistance in its completion and this assistance is documented;

(ii) One or more members of the household has failed to register for work and the department informed the household of the need to register and gave the household at least 10 days from the date of notification to register these members, and the notice was documented;

(iii) In cases where verification is incomplete, the department provided assistance when required and allowed the household sufficient time to provide the missing verification which is at least 10 days from the date of the department's initial request for the particular verification that was missing, and this 10-day period was documented;

(iv) For households that failed to appear for an interview, the department attempted to reschedule the initial interview within 30 days of the date the application was filed.

(A) If a household failed to appear for the first interview and a subsequent interview is postponed at the household's request or cannot otherwise be rescheduled until after the 20th day but before the 30th day following the date the application was filed, the household must appear for the interview, bring verification, and register members for work by the 30th day.

(B) If the household failed to appear for the first interview and a subsequent interview is postponed at the household's request until after the 30th day following the date the application was filed, the delay shall be the fault of the household.

(C) If the household has missed both scheduled interviews and requests another interview, any delay shall be the fault of the household.

(b) If the delay is the fault of the household, the household shall lose its entitlement to benefits for the month of application and a denial notice shall be sent. However, the household shall be given an additional 30 days to take the required action.

(i) After a notice of denial is sent and the household takes the required action within 60 days of the date the application was filed, the department shall reopen the case without requiring a new application.

(c) Determine if the delay is the fault of the department.

(i) Delays that are the fault of the department include, but are not limited to, those cases where the department failed to take the action described in subsection (4) (a) of this section.

(d) If the delay is the fault of the department, the department shall take immediate corrective action. The department shall not deny the application but send a notice of pending action, complete with an explanation to the household of any action it must take to complete the application process.

If the household is given an additional 30 days period to provide verifications that were missing and the household is determined eligible in this second 30-day period, the household shall be entitled to benefits retroactive to the month of application.

(5) In cases of delays beyond 60 days.

(a) If the department is at fault for not completing the application process by the end of the second 30-day period and the case file is otherwise complete, the original application will be processed until completed.

(i) If the department was at fault in the first 30 days period, the household shall receive benefits retroactive to the month of application.

(ii) If the household was at fault in the first 30 days, the household shall receive benefits retroactive only to the month following the month of application.

(b) If the department is at fault for not completing the application process by the end of the second 30-day period, but information is not complete enough to reach an eligibility determination, the case shall be denied and a notice sent.

(i) If the department was also at fault for the delay in the initial 30 days, the amount of benefits lost would be calculated from the month of application.

(ii) If the household was at fault for the initial delay, the amount of benefits lost would be calculated from the month following the month of application.

(c) If the household is at fault for not completing the application process by the end of the second 30-day period, the department shall deny the application and require the household to file a new application.

**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.

### NEW SECTION

WAC 388-54-645 ———EXPEDITED SERVICE. The department must screen applicants at the time of application to determine which households are eligible for expedited service.

(1) If otherwise eligible, the following households are entitled to expedited service.

- (a) Households with zero net monthly income;
- (b) Households who are destitute as defined in WAC 388-54-655.

(2) For households eligible for expedited service.

(a) The department shall mail the ATP card or coupons no later than the close of business of the second working day following the date the application was filed; unless the household opts to pick up the ATP or coupons no later than the start of business of the third working day following the date the application was filed.

(b) For residents of drug or alcoholic treatment and rehabilitation centers who are eligible, the department shall make the ATP and coupons available within seven working days following the date the application was filed.

(3) When expediting certification and issuance the department shall:

(a) Postpone the verification usually required. The household's identity and residency shall be verified however through a collateral contact or readily available documentary evidence.

(b) Benefits shall not be delayed beyond the delivery standard described in (2) above solely because income has not been verified.

(c) The CSO shall promptly contact the collateral contact or otherwise assist the household in obtaining the necessary verification.

(4) Households that are certified on an expedited basis and have provided all necessary verification required prior to certification shall be assigned a normal certification period. If verification was postponed the household will be certified for one month only.

(a) Benefits will not be continued past the month of application if verification continues to be postponed.

(b) At the time of reapplication, the household must complete the verification requirements which were postponed.

(c) There is no limit to the number of times a household can be certified under expedited procedures, so long as prior to each expedited certification, the household either completes the verification requirements postponed at the last expedited certification, or was certified under normal processing standards since the last expedited certification.

(5) A household entitled both to expedited service and waiver of office interview shall be interviewed by the first working day following the date the application was filed. If the application is not complete and a telephone interview is conducted, the department shall complete the application for the household during the interview

and mail the completed application the same day to the household for signature. Time limits shall be calculated from the date a completed and signed application is received rather than the date the application was filed.

### NEW SECTION

WAC 388-54-650 ———PARTICIPATION OF PUBLIC ASSISTANCE HOUSEHOLDS. (1) The department shall conduct a single interview at initial application for both public assistance (PA) and food stamp purposes.

(2) The department shall not delay the household's food stamp benefits pending verification of the PA eligibility provided food stamp eligibility has been established.

### NEW SECTION

WAC 388-54-655 ———DESTITUTE HOUSEHOLDS. (1) The following households are considered destitute and eligible for expedited service:

(a) Households whose only income for the month of application was received prior to the date of application and was from a terminated source.

(b) Households whose only income for the month of application is from a new source, if income of more than \$25 from the new source will not be received by the 10th calendar day after the date of application.

(c) Households which receive income both from a terminated source prior to date of application, and from a new source after date of application if:

(i) They receive no other income in the month of application;

(ii) Income of more than \$25 from the new source will not be received by the 10th day after the date of application.

(2) Destitute households shall have their eligibility and level of benefits calculated for the month of application by considering only income which is received between the 1st of the month and the date of application. Any income from a new source that is anticipated after the day of application shall be disregarded.

(3) Travel advances:

(a) Which are reimbursements of travel expenses will not affect the determination that a household is destitute.

(b) Which are really an advance on wages, and will subsequently be subtracted from wages earned later, shall count as income.

(4) Households whose income must be averaged on an annual basis, or averaged over the period the income is intended to cover, shall have the income averaged and assigned to the appropriate months of the certification period before a determination of destitution is made.

(5) A household member who changes jobs but continues to work for the same employer shall be considered as still receiving income from the same source.

(a) A migrant farmworker's source of income shall be considered to be the grower for whom the migrant is working at a particular point in time, and not the crew chief.

(b) A migrant who travels with the same crew chief but moves from one grower to another shall be considered to have moved from a terminated income to a new source.

#### NEW SECTION

WAC 388-54-660 ———SPECIAL CIRCUMSTANCES FOR PARTICIPATION. (1) Delivered meals. In order to purchase meals from a non-profit meal delivery service authorized by FNS, eligible household members:

(a) Must be 60 years of age or over, or  
 (b) Must be housebound, physically handicapped or otherwise disabled to the extent that they are unable to adequately prepare all their meals, or  
 (c) Be the spouse of such a person.

(2) Communal dining. Members of eligible households who are 60 years of age or older and their spouses, or those receiving SSI and their spouses may use all or any part of their coupons to purchase meals prepared especially for them at a communal dining facility authorized by FNS for that purpose.

(3) Drug-alcohol treatment programs. A member of an eligible household who is a narcotics addict or an alcoholic, who regularly participates in a drug or alcoholic treatment program on a resident basis, may use food coupons to purchase food prepared for or served to him during the program, provided

(a) The program is administered by a private non-profit organization or institution which has been certified by the state as providing treatment that can lead to the rehabilitation of drug addicts or alcoholics; and

(b) The treatment center has been authorized by FNS to accept food coupons for meals served at the center.

(c) A resident participant shall be certified only under the following conditions:

(i) He must voluntarily elect to participate in the food stamp program;

(ii) He must be certified through the center as his authorized representative.

(iii) He must be certified as a one-person household.

(d) The drug or alcohol treatment center which acts as the authorized representative must agree to the following conditions:

(i) The center must receive and spend the coupon allotment for meals prepared by or served to the addict or alcoholic,

(ii) The center must notify the department of changes in the participant's income, resources or household circumstances and when the addict or alcoholic leaves the treatment center, within ten days of the change;

(iii) The center shall be responsible for and can be penalized or disqualified for any misrepresentation or fraud committed in the certification of center residents and shall assume total liability for food coupons held on behalf of resident participants.

(iv) The treatment center shall provide resident addicts or alcoholics with their ID card and one-half of their monthly coupon allotment when the household leaves the program prior to the 16th day of the allotment month.

(v) The center shall provide the department with a certified list of currently participating residents on a monthly basis.

#### NEW SECTION

WAC 388-54-665 HOUSEHOLD DETERMINATION. (1) The following individuals or groups of individuals may make up a household provided that such individuals or groups are not residents of an institution, residents of a commercial boarding house, and provided that separate household status shall not be granted to a spouse of a member of the household, or to children under 18 years of age under parental control of a member of the household.

(a) An individual living alone;

(b) An individual, living with others, but who customarily purchases food and prepares meals for home consumption separate and apart from the others.

(c) An individual who is a boarder, living with others and paying reasonable compensation to the others for meals for home consumption.

(d) A group of individuals, living together, for whom food is customarily purchased in common and for whom meals are prepared together for home consumption.

(e) A group of individuals who are boarders living with others and paying reasonable compensation to the others for meals for home consumption.

(f) Residents of federally subsidized housing for the elderly and residents of Food and Nutrition Service approved drug or alcoholic treatment centers.

(2) The following individuals residing with a household shall not be considered household members in determining eligibility or allotment.

(a) Roomers. Individuals to whom a household furnishes lodging, but not meals, for compensation.

(b) Boarders. Individuals to whom a household furnishes lodging and meals with the following restrictions:

(i) Boarder status shall not be extended to the spouse of a member of the household, children under 18 under parental control of a member of the household, or persons paying less than a reasonable monthly payment for meals. Boarders whose board arrangement is for more than two meals per day shall pay an amount which equals or exceeds the thrifty food plan for the appropriate size of the boarder household. Boarders whose board arrangement is for two meals or less per day shall pay an amount which equals or exceeds two-thirds of the thrifty food plan for the appropriate size of the boarder household.

(c) Live-in Attendants. Individuals who reside with a household to provide medical, housekeeping, child care or other similar personal services.

(d) Ineligible aliens. Individuals who do not meet the citizenship or eligible alien status.

(e) Student tax dependents

(f) Disqualified individuals. Individuals disqualified for fraud or college students disqualified for failure to meet the school year work registration requirement.

(g) Other individuals who share living quarters with the household but who do not customarily purchase food and prepare meals with the household.

(3) Non-household members who are otherwise eligible may participate as separate households provided that separate household status not be granted to:

(a) A spouse.

(b) Children under 18 years of age under the parental control of a member of the household.

(4) Residents of commercial boarding houses are not eligible for program benefits. A boarding house shall be defined as:

(a) An establishment which is licensed as a commercial enterprise which offers meals and lodging for compensation.

(b) In project areas without licensing requirements, a boarding house is a commercial establishment which offers meals and lodging for compensation with the intention of making a profit.

(c) The household of the proprietor of a boarding house may participate separate and apart from the residents if otherwise eligible.

#### NEW SECTION

WAC 388-54-670 ———STUDENT TAX DEPENDENTS. (1) No student shall be considered a member of a household other than that household in which he is claimed or claimable as a tax dependent for federal income tax purposes if the student is:

(a) Eighteen years of age or older, and

(b) Enrolled and attending at least half-time an institution recognized by a federal, state or local government agency as providing post-high school education, and;

(c) Properly claimed or could be properly claimed as a tax dependent for the current year for federal income tax purposes by a taxpayer member of another household not eligible to participate in the food stamp program. "Properly claimed tax dependent" means that the taxpayer provides or is treated as having provided more than half of the student's support during the calendar year in which the student makes application.

(2) The eligibility of the taxpayer's household shall be based on information provided by the student or the taxpayer.

(a) The department shall verify the tax dependent status of a student who is subject to the tax dependency rules and who does not know his tax dependent status or who provides questionable information.

(b) The parent's failure to supply requested information or a parental response which indicates student ineligibility shall result in the student being declared ineligible.

(3) The remainder of the household in which the ineligible student resides may be certified, if otherwise eligible.

(a) The income and resources of an individual determined ineligible due to tax dependency is not considered available to other household members in establishing the household's eligibility and basis of issuance.

(b) The tax dependent's presence in the household shall not be considered in determining the food stamp allotment.

#### NEW SECTION

WAC 388-54-675 WORK REGISTRATION REQUIREMENT. (1) Each individual between the ages of 18 and 60 is required to register for employment prior to certification, and once every 6 months after initial registration, except:

(a) A person physically or mentally unfit for employment;

(b) A parent, or other member of the household, who has responsibility for the care of a dependent child under 12 years of age, or of an incapacitated person;

(i) If the child has its 12th birthday within a certification period, the individual responsible for the care of the child shall fulfill the work registration requirement as part of the next scheduled recertification process, unless the individual qualifies for another exemption.

(c) A parent, or other caretaker, of a child under 18 years of age in a household where another able-bodied parent is registered for work or is exempt as a result of employment;

(d) A person receiving unemployment compensation, or a person who has applied for, but not yet begun to receive unemployment compensation, but has registered for work as a requirement for receiving unemployment compensation.

(e) A household member subject to and participating in the WIN program

(i) Household members, who are required to register for work under WIN or unemployment compensation and fail to comply with the work registration requirements of those programs, shall not be denied food stamp benefits solely for this failure. These members lose their exemption and must register for work if they qualify in (1) subsection.

(f) A person who is employed, or self-employed, at least 30 hours per week, or receiving weekly earnings equal to the federal minimum wage, multiplied by 30 hours.

(g) A student enrolled at least half time in any recognized school, training program or institution of higher education, except that:

(i) Those enrolled at least half time in an institution of higher education must register for 20 hours of work per week unless they are employed at least 20 hours a week or participating in a federally financed work study program; employed less than 20 hours per week but earning an amount at least equal to the federal minimum wage multiplied by 20 hours; the head of a household containing one or more other persons to whom the student supplies more than half of their total support; or otherwise exempt from the work registration requirement,

(ii) A student shall register for full time work when any school, training program or institution of higher education has a recess or vacation exceeding 30 days.

(h) A regular participant in a drug addiction or alcoholic treatment and rehabilitation program.

(i) A child who has its 18th birthday within the certification period. This child shall fulfill the work registration requirement as part of the next scheduled

recertification process, unless the child qualifies for another exemption.

(2) The department shall provide work registration forms to the applicant for each household member who is required to register for employment. Household members are registered when a completed work registration form is submitted to the department. The department shall forward the completed form to the State Employment Service.

(3) The applicant's statement concerning the employability of each member of the household shall be accepted unless the information is questionable.

(4) Each member required to register for employment shall also be required to:

(a) Report for an interview to the office where he is registered upon reasonable request;

(b) Respond to a request from the employment service office requiring supplemental information regarding employment status or availability for work;

(c) Report to an employer to whom he has been referred by such office, if the potential employment is suitable.

(d) Accept a bona fide offer of suitable employment to which he is referred by such office;

(e) Continue suitable employment to which the registrant was referred by such office until the employment is no longer considered suitable, the registrant becomes exempt, or is terminated from employment due to circumstances beyond the registrant's control.

(5) If the department finds that a household member except a student refused or failed to comply with the work registration requirement without good cause, the household shall be ineligible for participation in the program, until the member complies, becomes exempt, or, for 2 months, whichever is earlier.

(a) Any student who has failed or refuses to comply without good cause shall be ineligible to participate as a member of any household. This disqualification shall apply to the individual student alone and not to the entire household and continues until he complies, becomes exempt, or for 2 months, whichever is earlier.

(b) Student disqualification. The department shall issue a notice of adverse action if benefits are reduced or terminated due to student disqualification. The notice shall contain the information that one of its members is being disqualified, the reason for the disqualification and the eligibility and benefit level of the remaining members.

(6) In determining whether good cause existed for failure to comply, facts and circumstances shall be considered including information submitted by the employment office, the household member and the employer. "Good cause" includes circumstances beyond the member's control, such as but not limited to, illness, illness of another household member sufficiently serious to require the presence of the household member, unavailability of transportation, and unanticipated emergency.

(7) Employment will be considered unsuitable if:

(a) The wages offered are less than the highest amount of the standard following:

(i) The applicable state or federal minimum wage,

(ii) 80% of the federal minimum wage.

(b) The employment offered is on a piece-rate basis and the average hourly yield the employee can reasonably be expected to earn is less than the hourly wages specified in subsection (a).

(c) The registrant, as a condition of employment, or continuing employment, is required to join, resign from, or refrain from joining any legitimate labor organization, or

(d) The work offered is at a site subject to a strike or a lockout at the time of the offer, unless the strike has been enjoined under Section 208 of the Labor-Management Relations Act (commonly known as the Taft-Hartley Act) or unless an injunction has been issued under Section 10 of the Railway Labor Act.

(8) Employment shall be considered suitable unless the household member can demonstrate, or the department otherwise becomes aware that:

(a) The degree of risk to the registrant's health and safety is unreasonable.

(b) The registrant is not physically or mentally fit to perform the employment offered, as documented by medical evidence or reliable information obtained from other sources.

(c) The employment offered is outside the registrant's major field of experience unless, after a period of 30 days from registration, job opportunities in his major field have not been offered.

(d) The distance from the member's home to the place of employment is unreasonable considering the expected wages and the time and cost of commuting.

(e) If daily commuting time, not including the transporting of a child to and from a child care facility, exceeds two hours, or if the place of employment is too far to walk to and neither private nor public transportation is available to the client.

(f) The working hours or nature of the employment interferes with the member's religious observances, convictions, or beliefs.

(g) In case of students, the employment is offered during class hours or is more than 20 hours a week.

(9) No household shall be denied participation solely on the grounds that a member of the household is not working because of a strike or a lockout at his or her place of employment unless the strike has been enjoined under paragraph 208 of the Labor-Management Relations Act (commonly known as the Taft-Hartley Act), or unless an injunction has been issued under Section 10 of the Railway Labor Act.

(10) At the end of the 2 month disqualification period, a household may apply to re-establish eligibility. Eligibility may be reestablished during the disqualification period if the reason for disqualification is corrected.

#### NEW SECTION

WAC 388-54-680 CITIZENSHIP. To participate in the food stamp program an applicant shall be any person who is:

(1) A resident of the United States, and either

(a) A United States citizen; or

(b) An alien, as follows:

(i) An alien lawfully admitted for permanent residence as an immigrant pursuant to sections 101(a)(15) and 101(a)(20) of the Immigration and Nationality Act.

(ii) An alien who entered the United States prior to June 30, 1948, or some later date as required by law, and has continuously maintained residency in the United States since then, and is not ineligible for citizenship but is considered to be lawfully admitted for permanent residence as a result of an exercise of discretion by the Attorney General pursuant to section 249 of the Immigration and Nationality Act.

(iii) An alien who qualified for conditional entry because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by a catastrophic natural calamity pursuant to section 203(a)(7) of the Immigration and Nationality Act.

(iv) An alien lawfully present in the United States as a result of an exercise of discretion by the Attorney General for emergent reasons or reasons deemed strictly in the public interest pursuant to section 212(d)(5) of the Immigration and Nationality Act.

(v) An alien living within the United States to whom the Attorney General has withheld deportation pursuant to section 243 of the Immigration and Nationality Act.

(4) The CSO shall verify lawful permanent resident alien status by use of the appropriate INS documentation. Aliens unable to furnish this identification are ineligible.

(5) The income and resources of an ineligible alien living in a household shall not be considered in determining eligibility or level of benefits of the household.

#### NEW SECTION

WAC 388-54-685 RESIDENCY. (1) A household must be living in the project area in which it files an application for participation.

(2) No individual may participate as a member of more than one household, or in more than one project area, in any month.

(3) The department shall not impose any durational residency requirements.

(4) A fixed residence is not required nor shall residency require an intent to reside permanently in the state or project area.

(5) Persons in a project area solely for vacation purposes shall not be considered residents.

#### NEW SECTION

WAC 388-54-690 RESOURCES—ALLOWABLE MAXIMUMS. (1) The maximum allowable resources of all members of the household shall not exceed:

(a) \$3,000 for all households with two or more persons which include at least one member age 60 or over;

(b) \$1,750 for all other households.

(2) The resources of an individual determined to be ineligible due to tax dependency shall not be considered available to other household members, nor shall the individual be counted as a household member in determining the resource eligibility limits.

(3) The resources of an ineligible alien living in a household shall not be considered in determining eligibility or level of benefits of the household.

#### NEW SECTION

WAC 388-54-695 ———EXEMPT. The following resources shall be exempt:

(1) The home and surrounding property which is not separated from the home by intervening property owned by others. This shall remain exempt when temporarily unoccupied for reasons of employment, training for future employment, illness, or unhabitability due to casualty or natural disaster, if the household intends to return. Households that currently do not own a home, but own or are purchasing a lot on which they intend to build or are building a permanent home, shall receive an exemption for the value of the lot and, if it is partially completed, for the home.

(2) Personal effects (clothing, jewelry, etc.) and household goods (furniture, appliances, etc.), including one burial plot per household member.

(3) Cash value of life insurance policies and pension funds, including Keogh or IRA as long as funds are not withdrawn.

(4) Vehicles as provided for in WAC 388-54-717.

(5) Property which annually produces income consistent with its fair market value, even if only used on a seasonal basis, except that rental homes which are used by households for vacation purposes at some time during the year shall be counted as resources unless they are producing annual income consistent with their market value.

(6) Property, such as farm land and rental homes, or work related equipment, such as the tools of a tradesman or the machinery of a farmer, which is essential to the employment or self-employment of a household member.

(7) Resources of non-household members such as roomers, boarders, or live-in attendants, ineligible aliens.

(8) Indian lands held jointly with the tribe or land that can be sold only with the approval of the Bureau of Indian Affairs.

(9) Resources which have been prorated as income for self-employed persons or students.

(10) The cash value of resources not accessible to the household, such as but not limited to, irrevocable trust funds, property in probate, property and notes receivable which cannot be readily liquidated, if the household is making a good faith effort to sell,

(i) Any funds in a trust or transferred to a trust, and the income produced by that trust, shall be considered inaccessible to the household if the trust is under the control and management of an institution, corporation or organization (the trustee) which is not under the direction or ownership of any household member;

(ii) If that trustee uses the funds solely to make investments on behalf of the trust or to pay the educational expenses of any person named by the household creating the trust;

(iii) If the trust investments do not directly involve or assist any business or corporation under the control, direction or influence of a household member;

(iv) If the trust arrangement will not likely cease during the certification period; and

(v) If no household member has the power to revoke the trust arrangement or change the name of the student beneficiary during the certification period.

(11) Resources which are excluded for food stamp purposes by express provision of federal law:

(i) Payments received under the Alaska Native Claims Settlement Act or the Sac and Fox Indian Claims Agreement;

(ii) Payments received by certain Indian tribal members under Public Law 94-114, Sec. 6, regarding sub-marginal land held in trust by the United States, or Public Law 94-540.

(iii) Benefits received from the Women, Infants and Children program (WIC);

(iv) Reimbursement from the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970;

(v) Earned income tax credits resulting from the Tax Reform Act of 1976, the Revenue Adjustment Act of 1975 and Section 102 of the Tax Reduction Act of 1975;

(vi) Payments received under the Youth Employment Demonstration Project of 1977 (CETA) as follows: Youth incentive entitlement pilot projects, youth community conservation and improvement projects, and youth employment and training programs.

(12) Installment contracts or agreements for the sale of land or other property which is producing income consistent with its fair market value, and the value of the property sold under the installment contract or held as security in exchange for a purchase price consistent with the fair market value of that property.

(13) Any governmental payments specifically designated for restoration of a home damaged in a disaster if the household is subject to legal sanction if the funds are not used as intended.

NEW SECTION

WAC 388-54-715 ———NON-EXEMPT. (1) The following shall be considered as resources:

(a) Liquid resources such as cash on hand or in checking or savings accounts, savings certificates, stocks and bonds.

(b) Non-liquid resources such as real property (buildings, land, etc.) and personal property (boats, aircraft, unlicensed vehicles, etc.) which are not exempted by WAC 388-54-695.

(c) Money received in the form of a nonrecurring lump-sum payment, including, but not limited to income tax refunds, rebates or credits; retroactive lump-sum social security SSI, public assistance, railroad retirement benefits or other payment; or lump-sum insurance settlements; or refunds of rental, security or utility deposits.

(2) The value of non-exempt resources, except for licensed vehicles as specified in WAC 388-54-717 of this section, shall be its equity value. The equity value is the fair market value less encumbrances.

(3) Exempt moneys which are kept in a separate account, and that are not commingled in an account with non-exempt funds, shall retain their resource exemption for an unlimited period of time.

(a) Those exempt moneys which are commingled in an account with non-exempt funds shall retain their exemption for six months from the date they are commingled.

(b) After six months from the date of commingling, all funds in the commingled account shall be counted as a resource.

(4) Vehicles as provided for in WAC 388-54-717.

(5) Resources owned jointly by separate households shall be considered available in their entirety to each household, unless one household can demonstrate that this resource or a portion of it is inaccessible to them.

NEW SECTION

WAC 388-54-717 ———RESOURCES—VEHICLES. In determining the resource value of licensed vehicles, each licensed vehicle will be handled as follows:

(1) Each vehicle will be evaluated to determine if it is exempt.

(a) The entire value of a licensed vehicle shall be excluded if the vehicle is:

(i) Used, over 50% of the time it is in use, for income producing purposes such as, but not limited to, a taxi, truck, or fishing boat;

(ii) Annually producing income consistent with its fair market value even if used only on a seasonal basis;

(iii) Necessary for long distance travel, other than daily commuting, that is essential to the employment of a household member, such as, but not limited to, a traveling salesperson or a migrant farmworker;

(iv) Necessary for subsistence hunting or fishing; or

(v) Used as the household's home.

(b) This exclusion will apply when the vehicle is not in use because of temporary unemployment.

(2) Each vehicle will be evaluated to determine its fair market value.

(a) The fair market value of licensed automobiles, trucks and vans shall be determined by the value of the vehicles as listed in publications written for the purpose of providing guidance to automobile dealers and loan companies.

(b) All licensed vehicles not excluded in (1) shall individually be evaluated for fair market value. That portion of the value of each vehicle which exceed \$4,500 shall be attributed in full toward the household's resource level regardless:

(i) Of any encumbrances on the vehicle;

(ii) Of whether or not the vehicle is used to transport household members to and from employment.

(3) Each vehicle will be evaluated to see if it is equity exempt.

(a) Licensed vehicles shall be evaluated for their equity value except:

(i) Vehicles excluded in (1); and,

(ii) One licensed vehicle per household regardless of the use of the vehicle; and,

(iii) Any other licensed vehicles used to transport household members to and from employment, for seeking employment, or for training or education which is preparatory to employment, even during periods of unemployment.

(b) The equity value of licensed vehicles not covered by this exclusion and of unlicensed vehicles not excluded by WAC 388-54-695(1)(e) and (f), shall be attributed toward the household's resource level.

(4) If the vehicle has a countable market value of more than \$4,500 and also has a countable equity value, only the greater of the two amounts shall be counted as a resource.

**NEW SECTION**

**WAC 388-54-720** ————**TRANSFER OF PROPERTY.** (1) A household which has knowingly transferred any resource for the purpose of qualifying or attempting to qualify for food stamp benefits within the three months immediately preceding the application for food stamp benefits, or after the household is determined eligible, shall be disqualified for up to one year from the date of discovery of the transfer. The penalty shall not apply to the following types of transfers:

- (a) Resources which would not effect eligibility;
- (b) Resources which are sold or traded at or near fair market value;
- (c) Resources which are transferred between members of the same household;
- (d) Resources transferred for reasons other than qualifying.

(2) The length of disqualification shall be based on the amount by which non-exempt and transferred resources, when added to other countable resources exceed the allowable resource limits:

Amount in Excess of Resource Limits	Period of Disqualification
\$0 - 249.99	1 month
250 - 999.99	3 months
1,000 - 2,999.99	6 months
3,000 - 4,999.99	9 months
5,000 and over	12 months

**NEW SECTION**

**WAC 388-54-725** **INCOME—DEFINITIONS.**

- (1) Earned income shall include:
- (a) All wages and salaries of an employee;
  - (b) Total gross income from a self-employment enterprise including the total gain from the sale of any capital goods or equipment related to the business, excluding the cost of doing business.
    - (i) Payments from a roomer or boarder;
    - (ii) Returns on rental property, only if the household member is engaged in management of said property at least an average of 20 hours a week.
  - (c) Training allowances from vocational and rehabilitative programs recognized by federal, state or local governments, such as WIN or CETA, to the extent they are not a reimbursement.
- (2) Unearned income shall include but not be limited to:
- (a) Payments received from federally-aided public assistance programs, general assistance or other assistance programs based on need;

(b) An annuity, pension, retirement, veteran's or disability benefit; workmen's or unemployment compensation; and old-age or survivor's benefits; or strike benefits.

(c) The total payment to a household on behalf of a legally-assigned foster child or adult.

(d) Support and alimony payments from non-household members made directly to the household;

(e) Scholarships, educational grants (including loans on which repayment is deferred), fellowships and veteran's education benefits in excess of amounts excluded. Such income shall be averaged over the period which it is intended to cover;

(f) Payments received from government sponsored programs;

(g) Dividends, interest, royalties and all other direct money payments which are gain or benefit;

(h) Gross income minus cost of doing business derived from rental property in which a household member is not actively engaged in the management of the property at least 20 hours a week.

(3) The following items shall be disregarded as income:

(a) Monies withheld voluntarily or involuntarily from an assistance payment, earned income or other source to repay a prior overpayment.

(b) Child support payments received by AFDC recipients which must be transferred to support enforcement.

**NEW SECTION**

**WAC 388-54-730** ————**ALLOWABLE MAXIMUMS.** The combined monthly net food stamp income of all members of a household shall not exceed the following standards:

Household Size	Maximum Allowable Income
1	\$277
2	365
3	454
4	542
5	630
6	719
7	807
8	895
Each additional member	+89

**NEW SECTION**

**WAC 388-54-735** ————**EXCLUSIONS.** The following income is excluded:

(1) Payments received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

(a) Payments to persons displaced as a result of the acquisition of real property;

(b) Relocation payments to a displaced homeowner toward the purchase of a replacement dwelling provided the homeowner purchases and occupies a dwelling within one year following displacement.

(c) Replacement housing payments to displaced persons not eligible for a homeowner's payment.

(2) Payments made under the Domestic Volunteer Services Act of 1973. Those payments under Title I

(VISTA) to volunteers shall be excluded for those individuals receiving food stamps or public assistance at the time they joined VISTA. Temporary interruptions in food stamp participation shall not alter the exclusion once an initial determination has been made.

(3) Income derived from certain submarginal land of the United States which is held in trust for certain Indian tribes under Public Law 94-114, Section 6, or Public Law 94-540.

(4) Any payments received by Alaskan Natives under the terms of the Alaskan Native Claims Settlement Act.

(5) Payments from the Special Crisis Intervention Program.

(6) Earnings received by any youth under The Youth Employment Demonstration Project of 1977 (CETA) as follows:

(a) Youth incentive entitlement pilot projects;

(b) Youth community conservation and improvement projects;

(c) Youth employment and training programs.

(7) The thirty dollar weekly incentive allowance received by CETA participants receiving public assistance or whose needs or income are taken into account in determining the amount of public assistance payments to others.

(8) Income received as compensation for services as an employee or income from self-employment by a child residing in the household who is under 18 years of age and attending at least half time (as defined by the institution), a kindergarten or preschool, a grade school, high school, vocational school, technical school, training program, college or university. This exclusion shall apply to a student under the parental control of another household member.

(a) If the child's earnings or amount of work performed cannot be differentiated from that of other household members, the total earnings shall be prorated equally among the working members and the child's pro rata share excluded.

(9) Income which is received too infrequently or irregularly to be reasonably anticipated as available during a three-month period provided such infrequent or irregular income of all household members shall not exceed \$30 in a three-month period.

(10) All loans, including loans from private individuals as well as commercial institutions, other than educational loans on which repayment is deferred.

(11) Education loans on which payment is deferred, grants, scholarships, fellowships, veterans' educational benefits, and the like to the extent that they are used for tuition and mandatory school fees at an institution of higher education, including correspondence schools at that level, or a school at any level for the physically or mentally handicapped.

(12) Monies received in the form of a nonrecurring lump-sum payments, such as, but not limited to, insurance settlements, sale of property (except property related to self-employment as previously provided for), cash prizes, awards and gifts (except those for support maintenance, or the expense of education), inheritances, retroactive lump-sum social security and railroad

retirement pension payments, income tax refunds, and similar nonrecurring lump-sum payments.

(13) The cost of producing self-employment income.

(14) Reimbursements for past or future expenses not to exceed the actual expense or which do not represent a gain or benefit to the household.

(a) The following are considered reimbursements which are excludable, which do not represent a gain or benefit.

(i) Flat allowances for job or training-related expenses such as per diem, travel, uniforms and transportation to and from the job or training site.

(ii) Reimbursements for out-of-pocket expenses of volunteers incurred in the course of their work.

(iii) Reimbursement for medical or dependent care.

(iv) Reimbursements of allowances to students for specific education expenses such as travel or books.

(b) The following are considered reimbursements which are not excludable, which do represent a gain or benefit.

(i) Reimbursements for normal living expenses such as rent or mortgage, personal clothing, or food eaten at home.

(15) Any gain or benefit which is not in money, such as in-kind benefits, including public housing, meals or clothing.

(16) Money payments that are not owed or payable directly to a household, but are paid to a third party for a household expense, are vendor payments and are excludable as follows:

(a) A payment made in money on behalf of a household whenever a person or other organization outside of the household uses its own funds to make a direct payment to either the household's creditors or a person or organization providing a service to the household.

(b) Rent or mortgage payments, made to landlords or mortgagees by the Department of Housing and Urban Development (HUD) or by state or local housing authorities, are vendor payments and are excluded.

(c) Moneys that are legally obligated and otherwise payable to the household, but which are diverted by the provider of the payment to a third party for a household expense, shall be counted as income and not excluded as a vendor payment.

(17) Moneys received and used for the care and maintenance of a third-party beneficiary who is not a household member. Representative payee payments shall be included, however, as income to the beneficiary's household.

(a) If the intended beneficiaries of a single payment are both household and nonhousehold members, any identifiable portion of the payment intended and used for the care and maintenance of the nonhousehold member shall be excluded.

(b) If the nonhousehold member's portion cannot be readily identified, the payment shall be evenly prorated among intended beneficiaries and the exclusion applied to the nonhousehold members prorata share or the amount actually used for the nonhousehold member's care and maintenance, whichever is less.

**NEW SECTION**

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

(1) A standard deduction of \$60 per household per month.

(2) An earned income deduction of 20% of gross earned income. Earnings which are excluded in WAC 388-54-735 shall not be included in gross earned income for purposes of computing earned income deductions.

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

The amount to be deducted for child care shall be the amount actually paid not to exceed \$80. The dependent care deduction in combination with the shelter deduction shall not exceed \$80.

(4) Shelter costs in excess of 50% of the household's income after the above deductions. The shelter deductions alone or in combination with the dependent care deduction, shall not exceed \$80.

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

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

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

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

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

(d) Standardized amounts shall be used to compute the shelter costs for utilities such as heat and cooking fuel, electricity, water, garbage, sewage disposal, and telephone and shall be effective November 1, 1978.

Persons in Household	Food Stamp Utility Standards	
	November 1, 1978 thru April 30, 1979	May 1, 1979 thru October 31, 1979
1	\$94.60	\$58.65
2	102.25	61.50
3	110.50	65.75
4	119.70	70.15
5	126.90	74.25
6	133.60	77.85
7	140.40	81.55
8	145.10	83.15
9	150.80	85.75
10 or more	157.80	89.30

(e) Households which do not incur any separate utility charges or which are billed separately for only telephone costs, water, sewage, and garbage collection fees shall not be entitled to claim the standard utility allowance.

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

(f) If a household requests and can verify that its utility bills are higher than the standards, the actual utility costs shall be used.

(i) The allowance for telephone service is limited to the basic fee for one telephone plus tax on the basic fee.

(ii) A household shall be allowed to switch to or from the standard during its certification period.

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

**NEW SECTION**

**WAC 388-54-745 ————COMPUTATIONS.**

(1) The amount of income to be counted in determining household eligibility and basis of coupon issuance shall be that income including salary advances which has been received or anticipated income the household and the department are reasonably certain will be received during the certification period.

(a) Wages held at the request of the employee shall be considered income in the month the wages would otherwise have been paid by the employer.

(b) Wages held by the employer as a general practice, even in violation of law, shall be counted as income to the household when received.

(2) Income received during the past 30 days shall be used as an indicator of the income that is and will be available to the household unless it has fluctuated so much it cannot be used.

(3) Income received on less than a monthly basis shall be converted into a monthly amount by multiplying the weekly amount by 4.3, and income received every two weeks shall be multiplied by 2.15 to determine monthly income.

(4) Households, except for destitute households and PA households subject to a monthly reporting requirement, may elect to have their income averaged.

(a) To average income, the department shall use the household's anticipation of income fluctuations over the

certification period. The number of months used to arrive at the average income need not be the same as the number of months in the certification period.

(b) Households which by contract derive their annual income in a period of time shorter than one year shall have that income averaged over a 12-month period, provided the income from the contract is not received on an hourly or piecework basis. However, these provisions do not apply to migrant or seasonal farmworkers.

(5) Income deductions shall be determined as follows:

(a) Deductions shall be allowed only in the month the expense is billed or otherwise becomes due; amounts carried forward from past billing periods are not deductible, even if included with the most recent billing and actually paid by the household.

(b) A household may elect to have expenses which fluctuate or are billed less often than monthly, averaged over the period the expense is to cover;

(c) The department shall calculate a household's expenses on the basis of anticipated expenses.

(i) The department shall not average past expenses, such as utility bills for the last several months, as a method of anticipating utility costs for the certification period.

## NEW SECTION

WAC 388-54-750 ————**SELF-EMPLOYMENT.** (1) A household whose primary source of income is from self-employment, including self-employed farmers, shall be certified according to this section.

Self-employment income which is received on a monthly basis but which represents a household's annual support shall normally be averaged over a 12 month period. If, however, the averaged amount does not accurately reflect the household's actual monthly circumstances because the household has experienced a substantial increase or decrease in business, the department shall calculate the self-employment income based on anticipated earnings.

(2) Income which represents annual income and costs of producing that income are to be computed on a yearly basis and averaged evenly over twelve months to determine eligibility even if it is received in only a short period of time.

(a) Self-employment income which represents only a part of a household's annual support shall be averaged over the period of time the income is intended to cover.

(b) If a household's self-employment enterprise has been in existence for less than a year, this income shall be averaged over the period of time the business has been in operation and the monthly amount projected for the coming year.

(3) In determining monthly income from self-employment:

(a) For the period of time over which self-employment income is determined the department shall add all gross self-employment income (including capital gains), exclude the cost of producing the self-employment income and divide this income by the number of months over which the income will be averaged.

(b) For those households whose self-employment income is not averaged but is instead calculated on an anticipated basis, the department shall add any capital gains the household anticipates receiving in the next 12 months, starting with the date the application is filed and divide this amount by 12. This amount shall be used in successive certification periods during the next 12 months, but recalculated should anticipated capital gains amounts change. The anticipated monthly amount of capital gains shall be added to the anticipated monthly self-employment income, and subtract the cost of producing the income. Except for depreciation, the cost of producing the income shall be calculated by anticipating the monthly allowable costs of producing the income.

(c) The monthly net self-employment income shall be added to any other earned income received by the household. The total monthly earned income less the 20 percent earned income deduction shall then be added to all other monthly income received by the household. The standard deduction, dependent care, and shelter costs shall be computed as for any other household and subtracted to determine the adjusted monthly net income of the household.

(4) In calculating capital gains, the proceeds from the sale of capital goods or equipment shall be calculated in the same manner as a capital gain for federal income tax purposes. The department shall count the full amount of the capital gain as income for food stamp purposes even if only 50 percent of the proceeds from the sale of capital goods or equipment is taxed for federal income tax purposes.

(5) Allowable costs of producing self-employment income include, but are not limited to:

(a) The identifiable costs of labor, stock, raw material, seed and fertilizer, interest paid to purchase income-producing property, insurance premiums, and taxes paid on income-producing property;

(b) Depreciation, which shall be allowed as a cost of producing self-employment income for equipment, machinery or other capital investments necessary to the self-employment enterprise, as documented by a tax return.

(6) The following items shall not be allowed as a cost of producing self-employment income:

(a) Payments on the principal of the purchase price of income producing real estate and capital assets, equipment, machinery and other durable goods;

(b) Net losses from previous periods; and

(c) Federal, state and local income taxes, money set aside for retirement purposes, and other work-related personal expenses, such as transportation to and from work, as these expenses are accounted for by the 20 percent earned income deduction specified.

(7) In assigning certification periods:

(a) Households that receive their annual support from self-employment and have no other source of income may be certified for up to 12 months;

(b) For those households that receive other sources of income or whose self-employment income is intended to cover a period of time that is less than a year, the department shall assign a certification period appropriate for the household's circumstances;

(c) For businesses which have been in operation for such a short time that there is insufficient data to make a reasonable projection, the household may be certified for less than a year until the business has been in operation long enough to base a longer projection.

(d) For those self-employed households that receive their annual income in a short period of time, the initial certification period shall be assigned to bring the household into the annual cycle.

#### NEW SECTION

WAC 388-54-755 ————**BOARDERS.** Households receiving income from boarders, except those households operating a commercial boarding house, shall have the income treated as follows:

(1) Income from boarders shall include:

(a) All direct payments to the household for room and meals.

(b) Direct contributions to the household for the household's shelter expenses.

(2) The cost of doing business is deducted. It shall not exceed the payment the household receives from the boarder. The cost of doing business shall include:

(a) The cost of the thrifty food plan for a household size that is equal to the number of boarders.

(b) The actual documented cost of providing room and meals if the actual cost exceeds the appropriate thrifty food plan.

#### NEW SECTION

WAC 388-54-760 **CERTIFICATION PERIODS—DURATION.** (1) An assistance household shall be assigned a certification period which coincides with the scheduled assistance reviews so that the review of the grant and food stamp basis of issuance can be accomplished simultaneously. In no case is the certification period to exceed one year.

(2) Other households shall be certified for at least three months or assigned the longest certification period possible based on the predictability of the household's circumstances, except as follows:

(a) Certification may be for less than three months when there is a possibility of frequent changes in income or household status.

(i) A household eligible for a certification period of 3 months or less shall, at the time of certification, have this certification period increased by 1 month, if the certification process is completed after the 15th day of month of application and the household's circumstances warrant the longer certification period.

(ii) A household with one or more members subject to lockout or on strike shall be assigned a certification period of no more than one month if the household is certified before the 15th day of the month; otherwise the maximum certification period shall be for two months unless the department wishes to assign a longer certification period and the household signs a waiver of notice of adverse action.

(b) In situations in which there is little likelihood of changes in financial situation and household size, the household may be recertified for up to six months.

(c) A household consisting solely of unemployable persons with very stable income from retirement, disability payments, or similar sources may be certified up to twelve months, provided that other household circumstances are expected to remain stable.

(d) A household whose primary source of income is from self-employment, farm operations or farm employment may be certified up to twelve months, provided income can be readily predicted and household circumstances are not likely to change. A household with additional income from other sources shall be assigned a certification period in accordance with subsection (2) (a), (b) and (c).

#### NEW SECTION

WAC 388-54-765 ————**NOTICES TO HOUSEHOLDS.** (1) The applicant household shall be provided with one of the following written notices as soon as determination is made but no later than 30 days after the date of initial application:

(a) Notice of eligibility. Written notice containing the amount of the allotment, beginning and ending dates of the certification period, the right to a fair hearing, an information phone number and information regarding free legal representation.

(b) Notice of denial. Written notice explaining basis for denial, right to a fair hearing, information phone number and information about free legal services.

(c) Notice of pending status. Written notice informing the household that its application is still being processed; whether some action by the household is needed to complete the application, what this action is, and that the application will be denied if the household fails to take the required action within 60 days of the date the application was filed.

(2) Notice of adverse action. Prior to any action to reduce or terminate a household's benefits within the certification period the department shall provide notice to the household at least 10 days prior to the action.

(a) This notice shall include:

(i) The proposed action and reason for the action;

(ii) The household's right to a fair hearing;

(iii) An information telephone number,

(iv) The availability of continued benefits,

(v) The liability for any overissuances received while awaiting a fair hearing if the decision is adverse to the household;

(vi) Notice of availability of free legal services.

(b) A notice of adverse action is not required when:

(i) Mass changes in federal or state law occur;

(ii) The department determines that the members of a household have died;

(iii) The household has moved from the project area;

(iv) Restoration of lost benefits is completed and the household was previously notified in writing of when the increased allotment would terminate;

(v) Allotment varies from month to month and the household was notified at the time of certification that these changes would be made;

(vi) If the household experiences reduction in benefits upon approval of a PA grant and was so notified at the time of application;

(vii) A household member is disqualified for fraud or the benefits of the remaining household members are reduced or terminated to reflect the disqualification of that household member.

(viii) The household contains a member subject to a lockout or strike and signs a waiver of its right to notice of adverse action for purposes of receiving a longer certification period than is otherwise allowed for such households.

#### NEW SECTION

WAC 388-54-770 ————— REPORTING CHANGES DURING. (1) The recipient household is required to report the only following changes in circumstances:

(a) All changes in income of more than \$25.00, except changes in public assistance grants.

(b) All changes in household composition such as addition or loss of a household member.

(c) Changes in residence and the resulting change in shelter costs.

(d) The acquisition of a licensed vehicle not fully exempt under WAC 388-54-717.

(e) When nonexempt liquid resources reach or exceed \$1,750.00. (See WAC 388-54-715(1)(a)).

(2) All changes in status must be reported within ten calendar days of the date the change becomes known to the household. Reporting may be by telephone, mail or personal contact.

(3) Changes shall be considered to be reported by the household on the date the report is received by the CSO or if mailed the date the household's report is postmarked.

(4) Individuals shall not be disqualified for failing to report a change, unless the individual is disqualified in accordance with the fraud disqualification procedures.

(5) The client is entitled to receive a change report form at the time of initial certification, and a new form whenever a change has been reported.

#### NEW SECTION

WAC 388-54-775 ————— EFFECTING CHANGES DURING. (1) For changes which result in an increase in benefits the department will make the change effective not later than the first allotment issued 10 days after the change was reported to the department.

(a) For changes which result in an increase in a household's benefits due to the addition of a new household member who is not a member of another certified household, or due to a decrease of \$50 or more in the household's gross monthly income, the department shall:

(i) Make the change effective not later than the first allotment issued 10 days after the date the change was reported, except that;

(ii) In no event shall these changes take effect any later than the month following the month in which the change is reported.

(b) For changes which must be made effective in the same month the household reported the change;

(i) The department shall either adjust the household's allotment, or, if the household has already participated, issue a supplementary allotment.

(ii) If an ATP card has been issued, replace the ATP with an adjusted card or supplementary card, or issue a supplementary card if the household has already participated.

(2) If the household's benefit level decreases or the household becomes ineligible as a result of the change, the department will take the following action:

(a) Issue a notice of adverse action within 10 days of the date the change was reported.

(b) The decrease in the benefit level shall be made effective with the first allotment to be issued after the 10 day notice of adverse action has expired, provided a fair hearing and continuation of benefits have not been requested.

(3) If the department discovers that the household has failed to report a change as required and has received benefits to which it was not entitled, the department shall file a claim against the household for the amount of the overpayment.

Individuals shall not be terminated for failing to report a change, unless the individual is disqualified in accordance with the fraud disqualification procedures.

(4) Public assistance households which report a change in circumstances to the department shall be considered to have reported the change for food stamp purposes.

#### NEW SECTION

WAC 388-54-780 RECERTIFICATION PROCESS. (1) If the household makes timely application, recertification shall be completed prior to the expiration of the current certification period to give members opportunity to participate in a normal issuance cycle the month following.

(2) A notice of expiration must be provided to the households except for joint PA applicant households.

(a) Not earlier than 15 days prior to, and not later than, the first day of the household's last month of certification, for households certified over a multi-month period; or,

(b) At the time of certification, if the household is certified for one month, or initially certified for 2 months during the month after the month of application.

(c) The notice shall contain:

(i) The date the current certification ends.

(ii) The date the household must file to receive uninterrupted benefits.

(iii) The household's right to request an application and have the department accept an application so long as it is signed and contains a legible name and address.

(iv) The address of the office where the application must be filed.

(v) The consequences of failure to comply with the notice.

(vi) The right to file through an authorized representative or through the mail.

(vii) The right to a fair hearing.

(d) A household provided a notice of expiration at the time of certification has 15 days from the date the notice

is received to apply. All other households must apply by the 15th of the last month of certification to be considered timely.

(3) A household that has applied in a timely manner and has been determined eligible shall experience no interruption in benefits.

(a) Those provided notice at time of certification shall be notified of their status and provided an opportunity to participate not later than 30 days after the date the household had an opportunity to obtain its last allotment.

(b) Those applying by the 15th day of the last month of their certification period shall be approved or denied and notified of their status by the end of their current certification period and permitted to participate in their normal issuance cycle.

(c) Those household which through department error were not recertified in time to participate in their normal issuance cycle shall be given immediate opportunity to do so even outside of the normal issuance system.

(4) Households not able to participate in accordance with (3) above through department error shall be entitled to restoration of lost benefits if their benefits were interrupted.

(5) A household which fails to submit a timely application for recertification or appear for an interview scheduled after a timely reapplication, without good cause, shall lose its right to uninterrupted benefits

(a) A household which refuses to cooperate in providing required information shall be denied;

(b) An application not submitted in a timely manner shall be treated as an application for initial certification except that previously verified income or expenses which change by \$25 or less shall not be verified if the application is received within 30 days after the certification period expires.

(6) If a household's failure to apply in a timely manner was with good cause, the department will restore to the household the lost benefits, if there was interruption of benefits. Determination of good cause shall be made on a case-by-case and shall include, but not be limited to, failure to receive timely notice of expiration or personal illness.

Maximum Allowable Monthly  
Income Standards  
48 States and D.C.

<u>Household Size</u>	
1	\$ 277
2	365
3	454
4	542
5	630
6	719
7	807
8	895
Each additional member	+89

NEW SECTION

WAC 388-54-785      ISSUANCE—MONTHLY ALLOTMENTS. The maximum allowable income standards for determining eligibility for all households are as follows:

March 1, 1979 - Basis of Issuance - 1977 Act  
48 States and District of Columbia

TABLE II

Monthly Net Income	Coupon Allotments by Household Size							
	One Person	Two Persons	Three Persons	Four Persons	Five Persons	Six Persons	Seven Persons	Eight Persons
0 - 3	57	105	150	191	227	272	301	344
4 - 6	56	104	149	190	226	271	300	343
7 - 9	55	103	148	189	225	270	299	342
10 - 13	54	102	147	188	224	269	298	341
14 - 16	53	101	146	187	223	268	297	340
17 - 19	52	100	145	186	222	267	296	339
20 - 23	51	99	144	185	221	266	295	338
24 - 26	50	98	143	184	220	265	294	337
27 - 29	49	97	142	183	219	264	293	336
30 - 33	48	96	141	182	218	263	292	335
34 - 36	47	95	140	181	217	262	291	334
37 - 39	46	94	139	180	216	261	290	333
40 - 43	45	93	138	179	215	260	289	332
44 - 46	44	92	137	178	214	259	288	331
47 - 49	43	91	136	177	213	258	287	330
50 - 53	42	90	135	176	212	257	286	329
54 - 56	41	89	134	175	211	256	285	328
57 - 59	40	88	133	174	210	255	284	327
60 - 63	39	87	132	173	209	254	283	326
64 - 66	38	86	131	172	208	253	282	325
67 - 69	37	85	130	171	207	252	281	324
70 - 73	36	84	129	170	206	251	280	323
74 - 76	35	83	128	169	205	250	279	322
77 - 79	34	82	127	168	204	249	278	321
80 - 83	33	81	126	167	203	248	277	320

March 1, 1979 - Basis of Issuance - 1977 Act  
48 States and District of Columbia

TABLE II

Monthly Net Income	Coupon Allotments by Household Size							
	One Person	Two Persons	Three Persons	Four Persons	Five Persons	Six Persons	Seven Persons	Eight Persons
84 - 86	32	80	125	166	202	247	276	319
87 - 89	31	79	124	165	201	246	275	318
90 - 93	30	78	123	164	200	245	274	317
94 - 96	29	77	122	163	199	244	273	316
97 - 99	28	76	121	162	198	243	272	315
100 - 103	27	75	120	161	197	242	271	314
104 - 106	26	74	119	160	196	241	270	313
107 - 109	25	73	118	159	195	240	269	312
110 - 113	24	72	117	158	194	239	268	311
114 - 116	23	71	116	157	193	238	267	310
117 - 119	22	70	115	156	192	237	266	309
120 - 123	21	69	114	155	191	236	265	308
124 - 126	20	68	113	154	190	235	264	307
127 - 129	19	67	112	153	189	234	263	306
130 - 133	18	66	111	152	188	233	262	305
134 - 136	17	65	110	151	187	232	261	304
137 - 139	16	64	109	150	186	231	260	303
140 - 143	15	63	108	149	185	230	259	302
144 - 146	14	62	107	148	184	229	258	301
147 - 149	13	61	106	147	183	228	257	300
150 - 153	12	60	105	146	182	227	256	299
154 - 156	11	59	104	145	181	226	255	298
157 - 159	10	58	103	144	180	225	254	297
160 - 163	10	57	102	143	179	224	253	296
164 - 166	10	56	101	142	178	223	252	295

March 1, 1979 - Basis of Issuance - 1977 Act  
48 States and District of Columbia

TABLE II

Monthly Net Income	Coupon Allotments by Household Size							
	One Person	Two Persons	Three Persons	Four Persons	Five Persons	Six Persons	Seven Persons	Eight Persons
167 - 169	10	55	100	141	177	222	251	294
170 - 173	10	54	99	140	176	221	250	293
174 - 176	10	53	98	139	175	220	249	292
177 - 179	10	52	97	138	174	219	248	291
180 - 183	10	51	96	137	173	218	247	290
184 - 186	10	50	95	136	172	217	246	289
187 - 189	10	49	94	135	171	216	245	288
190 - 193	10	48	93	134	170	215	244	287
194 - 196	10	47	92	133	169	214	243	286
197 - 199	10	46	91	132	168	213	242	285
200 - 203	10	45	90	131	167	212	241	284
204 - 206	10	44	89	130	166	211	240	283
207 - 209	10	43	88	129	165	210	239	282
210 - 213	10	42	87	128	164	209	238	281
214 - 216	10	41	86	127	163	208	237	280
217 - 219	10	40	85	126	162	207	236	279
220 - 223	10	39	84	125	161	206	235	278
224 - 226	10	38	83	124	160	205	234	277
227 - 229	10	37	82	123	159	204	233	276
230 - 233	10	36	81	122	158	203	232	275
234 - 236	10	35	80	121	157	202	231	274
237 - 239	10	34	79	120	156	201	230	273
240 - 243	10	33	78	119	155	200	229	272
244 - 246	10	32	77	118	154	199	228	271
247 - 249	10	31	76	117	153	198	227	270

March 1, 1979 - Basis of Issuance - 1977 Act  
48 States and District of Columbia

TABLE II

Monthly Net Income	Coupon Allotments by Household Size							
	One Person	Two Persons	Three Persons	Four Persons	Five Persons	Six Persons	Seven Persons	Eight Persons
250 - 253	10	30	75	116	152	197	226	269
254 - 256	10	29	74	115	151	196	225	268
257 - 259	10	28	73	114	150	195	224	267
260 - 263	10	27	72	113	149	194	223	266
264 - 266	10	26	71	112	148	193	222	265
267 - 269	10	25	70	111	147	192	221	264
270 - 273	10	24	69	110	146	191	220	263
274 - 276	10	23	68	109	145	190	219	262
277 - 279	10	22	67	108	144	189	218	261
280 - 283	10	21	66	107	143	188	217	260
284 - 286	10	20	65	106	142	187	216	259
287 - 289	10	19	64	105	141	186	215	258
290 - 293	10	18	63	104	140	185	214	257
294 - 296	10	17	62	103	139	184	213	256
297 - 299	10	16	61	102	138	183	212	255
300 - 303	10	15	60	101	137	182	211	254
304 - 306	10	14	59	100	136	181	210	253
307 - 309	10	13	58	99	135	180	209	252
310 - 313	10	12	57	98	134	179	208	251
314 - 316	10	11	56	97	133	178	207	250
317 - 319	10	10	55	96	132	177	206	249
320 - 323	10	10	54	95	131	176	205	248
324 - 326	10	10	53	94	130	175	204	247
327 - 329	10	10	52	93	129	174	203	246
330 - 333	10	10	51	92	128	173	202	245

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Monthly Net Income	Coupon Allotments by Household Size							
	One Person	Two Persons	Three Persons	Four Persons	Five Persons	Six Persons	Seven Persons	Eight Persons
334 - 336	:	10	50	91	127	172	201	244
337 - 339	:	10	49	90	126	171	200	243
340 - 343	:	10	48	89	125	170	199	242
344 - 346	:	10	47	88	124	169	198	241
347 - 349	:	10	46	87	123	168	197	240
350 - 353	:	10	45	86	122	167	196	239
354 - 356	:	10	44	85	121	166	195	238
357 - 359	:	10	43	84	120	165	194	237
360 - 363	:	10	42	83	119	164	193	236
364 - 366	:	10	41	82	118	163	192	235
367 - 369	:		40	81	117	162	191	234
370 - 373	:		39	80	116	161	190	233
374 - 376	:		38	79	115	160	189	232
377 - 379	:		37	78	114	159	188	231
380 - 383	:		36	77	113	158	187	230
384 - 386	:		35	76	112	157	186	229
387 - 389	:		34	75	111	156	185	228
390 - 393	:		33	74	110	155	184	227
394 - 396	:		32	73	109	154	183	226
397 - 399	:		31	72	108	153	182	225
400 - 403	:		30	71	107	152	181	224
404 - 406	:		29	70	106	151	180	223
407 - 409	:		28	69	105	150	179	222
410 - 413	:		27	68	104	149	178	221
414 - 416	:		26	67	103	148	177	220

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TABLE II

Monthly Net Income	Coupon Allotments by Household Size							
	One Person	Two Persons	Three Persons	Four Persons	Five Persons	Six Persons	Seven Persons	Eight Persons
417 - 419	:		25	66	102	147	176	219
420 - 423	:		24	65	101	146	175	218
424 - 426	:		23	64	100	145	174	217
427 - 429	:		22	63	99	144	173	216
430 - 433	:		21	62	98	143	172	215
434 - 436	:		20	61	97	142	171	214
437 - 439	:		19	60	96	141	170	213
440 - 443	:		18	59	95	140	169	212
444 - 446	:		17	58	94	139	168	211
447 - 449	:		16	57	93	138	167	210
450 - 453	:		15	56	92	137	166	209
454 - 456	:		14	55	91	136	165	208
457 - 459	:			54	90	135	164	207
460 - 463	:			53	89	134	163	206
464 - 466	:			52	88	133	162	205
467 - 469	:			51	87	132	161	204
470 - 473	:			50	86	131	160	203
474 - 476	:			49	85	130	159	202
477 - 479	:			48	84	129	158	201
480 - 483	:			47	83	128	157	200
484 - 486	:			46	82	127	156	199
487 - 489	:			45	81	126	155	198
490 - 493	:			44	80	125	154	197
494 - 496	:			43	79	124	153	196
497 - 499	:			42	78	123	152	195

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Monthly Net Income	Coupon Allotments by Household Size							
	One Person	Two Persons	Three Persons	Four Persons	Five Persons	Six Persons	Seven Persons	Eight Persons
500 - 503				41	77	122	151	194
504 - 506				40	76	121	150	193
507 - 509				39	75	120	149	192
510 - 513				38	74	119	148	191
514 - 516				37	73	118	147	190
517 - 519				36	72	117	146	189
520 - 523				35	71	116	145	188
524 - 526				34	70	115	144	187
527 - 529				33	69	114	143	186
530 - 533				32	68	113	142	185
534 - 536				31	67	112	141	184
537 - 539				30	66	111	140	183
540 - 543				29	65	110	139	182
544 - 546					64	109	138	181
547 - 549					63	108	137	180
550 - 553					62	107	136	179
554 - 556					61	106	135	178
557 - 559					60	105	134	177
560 - 563					59	104	133	176
564 - 566					58	103	132	175
567 - 569					57	102	131	174
570 - 573					56	101	130	173
574 - 576					55	100	129	172
577 - 579					54	99	128	171
580 - 583					53	98	127	170

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TABLE II

Monthly Net Income	Coupon Allotments by Household Size							
	One Person	Two Persons	Three Persons	Four Persons	Five Persons	Six Persons	Seven Persons	Eight Persons
584 - 586					52	97	126	169
587 - 589					51	96	125	168
590 - 593					50	95	124	167
594 - 596					49	94	123	166
597 - 599					48	93	122	165
600 - 603					47	92	121	164
604 - 606					46	91	120	163
607 - 609					45	90	119	162
610 - 613					44	89	118	161
614 - 616					43	88	117	160
617 - 619					42	87	116	159
620 - 623					41	86	115	158
624 - 626					40	85	114	157
627 - 629					39	84	113	156
630 - 633					38	83	112	155
634 - 636						82	111	154
637 - 639						81	110	153
640 - 643						80	109	152
644 - 646						79	108	151
647 - 649						78	107	150
650 - 653						77	106	149
654 - 656						76	105	148
657 - 659						75	104	147
660 - 663						74	103	146
664 - 666						73	102	145

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Monthly Net Income	Coupon Allotments by Household Size							
	One Person	Two Persons	Three Persons	Four Persons	Five Persons	Six Persons	Seven Persons	Eight Persons
667 - 669						72	101	144
670 - 673						71	100	143
674 - 676						70	99	142
677 - 679						69	98	141
680 - 683						68	97	140
684 - 686						67	96	139
687 - 689						66	95	138
690 - 693						65	94	137
694 - 696						64	93	136
697 - 699						63	92	135
700 - 703						62	91	134
704 - 706						61	90	133
707 - 709						60	89	132
710 - 713						59	88	131
714 - 716						58	87	130
717 - 719						57	86	129
720 - 723							85	128
724 - 726							84	127
727 - 729							83	126
730 - 733							82	125
734 - 736							81	124
737 - 739							80	123
740 - 743							79	122
744 - 746							78	121
747 - 749							77	120

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TABLE II

Monthly Net Income	Coupon Allotments by Household Size							
	One Person	Two Persons	Three Persons	Four Persons	Five Persons	Six Persons	Seven Persons	Eight Persons
750 - 753							76	119
754 - 756							75	118
757 - 759							74	117
760 - 763							73	116
764 - 766							72	115
767 - 769							71	114
770 - 773							70	113
774 - 776							69	112
777 - 779							68	111
780 - 783							67	110
784 - 786							66	109
787 - 789							65	108
790 - 793							64	107
794 - 796							63	106
797 - 799							62	105
800 - 803							61	104
804 - 806							60	103
807 - 809							59	102
810 - 813								101
814 - 816								100
817 - 819								99
820 - 823								98
824 - 826								97
827 - 829								96
830 - 833								95

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TABLE II

Monthly Net Income	Coupon Allotments by Household Size							
	One Person	Two Persons	Three Persons	Four Persons	Five Persons	Six Persons	Seven Persons	Eight Persons
834 - 836	:	:	:	:	:	:	:	94
837 - 839	:	:	:	:	:	:	:	93
840 - 843	:	:	:	:	:	:	:	92
844 - 846	:	:	:	:	:	:	:	91
847 - 849	:	:	:	:	:	:	:	90
:	:	:	:	:	:	:	:	:
850 - 853	:	:	:	:	:	:	:	89
854 - 856	:	:	:	:	:	:	:	88
857 - 859	:	:	:	:	:	:	:	87
860 - 863	:	:	:	:	:	:	:	86
864 - 866	:	:	:	:	:	:	:	85
:	:	:	:	:	:	:	:	:
867 - 869	:	:	:	:	:	:	:	84
870 - 873	:	:	:	:	:	:	:	83
874 - 876	:	:	:	:	:	:	:	82
877 - 879	:	:	:	:	:	:	:	81
880 - 883	:	:	:	:	:	:	:	80
:	:	:	:	:	:	:	:	:
884 - 886	:	:	:	:	:	:	:	79
887 - 889	:	:	:	:	:	:	:	78
890 - 893	:	:	:	:	:	:	:	77
894 - 896	:	:	:	:	:	:	:	76

For issuance to households of more than eight persons, use the following formula:

- (1) Value of the the thrifty food plan. For each person in excess of eight, add \$43 to the monthly thrifty food plan for an eight-person household.
- (2) Benefit determination without the tables. To determine the benefit households shall receive:
  - (a) Multiply the household's net monthly income by 30 percent and round by dropping all cents.
  - (b) Subtract the result obtained in step 1 from the thrifty food plan for that size household.
- (3) Benefit determination with the tables. For households of more than eight persons, it will be necessary to add on to the last monthly net income increments to reach the maximum allowable income that is applicable to that size household. To do this, note that the monthly net income groupings follow a \$3 increment, \$3 increment, \$4 increment pattern that does not vary. However, the pattern begins at a different point for the lower and higher numbers in each grouping. Thus, for the 894-896 grouping, add the full \$3 increment, \$3 increment, \$4 increment pattern to 894 but only add one \$3 increment and the \$4 increment to 896 and begin the \$3 increment, \$3 increment, \$4 increment pattern at 903. This pattern should be continuously applied to the monthly net income groupings until the maximum monthly net income applicable to that size household is reached.

#### NEW SECTION

WAC 388-54-790 ————USE AND REDEMPTION. (1) The department may issue food coupons through:

(a) An authorization to participate (ATP) system in which an authorizing document is distributed on a monthly basis to the household and surrendered to the coupon issuer when coupons are obtained, or;

(b) A direct coupon mailout system.

(2) In the use or redemption of coupons by eligible households:

(a) A household member should sign each coupon book issued to the household. The coupons may be used only by the household or other persons the household selects to purchase eligible food for the household.

(b) Uncanceled and unendorsed coupons of \$1 denomination, returned as change by authorized retail food stores, may be presented as payment for eligible food. All other detached coupons may be accepted only if accompanied by the coupon book which bears the same serial number as the detached coupons. It is the right of the household or the authorized representative to detach the coupons from the book.

(c) When change in an amount less than \$1 is required in a coupon transaction, the household shall receive the change in cash not to exceed 99 cents.

(d) Upon request, the household or the authorized representative shall present the household's ID card to

the retail food store or meal service when exchanging food coupons for eligible food.

(e) Coupons shall not be used to pay for any eligible food purchased prior to the time at which the coupons are presented to authorized retail food stores or meal service. Neither shall coupons be used to pay for any eligible food in advance of the receipt of food, except when prior payment is for food purchased from a non-profit cooperative food purchasing venture.

(3) Where the direct mail system is used to issue coupons:

(a) After two consecutive reported mail losses by a household, the department shall consider other means to deliver program benefits to the household.

(b) To minimize mail theft exposure, direct mail issuances shall be staggered through the 10th of the month, and may be staggered through the 15th day provided that each household will likely receive its coupons on the same date every month.

(c) When a household reports the nondelivery of coupons issued through the mail, the department shall issue replacement coupons to the household within 5 working days after the report of nondelivery has been received.

(4) In case of lost or stolen ATPs:

(a) The department shall issue an emergency replacement ATP only if the original is reported lost or stolen in the period for which it was intended;

(b) The participant must sign an affidavit stating that the original ATP will be returned to the department if recovered by the household.

(5) The department shall maintain issuance records for a period of three years from the month of origin. This period may be extended at the written request of FNS.

(6) In returning coupons, the following shall apply:

(a) In the event of voluntary termination of participation in the program by a household or death of the head of the household, properly issued coupons may be returned to FNS for a refund on the same ratio of cash to coupons as was applied by the department in the issuance of the coupons to the household.

(b) A request for a refund shall be submitted to the department. The request shall be in ink or typed, contain the claimant's address, be dated and signed. The unused coupons shall be attached. The department shall then provide a copy of the refund request to the household as a receipt for the coupons.

(c) The department shall forward claims to FNS for payment. The claimant's request for a refund, Request for Reimbursement or Notification of Return of Unused Food Coupons for Refund, and the unused coupons shall be forwarded to FNS by the department.

(d) Six months after elimination of the purchase requirement, no refunds shall be paid for coupons returned to FNS.

(e) Households which still have old series coupons shall be entitled to a dollar for dollar exchange of old series coupons for new series coupons.

#### NEW SECTION

WAC 388-54-795 ————IDENTIFICATION CARDS. (1) The CSO shall furnish each certified

household with an ID card, which will be signed by the person the household designates as head of household and the authorized representative.

(2) Specially marked ID cards shall be issued as follows;

- (a) M for household using delivered meal service,
- (b) CD for communal dining facilities.

#### NEW SECTION

WAC 388-54-800 ———REPLACEMENT ALLOTMENTS. (1) Households may request a replacement for that portion of its allotment received, but subsequently

- (a) Destroyed by disaster such as fire or flood,
- (b) Stolen.

(2) The household must sign an affidavit at the department attesting to the theft or destruction. If the coupons were stolen, the household must report the theft to the police, provide the department with a copy of the police report, or sufficient information to permit the department to verify that a report has been made to the police.

(3) The department shall provide eligible households with an opportunity to obtain the replacement allotment within 5 working days of the date the theft or destruction was reported to the department.

(4) The department shall also provide replacement for coupons received and subsequently either found to be improperly manufactured or mutilated.

#### NEW SECTION

WAC 388-54-805 ———RESTORATION OF LOST BENEFITS. (1) Whenever a household receives fewer benefits than it is entitled to receive as a result of error by the department, the department shall restore those benefits which were lost within 12 months of:

(a) The month the department was notified by the household or by another person or agency in writing or orally of the possible loss.

(b) The month the department discovers that a loss to a specific household has occurred;

(c) The date the household requested a fair hearing to contest the adverse action which resulted in the loss.

(2) Benefits shall be restored even if the household is currently ineligible.

(3) The 12-month limitation does not apply to benefits which are restored as a result of a reversal of a fraud disqualification penalty.

(4) The department shall notify the household of its entitlement, the amount of benefits to be restored, the method of restoration and the right to appeal, and any offsetting that was done.

(5) If the department determines that a household is entitled to restoration of lost benefits, but the household does not agree with the amount to be restored or with any other action taken by the department, the household may request a fair hearing within 90 days of the date the household is notified of its entitlement to restoration of lost benefits.

(a) If a fair hearing is requested prior to or during the time lost benefits are being restored, the household shall

continue to receive the lost benefits, as determined by the department, pending the result of the fair hearing.

(b) If the fair hearing decision is favorable to the household, the department shall restore the lost benefits in accordance with that decision.

(c) If a household and the department disagree about the household's entitlement to restoration of lost benefits, the household has 90 days from the date of the department determination to request a fair hearing. The department shall restore lost benefits to the household only if the fair hearing decision is favorable to the household. Benefits lost more than 12 months prior to the date the department was initially informed of the household's possible entitlement shall not be restored.

(6) Individuals disqualified for fraud are entitled to restoration of benefits lost during the months they were disqualified only if the decision which resulted in disqualification is subsequently reversed. Benefits shall be restored regardless of the length of time that has elapsed since the household member was disqualified.

(7) The department shall restore lost benefits to a household whether or not it is currently eligible or ineligible, by issuing an allotment equal to the amount of benefits that were lost.

(8) The department shall restore lost benefits that occurred prior to elimination of the purchase requirement. Households assigned a purchase requirement that was too high or assigned an incorrect household size shall be entitled to restoration of their lost benefits. The amount shall be equal to the difference between the bonus stamps the household received and the correct amount the household should have received.

(9) Whenever lost benefits are due a household and the household's membership has changed, the department shall restore the lost benefits to the household containing a majority of the individuals who were household members at the time the loss occurred. If the department cannot locate or determine the household which contains this majority, it shall restore the lost benefits to the household containing the head of the household at the time the loss occurred.

(10) The department shall honor reasonable requests by households to restore lost benefits in monthly installments if, for example, the household fears the excess coupons may be stolen, or that the amount to be restored is more than it can use in a reasonable period of time.

#### NEW SECTION

WAC 388-54-810 ———60 DAY CONTINUATION OF BENEFITS. (1) The department shall provide for continuation of certification for two months after the month the household moves from one project area to the other provided:

- (a) The household membership does not change;
- (b) Was not certified under disaster eligibility standards or
- (c) Continues to meet the definition of household,
- (d) Was not certified under expedited procedures, unless the verification that was initially postponed was subsequently completed.
- (e) Does not contain an SSI member when moving into the cash-out states of Massachusetts or Wisconsin.

(2) The project area from which the household is moving shall prepare the Certification of Transfer of Household Benefits (FNS-286).

(a) If the household has received its coupon allotment for the month in which the move takes place, a two months extension of certification can be authorized.

(3) The new project area shall accept the Certification of Transfer and issue the allotment therein authorized.

(4) The household shall report any changes in circumstances to the new project area, and the project area will act on these changes, except that in no event would the changes reported affect the initial issuance under the form FNS-286. However, the second issuance in the new project area, if any, shall reflect changes reported.

(5) Households which move from the new project area during the two months covered by the FNS-286 shall be issued:

(a) A form FNS-286 for the balance of the period covered by original form, and which reflects the changes reported at the time the form was accepted in the new project area;

(b) A new form FNS-286 for an additional two months if the household was recertified in the new project area.

#### NEW SECTION

WAC 388-54-815 FAIR HEARINGS. Fair Hearings for Food Stamp purposes shall be conducted as set forth in WAC 388-08, except for provisions listed below:

(1) Each household shall be provided with a notification of right to a hearing.

(a) At the time of application, notification shall be made in writing to the household of its rights to a hearing, of the method by which a hearing may be requested and that its case may be presented by a household member or a representative.

(b) Any time the household expressed to the department that it disagrees with a department action, it shall be reminded of the right to request a fair hearing.

(c) The household shall be reminded of individuals or organizations available that provide free legal representative.

(2) A household shall be allowed to request a hearing on any action by the department or loss of benefits which occurred in the prior 90 days or at any time within a certification period to dispute its current level of benefits.

(3) The department shall offer a conference to households:

(a) Which wish to contest a denial of expedited service. This conference shall be scheduled within two working days unless the household indicates it wants it later or does not want a conference at all.

(b) Which are adversely affected by an agency action.

(c) The department shall advise the household that use of a conference shall in no way delay or replace the fair hearing.

(4) The department shall have the following responsibilities on receiving hearing request:

(a) The department, upon request, shall make available, without charge, the specific materials necessary for

a household or its representative to determine whether a hearing should be requested or to prepare for a hearing.

(b) If the individual making the request speaks a language other than English, the department shall insure that the hearing procedures are verbally explained in that language but only in those areas in which the department is required to provide the appropriate bilingual staff.

(c) The department shall also help a household with its hearing request.

(d) If a household makes an oral request for a hearing, the department shall confirm the request in writing and forward the written confirmation to the Fair Hearings Office to start the fair hearing process.

(e) The department shall inform the household of the availability of legal services which can provide representation at the hearing.

(5) The department shall expedite hearing requests from households, such as migrant farmworkers, that plan to move from the state before the hearing decision would normally be reached. Hearing requests from these individuals shall be processed faster than others if necessary to enable them to receive a decision before they leave the area.

(6) The department shall publish clearly written uniform rules of procedure that conform to the fair hearing regulations and shall make the rules available to any interested party. These shall include:

(a) Time limits for hearing requests,

(b) Advance notification requirements,

(c) Hearing timeliness standards,

(d) Rights and responsibilities of persons requesting a hearing.

(7) The Secretary or his designee shall not deny or dismiss a request for a hearing unless:

(a) The request is not received within the time period specified.

(b) The request is withdrawn in writing by the household or its representative.

(c) The household or its representative fails, without good cause, to appear at the scheduled hearing.

(8) When a household is notified of the time and place of the fair hearing, it shall also be advised:

(a) Of the name, address and phone number of the person to notify in the event it is not possible for the household to attend the scheduled hearing;

(b) That the Secretary or his designate will dismiss the hearing request if the household or its representative fails to appear for the hearing without good cause;

(c) Of any hearing procedures and other information that would provide the household with an understanding of the proceedings and that would contribute to the effective presentation of the household's case;

(d) That the household or representative may examine the case file prior to the hearing.

(9) When a hearing decision has been reached, the Secretary or his designate shall notify the household in writing of:

(a) The reasons for the decision;

(b) The evidence which supports the decision;

(c) The federal regulations as codified in WAC;

(d) The household's appeal rights,

(e) That the household's benefits will be issued or terminated as decided by the hearing authority.

(10) The hearing decision is binding upon the department.

(11) The department will be responsible for insuring that the hearing decision is carried out:

(a) If the hearing authority determines that a household has been improperly denied program benefits or has been issued a lesser allotment than was due, lost benefits shall be provided to the household.

(b) If the hearing authority upholds the department's action, a claim against the household for any overissuances shall be prepared and executed.

(12) Within 60 days of receipt of a request for a fair hearing or within 90 days of notification that a fraud hearing has been initiated, the department shall assure that the hearing is conducted, a decision is reached, and the household and local agency are notified of the decision.

(a) Decisions which result in an increase in household benefits shall be reflected in the coupon allotment within 10 days of the receipt of the hearing decision even if the department must provide a supplementary ATP or otherwise provide the household with the opportunity to obtain the allotment outside of the normal issuance cycle.

(b) Decisions which result in a decrease in household benefits shall be reflected in the next scheduled issuance following receipt of the hearing decision.

(13) The household may request and is entitled to receive a postponement of the scheduled hearing.

(a) The postponement shall not exceed 30 days and

(b) The time limit for action on the decision may be extended for as many days as the hearing is postponed.

#### NEW SECTION

WAC 388-54-820 ———CONTINUATION OF BENEFITS PENDING. (1) The household is entitled to continuation of benefits if:

(a) It requests a fair hearing within the period specified by the notice of adverse action;

(b) Its certification period has not expired.

(c) It has not waived continuation of benefits.

(2) If a hearing request is not made within the period provided by the notice of adverse action, benefits shall be reduced or terminated as provided in the notice, unless failure to make the request was for good cause.

(a) Once continued or reinstated, benefits shall not be reduced or terminated prior to receipt of the hearing decisions unless:

(i) The certification period expires;

(ii) The hearing examiner makes a preliminary determination in writing and at the hearing that it is a matter of policy;

(iii) A change affecting the household's eligibility or basis of issuance occurs while the hearing decision is pending and the household fails to request a hearing after the subsequent notice of adverse action; or

(iv) A mass change occurs while the hearing decision is pending.

(3) The CSO shall promptly inform the household in writing if benefits are reduced or terminated pending the hearing decision.

#### NEW SECTION

WAC 388-54-825 FRAUD DISQUALIFICATION. (1) Fraud disqualification shall entail the following periods of ineligibility:

(a) Individuals found to have committed fraud as judged by an administrative hearing, shall be ineligible to participate in the program for three months.

(b) Individuals found guilty of criminal or civil fraud by a court of appropriate jurisdiction shall be ineligible for not less than six months and not more than 24 months as determined by the court.

(c) The department shall disqualify only the individual, not the entire household.

(2) Fraud shall consist of any action by an individual to knowingly, willfully, and with deceitful intent: (a) Make a false statement to the department either orally or in writing.

(b) Conceal information.

(c) Alter coupons or authorization cards.

(d) Use coupons to buy ineligible items such as alcohol or cartons of cigarettes.

(e) Trade or sell coupons or authorization cards.

(f) Use or possess improperly obtained coupons or authorization cards.

(3) The household shall be informed in writing of the disqualification penalties for committing fraud each time it applies for programs benefits.

(4) An administrative fraud hearing shall be initiated by the department whenever the department has documented evidence to substantiate a fraud charge, the amount of the suspected fraud is \$35 or more, and the department believes the household member should be disqualified. If the individual is not certified when the suspected fraud is discovered, the department shall initiate the hearing when the household member becomes certified. The hearing may still be conducted whether or not other legal action is planned against the household member. The fraud disqualification hearing shall be conducted under Fair Hearings rules (WAC 388-08) except insofar as those rules are in conflict with the rules set forth in this chapter.

(a) The state can combine the administrative fraud hearing with a fair hearing when the latter is requested, if the factual issues arise out of the same, or related, circumstances and the household receives prior notice that the hearings will be combined. If the fraud hearing and fair hearing are combined, the department shall follow the timeliness standards for conducting fraud hearings.

(b) Within 90 days of written notice to the household member that a fraud hearing has been initiated, the state shall conduct the hearing, arrive at a decision and take appropriate administrative action to implement the decision.

(c) Written advance notice of hearing shall be provided at least 30 days in advance of hearing. The notice shall be mailed Certified Mail - Return Receipt Requested and shall contain:

- (i) The date, time and place of the hearing;
- (ii) The charge(s) against the household member;
- (iii) A summary of the evidence, and how and where it can be examined;
- (iv) A warning that the decision will be based solely on information provided by the food stamp office if the household member fails to appear at the hearing;
- (v) A warning that a determination of fraud will result in a three month disqualification;
- (vi) A listing of the household members' rights, as contained in WAC 388-54-815;
- (vii) A statement that the hearing does not preclude the state or federal government from prosecuting the household member for fraud in a civil or criminal court action or from collecting the overissuance.
- (viii) Information as to where the recipient can obtain free legal advice, if available. If not available, give the phone number of a lawyer referral service of the local bar association.
- (ix) A copy of the department's hearing procedure.
- (d) The time and place shall be arranged so that the hearing is accessible to the household member suspected of fraud.
  - (i) If the household member or its representative cannot be located or fails to appear at the hearing, without good cause, the hearing shall be conducted without the household member represented. Even though the household member is not represented, the Secretary or his designee shall carefully consider the evidence and determine if fraud was committed on clear and convincing evidence.
  - (ii) If the household member is found to have committed fraud but the Secretary or his designate later determines that the household member or representative failed to appear with good cause, the previous decision shall no longer remain valid and the state shall conduct a new hearing.
  - (iii) The household member has 10 days from receipt of the notice of the fraud decision to present reasons indicating a good cause for failure to appear. Receipt will be presumed to occur 3 days after the date of mailing. The Secretary or his designee must enter the good cause decision into the record.
  - (iv) The notice of fraud decision resulting from a hearing conducted in the absence of the household member shall inform the household member of his/her rights to show good cause and the time limitation for doing so.
  - (e) The hearing examiner shall advise the household member or representative that they may refuse to answer questions during the hearing.
  - (f) The decision of the Secretary or his designee that a household member defrauded the department must be supported by clear and convincing evidence demonstrating that the household member knowingly, willfully and with deceitful intent committed fraud, as defined in WAC 388-54-825 (2) (a-f).
  - (g) The household is entitled to participate pending a fraud hearing, and the department shall determine the eligibility and benefit level of the household in the same manner it would be determined for any other household.

(h) No further administrative appeal exists after an adverse administrative fraud hearing decision. This decision cannot be reversed by a subsequent fair hearing decision.

(i) The department shall provide written notification of a fraud hearing decision. If the decision indicates fraud, a written notice shall be sent to the household member prior to the disqualification. This notice shall contain the decision, the reason for the decision, notification of adjusted allotment for the remaining household members, and whether, if the certification period has expired, they must reapply, the date the disqualification begins and a list of the members' rights.

(j) Court ordered disqualifications may be imposed separate and apart from any action taken by the State, and the state shall disqualify an individual found guilty of fraud by the courts only if the court orders disqualification and only for the length of time specified by the court.

(i) If a date is not set by the court for disqualification, the department shall initiate the disqualification period with the first calendar month following the date the disqualification was ordered.

(ii) A court ordered disqualification may run concurrently with the three month period of disqualification imposed by administrative hearing.

(k) In cases where the determination of fraud is overturned or reversed by a court of appropriate jurisdiction, the department shall reinstate the individual in the program if the household is eligible, or restore any benefits that were lost as a result of the disqualification.

**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.

#### NEW SECTION

**WAC 388-54-830 TREATMENT OF INCOME AND RESOURCES OF DISQUALIFIED MEMBERS.** During the period of time a household member is disqualified:

(1) The resources of the disqualified member shall continue to count in their entirety to the remaining eligible household members.

(2) A pro rata share of the income of the disqualified member less allowable exclusions shall be counted as income to the remaining members. The 20% earned income deduction shall apply.

(3) That portion of the household's allowable shelter and dependent care expenses which are either paid by or billed to the disqualified member shall be divided evenly among the household members including the disqualified member. All but the disqualified member's share is counted as a deductible shelter expense for the remaining household members.

(4) The disqualified member shall not be included when determining the household size for purposes of assigning a benefit level, or for purposes of comparing the household's net monthly income with the income eligibility standards.

(5) Whenever an individual is disqualified within the household's certification period, the department shall determine the eligibility or ineligibility of the remaining

household members based on information in the case file and shall take the following action:

(a) Fraud disqualification. If the household's benefits are reduced or terminated because one of its members has been disqualified for fraud, no notice of adverse action is required. However, a written notice shall be sent at the same time the notice of disqualification is sent, informing the household of its revised eligibility and benefits levels.

#### NEW SECTION

WAC 388-54-835 CLAIMS AGAINST HOUSEHOLDS—NONFRAUD. (1) A claim shall be established against any household that has received more benefits than it was entitled to receive if less than 12 months have elapsed between the month a nonfraud overissuance occurred and the month the department discovered it.

(2) Nonfraud claims shall not be established against a household:

(a) That has transacted an expired ATP unless the household has altered the ATP.

(b) That failed to sign the application form, completed a current work registration form, was certified in the incorrect project area, or received food stamp benefits after its certification period had expired, as a result of department oversights.

(c) That did not receive food stamp benefits at a reduced level because its public assistance grant changed and the department failed to act.

(3) A household shall not be held liable for a claim because of a change in household circumstances which it is not required to report according to WAC 388-54-770(1).

(4) In calculating the amount of the nonfraud claim, the department shall determine the correct amount of food stamp benefits the household should have received after excluding those months that are more than 12 months prior to the date the overissuance was discovered. In cases involving reported changes, the department shall determine the month the overissuance initially occurred as follows:

(a) If the household failed to report a change within 10 days of the date the change became known to the household due to misunderstandings or inadvertent error, the first month affected by the household's failure to report shall be the month the change occurred.

(b) If the household timely reported a change, but the department did not timely act on the change, the first month affected by the department's failure to act shall be the first month the department should have made the change effective.

(5) After calculating the amount of the nonfraud claim, the department shall offset the amount of the claim against any amounts which have not yet been restored to the household pursuant to WAC 388-54-805.

(6) The department shall initiate collection action on all nonfraud claims unless the claim is collected through offset or one of the following conditions apply:

(a) The total amount of the nonfraud claim is less than \$35.00.

(b) The department has documentation which shows that the household cannot be located.

(c) The department shall initiate collection action by sending the household a written demand letter which informs the household:

(i) The amount owed and the reason for the claim;

(ii) The period of time the claim covers;

(iii) Any offsetting that was done to reduce the claim and how the household may pay the claim;

(iv) The household's right to a fair hearing;

(v) The statement which specifies that if a household is delinquent in repayment or is unable to pay the claim, the household's eligibility or level of benefits will not be affected.

(d) If the household does not respond to the first demand letter, additional letters shall be sent at 30 day intervals until the household has responded by paying or agreeing to pay the claim or until criteria for suspending or terminating collection action have been met.

(7) Collection of a non-fraud claim shall be suspended when:

(a) The household is financially unable to pay.

(b) There is a little likelihood that the household will pay the claim.

(c) The household cannot be located or;

(d) The cost of further collection action is likely to exceed the amount that can be recovered.

(8) The department shall terminate collection action if the claim has been held in suspense for three years.

#### NEW SECTION

WAC 388-54-840 ———FRAUD. (1) A claim shall be handled as a fraud claim only if the household member has been found guilty of fraud by an administrative fraud hearing or a court of appropriate jurisdiction. Prior to the determination of fraud, the claim against the household shall be handled as a nonfraud claim.

(2) The amount of the fraud claim shall be calculated back to the month the fraudulent act occurred.

(a) In case of fraud due to failure to report a change in circumstances, the first month benefits were overissued shall be the month the change occurred.

(3) Collection of a fraud claim shall be initiated unless the household has repaid the overissuance as a result of non-fraud demand letters, or the household cannot be located or the legal representatives prosecuting a member of the household for fraud advise in writing that collection action will prejudice the case.

(a) The department shall send the household a written demand letter which informs the household the amount owed, the reason for the claim, the period of time the claim covers, any offsetting that was done to reduce the claim, how the household may pay the claim and the household's right to a fair hearing.

(i) Because the time period covered is different in fraud and non-fraud claims, a fraud demand letter shall be sent even though a non-fraud letter was previously sent.

(b) If the household does not respond to the first demand letter, additional letters shall be sent at 30 day intervals until the household agrees to pay, or the claim can be suspended or terminated.

(c) The department shall not disqualify a household solely because the household refuses to pay the fraud claim.

(4) The department shall suspend collection action if it has sent at least one demand letter of less than \$100, two demand letters of between \$100 and \$400 and three demand letters of more than \$400 provided one of the following criteria is met:

(a) The household is financially unable to pay the claim;

(b) There is little likelihood that the state can collect or enforce collection of any significant sum from the household.

(c) The household cannot be located.

(d) The cost of further collection action is likely to exceed the amount that can be recovered; or

(5) After the claim has been held in suspense for three years, it shall be terminated.

(6) The department shall collect fraud or nonfraud claims in one of the following ways:

(a) Lump-sum, if the household is financially able to pay the claim this way.

(b) Installments, if the household has insufficient liquid resources or is otherwise financially unable to pay in a lump sum. If the full amount of the claim cannot be liquidated in 3 years without creating a financial hardship on the household, the department shall compromise the claim by reducing it to an amount that the household can pay in 3 years.

(7) The department must inform the household in writing that its food stamp benefits cannot be denied, terminated or reduced if the sole reason is the fact that a household has either refused to sign a payment schedule or fails to make the agreed payments. Civil action, however, may be initiated to obtain repayment.

**REPEALER**

The following sections of Washington Administrative Code are each repealed:

- (1) WAC 388-54-405 Food stamp program—  
General provisions
- (2) WAC 388-54-410 Application—Assistance household
- (3) WAC 388-54-415 Nonassistance household
- (4) WAC 388-54-420 Authorized representative
- (5) WAC 388-54-425 Eligibility standards—  
General
- (6) WAC 388-54-430 ———Residence
- (7) WAC 388-54-432 ———Boarding house—  
Institution
- (8) WAC 388-54-435 ———Cooking facilities
- (9) WAC 388-54-440 Eligibility standards—  
Household determination
- (10) WAC 388-54-442 ———Student tax  
dependents
- (11) WAC 388-54-445 ———Delivered meals

- (12) WAC 388-54-448 ———Communal dining
- (13) WAC 388-54-452 ———Drug-Alcohol treatment programs
- (14) WAC 388-54-455 ———Work registration requirement
- (15) WAC 388-54-460 Nonassistance household—Resources—  
Standards—Exemptions
- (16) WAC 388-54-462 Earned income tax credit disregarded
- (17) WAC 388-54-465 ———Nonrecurring lump-sum payments
- (18) WAC 388-54-470 Monthly net income
- (19) WAC 388-54-475 Definitions of income
- (20) WAC 388-54-480 Income exclusions
- (21) WAC 388-54-485 Income deductions
- (22) WAC 388-54-490 Income computation
- (23) WAC 388-54-495 Self-employment income
- (24) WAC 388-54-500 Farm employment income
- (25) WAC 388-54-505 Nonassistance household—Verification of eligibility
- (26) WAC 388-54-510 Certification
- (27) WAC 388-54-515 Certification—Changes during certification period—reporting
- (28) WAC 388-54-520 Certification—Effecting changes during certification period
- (29) WAC 388-54-525 Advance Notice—Expiration or adverse action
- (30) WAC 388-54-526 Conference procedure
- (31) WAC 388-54-527 Participation during appeals
- (32) WAC 388-54-528 Adjustments after hearing decision
- (33) WAC 388-54-530 Recertification
- (34) WAC 388-54-535 Transfer of certification and lost benefits
- (35) WAC 388-54-540 Basis of coupon issuance
- (36) WAC 388-54-545 Identification card
- (37) WAC 388-54-550 Authorization to purchase
- (38) WAC 388-54-555 Food coupon issuance and sales—Variable purchase
- (39) WAC 388-54-560 Food coupon use or redemption
- (40) WAC 388-54-565 Ineligible receipt of food coupons
- (41) WAC 388-54-570 ———Liability for repayment
- (42) WAC 388-54-575 ———Collection of claim
- (43) WAC 388-54-580 ———Claim unpaid—  
Eligibility for food coupons
- (44) WAC 388-54-585 Replacement purchase
- (45) WAC 388-54-590 Cash refunds
- (46) WAC 388-54-595 Retroactive benefits
- (47) WAC 388-54-598 Offsetting unpaid claims

- (48) WAC 388-54-700 Food distribution program—General provisions and coverage
- (49) WAC 388-54-705 ————Participation
- (50) WAC 388-54-710 ————Issuance of commodities

**WSR 79-04-001****PROPOSED RULES****DEPARTMENT OF TRANSPORTATION**

[Filed March 8, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Transportation intends to adopt, amend, or repeal rules concerning the signing of school bus stops on partially controlled limited access highways in accordance with the Manual on Uniform Traffic Control Devices;

that such the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, May 11, 1979, in the Board Room 1D 9, Transportation Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 47.36.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 11, 1979, and/or orally at 10:00 a.m., Friday, May 11, 1979, Board Room 1D9, Transportation Building, Olympia, Washington 98504.

Dated: March 8, 1979

By: V. W. Korf  
Deputy Secretary

**AMENDATORY SECTION** (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

**WAC 468-58-030 LIMITED ACCESS HIGHWAYS—POLICIES ON SERVICE STATION LOCATION, COMMON CARRIER AND SCHOOL BUS STOPS, MAIL BOX LOCATIONS AND PEDESTRIAN CROSSINGS.** (1) Fully controlled limited access highways:

(a) No service stations shall be permitted direct access to main roadway but only to frontage roads when these are provided in the access plan or in the vicinity of interchanges where ramp layout permits.

(b) No common carrier bus stops other than required by law shall be permitted except at locations provided by the state on the interchanges or, in exceptional cases, along the main roadway where pedestrian separation is available.

(c) School bus stops shall not be permitted except as in subparagraph (b) of this subsection.

(d) No mail boxes shall be permitted except on frontage roads.

(e) Pedestrian crossings shall not be permitted at grade.

(2) Partially controlled limited access highways:

(a) Service stations:

(i) For above highway type on new alignment, no service stations shall be permitted except on frontage roads provided in the access plan or at interchanges;

(ii) For above highway type on a converted existing highway, service stations or other businesses are to be given consideration in the plan for control of access. Approaches to abutting property or frontage road construction shall be evaluated and determined through right of way appraisal. Service station locations are not considered a necessary adjunct to the main highway traffic lanes.

(b) Bus stops for both common carriers and school buses shall not be permitted other than as required by law on either two or four lane highways, except as follows:

(i) At locations of intersections, with necessary lanes to be constructed by the state;

(ii) Where shoulder widening has been provided for mail delivery service;

(iii) For a designated school bus loading zone on the traveled lane or adjacent thereto which has been (~~properly posted~~) approved by the department of transportation.

(c) Pedestrian grade crossings will be permitted only where a grade crossing is provided, except that pedestrian crossings will be permitted on two lane highways at mail box locations or at points designated for school children to cross as provided in subparagraph (d) of this subsection.

(d) Pedestrian crossings are prohibited in the immediate vicinity of school bus loading zones (~~when~~) which are located adjacent to the traveled way. Pedestrian crossings may be permitted:

(i) On two lane highways (~~in a marked crosswalk~~) not less than 100 feet from a school bus loading zone adjacent to the traveled lane(s); if school district and department of transportation personnel determine that stopping in the traveled lane is hazardous.

(ii) On two lane highways at the school bus when stopped on the traveled lane to load or unload passengers and the proper sign and signal lights displayed.

(e) (~~At~~) School bus loading zones on partially controlled access highways shall be posted with school bus loading zone signs, in accordance with the latest edition of the Manual on Uniform Traffic Control Devices.

(f) The list of designated school bus loading zones approved by the department of transportation will be kept on file and maintained by the headquarters traffic engineer.

(g) Mail boxes shall be located on frontage roads or at intersections, with the following exceptions for properties which are served by type A or B approaches:

(i) Mail boxes for type A or B approaches on a four lane highway shall be located only on the side of the highway on which the approach is provided;

(ii) Mail boxes for type A or B approaches on a two lane highway shall all be located on that side of the highway which is on the right in the direction of the mail delivery.

**WSR 79-04-002****EMERGENCY RULES****DEPARTMENT OF FISHERIES**

[Order 79-16—Filed March 8, 1979]

I, Gordon Sandison, director of state Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing 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 such emergency is substantial numbers of Pacific Cod are being taken in this area as incidental catch. Pacific Cod stocks in this area cannot support this type of fishery. This regulation is necessary to preserve these stocks.

Such 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 he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as

appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 8, 1979.

By Gordon Sandison  
Director

#### NEW SECTION

WAC 220-48-09600C SETNET - DOGFISH, CLOSED AREA Notwithstanding the provisions of WAC 220-48-096, effective March 12, 1979, it shall be unlawful to take, fish for, or possess dogfish or other species of bottomfish, taken with set net gear, for commercial purposes, in that portion of Marine Fish-Shellfish Area 26B west of a line projected true north from Agate Point and that portion of Marine Fish-Shellfish Area 26C north of a line projected true east from Pt. Bolin.

**WSR 79-04-003**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)  
[Order 1377—Filed March 9, 1979]

I, Michael Stewart, Ex. Assist., of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to good cause for failure to cooperate with support enforcement, amending WAC 388-24-111.

I, Michael Stewart, Ex. Assist., find that an emergency exists and that the foregoing 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 such emergency is immediate adoption of these rules is necessary to comply with federal requirements.

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

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

The undersigned hereby declares that he 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).

APPROVED AND ADOPTED March 7, 1979.

By Michael S. Stewart  
Executive Assistant

#### AMENDATORY SECTION (Amending Order 1330, filed 8/22/78)

WAC 388-24-111 GOOD CAUSE FOR FAILURE TO COOPERATE WITH SUPPORT ENFORCEMENT. (1) The requirement for cooperation of

the applicant/recipient in WAC 388-24-109 shall be waived if the department determines that such cooperation would not be in the best interest of the child(ren) for whom assignment has been made according to WAC 388-24-108.

(2) The applicant/recipient must be informed (~~that they have~~) of: (a) The benefits the child may receive from establishing paternity. (~~the~~) (b) Their right to claim good cause for refusing to cooperate as specified in WAC 388-14-200(2)(a), (b) and (c) and 388-24-109.

(3) The applicant/recipient who claims to have good cause for refusing to cooperate must:

(a) Provide evidence of at least one of the good cause circumstances; or

(b) Provide sufficient information (such as the putative father or absent parent's name and address) to permit an investigation to determine the existence of any of the circumstances specified in subsection (6) of this section.

(4) When an applicant/recipient claims to have good cause for refusing to cooperate, the (~~ESSO~~) CSO social service staff will determine that good cause exists only if it finds that:

(a) The evidence supplied by the applicant/recipient establishes that cooperation would be against the best interest of the child; or

(b) Investigation of the circumstances of the case confirms the applicant's/recipient's claim that cooperation would be against the best interest of the child(ren).

(5) The final determination by the (~~ESSO~~) CSO social service staff that good cause does or does not exist (~~shall be made promptly, will be in writing and contain the ESSO's findings and basis for determination. It shall~~);

(a) Shall be made as quickly as possible within thirty days from the date of the good cause claim, unless exceptional circumstances such as those described in WAC 388-38-110 occur and a longer time period is required.

(b) Shall be in writing and contain the CSO findings and basis for determination.

(c) Shall also be entered into the financial and service records.

(6) The (~~ESSO~~) CSO social service staff will determine that cooperation in establishing paternity and/or securing support is against the best interest of the child only if:

(a) The applicant's/recipient's cooperation is reasonably anticipated to result in (~~Physical or bona fide emotional harm to the~~) physical or emotional harm which clearly demonstrates observable consequences substantially impairing the functioning of either:

(i) The child for whom support is to be sought; or

(ii) (~~Physical or emotional harm to the~~) The parent or caretaker relative with whom the child is living which reduces the parent or caretaker relative's capacity to care for the child adequately; or

(b) At least one of the following circumstances exists, and the (~~ESSO~~) CSO social service staff believes that because of the existence of that circumstance, in the particular case, proceeding to establish paternity or secure support would be detrimental to the child for whom support would be sought:

(i) The child for whom support is sought was conceived as a result of incest or forcible rape;

(ii) Legal proceedings for the adoption of the child are pending before a superior court; or

(iii) The applicant/recipient is currently being assisted by a public or licensed child-placing agency to resolve the issue of whether to keep the child or relinquish it for adoption, and the discussions have not gone on for more than three months.

(7) Acceptable evidence upon which the ((ESSO)) CSO social service staff will base a determination of good cause, without further investigation, is limited to the following documents:

(a) Birth certificates or medical or law enforcement records which indicate that the child was conceived as the result of incest or forcible rape;

(b) Court documents or other records which indicate that legal proceedings for adoption are pending before a superior court;

(c) Court, medical, criminal, child protective services, social services, psychological, or law enforcement records which indicate that the putative father or absent parent might inflict physical or emotional harm on the child or parent or caretaker relative;

(d) Medical records which indicate emotional health history and present emotional health status or written statements from a mental health professional indicating a diagnosis or prognosis concerning the emotional health of the parent or caretaker relative or the child(ren) for whom support would be sought. The recommendation of the mental health professional or the indication of the medical records must be that cooperation by the parent or caretaker relative would not be in the best interest of the child(ren);

(e) A written statement which includes the dates of counseling from a public or licensed child-placing agency that the applicant/recipient is being assisted by the agency to resolve the issue of whether to keep the child or relinquish it for adoption.

(8) Upon request, the ((ESSO)) CSO will assist the applicant/recipient in obtaining the required evidence.

(9) If the applicant/recipient cannot present evidence as outlined in subsection (7) of this section and still wishes to claim good cause, the applicant/recipient must provide information which will enable the ((ESSO)) CSO to conduct an investigation regarding the circumstances of the claim. A determination that good cause exists may be based on any verifying information acceptable to the ((ESSO)) CSO social service staff. However, during the investigation the ((ESSO)) CSO:

(a) Shall not contact the absent parent or alleged father from whom support would be sought unless such contact is determined to be necessary to establish the good cause claim; and

(b) Prior to making such necessary contact, shall notify the applicant/recipient and give them the opportunity to:

(i) Present additional evidence or information so that contact with the absent parent or putative father becomes unnecessary; or

(ii) Withdraw the application for assistance; or

(iii) Request a fair hearing.

(10) For every good cause determination which is based in whole or in part upon the anticipation of emotional harm to the child, the custodial parent or the caretaker relative, the ((ESSO)) CSO social service staff shall consider and document its findings regarding the following factors:

(a) The present emotional state of the individual subject to emotional harm;

(b) The emotional health history of the individual subject to emotional harm;

(c) The intensity and probable duration of the emotional upset;

(d) The degree of cooperation to be required; and

(e) The extent of involvement of the child in the paternity establishment or support enforcement activity to be undertaken.

(11) In the process of making a final determination of good cause for refusal to cooperate, the ((ESSO)) CSO social service staff shall:

(a) Afford the office of support enforcement the opportunity to review and comment on the findings and basis for the proposed determination;

(b) Consider any recommendation from the office of support enforcement; and

(c) Provide the office of support enforcement the opportunity to participate in any hearing that results from an applicant's/recipient's appeal of any determination based on a good cause claim.

(12) Assistance shall not be denied, delayed or discontinued pending a determination of good cause for refusal to cooperate if the applicant/recipient has complied with the requirements to furnish evidence or information, if the applicant/recipient is otherwise eligible.

(13) ~~((+15))~~ If the ((ESSO)) CSO social service staff makes a determination of good cause on the basis of circumstances specified in subsection (6) of this section, ~~((it shall also make a determination of whether or not enforcement activities could proceed without risk of harm to the child or the parent or caretaker relative if the enforcement activities did not involve their participation.))~~ no attempt shall be made to establish paternity or secure support. This determination shall be in writing, contain the ((ESSO)) CSO's findings and basis for determination, and be entered into the financial and service records.

(14) ~~((+13))~~ The ((ESSO)) CSO social service staff shall periodically review, not less frequently than at each eligibility review, all cases in which a finding of good cause for refusal to cooperate has been made. If it determines that good cause no longer exists, it will rescind its decision and require cooperation by the applicant/recipient.

(15) If the CSO social service staff determines that good cause does not exist:

(a) The applicant/recipient shall be so notified and afforded the opportunity to cooperate, withdraw their application for assistance, have the case closed, or request fair hearing; and

(b) Continued refusal to cooperate shall result in the loss of AFDC eligibility for the caretaker relative as specified in WAC 388-24-108(2).

(16) ~~((14))~~ The ~~((ESSO))~~ CSO shall maintain records concerning its activities under this section.

~~((16) If the ESSO social service staff excuses cooperation but determines that the office of support enforcement may proceed to establish paternity or enforce support, it shall notify the applicant/recipient to enable the applicant/recipient, if they desire, to withdraw their application for assistance, or request a fair hearing.))~~

(17) The ~~((ESSO))~~ CSO will promptly report to the office of support enforcement:

(a) All cases in which good cause has been claimed and a determination is pending;

(b) All cases in which it has been determined that there is good cause for refusal to cooperate ~~;(and its determination whether or not support enforcement activities may proceed without the participation of the parent or caretaker relative:))~~ and

(c) All cases in which it has been determined that there is not good cause for refusal to cooperate;

(d) All cases in which a fair hearing has been requested; and

(e) Results of subsequent eligibility reviews in cases previously determined to have good cause.

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.

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.

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

**WSR 79-04-004**  
**ADOPTED RULES**  
**BOARD OF HEALTH**  
[Order 175—Filed March 9, 1979]

Be it resolved by the Washington State Board of Health acting at Mt. Vernon, Washington, that it does promulgate and adopt the annexed rules relating to:

- Amd WAC 248-18-060 Plumbing in existing hospitals.
- Amd WAC 248-18-090 Heating in existing hospitals.
- Amd WAC 248-18-135 Carpets in existing hospitals.
- Amd WAC 248-18-150 Maintenance in existing hospitals.
- New WAC 248-18-155 Housekeeping in existing hospitals.
- Amd WAC 248-18-170 Sewage, garbage, and waste in existing hospitals.

This action is taken pursuant to Notice No. WSR 79-01-094 filed with the code reviser on 1/3/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.41.030 and is intended to administratively implement that statute.

The undersigned hereby declare that they have complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

This order after being first recorded in the order register of this governing body in herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED February 14, 1979.

By Irma Goertzen

Chairman

John B. Conway

Ramon Esparza, Jr.

Fred Quarnstrom

John A. Beare, M.D.

Secretary

AMENDATORY SECTION (Amending Order 119, filed 5/23/75)

WAC 248-18-060 PLUMBING. The water supply plumbing, the fixtures, and the waste and drainage system of the hospital shall be ~~((of such construction and shall be))~~ maintained so as to avoid insanitary conditions.

AMENDATORY SECTION (Amending Order 119, filed 5/23/75)

WAC 248-18-090 HEATING. All heating systems shall be ~~((constructed,))~~ maintained and operated in a manner to provide a comfortable temperature for patients and personnel ~~((and to conform with the regulations of the Washington state fire marshal)).~~

AMENDATORY SECTION (Amending Order 119, filed 5/23/75)

WAC 248-18-135 CARPETS. (1) Carpets may be used in the following nonpatient occupied areas: Administrative areas; lobbies, lounges; waiting area; chapels, nurses' station; dining rooms; corridors ~~((not within patient care areas (excluding stairways or stair enclosures)))~~; equipment alcoves opening onto carpeted corridors. Carpets may be used in other areas only upon written approval of such use by the department.

(2) ~~((Specifications for carpeting in the above non-patient occupied areas:~~

(a) Pile yarn fiber: Fiber which meets the standards of the state fire marshal (see RCW 70.41.080) shall be acceptable provided the fiber is easily cleanable.

(b) Pile tufts per square inch: Minimum 64.

(c) Rows: Minimum eight per inch.

(d) Pile height: From a minimum height of .125 inches to a maximum of .312 inches.

(e) Pad: May be separate pad.

~~((3)))~~ Carpets may be used in the following patient occupied areas: Patient rooms (excluding toilets and bathrooms); coronary care units; recovery rooms (not within surgical suites); labor rooms (not within delivery suites); corridors within patient occupied areas; day-rooms ~~((in nursing home units));~~ equipment alcoves

opening onto carpeted corridors. Carpets may be used in other areas only upon written approval of such use by the department. Carpets should not be used in dialysis units or wet patient care areas.

~~((4))~~ (3) Specifications for carpeting in the above patient occupied areas and nonpatient occupied areas:

(a) ((Pile yarn fiber: Fibers which meet the standards of the state fire marshal (see RCW 70.41.080) shall be)) Fiber and pads which meet the standards of state and local fire codes are acceptable provided the fiber is easily cleanable.

(b) ((Pile type: Round loop)) Carpets shall be constructed or treated to prevent or reduce static electricity build up.

((c) Pile tufts per square inch: Minimum 64-

Rows: Minimum eight per inch:

(c) Pile height: Level pile, from a minimum height of .125 inches to a maximum of .255 inches:

(f) Backing: Shall be water impervious or a water impervious pad shall be permanently bonded to the backing:

(5) Installation of carpet material:

(a) Bonded pad carpet must be cemented to the floor with waterproof cement.

(b) Edges of carpet must be covered and cove or base shoe used at all wall junctures. Seams are to be bonded together with manufacturer recommended cement.

(c) Safety of patients or occupants shall be assured during installation. Rooms must be well ventilated and not be used by occupants or patients during installation. The room may not be returned to use until the room is free of volatile fumes and odors from adhesives:))

(4) The installation of carpets shall be such as to assure the safety of patients, staff and visitors.

AMENDATORY SECTION (Amending Order 119, filed 5/23/75)

WAC 248-18-150 MAINTENANCE. (1) The hospital ((structure)), its component parts, facilities, and equipment shall be kept clean and in good repair and be maintained with consideration for the safety and well-being of the patients, staff, and visitors. The maintenance department shall function in accordance with written hospital policies and procedures.

(2) ((Housekeeping equipment shall be kept in a clean and sanitary condition:)) Responsibility for maintenance shall be delegated to qualified personnel familiar with the hospital's equipment and/or systems. Personnel policies, job descriptions, records of orientation and in-service training shall be documented.

(3) ((Dust control methods shall be employed in cleaning throughout the hospital:)) A scheduled preventive maintenance program with a system of equipment identification shall be established for patient care and physical plant equipment.

(a) Equipment shall be kept clean, calibrated, adjusted, and in good repair.

(b) A written plan shall define the inspection and inspection interval for items and/or categories of equipment. Records shall be maintained to reflect the dates of inspection and maintenance of equipment and the name of the person who did the inspection.

(4) ((All necessary means shall be provided to maintain the premises free from rodents and insects:)) Written procedures shall specify the action to be taken in the event or failure of essential equipment and major utility services. The written procedures shall include a system for summoning essential personnel and outside assistance when required.

(5) ((If carpets are used, a comprehensive housekeeping procedure must be developed and followed:

(a) The written housekeeping procedure for the maintenance of carpeting shall include statements regarding the following:

(i) Daily care: All carpeting shall be thoroughly vacuumed daily.

(ii) Spotting: To maintain aesthetic appearance of the carpet surface a regular spotting program must be maintained. Carpets contaminated by infectious discharge or waste shall be promptly cleaned and disinfected.

(iii) Periodic cleaning: The frequency of shampooing depends in general upon traffic and soiling conditions, but in no instance shall the frequency be less than semiannually.

(iv) Cleaning between room occupancies: Rooms must be thoroughly vacuumed prior to occupancy by another person.

(b) Vacuum equipment for maintenance of carpeting in patient occupied areas. Vacuum equipment is to meet the following specifications:

(i) Equipped with a filter capable of retaining particles 0.3 micron and larger in size.

(ii) Exhaust air diffused near top of machine at an upward angle:

(iii) Low sound operating level.

(iv) If a central vacuum system is used, a filter capable of retaining particles 0.3 micron and larger is to be installed forward of the exhaust outlet:)) Manufacturer's specifications, maintenance and operation procedures appropriate for the hospital's maintenance policies should be retained and filed for access and reference.

(6) Written procedures shall specify areas and equipment requiring specific infection control measures.

#### NEW SECTION

WAC 248-18-155 HOUSEKEEPING. (1) A safe and sanitary environment shall be maintained for all areas of the hospital through the use of sufficient personnel, equipment and procedures.

(2) Adequate, clean housekeeping equipment shall be provided and maintained to meet the needs of the hospital. Carpet vacuum equipment used in patient occupied areas must be equipped with a fine particle retention filter.

(3) Written policies and procedures shall specify daily and periodic cleaning schedules and routines and cleaning between occupancies. There shall be written policies and procedures for cleaning of isolation rooms and other specialized areas.

(4) There shall be effective, safe cleaning and disinfecting agents used with written procedures available.

(5) An effective insect and rodent control program shall be maintained.

AMENDATORY SECTION (Amending Order 119, filed 5/23/75)

WAC 248-18-170 SEWAGE, GARBAGE, AND WASTE. (1) All sewage, garbage, refuse, and liquid wastes shall be collected and disposed of in a manner to prevent the creation of an unsafe or insanitary condition or nuisance.

(2) Contaminated dressings, used dressings, surgical and obstetrical wastes, and other similar materials shall be handled in a satisfactory manner and finally disposed of in an incinerator (~~((which will provide complete combustion))~~) or by another approved method.

(3) Procedures shall be developed which specify the safe disposal of needles, knife blades, chemicals, and other potentially dangerous wastes.

**WSR 79-04-005  
PROPOSED RULES  
COLUMBIA BASIN COLLEGE  
[Filed March 12, 1979]**

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Columbia Basin College intends to adopt, amend, or repeal rules concerning schedule of refunds, repealing WAC 132S-16-040;

and that the adoption, amendment, or repeal of such rules will take place at 7 p.m., Monday, June 4, 1979, in the Board Room, Columbia Basin College.

The authority under which these rules are proposed is chapters 28B.10 and 28B.50 RCW.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to May 29, 1979, and/or orally at 7 p.m., Monday, June 4, 1979, Board Room, CBC.

Dated: March 9, 1979  
By: Fred L. Esvelt  
Secretary

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 132S-16-040 SCHEDULE OF REFUNDS

**WSR 79-04-006**

No material was filed under WSR 79-04-006 due to an inadvertent numbering error.

**WSR 79-04-007  
ADOPTED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Health)  
[Order 1378—Filed March 12, 1979]**

I, Michael Stewart, Ex. Assist., of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to the Water System Coordination Act: Fire Flow Regulations.

This action is taken pursuant to Notice No. WSR 79-01-083 and 79-03-037 filed with the code reviser on 1/3/79 and 3/1/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.116-.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he 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).

APPROVED AND ADOPTED March 8, 1979.  
By Michael S. Stewart  
Executive Assistant

**Chapter 248-57  
WATER SYSTEM COORDINATION ACT:  
FIRE FLOW REGULATIONS**

<b>WAC</b>	
248-57-010	Purpose.
248-57-100	Definitions.
248-57-200	Scope.
248-57-300	Administration.
248-57-400	Application.
248-57-500	Minimum standards for fire flow.
248-57-600	Minimum standards for fire hydrants.
248-57-700	Minimum standards for system reliability.
248-57-800	Alternate methods.
248-57-900	Local standards.
248-57-990	Severability.

NEW SECTION

WAC 248-57-010 PURPOSE. This chapter is promulgated pursuant to the authority granted in the public water system coordination act of 1977, Chapter 70.116 RCW, for the purpose of establishing minimum performance standards related to fire protection, including provisions for their application and enforcement, and incorporating them into the design and construction of new and expanding public water systems.

NEW SECTION

WAC 248-57-100 DEFINITIONS. (1) "Public water system" - Any system or water supply intended or used for human consumption or other domestic uses including, but not limited to, source, treatment, storage, transmission and distribution facilities where water is furnished to any community, number of individuals, or is

made available to the public for human consumption or domestic use. This definition shall exclude any water system serving one single family residence, water systems existing prior to September 21, 1977 which are owner operated and serve less than ten single family residences, and water systems serving no more than one industrial plant.

(2) "Expanding public water systems" – Those public water systems installing additions, extensions, changes, or alterations to their existing source, transmission, storage, or distribution facilities which will enable the system to increase in size its existing service area. New individual retail or direct service connections onto an existing distribution system shall not be considered an expansion of the public water system.

(3) "Department" – The Washington state department of social and health services.

(4) "Critical water supply service area" – A geographical area designated by the department or county legislative authority characterized by public water system problems related to inadequate water quality, unreliable service, and/or lack of coordinated water system planning. It may be further characterized by a proliferation of small, inadequate water systems, or by water supply problems which threaten the present or future water quality or reliability of service in such a manner that efficient and orderly development may best be achieved through coordinated planning by public water systems in the area in accordance with Chapter 248-56 WAC.

(5) "Fire flow" – The rate of water delivery needed for the purpose of fighting fires in addition to requirements for normal domestic maximum instantaneous demand as referenced in guidelines published by the department entitled "Design Standards for Public Water Supplies".

(6) "Local fire protection authority" – The fire district, city, town, or county directly responsible for the fire protection within a specified geographical area.

(7) "Water system plan" – A document identifying present and future water system needs and establishing a program for meeting those needs in the most efficient manner possible, and consistent with other relevant plans and policies affecting the area in which the system is located. (See WAC 248-54-580, WAC 248-56-710 and 720, and the Plan Content Guidelines for a detailed description of water system plans).

(8) "Existing service area" – A specific area within which direct service or retail service connections to customers of a public water system are currently available.

(9) "Future service area" – A specific area for which water service is planned by a public water system as determined by written agreement between purveyors. (See WAC 248-56-730).

(10) "Planning jurisdiction" – The city, town, county or other entity acting as the responsible agency for preparation and adoption of land use plans, policies or standards affecting development.

(11) "Development classifications" – Specific geographical areas within the existing and future service area of a public water system, identified for the purpose of determining the appropriate level of fire protection.

#### NEW SECTION

WAC 248-57-200 SCOPE. These standards and regulations shall apply to the following new and expanding public water systems:

(1) Those having more than 1,000 services. (See WAC 248-54-580).

(2) Those with less than 1,000 services located within the boundaries of a critical water supply service area and subject to the requirement for a coordinated water system plan. (See WAC 248-54-580 and WAC 248-56-700).

Note: Public water systems in existence prior to September 21, 1977 which are owner operated and serve less than ten single family residences; serving no more than one industrial plant; or are non-municipally owned with no plans for water service beyond their existing service area are exempt from the planning requirement.

#### NEW SECTION

WAC 248-57-300 ADMINISTRATION. (1) The department shall administer these regulations through its ongoing review and approval of water system plans and engineering reports as provided for in WAC 248-54-580, WAC 248-54-590, and WAC 248-56-810.

(2) In the event that plans and specifications for water system improvements are submitted to the department for approval under WAC 248-54-600 and the design of the proposed improvements is inconsistent with development classifications identified in the water system plan, (See WAC 248-57-400) the department shall not approve the plans and specifications.

(3) Plans and specifications for water system improvements (See WAC 248-54-600) proposed within those cities, towns, or counties which operate under local fire flow standards shall include written confirmation that they meet the requirements of adopted local standards from the authority administering those standards. (See WAC 248-57-900).

#### NEW SECTION

WAC 248-57-400 APPLICATION. (1) Water system plans prepared by those public water systems identified in WAC 248-57-200 shall include a section in their plans addressing fire flow, hydrant and system reliability standards in accordance with WAC 248-57-500, WAC 248-57-600, and WAC 248-57-700 respectively. The section shall include a map entitled development classifications consistent with the following:

(a) The map shall delineate the existing and future service area of the water system into the following categories:

(i) Rural – lot sizes greater than one acre (including parks, open space, agricultural lands, etc.)

(ii) Residential – lot sizes one acre or less, (including all single and multi-family structures less than 4000 square feet, and mobile home and recreational vehicle parks)

(iii) Commercial and multi-family residential structures with a floor area 4000 square feet or greater.

(iv) Industrial

(b) Assignment of the above categories shall be based upon:

- (i) Existing development, and
- (ii) Future development for a minimum of ten years as identified in proposed or adopted land use plans and policies applicable within the existing and future service area.

(c) The development classifications outlined in (a) above shall be determined by any method acceptable to the planning jurisdiction(s), provided that the criteria used is consistent within a given critical water supply service area.

(2) The water system plan shall identify and schedule improvements needed in order for the water system to be capable of supplying required fire flow for new and expanding public water systems consistent with these regulations.

**NEW SECTION**

**WAC 248-57-500 MINIMUM STANDARDS FOR FIRE FLOW.** (1) Minimum fire flows shall be those set forth by city, town or county legislative authority where local standards have been promulgated in accordance with WAC 248-57-900.

(2) Where local standards have not been promulgated in accordance with WAC 248-57-900, minimum fire flows shall be those identified in Table 1. Contact with the county and local fire protection authority shall be made before applying these standards in a water system plan or to design of individual development.

**TABLE 1  
MINIMUM FIRE FLOWS\***

<u>Development Classification Requirement</u> (as described in WAC 248-57-400)	<u>Minimum Fire Flow</u>
Rural	None
Residential	500 gallons per minute for 30 minutes
Commercial and Multi-Family structures greater than 4000 sq. ft.	750 gallons per minute 60 minutes**
Industrial	1000 gallons per minute for 60 minutes**

\* Minimum flows are in addition to requirements for normal domestic maximum use.  
 \*\* Commercial and industrial buildings may be subject to higher flow requirements when evaluated on an individual basis by the local fire protection authority.

Note: These minimum standards in most cases require less flow than categories in the guidelines published by the Insurance Services Office (Municipal Survey Service, 160 Water Street, New York, New York 10038) and therefore may not result in lower insurance rates.

**NEW SECTION**

**WAC 248-57-600 MINIMUM STANDARDS FOR FIRE HYDRANTS.** (1) In those areas where minimum fire flow requirements must be met, fire hydrants shall be provided in accordance with WAC 248-57-600. If phased installation of water facilities are approved by the department, fire hydrants do not need to

be installed until source, storage, and transmission capacity needed to meet the minimum flow requirements are operational: Provided, that in such instances a "T" shall be installed every 900 feet where fire hydrants will be located.

(2) Fire hydrants shall be located at roadway intersections wherever possible and the distance between them shall be no further than 900 feet.

(3) All fire hydrants shall conform to American Water Works Association specifications for dry barrel fire hydrants. Each hydrant shall have at least two hose connections of 2 1/2" diameter each and one pumper connection. All connections must have national standard threads or other connection devices consistent with local fire protection authority requirements.

(4) Fire hydrants shall be installed plumb and be set to the finished grade. The bottom of the lowest outlet of the hydrant shall be no less than eighteen (18) inches above the grade. There shall be thirty-six (36) inches of clear area about the hydrant for operation of a hydrant wrench on the outlets and on the control valve. The pumper port shall face the most likely route of approach of the fire truck as determined by the local fire protection authority.

(5) Fire hydrants shall be located so as to be accessible by fire engines and not be obstructed by any structure or vegetation or have the visibility impaired for a distance of fifty (50) feet in the direction of vehicular approach to the hydrant. Fire hydrants subject to vehicle damage (e.g., such as those located in parking lots) shall be adequately protected.

(6) Provisions shall be made to drain fire hydrant barrels to below the depth of maximum frost penetration.

(7) Out of service fire hydrants shall be repaired as soon as possible.

(8) Public water systems are encouraged to enter into contracts with local fire protection authorities to insure proper maintenance of fire hydrants.

**NEW SECTION**

**WAC 248-57-700 MINIMUM STANDARDS FOR SYSTEM RELIABILITY.** (1) The public water system shall be capable of supplying minimum fire flows either by gravity, or under the following conditions where fire flows are supplied by pumping:

(a) the largest pump out of service at any pumping level,

(b) The highest capacity treatment unit out of service, while maintaining minimum acceptable standards of water quality.

(c) A power outage in effect, unless the appropriate power utility(ies) records indicate a low incidence of electrical outage, defined as follows:

(i) Outages shall average three or less per year based on data for the three previous years with no more than six outages in a single year. Power must be lost for a minimum of 30 minutes in order to qualify as an "outage".

(ii) Outage duration shall average less than four hours based on data for the three previous years. Not more

than one outage during the three previous year period shall have exceeded eight hours.

(2) In assessing system reliability, the department shall also give consideration to potential reliability hazards such as reservoir repair or cleaning and/or lack of parallel water transmission lines.

#### NEW SECTION

##### WAC 248-57-800 ALTERNATE METHODS.

Fire protection may be provided by means other than those discussed in these regulations, provided that such alternate methods are fully documented in the water system plan and approved by both the local fire protection authority and the department.

#### NEW SECTION

##### WAC 248-57-900 LOCAL STANDARDS. (1)

Where standards in these regulations do not fully meet the fire protection needs of a city, town or county, the appropriate city, town or county legislative authority may promulgate fire flow and system reliability performance standards applicable within their respective jurisdiction. Such standards shall be fully documented and provide at least equal performance and protection as the minimum requirements contained in these regulations.

(2) Standards established by local jurisdictions shall be submitted to the department for review, and approval if they at least meet the minimum level of protection required by these regulations.

(3) The city, town, or county which adopts local fire flow or system reliability standards shall be responsible for administering those standards.

#### NEW SECTION

WAC 248-57-990 SEVERABILITY. If any provision of the chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons or circumstances, shall not be affected.

**WSR 79-04-008  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)  
[Filed March 12, 1979]**

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 treatment of newly acquired nonexempt income and resources, amending WAC 388-28-484.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Michael Stewart  
Executive Assistant  
Department of Social and Health Services  
Mailstop OB-44 C  
Olympia, WA 98504;

that such agency will at 10:00 a.m., Wednesday, May 9, 1979, in the Auditorium, State Office Bldg #2, 12th and Jefferson, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, May 16, 1979, in William B. Pope's office, 3-D-14, State Office Bldg #2, 12th and Jefferson, Olympia, WA.

The authority under which these rules are proposed is RCW 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 9, 1979, and/or orally at 10:00 a.m., Wednesday, May 9, 1979, Auditorium, State Office Bldg #2, 12th and Jefferson, Olympia, WA.

Dated: March 9, 1979

By: Michael S. Stewart  
Executive Assistant

#### AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-28-484 TREATMENT OF NEWLY ACQUIRED NONEXEMPT INCOME AND RESOURCES. (1)(a) Except as specified in WAC 388-28-482(3) newly acquired income reported by the ~~((21st))~~ twenty-first day of the month affects financial need as of the first of the month following the date of its acquisition.

(b) Income received during the month but not reported by the ~~((21st))~~ twenty-first day of the month will be taken into account in determining need for the second month following the month of receipt unless such income exceeds the standard for requirements. See WAC 388-33-135~~((2))~~.

(2) When the value of the income is taken into account in the assistance payment as specified in subsection (1), the following rules apply:

(a) If the income value plus any other income amounts to less than the cost of one month's requirements and is recurrent or nonrecurrent, assistance is continued in the amount of the difference.

(b) If the nonrecurrent income equals or exceeds one month's requirements, but is less than two months' requirements minus other income, the recipient is ineligible for a grant from the effective date specified in subsection (1) and his grant is suspended. The suspension period is determined exactly, that is, up to the date of the absorption of the income.

(c) If the income is recurrent and equal to or in excess of one month's current requirements minus other income the recipient is ineligible from the effective date specified in subsection (1) and the grant is terminated, except for person in institutions other than nursing homes as provided in WAC 388-34-160.

(d) If the income is recurrent or nonrecurrent and its value is in excess of two months' requirements minus other income, the recipient is ineligible from the effective date specified in subsection (1) and the grant is terminated. Ineligibility shall continue for two months. The period of ineligibility, however, may be reduced if the applicant has verifiable expenses such as medical care, unforeseen disaster or other changes in circumstances which make it impossible for him to live on his resource for the two-month period of ineligibility. The eligibility of a former recipient who reapplies shall be determined on the same basis as a new applicant.

(3) If ~~((the value of the))~~ income is not taken into account in assistance payments ~~((as specified in subsection (1) and))~~ but is subsequently discovered, an overpayment shall be established. The effective dates for treatment of income specified in subsection (1) shall be used in establishing the period during which the overpayment occurred.

(a) ~~((Ineligibility exists for any period from the effective date in subsection (1) during which the value of the total income exceeds the costs of requirements and to the extent of such excess.))~~ If the income is recurrent and less than one month's requirements minus other income, the overpayment shall be the amount of the nonexempt portion of the income;

(b) ~~((The amount considered available to meet future need from the date of adjustment of the grant is the value of the income minus the amount already paid in excess of need. This amount is applied to meet future need in accordance with subsection (2) except that the effective~~

date for the application of these rules is the date of grant adjustment:)) If the income is recurrent and equal to or in excess of one month's requirements minus other income, the overpayment shall be the total assistance received during the period in which the income should have been taken into consideration;

(c) If the income is nonrecurrent and less than two months' requirements minus other income, the overpayment shall be the amount of the nonexempt income;

(d) If the income is nonrecurrent and the nonexempt portion is in excess of two months' requirements minus other income, the overpayment shall be the total assistance paid for two months.

(4) If a recipient has been determined to be ineligible for a current or future period of time, and his grant will be suspended or terminated for such period of time, due to either newly acquired income, or transfer of property, and is in need during such period of ineligibility, assistance may be granted within the limits of the rule in WAC 388-28-464.

(5) A person acquiring income during suspended status shall be treated as a recipient in terms of eligibility, not as an applicant.

(6) Rules and procedure in chapter 388-44 WAC are followed in respect to overpayment.

(7) Deleted

(8) Nonexempt newly acquired income which has been taken into account in computing financial need according to subsection (2) if retained by a recipient does not affect his eligibility unless the amount retained at the time of the next periodic review exceeds the exempt property holdings permitted for an applicant. In this event the rule on nonexempt resources or income pertaining to an applicant are applied.

#### WSR 79-04-009

#### EMERGENCY RULES

#### DEPARTMENT OF NATURAL RESOURCES

[Order 311—Filed March 12, 1979]

I, Bert L. Cole, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of an emergency rule extending the winter burning rules on outdoor burning (October 16 through March 14) through April 14 for Western Washington.

I, Bert L. Cole, find that an emergency exists and that the foregoing 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 such emergency is extension of the winter burning rules for outdoor burning (October 16 through March 14) for Western Washington is extended through April 14 due to adequate amounts of rainfall and the reduction of risk to life and property from burning.

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

This rule is promulgated pursuant to RCW 76.04.150 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 12, 1979.

By Bert L. Cole  
Commissioner of Public Lands

#### AMENDATORY SECTION (Amending Order 169, filed 8/7/73)

#### WAC 332-24-090 SMALL OUTDOOR FIRES FOR RECREATION AND YARD DEBRIS DISPOSAL - REQUIREMENTS - FAILURE TO COMPLY:

(1) The fire must not include rubber products, plastics, asphalt, garbage, dead animals, petroleum products, paints or any similar materials that emit dense smoke or create offensive odors when burned.

(2) A person capable of extinguishing the fire must attend it at all times and the fire must be extinguished before leaving it.

(3) A serviceable shovel and, at least, five gallons of water must be within the immediate vicinity of the fire during the period March 15 through October 15 in Western Washington and April 15 through June 30 in Eastern Washington.

(4) No fires are to be within fifty (50) feet of structures.

(5) For the period (~~March 15~~) April 15 through October 15 in Western Washington and April 15 through June 30 in Eastern Washington, the material to be burned shall be in hand built piles no more than four (4) feet in diameter and three (3) feet in height.

(6) For the period October 16 through (~~March 14~~) April 14 in Western Washington and October 16 through April 14 in Eastern Washington, the material to be burned shall be in piles no more than ten (10) feet in diameter.

(7) Only one pile at a time may be burned and each pile must be extinguished before lighting another.

(8) The material to be burned must be placed on bare soil, gravel, bars, beaches, green fields, or other similar areas free of flammable material for a sufficient distance adequate to prevent the escape of the fire.

(9) Burning must be done during periods of calm to very light winds. Burning when the wind will scatter loose flammable materials, such as dry leaves and clippings, is prohibited.

(10) If the fire creates a nuisance from smoke or fly ash, it must be extinguished.

(11) Persons not able to meet the requirements (1-10) must apply for a written burning permit through the area office of the State of Washington, Department of Natural Resources.

A bucket may be substituted for the water requirement, if the burning is adjacent to an accessible body of water. A charged garden hose line or other adequate water supply capable of extinguishment of the fire may be substituted for the five gallon water requirement.

Failure to comply with these rules voids permission to burn and the person burning is in violation of RCW 76.04.150 and subject to the penalties therein.

## WSR 79-04-010

## ADOPTED RULES

## OFFICE OF FINANCIAL MANAGEMENT

[Order 41—Filed March 12, 1979—Eff. April 15, 1979]

I, Orin C. Smith, director of the Office of Financial Management do promulgate and adopt at Olympia, Washington, the annexed rules relating to state travel regulations, amending WAC 82-28-010, 82-28-040, 82-28-050, 82-28-06001, 82-28-080, 82-28-130, 82-28-190 and 82-28-230.

This action is taken pursuant to Notice No. WSR 79-03-040 filed with the code reviser on 3/1/79. Such rules shall take effect at a later date, such date being April 15, 1979.

This rule is promulgated pursuant to RCW 43.03.050 and 43.03.060 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 12, 1979.

By Orin C. Smith  
Director

AMENDATORY SECTION (Amending Order 30, filed 6/1/76)

WAC 82-28-010 CONTROL OF TRAVEL. (1) A positive system of control over travel, reimbursable under these regulations, shall be established by each agency providing for authorization or approval by the agency head or his designee. Authorization of travel should be exercised through the use of Travel Authorization Form A-40, or through other equally effective means. A travel authorization form shall be used whenever a travel advance is required by an employee. Travel Expense Vouchers (Form A-20) must also be approved by the agency head or his designee in the space provided on the form.

(2) Officers and employees are expected to exercise prudent judgment in incurring travel expenses on official state business. Excessive or unnecessary expenses shall not be approved or reimbursed. The number of employees from an agency attending a particular meeting should be the minimum necessary consistent with the benefit to be derived therefrom.

(3) The itinerary of an employee shall be planned to eliminate unnecessary travel in the performance of work assignments. Whenever it is feasible for two or more employees to travel on official business in one car, they should do so.

(4) Before placing an employee on travel status, the agency should determine whether it is more economical to reimburse the employee for subsistence and/or lodging, or require the employee to return to his official station or residence daily or on weekends.

(5) For purposes of these regulations, "In-State Travel" includes travel within the state of Washington and shall be reimbursed at "In-State Travel" rates.

(6) Transportation shall be by tourist class. All exceptions must be approved by the agency director.

(7) For purposes of these regulations, "High Cost Cities—U.S.A." are specific cities within the Continental United States and "High Cost Cities—Foreign" are specific cities or areas in Hawaii, Alaska and elsewhere outside of the Continental United States.

AMENDATORY SECTION (Amending Order 30, filed 6/1/76)

WAC 82-28-040 BASIS FOR REIMBURSEMENT. (1) (~~The~~) Reimbursement for subsistence and lodging expenses incurred on official business shall be (~~either~~) on an actual expense basis, (~~or on a per diem~~) an allowance basis in lieu of actual subsistence and lodging or a combination of both. However, total reimbursement shall not exceed the per diem allowance specified herein. Reimbursement shall be for all authorized travel, subject to the restrictions provided herein, but shall not be for expenses incurred at the official station or official residence of the traveler.

(a) The official station is the city, town or other location where the employee's office is located or the city, town or location where his work is performed on a permanent basis. An employee's official station shall be designated by the agency. It shall be determined by the needs of the agency and not assigned because it is the home or preferred living area of an employee.

(b) The official residence is the location where an employee owns a house or rents an apartment away from his official station, which is used as a domicile by him or his family.

(c) If an employee's official residence is not located within the limits of his official station, travel expense when authorized shall be allowed from his official station or official residence, whichever is less.

(2) Agencies shall not use the method of actual reimbursement or per diem reimbursement to treat any employees differently under like travel circumstances. In addition, employees shall be notified prior to commencement of the travel on official business as to their basis of reimbursement.

(3) Reimbursement shall be allowed (~~on an actual or per diem basis~~) only where the number of travel hours of an employee, BEFORE and/or AFTER the employee's REGULARLY SCHEDULED WORKING HOURS of any one day total three or more, except that the agency head may authorize reimbursement for the actual cost of luncheon or dinner meals (~~other than~~) inter-agency meetings, or intra-agency meetings for agencies with multiple work stations throughout the state, when such meetings ARE AWAY FROM THE OFFICIAL STATION OR RESIDENCE, without regard to the travel hours as follows:

(a) Where the meals are scheduled as an integral part of an official proceeding or program related to the state's business and the employee's responsibility, or

(b) Where, in the course and scope of official business while on travel status, it is necessary for the employee to

incur the cost of a meal with one or more individuals with whom his business is being conducted, other than state employees. In such cases the actual reasonable cost of the employee's own meal may be reimbursed, if it is expressly approved in writing by the agency head. The required approval may be endorsed either on a travel authorization form or on the employee's travel expense voucher. A justification supporting the authorization including the name of the organization or persons attending the meeting and its purpose or accomplishments must be included on the Travel Expense Voucher under Purpose of Trip. If additional space is required for the justification, use the back side of the voucher.

(4) Per diem shall be computed on a daily basis, using 12:00 midnight as the beginning and end of each day.

(5) For attendance at seminars or professional meetings as opposed to directed or administrative travel, reimbursement may be at less than the maximum rates established herein, provided however, that in all instances reimbursement at a lower rate is acceptable to the employee.

(6) Reimbursement for out-of-state travel will be paid at the out-of-state rate from the time of the employee's departure from his official station, residence, or point of any "In-State" stopovers.

AMENDATORY SECTION (Amending Order 37, filed 12/1/77)

WAC 82-28-050 ((PER DIEM)) ALLOWANCE IN LIEU OF ACTUAL EXPENSES FOR SUBSISTENCE AND LODGING. (1) When reimbursement for subsistence and lodging in a commercial facility (a public facility selling lodging accommodations to travelers) is authorized (~~on a per diem basis~~), a rate of (~~(\$30.00)~~) \$35.00 per day shall be allowed for travel within the state of Washington and \$40.00 per day for travel outside the state of Washington except for those cities in-state and out-of-state designated High Cost Cities—U.S.A. and High Cost Cities—Foreign (see WAC 82-28-06001). When travel is for a period of less than 24 hours but involves lodging in a commercial facility, reimbursement will be at the rate of (~~(\$1.25)~~) \$1.46 per hour in-state and \$1.67 per hour out-of-state. The name of the commercial facility used must be shown on the travel expense voucher.

(2) When lodging expenses are not incurred, per diem that reflects reimbursement for subsistence costs only will be paid. The per diem will be (~~(\$1.25)~~) \$1.50 per hour limited to a maximum of 10 hours in any 24 hour period for both in-state and out-of-state travel.

(3) When an employee uses a travel trailer or camper in lieu of commercial lodging facilities for his own convenience, he shall be reimbursed for the actual space rental cost as evidenced by a receipt. Reimbursement for subsistence costs will be at the rate of (~~(\$1.25)~~) \$1.50 per hour, limited to a maximum of 10 hours in any 24 hour period. Under no circumstances, will reimbursement exceed the (~~(\$30.00)~~) \$35.00 or \$40.00 per day maximums established for in-state and out-of-state travel respectively.

(4) Exceptions to (~~paragraph~~) subsection (3) above may be made when in the opinion of the agency director

suitable commercial lodging is not available, state lodging is not provided, and there is a benefit to the state for the employee to remain at his temporary work station rather than commute to suitable lodging.

With the concurrence of the employee, the agency director may authorize in such circumstances the use of a privately-owned travel trailer or camper, and reimburse the employee at the (~~per diem rates as prescribed in paragraph 1 above~~) \$35.00 and \$40.00 per day maximums established for in-state and out-of-state travel reimbursement. High cost area rates will not apply to reimbursement for use of trailers or campers.

(5) Per diem allowance shall not be authorized under any of the following conditions:

(a) When the employee will not incur expenses for lodging because it is furnished by a state agency.

(b) When an employee will not incur expenses for meals because they will be furnished by a state agency.

(c) When it is evident that actual costs of subsistence and lodging will be significantly less than the per diem allowance.

(6) When per diem is not authorized, employees shall be reimbursed within the limits of these regulations for actual costs which have been incurred for subsistence and lodging.

(7) Where the cost of meals is included in the registration fee of a meeting, conference or convention, an appropriate deduction therefor shall be made from the authorized per diem allowance.

(8) Except as otherwise provided by law, those persons appointed to serve without compensation on any state board, commission or committee, if entitled to reimbursement of travel expenses, shall be reimbursed as follows:

(a) Those individuals who serve on any part time board, commission, council, committee or other group of similar nature which is established by executive, legislative or judicial branch to participate in state government and whose function is primarily an advisory, coordinating or planning capacity, shall be paid travel expenses at the hourly rate of (~~(\$1.25)~~) \$1.46 or \$1.67 for in-state or out-of-state respectively, for each hour spent in going to, attendance at the meeting and return to home.

(b) Those individuals who serve on any part time board, commission, council, committee or other group of similar nature which has rule-making authority, performs quasijudicial functions, has responsibility for the administration or policy direction of a state agency or program, or performs regulatory or licensing functions with respect to a specific profession, occupation, business or industry, shall be paid (~~(\$30.00)~~) \$35.00 or \$40.00 per day for in-state or out-of-state respectively, for each day or portion thereof spent in the conduct of the board, commission, council, etc., business.

AMENDATORY SECTION (Amending Order 37, filed 12/1/77)

WAC 82-28-06001 SPECIAL ALLOWANCES FOR HIGHER THAN USUAL SUBSISTENCE AND LODGING COST AREAS. (1) The following categories of cities (~~or areas~~) are considered high cost areas and officials or employees (~~may elect to~~) shall be

reimbursed (~~the actual cost of lodging not to exceed \$35.00 per day, as evidenced by a receipt, plus subsistence based on \$1.50 per hour limited to a maximum of 10 hours in any 24 hour period:~~

Alaska  
 Atlantic City, N.J.  
 Boston, Ma.  
 Chicago, Ill.  
 Foreign  
 Honolulu, Ha.  
 Los Angeles, Ca.  
 Miami, Fla.  
 Newark, N.J.  
 New Orleans, La.  
 New York, N.Y.  
 Philadelphia, Pa.  
 San Francisco, Ca.  
 Washington, D.C.)) subsistence and lodging expenses

as follows:

(a) High Cost Cities—U.S.A. The actual cost of lodging as evidenced by a receipt, plus subsistence based on \$1.50 per hour limited to a maximum of 10 hours in any 24 hour period, total reimbursement for subsistence and lodging not to exceed the maximum reimbursement rate established for a particular city by the federal government and promulgated annually by the office of financial management.

(b) High Cost Cities—Foreign. Reimbursement for subsistence and lodging expense shall be at the maximum rate established for a particular city by the federal government and promulgated annually by the office of financial management. The hourly rate will be determined by dividing the reimbursement rate by 24.

(2) The office of financial management shall publish prior to July 1 of each year, the list of cities and maximum allowance for subsistence and lodging for each city as established by the federal government and in effect at the time of publication. The list of cities and allowances shall be effective for the entire ensuing fiscal year.

AMENDATORY SECTION (Amending Order 39, filed 5/18/78)

WAC 82-28-080 REIMBURSEMENT FOR USE OF PRIVATELY-OWNED AUTOMOBILES. (1) Reimbursement shall be allowed at a rate not to exceed ~~((14¢))~~ 16¢ per mile for official travel. Mileage between points in the state shall be determined on the basis of the distances shown on the latest state Highway Commission map, and the out-of-state mileage on the basis of standard highway mileage guides or by speedometer readings. "Vicinity" miles as determined by speedometer readings shall be shown on the voucher as a separate figure for each day's travel.

(2) When an official or employee requests to use a privately-owned vehicle in lieu of a state-owned or operated passenger motor vehicle that is available for use, and the request is approved by the agency head or his designee, the official or employee shall be reimbursed at a rate not to exceed 12¢ per mile.

~~((3) Reimbursement shall be payable to only one of two or more employees traveling on the same trip in the~~

~~same automobile.))~~ (3) Reimbursement shall be payable to only one of two or more employees traveling on the same trip in the same automobile.

AMENDATORY SECTION (Amending Order 14, filed 7/27/71)

WAC 82-28-130 RECEIPTS AND INFORMATION REQUIRED IN SUPPORT OF TRAVEL EXPENSE VOUCHERS. (1) Reimbursement for the actual cost of lodging, or for lodging in designated High Cost Cities—U.S.A. must be supported by a valid receipt from a commercial facility.

(2) Receipts for allowable expenditures for amounts in excess of \$5.00, plus any applicable tax, shall be required for sundry expenses and attached to the voucher, except for:

(a) Day parking fees;

(b) Transit fares, ferry fares, bridge and road tolls, and taxi and limousine fares when necessary and on official business;

(c) Telephone calls where it is necessary to use a coinbox telephone or where the telephone call cannot be charged to the employee's office telephone extension.

(3) Exact time of departure and return shall be shown on the expense voucher and shall be designated as A.M. or P.M.

(4) When a state car is used, this fact shall be shown on the voucher.

(5) When two or more employees are traveling together in one car, each must indicate this fact, naming on his expense voucher the persons with whom he was traveling and the travel destination of each.

(6) When a privately owned automobile is used and reimbursement requested, the voucher shall show approval or authorization for its use.

(7) The voucher shall not include expenses for supplies exceeding ~~((2.00))~~ \$5.00 plus applicable tax. Such items must be purchased in accordance with requirements prescribed for regular purchases.

AMENDATORY SECTION (Amending Order 30, filed 6/1/76)

WAC 82-28-190 USE OF PRIVATELY OWNED AUTOMOBILE. (1) The use of a privately-owned automobile in the conduct of official state business may be authorized by the agency head or his designee for any one of the following reasons:

(a) A state-owned agency or motor pool passenger motor vehicle is not available.

(b) It is found to be more advantageous and economical to the state that an employee travel by a privately-owned vehicle rather than a common carrier or a state-owned or operated passenger motor vehicle as determined by use of cost-comparison data provided by the Department of General Administration, the \$5.00 minimum charge for use of state motor pool vehicles and consideration of other factors which provides the most advantageous and economical method of travel for the state.

(2) Normally, the use of a privately-owned vehicle shall be based upon the agency work requirements and

not the personal preference or convenience of an employee. However, when an employee requests to use a privately-owned vehicle in lieu of a state-owned or operated passenger motor vehicle that is available for use, and the request is approved by the agency head or his designee, the employee shall be reimbursed at a rate which will be promulgated periodically by the Office of ((~~Program Planning and Fiscal~~)) Financial Management.

(3) The driver of a privately-owned vehicle authorized for use in the conduct of official state business must possess a valid driver's license.

AMENDATORY SECTION (Amending Order 37, filed 12/1/77)

WAC 82-28-230 PROSPECTIVE EMPLOYEE INTERVIEW EXPENSES. (1) Statement of Policy. RCW 43.03.130 provides in part that any state agency may pay a prospective employee the necessary travel expense in connection with interviewing or examining said employee. It is the responsibility of the agency head to determine that frugality is being exercised.

(2) Prospective Employees Defined. Prospective employees are limited to applicants for the position of director, deputy director, assistant director, state supervisor or equivalent or higher position, engineers or other personnel having both executive and professional status. In the case of institutions of higher education, prospective employees are limited to applicants being considered for academic positions above the rank of instructor and professional or administrative employees in supervisory positions.

(3) Travel Expenses Defined. (a) Travel expenses are defined as necessary expenses, reimbursable by law to a state employee, which have been incurred by a prospective employee in traveling to and from a designated place for an interview or merit system examination. Travel expenses authorized for this purpose shall be payable at rates prescribed by law for state employees within the standards established by these regulations.

(b) For subsistence and lodging, reimbursement shall be on the same basis as for state employees. For prospective employees traveling only within the state of Washington, reimbursement for subsistence and lodging shall not exceed ((~~\$30.00~~)) \$35.00 per day except in a designated high cost city as provided in WAC 82-28-06001. For prospective employees traveling from outside the state of Washington, reimbursement shall not exceed ((~~\$30.00~~)) \$35.00 per day in the state of origin, and \$40.00 per day outside the state of origin. Reimbursement for travel shall be limited to the time required to travel by the most expeditious means.

(c) Transportation expenses shall be authorized in an amount not to exceed the tourist round trip air fare.

(d) Other reimbursable expenses shall include necessary costs incurred in travel by taxicab, bus, rental vehicle or other conveyance from and to the common carrier terminal or place of abode of the prospective employee, as required for the interview or examination.

(4) Mode of Payment. (a) It is contemplated that the agency will reimburse the prospective employee for travel expenses incurred after the prospective employee submits an itemization of such expenses on an invoice voucher (Form A19) in the same detail as required for travel reimbursement to state employees.

(b) When an applicant is called to be interviewed by or on behalf of more than one agency, the travel expenses may be paid directly by the state department of personnel or other corresponding personnel agencies, subject to reimbursement by the interviewing agencies on a pro rata basis.

(5) Prior Authorization Required. If the prospective employee is applying for a classified position, it will be necessary for the interviewing agency to secure prior authorization of the state department of personnel or other corresponding personnel agency before offering to pay said prospective employee's travel expenses.

**WSR 79-04-011**

**ADOPTED RULES**

**DEPARTMENT OF LICENSING**

**(Board of Dental Examiners)**

[Order 295, Resolution 295—Filed March 13, 1979]

Be it resolved by the Board of Dental Examiners acting at Seattle, Washington that it does promulgate and adopt the annexed rules relating to the application and examination procedures for a license to practice dentistry, adopting new sections WAC 308-40-101, 308-40-102, 308-40-111 and repealing WAC 308-40-100.

This action is taken pursuant to Notice No. WSR 78-12-096 filed with the code reviser on 12/6/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.32.040 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED January 19, 1979.

By Keith R. Timberlake, D.D.S.  
Secretary

NEW SECTION

WAC 308-40-101 EXAMINATION PROCEDURE (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 of Dental and Dental Auxiliary Educational Programs (C.A.D.D.A.E.P.) which were relevant to accreditation of dental schools and current on January 15, 1977, and has approved all and only those dental schools which were accredited by the

C.A.D.D.A.E.P. as of January 15, 1977. 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) Application blanks 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.

(3) Completed in every respect means that all portions of the application blank are filled out and that included with the application are:

(a) the required application fee;

(b) either a notarized copy of the National Board IBM card or a notarized copy of the National Board certificate;

(c) two photos of the applicant, taken within the year immediately preceding the application, and not over three by three inches in size. (One photo to be attached to the application);

(d) if not a citizen of or resident alien in the United States, full citizenship or resident alien status must be attained within six years from issuance of the license, or the license will be cancelled;

(4) The only acceptable proof of graduation from an approved dental school is a certified copy of a diploma from such school. An applicant may complete his other application requirements and be scheduled for the examination before he obtains his diploma, but no application will be admitted to the examination unless this certified copy 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 licensing.

(6) A fee is required each time an applicant takes or retakes the board examination. Examination fees are not transferable from one applicant to another. Applicants who have paid the fee and do not appear for the next scheduled examination forfeit such fee.

(7) Upon completion of the application for the examination, the division of professional licensing will mail to each applicant one "clinical examination record." It is imperative that the applicant bring this form, unfolded, to the examination as it will be used by the board throughout the practical examination.

(8) Each applicant must furnish his or her own patient for all phases of the practical examination. Patients must be at least eighteen years of age. Patients should be selected carefully as this is a very important factor of the examination. Be certain that your patient will be present, on time, and will be able to remain at the clinic

until the work is completed. An assistant will be permitted to assist the applicant at the chair. Dentists or undergraduate dental students are not acceptable as assistants.

(9) Neatness of the operation, cleanliness and care in handling of patients, thoroughness in technique, and quality of work will be considered in the grading. Quality of the work includes recontouring of restorations of approximating teeth to make good contact. All practical work must be done under the rubber dam, including the final check on the finished work. (At least six teeth must be exposed under the rubber dam.) An additional check of the foil restoration will be made after dam removal. Application, cleanliness, and neatness of the rubber dam is part of the consideration when grading.

(10) Any applicant found attempting to give or receive aid in any manner, either directly or indirectly, will be dismissed from the examination and all work rejected. This provision shall include but is not limited to laboratory procedures.

## NEW SECTION

### WAC 308-40-102 EXAMINATION CONTENT.

(1) The examination will consist of:

(a) Theory: National Board only accepted.

(b) Practical:

(i) Restorative examination: Proper radiographs are required for each cavity selection, and the teeth that are selected must be in contact and occlusion. Radiographs are to be mounted with the raised identifying mark out. All proximal restorations must restore contact. The selection must be on an original cavity in a vital tooth and must penetrate the dentin enamel junction, at least on one proximal surface.

Amalgam Class II - Teeth restored with two surfaces amalgams and with caries in the remaining proximal surface are acceptable for the amalgam. The candidate must leave a precise model of the cavity preparation with adjacent teeth.

Gold Inlay - Three or more surfaces. Teeth restored with two surface amalgams and with carries in the remaining proximal surface are acceptable. Candidates must leave with the board a precise model of the inlay preparation on the day of the inlay preparation. The model must have a separated removable pin die and include adjacent teeth.

Gold Foil - Class II, III or V: A selection of a class II foil is confined to those cases where the forces of occlusion do not surpass the physical properties of the condensed gold.

The gold foil selection will be on a tooth which has original caries or may be on a tooth which has a small existing restoration that has failed. (The latter condition will be determined by the judgment of the board.)

Areas of minimal erosion are not acceptable for the class V foil restoration. The erosion must be well advanced into the dentin.

(ii) Prosthetic: Candidates will evaluate a number of completed denture setups as determined by the board. This examination will determine the candidates ability to distinguish between correct and incorrect artificial tooth arrangement and position.

(iii) The board may, at its discretion, give an examination in oral diagnosis and treatment planning, or any other phase of dentistry. Candidates will receive information concerning such examination.

(2) The state board of dental examiners and the school of dentistry assume no responsibility regarding work done on patients. Candidate will be required to furnish documentary evidence of malpractice and liability insurance.

**Reviser's Note:** Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

**NEW SECTION**

**WAC 308-40-111 PRECLINICAL EXAM WAIVER.** Foreign trained dentists who are licensed in one or more of the United States shall not be required to take the preclinical examination.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

(1) **WAC 308-40-100 EXAMINATION FOR A DENTAL LICENSE.**

**WSR 79-04-012  
PROPOSED RULES  
UTILITIES AND TRANSPORTATION  
COMMISSION  
[Filed March 14, 1979]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules concerning classification of certain motor freight carriers as carriers of heavy machinery and carriers of building materials, amending WAC 480-12-990, Cause No. TV-985. The proposed amendatory section follows. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed amendments on economic values, pursuant to chapters 43.21 H RCW and WAC 480-08-050(17);

and that the adoption, amendment, or repeal of such rules will take place at 8:00 a.m., Wednesday, May 16, 1979, in the Commission's Conference Room, 7th Floor, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 81.80.290.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 16, 1979, and/or orally at 8:00 a.m., Wednesday, May 16, 1979, Commission's Conference Room, 7th Floor, Highways-Licenses Building, Olympia, Washington.

Dated: March 14, 1979  
By: David Rees  
Secretary

**AMENDATORY SECTION** (Amending Order R-24, filed 4/16/71)

**WAC 480-12-990 APPENDIX A—CLASSIFICATION OF BROKERS, FORWARDERS AND MOTOR CARRIERS OF PROPERTY.**

**APPENDIX A** Classification of Brokers, Forwarders and Motor Carriers of Property

**CLASSIFICATION CHART**

The preceding page is a chart which outlines three steps taken in a breakdown of each motor carrier operation. These three steps are the analytical factors which are used to determine the carrier's classification. They include (1) type of carrier, (2) type of carrier's service, and (3) type of commodities transported. Each class is a composite of these three factors. The chart includes a symbol system through which class may be identified by code letter and number.

The first division of the chart identifies the type of operation, as fixed by chapter 81.80 RCW. There are five such types of property operators.

- Common carrier of property
- Contract carrier of property
- Forwarder or Broker of property transportation
- Private carrier of property
- Exempt carrier

The second division on the chart identifies the type of service in which the carrier is engaged as determined by:

- (a) Regular Route, Scheduled Service
- (b) Regular Route, NonScheduled Service
- (c) Irregular Route, Radial Service
- (d) Irregular Route, NonRadial Service
- (e) Local Cartage Service

The third division on the chart describes the type of commodities transported by the carrier. There are nineteen such commodity groups which are of sufficient importance at this time to warrant individual identification. Additional groups may be added as the need therefor is shown.

- (1) Carriers of General Freight
- (2) Carriers of Household Goods
- (3) Carriers of Heavy Machinery
- (4) Carriers of Liquid Petroleum Products
- (5) Carriers of Refrigerated Liquid Products
- (6) Carriers of Refrigerated Solid Products
- (7) Carriers Engaged in Dump Trucking
- (8) Carriers of Agricultural Commodities
- (9) Carriers of Motor Vehicles
- (10) Carriers Engaged in Armored Truck Service
- (11) Carriers of Building Materials
- (12) Carriers of Films and Associated Commodities
- (13) Carriers of Forest Products
- (14) Carriers of Mine Ores Not Including Coal
- (15) Carriers Engaged in Retail Store Delivery Service
- (16) Carriers of Explosives or Dangerous Articles
- (17) Carriers of Specific Commodities, Not Sub-Grouped
- (18) Carriers of Milk and Cream
- (19) Carriers of Livestock

The symbol system of code identification is derived from the foregoing three groups. Illustration: A common carrier may be engaged in transporting household goods over irregular routes in radial services. Such a carrier would be classed as a COMMON CARRIER Class C-2.

Appropriate definitions or explanations of each class or group appear on the following pages in the order shown above.

Types of Carriers  
**DEFINITIONS**

RCW Section 81.80.010 (of the "Motor Carrier Act") defines carriers by motor vehicle and brokers and forwarders as follows:

**MOTOR CARRIER**

The term "motor carrier" means and includes "common carrier", "contract carrier", "private carrier" and "exempt carrier", as herein defined.

**COMMON CARRIER**

The term "common carrier" means any person who undertakes to transport property for the general public by motor vehicle for compensation, whether over regular or irregular routes, or regular or irregular schedules, including motor vehicle operations of other carriers by rail or water and of express or forwarding companies.

**CONTRACT CARRIER**

The term "contract carrier" shall include all motor vehicle operators not included under the terms "common carrier" and "private carrier" as herein defined, and further shall include any persons who under special and individual contracts or agreements transport property by motor vehicle for compensation.

**PRIVATE CARRIER**

A "private carrier" is a person who, in his own vehicle, transports only property owned or being bought or sold by him in good faith and only when such transportation is purely an incidental adjunct to some established private business owned or operated by him in good faith.

**BROKER AND FORWARDER**

The terms "common carrier" and "contract carrier" shall include persons engaged in the business of providing, contracting for, or undertaking to provide transportation of property for compensation over the public highways of the State of Washington as brokers or forwarders.

**EXEMPT CARRIER**

The term "exempt carrier" means any person operating a vehicle exempted from certain provisions of the act under section RCW 81.80.040 thereof.

**Interpretation of Permits**

Commodity descriptions and the right to serve certain routes or territories described in a carrier's permit where ambiguity exists shall be interpreted according to general custom and trade usage of the common carrier motor freight industry, and the usual Commission administrative practice.

Where the terms Olympic Peninsula, Eastern Washington, and Western Washington, and Southwest Washington are used in common or contract carrier permits, these terms shall define the territory embraced therein as follows:

**OLYMPIC PENINSULA:** The Olympic Peninsula area comprises all points in Clallam County, Jefferson County, Mason County (points north of an east-west line through Shelton only), Kitsap County, Vashon Island and the northern portion of Pierce County, north and west of Tacoma and Steilacoom.

**EASTERN WASHINGTON and WESTERN WASHINGTON:** The dividing line between Eastern Washington and Western Washington is the summit of the Cascade Range, which is also the county boundary, starting at the Canadian border and running south as far as Mt. Adams; from Mt. Adams running south to the Columbia River the dividing line shall be between the eastern boundary of Skamania County and the western boundaries of Yakima and Klickitat Counties.

**SOUTHWEST WASHINGTON:** Southwest Washington shall comprise all of Skamania, Clark, Cowlitz, Wahkiakum, Pacific, Lewis and Thurston Counties, and that portion of Pierce, Mason and Grays Harbor Counties lying south of a westerly extension of the King-Pierce County lines, extended directly west from Dash Point.

**Types of Property Carrier Service****EXPLANATION****(A) REGULAR ROUTE, SCHEDULED SERVICE**

A regular route scheduled service carrier is any person who or which undertakes to transport property or any class or classes of property by motor vehicle for compensation between fixed termini and over a regular route or routes upon established or fixed schedules.

**(B) REGULAR ROUTE, NONSCHEDULED SERVICE**

A regular route nonscheduled service carrier is any person who or which undertakes to transport property or any class or classes of property by motor vehicle for compensation between fixed termini and over a regular route or routes at intermittent intervals and not upon an established or fixed schedule.

**(C) IRREGULAR ROUTE, RADIAL SERVICE**

An irregular route radial service carrier is any person who or which undertakes to transport property or any class or classes of property by motor vehicle for compensation over irregular routes from a fixed base point or points to points or places located within such radial area as shall have been fixed and authorized by the Commission, or from any point located within such radial area to such carrier's fixed base point or points.

**(D) IRREGULAR ROUTE, NONRADIAL SERVICE**

An irregular route nonradial service carrier is any person who or which undertakes to transport property or any class or classes of property by motor vehicle for compensation over irregular routes between points or communities located within such general territory as shall have been defined geographically and authorized in a permit, and any other points or communities located within the same general territory without respect to a hub community or a fixed base point of operation.

**(E) LOCAL CARTAGE SERVICE**

A local cartage carrier is any person who or which undertakes to transport property or any class or classes of property by motor vehicle for compensation when such transportation is performed wholly within a municipality or between contiguous municipalities or within a zone adjacent to and commercially a part of any such municipality or municipalities.

**Types or Groups of Commodities****EXPLANATION****(1) CARRIERS OF GENERAL FREIGHT**

(a) This group comprises both common and contract carriers transporting general freight except such commodities as require special equipment or service.

(b) Common or contract carriers authorized to transport general freight prior to May 1, 1944 may transport any commodity without restriction as to type of equipment required or special service rendered.

**(2) CARRIERS OF HOUSEHOLD GOODS AS A COMMODITY**

Household goods carriers include carriers, both common and contract, engaged in the transportation of property commonly used in a household when a part of such household equipment or supply; furniture, fixtures, equipment, and the property usual in an office, museum, institution, hospital, or other similar establishment when a part of the stock, equipment, or supply of such office, museum, institution, hospital, or other similar establishment; furniture, fixtures, and equipment of a store; works of art, furniture, musical instruments, display exhibits, and articles requiring the specialized handling and special equipment usually employed in moving household goods.

**NOTE:** This type of carrier renders a specialized service requiring skilled workmen. Such special service includes removing furniture from the higher stories of large office buildings when freight elevator service is not available, the proper placing of furniture in the home or office upon delivery at destination, the laying of rugs, hanging of pictures, and other services in connection with the removal of furniture or fixtures from one location to another. A household goods carrier is usually a Class C-2 operator, but such a carrier may be a Class D-2 operator. When the operation is that of a D-2 operator it embraces the transportation of household goods to, from and between unlimited points of origin and unlimited points of destination within the territory served by such carrier, over irregular routes, in either direction, outbound, or back haul, or in cross movements.

**NOTE:** For further definition of Household Goods see Administrative Ruling No. 7 dated December 10, 1959.

## (3) CARRIERS OF HEAVY MACHINERY

~~((This group includes carriers, both common and contract, engaged in the hauling of heavy machinery and equipment including road machinery, structural steel, oil field rigs, and oil field equipment:))~~

This commodity group designates the transportation of heavy machinery or other articles which, because of their weight or size, require the use of special vehicle equipment for transportation, special equipment for loading or unloading, or specialized carrier-supplied auxiliary or accessorial services as described below.

The words "special equipment" as used in this definition mean equipment not ordinarily used in the loading, unloading or transportation of items defined in the other types or groups of commodities classified or customarily utilized by carriers of specific commodities.

This commodity description includes articles weighing in excess of 2,000 pounds each, such as prestressed concrete beams, heavy steel or iron ingots and bars, ships' propellers and anchors, structural steel, oil field rigs and oil field equipment. Items weighing less than 2,000 pounds may fall within this classification when their size or other nature requires the specialized services of these carriers or specialized equipment.

This commodity description does not, however, include aggregations of items not defined above, which have been bundled, palletized, or placed in bins, barrels or other containers, or otherwise aggregated, merely because of convenience, economy or industry preference; the classification does include articles which are aggregated when the aggregation is required by the inherent nature of the article and the aggregation actually constitutes the minimum shipping quantity or package for the article. Articles fall within this exception (1) when their inherent nature requires aggregation — e.g., when they are susceptible to damage if not so bundled — (2) when industry practice is to bundle in such quantities, and (3) when the aggregated bundle is of a size, weight, or nature to require the specialized equipment or ancillary service that carriers of this classification customarily provide and which are not customarily provided by carriers of other commodities.

NOTE: These commodities are grouped together because of the equipment required ~~((and))~~ for their transportation, loading or unloading or the nature of the services performed by the carriers. ~~((The territorial scope of the service is usually similar to that of the household goods carrier described above:))~~ Certain auxiliary or accessorial services ~~((are also performed))~~ may be necessary in the transportation of these commodities, such as the dismantling and resetting of machinery, often requiring ~~((the))~~ use of rigging, skidding, ~~((and))~~ or similar devices. A carrier of this ~~((class))~~ classification may find that all of his facilities are employed for a considerable period of time in a locality which is only ~~((a))~~ part of the territory in which he is authorized to serve. This type of carrier is usually a Class D-3 operator. The territorial scope of this service is usually similar to that of the household goods carrier. The movement involves and embraces ~~((the))~~ transportation ~~((of heavy machinery and similar equipment:))~~ to, from, and between unlimited points of origin and ~~((unlimited points of))~~ destination within the territory served by such carrier~~((:))~~ over irregular routes~~((: in either direction, outbound, or back haul, or in cross movements))~~.

## (4) CARRIERS OF LIQUID PETROLEUM PRODUCTS

Carriers of liquid petroleum products include those carriers who transport such petroleum products as gasoline and other liquid motor fuel, road oil, crude oil, fuel oil, kerosene, and like products in tank vehicles. Such vehicles include solo trucks, semi-trailers, and full-trailers. Carriers of butane, propane and other derivatives of petroleum are included in this group when such products are transported in tank vehicles. The group also includes carriers of edible oils, coal tar products, and chemicals, if transported in tank vehicles but does not include the transportation of milk, fruit juices, or other perishable liquid products which require temperature control.

NOTE: Carriers who fall within this group may be either common or contract carriers. In either case the service involves special tank transport equipment.

## (5) CARRIERS OF REFRIGERATED LIQUID PRODUCTS

This group comprises carriers, both common and contract, which specialize in the transportation of refrigerated or temperature controlled perishable liquid products, such as fruit juices and various beverages in tank vehicles, including solo trucks, semi-trailers, or full-trailers. Those liquid products such as milk which are classified in other commodity groups are not included in this class.

NOTE: The production area of fruit juices and beverages and the transportation of these products by tank truck is largely restricted to the territories where they are manufactured. While the shipments originate in a restricted area the transportation is usually over long distances and requires operation both day and night. The matter of public health is particularly involved in this type of carriage in view of the nature of the commodity.

## (6) CARRIERS OF REFRIGERATED SOLID PRODUCTS

This group includes that class of carriers, both common and contract, which engages in the transportation of commodities of a perishable nature, including fresh fish, meats and meat products, fruits and vegetables, dairy products, etc., requiring the use of special refrigeration or temperature control. It does not include refrigerated or temperature controlled liquid products, otherwise classified herein.

NOTE: Specially designed and constructed refrigerator equipment is usually necessary for this operation. Dry ice is often used. Extra care in handling shipments must be exercised on account of the danger of spoiling. This operation is the same as that of the ordinary general commodity carrier except as to refrigeration requirements.

## (7) CARRIERS ENGAGED IN DUMP TRUCKING

This group includes both common and contract carriers engaged in the operation of dump trucks and similar vehicles used in the transportation of sand, gravel, dirt, debris, and other similar commodities except garbage, cement in bulk, and coal.

NOTE: The operations of this group are usually carried on during the daytime and are local in character. The activities of carriers in this group are somewhat seasonal, especially in connection with building or construction projects. The value of the commodity hauled is usually low.

## (8) CARRIERS OF AGRICULTURAL COMMODITIES

This group includes carriers engaged exclusively in the transportation of unmanufactured or unprocessed agricultural commodities including the return of empty containers. It does not include carriers of milk and cream or livestock, which is dealt with in a separate classification, regardless of the type of vehicle used, and does not include carriers engaged in the transportation of fruit juices or other processed agricultural commodities.

NOTE: While both common and contract carriers are included in this group, it is composed principally of irregular route radial service common carriers. Most commercial agricultural commodities are also handled as general commodities, especially when hauled in small lots as fruit, vegetables, produce, poultry, grains in sacks, etc. In some instances, special vehicle equipment is required for the movement of small grains in bulk, grass feeds, hay, etc.

## (9) CARRIERS OF MOTOR VEHICLES

This group consists of motor carriers engaged in the transportation of new and used motor vehicles, including automobiles, trucks, trailers, chassis, bodies, and automotive display vehicles, wholly or partially assembled. In this group are included:

(a) Carriers engaged in the transportation of motor vehicles by truck away method, involving the use of special equipment such as trucks, tractors, trailers, semi-trailers, 4-wheel trailers, and various combinations of the above in or upon which such motor vehicles are loaded.

(b) Carriers engaged in the transportation of motor vehicles by driveaway method, involving the utilization of the motive power, in whole or in part, of the vehicles being transported, either in single driveaway or in combinations of two or more vehicles by use of towbar mechanism, saddle or bolster mount mechanism, or any combinations of the above.

NOTE: The transportation of new automobiles, trucks, and trailers is usually a Class C-9 movement. The transportation of used automobiles, trucks, and trailers and new or used chassis, bodies and automotive display vehicles is usually a Class D-9 movement. In either case, the operation may be that of a common or contract carrier. When classified as a Class D-9 movement, the scope of the operation is territorial in character and includes the transportation of motor vehicles to, from, and between unlimited points of origin and unlimited points of destination within the territory served by such carrier, over irregular routes, in either direction, outbound, or back haul, or in cross movements.

#### (10) CARRIERS ENGAGED IN ARMORED TRUCK SERVICE

This group includes motor carriers, either common or contract, which by reason of the commodity transported, i.e., gold, silver, currency, valuable securities, jewels and other property of very high value, use specially constructed armored trucks and provide police protection to safeguard the commodity while it is being transported and delivered. It also includes carriers which operate ordinary equipment in the carriage of high value commodities when guards are necessary to accompany the shipment.

NOTE: This is a highly specialized type of service and is usually confined to larger cities and industrial areas. It is used by financial institutions for the transfer of funds including bullion, currency, valuable securities and jewels from dock to vault, pay rolls to industries, bank to bank, etc. It is frequently performed under a specific contract, although there are some carriers engaged in the service that hold themselves out as common carriers. Where the service is entirely local, the operation may be regarded as local cartage within a municipality. Where routes or territory beyond a municipal area are served, the operation becomes that of an irregular route, radial carrier.

#### (11) CARRIERS OF BUILDING MATERIALS

~~((This group includes both common and contract carriers engaged in the transportation of building materials for compensation not including sand, gravel, crushed stone or other building materials ordinarily transported in dump trucks. It includes haulers of lumber, cut stone, slate, tile, brick, cement in sacks, plaster in sacks, or other similar materials usually transported in flatbed vehicles.))~~

This group includes carriers engaged in transporting any commodity which at the time of transportation is, without further processing or manufacture, in a form and condition to be used in the construction, modification or repair of a structure; which is at the time of the transportation intended with reasonable certainty to be so used; and which does not require the use of specialized equipment other than ordinary van or flatbed equipment. The classification does not include bulk sand, gravel, crushed stone or other building materials ordinarily transported in dump trucks.

Some articles can be transported under this classification without specific inquiry by the carrier as to their intended future use, provided the carrier does not at the time of movement have knowledge of an intended use other than as a building material. Such articles include (1) lumber, cut stone, slate, tile, brick, cement in sacks, plaster in sacks, or other similar materials usually transported on flatbed equipment; (2) any commodity designed especially for use in the construction, modification or repair of a structure and having virtually no other use; and (3) any commodity whose predominant use is as a building material.

Commodities having general utility in many lines of work may be transported under this classification providing the carrier affirmatively establishes before shipment that the commodity, at the time of movement is specifically intended, at the immediate or ultimate destination, to be used as a building material.

NOTE: Usually no special equipment is required, except in the case of the lumber hauler, who uses vehicles equipped with a special unloading device or that of the concrete hauler (~~which~~), who mixes en route. Most (~~of the~~) building materials can be and are hauled in small lots as general commodities. The movement of these commodities is usually in connection with a construction project, in truck loads, and for comparatively short distances. The transportation of lumber between manufacturing plants and from mill to retail

yard is an important service rendered by carriers (~~classified~~) in this (~~group~~) classification.

#### (12) CARRIERS OF FILMS AND ASSOCIATED COMMODITIES

This group, composed of both common and contract carriers, includes those carriers which are engaged in the transportation of motion-picture and sound-reproducing films, recording, reproducing, and amplifying devices, supplies and accessories for the operation of motion picture theaters or places of exhibition, including the transportation of tickets, advertising matter, displays, and exhibits, such as are found in lobbies of motion picture theaters, and furnishing and supplies necessary in the maintenance and operation of such theaters. This type of operation requires unusual delivery schedules and special personal service.

NOTE: This group is not authorized to engage in the transportation of general freight unless specifically so authorized in permit.

#### (13) CARRIERS OF FOREST PRODUCTS

This group includes both common and contract carriers engaged principally in the transportation of forest products, i.e., logs, poles, piling, fence posts, shingle bolts, pulp-wood, and fuel from the forest to processing plants or to market.

NOTE: In those areas where the timber is large, special truck equipment is required for the transportation of logs. Such equipment includes bunks, reaches, 2- and 4-wheel trailers, special braking arrangements, and other incidental special equipment. Similar equipment is also frequently used in the transportation of poles and piling. Ordinary vehicles are used to transport the other items referred to herein. This group does not include carriers who are engaged in the transportation of rough or finished lumber or processed products derived from raw forest products nor does it include such operations as are grouped under "carriers of building materials".

NOTE: For definition of short logs see Administrative Ruling No. 6 dated December 30, 1957.

#### (14) CARRIERS OF MINE ORES NOT INCLUDING COAL

This group comprises both common and contract carriers, engaged principally in the transportation of mining products in the rough, such as iron, copper, or other ores from the mine to the smelter or from the mine to bunkers located on the routes of connecting carriers. It also includes the transportation of products of smelters to refineries or foundries. It does not include coal or coal products or refined or manufactured products of ores which are classified herein under other groupings.

#### (15) CARRIERS ENGAGED IN RETAIL STORE DELIVERY SERVICE

This group includes carriers who render a specialized delivery service for retail store establishments. This service is usually confined to municipal areas, and where that is the case, may be regarded as a city cartage operation. In some instances, however, the service extends beyond municipal areas and in that case the operation may be classified in accordance with the service rendered.

#### (16) CARRIERS OF EXPLOSIVES OR DANGEROUS ARTICLES

Carriers of certain explosives or dangerous articles, except liquid petroleum products as described in commodity Group 4, and films as described in commodity Group 12, are those carriers which engage in transporting dangerous, less dangerous, or relatively safe explosives, including nonexplosive materials such as fuses, cartridge cases, dummy cartridges, etc., inflammable oxidizing materials, corrosive liquids, compressed gases, poisonous articles, and other acceptable dangerous articles other than inflammable liquids in tank vehicles.

NOTE: The transportation of the commodities classed in this group involves unusual hazards and requires special precautions in the matter of safety. The carriage is usually rendered under special agreement but is also rendered by common carriers when the volume of the movement is not sufficient to warrant a contract operation.

**(17) CARRIERS OF SPECIFIC COMMODITIES, NOT SUB-GROUPED**

Throughout the State there are individual truck operators who engage in the transportation of some specific commodity or commodities which do not fall within any of the commodity sub-groups included in this classification.

**NOTE:** Usually such transportation is carried on in conjunction with a local industry or local situation and is not of sufficient importance to warrant sub-grouping. In order to provide, however, for the general classification of such operations, miscellaneous commodity Group 17 has been included in this classification. The specific commodity or commodities transported by carriers who may be classified in this group are shown in the carrier's permit. Commodity Group 17 carriers will be the subject of further study and if need therefor is shown, additional commodity groups will be established from time to time from this miscellaneous group to meet the administrative requirements of the Commission.

**(18) CARRIERS OF MILK AND CREAM**

This group composed of both common and contract carriers includes those carriers who are engaged in the transportation of milk and cream, primarily from point of production to creameries and primary markets. It includes carriers of milk and cream regardless of the type of vehicle used.

**(19) CARRIERS OF LIVESTOCK**

The term livestock is defined to include, and carriers of livestock may transport, all cattle, swine, sheep, goats, horses, burros, asses, and mules, except such as are chiefly valuable for breeding, racing, show purposes or other special uses.

**Exceptions to and Changes in Classification**

These classifications and groupings are prescribed for general purposes. The operation of individual carriers may fall within more than one grouping, in which event they become subject to the rules and regulations of each group into which they fall.

Any group of carriers, or any carrier member of a group, may, upon proper notice, petition the Commission to alter, amend, or otherwise modify any part of this classification or any grouping prescribed herein. Unless exceptions are specifically granted, the general rules and regulations of the Commission shall govern.

**Emergencies**

In case of emergencies or unforeseen conditions over which the motor carrier affected has no control, which require immediate and extraordinary treatment, the Commission may, without notice, modify, amend, suspend or vacate any or all classifications or groupings herein prescribed and substitute in lieu thereof such classification groupings or regulations as may be necessary during the period of such emergency.

**WSR 79-04-013**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Order 1369—Filed March 15, 1979]

I, Michael Stewart, Ex. Assist., of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to AFDC and GAU—Eligibility—Need, amending chapter 388-28 WAC.

This action is taken pursuant to Notice No. WSR 79-01-010 filed with the code reviser on 12/12/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

The undersigned hereby declares that he 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).

APPROVED AND ADOPTED February 21, 1979.

By Michael S. Stewart  
 Executive Assistant

**AMENDATORY SECTION** (Amending Order 1282, filed 3/20/78)

**WAC 388-28-430 EFFECT OF RESOURCES AND INCOME ON FINANCIAL NEED—PERSONAL PROPERTY EXEMPTIONS—CEILING VALUES.** (1) Personal property without ceiling value. The following personal property is an exempt resource. There is no ceiling value on such property.

(a) Used and useful household furnishings and personal clothing. Household furnishings and personal clothing which are in storage shall be presumed to be not used and useful, but all other household furnishings and personal clothing shall be presumed to be used and useful and both presumptions stand in the absence of evidence to the contrary.

(b) Personal property of "great sentimental value" may be exempted when the applicant establishes the circumstances and conditions which give it this value. When the intrinsic value is relatively high (stamp or coin collections, etc.) there may be need to review it carefully.

(c) Livestock or any other similar property owned by a child for the sole purpose of participating in an organized group or school activity, such as 4-H Club or FFA, shall be exempt, providing any net profit derived from the use of such property is reserved for future educational purposes.

(d) Other personal property, such as tools, farm machinery, livestock, business equipment, ~~((which is used by the applicant to reduce his need for assistance or to rehabilitate himself, and which produces an appreciable return in cash or kind, but which is not a fully competitive enterprise and does not require hiring help))~~ and inventory, can be declared an exempt resource by the ~~((ESSO))~~ CSO on the basis of an agreed plan. The following conditions apply:

(i) The exempted property either must produce income which reduces the applicant/recipient's need for public assistance, or it must aid in rehabilitating him or his dependents by providing self-employment experience which can reasonably be expected to lead to full or partial self-support.

(ii) If stock, raw materials, or inventory of a business are exempted, any increase in their value must be examined to determine whether the increase is necessary to the health of the enterprise. Such increase shall not be used as a means of diverting funds which might reasonably constitute income to the recipient.

(iii) The plan shall be reviewed at least once every six months.

(e) One cemetery plot for each member of an assistance household is exempt personal property. Any additional plots are nonexempt.

(2) Exempt personal property with ceiling value. Property holdings in the form of cash and marketable securities, life insurance, real estate or chattel mortgages, sales contracts and used and useful automobiles are exempt resources to the extent that the values of such items are within the maxima or "ceiling" values specified in the following paragraph:

(a) Ceiling values on combinations of individual items. The total value of cash, marketable securities, cash discount value of real estate or chattel mortgages and sales contracts, cash surrender value of life insurance, and equity in cars shall not exceed \$750 for a single person, or \$1,450 for a family of two. This maximum shall be increased by \$50 for each additional member in the family.

Family Size	Total Cash, Marketable Securities, Cash Surrender Value of Life Insurance, Cars	Cash and Marketable Securities
1	\$ 750	\$ 200
2	1450	400
3	1500	425
4	1550	450
5	1600	475
6	1650	500
7	1700	525
8	1750	550
9	1800	575
10	1850	600

(i) Funds represented by values within the ceiling values are not used to determine financial need and to compute grants.

(ii) Funds represented by values in excess of the maxima or ceilings are nonexempt; that is, they are used to determine financial need and to compute grants.

(b) Cash and marketable securities—ceiling. Within the above limitation the value of cash and marketable securities shall not exceed \$200 for a single person or \$400 for a family of two. This maximum shall be increased by \$25 for each additional member of the family over two.

(i) Cash. All cash savings held by the applicant or held jointly with any other person shall be considered. Any funds on deposit, in hand or in any place from which cash may be drawn by the applicant is a cash fund. A cash fund includes a bank account, savings, funds held in trust for future use (when applicant can make withdrawals), savings bonds, advance insurance premium payments, interest, etc.

(ii) A joint account shall be considered the property of the applicant/recipient since the entire amount is at his/her disposal, except when the applicant/recipient can show that all or a portion of the funds deposited within the joint account is derived from funds exclusively the other joint holder's and held/utilized solely for the benefit of that joint account holder. All funds within the

joint account so verified shall not be considered actually available to the applicant/recipient.

(c) Real estate or chattel mortgages and sales contracts.

(i) Real estate or chattel mortgages or sales contracts held by the applicant will be considered exempt resources in combination with the value of other exempt personal property, within the limitation allowed in subsection (2).

(ii) The cash discount value of a mortgage or contract represents the value of the resource.

(iii) Any payments on mortgages or contracts received by an applicant or recipient shall be considered income as specified in WAC 388-28-580.

(d) Life insurance.

(i) Cash surrender ceiling value. Life insurance may have a cash surrender value considered as an exempt resource in combination with the value of other exempt personal property within the limitation allowed in subsection (2).

(ii) Other considerations.

(A) Net value of unassignable policy. When the equity of another person in an unassignable policy held by an applicant can be established, the amount of such equity may be deducted in determining the applicant's holdings in insurance, provided that person holding the equity is named as beneficiary of the proceeds to the extent of such equity and without power or revocation by the insured.

(B) Assignment of policy. An insurance policy legally assigned belongs to the assignee and may not be regarded as the property of the insured. However, the assignment of a policy within two years prior to application or by a recipient must be evaluated as the transfer of a resource.

(C) Funeral insurance and prepaid funeral contracts are governed by the same rules as life insurance policies. The contract may include (but is not limited to) a method of prepaying funeral and burial expenses. In addition, the contract usually provides cash surrender and loan values, extended term insurance (nonforfeiture provisions), and assignability. The cash surrender or loan value of such contract shall be treated as life insurance.

~~((+)(D))~~ (D) An assigned funeral contract shall be treated according to (ii)(B) ~~((above))~~ of this subdivision. However, the designation of a funeral director as beneficiary under either the "funeral benefits" or the "additional benefit agreement" sections of the policy, or both, is not an assignment of the contract.

(e) Used and useful automobiles.

(i) Used and useful automobiles are an exempt personal property resource in combination with the value of other exempt within the limitation allowed in subsection (2).

(ii) Equity value shall be used in determining the resource in automobiles.

(iii) (A) In determining the resource value of automobiles, the National Automobile Dealers Association Official Used Car Guide shall be used. For automobiles listed in this guide "average loan" value in the current edition shall be presumed to be the resource value.

(B) In determining the resource value of recreational vehicles the Kelley bluebook R.V. guide shall be used. For vehicles listed in this guide "wholesale" value in the current edition shall be presumed to be the resource value.

(C) For vehicles not listed in these guides the method of determining the resource value shall be documented in the case record.

(D) The values listed in these guides can be overcome by positive evidence to the contrary. Such evidence shall be documented in the case record.

## NEW SECTION

**WAC 388-28-520 SELF-EMPLOYMENT.** (1) Earned income from self-employment is the amount left after deducting business expenses from gross business income. The applicable program earnings exemptions, plus personal and nonpersonal work expenses, are further deducted from self-employment earned income to determine the net amount available to meet need. See WAC 388-28-515 and 388-28-570(8).

(a) In order to establish eligibility for public assistance, a self-employed person must maintain and make available to the department a record which clearly documents all claimed business expenses and income.

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

(2) Expenses for the following items are deductible business expenses in a self-employment enterprise:

- (a) Rental of business equipment or property.
- (b) Utilities.
- (c) Postage.
- (d) Telephone.
- (e) Office supplies.
- (f) Advertising.
- (g) Insurance.
- (h) Legal, accounting, and other professional fees.
- (i) The cost of goods sold, including wages paid to employees producing salable goods, raw materials, stock, and replacement or reasonable accumulation of inventory, provided that inventory has been declared exempt on the basis of an agreed plan pursuant to WAC 388-28-430(1)(d). See also subsection (4) of this section.
- (j) Interest on business indebtedness.
- (k) Wages and salaries paid to employees not producing salable goods.
- (l) Commissions paid to agents and independent contractors.

(m) Transportation essential to the business may be computed according to the actual documented work related cost of operating the vehicle.

(i) The total operating cost of a vehicle shall be limited to gas, oil, and fluids; necessary services and repairs; replacement of worn items such as tires; registration and licensing fees; and interest on automobile loans.

(ii) When the client so chooses, eight cents per mile shall be allowed to cover the work related costs of gas, oil and fluids.

(iii) The cost of tolls and parking related to the business shall be deducted as a business expense.

(iv) If a vehicle is needed for both business and private purposes, the mileage and expenses attributable to the business must be documented in a daily log and is subject to verification by the department.

(v) Transportation to and from the place of business is not a business expense, but is a personal work expense to be treated according to WAC 388-28-515(5).

(n) Nonpersonal taxes on the business and business property, including the employer's share of federal social security taxes on business employees and state and federal unemployment insurance contributions, if any. The self-employed person's personal income taxes and self-employment taxes (FICA) are not business deductions, but are treated separately according to WAC 388-28-515 and 388-28-570(8).

(o) Repairs to business equipment and property, excluding vehicles. An expenditure which maintains property in its usual working condition is deductible as a repair.

(p) Other expenditures which are reasonable and necessary to the efficient and profitable operation of the self-employment enterprise.

(3) Expenses for the following items are not deductible business expenses in a self-employment enterprise:

- (a) Capital expenditures. Capital expenditures are those made to acquire or increase the value of fixed assets. Fixed assets are items normally in use for one year or longer, such as land, buildings, vehicles, boats, machinery, tools, office equipment, furniture, and fixtures.
- (b) Payments on the principal of loans to the business.
- (c) Amounts claimed as depreciation.
- (d) Any amount claimed as a net loss sustained in any prior period.

(4) The business assets of a self-employment enterprise, including inventory, are nonexempt resources available to the owner in the amount of their sale value less encumbrances, unless they are generally exempt under the provisions of WAC 388-28-430 or specifically exempted on the basis of an agreed plan pursuant to WAC 388-28-430(1)(d). See also WAC 388-28-420(2)(e).

(a) Accounts receivable are resources in the amount of their face value, subject to an offering of proof by the self-employed person that their value is less than face value because efforts to collect them have been unsuccessful. In such case, the department shall require that the accounts be turned over to a collection agency. They then have no value until collection is made.

(b) Good will is an intangible asset. It has no value unless the business is sold, and therefore is not an available resource.

## REPEALER

The following section of the Washington Administrative Code is repealed:

**WAC 388-28-525 NET CASH INCOME—  
SELF-EMPLOYMENT INCOME AND EXPENSES.**

**WSR 79-04-014**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF RETIREMENT SYSTEMS**  
[Memorandum, Director—March 15, 1979]

**Schedule of Public Meetings**

**Public Employees' and Law Enforcement Officers' and Fire Fighters' Retirement Board:**

Meetings are monthly on the third Monday of each month in the Board Room of the Retirement Systems' office at 1025 East Union, Olympia, WA 98504.

**Teachers' Retirement Board:**

Meetings are quarterly on the second Monday of January, April, July and October in the Board Room of the Retirement Systems' office at 1025 East Union, Olympia, WA 98504.

**State Patrol Retirement Board:**

Meetings are quarterly as set by the Chairman in the Board Room of the Retirement Systems' office at 1025 East Union, Olympia, WA 98504. Meeting dates are not pre-established for the year.

**Judicial Retirement Board:**

Meetings are held at the call of the Chairman and are not pre-established for the year. Meetings are held in the Board Room of the Retirement Systems' office at 1025 East Union, Olympia, WA 98504.

Mr. Matt Coyle has been designated "Rules Coordinator" for this agency. He can be reached at 753-6215 and his Mail Stop is AQ-04.

**WSR 79-04-015**

**PROPOSED RULES  
DEPARTMENT OF FISHERIES**  
[Filed March 16, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 75.08.080, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning commercial fishing regulations;

and that the adoption, amendment, or repeal of such rules will take place at 10:30 a.m., Monday, April 2, 1979, in the Small Conference Room, General Administration Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 75.08.080.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-02-083 filed with the code reviser's office on February 7, 1979.

Dated: March 15, 1979  
By: Gordon Sandison  
Director

**WSR 79-04-016**

**NOTICE OF PUBLIC MEETINGS  
WHATCOM COMMUNITY COLLEGE**  
[Memorandum—March 14, 1979]

**Notification of Meeting Cancellation**

To: Members of the Board of Trustees, News Media and the Public

You are hereby notified that the March 22, 1979 meeting of the Board of Trustees of Whatcom Community College, District Number Twenty-One, has been cancelled.

**Change of Location for Board Meetings – April 10 thru June 28, 1979 and Cancellation Notice for Board Meeting of March 22, 1979**

April 10, 1979  
Regular Meeting  
Vocational Skills Center  
5705 Third Street  
Ferndale, WA

April 26, 1979  
Early Childhood  
(Study Session Discussion  
and Tour)  
Whatcom Day Care Center  
Broadway Christian Church  
1413 Broadway  
Bellingham

May 8, 1979  
Regular Meeting  
College Service Center  
5217 Northwest Road  
Bellingham

May 24, 1979  
Ferndale Library Cooperative  
(Study Session)  
Learning Resources Center  
749 Marine Drive  
Bellingham

June 12, 1979  
Regular Meeting  
College Service Center  
5217 Northwest Road  
Bellingham

June 28, 1979  
Tenure  
(Study Session)  
College Service Center  
5217 Northwest Road  
Bellingham

**WSR 79-04-017**

**NOTICE OF PUBLIC MEETINGS  
STATE HOSPITAL COMMISSION**  
[Memorandum—March 14, 1979]

The State Hospital Commission will hold two meetings in April. The first one is scheduled for Thursday, April 5, 1979, and the second meeting is scheduled for Thursday, April 26, 1979. The regularly scheduled meeting of April 12, 1979 has been cancelled. A tentative agenda for the April 5 meeting is listed below. Both meetings will be held at the University Tower Hotel, N.E. 45th and Brooklyn Avenue, Seattle, Washington. The hospitals scheduled for informal hearings have previously filed with the Commission their requests for amendments to their previously approved budgets and rates. Staff findings and recommendations will be prepared and transmitted to the scheduled hospitals and to members of the Hospital Commission in accordance with WAC 261-40-135. Such information is on file in the Commission offices and is available for inspection.

**WSR 79-04-018**  
**ADOPTED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Order 1595—Filed March 16, 1979]

I, Bob J. Mickelson, director of Department of Agriculture do promulgate and adopt at Olympia, WA, the annexed rules relating to regulations controlling the use of microencapsulated methyl parathion in WAC 16-230-270.

This action is taken pursuant to Notice Nos. WSR 79-01-080 and 79-03-043 filed with the code reviser on 1/2/79 and 3/2/79. Such rules shall take effect 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 he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 16, 1979.

By Bob J. Mickelson  
 Director

AMENDATORY SECTION (Amending Order No. 1573, filed 4/21/78)

✓ WAC 16-230-270 RESTRICTIONS—EXEMPTIONS. Microencapsulated methyl parathion is hereby declared to be a restricted use pesticide and the use or application of the formulation shall be prohibited on all blossoming crops and on pollen shedding corn: PROVIDED, That (1) ((Winter)) On or after October 15 through May 15 of the following year, applications of microencapsulated methyl parathion shall be allowed (using label restrictions) on winter wheat for ((green bug)) aphid control in the wheat growing areas of eastern Washington.

(2) The application of microencapsulated methyl parathion shall be allowed (using label restrictions) in the Palouse area of Spokane and Whitman counties. This area shall be bounded on the north by an east-west line along longitude 47°30', in the southern portion of Spokane county, to the southern boundary of Whitman county. Applications of microencapsulated methyl parathion on white blooming peas in this area shall be prohibited within 1/2 mile of the breaks of the Snake River Canyon.

(3) Applications of microencapsulated formulations of methyl parathion shall be prohibited on orchards ((before)) up to thirty days ((from)) after full bloom of each year in the area under order.

(4) The use of microencapsulated methyl parathion shall be allowed, (using label restrictions) during the period starting thirty days ((from)) after full bloom to sixty days ((from)) after full bloom in all orchards within designated areas in the Wenatchee River Valley area from the mouth of the Wenatchee River through Leavenworth, excluding Mission Creek and Brender

Canyons; Entiat proper and the Entiat Valley area from the mouth of the Entiat River through Ardenvoir; and the Howard Flats area and the Chelan-Manson area from the mouth of the Chelan River to the town of Lake Chelan on the south side of Lake Chelan and to Antilon Creek on the north side of Lake Chelan.

**WSR 79-04-019**  
**ADOPTED RULES**  
**DEPARTMENT OF TRANSPORTATION**  
 [Order 24—Filed March 19, 1979]

I, W. A. Bulley, Secretary of Transportation, do promulgate and adopt at Room 1D9, Highway Administration Building, Olympia, Washington, the annexed rules relating to amendment to WAC 468-42-002, prohibiting parking near the southwest corner of State Route 2 and Kelsey Street near Monroe.

This action is taken pursuant to Notice No. WSR 79-02-064 filed with the code reviser on 2/2/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 46.61.570 which directs that the Department of Transportation has authority to implement the provisions of RCW 46.61.570.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 19, 1979.

By V. W. Korf  
 Deputy Secretary

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-42-002 STATE ROUTE 2. (1) Monroe vicinity. Parking is prohibited on the south side of State Route 2 from Mile Post 14.52 to Mile Post 14.57, a distance of 0.05 mile.

(2) Sunset Falls vicinity. Parking is prohibited on the south side of SR 2 from 1.69 miles east of the Burlington Northern Railroad Undercrossing, Mile Post 36.61, to 1.79 miles east of the Burlington Northern Railroad Undercrossing, Mile Post 36.71, a distance of 0.10 mile.

((2)) (3) Barclay Creek vicinity. Parking is prohibited on the north side of SR 2 from 1.12 miles west of the west pavement seat of the Barclay Creek Bridge, Mile Post 38.84, to 1.01 miles west of the west pavement seat of the Barclay Creek Bridge, Mile Post 38.95, a distance of 0.11 mile.

Parking is prohibited on both sides of State Route 2, from 7:00 a.m. to 5:00 p.m. on school days only, for 50 feet on each side of Mile Post 39.73.

((3)) (4) Grotto vicinity. Parking is prohibited on the north side of SR 2 from 0.62 mile east of the east pavement seat of the Bridge No. 2-107, Mile Post 45.05,

to 0.71 mile east of the east pavement seat of Bridge No. 2-107, Mile Post 45.14, a distance of 0.09 mile.

Parking is prohibited on the south side of SR 2 from 0.71 mile east of the east pavement seat of Bridge No. 2-107, Mile Post 45.14, to 0.79 mile east of the east pavement seat of Bridge No. 2-107, Mile Post 45.22, a distance of 0.08 mile.

~~((4))~~ (5) Skykomish vicinity. Parking is prohibited on the south side of SR 2 from 0.33 mile east of the east pavement seat of the south fork of the Skykomish River Bridge, Mile Post 50.05, to 0.48 mile east of the east pavement seat of the south fork of the Skykomish River Bridge, Mile Post 50.22, a distance of 0.17 mile.

Parking is prohibited on the north side of SR 2 from 0.35 mile east of the east pavement seat of the south fork of the Skykomish River Bridge, Mile Post 50.07, to 0.48 mile east of the east pavement seat of the south fork of the Skykomish River Bridge, Mile Post 50.22, a distance of 0.15 mile.

~~((5))~~ (6) Alpine Chainup Areas. Parking is prohibited on both sides of SR 2 from 0.11 mile east of the west pavement seat of Bridge No. 2-120, Mile Post 54.11, to 0.44 mile east of the west pavement seat of Bridge No. 2-120, Mile Post 54.44, a distance of 0.33 mile.

Parking is prohibited on both sides of SR 2 from 0.22 mile west of the Tye River Rd., Mile Post 54.79, to 0.15 mile east of the Tye River Rd., Mile Post 55.16, a distance of 0.37 mile.

~~((6))~~ (7) Scenic vicinity. Fifteen minute parking to be applied only when road and/or weather conditions warrant, from Mile Post 57.76 to Mile Post 57.86, a distance of 0.10 mile.

~~((7))~~ (8) Stevens Pass Summit and vicinity. Parking is prohibited on the following sections of SR 2 as weather and/or road conditions warrant.

(a) On both sides from 0.52 mile west of the King-Chelan County Line, Mile Post 64.11, to 0.02 mile west of the Chelan-King County Line, Mile Post 64.61, a distance of 0.50 mile.

(b) On both sides from 0.19 mile east of the King-Chelan County Line, Mile Post 64.82, to 0.44 mile east of the King-Chelan County Line, Mile Post 65.07, a distance of 0.25 mile.

(c) On the westbound shoulder from 1.40 miles east of the King-Chelan County Line, Mile Post 66.03, to 1.90 miles east of the King-Chelan County Line, Mile Post 66.53, a distance of 0.50 mile.

(d) On the eastbound shoulder from 6:00 p.m. to 7:00 p.m., from 1.40 miles east of the King-Chelan County Line, Mile Post 66.03, to 1.90 miles east of the King-Chelan County Line, Mile Post 66.53, a distance of 0.50 mile.

~~((8))~~ (9) Stevens Pass vicinity. Parking is prohibited for that portion of the Upper Mill Creek Road, between the east and westbound lanes, starting at Mile Post 70.33 and extending to the east for 0.17 mile.

~~((9))~~ (10) Dryden to Cashmere. Parking is prohibited on the north side of SR 2 from Mile Post 110.48, easterly for a distance of 1,100 feet to Mile Post 110.69, a distance of 0.21 mile.

~~((10))~~ (11) Wenatchee vicinity. Parking is prohibited on the east and west sides of SR 2 from approximately 490 feet north of Maple Street, Mile Post 120.68, northerly to the south pavement seat of the Wenatchee River Bridge, No. 2/402S, Mile Post 119.58, a distance of 1.10 miles.

~~((11))~~ (12) West Spokane vicinity. Parking is prohibited on the south side of State Route 2 from Spotted Road, Mile Post 281.22, westerly for 1,000 feet to Mile Post 281.03.

~~((12))~~ (13) Vicinity Junction State Route 206. No parking any time from a point 0.10 mile south of Junction State Route 206 at Mile Post 297.15, to a point 0.03 mile north of Junction Walter Avenue, at Mile Post 297.65, a distance of 0.50 mile on both east and west sides of the road.

WSR 79-04-020

ADOPTED RULES

DEPARTMENT OF TRANSPORTATION

[Order 25—Filed March 19, 1979]

I, W. A. Bulley, Secretary of Transportation, do promulgate and adopt at Room 1D9, Highway Administration Building, Olympia, Washington, the annexed rules relating to the amending of WAC 468-42-012 by repealing subsection 7, a parking prohibition formerly on State Route 12 near Walla Walla, but no longer on the State Highway System.

This action is taken pursuant to Notice No. WSR 79-02-065 filed with the code reviser on 2/2/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 46.61.570 which directs that the Department of Transportation has authority to implement the provisions of RCW 46.61.570.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 19, 1979.

By V. W. Korf  
Deputy Secretary

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

✓ WAC 468-42-012 STATE ROUTE 12. (1) State Route 5 vicinity. Parking of all vehicles is prohibited along both shoulders of State Route 12 in Lewis county, State Route 5 vicinity, from Mile Post 66.62 to Mile Post 66.72, a distance of 0.10 mile.

(2) Intersection with Brim and Leonard roads. Parking of all vehicles is prohibited on both sides of State Route 12 in Lewis county from a point 0.05 mile west of the intersection with Brim and Leonard roads, Mile Post 74.12, easterly to a point 0.05 mile east of said intersection, Mile Post 74.22, a distance of 0.10 mile.

(3) Mayfield Dam road vicinity. Parking of all vehicles is prohibited along both shoulders of State Route 12 in Lewis County, Mayfield Dam road vicinity, from Mile Post 80.61 to Mile Post 80.71, a distance of 0.10 mile.

(4) White Pass Summit and vicinity. Prohibiting the parking of all vehicles annually from November 1 through April 30 between the hours of 12:00 midnight and 7:00 a.m. on the north side of State Route 12 from Mile Post 151.34 easterly to Mile Post 151.99 and on the south side of said highway from Mile Post 151.27 easterly to Mile Post 151.99; and also prohibiting the parking of all vehicles at any time on the north side of State Route 12 from Mile Post 151.28 easterly to Mile Post 151.31, a distance of 0.03 mile.

(5) Community of Sawyer. No parking any time from a point 0.06 mile west of the Junction Lombard Loop Road, at Mile Post 217.85, to a point 0.17 mile east of the Junction Lombard Loop Road at Mile Post 218.08, a distance of 0.23 mile on the south side of the road.

(6) Vicinity Humorist Road. No parking any time from a point 0.09 mile west of Junction Humorist Road, at Mile Post 296.43 to a point 0.11 mile east of Junction Humorist Road at Mile Post 296.63, a distance of 0.20 mile on both the north and south sides of the road.

~~(7) ((East of Walla Walla. Parking is prohibited on the north and south sides of State Route 12 from Wilbur Avenue, at Mile Post 339.06, the east city limits of Walla Walla, easterly to the forest service headquarters, Mile Post 339.63, a distance of 0.57 mile.~~

(8)) Clarkston vicinity. Parking is prohibited on the north and south sides of State Route 12 (Bridge Street) from the intersection of State Route 128 (15th Street) at Mile Post 432.62, easterly to the west corporate limits of the city of Clarkston at 13th Street, Mile Post 433.12, a distance of 0.50 mile.

**WSR 79-04-021**

**ADOPTED RULES**

**DEPARTMENT OF TRANSPORTATION**

[Order 26—Filed March 19, 1979]

I, W. A. Bulley, Secretary of Transportation, do promulgate and adopt at Room 1D9, Highway Administration Building, Olympia, Washington, the annexed rules relating to prohibiting parking at some intersections along SR 4 west of Longview to improve sight distance, amending WAC 468-42-004.

This action is taken pursuant to Notice No. WSR 79-02-063 filed with the code reviser on 2/2/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 46.61.570 which directs that the Department of Transportation has authority to implement the provisions of RCW 46.61.570.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as

appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 19, 1979.

By V. W. Korf  
Deputy Secretary

**AMENDATORY SECTION** (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-42-004 STATE ROUTE 4. (1) Coal Creek Slough bridge vicinity, Cowlitz county. Parking of all vehicles is prohibited on both sides of State Route 4 from Mile Post 54.94 easterly to the west pavement seat of the Coal Creek Slough bridge, a distance of 250 feet.

(2) Longview vicinity. Parking is prohibited along State Route 4 in the vicinity of Mt. Solo Road from Mile Post 55.78 to Mile Post 55.89 on the south side, a distance of 0.11 mile; in the vicinity of 44th Avenue from Mile Post 56.95 to Mile Post 57.03 on the south side, a distance of 0.08 mile, and from Mile Post 56.96 to Mile Post 57.05 on the north side, a distance of 0.09 mile; in the vicinity of 42nd Avenue from Mile Post 57.20 to Mile Post 57.29 on the south side, a distance of 0.09 mile, and from Mile Post 57.22 to Mile Post 57.30 on the north side, a distance of 0.08 mile; and in the vicinity of 40th Avenue from Mile Post 57.43 to Mile Post 57.53 on the south side, a distance of 0.10 mile, and from Mile Post 57.46 to Mile Post 57.56 on the north side, a distance of 0.10 mile.

**WSR 79-04-022**

**PROPOSED RULES**

**DEPARTMENT OF GENERAL ADMINISTRATION**

**(Division of Savings and Loan Associations)**

[Filed March 19, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 31.12.260, that the Division of Savings and Loan Associations, Department of General Administration, intends to adopt, amend, or repeal rules concerning supervisory approval of credit union investment practices;

that such agency will at 9:00 a.m., Tuesday, May 22, 1979, in the Office of the Supervisor, 217 C, General Administration Building conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Tuesday, May 22, 1979, in the Office of the Supervisor, 217 C, General Administration Building.

The authority under which these rules are proposed is RCW 31.12.260.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 22, 1979, and/or orally at 9:00 a.m., Tuesday, May 22, 1979, Office of the Supervisor, 217 C, General Administration Building.

Dated: March 19, 1979

By: F. Lee Green  
Supervisor

## WAC 419-36

## RULES GOVERNING SUPERVISORY APPROVAL OF CREDIT UNION INVESTMENT PRACTICES

NEW SECTION

**WAC 419-36-010 APPLICATION TO MAKE INVESTMENTS NOT OTHERWISE PERMITTED BY LAW.** If any credit union wishes to deposit or invest its capital, deposits, or surplus funds in a manner not specifically permitted to credit unions by Chapter 31-12 RCW, the credit union shall, before engaging in the proposed investment practice, make written application to the Supervisor of Savings and Loan Associations for authority to make the proposed investment. The application shall contain at least the following information:

- (a) The name of the credit union;
- (b) The proposed source or sources of the funds to be deposited or invested;
- (c) A detailed description of the type of deposit or investment the credit union proposes to make, including the names of any natural persons, corporations, financial institutions or government agencies serving as banker, trustee, management agent, broker, guarantor, seller of securities, or purchaser of securities;
- (d) References, if known to the applicant, showing that other state chartered credit unions have been permitted to make the same type of investment or deposit;
- (e) Copies of statutes, regulations, rulings, official correspondence or other information showing that federally chartered credit unions doing business within the State of Washington are permitted to make the type of investment or deposit proposed in the application;
- (f) Such other information as the applicant credit union wishes to offer in evidence that the proposed investment or deposit would be a safe and prudent one for the applicant credit union to engage in.

NEW SECTION

**WAC 419-36-020 SUPPLEMENTARY APPLICATION INFORMATION.** Upon receiving an application from a credit union to engage in an investment or deposit practice pursuant to this chapter, the supervisor may request such additional information as he deems necessary for the informed disposition of the application. If supplementary application information is requested by the supervisor, the application will not be deemed complete until the supplementary information is supplied.

NEW SECTION

**WAC 419-36-030 INVESTMENTS PREVIOUSLY APPROVED FOR OTHER STATE CHARTERED CREDIT UNIONS.** If the supervisor finds that the applicant credit union proposes to make the same type of investment or deposit which one or more other state chartered credit unions have previously received permission to make, the supervisor shall grant the application unless he finds that the financial position or the state of management of the applicant credit union is such that the proposed investments or deposits would not be sound or prudent investment practices for the applicant credit union, in which case the supervisor may instead grant the application conditionally, grant it in modified form or deny the application.

NEW SECTION

**WAC 419-36-040 INVESTMENT PRACTICE PERMITTED TO FEDERALLY CHARTERED CREDIT UNIONS.** If the supervisor finds that the applicant credit union proposes to make the same type of investment or deposit which one or more other federally chartered credit unions doing business in the State of Washington have previously received permission to make, the supervisor shall grant the application unless he finds that the financial position or the state of management of the applicant credit union is such that the proposed investments or deposits would not be sound or prudent investment practices for the applicant credit union, in which case the supervisor may instead grant the application conditionally, grant it in modified form or deny the application.

NEW SECTION

**WAC 419-36-050 INVESTMENT PRACTICE NOT PREVIOUSLY PERMITTED TO ANY CREDIT UNION.** If the supervisor

shall find that the proposed investment or deposit practice has not previously been permitted to any state chartered or federally chartered credit union doing business in Washington, he shall make inquiry as to whether the proposed investment or deposit practice would be consistent with Washington law and as to whether the proposed investment or deposit practice would be a sound and prudent practice for the applicant credit union. In connection with his inquiry, the supervisor may consider the general nature and functions of credit unions and he may also consider the specific financial condition and management of the applicant credit union, as revealed in the application, the supervisor's periodic examinations, or such other information as he may have at hand. If the supervisor finds that the investment or deposit practice as proposed would be contrary to or inconsistent with the laws of the State of Washington, or would not be a sound investment practice, he shall deny the application. If the supervisor finds that proposed investment or deposit practice would be a sound and prudent practice for the applicant credit union, he shall grant the application. Alternatively, the supervisor may, for cause, grant the application conditionally, grant it in modified form, or deny it in whole or in part.

NEW SECTION

**WAC 419-36-060 SUPERVISOR ACTION ON APPLICATION.** After receiving an application from a credit union to engage in an investment or deposit practice not otherwise permitted by law, and after having considered it as provided in this chapter, the supervisor shall grant, grant conditionally, grant in modified form, or deny the application and shall inform the applicant credit union in writing of his action and of the reasons therefor. Any application not acted upon within six (6) months after its receipt by the supervisor shall be deemed denied unless the supervisor, in writing, informs the applicant credit union that he is holding the application for further review.

NEW SECTION

**WAC 419-36-070 ENGAGEMENT IN UNAUTHORIZED INVESTMENT PRACTICE PROHIBITED.** No state chartered credit union shall engage in any investment or deposit practice not authorized by a specific provision of Washington State law or by the supervisor in accordance with this chapter. Unless the supervisor, in writing, informs an applicant credit union that it may engage in an investment or deposit practice provisionally while he reviews the application, no credit union shall make deposits or investments pursuant to an application made under this chapter until it has received written authority to do so as provided herein. Failure of a credit union to comply with the terms of this chapter shall be deemed an unsound credit union practice and a wilful violation of an order of the supervisor and may be grounds for appropriate supervisory action against the credit union, its directors or officers.

NEW SECTION

**WAC 419-36-080 MODIFICATION OR REVOCATION OF INVESTMENT PRACTICES PREVIOUSLY AUTHORIZED.** The supervisor may find that an investment or deposit practice previously authorized by him is no longer a safe and prudent practice for credit unions generally to engage in, or has become inconsistent with applicable state or federal law, or has ceased to be a safe and prudent practice in one or more particular credit unions in light of their financial condition or management. Upon such a finding, the supervisor may in writing inform the board of directors of any or all of the credit unions engaging in such a practice that the authority to engage in the practice has been revoked or modified. When the supervisor so notifies any credit union, its directors and officers shall forthwith take steps to liquidate the investments in question (if authority to engage in the practice has been revoked) or to make such modifications as the supervisor requires. The supervisor may for cause shown grant a credit union some definite period of time in which to arrange its affairs to comply with the supervisor's orders. Credit unions which continue to engage in investment practices where their authority to do so has been revoked or modified will be treated as if the authority to engage in the practice had never been granted, and their actions may be deemed an unsound credit union practice and a wilful violation of an order of the supervisor and may be grounds for appropriate supervisory action against the credit unions, its directors or officers.

**WSR 79-04-023**  
**EMERGENCY RULES**  
**DEPARTMENT OF AGRICULTURE**  
[Order 1629—Filed March 19, 1979]

I, Bob J. Mickelson, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to chapter 16-228 WAC and adding new sections pertaining to the sale, distribution, use and application of 2,4,5-T and silvex.

I, Bob J. Mickelson, find that an emergency exists and that the foregoing 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 such emergency is the United States Environmental Protection Agency has suspended some federal registrations of pesticide products containing 2,4,5-T and silvex on the basis of data which indicates that certain uses of 2,4,5-T or silvex may pose an imminent hazard to humans. The Washington State Department of Agriculture has received and reviewed a copy of the data upon which the suspensions of these registrations are based.

Some products in intrastate commerce which contain 2,4,5-T or silvex are registered only under Chapter 15.58 RCW. However, all Washington registrations for uses of products containing 2,4,5-T or silvex are based in part on the federal evaluation of toxicities and hazards. Effective enforcement and protection of the public health and safety require uniform treatment of all products containing 2,4,5-T or silvex.

For these reasons, as director of Agriculture, I have determined that the immediate prohibition of certain uses of 2,4,5-T and silvex is necessary to protect the public health, safety and welfare.

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

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 he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 19, 1979.  
By Bob J. Mickelson  
Director

NEW SECTION

WAC 16-228-235 **DEFINITIONS.** (1) 2,4,5-T means all pesticide products containing 2,4,5-Trichlorophenoxyacetic acid.

(2) Silvex means all pesticide products containing 2-(2,4,5-Trichlorophenoxy) propionic acid.

NEW SECTION

WAC 16-228-240 **RESTRICTED USE PESTICIDES.** 2,4,5-T and silvex are by this order declared to be restricted use pesticides in all counties in the state of Washington.

NEW SECTION

WAC 16-228-245 **SALE, DISTRIBUTION, USE AND APPLICATION.** (1) The sale and distribution of 2,4,5-T or silvex labeled for forestry, right-of-way, and pasture uses, and silvex labeled for home and garden, commercial/ornamental turf (including recreational areas) and aquatic weed control/ditch bank uses are hereby prohibited in the state of Washington.

(2) The use or application of 2,4,5-T and silvex for forestry, right-of-way, and pasture is also prohibited, and the use or application of silvex for home and garden, commercial/ornamental turf (including recreational areas), and aquatic weed control/ditch bank use is also prohibited in the state of Washington.

**WSR 79-04-024**  
**ADOPTED RULES**  
**DEPARTMENT OF LICENSING**  
[Order PL-300—Filed March 21, 1979]

I, R. Y. Woodhouse, director of the State of Washington Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to application and renewal fees for architect examination candidates and registered architects.

This action is taken pursuant to Notice No. WSR 79-02-067 filed with the code reviser on 2/5/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.24.085 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 13, 1979.  
By R. Y. Woodhouse  
Director

NEW SECTION

WAC 308-12-311 **FEES.** The following fees shall be charged by the professional licensing division of the department of licensing:

TITLE OF FEE	FEE
Examination	\$45.00
Re-examination (per section)	\$20.00
Initial Application	\$25.00
Reciprocity	\$65.00
License Renewal	\$25.00

TITLE OF FEE	FEE
License Renewal Penalty	\$25.00
Replacement Certificate	\$ 3.00

ca. Less than 250 (Minimum 10) ..... 10

When requested inspections are in combination, the charge will be \$((8-25))12.00 per hour and minimum charges will be waived. EXCEPTION: When combination inspections include fumigation, a minimum charge will be \$((+5-00))18.00.

**WSR 79-04-025**  
**ADOPTED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Order 1628—Filed March 21, 1979]

I, Bob J. Mickelson, director of Department of Agriculture, do promulgate and adopt at General Administration Building, Olympia, Washington, the annexed rules relating to the amending of WAC 16-401-025 and 16-401-030 to change nursery fee structure and repealing WAC 16-401-003 (Promulgation) and WAC 16-401-035 (effective date).

This action is taken pursuant to Notice No. WSR 79-02-072 filed with the code reviser on 2/6/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.13 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 21, 1979.

By Bob J. Mickelson  
 Director

**AMENDATORY SECTION** (Amending Order 1315, filed 5/30/73)

**WAC 16-401-025 REQUESTED INSPECTIONS.** Requested inspections shall be at the rate of \$((8-25))12.00 per hour, except as listed below, and shall include, but not be limited to:

Third Party inspections, travel time	
Minimum charge	\$ ((8-25))12.00/hr.
Phytosanitary Certificate((,-S.F.-9030))	
Minimum charge each inspection	((3-50- <del>ea.</del> ))
First Phytosanitary	\$6.00
Each additional Phytosanitary	2.00
Nursery Stock Inspection Certificate((,-S.F.-574-))	
Minimum charge	((3-50- <del>ea.</del> )) \$6.00
Fumigation Certificate((,-S.F.-6809))	
Minimum charge	((+5-00))18.00 ea.
<b>Field Inspections</b>	
Field inspections of flowering bulbs, corms, rhizomes, or other field crops, each year	
Per acre or fraction thereof	\$2.00
Certificate of Inspection of Nursery Stock((,-S.F.-6708-))	
Minimum charge:	
Licensed Nurseryman	No Fee
Unlicensed Nurseryman	1.00
ea.	
Nursery Sticker((,-S.F.-568))	
In lots of 250	.01
ca.	
Less than 250 (Minimum 10)	.10
ca.	
Nursery Stock Inspection Certificate Tag((,-S.F.-7788))	
In lots of 250	.01
ca.	

**AMENDATORY SECTION** (Amending Order 1315, filed 5/30/73)

**WAC 16-401-030 EXTRA CHARGES.** Extra charges on all requested inspections under WAC 16-401-025 shall be at the rate of \$((8-25))12.00 per hour above the minimum charges listed.

(1) For all inspection services performed after 5:00 p.m. or on Saturdays, Sundays or state legal holidays, an hourly charge equivalent of \$((+2-38))18.00 per hour for actual hours spent in performance of duties shall be made. This shall include unit charges, plus, if necessary, overtime charges to equal \$((+2-38))18.00 per hour.

(2) The following state legal holidays will be observed: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Veteran's Day, Christmas Day, Lincoln's Birthday, Washington's Birthday, Columbus Day and General Election Day. NO SERVICE will be performed on Thanksgiving, Christmas or New Year's Day, beginning at 5:00 p.m. on the previous day.

(3) All fees due under provisions of WAC 16-401-020, 16-401-025 and 16-401-030 shall be payable at the time the service is completed.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 16-401-003 PROMULGATION.
- (2) WAC 16-401-035 EFFECTIVE DATE.

**WSR 79-04-026**  
**ADOPTED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Order 1627—Filed March 21, 1979]

I, Bob J. Mickelson, director of Department of Agriculture, do promulgate and adopt at General Administration Building, Olympia, Washington, the annexed rules relating to consolidating into a new order, orders numbered 1229, 1230, 1320, 1321 and 1322, amending some Washington state standards for nursery stock and adopting some additional standards for nursery stock; adopting WAC 16-432-010, 16-432-020, 16-432-030, 16-432-040, 16-432-050, 16-432-060, 16-432-070, 16-432-080, 16-432-090, 16-432-100, 16-432-110, 16-432-120 and 16-432-130, and repealing WAC 16-427-001, 16-427-010, 16-427-015, 16-427-020, 16-427-025, 16-427-030, 16-427-040, 16-427-050, 16-427-060, 16-427-070, 16-428-001, 16-428-010, 16-428-020, 16-428-030, 16-428-040, 16-428-050, 16-

428-060, 16-428-070, 16-429-001, 16-429-010, 16-429-020, 16-429-030, 16-429-040, 16-429-050, 16-429-060, 16-429-070, 16-429-080, 16-429-090, 16-429-100, 16-430-001, 16-430-010, 16-430-015, 16-430-020, 16-430-025, 16-430-040, 16-430-050, 16-430-060, 16-430-070, 16-430-100, 16-430-110, 16-454-050, 16-454-055, 16-454-060, 16-454-065, 16-454-070, 16-454-075, 16-454-080, 16-454-085, 16-454-090 and 16-454-095.

This action is taken pursuant to Notice No. WSR 79-02-071 filed with the code reviser on 2/6/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.13 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 21, 1979.

By Bob J. Mickelson  
Director

Chapter 16-432 WAC  
WASHINGTON STATE STANDARDS FOR NURSERY STOCK

NEW SECTION

WAC 16-432-010 GENERAL. (1) Grades and standards. Use of Washington grades is optional. If these grades are used, however, the plants must meet the grade specification.

(2) Nursery stock. Shall be true to name, and of the size or grade stated.

(3) Names. Usage shall conform to the rules of the "International Code of Nomenclature for Cultivated Plants".

(4) Quality. Shall be normal for the species when grown under proper cultural practices. Fertile soil, ample spacing, regular cultivation, weed control, spraying, adequate moisture, pruning and shearing, transplanting or root pruning not less than once in four years, depending on species, are all necessary requirements for normal quality nursery stock. All nursery stock shall be viable, substantially free from pests and disease, and undamaged. Roots shall not be subject to long exposure to drying winds, sun, or frost between digging and delivery. Root balls shall be free from pernicious perennial weeds.

(5) Packing or wrapping. Shall be adequate for the protection of the stock and sufficient to prevent heating or drying out during storage and/or transport.

(6) Grading.

(a) A uniform grading system for height and/or spread or caliper is recommended for, and is described, under each specific classification of nursery stock.

(b) In all cases, for purposes of simplicity, only one size per "grade" will be listed. That size will be the minimum size allowable for that "grade" and shall include plants from that size up to, but not including, the

larger size. (Example: Taxus C. Brownii 30"; Betula papyrifera 8")

(7) Compliance with federal and state law. Plants regardless of certification as to grade, must comply with requirements and regulations of the United States department of agriculture, agricultural research service, plant quarantine division, and state laws.

NEW SECTION

WAC 16-432-020 MARKING REQUIREMENTS. All plants shall be plainly and legibly marked with stamped, mechanically printed, typewritten letters not less than one-fourth inch in height.

(1) Labeling.

(a) All collected plants shall be labeled "collected".

(b) When plants are on display for retail sales, one plant per block shall be labeled with correct name.

(c) On mixed blocks, each plant shall be properly labeled.

(d) Wholesale lots sold or shipped with two or more plants must have each variety and size segregated and tagged when requested by purchaser.

(e) Any substitution as to variety or grade shall be clearly indicated on the packing slip and on the pertinent labels.

(2) Advertising. All advertising of nursery stock shall include size of material advertised when the ad includes prices.

NEW SECTION

WAC 16-432-030 TOLERANCE. In order to allow for variations incident to proper grading and handling, not more than two percent, by count, of any lot may be below the requirements of this grade: PROVIDED, That a lower tolerance may be established by written contract between the parties concerned.

NEW SECTION

WAC 16-432-040 CONTAINER SPECIFICATIONS. (1) A container is a rigid self-supporting unit used to grow plant material.

(2) All standards and specifications of nursery stock shall be applicable to container grown stock.

(3) Container grown nursery stock shall be established in the container with branched root system to the extremity of the container (side walls) EXCEPT in the case of plants that are repotted in sterile media to meet export requirements.

(4) Plants in pots or other containers shall be in a container of adequate size for the size of the plant and shall have been acclimated to outside conditions, should be equal to and acceptable for field grown stock.

(5) Size of container shall be specified in addition to size of plant.

(6) A container is not a size grade.

NEW SECTION

WAC 16-432-050 TERMINOLOGY. CANE - Shall be considered a primary stem which starts from

the ground at a point not higher than one-fourth the height of the plant.

**STEM** – Is a major structural portion of a plant originating in the lower one-third of the plant; the main axis of a plant: Leaf bearing and flower bearing as distinguished from the root bearing axis.

**LEADER** – The main stem or trunk that forms the apex of a tree.

**CLUMP** – Plant with two or more main stems at the ground line with the number of stems to be specified.

**MULTI-STEM** – Plant with two or more main stems starting near the ground from a primary stem.

#### ABBREVIATIONS:

"C" means cutting;

"Div" means division;

"G" means grafted;

"L" means layered;

"R.P." means root pruned;

"S." means seedling;

"T." means transplanted. Use one T. for each time transplanted;

"2-0" means seedling two years old and not transplanted;

"2-1" means seedling three years old and once transplanted.

Definitions not specified above used in this order will be found in "A Technical Glossary of Horticultural and Landscape Terminology," Library of Congress Card Catalog Number 78-165521.

#### NEW SECTION

##### WAC 16-432-060 PLANT SPECIFICATIONS.

##### (1) BALLED PLANTS.

###### (a) Definitions.

(i) Balled and burlapped. Plants prepared for transplanting by digging them so that the soil immediately around the roots remains undisturbed. The ball of earth is then bound up in burlap or similar mesh fabrics. Abbreviated: B & B.

(ii) Balled and potted plants. Field grown plants dug with the ball of earth still intact in which they are growing and in lieu of burlapping are placed in a container to retain the ball unbroken. Abbreviated: B & P.

(iii) Balled wire container. A wire container may be used in lieu of burlap on large plants. None of above three are container grown.

###### (b) Ball sizes.

(i) Ball sizes shall always be of a diameter and depth to encompass the fibrous and feeding root system necessary for the full recovery of the plant named.

(ii) Minimum ball size specifications for balled and potted plants shall be the same as for balled and burlapped plants.

(2) BARE ROOT PLANTS. All normal quality nursery stock shall have adequate fibrous root system that has been developed by proper cultivating practices, particularly transplanting or root pruning. Pertinent facts as to when larger nursery stock was transplanted or root pruned should be available to the buyer.

##### (3) COLLECTED PLANTS.

(a) Collected plants shall be graded in the same manner as nursery grown ornamental evergreen plants.

(b) Native collected plant material shall be considered as nursery stock if it is grown in a nursery for a minimum of six months including at least three-month initiation of top growth.

#### NEW SECTION

##### WAC 16-432-070 YOUNG PLANTS SPECIFICATIONS. (1) GENERAL SPECIFICATIONS.

(a) Definition. This section is to cover small plants not covered in other sections of the standard. (Example: Seedling, ground covers, vines and lining out stock.)

(b) Quality. The quality of all young plants offered is assumed to be normal for the species or variety unless otherwise designated.

(c) Height measurement. Height measurement is from the ground level except on grafted stock.

(d) Trimming. Tops or roots will not be trimmed unless specified by grower or requested by purchaser. (See understock for grafting for general grading by caliper.)

##### (2) MEASUREMENT DESIGNATION.

###### (a) Dwarf and semi-dwarf.

Use two-inch intervals up to twelve inches (4" – 6" – 8" – 10" – 12")

Use three-inch intervals from twelve inches up (12" – 15" – 18")

(Examples: Berberis atropurpureum 'Crimson Pigmy'  
Picea abies 'Nidiformis'  
Sedums)

###### (b) Medium grower. Use three-inch intervals up.

(Examples: Azalea mollis  
Prunus laurocerasus 'Zabeliana'  
Hedera helix)

###### (c) Fast grower. Use six-inch intervals up.

(Examples: Acer rubrum  
Betula alba  
Cytisus 'Burkwoodi'  
Forsythia  
Pinus, except dwarf type)

##### (3) TYPES OF PLANTS.

(a) Type 1 – No stems. Measurement designates spread or age.

(Examples: Ajuga reptans  
Festuca ovina glauca  
Sagina subulata  
Sedums)

###### (b) Type 2 – Single stem.

(i) Spreading. Measurement designates spread, height not considered.

(Examples: Ceanothus gloriosus  
Cotoneaster dammeri  
Erica carnea  
Juniperus horizontalis 'Wiltonii'  
Mahonia nervosa)

(ii) Semi-spreading. Measurement by spread at least twice height.

(Examples: Ilex crenata 'Helleri'  
Juniperus chinensis pfitzeriana)

(iii) Globe. Measurement spread equal to height.

(Examples: Berberis thunbergi 'Crimson Pygmy'

- Deutzia gracilis  
Thuja oc. 'Little Gem')
- (iv) Medium upright. Measurement designates height.  
Height spread ratio of two to one.  
(Examples: Ilex crenata 'Rotundifolia'  
Pieris Japonica  
Rhododendron obtusum  
'Hinodegiri')
- (v) Upright. Measurement designates height or age.  
(Examples: Acer palmatum  
Betula papyrifera  
Mahonia aquifolium  
Myrica californica  
Pseudotsuga menzeisii)
- (c) Type 3 – Stoloniferous. Measurement – fullness or number of stolons.  
(Examples: Gaultheria procumbens  
Pachysandra terminalis  
Vinca minor)
- (d) Type 4 – Vining. Measurement designates lengths and/or numbers, runners and/or age.  
(Examples: Hedera helix  
Clematis  
Wisteria)

**NEW SECTION**

**WAC 16-432-080 DECIDUOUS FLOWERING SHRUBS AND SHADE TREES. TYPES.** Deciduous flowering shrubs and shade trees are considered under nine groups, according to their habit, number of stems and root spread.

(1) Deciduous shrubs.

(a) Type 1 – Dwarf shrubs.

Measurement designation

2" intervals to 12"

3" intervals to 18"

6" intervals to 36"

- 6" shrubs shall have no less than 2 stems,
- 9" shrubs shall have no less than 3 stems,
- 12" shrubs shall have no less than 4 stems,
- 15" shrubs shall have no less than 4 stems,
- 18" shrubs shall have no less than 5 stems,
- 21" shrubs shall have no less than 5 stems,
- 2' shrubs shall have no less than 6 stems,
- 2-1/2' shrubs shall have no less than 7 stems,

- Examples: Berberis thunbergi 'Crimson Pygmy'  
Deutzia (dwarf forms)  
Potentilla fruticosa  
Spirea 'Anthony Waterer'

(b) Type 2 – Semi-dwarf.

Measurement designation

3" intervals to 18"

6" intervals to 36"

- 6" shrubs shall have no less than 2 stems,
- 9" shrubs shall have no less than 3 stems,
- 12" shrubs shall have no less than 3 stems,
- 15" shrubs shall have no less than 3 stems,
- 18" shrubs shall have no less than 3 stems,

- 21" Shrubs shall have no less than 3 stems,
- 2' shrubs shall have no less than 4 stems,
- 2-1/2' shrubs shall have no less than 4 stems,

- Examples: Azalea (deciduous)  
Berberis thunbergi  
Cornus alba 'Sibirica'  
Rosa multiflora setigera  
Ligustrum  
Potentilla

(c) Type 3 – Strong growing.

Measurement designation

6" intervals to 36"

1' intervals to 5'

- 6" shrubs shall have no less than 2 stems,
- 12" shrubs shall have no less than 3 stems,
- 18" shrubs shall have no less than 3 stems,
- 2' shrubs shall have no less than 3 stems,
- 3' shrubs shall have no less than 4 stems,
- 4' shrubs shall have no less than 5 stems,

- Examples: Chaenomeles  
Forsythia (all varieties)  
Hydrangea  
Philadelphus virginialis  
Prunus (bush forms)  
Symphoricarpos albus  
Syringa chinensis  
Viburnum tomentosum

(d) Type 4 – Strong growing, light structure.

Measurement designation

Same as Type 3

- 6" shrubs shall have no less than 1 stem,
- 12" shrubs shall have no less than 2 stems,
- 18" shrubs shall have no less than 2 stems,
- 2' shrubs shall have no less than 2 stems,
- 3' shrubs shall have no less than 3 stems,
- 4' shrubs shall have no less than 4 stems,

- Examples: Cotinus coggygria  
Syringa vulgaris  
Tamarix

(2) Shade and flowering trees.

(a) Caliper and height measurements.

(i) In size grading container or B & B trees, caliper shall take precedence over height.

(ii) In size grading bare root trees, height shall take precedence to 6 feet, thereafter caliper takes precedence. Two grades above specified height will be allowable to attain specified caliper.

(iii) Trunk caliper shall be taken 6 inches above the ground level at which the plant has been growing up to and including 4 inch caliper size and 12 inches for larger sizes.

(iv) For budded or grafted stock, caliper shall be measured 2 inches above bud collar or graft.

(v) Height measurements less than the minimum height listed may be in 6 inch increments.

(b) Types of trees.

(i) Type A – Shade trees.

Caliper	Minimum Height
1"	4'
1 1/4"	6'
1 1/2"	8'
1 3/4"	10'
2"	12'
2 1/2"	12'
3"	14'
3 1/2"	14'
4"	16'
5"	18'

Examples: Acer platanoides  
Betula  
Fraxinus  
Populus  
Salix  
Zelkova

(ii) Type B – Slower growing shade trees. Trees of slower growth which will not usually attain the height measurement in relation to caliper as in Type A. The height should, however, be not less than two-thirds the height in relation to caliper given for Type A.

Examples: Liquidamber styraciflua  
Laburnum  
Quercus rubra  
Malus 'Hopa'

(c) Type C – Small upright and small flowering trees. This is a broad group including small trees as well as usual forms of plants which may be grown as a clump or shrub. For single stem plants, the minimum relationship of caliper and height will be as follows:

Minimum Height	Caliper	Branches
2'	-	2 or more
2 1/2'	-	2 or more
3'	-	2 or more
4'	-	3 or more
5'	-	4 or more
6'	3/4"	5 or more
7'	1"	6 or more
8'	1"	7 or more

Examples: Acer circinatum  
Malus (most crabapples)  
Magnolias  
Prunus 'Thundercloud'  
Styrax

(d) Type D – Small spreading trees. This is a group including small spreading trees of dwarf habit of growth and certain large shrubs grown in tree or multi-stemmed form. Height shall be the governing measurement. For single stem plants, the minimum branching should be as follows:

- 2 feet – 4 or more branches
- 2 1/2 feet – 4 or more branches
- 3 feet – 5 or more branches
- 3 1/2 feet – 6 or more branches
- 4 feet – 7 or more branches
- 5 feet – 8 or more branches
- 6 feet – 8 or more branches

Examples: Acer palmatum  
Cornus  
Magnolia stellata

(e) Type E – Clump types. Tall growing trees with 2 or more main stems. No stems shall be included in total count which vary more than one grade from the size specified, and in no case can one stem be in excess of one grade flower than the size specified. Also in each instance all countable stems shall average, in aggregate, the size specified.

NEW SECTION

WAC 16-432-090 CONIFEROUS EVER-GREENS. (1) Definition. Needle-bearing plants. A plant which bears seeds in a cone; with the exception of the larches and the bald cypress, practically all conifers are evergreen. (See WAC 16-432-080, Deciduous Flowering Shrubs and Shade Trees)

(2) Grade terms. (Growth patterns)

(a) Dwarf or slow grower – Use 2-inch intervals up to 12 inches.

(b) Medium grower – Use 3-inch intervals up to 24 inches.

(c) Fast grower – Use 6-inch intervals up to 5 feet.

(3) Measurement of types.

(a) Type 1 – Spreading. Measurement designates spread (height not considered).

Example: Juniperus horizontalis (and varieties)  
Pinus mugho  
Taxus baccata 'Repandens'

(b) Type 2 – Globe or dwarf. Measurement designates height. Spread should not be less than two-thirds of the height.

Example: Chamaecyparis obtusa 'Nana'  
Picea abies 'Nidiformis'  
Thuja occidentalis 'Little Gem'

(c) Type 3 – Cone (Pyramidal). Measurement designates height. Spread should not be less than one-half the height.

Example: Chamaecyparis obtusa Gracilis  
Cedrus deodara  
Taxus cuspidata capitata  
Thuja occidentalis

(d) Type 4 – Broad upright. Measurement designates height. Spread should not be less than one-third the height.

Example: Cham. L. 'Allumii'  
Juniperus chinensis 'Keteleeri'  
Picea abies  
Pinus nigra

(e) Type 5 – Columnar. Measurement designates height. Spread should not be less than one-fifth the height.

Example: Cupressus sempervirens (Italian Cypress)  
Thuja occidentalis, orientalis (columnar type varieties)

Taxus media 'Hicksii'  
Taxus baccata 'Fastigiata'

**NEW SECTION**

**WAC 16-432-100 BROADLEAF EVERGREEN SHRUBS. (1) GENERAL SPECIFICATIONS.** (See WAC 16-432-080, Deciduous Flowering Shrubs and Shade Trees)

(a) Definition. Plants which maintain live foliage throughout the year.

(b) Measurement of height should begin at the ground line and should continue up to where the main part of the plant ends and not to the tip of a thin shoot.

(c) Measurement at spread should be average fill of plant and not the greatest diameter.

(d) All unbranched plants shall be so designated when spread is involved in the measurement.

(e) For tree forms, see shade and flowering trees.

(2) GRADE TERMS (Growth patterns).

(a) Dwarf or slow grower - Use 2-inch intervals up to 12 inches.

(b) Medium grower - Use 3-inch intervals up to 24 inches.

(c) Fast grower - Use 6-inch intervals up to 5 feet.

(3) MEASUREMENT OF TYPES.

(a) Type 1 - Spreading or semi-spreading. Measurement designates spread (height not considered).

Example: Cotoneaster dammeri  
Mahonia nervosa  
Azalea 'Gumpo'  
Rhododendron 'Elisabeth'  
Erica in variety

(b) Type 2 - Globe or dwarf. Measurement designates height. Spread should not be less than two-thirds of the height.

Example: Buxus sempervirens 'Truedwarf'  
Ilex crenata 'Convexa'  
Berberis Verruculosa  
Rhododendron 'Unique'  
Pieris japonica

(c) Type 3 - Cone pyramidal. Measurement designates height. Spread should not be less than one-half the width.

Example: Chamaecyparis obtusa Gracilis  
Cedrus deodara  
Taxus cuspidata capitata  
Thuja occidentalis

(d) Type 4 - Broad upright. Measurement designates height. The spread should not be less than one-third of the height.

Example: Camellia japonica  
Mahonia aquifolium  
Pyracantha (tall type)  
Virburnum tinus  
Rhododendron 'Arthur Bedford'  
Ilex aquifolium  
Ilex opaca

(e) Type 5 - Columnar cone. Measurement designates height. Spread should not be less than one-fifth of the height.

Example: Rhododendron 'Yellow Hammer'  
Ilex crenata 'Mariesii'  
Cotoneaster 'Hybridus Pendulus'

**NEW SECTION**

**WAC 16-432-110 FRUIT TREES. (1) GENERAL.**

Caliper should be taken two inches above bud.

Height should be taken from the ground level or collar.

Caliper shall govern.

All trees should have reasonably straight trunks.

(2) MEASUREMENT DESIGNATIONS.

(a) Branched trees.

5/16" and larger should be branched except one year Sweet Cherry.

5/8" and larger should have three or more side branches.

Caliper (in inches)	Recommended Metric Equivalent	Minimum Heights Feet	unless otherwise specified Metric
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Standard Apple, Cherry-Sweet, Peach, Almond, Nectarine, Pear, Apricot, Prune and Plum (1 and 2 years)

1"	25 mm	6'	1.75m
7/8"	22 mm	5'	1.5 m
3/4"	20 mm	5'	1.5 m
5/8"	16 mm	4'	1.25 m
1/2"	13 mm	3-1/2'	1.0 m
3/8"	10 mm	3'	90 cm
5/16"	8 mm	2-1/2'	80 cm
1/4"	6 mm	2'	60 cm

Standard Cherry-Sour and Dwarf Peach, Pear, Nectarine, Apricot, Prune and Plum (on clonal rootstock only)

1"	25 mm	5'	1.5 m
7/8"	22 mm	4-1/2'	1.4 m
3/4"	20 mm	4-1/2'	1.4 m
5/8"	16 mm	4'	1.25 m
1/2"	13 mm	3-1/2'	1.0 m
3/8"	10 mm	3'	90 cm
5/16"	8 mm	2-1/2'	80 cm
1/4"	6 mm	2'	60 cm

Dwarf apple (including clonal rootstocks and interstem trees)

1"	25 mm	5-1/2'	1.6 m
7/8"	22 mm	5'	1.5 m
3/4"	20 mm	5'	1.5 m
5/8"	16 mm	4-1/2'	1.4 m
1/2"	13 mm	4'	1.25 m
3/8"	10 mm	3-1/2'	1.0 m
5/16"	8 mm	3'	90 cm
1/4"	6 mm	2'	60 cm

(b) Partially branched or one-year whips. Measured by caliper only.

1" - 7/8" - 3/4" - 5/8" - 1/2" - 3/8" - 1/4"

(c) For small tree seedlings and dwarf understock see "Understock for grafting and budding."

**NEW SECTION**

**WAC 116-432-120 UNDERSTOCK FOR GRAFTING AND BUDDING.** Measurement designations.

(1) FRUIT AND TREE SEEDLINGS.

(a) Caliper measurement. Caliper shall be taken at the collar or ground line. Grades should be designated as follows:

Caliper (in inches)	Recommended Metric Equivalent	Minimum Height (in inches)
1/2"	12 mm	12"
3/8"	9 mm	9"
1/4"	7 mm	7"
3/16"	5 mm	5"
2/16"	4 mm	4"
1/16"	3 mm	4"

Exception: Grade No. 1 "straight" of apple seedlings should be graded from 3/16-inch caliper (optional metric range should be from 5 mm to 8 mm).

(b) Seedlings with limbs. In case of seedlings with limbs, there should be at least two inches (5 cm) above the collar free of limbs for a minimum of one-half of the circumference of the seedling.

(c) Root descriptions. In case of apple and pear seedlings, where the root description is given as branched or straight, the following shall apply:

(i) Branched root: Not less than three root branches must be present within five inches (12.5 cm) from the collar.

(ii) Straight root: The root shall carry the minimum caliper of the grade for not less than six inches (15 cm) from the collar.

(2) Vegetatively propagated fruit stock.

(a) In the case of fruit understock grown from "cuttings" or from layerage, the caliper shall be taken on the original cutting or layer at a point ten inches (25 cm) above the collar.

(b) All forms of vegetatively propagated fruit tree rootstock should have a minimum of four rootlets on each cutting or layer.

(i) Examples: Merton Malling Nos. 111, 106, M-7A, M-9, M-26, M-27 apple, Prunus marriana and Prunus myrobolan.

(ii) Exception: Any rootstocks not meeting the above specifications for root systems should be labeled as "unclassified" grade and the minimum numbers of rootlets specified.

(3) Conifers - Evergreens.

Height	Minimum Caliper
6"	1/4" 7 mm
5"	3/16" 5 mm
4"	1/8" 4 mm
4"	1/16" 3 mm

**NEW SECTION**

WAC 16-432-130 NURSERY STOCK STANDARD FOR ROSES. (1) GENERAL SPECIFICATIONS. (a) Washington grades No. 1, No. 1-1/2 and No. 2 should meet the specified size requirements in the table under size terms.

(b) Classification of roses will be based on the latest publication of Modern Roses.

(2) MEASUREMENT DESIGNATIONS.

(a) Maximum branching height shall be three inches above bud union.

(b) The specifications outlined for length of canes is applicable before pruning in preparation for sale.

Tea, Hybrid Tea, Grandiflora, Rugosa Hybrids, Perpetuals, and Moss Roses and miscellaneous Bush Roses.

	Strong Growing Number of Canes Ht.	Light Growing Number of Canes Ht.
No. 1	3 (2 of which are 16")	3 (2 of which are 16")
No. 1-1/2	2 15"	2 13"
No. 2	2 12"	2 10"
Floribunda		
No. 1	3 (2 of which are 15")	
No. 1-1/2	2 14"	
No. 2	2 12"	
Polyantha and Low Growing Floribunda		
No. 1	4 10"	
No. 1-1/2	3 8"	
No. 2	2 8"	
Climbing		
No. 1	3 16"	
No. 1-1/2	2 13"	
No. 2	2 12"	
Wichuriana and Wachuriana Types		
No. 1	4 16"	
No. 1-1/2	3 13"	
No. 2	3 10"	

**REPEALER**

Chapter 16-427 of the Washington Administrative Code is repealed in its entirety as follows:

- (1) WAC 16-427-001 PROMULGATION.
- (2) WAC 16-427-010 GRADES AND STANDARDS.
- (3) WAC 16-427-015 TOLERANCE.
- (4) WAC 16-427-020 SIZE TERMS.
- (5) WAC 16-427-025 BALLED AND BURLAPPED AND CONTAINER GROWN.
- (6) WAC 16-427-030 MARKING REQUIREMENTS.
- (7) WAC 16-427-040 DEFINITION OF TERMS.
- (8) WAC 16-427-050 COMPLIANCE WITH FEDERAL AND STATE LAW.
- (9) WAC 16-427-060 COLLECTED PLANTS.
- (10) WAC 16-427-070 EFFECTIVE DATE.

**REPEALER**

Chapter 16-428 of the Washington Administrative Code is repealed in its entirety as follows:

- (1) WAC 16-428-001 PROMULGATION.
- (2) WAC 16-428-010 GRADES AND STANDARDS.
- (3) WAC 16-428-020 MEASUREMENT.
- (4) WAC 16-428-030 MARKING.
- (5) WAC 16-428-040 COMPLIANCE WITH FEDERAL AND STATE LAW.
- (6) WAC 16-428-050 CONTAINER GROWN.
- (7) WAC 16-428-060 SIZE TERMS.
- (8) WAC 16-428-070 EFFECTIVE DATE.

**REPEALER**

Chapter 16-429 of the Washington Administrative Code is repealed in its entirety as follows:

- (1) WAC 16-429-001 PROMULGATION.
- (2) WAC 16-429-010 GRADES AND STANDARDS.
- (3) WAC 16-429-020 TOLERANCE.

- (4) WAC 16-429-030 MARKING REQUIREMENTS.
- (5) WAC 16-429-040 COMPLIANCE WITH FEDERAL AND STATE LAW.
- (6) WAC 16-429-050 COLLECTED PLANTS.
- (7) WAC 16-429-060 SIZE TERMS.
- (8) WAC 16-429-070 CONDITION OF ROOT SYSTEM.
- (9) WAC 16-429-080 DEFINITION OF TERMS.
- (10) WAC 16-429-090 MEASUREMENT OF TYPES.
- (11) WAC 16-429-100 EFFECTIVE DATE.

**REPEALER**

Chapter 16-430 of the Washington Administrative Code is repealed in its entirety as follows:

- (1) WAC 16-430-001 PROMULGATION.
- (2) WAC 16-430-010 GRADES AND STANDARDS.
- (3) WAC 16-430-015 TOLERANCE.
- (4) WAC 16-430-020 SIZE TERMS.
- (5) WAC 16-430-025 BALLED AND BURLAPPED AND CONTAINER GROWN.
- (6) WAC 16-430-040 MARKING REQUIREMENTS.
- (7) WAC 16-430-050 DEFINITION OF TERMS.
- (8) WAC 16-430-060 MEASUREMENT OF TYPES.
- (9) WAC 16-430-070 COMPLIANCE WITH FEDERAL AND STATE LAW.
- (10) WAC 16-430-100 COLLECTED PLANTS.
- (11) WAC 16-430-110 EFFECTIVE DATE.

**REPEALER**

Chapter 16-454 of the Washington Administrative Code is repealed in its entirety as follows:

- (1) WAC 16-454-050 PROMULGATION.
- (2) WAC 16-454-055 GRADES AND STANDARDS.
- (3) WAC 16-454-060 TOLERANCE.
- (4) WAC 16-454-065 MARKING REQUIREMENTS.
- (5) WAC 16-454-070 COMPLIANCE WITH FEDERAL AND STATE LAW.
- (6) WAC 16-454-075 COLLECTED PLANTS.
- (7) WAC 16-454-080 MEASUREMENT.
- (8) WAC 16-454-085 SIZE TERMS.
- (9) WAC 16-454-090 CONTAINER GROWN ROSES.
- (10) WAC 16-454-095 EFFECTIVE DATE.

**WSR 79-04-027**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)  
 [Filed March 21, 1979]

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 relating to inpatient hospital care, amending WAC 388-86-050.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Michael Stewart, Executive Assistant  
 Department of Social and Health Services  
 Mail Stop OB-44 C  
 Olympia, WA 98504;

that such agency will at 10:00 a.m., Wednesday, May 9, 1979, in the Auditorium, State Office Bldg #2, 12th and Jefferson, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, May 16, 1979, in William B. Pope's office, 3-D-14, State Office Bldg #2, 12th and Jefferson, Olympia, WA.

The authority under which these rules are proposed is RCW 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 9, 1979, and/or orally at 10:00 a.m., Wednesday, May 9, 1979, Auditorium, State Office Bldg #2, 12th and Jefferson, Olympia, WA.

Dated: March 20, 1979  
 By: Michael S. Stewart  
 Executive Assistant

**AMENDATORY SECTION** (Amending Order 1359, filed 12/8/78)

WAC 388-86-050 INPATIENT HOSPITAL CARE. (1) The department will provide hospitalization for recipients under age sixty-five and for recipients sixty-five and over who have exhausted medicare benefits. With exceptions and limitations listed below, the recipient will have free choice of hospitalization.

- (2) Hospitalization requires approval of
  - (a) the local medical consultant for admission and extension of length of stay for recipients of GAU and MO,
  - (b) the local medical consultant for prior approved nonemergent surgery, or
  - (c) the professional standards review organization (PSRO) for medical illness and emergent surgery for recipients on federally related programs.

(3) Department authorization for inpatient hospital care for eligible individuals shall be limited to the lesser of the minimum number of days consistent with practice normally followed in the community or the maximum number of days established at the 75th percentile in the edition adopted by the department of the publication "Length of Stay in PAS Hospitals, by Diagnosis United States Western Region", unless prior contractual arrangements are made by the department for a specified length of stay (see WAC 388-80-005(46) and 388-87-013(2)). Hospital stays shall be subject to the same utilization review as established for private patients in the community. A daily list of all recipient inpatients with diagnostic information shall be submitted by the hospital to the local medical consultant. In rare instances medical complications develop or new medical conditions are diagnosed which may require care exceeding the maximum number of days of hospitalization provided for under the specified PAS time limits. In such cases, when presented within sixty days of final service and adequately justified by the attending physician, extensions may be granted by the chief

of the office of medical assistance, or by his professional designee, or by the full time medical consultant in the CSO or regional office where such is employed for recipients of GAU and MO. The professional standards review organization (PSRO) will determine length of stay for recipients on federally-related programs.

(a) Eligible recipients are covered for involuntary admissions for acute psychiatric conditions up to a maximum of seventeen days under the Involuntary Treatment Act in hospitals certified as evaluation and treatment facilities. If an involuntarily committed recipient reverts to voluntary status, PAS days are computed from day of admission and applied to any period exceeding the mandatory seventeen days. If PAS days are less than seventeen, the maximum of seventeen days will prevail.

(b) No payment will be made for care in a private psychiatric hospital that has not been certified under Title XVIII. Authorization for admission of an eligible individual to a private psychiatric hospital shall be under the same conditions and program limitations as for treatment of psychiatric conditions in a general hospital.

(c) Medicaid payment will be made for care in a state mental institution for AFDC recipients or SSI beneficiaries under age ((2+)) twenty-one and for all recipients age ((65)) sixty-five and older. Other age groups are covered under the Involuntary Treatment Act and/or other state funded programs. (See WAC 388-82-025).

(4) The department is prohibited from paying for hospitalization of any individual for the treatment of tuberculosis in a general hospital after such a diagnosis has been established. (See WAC 388-82-025.)

(5) Hospitalization for the treatment of acute and chronic renal failure shall be provided, except that the department shall pay only deductibles and coinsurance for a recipient who is a medicare beneficiary and who is hospitalized for such treatment or for kidney transplant.

(6) Except for an emergency no hospital admission shall be made on Friday or Saturday for scheduled surgery on Monday. The attending physician may admit the recipient on Sunday to accomplish the necessary preoperative work-up.

(7) Approval for hospitalization of a recipient shall be based on the recipient's need for semi-private accommodations and reimbursement made at the multiple occupancy rate regardless of accommodations provided by the hospital. Special rates may be established for recipients covered by the Involuntary Treatment Act. Semi-private accommodations shall mean not less than two nor more than a four-bed room.

**WSR 79-04-028**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Filed March 21, 1979]

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 the amending of chapters 388-82, 388-83, 388-84, 388-86, 388-87, 388-91, 388-92 and 388-93 WAC relating to medical assistance.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Michael Stewart  
Executive Assistant  
Department of Social and Health Services  
Mail Stop OB-44 C  
Olympia, WA 98504;

that such agency will at 10:00 a.m., Wednesday, May 9, 1979, in the Auditorium, State Office Bldg #2, 12th and Jefferson, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, May 16,

1979, in William B. Pope's office, 3-D-14, State Office Bldg #2, 12th and Jefferson, Olympia, WA.

The authority under which these rules are proposed is RCW 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 9, 1979, and/or orally at 10:00 a.m., Wednesday, May 9, 1979, Auditorium, State Office Bldg #2, 12th and Jefferson, Olympia, WA.

Dated: March 20, 1979

By: Michael S. Stewart  
Executive Assistant

AMENDATORY SECTION (Amending Order 1359, filed 12/8/78)

WAC 388-82-020 MEDICAL CARE SERVICES. An individual eligible for medical care services (MS) under the fully state-financed program is one who cannot meet the eligibility requirements under any medical assistance (MA) program, but does meet either (1), or (2) and (3) of the requirements below:

(1) Is eligible to receive a continuing general assistance grant or is a dependent other than a spouse included in a federal grant.

(2) Is ~~((either a recipient of noncontinuing general assistance who cannot be related to Title XVI or))~~ in need of medical care only (MO), and has satisfied a deductible of \$200 over a twelve month period from the date of application, and meets financial criteria according to WAC 388-83-035 through 388-83-055.

(3) Is medically eligible by reason of an acute and emergent condition (see WAC 388-86-120(2)). Certification covers the acute and emergent condition only, see WAC 388-85-015(3) and 388-86-032.

AMENDATORY SECTION (Amending Order 1265, filed 1/13/78)

WAC 388-83-028 EXTENDED ELIGIBILITY. (1) Persons who, in August, 1972, received OAA, AFDC, AB, or DA and also received RSDI benefits, and who became ineligible for OAA, AFDC, AB or DA solely because of the twenty percent increase in social security benefits under Public Law 92-336, shall be eligible for federal aid medical care only (FAMCO). The provisions of WAC 388-83-045(8)(a) shall apply.

(2) Applicants for FAMCO or AFDC who were entitled to RSDI benefits in August, 1972, and would have been ~~((eligible))~~ ineligible solely because of the social security benefits under Public Law 92-336 shall have the twenty percent increase disregarded in determining financial eligibility for FAMCO. The provisions of WAC 388-83-045(8)(b) shall apply.

(3) An AFDC grant assistance family which becomes ineligible 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) Participation shall not be required.

(4) Persons who become ineligible for SSI benefits and/or state supplementary payments in July, 1977, solely because of OASDI cost-of-living benefit increases under PL 94-566, section 503 shall remain categorically eligible for medical assistance (MA). This disregard does not apply to:

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

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

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

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

AMENDATORY SECTION (Amending Order 1233, filed 8/31/77)

WAC 388-83-065 TRANSFER OF RESOURCES WITHIN TWO YEARS PRIOR TO APPLICATION. (1) An applicant for an AFDC grant, continuing assistance or medical only (MO) who transfers any resource within two years immediately prior to the date of

application (or during the application period) without having received adequate consideration for such property shall be deemed to have a nonexempt resource available to meet his medical needs.

(2) The amount considered available to meet medical need shall be the difference between the reasonable value of the consideration received for the transferred property and the reasonable value of the property transferred. In determining this amount the rules in WAC ~~((388-26-220))~~ 388-28-461 and ~~((388-26-225))~~ 388-28-462 shall be considered.

(3) The applicant is ineligible if the amount considered available exceeds cost of medical ((need)) care according to WAC 388-84-020.

~~((If eligible with participation see WAC 388-83-045.))~~ AMENDATORY SECTION (Amending Order 1233, filed 8/31/77)

WAC 388-84-005 RIGHT TO APPLY. (1) All individuals wishing to make application for medical care shall have an opportunity to do so.

(a) Application shall mean a request for medical care made to the local office verbally or in writing by a person in his own behalf or in behalf of another person, except that verbal applications must be reduced to writing before payment for care can be made. If death of the applicant intervenes, his relatives or other interested persons may complete the application form. Any type of contact pertaining to a request for medical care made with any staff member of a local office by an individual or a person acting in his behalf is construed as an official notification and the beginning of the application process.

(b) The applicant, or anyone acting in his behalf, is required to participate to the fullest extent possible in the application process. It is the responsibility of the applicant to provide such information and material pertinent to his financial affairs and resources, etc., as is necessary to establish a determination of financial eligibility. Verification of resources by the department shall be limited to those reasonably necessary to determine the extent to which the available resources may be utilized.

(c) Application procedures in WAC 388-38-030 through 388-38-050 will be followed.

(2) Eligibility for medical services received before the date of application may be retroactively certified and approved for payment provided that

(a) The individual would have satisfied all eligibility requirements for federal aid medical care only at the time the medical services were furnished,

(b) The medical services received were consistent with the scope of care which may be provided to FAMCO recipients,

(c) The unpaid bills were incurred no earlier than the first day of the third month preceding the month of application for medical assistance,

(d) The local office was notified of unpaid bills before the end of the billing limitation period for FAMCO recipients (see WAC 388-87-015(3)) or supplemental security income beneficiaries (see WAC 388-87-015(4)). For certification of recipients of medical care only see WAC 388-86-120(2).

(3) For an applicant who is a resident of Washington temporarily out of the state ~~((for definition see WAC 388-30-055))~~, an application may be made by an individual, person or an agency acting in his behalf directly to the local office.

(4) The applicant shall be given:

(a) DSHS 16-04 (16PA04) with an explanation of the civil rights act,

(b) DSHS 16-03 (16PA03) fair hearing information,

(c) Family planning information, when appropriate.

AMENDATORY SECTION (Amending Order 1265, filed 1/13/78)

WAC 388-86-020 DENTAL SERVICES. (1) The department shall provide dental care subject to limitations and conditions set forth ~~((in the contract between the department and the Washington dental service))~~ below and further defined in current departmental memoranda and schedule of allowances.

(2) Prior authorization is required for ~~((basic))~~ nonessential dental services for recipients of medical assistance (MA) and for continuing general assistance (GAU). Prior authorization is not required for ~~((emergency))~~ essential dental ((care)) services, as defined in the ~~((contract if all needed services are completed within fourteen days from the date of first examination))~~ current departmental memoranda and schedule of allowances. For dental services provided to recipients

of EPSDT see WAC 388-86-027(1)(c) and (3). For out-of-state dental care see WAC 388-86-115(5).

(3) Dental services for recipients of ~~((noncontinuing general assistance who cannot be related to a federal aid program or to Title XVI, or recipients of))~~ medical only (MO) who have satisfied the deductible ~~((of \$100))~~ are subject to the following limitations~~((-f-))~~:

(a) No care is provided outside the state of Washington except in border situations as specified in WAC 388-82-030(4).

(b) Dental treatment is limited to the relief of pain, which may or may not involve extraction, and surgical repair of the maxilla and/or mandible.

(4) ~~((Other services, such as dentures, not considered basic services may be provided only by))~~ Dentures and all other nonessential services, as designated in departmental memoranda and schedule of allowances, require prior approval ((of the department's dental consultant)).

(5) Dentures provided by the department but subsequently lost will not be replaced except ~~((in extenuating circumstances and only when approved in advance))~~ where medical necessity is clearly demonstrated and prior approval given by the chief of the office of medical assistance or his designee.

(6) Hospitalization for dental conditions, other than acute and emergent, requires prior approval of the chief of the office of medical assistance or his designee. Hospitalization for acute and emergent dental conditions requires approval.

(7) ORTHODONTIA and fixed prostheses are not provided.

(8) Recipients residing in nursing homes are eligible for dental care subject to the same regulations as those in the general recipient population with the following additional qualifications:

(a) The patient's attending physician will initiate a referral for dental care when a significant dental problem is identified by that physician, the patient, family, nursing home staff or nursing care consultant.

(b) The patient shall have freedom of choice of dentists, including referral to a dentist who has provided services to the patient in the past. The staff dentist may be called when the patient has no choice of dentists and concurs with the request.

(c) The department will provide transportation to a private dental office for treatment but may approve bedside dental care when sufficient justification exists to show transporting the patient is inappropriate.

(d) Examination or treatment of a nonemergent nature in a nursing home, congregate care facility or group home requires prior approval for each patient. Payment for multiple screening examinations of patients in these settings will not be made.

AMENDATORY SECTION (Amending Order 1203, filed 4/1/77)

WAC 388-86-032 EXCEPTIONS—TREATMENT FOR ACUTE AND EMERGENT CONDITIONS. (1) The scope of care for persons eligible for ~~((noncontinuing general assistance or))~~ medical only is limited to the treatment of acute and emergent conditions only. However, certain nonacute and nonemergent conditions if not treated by conservative means may result in severe complications. As specified in this section exceptions to the rule limiting treatment to acute and emergent conditions may be granted by the ~~((ESSO))~~ CSO when approved by the local medical consultant.

(2) Maternity care for persons not categorically relatable or eligible under "H" program. This will usually apply only to nonresidents who have no medical coverage through the state of residence and for out-of-state child welfare services cases. Care may include prenatal, delivery, post partum, and such ancillary medical services as may be requested by the attending physician and approved by the medical consultant.

(3) Rabies prevention inoculation. Treatment for rabies is considered acute and emergent. Initial treatment may be started on an emergency basis; however, the approval of the medical consultant must be requested within fourteen days, including date treatment was initiated. Rabies serum shall be requested from the epidemiology section of the department's division of health services, Olympia.

(4) Drugs for former patients of state mental institutions. Tranquilizers, anti-depressants, antiepileptics, and agents used for treatment of drug-induced Parkinsonism may be provided to former patients of state hospitals and schools for the mentally retarded. The attending physician prescribes the necessary drugs on form 6-02 mental hospitals or form ((DSHS)) 13-32 schools for the mentally retarded and mails the prescription directly to the institution.

(5) Certain necessary drugs for conditions such as cardiovascular disease, diabetes, epilepsy, nephritis, and carcinoma may be prescribed subject to approval by the local medical consultant. Examples of such

drugs are cardiac control agents, insulin and oral anti-diabetic tablets, anti-convulsant agents, urinary anti-infective agents, broncho-dilator agents and antineoplastics.

**AMENDATORY SECTION** (Amending Order 1346, filed 9/27/78)

**WAC 388-86-067 MENTAL HEALTH CENTER SERVICES.**

(1) The department shall provide mental health or day health care services to a cash beneficiary under Title XVI, an eligible recipient of a continuing state or federal aid grant or federal aid medical care only (~~(, mental health services or day health care services in a community mental health center)~~). The services provided through these agencies are not subject to the limitation on the number of visits under the provisions of WAC 388-86-095(5).

(2) Community mental health services provided shall be as specified in a contract between the department and the participating center.

(3) For the purposes of this section, community mental health center shall mean an agency or program which meets the following criteria:

(a) Is included as a part of the approved county mental health plan, or is approved by the department to hold a subcontract from the area agency on aging to provide day health care.

(b) Receives state grant-in-aid funds as authorized by the Community Mental Health Services Act, chapter 71.24 RCW, and as described in WAC 275-25-030, or receives money through a contractual agreement with the area agency on aging for the provision of day health care.

(c) Provides treatment by, or under the direction of, a licensed doctor of medicine who has sufficient knowledge of the caseload and clinical program to be assured that the quality of the service is satisfactory.

(4) An agency or program must be either:

(a) An outpatient clinic, with its own governing body, administration and staff, or

(b) A county-administered outpatient clinic, or

(c) A separate identifiable outpatient clinic of a general hospital or psychiatric inpatient facility, or

(d) An outpatient clinic with a residential component within its administrative structure, or

(e) A separate identifiable outpatient clinical program of an agency which has other service functions.

(5) Agencies which have functions in addition to outpatient care (see items (4)(c), (d) and (e)) shall adhere to the following criteria:

(a) Specific staff are delineated to provide outpatient clinical services exclusively,

(b) Outpatient clinical records are separated from other service records of the agency,

(c) The center's accounting and bookkeeping procedures are such that:

(i) If the center has an existing contract, a review or audit finds that these procedures assure adequate fiscal accountability. Audits will be conducted by either the department or the office of the state auditor.

(ii) If an agency is applying for a contract, the application will be accompanied by a statement from a licensed or certified public accountant reflecting the accountant's unqualified opinion of the adequacy, accuracy and accountability of the agency's records.

(6) The final decision regarding a mental health center's participation in this program shall be made by the department.

(7) Mental health service records—content:

An adequate clinical record shall be maintained for each eligible client receiving outpatient mental health services in a mental health center. The clinical records at a minimum shall contain the following:

(a) History

(b) Diagnostic/evaluative statements

(c) Treatment plan

(d) Treatment notes

(e) Periodic treatment review

(f) Documentation of case conferences

(g) Clinical summaries on termination of service

(8) Subcontracts:

An agency which has a contract under this section shall not enter into subcontracts for any work agreed upon under the contract without obtaining prior written approval of the department from the office of medical assistance.

**AMENDATORY SECTION** (Amending Order 1196, filed 3/3/77)

**WAC 388-86-075 OUTPATIENT AND EMERGENCY CARE.** (1) No authorization is required for recipients of continuing

grants or federal aid medical care only to receive outpatient service, acute and emergent outpatient surgical care and other emergency care performed on an outpatient basis in a hospital. Justification for the service must be presented for payment.

(2) Local medical consultant approval is required for all services provided to recipients of (~~(noncontinuing general assistance and)~~) medical only.

**AMENDATORY SECTION** (Amending Order 1359, filed 12/8/78)

**WAC 388-86-085 PATIENT TRANSPORTATION.** (1) The department shall provide to eligible individuals transportation for necessary medical or remedial care purposes. (See also WAC 388-87-035).

(2) Ambulance transportation shall be provided when the medical necessity is such that the use of any other method of transportation is inadvisable.

(3) Transportation by private automobile furnished by a friend, relative or by the individual is payable at rates established by the department.

(4) The recipient of (~~(noncontinuing general assistance, not related to federal aid for Title XVI programs, or of)~~) medical only must have satisfied the deductible of \$200 before transportation is provided for medical reasons.

(5) Providers of ambulance, cabulance, taxi and private automobile transportation service must show medical necessity justification on the billing document.

**AMENDATORY SECTION** (Amending Order 1359, filed 12/8/78)

**WAC 388-86-115 MEDICAL CARE PROVIDED OUT-OF-STATE.** (1) The department shall authorize and provide comparable medical care services to (~~(an eligible)~~) a recipient of medical assistance (MA) who is temporarily outside the state to the same extent that such medical care services are furnished to an eligible recipient in the state, subject to the exceptions and limitations in this section.

(2) Border situations mentioned in WAC 388-82-030(4) are not considered "out-of-state" and are excluded from these provisions. However, a recipient who visits another state, other than specified border locations, specifically for the purpose of obtaining medical care is not eligible for such care at the expense of the state of Washington.

(3) A recipient who moves to another state for the purpose of establishing residence in that state is not eligible for medical care after eligibility has been terminated by the department.

(a) When determining the effective date of change in the eligibility of a recipient of a federal aid grant, see WAC 388-33-365 for appropriate guidelines. Medical care coverage terminates the same date as termination of the grant.

(b) The date of termination of eligibility for medical care for a recipient of FAMCO is the date the change is reported on the appropriate certification form to the state office or the end of the month during the month in which notification is made, whichever is earlier.

(4) The medical consultant shall review all cases involving out-of-state medical care to determine whether the services are within the scope of the medical assistance program.

(5) Dental care out-of-state is limited to treatment of acute and emergent conditions only. However, a dentist in another state licensed to practice in Washington, who has signed a participation agreement with the Washington Dental Service, may render services to persons residing in Washington to the same extent as if practicing in Washington. (See WAC 388-86-020).

(6) For limitations on eligibility for nursing home care out-of-state, see WAC 388-82-030(2).

**AMENDATORY SECTION** (Amending Order 1359, filed 12/8/78)

**WAC 388-86-120 STATE FINANCED MEDICAL CARE SERVICES.** (1) A recipient of continuing general assistance who cannot be related to a federal aid category is eligible to receive the same scope of care as a recipient of medical assistance, except that no care will be provided outside the state of Washington other than in bordering states as specified in WAC 388-82-030(4).

(2) A recipient of (~~(noncontinuing general assistance who cannot be related to Title XVI and recipients of)~~) medical only shall be authorized for treatment of acute and emergent conditions only. A deductible of \$200 per family over a twelve month period from date of a denied

application for medical care shall be required before a positive determination of eligibility for medical only may be made. (See WAC 388-83-045(2)(e)).

(a) Citizenship is not a requirement of eligibility.

(b) All treatment and drugs must be approved by the medical consultant (see WAC 388-87-025(1)).

(c) Recipients undergoing detoxification for an acute alcoholic condition are not required to incur the \$200 deductible as an eligibility factor for the covered period of detoxification.

(d) Care for mental or psychiatric conditions is limited to hospitalization for an acute and emergent condition. Voluntary admission and involuntary commitment by the court are covered by the program for eligible recipients (see WAC 388-86-050(3)(a) and (b) for other limitations on stay).

(e) Hearing aids, chiropractic services and eyeglasses are not provided. Dental service is limited to relief of pain (see WAC 388-86-020).

(f) Care outside the state of Washington is not provided except in bordering states as specified in WAC 388-82-030(4).

(g) An "acute condition" is defined as having a short and relatively severe course, not chronic; and "emergent condition" is defined as occurring unexpectedly and demanding immediate action. In programs in which care is limited to the treatment of acute and emergent conditions it is understood that:

(i) The condition must be justified as acute and emergent, except that

(A) included will be those conditions of less urgency where medical experience indicates a failure to treat will usually result in the rapid development of an emergent situation;

(B) family planning and obstetrical care will be provided;

(C) when other care, including necessary drugs, is requested by the attending physician and approved by the local medical consultant as medically necessary, approval may be granted for service that might otherwise be excluded. See WAC 388-86-032.

(D) detoxification for an acute alcoholic condition will be provided only in a certified detoxification center or in a general hospital with certified detoxification facilities.

(ii) Once care is initiated, it is continued to a logical completion; that is, the provided care is complete in amount, duration, and scope within the limitations of the medical care program.

(iii) In addition, an acute and emergent condition will be assumed to exist when an applicant for medical care indicates he has an undefined medical condition. Provided financial eligibility has been established, at least one office call will be allowed for diagnosis. Treatment will be contingent upon the criteria for acute and emergent being met.

(h) If the department is notified within seven days of the date medical care began or within seven days after an individual who is admitted in a coma to a hospital or other treatment facility becomes rational, certification shall cover this period if all eligibility factors have been met. The three month retroactive certification period referred to in WAC 388-84-005(2) does not apply to the fully state funded medical program. If notification is received in the local office subsequent to the seventh day of initiation of service, certification shall begin on the date notification is received, with allowance for mail delivery. Seven days shall include the date of initiation of services but shall not include Saturday, Sunday or legal holidays.

#### AMENDATORY SECTION (Amending Order 1158, filed 10/6/76)

WAC 388-87-010 CONDITIONS OF PAYMENT—GENERAL. (1) The department shall be responsible for payment of service rendered to a recipient only when the services have been properly authorized and the recipient certified as eligible. Payment for well baby care is not authorized except as provided for under the EPSDT program (see WAC 388-86-027(3)).

(2) The fees and rates established by agreement between the department and providers of service shall constitute the full charge for approved medical care and services provided to recipients by the providers.

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

(4) The department will not be responsible for payment for medical care and goods and/or services provided to a recipient enrolled in a

department-contracted, prepaid medical plan who fails to use the provider under contract unless emergency conditions exist or the department has approved payment to another provider for provision of a service not covered by the prepaid plan.

(5) The department will not be responsible for payment of that portion of medical care or services reimbursable within a reasonable time by a third party resource available to the recipient such as health insurance coverage, casualty insurance or when medical needs result from accident or injury caused by another party. See WAC 388-83-010(1).

(6) Payment for care on the federally aided medical programs will be retroactive for three months prior to the month of application provided the applicant would have been eligible when the care was received. The applicant to a federally aided program need not be eligible for medical assistance at the time of actual application. (See WAC 388-84-005(2)(b)). Payment for care on the fully state funded medical program may be retroactive for seven days prior to the date of application according to WAC 388-86-120(2)((~~6~~))(h). Participation in the cost of medical care must be applied as outlined in WAC 388-83-045(6), and the service must be within the scope of care provided by the program. Medical services that require approval under the appropriate medical program must be approved by the ESSO medical consultant for the retroactive period. (See WAC 388-86-095(6)(a)).

((~~6~~)) (7) A provider of services to a person determined ineligible subsequent to the time service was rendered may be paid under the following conditions only:

(a) The person must have been certified as both financially and medically eligible at the time the service was rendered,

(b) Payment has not been made,

(c) The request for payment is approved as a case exception (see WAC 388-81-030).

#### AMENDATORY SECTION (Amending Order 1359, filed 12/8/78)

WAC 388-87-025 SERVICES REQUIRING APPROVAL OF MEDICAL CONSULTANT. (1) All services rendered recipients of medical only (~~(or recipients of noncontinuing general assistance not related to federal aid or Title XVI program)~~) require approval of the local medical consultant. When a medical emergency is alleged but not apparent, the otherwise eligible applicant for (~~noncontinuing general assistance or~~) medical only may be referred to a participating physician for diagnosis and medical treatment if indicated. Such applicant may not be authorized this one office call unless \$200 in medical costs have been accrued within seven days prior to application. Subsequent to such denial a (~~noncontinuing general assistance or~~) medical only applicant has twelve months from the date of application to incur \$200 in medical costs. For this one office call only, the signature on the authorization form may be by a CSO designee whose signature is on file in the professional audit section.

(2) Services to recipients of medical assistance and continuing general assistance requiring approval are

(a) All surgical procedures require approval by the local medical consultant - see WAC 388-86-095(6) and 388-86-110. The requesting physician shall submit form 525-100 to the CSO. Only the surgeon need obtain written approval for surgery. The services of the surgical assistant and the anesthesiologist or anesthetist do not require approval. Their billings for payment, however, must show the patient's diagnosis and a cross reference to the surgeon.

(i) Prior approval for all nonemergent surgical procedures shall be obtained from the chief of the office of medical assistance, from his professional designee, or from the full-time medical consultant in the CSO or regional office where such is employed.

(b) Requests for medical appliances and prosthetic devices must have prior approval with the following exceptions:

(i) External braces involving neck, trunk and/or extremities.

(ii) Other nonreusable items costing less than \$150 if provision of the item will expedite a recipient's release from a hospital.

(c) All requests for reusable medical equipment and requests for surgical appliances provided, other than as described in subdivision (b), must be submitted on form 525-101 for the medical consultant's approval. If approval is received and the material to be supplied is to be billed by another provider of service it is necessary for the physician to transmit the approved form 525-101 to the provider for billing purposes - see WAC 388-86-100.

(d) Requests for allergy testing shall be submitted on appropriate state form for prior approval by the local medical consultant. The extent of service to be provided shall be indicated. In the event an independent laboratory bills for the allergy testings, the requesting

physician shall send the approved state form to the laboratory as the billing authority.

(e) Drugs not listed in the department's formulary or any single prescription exceeding the maximum limit established - see WAC 388-91-020.

(f) Admission to a hospital - see WAC 388-87-070 and 388-86-050(2).

(g) Initial provision of oxygen service for a recipient under sixty-five years of age in his own home. Repeat deliveries of oxygen for the same illness do not require medical consultant approval - see 388-86-080(1) and 388-87-080.

(h) Approval of physical therapy on an outpatient basis or in a nursing home when prescribed by the attending physician - see WAC 388-86-090.

(i) For certain border situations and out-of-state medical care - see WAC 388-82-030(4) and (5), and 388-86-115.

(j) All major appliances - see WAC 388-86-100.

(k) For consultant or specialist referral when such referrals exceed two such consultants or specialists - see WAC 388-86-095(4).

(l) Respiratory therapy in excess of five treatments requires approval.

(m) Speech therapy requires an initial evaluation; both the evaluation and subsequent therapy require prior approval - see WAC 388-86-098.

(n) Psychological evaluation provided in connection with medical diagnosis and treatment (see WAC 388-87-012(6)).

#### AMENDATORY SECTION (Amending Order 1203, filed 4/1/77)

WAC 388-87-050 PAYMENT—DENTAL SERVICES. (1) The participating dentist shall bill the department his usual and customary fee using the department approved examination and treatment form.

(2) Payment for dental services is based on the ((contract between the)) department ((and the Washington Dental Service)) Schedule of Maximum Allowances.

~~((2))~~ (3) Fees listed ((in this contract)) are the maximum permitted. If the dentist's fee is less than the maximum fee, the program will pay the customary fee of the participating dentist.

~~((3))~~ (4) If a service is performed for which no fee is listed, the dental consultant of the department may fix the fee in accordance with recommendations of the dental advisory committee.

~~((4))~~ The maximum dollar value of service given during a month is established by the contract. Exceptions for exceeding the limitation may be granted by the dental consultant.)

(5) Necessary X-rays for diagnostic purposes may be paid for as a part of basic dental services.

~~((6))~~ The participating dentist shall bill the Washington Dental Service using the Washington Dental Service examination and treatment form.)

#### AMENDATORY SECTION (Amending Order 1067, filed 11/17/75)

WAC 388-87-077 PAYMENT—MENTAL HEALTH CENTER SERVICES. (1) Payment for approved mental health center services to eligible recipients as defined in WAC 388-86-067 shall be on the basis of a contract between the department and participating mental health center. Medical consultant approval for these services is not required.

(2) No payment shall be allowed for a recipient of ((non-continuing general assistance who cannot be categorically related to a federal aid program or for a recipient of)) medical only. See also WAC 388-86-120.

#### AMENDATORY SECTION (Amending Order 1346, filed 9/27/78)

WAC 388-91-010 DRUGS—PERSONS ELIGIBLE. Only drugs approved by the federal food and drug administration (FDA) for general use will be provided. Drugs judged "ineffective" or "possibly effective" or experimental will not be provided.

A drug formulary will list all chemicals which are provided without prior approval of medical consultant. Also the formulary will include description of program limitations, rules and program policy and penalties. Chemicals in the formulary will be those generally accepted by physicians in Washington and will be the most conservative and the less costly alternatives.

In accordance with the department's rules and regulations drugs are provided for:

(1) The necessary and essential medical care of recipients of continuing assistance and of recipients of federal aid medical care only (FAMCO)((:)).

(2) The treatment of acute and emergent conditions of recipients of ((noncontinuing general assistance and of)) medical only who cannot be categorically related. These persons are identified by the notation "((ACUTE/EMERGENT)) MEDICAL SERVICES LIMITED" on their medical identification coupons. All drugs provided to such recipients require the approval of the local office medical consultant.

(3) Certain necessary drugs such as cardiac control agents, insulin and oral antidiabetic agents, anticonvulsant agents, urinary antiinfective agents, broncho-dilator agents and antineoplastics may be provided to recipients of ((noncontinuing general assistance and of)) medical only who have satisfied the \$((100))200 deductible. All such drugs provided require approval of the local office medical consultant.

#### AMENDATORY SECTION (Amending Order 1112, filed 4/15/76)

WAC 388-91-013 DRUGS—PHYSICIAN'S NAME REQUIRED ON PRESCRIPTIONS. The prescription, form DSHS 6-02, must bear the prescribing physician's name ((and drug enforcement administration (DEA) number as a means of identification)).

#### AMENDATORY SECTION (Amending Order 1170, filed 11/24/76)

##### WAC 388-91-016 DRUGS—LIMITATIONS TO PAYMENT.

(1) The department does not provide:

(a) Nonformulary drugs which can be purchased without a prescription such as: Nose drops, cotton, alcohol, vitamins, simple laxatives, advertised antacids such as but not limited to Tums, Roloids, etc.;

(b) Any drug regularly supplied as an integral part of program activity by other public agencies such as the U.S. veterans' administration, U.S. department of health, education and welfare - division of Indian health, local health department, etc.;

(c) Drugs, biologicals, supplies, appliances, and equipment furnished by an extended care facility under Title XVIII of the Social Security Act;

(d) Drugs ordered for a hospitalized patient. These are to be furnished by the hospital;

(e) Drugs to individuals who have elected to be enrolled in a special group medical coverage contract which includes the provision of drugs as a part of the contract.

(2) The department furnishes ((tranquilizing, antidepressant and antiepileptic)) psychotherapeutic drugs and agents used for treating drug-induced Parkinsonism which are prescribed for former patients of Washington state institutions for the mentally ill and retarded. The attending physician shall ((use and)) mail the prescription((-form DSHS 13-32 (9181)-)) directly to the ((state hospital)) institution from which the patient has been discharged, form 13-32 to schools for the retarded or form 6-02 to mental hospitals. The medication is then mailed by the facility pharmacy to the patient. Payment is not made to pharmacist providers in this situation. Coupon confirming eligibility should be attached.

(3) Prescribed nonformulary drugs ((and sustained action and time release formulas)) will be allowed for unusual conditions only when approved by the local medical consultant.

(4) The physician who provides a drug (oral or by the department) incidental to an office call may include a fee established on the basis of the acquisition cost of the drug in addition to his office call fee. In the event the cost of the drug given the patient exceeds this fee, the physician may include on his invoice for his professional services to the patient the actual cost of the drug indicating name of manufacturer and strength of dosage. Payment to the physician for the cost of drugs will be limited to:

(a) Penicillin and other antibiotics

(b) Estrogens and androgens

(c) Cortisone and derivatives

(d) Treatment of aplastic and pernicious anemia

(e) Antineoplastic preparations

(f) Preparations used in the treatment of hypochromic anemias after malabsorption has been clinically demonstrated.

(5) Payment shall not be made for a prescription ordered for an individual recipient and used to replace drugs drawn from the doctor's stock for the treatment of such recipient. Payment shall not be allowed for experimental or controversial medications and those unrelated to the above.

AMENDATORY SECTION (Amending Order 1170, filed 11/24/76)

WAC 388-91-020 NONFORMULARY PRESCRIPTION DRUGS—MEDICAL CONSULTANT APPROVAL. (1) Normal requests. A request for nonformulary prescription drugs must be submitted by the attending physician to the local medical consultant for prior approval. The request must be to meet a medically mandatory condition supported by proper diagnosis and justification for the nonformulary drug.

(2) Emergency requests. Payment may be made for nonformulary drugs prescribed without prior (~~approval~~) approval only on an acute emergency, and if the physician can substantiate that a nonformulary drug is mandatory. Form DSHS 6-02 with justification must be in the department's (~~ESSO~~) CSO within seventy-two hours for consideration by the medical consultant.

~~((3) All prescriptions (both formulary and nonformulary) priced at more than the established maximum limit set by the department must be approved by the local medical consultant before payment will be made.))~~

AMENDATORY SECTION (Amending Order 884, filed 12/17/73)

WAC 388-91-030 DRUGS—PRESCRIPTION, FORM DSHS 6-02 ((5889)). (1) The department's official prescription, form DSHS 6-02 ((5889)), must be used. A supply may be obtained from the department's local office.

(2) Only one prescription may be written on form DSHS 6-02 ((5889)). Each prescription must bear specified unit and interval dosage.

(3) Prescriptions for formulary drugs only may be refilled at the discretion and choice of the prescribing physician. Form DSHS 6-02 may be marked by the physician on line ((C+)) B-2 REFILL 1, 2((; PRN)). The use of pre-signed prescription blanks to be filled out by the nursing home operators or pharmacists is prohibited. This practice shall be considered sufficient grounds for cancelling the vendor agreement of participating providers involved.

(4) To assure prompt payment, a coupon from the recipient's medical care identification booklet, form DSHS 13-05, should be attached by the pharmacist to the individual's prescriptions. When a coupon is not available the provider may submit a billing without this coupon although the processing by the department may be somewhat slower. Payment will be made for all appropriate goods and/or services provided to eligible recipients.

(5) Accurate recording of all data on the prescription is essential. Any error or lack of clarity in the prescription national drug code number or number of units dispensed will delay payment. Typed prescriptions are preferred and expedite payment.

~~((6) The department's Drug Handbook and Index shows the manufacturers' national drug codes currently included in the Department machine drug payment table. These are corrected and updated regularly.))~~

AMENDATORY SECTION (Amending Order 1170, filed 11/24/76)

WAC 388-91-035 DRUGS—PHARMACIST'S AGREEMENT. (1) Vendor service agreement, form DSHS 6-48 must be filed with department of social and health services, Olympia, Washington 98504. Forms may be obtained from the department's (~~ESSO~~) Professional Audit and Systems Section, LG 11, Olympia, WA 98504.

(2) To participate in this program, a licensed pharmacy must agree to furnish goods and services in accordance with the department's rules, regulations and payment procedures. Fees and rates established by the department according to WAC 388-91-020(3) shall constitute the full and complete charge for approved medical care and goods and services provided to recipients by the vendor or providers.

(3) All pharmacists and pharmacies agreeing to render goods and services to eligible persons shall submit such charges as agreed upon between the department and the individual or firm monthly and shall present their final charges not more than sixty days after the termination of their service or as otherwise provided by state law. Bills presented after the required sixty-day period shall be a charge against the state only when a written extension has been given by the health services division before the sixty-day period ends.

AMENDATORY SECTION (Amending Order 1154, filed 9/22/76)

WAC 388-91-040 DRUGS—PRICING STANDARDS. (1) Whenever possible all drugs and prescriptions must be confined to those listed in the department's current drug formulary. Maximum cost allowed for all drugs, including generic drugs, will be determined by the department.

(2) The department shall not be charged more than the general public or more than the actual acquisition cost (AAC) price plus the established dispensing fee whichever is the lower for the drug. Any other pricing practices such as granting discounts, special commissions, fees, etc., to patients, institutions, or corporations shall be taken into account by the department and the pharmacist in defining the charge to the general public.

(3) List price, as established for cost determination, in the latest red book, blue book or retailer (~~invoice cost~~) AAC, whichever is lower to the retailer, plus the established dispensing fee. Cost is defined as the unit cost, based on maximum size container stocked in the pharmacy (100, 1000, 5000, etc., and pints or gallons, etc.).

(4) There shall be no differential in pricing prescriptions issued in less than manufacturer's size.

(5) (~~Drug costs are subject to change up or down with the latest edition or red book cumulative supplement.~~) Reimbursement of retail pharmacists will be on basis of actual acquisition cost which is the amount paid to wholesaler or manufacturer less any discounts, credits or advances.

(6) Unit dose systems recognized by the department require a minimum of five deliveries weekly or delivery of medical carts every other day with daily service available.

AMENDATORY SECTION (Amending Order 996, filed 12/31/74)

WAC 388-92-005 DEFINITIONS. The definitions in WAC 388-92-005 apply only to chapter 388-92 WAC.

(1) Beneficiary - A person who receives a cash benefit under Title XVI and/or state supplement.

(2) Deleted.

(3) Income - The receipt by an individual of any property or service which he can apply either directly, by sale, or conversion to meet his basic needs for food, clothing, and shelter.

(a) Earned income means gross wages for services rendered and/or net earnings from self-employment. Earned income received at predictable intervals other than monthly or in unequal amounts will be converted to a monthly basis. If income is weekly, the amount is multiplied by 4.3 to arrive at a monthly figure.

(b) Unearned income means all other income including but not limited to

(i) Support and maintenance furnished in cash or kind.

(ii) Prizes and awards - This includes prizes won in a contest, lottery, or game of chance or awards received as the result of a decision or judgment of a court, a board of arbitration, or the like, but not ordinarily from a competition. When a prize or award is not in cash, the current fair market value of the item is counted as unearned income.

(iii) Proceeds of any life insurance policy to the extent that they exceed the amount expended for the purposes of the insured individual's last illness and burial or (~~(\$1500)~~) one thousand five hundred dollars, whichever is less.

(iv) Gifts (cash or otherwise), support and alimony payments.

(v) Rent - Rent represents compensation in cash or in kind for the use of real or personal property, for example, land, an apartment, a room, machinery. Only ordinary and necessary "out of pocket" expenses incurred in operating the property are deducted from the gross rent.

(4) Institution - An establishment which furnishes food and shelter to four or more persons unrelated to the proprietor and, in addition, provides some treatment or services which meet some need beyond the basic provision of food and shelter. This would include hospitals, skilled nursing facilities (extended care facilities or skilled nursing homes), and intermediate care facilities, but does not include correctional institutions.

(5) Resources - Cash or other liquid assets or any real or personal property that an individual or spouse, if any, owns and could convert to cash to be used for support or maintenance.

(a) If an individual can reduce a liquid asset to cash, it is a resource.

(b) If an individual cannot reduce an asset to cash, it is not considered a resource.

(c) Liquid - Properties that are in cash or are financial instruments which are convertible to cash such as, but not limited to, cash in hand,

stocks, savings, checking accounts, mutual fund shares, mortgage, promissory notes.

(d) Nonliquid - All other property both real and personal shall be evaluated according to the price the item can reasonably be expected to sell for on the open market in the particular geographical area involved.

(6) Retroactivity - The provision to make payment for unpaid medical bills for covered services for an applicant for FAMCO or Title XVI benefits, provided that such applicant is determined to have been eligible at the time services were received. The retroactive period shall begin no earlier than the first day of the third month prior to the month of application and shall extend up to the date of application. (See WAC 388-84-005(2) and ((WAC)) 388-87-015(3) and (4)).

(7) SSA - Social security administration.

(8) SSI - Supplemental security income under Title XVI of the social security act.

(9) State supplement - Amount paid in addition to SSI under Title XVI of the social security act.

(10) Title SSI - A national program to provide supplemental security income (SSI) to individuals who have attained age ((65)) sixty-five, or are blind, or disabled.

#### AMENDATORY SECTION (Amending Order 1346, filed 9/27/78)

WAC 388-92-025 COMPUTATION OF AVAILABLE INCOME. (1) Income shall be defined as in WAC 388-92-005.

(a) Total income of a beneficiary of supplemental security income, except for institutionalized recipients, is not considered an available resource.

(b) Income and resources are considered separately for spouses who cease to live together in a common household, and blind or disabled children separated from parent((s, after the month of separation when the separated individual is the sole recipient related to SSI, and after six calendar month's separation if both spouses are SSI-related recipients)) For purposes of eligibility determination only, income and resources are considered mutually available

(i) for the first six months after the month they cease to live together where both spouses apply for FAMCO as aged, blind or disabled,

(ii) for the month of separation where only one spouse applies for FAMCO as aged, blind, or disabled or where blind or disabled children are separated from parents.

(c) If a minor applies for medical care the parent legally responsible for the support of the child is also by law financially responsible for the payment for medical provided to the child. In such case the standards in WAC 388-83-035 shall apply to determine available income to meet the medical needs of the child. See also WAC 388-24-550.

(d) For a pregnant minor see WAC 388-82-015.

(2) Net cash income shall be determined as for the Title XVI category to which the applicant for FAMCO is relatable according to WAC 388-92-015(4).

(3) To arrive at available income, the following items shall be excluded sequentially from income:

(a) Any amount received from any public agency as a return or refund of taxes paid on real property or on food purchased by such individual or spouse;

(b) State public assistance based on financial need;

(c) Any portion of any grant, scholarship, or fellowship received for use in paying the cost of tuition and fees at any educational institution;

(d) Income that is not reasonably anticipated, or received infrequently or irregularly, if such income does not exceed twenty dollars per month if unearned, or ten dollars per month if earned;

(e) Any amounts received for the foster care of a child, who is not an eligible individual, but who is living in the same house as such individual and was placed in such home by a public or nonprofit private child-placement or child-care agency;

(f) The first twenty dollars per month of earned or unearned income, not otherwise excluded above, for a person at home. The exclusion is considered only once for a husband and wife. There is no exclusion on income which is paid on the basis of need of the eligible individual, such as VA pension and cash from private charitable organizations. For a person in an institution, the exclusion is considered

in determining eligibility and allocated as participation in cost of medical care;

(g) Tax exempt payments received by Alaska natives under the Alaska Native Claims Settlement Act;

(h) Tax rebates or special payments exempted by federal regulations and publicized by numbered memoranda from the state office;

(i) Compensation provided to volunteers in ACTION programs established by Public Law 93-113, the Domestic Volunteer Service Act of 1973.

(4) An individual under the age of twenty-one who is a student regularly attending a school, college or university or pursuing a course of vocational or technical training designed to prepare him for gainful employment will have all earned income excluded.

(5) One-third of any payment for child support received from an absent parent will be excluded.

(6) ((Earned income "disregards" to be applied sequentially against the remaining income of recipients at home shall be)) For a recipient at home, disregard the following earned income

(a) If such individual is blind and under age sixty-five:

(i) The first eighty-five dollars per month of earned income not excluded according to subsection (3), plus one-half of the remainder;

(ii) The expenses reasonably attributable to the earning of any income as defined in subsection (7).

(b) If such an individual is disabled but not blind and is under age sixty-five:

(i) The first sixty-five dollars per month of earned income not excluded according to subsection (3), plus one-half of the remainder;

(ii) The expenses reasonably attributable to the earning of any income as defined in subsection (7).

(c) If such an individual is age sixty-five or over:

(i) The first sixty-five dollars per month of earned income not excluded according to subsection (3), plus one-half of the remainder;

(ii) The expenses reasonably attributable to the earning of any income as defined in subsection (7).

(d) If a spouse of the individual in subdivisions (6)(a)(b) or (c) applies in his or her own right and can meet the appropriate criteria under Title XVI, the "disregards" are considered only once for the husband and wife.

(7) To arrive at net income of nonapplying spouse, the following personal and nonpersonal work expenses shall be deducted from earned income:

(a) Mandatory deductions as required by law or as a condition of employment;

(b) Necessary cost of public transportation or eight cents a mile for private car to and from place of employment;

(c) Expenses of employment which are necessary to that employment such as tools, materials, union dues;

(d) Additional clothing costs: For individual eighteen years or older, five dollars and seventy cents; for persons enrolled in a remedial education or vocational training course, the actual cost of uniforms and/or special clothing;

(e) The cost of child care necessary to employment if not provided without cost or as departmental service. The actual expense shall be deducted but not to exceed standard in WAC 388-15-170.

#### AMENDATORY SECTION (Amending Order 996, filed 12/31/74)

WAC 388-93-070 TRANSFER OF RESOURCES WITHIN TWO YEARS PRIOR TO APPLICATION. (1) An applicant who transfers any resource within two years immediately prior to the date of application (or during the application period) without having received adequate consideration for such property shall be deemed to have a nonexempt resource available to meet his medical needs.

(2) The amount considered available to meet medical need shall be the difference between the reasonable value of the consideration received for the transferred property and the reasonable value of the property transferred. In determining this amount the rules in WAC ((388-26-220)) 388-28-461 and ((388-26-225)) 388-28-462 shall be considered.

(3) The applicant is ineligible if the amount considered available exceeds medical need according to WAC 388-84-020. If eligible with participation, see WAC 388-83-045.

**WSR 79-04-029**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed March 21, 1979]

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:

Amd WAC 388-33-120 Effective date of eligibility—  
 Exceptions.  
 Amd WAC 388-37-040 Standards for requirements—  
 Authorization.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Michael Stewart, Executive Assistant  
 Department of Social and Health Services  
 Mailstop OB-44 C  
 Olympia, WA 98504;

that such agency will at 10:00 a.m., Wednesday, May 9, 1979, in the Auditorium, State Office Bldg #2, 12th and Jefferson, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, May 16, 1979, in William B. Pope's office, 3-D-14, State Office Bldg #2, 12th and Jefferson, Olympia.

The authority under which these rules are proposed is RCW 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 9, 1979, and/or orally at 10:00 a.m., Wednesday, May 9, 1979, Auditorium, State Office Bldg #2, 12th and Jefferson, Olympia, WA.

Dated: March 20, 1979

By: Michael S. Stewart  
 Executive Assistant

**AMENDATORY SECTION** (Amending Order 1338, filed 9/18/78)

**WAC 388-33-120 EFFECTIVE DATE OF ELIGIBILITY—EXCEPTIONS.** (1) Change of category

~~((a))~~ The effective date of eligibility of a person receiving continuing assistance and applying for a grant in another program shall be the first regular warrant roll for which he is eligible for payment from the new program and the grant under the old program is terminated.

(2) Special event application - (See WAC 388-38-060 and 388-38-070)

(a) The effective date of a grant to a person (except as provided in subsection (1)) applying prior to the occurrence of an event which will make him eligible, shall be the date upon which the event occurs if eligibility otherwise exists on that date.

(b) When such event occurs on a nonworking day, the authorization shall be completed on the first working day following and dated as of the day the special event occurred. This rule also applies when the effective date of a reinstated grant (see subsection (4)) or the thirtieth day after date of application occurs on a nonworking day.

(3) Regular grant terminated in error

(a) A grant terminated because of local or state office error shall be reauthorized (corrected) as a "reopen" action. The effective date is the first of the month in which payment was erroneously discontinued on the regular warrant roll. Reopening shall be authorized promptly.

(b) If the error is discovered within the month in which no payment was made, the individual is not required to complete an eligibility review form. If the termination in error extends for more than thirty days but less than three months, an eligibility review form and other periodic review procedures as appropriate are used. However, if the

termination in error extends for more than three months a new application rather than periodic review is required.

(4) Reinstatement of suspended grant

(a) Upon receipt of a request for reinstatement of grant, the local office shall determine current eligibility and need using the periodic review process. The review includes consideration of all eligibility factors.

(b) The effective date of reinstating a grant suspended according to WAC 388-28-484 shall be the date determined at the time of suspension.

(c) The effective date of reinstating a grant suspended because the monthly refund deduction resulted in a payment of less than \$1 shall be the first of the month following the month in which the overpayment is liquidated.

(d) A reinstated grant shall not be authorized before the date the event occurred which restored eligibility for payment.

(e) The individual who requests reinstatement of suspended grant within thirty days after a change in his circumstances need not complete an application form but shall complete an eligibility review form.

(5) Incapacity redetermined after termination of GAU. See WAC 388-37-040(3).

**AMENDATORY SECTION** (Amending Order 1102, filed 3/2/76)

**WAC 388-37-040 CONTINUING GENERAL ASSISTANCE—STANDARDS FOR REQUIREMENTS—AUTHORIZATION.** (1) The rules and procedures for payment of federal aid grants shall apply to continuing general assistance except that vendor payments may be made when payment by warrant is not possible or practical.

(2) When incapacity is established a continuing grant shall be authorized to continue for the probable duration of the incapacity. The recipient shall be notified of the termination date at the time the grant is opened.

~~((a))~~ A continuing grant shall not be authorized until incapacity is established by the review team.

(3) Continuing assistance shall not be authorized following the termination date specified in subsection (2) until continuing incapacity has been redetermined by the review team.

(a) If assistance is terminated because the redetermination of incapacity is delayed for reasons beyond the recipient's control, and continuing incapacity is subsequently redetermined within thirty days, assistance shall be authorized effective the day following the date of termination.

(b) If the recipient is responsible for the delay in redetermining incapacity, continuing assistance shall be authorized effective the date incapacity is redetermined.

**WSR 79-04-030**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Institutions)**  
 [Filed March 22, 1979]

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 Special supervision—County juvenile probation programs, amending chapter 275-32 WAC.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Michael Stewart, Executive Assistant  
 Department of Social and Health Services  
 Mailstop OB-44 C  
 Olympia, WA 98504;

that such agency will at 10:00 a.m., Wednesday, May 9, 1979, in the Auditorium, State Office Bldg #2, 12th and Jefferson, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, May 16, 1979, in William B. Pope's office, 3-D-14, State Office Bldg #2, 12th and Jefferson, Olympia, WA.

The authority under which these rules are proposed is RCW 13.06.630.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 9, 1979, and/or orally at 10:00 a.m., Wednesday, May 9, 1979, Auditorium, State Office Bldg #2, 12th and Jefferson, Olympia, WA.

Dated: March 22, 1979

By: Michael S. Stewart  
Executive Assistant

AMENDATORY SECTION (Amending Order 1209, filed 5/4/77)

WAC 275-32-060 ELIGIBLE PROBATIONERS FOR SPECIAL SUPERVISION [PROGRAMS]. Youth between the ages of 8 and 18 who ~~((meet any one of the following criteria and who have been granted probation by the juvenile court will be eligible for placement in special supervision programs))~~ have been adjudicated a youthful offender by a juvenile court will be eligible for this program.

~~((1) A child upon which there is credible evidence of record indicating facts concerning transactions in which the juvenile is involved which amount to delinquency, or dependency by virtue of incorrigibility as defined by law, and a competent admission has been made by the child and other requisites for "informal disposition" have been complied with as set forth as in chapter 13.04 RCW; and the court has reviewed the informal disposition as provided by RCW 13.04.056 and approved the disposition as a probationary assignment to the special supervision program; or~~

~~(2) A child who has been found delinquent, or dependent by virtue of incorrigibility, as provided by RCW 13.04.010(7) by a juvenile court hearing.))~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 275-32-125 RECEIPTS THAT EXCEED PROGRAM COSTS

**WSR 79-04-031**  
**NOTICE OF PUBLIC MEETINGS**  
**ADVISORY COUNCIL**  
**ON VOCATIONAL EDUCATION**  
[Memorandum—March 21, 1979]

The next regular meeting of the Washington State Advisory Council on Vocational Education will be held Monday, April 23, 1979, at the SeaTac Hilton in the Rainier Room. The Advisory Council meeting will begin at 10:00 a.m.

**WSR 79-04-032**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF ECOLOGY**  
[Memorandum—March 22, 1979]

The Department of Ecology gives notice of a public hearing on April 19, 1979, at 7:00 p.m., Pier 66, Port of Seattle, to consider proposed amendments to Chapter 173-400 WAC, General Regulations for Air Pollution Sources; to consider new rules, Chapter 173-490 WAC,

Emission Standards and Controls for Sources Emitting Volatile Organic Compounds; and to consider revisions to the State Implementation Plan to comply with the requirements of the federal Clean Air Act.

This hearing is a continuation of hearings held in December on the same subjects. The proposed regulations and the revised plan have been modified as a result of comments received during those hearings.

Copies of the proposed rules and the revised SIP are available at the Department of Ecology headquarters office and the following regional offices:

Northwest Regional Office  
4350-150th Avenue N.E.  
Redmond, WA. 98052

Central Regional Office  
2803 Main Street  
Union Gap, WA. 98903

Eastern Regional Office  
East 103 Indiana  
Spokane, WA. 99207

Copies are also available at the offices of the nine activated air pollution control authorities.

Further information regarding the above proposals may be obtained by contacting Mr. Hank Droege, Department of Ecology headquarters office, Olympia, Washington 98504, phone (206) 753-2822.

Written statements for inclusion in the hearing record will be accepted until April 20, 1979. Those should be mailed to:

Department of Ecology  
Attn: Hearing Officer  
Olympia, WA. 98504

The adoption hearing previously scheduled for March 22, 1979 has been postponed.

The revised rules and the SIP will be considered for adoption at the Department of Ecology headquarters office, Lacey, Washington, on April 26, 1979, 10:00 a.m.

**WSR 79-04-033**  
**ADOPTED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Order DE 78-19—Filed March 22, 1979]

I, Elmer C. Vogel, deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to sound level measurement procedures, creating chapter 173-58 WAC.

This action is taken pursuant to Notice Nos. WSR 78-09-104 and 79-01-079 filed with the code reviser on 9/5/78 and 1/2/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 70.107 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 12, 1979.

By Elmer C. Vogel  
Deputy Director

Chapter 173-58 WAC  
SOUND LEVEL MEASUREMENT PROCEDURES

NEW SECTION

WAC 173-58-010 INTRODUCTION. (1) Authority. Statutory authority for the guidance and direction contained in these procedures is authorized by chapter 70.107 RCW, the Noise Control Act of 1974.

(2) Purpose. The purpose of these rules is to establish standardized procedures for the measurement of sound levels of sources regulated by the department of ecology, including, but not limited to, environmental noise, watercraft, motor racing vehicles, construction, float planes, railroads, and aircraft engine testing.

(3) Personnel. For the purposes of enforcement, personnel shall have received training in the use of equipment and proper site selection. Certification of competence in the use of the sound level measurement procedures established in this chapter shall be provided by the department of ecology upon a showing that the enforcement personnel can perform these procedures to the satisfaction of the department. Certification is not required for enforcement personnel to use the procedures described in this chapter, however training may be given only by persons certified by the department.

(4) These regulations will be amended as needed to include any new instrumentation, equipment, or procedures which the department shall deem necessary to accurately measure sound levels for enforcement purposes.

NEW SECTION

WAC 173-58-020 DEFINITIONS. As used in this chapter, unless the context clearly indicates otherwise:

(1) "Background sound level" means the level of all sounds in a given environment, independent of the specific source being measured.

(2) "dBA" means the sound pressure level in decibels measured using the "A" weighting network on a sound level meter.

(3) "Department" means the department of ecology.

(4) "Director" means the director of the department of ecology.

(5) "EDNA" means the environmental designation for noise abatement, being an area or zone (environment) within which maximum permissible noise levels are established.

(6) "Impulse sound" means either a single pressure peak or a single burst of multiple pressure peaks which occur for a duration of less than one second as measured on a peak unweighted sound level meter.

(7) "Local government" means county or city government or any combination of the two.

(8) "Noise" means the intensity, duration and character of sounds, from any and all sources.

(9) "Operator" means any person who is in actual physical or electronic control of a powered watercraft, motor vehicle, aircraft, off highway vehicle, or any other engine driven vehicle.

(10) "Person" means any individual, corporation, partnership, association, governmental body, state agency, or other entity whatsoever.

(11) "Property boundary" means the surveyed line at ground surface, which separates the real property owned, rented, or leased by one or more persons, from that owned, rented, or leased by one or more other persons, and its vertical extension.

(12) "Racing event" means any motor vehicle competition conducted under a permit issued by a governmental authority having jurisdiction or, if such permit is not required, then under the auspices of a recognized sanctioning body.

(13) "Receiving property" means real property within which the maximum permissible noise levels specified in WAC 173-60-040 shall not be exceeded from sources outside such property.

(14) "Shoreline" means the existing intersection of water with the ground surface or with any permanent, shore-connected facility.

(15) "Sound level meter" means a device or combination of devices which measures sound pressure levels and conforms to Type 1, Type 2, or Type 3 standards as specified in the American National Standards Institute Specification S1.4-1971. An impulse sound level meter shall be a peak or impulse, unweighted sound level meter which is capable of measuring impulse sound in conformance with the Type 1 or Type 2 specifications of ANSI S1.4-1971.

(16) "Watercraft" means any contrivance, excluding aircraft, used or capable of being used as a means of transportation or recreation on water. A new watercraft is any watercraft with an internal or external combustion engine which has been manufactured after December 31, 1979 and for which the equitable or legal title has never been transferred to a person who, in good faith, purchases the new watercraft and/or engine for purposes other than resale.

NEW SECTION

WAC 173-58-030 INSTRUMENTATION. The following instrumentation and equipment shall be used for the measurement procedures established in this chapter:

(1) Sound level meter. The sound level meter shall meet the Type 1, Type 2, or Type 3 requirements of ANSI S1.4-1971. The meter weighting and response mode will be set as required in the specific procedure used. The sound level meter shall be returned to the manufacturer or a qualified laboratory at least once a year, to be calibrated to standards traceable to the National Bureau of Standards.

Type 1, Type 2, or Type 3 sound level meters shall be used for any initial inspection procedures, but only Type

1 or Type 2 sound level meters shall be used for the measurement of sound levels for enforcement purposes.

(2) Sound level calibrator. An acoustically coupled calibrator shall be used periodically to assure the accuracy of the sound level meter and microphone. The calibrator shall be returned to the manufacturer or a qualified laboratory at least once a year to be calibrated to standards traceable to the National Bureau of Standards.

(3) Tachometer. The tachometer shall be either one of two types: electric or vibrating reed. The electric tachometer shall be an inductive pickup type for easy attachment to any spark plug cable, contain its own internal power supply, and shall meet SAE J197 specifications for off road electric tachometers. The vibrating reed tachometer shall be designed for use on any internal combustion engine. Calibration accuracy for both types of tachometers shall be at least  $\pm 3$  percent of full scale reading. All tachometers shall be calibrated at least once a year in accordance with the manufacturer's calibration procedures.

(4) Windscreen. A windscreen of open cell foam, cloth, or other acoustically invisible material as shall be provided by the manufacturer, shall be placed over the microphone to protect it from moisture, exhaust gases and wind effects.

(5) Anemometer. An anemometer shall be used periodically during measurements to test the wind speed.

#### NEW SECTION

##### WAC 173-58-040 AMBIENT CONDITIONS.

The following ambient conditions shall be observed during measurements and shall determine whether testing is to occur or not:

(1) Wind. Sound level measurements shall not be made when the wind speed is in excess of:

(a) 20 mph (32 km/hr) for the close proximity test, WAC 173-58-080;

(b) 12 mph (19 km/hr) for all other tests.

(2) Precipitation. Sound level measurements shall not be made when precipitation is falling in such a way as to affect the equipment or the measurement readings.

(3) Background sound level. Sound level measurements shall not be made when the difference between the background sound level and the level of the measured sound source is less than 10 dBA, unless, the measurement personnel are technically qualified to logarithmically subtract the background level from the measured source's sound level.

#### NEW SECTION

WAC 173-58-050 MEASUREMENT EQUIPMENT PREPARATION AND USE. (1) Battery check. A battery check shall be conducted on all instruments before field calibration and measurement.

(2) Calibration. Sound level meters shall be field calibrated (using procedures described in the manufacturer's instruction manual) at the beginning and end of each measurement period, and at intervals not exceeding two hours when the instrument is used for more than a two-hour period.

(3) Microphone orientation. The microphone shall be oriented with respect to the sound source as described in the manufacturer's instruction manual.

#### NEW SECTION

WAC 173-58-060 EQUIPMENT VARIATION ALLOWANCES. Due to unavoidable variations in measurement sites and test instruments, the following allowances shall be made for the respective sound level meters:

$\pm 1$  dBA for Type 1 sound level meters  
 $\pm 2$  dBA for Type 2 sound level meters

This tolerance value shall be applied, after all necessary calculations have been made, to the final reported sound level for the measured sound source.

#### NEW SECTION

WAC 173-58-070 ENVIRONMENTAL NOISE MEASUREMENT PROCEDURE. (reserved)

#### NEW SECTION

WAC 173-58-080 CLOSE PROXIMITY EXHAUST SYSTEM SOUND LEVEL MEASUREMENT PROCEDURE. This section establishes specific procedures for the measurement of sound levels from exhaust systems at a distance of 20 inches (0.5 meter) from the exhaust outlet. The procedures of subsections (3), (4) and (5) of this section shall not be used for exhaust systems which utilize the introduction of water to the exhaust gas flow for the purpose of muffling the exhaust noise levels, or systems which exhaust the gas flow directly into water.

(1) For the purposes of this section "vehicle" means any motor driven contrivance used as a means of transportation or recreation off of public highways.

(2) Initial inspection. An initial inspection of the vehicle exhaust system shall be conducted to determine if the following defects or modifications exist:

(a) The absence of a muffler;

(b) The presence of a muffler cut-out, bypass, or similar device which is not standard or normal equipment for the exhaust system being inspected;

(c) Defects in the exhaust system including, but not limited to, pinched outlets, and holes or rusted through areas of the muffler or pipes;

(d) The presence of equipment which will produce excessive or unusual noise from the exhaust system.

If the above defects are observed and are a violation of the muffler integrity standards established for the type of vehicle which is being inspected, then a citation shall be issued in accordance with the enforcement section of the applicable regulation.

An evaluation of the vehicle sound level shall also be made by the enforcement officer, using the human ear as a sensing device.

If the exhaust noise is discernibly louder than the engine noise, or if any of the defects or modifications described above exist but are not violations of applicable regulations, the enforcement officer shall request the vehicle operator to submit the vehicle to any measurement

procedures described in this chapter which are applicable to the type of vehicle being inspected. If the operator refuses to submit the vehicle to these measurement procedures, he shall be in violation of this chapter.

(3) Test site and instrumentation set up. The test site and instrumentation shall be set up as follows:

(a) The test site shall be a flat, open area free of large, sound-reflecting surfaces (other than the surface on which the vehicle is resting), such as signboards, buildings, large docks, hillsides, or other vehicles, located within a 16-foot (5-meter) radius of the vehicle being tested and the location of the microphone. The vehicle shall not be on a hoist, rack, or over a pit. Testing shall not occur within a shop or building. Nobody shall stand in the measurement area, except the observer and the vehicle operator.

(b) The microphone shall be at the same height as the center of the exhaust outlet if possible, but no closer to any surface than 8 inches (0.2 meter). The microphone shall be positioned with its longitudinal axis parallel to the ground,  $20 \pm 1$  inches (0.5 meter) from the edge of the exhaust outlet, and  $45 \pm 10$  degrees from the axis of the outlet. For exhaust outlets located inboard from the vehicle body, the microphone shall be located at the above specified angle and at least 8 inches (0.2 meter) from the nearest part of the vehicle.

For vehicles provided with exhaust outlets spaced more than 12 inches (0.3 meter) apart, measurements shall be made for each outlet as if it were the only one, and the highest level shall be recorded. If the exhaust outlets are less than twelve inches (0.3 meter) apart, a single measurement shall be made for any one of the outlets.

For vehicles with a vertical exhaust, the microphone shall be placed at a height of  $48 \pm 2$  inches (1.2 meter). Its axis shall be vertical and oriented upwards. It shall be placed at a distance of  $20 \pm 1$  inches (0.5 meter) from the side of the vehicle nearest the exhaust outlet.

For vehicles with the exhaust system outlet near the engine, the engine hood (if one exists) should be closed as much as possible to reduce engine noise.

If a measuring device is attached to the exhaust outlet and the microphone to maintain proper distance, insure that no vibrations from the vehicle shall be transmitted to the instrument.

(4) Vehicle operation. The vehicle shall be operated as follows:

(a) Controlled ignition vehicles. The engine shall be operated at a normal operating temperature with transmission in park or neutral. Sound level measurements shall be made at three-fourths (75 percent) of the RPM for rated horsepower  $\pm 100$  RPM of meter reading.

(b) Vehicles with motorcycle engines. The engine shall be operated at normal operating temperatures with the transmission in neutral. If no neutral is provided, the vehicle shall be operated either with the rear wheel or wheels 2-4 inches (5-10 centimeters) clear of the ground, or with the drive chain or belt removed. The sound level measurement shall be made with the engine speed stabilized at one of the following values:

(i) If the engine data is available, test the vehicle at one-half (50 percent) of the RPM for maximum rated horsepower  $\pm 100$  RPM.

(ii) If the engine data is not available, and if the vehicle has a tachometer showing the manufacturer's recommended maximum engine speed ("Red Line"), test the vehicle at 60 percent of the "Red Line" RPM  $\pm 100$  RPM.

(iii) If the engine data and red line RPM are not available, test the vehicle at:

(A)  $3500 \pm 100$  RPM for engines with total cylinder displacement between 0-950 cc (0-58 in.<sup>3</sup>).

(B)  $2800 \text{ RPM} \pm 100 \text{ RPM}$  for engines with total cylinder displacement greater than 950 cc (58 in.<sup>3</sup>).

(c) Diesel engine vehicles. The engine shall be operated at normal operating temperatures with transmission in park or neutral. Sound level measurements shall be made at the vehicle's maximum governed no-load speed. If the engine is not provided with a governor, the vehicle shall be operated in the same manner as a vehicle with a controlled ignition.

(5) Measurement. The exhaust system sound level shall be measured as follows:

(a) The sound level meter shall be set for slow response and on the "A" weighting scale.

(b) The sound level meter shall be observed during the full cycle of engine acceleration-deceleration. The recorded sound level shall be the highest value obtained at the appropriate, constant engine speed as specified in subsection (4) of this section, and shall exclude peaks due to unrelated ambient noise, engine noise, or extraneous impulsive-type noise.

(c) At least two measurements shall be made, and the reported sound level shall be the average of the two highest readings which are within one dBA of each other.

## NEW SECTION

WAC 173-58-090 WATERCRAFT SOUND LEVEL MEASUREMENT PROCEDURE. This section establishes specific procedures for the measurement of watercraft sound levels.

(1) Initial inspection. An initial inspection may be made to determine if the watercraft shall be required to undergo the pass-by measurement described in subsections (2), (3), and (4) of this section.

(a) A Type 3 or better sound level meter shall be used to measure the sound level of any watercraft. The microphone shall be located in a boat or on a dock and no closer than 2 feet from any surface of the boat or dock.

(b) The watercraft shall be measured as it passes at a distance not less than 50 feet from the microphone.

(c) The enforcement officer shall require the watercraft operator to submit to a pass-by or exhaust system sound level measurement if the initial inspection level is within 2 dBA of, or greater than, the levels established in WAC 173-70-040(3).

(2) Test site and instrumentation set-up. The test site and instrumentation shall be set up as follows:

(a) The test site shall be a calm body of water, large enough to allow full-speed pass-bys. The area around

the microphone and boat shall be free of large obstructions, other than the deck or platform on which the microphone is standing, such as buildings, boats, hills, large piers, breakwater, etc., for a minimum distance of 100 feet (30 m). Three markers (buoys or posts) shall be placed in line, 50 feet (15 m) apart, to mark the course the boat is to follow while being tested.

(b) The sound level meter shall be a Type 2 or better. The microphone shall be placed 50 feet (15 m) from the line determined by the three markers, normal to the line and opposite the center marker. It shall also be placed 4-5 feet (1.2-1.5 m) above the water surface and no closer than 2 feet (0.6 m) from the surface of the deck or platform on which the microphone stands, as near to the end of the deck or platform as possible or overhanging the end of the deck or platform.

(3) Watercraft operation. The watercraft shall pass within 1-3 feet (0.3-0.9 meter) on the far side of all three markers, on a straight course.

(a) Watercraft which weigh less than 7,000 lbs. gross weight shall be operated according to the following procedure. The watercraft shall approach the first marker at idle speed. When the bow is even with the first marker, the engine shall be immediately accelerated to its full throttle RPM range. The watercraft shall continue to accelerate until its bow passes the third marker.

(b) Watercraft which weigh 7,000 lbs. or more gross weight shall be operated at the midpoint of the manufacturer's recommended maximum continuous (or "cruise") RPM range,  $\pm 100$  RPM. The watercraft shall be at this speed when it passes the first marker, and shall continue to operate at this speed until its bow passes the third marker.

(4) Measurement. The watercraft sound level shall be measured as follows:

(a) The sound level meter shall be set for fast response and on the "A" weighting scale.

(b) The meter shall be observed during the entire passby. The applicable reading shall be the sound level obtained as the stern of the watercraft passes the middle marker. Peaks due to unrelated ambient noise, water noise from waves or wakes, propeller cavitation noise, or extraneous impulsive-type noise shall be excluded. At least two measurements shall be made for each side of the watercraft. All values shall be recorded.

(c) The sound level for each side of the watercraft shall be the average of the two highest readings which are within 1 dBA of each other, rounded to the nearest 0.5 dBA. The reported sound level shall be that of the loudest side of the watercraft.

(5) New watercraft shall be tested according to the specifications of the SAE J34 measurement procedure.

#### WSR 79-04-034

#### ADOPTED RULES

#### DEPARTMENT OF ECOLOGY

[Order DE 78-20—Filed March 22, 1979—Eff. May 1, 1979]

I, Elmer C. Vogel, deputy director of the Department of Ecology, do promulgate and adopt at the Department

of Ecology, Lacey, Washington, the annexed rules relating to watercraft noise performance standards, creating chapter 173-70.

This action is taken pursuant to Notice Nos. WSR 78-09-105 and 79-01-078 filed with the code reviser on 9/5/78 and 1/2/79. Such rules shall take effect at a later date, such date being May 1, 1979.

This rule is promulgated pursuant to chapter 70.107 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 12, 1979.

By Elmer C. Vogel  
Deputy Director

#### Chapter 173-70 WAC WATERCRAFT NOISE PERFORMANCE STANDARDS

#### NEW SECTION

WAC 173-70-010 INTRODUCTION. (1) Authority and purpose. These rules are adopted pursuant to chapter 70.107 RCW, the Noise Control Act of 1974, in order to establish noise performance standards for watercraft operating on all waters of Washington state.

(2) Local needs. The standards established in this chapter assume a general view toward providing as many methods of watercraft noise measurement as possible. Nothing in these regulations is meant to require a local government to adopt every standard in this chapter. Specific local needs shall dictate the specific standards which the local government shall adopt.

#### NEW SECTION

WAC 173-70-020 DEFINITIONS. As used in this chapter, unless the context clearly indicates otherwise:

(1) "dB(A)" means the sound pressure level in decibels measured using the "A" weighting network on a sound level meter. The sound pressure level, in decibels, of a sound is 20 times the logarithm to the base 10 of the ratio of the pressure of the sound to a reference pressure of 20 micropascals.

(2) "Department" means the department of ecology.

(3) "Director" means the director of the department of ecology.

(4) "EDNA" means the environmental designation for noise abatement, being an area or zone (environment) within which maximum permissible noise levels are established.

(5) "Local government" means county or city government or any combination of the two.

(6) "Muffler" means a device consisting of a series of chambers or other mechanical designs for the purpose of receiving exhaust gas from an engine, or for the purpose of introducing water to the flow of the exhaust gas, and

which is effective in reducing noise from the engine exhaust.

(7) "Noise" means the intensity, duration, and character of sounds, from any and all sources.

(8) "Operator" means any person who is in actual physical or electronic control of a powered watercraft.

(9) "Person" means any individual, corporation, partnership, association, governmental body, state agency, or other entity whatsoever.

(10) "Property boundary" means the surveyed line at ground surface which separates the real property owned, rented, or leased by one or more persons, from that owned, rented, or leased by one or more other persons, and its vertical extension.

(11) "Receiving property" means real property within which the maximum permissible noise levels specified in this chapter shall not be exceeded from sources outside such property.

(12) "Sound level meter" means a device which measures sound pressure levels and conforms to Type 1, Type 2, or Type 3 as specified in the American National Standards Institute Specification S1.4-1971.

(13) "Shoreline" means the existing intersection of water with the ground surface or with any permanent, shore connected facility.

(14) "Watercraft" means any contrivance, excluding aircraft, used or capable of being used as a means of transportation or recreation on water, including model craft, powered by an internal or external combustion engine.

(15) "New watercraft" means a watercraft with an internal or external combustion engine which has been manufactured after December 31, 1979, and for which the equitable or legal title has never been transferred to a person who, in good faith, purchases the new watercraft and/or engine for purposes other than resale.

(16) "Waters of Washington state" include all lakes, rivers, ponds, streams, inland waters, saltwaters and all other surface waters and watercourses within the jurisdiction of the state of Washington.

#### NEW SECTION

**WAC 173-70-030 IDENTIFICATION OF RECEIVING PROPERTY ENVIRONMENTS.** (1) Except when included within specific prior designations as provided in subsections (2), (3), and (4) of this section, the EDNA of any property shall be based on the following typical uses, taking into consideration the present, future, and historical usage, as well as the usage of adjacent and other lands in the vicinity.

(a) Class A EDNA - Properties where human beings reside and sleep. Typically, Class A EDNA will be the following types of property used for human habitation:

- (i) Residential.
- (ii) Multiple family living accommodations.
- (iii) Recreational and entertainment, (e.g., camps, parks, camping facilities, and resorts).
- (iv) Community service, (e.g., orphanages, homes for the aged, hospitals, health, and correctional facilities).

(b) Class B EDNA - Properties involving uses requiring protection against noise interference with speech.

Typically, Class B EDNA will be the following types of property:

- (i) Commercial living accommodations.
- (ii) Commercial dining establishments.
- (iii) Motor vehicle services.
- (iv) Retail services.
- (v) Banks and office buildings.
- (vi) Miscellaneous commercial services, property not used for human habitation.
- (vii) Recreation and entertainment, property not used for human habitation (e.g., theaters, stadiums, fairgrounds, and amusement parks).
- (viii) Community services, property not used for human habitation (e.g., educational, religious, governmental, cultural and recreational facilities).

(c) Class C EDNA - Properties involving economic activities of such a nature that higher noise levels than experienced in other areas is normally to be anticipated. Persons working in these areas are normally covered by noise control regulations of the department of labor and industries. Uses typical of Class A EDNA are generally not permitted within such areas. Typically, Class C EDNA will be the following types of property:

- (i) Storage, warehouse, and distribution facilities.
- (ii) Industrial property used for the production and fabrication of durable and nondurable man-made goods.
- (iii) Agricultural, aquacultural, and silvicultural property used for the production of crops, wood products, food products, or livestock.

(d) Where there is neither a zoning ordinance in effect nor an adopted comprehensive plan, the legislative authority of local government may, by ordinance or resolution, designate specifically described EDNAs which conform to the above use criteria and, upon departmental approval, EDNAs so designated shall be as set forth in such local determination.

(e) Where no specific prior designation of EDNAs has been made, the appropriate EDNA for properties involved in any enforcement activity will be determined by the investigating official on the basis of the criteria of subparagraphs (a), (b), and (c) of this subsection.

(2) In areas covered by a local zoning ordinance, the legislative authority of the local government may, by ordinance or resolution, designate EDNAs to conform with the zoning ordinance as follows:

- (a) Residential zones - Class A EDNA;
- (b) Commercial zones - Class B EDNA;
- (c) Industrial zones - Class C EDNA.

Upon approval by the department, EDNAs so designated shall be as set forth in such local determination. EDNA designations shall be amended as necessary to conform to zone changes under the zoning ordinance.

(3) In areas not covered by a local zoning ordinance, but within the coverage of an adopted comprehensive plan, the legislative authority of the local government may, by ordinance or resolution, designate EDNAs to conform with the comprehensive plan as follows:

- (a) Residential areas - Class A EDNA;
- (b) Commercial areas - Class B EDNA;
- (c) Industrial areas - Class C EDNA.

Upon approval by the department, EDNAs so designated shall be set forth in such local determination.

EDNA designations shall be amended as necessary to conform to changes in the comprehensive plan.

(4) The department recognizes that on certain lands, serenity, tranquility, or quiet are an essential part of the quality of the environment and serve an important public need. Special designation of such lands with appropriate watercraft noise level standards by local government may be adopted subject to approval by the department. The director may make such special designation pursuant to the procedures of the Administrative Procedure Act, chapter 34.04 RCW.

#### NEW SECTION

WAC 173-70-040 STANDARDS. (1) Any watercraft operated on the waters of Washington state shall be equipped with a muffler which shall be maintained in proper working condition. Any of the following defects in the muffling system shall constitute a violation of this regulation:

- (a) The absence of a muffler;
- (b) The presence of a muffler cut-out, bypass, or similar device which is not standard or normal equipment for the exhaust system being inspected;
- (c) Defects in the exhaust system including, but not limited to, pinched outlets, holes, or rusted-through areas of the muffler or pipes;
- (d) The presence of equipment which will produce excessive or unusual noise from the exhaust system.

(2) No person shall operate any watercraft on the waters of Washington state in such a manner as to exceed the following maximum noise limits when measured at the shoreline or anywhere within a receiving property:

- (a) At any hour of the day or night, the limit for any receiving property shall be 74 dBA;
- (b) Between sunset and sunrise, the limit for a Class A EDNA receiving property shall be 64 dBA.

Enforcement of the above standards shall be undertaken only upon receipt of a complaint made by a person who resides, owns property, or is employed in the area affected by the noise complained of, except for persons in parks, recreational areas, and wildlife sanctuaries.

(3) Any watercraft operated on the waters of Washington state shall not exceed the following maximum noise limits when measured at a distance of not less than fifty feet from the closest point of the watercraft's hull according to procedures established in WAC 173-58-090, "Watercraft Sound Level Measurement Procedure".

- (a) For watercraft and engines manufactured before January 1, 1980, a noise level of 84 dBA.
- (b) For watercraft and engines manufactured after January 1, 1980, a noise level of 82 dBA.
- (c) For watercraft and engines manufactured after January 1, 1984, a noise level of 80 dBA.

(4) Any watercraft operated on the waters of Washington state shall not exceed the following maximum noise limits when measured at a distance of twenty inches (0.5 meter) from the exhaust outlet according to procedures established in WAC 173-58-080, "Close Proximity Exhaust System Sound Level Measurement Procedure". These standards shall not apply to exhaust

systems which utilize the introduction of water to the exhaust gas flow, or systems which exhaust the gas directly into water.

(a) For watercraft and engines manufactured before January 1, 1980, a noise level of 98 dBA.

(b) For watercraft and engines manufactured after January 1, 1980, a noise level of 96 dBA.

(c) For watercraft and engines manufactured after January 1, 1984, a noise level of 94 dBA.

(5) No person shall sell or offer for sale a new watercraft or new watercraft engine for use in any existing watercraft which exceeds the following maximum noise limits when measured according to the procedures of the society of automotive engineer's recommended practice SAE-J34.

(a) For watercraft and engines manufactured after January 1, 1980, a noise level of 82 dBA.

(b) For watercraft and engines manufactured after January 1, 1984, a noise level of 80 dBA.

#### NEW SECTION

WAC 173-70-050 EXEMPTIONS. (1) Normal docking, undocking, and water skier pick-up and drop-off operations of all watercraft shall be exempt from the provisions of WAC 173-70-040(2).

(2) The following sounds shall be exempt from all provisions of WAC 173-70-040.

(a) Sounds created by the operation of commercial, nonrecreational watercraft. These commercial activities include, but are not limited to, tugboats, fishing boats, ferries, and vessels engaged in intrastate, interstate or international commerce.

(b) Sounds created by safety and protective devices where noise suppression would defeat the intent of the device.

(c) Sounds created by a warning device not operating continuously for more than five minutes.

(d) Sounds created by emergency equipment for emergency work necessary in the interests of law enforcement or for the health, safety, and welfare of the community.

(e) Sounds created by auxiliary equipment operated on watercraft for the purposes of dredging, pile driving, operation of a marina, clam and oyster harvesting are exempt, however, such operations are not exempt from requirements of chapter 173-60 WAC "Maximum Environmental Noise Levels".

(3) The provisions of WAC 173-70-040 shall not apply to motorboats competing under a local public entity or United States Coast Guard permit in a regatta, in a boat race, while on trial runs, or while on official trials for speed records during the time and in the designated area authorized by the permit. In addition, motorboats preparing for an officially sanctioned race or regatta are exempt if authorized by a permit issued by the local entity having jurisdiction over the area where the preparations will occur.

(4) Nothing in these exemptions is intended to preclude the enforcing or permitting authority from requiring installation of the best available noise abatement technology consistent with economic feasibility.

**NEW SECTION**

**WAC 173-70-060 NUISANCE REGULATIONS NOT PROHIBITED.** Nothing in this chapter or the exemptions provided herein shall be construed as preventing local government from regulating noise from watercraft as a nuisance. Local resolutions, ordinances, rules, or regulations regulating watercraft noise on such a basis shall not be deemed inconsistent with this chapter by the department.

**NEW SECTION**

**WAC 173-70-070 FUTURE STANDARDS.** It is the intention of the department to establish use standards and/or performance standards for the following sources of noise exempted or partially exempted from the requirements of this chapter. Adoption of these standards will depend on the extent of future local needs, and on the provision of adequate legislative funding to conduct studies providing necessary data.

(1) Sounds created by commercial, nonrecreational watercraft through the amendment of this chapter.

(2) Sounds created by watercraft racing events through the amendment of this chapter.

**NEW SECTION**

**WAC 173-70-080 IMPLEMENTATION SCHEDULES.** (1) Conditions of issuance.

The department or local entity with an ordinance which has been approved by the department may approve and issue to any person an implementation schedule for meeting any particular requirement of this chapter if it finds that immediate compliance with such requirement cannot be achieved because of conditions beyond the control of such person or because of special circumstances rendering immediate compliance unreasonable in light of economic or physical factors or because of the nonavailability of feasible technology or control methods.

(2) Request procedure.

Implementation schedules shall be issued only upon application in writing to the department or local entity with an approved ordinance. Such application shall state in a concise manner the facts to show cause why such schedule should be approved. Any aggrieved person may appeal the department's decision on an application to the pollution control hearings board pursuant to chapter 43-.21B RCW.

**NEW SECTION**

**WAC 173-70-090 ENFORCEMENT.** (1) Measurements shall be made with a sound level meter meeting Type 1 or Type 2 standards as specified in the American National Standards Institute Specifications S1.4-1971 to document violations for final enforcement actions under measurement procedures established in chapter 173-58 WAC.

(2) Any law enforcement officer or noise control enforcement personnel shall be competent in the use of sound measuring equipment. The personnel shall be trained by the department, or by a person certified by

the department, in the use of the watercraft sound level measurement procedures established in chapter 173-58 WAC. Any enforcement personnel who by the use of the initial inspection procedure of WAC 173-58-080(2) suspects that a watercraft may be in violation of the standards of this chapter, shall require the operator to submit to a measurement of the sound level of the watercraft according to the procedures of chapter 173-58 WAC: PROVIDED, That the enforcement personnel shall have discretion in determining whether measurement would occur under unsafe conditions. Weather, water conditions, operator competence, and similar considerations shall be taken into account. If conditions are unsafe, measurement shall not be required. Shoreline measurements shall be made under any conditions, except as provided in WAC 173-58-040, Ambient Conditions.

(3) Any operator who fails to comply with the directive to submit to a sound level measurement shall be in violation of this chapter.

(4) Any person operating a watercraft found in violation of the established noise levels of this chapter shall be subject to a civil penalty not to exceed one hundred dollars per day of violation.

(5) Any seller, importer, or manufacturer who violates the standards in WAC 173-70-040(4) shall be subject to a civil penalty not to exceed one hundred dollars as established in RCW 70.107.050. Each watercraft or engine offered for sale or sold shall constitute a separate violation.

**NEW SECTION**

**WAC 173-70-100 APPEALS.** Any person aggrieved by any final decision of the department in relation to the enforcement of the watercraft noise levels provided for in this chapter, the granting or denial of a variance or the approval or disapproval of a local resolution or ordinance for noise abatement and control may appeal to the pollution control hearings board pursuant to chapter 43.21B RCW under the procedures of chapter 371-08 WAC.

**NEW SECTION**

**WAC 173-70-110 COOPERATION WITH LOCAL GOVERNMENT.** (1) The department conceives the function of noise abatement and control to be primarily the role of local government and intends actively to encourage local government to adopt measures for noise abatement and control. Wherever such measures are made effective and are being actively enforced, the department does not intend to engage directly in enforcement activities.

(2) No ordinance or resolution of any local government which imposes watercraft noise control requirements differing from those adopted by the department shall be effective unless and until approved by the director. If approval is denied, the department, within sixty days of receipt of such local ordinance or resolution by the department, shall deliver its statement or order of denial, designating in detail the specific provision(s) found to be objectionable and the precise grounds upon

which the denial is based, and shall submit to the local government, the department's suggested modification.

**NEW SECTION**

**WAC 173-70-120** EFFECTIVE DATE. This chapter shall become effective on May 1, 1979. It is the intention of the department to periodically review the provisions in this chapter as new information becomes available for the purpose of making amendments as appropriate.

**WSR 79-04-035**  
**EMERGENCY RULES**  
**DEPARTMENT OF TRANSPORTATION**  
**(Transportation Commission)**  
 [Order 7, Resolution 47—Filed March 22, 1979]

Be it resolved by the Washington State Transportation Commission, acting at Highway Administration Building, Room 1D2, Olympia, Washington, 98504 that it does promulgate and adopt the annexed rules relating to the emergency adoption of a schedule of tolls for Washington State Ferry routes replacing the Hood Canal Bridge crossing.

We, Washington State Transportation Commission, find that an emergency exists and that the foregoing 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 such emergency is the emergency rule is necessary to establish tolls for temporary ferry runs made necessary by destruction of the Hood Canal Bridge.

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

This rule is promulgated under the general rule-making authority of the Washington State Transportation Commission as authorized in RCW 47.56.030 and 47.60.325.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 20, 1979.

By Ray A. Aardal  
 Chairman

**NEW SECTION**

**WAC 468-300-005** PORT TOWNSEND-EDMONDS AND LOFALL-SOUTHPOINT FERRY FARES.

The following schedule of charges is hereby adopted:

- (1) Edmonds-Port Townsend: double cross-Sound rate structure.

- (2) Lofall-Southpoint or other crossing of Hood Canal as may be designated by the Secretary of Transportation.

*\$.55 for passenger-only fair for ferry crossing only.*

*Additionally, a special school rate of \$0.10 per student shall apply for designated school functions.*

*\$1.25 for ferry crossing plus bus ride, terminal on east side of Hood Canal to or from Winslow, Bremerton, Bangor, or Keyport, or intermediate points.*

*\$1.00 for bus ride only, terminal on east side of Hood Canal to or from Winslow, Bremerton, Bangor, or Keyport, or other intermediate points.*

- (3) Above service shall be provided at one-half fare for children 5 to 11 and elderly over 65 and handicapped with Washington State Ferries handicapped permit. Children under 5, free.

**WSR 79-04-036**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Order 1379—Filed March 22, 1979]

I, Michael Stewart, Ex. Assist., of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 388-29-130 relating to Cost standards for requirements—Person is congregate care facility.

Amd ch. 388-59 WAC relating to state supplementary payments to SSI.

This action is taken pursuant to Notice No. WSR 79-01-089 filed with the code reviser on 1/3/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

The undersigned hereby declares that he 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).

APPROVED AND ADOPTED February 21, 1979.

By Michael S. Stewart  
 Executive Assistant

**AMENDATORY SECTION** (Amending Order 1254, filed 12/1/77)

**WAC 388-29-130** COST STANDARDS FOR REQUIREMENTS—PERSON IN CONGREGATE

CARE FACILITY. (1) The cost standard for congregate care shall be the rate established by the department for payment to specific congregate care facilities.

(2) Congregate care facility residents who receive SSI or GAU benefits are entitled to the earned and unearned income exemptions applicable to those programs. Any remaining nonexempt income shall be applied first toward the monthly cost standard for clothing, personal maintenance, and necessary incidentals, and then toward the cost of care. SSI grant deductions for overpayments shall first reduce the money available for clothing, personal maintenance and necessary incidentals and then reduce the money available to meet the cost of CCF care. The department shall not pay the difference toward cost of care caused by the SSI reduction.

(3) The monthly cost standard for clothing, personal maintenance, and necessary incidentals for a person in a congregate care facility shall be \$25.00, ~~((with the following exceptions:~~

~~((a)) except that for a resident converted to the SSI program on January 1, 1974, the standard shall be \$27.30. This amount includes the monthly allowance of \$4.20 which is applicable to a resident on the date of conversion.~~

~~((b) For persons under 18 in developmental disabilities group homes, the standard shall be \$27.45.))~~

AMENDATORY SECTION (Amending Order 910, filed 3/1/74)

WAC 388-59-010 STATE SUPPLEMENTARY PAYMENTS—DEFINITIONS. (1) "Supplemental security income (SSI) program" ~~((SSI))~~ means the Federal program of supplemental security income for the aged, blind, and disabled established by section 301 of the social security amendments of 1972, and ~~((subsequently amended by Public Law 93-66))~~ subsequent amendments, and administered by the social security administration (SSA).

(2) "Supplementary payment" means the state money payment ~~((determined to be payable by SSA on behalf of the state))~~ to individuals receiving benefits under Title XVI (or would but for their income be eligible for such benefits) as assistance based on need in supplementation of SSI benefits.

(3) "Federal benefits" means the money payment determined to be payable as the SSI amount.

(4) "Mandatory state supplement" means the state money payment ~~((determined to be payable by SSA on behalf of the state))~~ with respect to individuals who, for December 1973, were recipients of money payments under the department's former programs of old age assistance, aid to the blind and disability assistance.

(5) "Optional state supplement" means the elected state money payment ~~((elected by the state and determined to be payable by SSA on behalf of the state))~~ to individuals eligible for SSI benefits on or after January 1, 1974.

(6) "Eligible individual" means an aged, blind or disabled person as defined in Title XVI of the social security act. If two such persons are husband and wife (and have not been living apart for more than six months)

only one of them may be considered an eligible individual. (See WAC 388-59-045).

(7) "Eligible spouse" means an aged, blind or disabled individual who is the husband or wife of an eligible individual and who has not been living apart from such eligible individual for more than six months. (See WAC 388-59-045).

(8) "Eligible couple" means an eligible individual and eligible spouse.

(9) "Essential person" means a person whose needs were taken into account in determining the need of an OAA, AB, or DA recipient for December 1973, who lives in the home of such recipient, and who is not an eligible individual or eligible spouse.

(10) "OAA, AB, DA" means the department's programs of old age assistance, aid to the blind and disability assistance under Titles I, X and XIV of the social security act and repealed by Public Law 92-603 effective January 1, 1974.

(11) "Grandfathering" means the process by which OAA, AB, and DA grants for December, 1973, ~~((are))~~ were converted to SSI and state supplementary payments effective January 1, 1974.

(12) "Ineligible spouse" means the husband or wife of an eligible individual who is either not aged, blind or disabled or although aged, blind or disabled has not applied for SSI.

(13) "Living alone" designates an individual or couple who live in their own home or in one of the following alternate care situations: Congregate care, adult family home, foster family group home, or DD group home.

(14) "Living in household of another" designates an individual or couple who do not pay a pro rata share of the household expenses based on fair market value or when both board and room are supplied.

AMENDATORY SECTION (Amending Order 910, filed 3/1/74)

WAC 388-59-020 STATE SUPPLEMENTARY PAYMENTS—GENERAL PROVISIONS. (1) State supplementary payments are administered by the social security administration (SSA) pursuant to an agreement with the department.

(2) The social security administration shall make determinations of eligibility for state supplementary payments with respect to individuals residing in the state who are or will be receiving (or would but for their income be eligible to receive) basic federal payments, and shall make determinations of eligibility for mandatory state supplements.

(3) The social security administration shall make state supplementary payments to individuals determined to be eligible in such amounts as agreed upon with the department.

(4) The social security administration shall provide individuals reasonable notice and opportunity for a hearing with respect to findings of fact and decisions as to the rights of such individuals applying for optional state supplementary payments or mandatory state supplementary payments.

(5) The SSA shall impose, as promptly as is feasible, deductions against ~~((state))~~ supplementary payments or

mandatory minimum supplements, ~~((as))~~ if any are validly prescribed by the ~~((department))~~ state, on eligible ~~((persons))~~ individuals or eligible spouses for failure to comply with reporting requirements established by ~~((the Department))~~ SSA.

(6) SSA shall make determinations of eligibility for Title XIX medical assistance for eligible individuals and eligible spouses as part of the determination of eligibility for SSI and state supplementary payments.

(a) Essential spouse remains eligible for Title XIX medical as long as their "grandfathered" essential spouse status does not cease.

(b) Ineligible spouses requesting medical assistance must make a separate application to the department.

AMENDATORY SECTION (Amending Order 910, filed 3/1/74)

WAC 388-59-030 STATE SUPPLEMENTARY PAYMENTS—ESTABLISHING ELIGIBILITY. (1) The supplemental security income application form shall serve as an application for a state supplementary payment.

(2) Any individual who is, or would be, eligible to receive supplementary payments ~~((or who would be eligible to receive such payments))~~ may waive ~~((his))~~ the right ~~((to do so if he makes))~~ by making a written request for waiver to SSA.

(a) When an ineligible spouse and an eligible individual have minor children eligible for AFDC, the ineligible spouse may choose to waive the state supplement and receive AFDC as part of the child's assistance unit.

(b) Any individual or his/her spouse who waives supplementary payments for oneself or his/her ineligible spouse shall not receive state-funded general assistance in lieu of the supplementary payments.

(3) Any individual who has waived supplementary payments may revoke such waiver at anytime by making a written request to the social security office.

(4) A "grandfathered" recipient retains such status as long as he continues to meet the eligibility requirements for OAA, AB and DA in effect for the state programs prior to January 1, 1974.

AMENDATORY SECTION (Amending Order 910, filed 3/1/74)

WAC 388-59-040 STATE SUPPLEMENTARY PAYMENTS—AMOUNT. (1) The amounts of state supplementary payments shall be as specified pursuant to the department's agreement with SSA.

(2) The payment level of state supplementary payments made to eligible individuals and couples may vary according to geographical location and the following type of living arrangement.

(a) Living alone as an individual, as a couple with eligible individual and eligible spouse or essential person, or as a couple with eligible individual and ineligible spouse.

(b) Living in household of another as an individual, as a couple with eligible individual and eligible spouse or essential person, or as a couple with eligible individual and ineligible spouse.

(3) Countable income, of an eligible individual or eligible couple, is determined in the same manner as such income is determined under SSI. Countable income affects the amount of state supplementary payments as follows:

(a) Countable income shall first be deducted from the basic federal benefit amount payable to an eligible individual or eligible couple.

(b) If countable income is equal to or less than the amount of the federal benefit rate, the full amount of the state supplementary payment as specified in the department's agreement with SSA shall be made.

(c) If countable income exceeds the amount of the federal benefit rate, the state supplementary payment shall be reduced by the amount of such excess.

(d) No state supplementary payment shall be made where countable income is equal to or exceeds the sum of the federal benefit rate and the state supplementary payment rate.

(4) A state supplementary payment shall be made on a monthly basis and shall be included in the same check as a federal benefit is payable. It shall be for the same month as the federal benefit.

(5) No optional state supplement will be paid:

(a) To any individual or couple residing in a public institution;

(b) To any individual or couple residing in a Title XIX facility;

(c) To grandfathered cases which consist of:

(i) An eligible individual and more than one essential person;

(ii) An eligible individual, eligible spouse and one or more essential persons.

NEW SECTION

WAC 388-59-045 SEPARATION OF INCOME AND RESOURCES. (1) Income and resources are considered available to meet need of both husband and wife except when spouses are separated.

(a) When determining eligibility and benefit amounts for an aged, blind, or disabled individual and a spouse who is neither aged, blind or disabled or who has not applied, separation occurs after the husband and wife have lived apart for one month.

(b) When determining eligibility and benefit amounts for an aged blind or disabled individual and an aged, blind or disabled applying spouse, separation occurs after the husband and wife have lived apart for six months, except that for determining benefit amounts when either spouse resides in a Title XIX facility throughout a calendar month, separation occurs with the first month.

(2) The income and resources of a parent are considered available to meet the needs of a disabled child under age eighteen and any disabled students under age twenty-one only when:

(a) The child lives in the same household as the parent; and

(b) The amount of the parent's income available to the disabled child has first been reduced by all allowable earned or unearned income disregards and allocated to

meet the needs, as established by SSA, of all ineligible family members residing in the same household.

(3) The income and resources of a parent are not considered available to meet the needs of a disabled student who is age twenty-one through twenty-two; such a person may still be considered a "child" for other SSI purposes only.

#### NEW SECTION

WAC 388-59-048 TERMINATION OF OPTIONAL STATE SUPPLEMENT. The optional supplement shall be terminated:

(1) Beginning the first month after the month the individual dies.

(2) The first month after the month in which the individual ceases to meet the categorical eligibility requirements of aged, blind or disabled.

(3) When the individual ceases to reside in Washington state.

(4) When the individual fails to apply for and, if eligible, obtain benefits or accept vocational services as specified by SSA.

(5) When the individual's disability is based on alcoholism or drug addiction and he/she is not undergoing treatment required by SSA.

(6) When the individual has resided throughout a calendar month in a public institution or a Title XIX facility.

#### AMENDATORY SECTION (Amending Order 910, filed 3/1/74)

WAC 388-59-050 STATE SUPPLEMENTARY PAYMENTS—ADDITIONAL REQUIREMENTS UNDER SPECIFIED CIRCUMSTANCES—CHORE SERVICES. (1) The department shall determine need and make payment for additional requirements as provided in WAC ((388-28-150)) 388-29-150 through ((388-28-235)) 388-29-270 to recipients of state supplementary payments.

(2) Recipients of SSI and/or state supplementary payments are eligible for chore services as provided in WAC ((388-16-425)) 388-15-210 through ((388-16-440)) 388-15-212.

#### AMENDATORY SECTION (Amending Order 910, filed 3/1/74)

WAC 388-59-060 STATE SUPPLEMENTARY PAYMENTS—OVERPAYMENT AND UNDERPAYMENT. (1) Upon determination that an overpayment has been made, SSA will make adjustments ((with be made)) against future state supplementary payments for which the person is entitled.

(2) Recoupment procedures in effect for recovery of SSI benefit overpayments shall also apply to the recovery of state supplementary overpaid amounts. The department shall not compensate SSI beneficiaries for reductions of their income caused by such recoupment procedures.

(3) ~~((The department may initiate its own recoupment in the event an individual has been overpaid and is no longer receiving a state supplementary payment.~~

(4)) Upon determination that an underpayment of state supplementary payments is due and payable, the underpaid amount shall be paid to the underpaid claimant ((directly)) by SSA.

((5)) (4) If the underpaid person dies before receiving the underpaid amount of state supplementary payment, the underpaid amount shall be paid by SSA to the claimant's eligible spouse. If the deceased claimant has no eligible spouse, no payment of the underpaid amount shall be made.

#### AMENDATORY SECTION (Amending Order 910, filed 3/1/74)

WAC 388-59-090 MANDATORY STATE SUPPLEMENTARY PAYMENTS—TERMINATION OF ELIGIBILITY. An individual eligible for mandatory state supplementary payments beginning in January 1974 shall not be eligible for such payments.

(1) Beginning with the month after the month in which such individual dies, or

(2) The first month after the month in which such individual ceases to meet the definition of aged, blind or disabled under which he received assistance for December 1973, except that

(3) No individual shall be entitled to receive a mandatory supplementary payment for any month in which such individual was ineligible to receive SSI because such individual:

(a) Throughout such month is an inmate of a public institution, or

(b) Fails within 30 days to take all appropriate steps to apply for and, if eligible, obtain benefits as specified by SSA, or

(c) Is eligible solely by reason of disability and medically determined to be a drug addict or an alcoholic unless such individual is undergoing treatment as required by SSA, or

(d) For any month during all of which such individual is outside the United States, or

(e) Is under 65 and refuses without good cause to accept vocational services for which he is referred by SSA.

(4) The first month after the month in which the individual ceases to reside in Washington state.

WSR 79-04-037

ADOPTED RULES

WASHINGTON STATE PATROL

[Order 79-2—Filed March 23, 1979]

Be it resolved by the Washington State Patrol acting at General Administration Building, Olympia, Washington 98504, that it does promulgate and adopt the annexed rules relating to public disclosure of public documents, campaign financing, lobbying records, chapter 446-10 WAC.

This action is taken pursuant to Notice No. WSR 79-02-023 filed with the code reviser on January 16, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 42.17.250 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 14, 1979.

By R. W. Landon  
Chief, Washington State Patrol

Chapter 446-10 WAC  
PUBLIC RECORDS

NEW SECTION

WAC 446-10-010 PURPOSE. The purpose of this chapter shall be to ensure compliance by the Washington State Patrol with the Provisions of Chapter 1, Laws of 1973 (Initiative 276), Disclosure-Campaign-Finances-Lobbying-Records; and in particular with subsections 25-32 of that act, dealing with public records.

NEW SECTION

WAC 446-10-020 DEFINITIONS. (1) Public record - includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) Writing - means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, symbols, or combinations thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

(3) Washington State Patrol - is the department increased by the legislature pursuant to RCW 43.43. The Washington State Patrol shall hereinafter be referred to as the department. Where appropriate, the term department also refers to the staff and employees of the Washington State Patrol.

NEW SECTION

WAC 446-10-030 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATIONS OF THE WASHINGTON STATE PATROL. The Washington State Patrol is a law enforcement agency and service. The administrative offices of the department and its staff are located in the General Administration Building, Olympia, Washington 98504. The department has eight district headquarters with working addresses as follows:

District I	- 3737 South Puget Sound Avenue, Tacoma 98409
District II	- 2803 - 156th Avenue S. E., Bellevue 98007
District III	- 2715 Rudkin Road, Union Gap 98903
District IV	- East 7421 First Avenue, Spokane 99206
District V	- 605 East Evergreen Boulevard, Vancouver 98661
District VI	- 1517 North Wenatchee Avenue, Wenatchee 98801
District VII	- 20th and Chestnut, Everett 98201
District VIII	- 4846 Auto Center Way, Bremerton 98310

NEW SECTION

WAC 446-10-040 OPERATIONS AND PROCEDURES. The department has and exercises throughout the states such police powers and duties as are vested in sheriffs and peace officers generally, and such other powers and duties as are presented by RCW 43.43 and other applicable RCW chapters. The members of the department enforce, throughout the state, laws having statewide application. The individual officer assumes his law enforcement role after a period of rigorous training, and is vested with certain discretion in his contact with alleged law violators in the same degree as are sheriffs and other peace officers. His role also encompasses providing non-law enforcement assistance to members of the public within his competence and training, including first aid, traffic direction, aid to stranded motorists, etc.

NEW SECTION

WAC 446-10-050 PUBLIC RECORDS AVAILABLE. All public records of the department, as defined in WAC 446-10-020(1), are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by section 31, chapter 1, Laws of 1973, and WAC 446-10-100.

NEW SECTION

WAC 446-10-060 PUBLIC RECORDS OFFICER. The department's public records shall be in custody of the public records officer designated by the department. The person so designated shall be located in the administrative office of the department. The public records officer shall be responsible for the following: The implementation of the department's rules and regulations regarding release of public records, coordinating the staff of the department in this regard, and generally ensuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973.

NEW SECTION

WAC 446-10-070 OFFICE HOURS. Public records shall be available for inspection and copying during the customary office hours of the department. For the purpose of this chapter, the customary office hours shall be from 9 a.m. to noon, and from 1 p.m. to 4 p.m. Monday through Friday, excluding legal holidays.

NEW SECTION

WAC 446-10-080 REQUESTS FOR PUBLIC RECORDS. In accordance with requirements of chapter

1, Laws of 1973, that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained by members of the public upon compliance with the following procedures:

(1) If, after access to the departmental index, a particular record is desired and that record is not an item routinely available as a matter of public service, a request shall be made in writing upon a form prescribed by the department which shall be available at its administrative office. The form shall be presented to the public records officer or to any member of the department's staff if the public records officer is not available at the administrative office of the department during customary office hours. The request shall include the following information:

(a) The name and address of the person requesting the record;

(b) The time of day and calendar date on which the request was made;

(c) The nature of the request;

(d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;

(e) If the requested matter is not identifiable by reference to the department's current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made to assist the member of the public in an appropriately identifying the public record requested.

#### NEW SECTION

WAC 446-10-090 COPYING. No fee shall be charged for the inspection of public records. The department shall charge a fee of ten cents per page of copy for providing copies of public records and for use of the department copy equipment. This charge is the amount necessary to reimburse the department for its actual costs incident to such copying.

#### NEW SECTION

WAC 446-10-100 EXEMPTIONS. (1) The department reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 446-10-080 is exempt under the provisions of section 31, chapter 1, Laws of 1973.

(2) In addition, pursuant to section 26, chapter 1, Laws of 1973, the department reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosures of such details would be an invasion of personal privacy protected by chapter 1, Laws of 1973. The public records officer will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

#### NEW SECTION

WAC 446-10-110 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the chief of the department. The chief shall immediately consider the matter and either affirm or reverse such denial or call a special meeting of the department as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the department has returned the petition with a decision or until the close of the second business day following the denial of inspection, whichever occurs first.

#### NEW SECTION

WAC 446-10-120 PROTECTION OF PUBLIC RECORDS. Requests for public records shall be made to the Washington State Patrol, General Administration Building, AX-12, Olympia, Washington 98504. Public records and facility for their inspection and/or copying will be provided by the public records officer of the department. Such records or documents shall not be removed from the place designated for their inspection and all records will be reviewed under the supervision of the public records officer or his designee.

#### NEW SECTION

WAC 446-10-130 RECORDS INDEX. The Washington State Patrol has nine locations in the State of Washington (see WAC 446-10-030) where the general public will have access to the departmental filing index. The indexes made available will be the total filing structure which is identical in all locations. The index can be read at the central filing division in Olympia or at the various district patrol offices including Spokane, Wenatchee, Yakima, Everett, Bellevue, Tacoma, Bremerton, and Vancouver.

#### NEW SECTION

WAC 446-10-140 REQUEST FOR INFORMATION. All communications with the department, including but not limited to the submission of materials

pertaining to its operations and/or the administration or enforcement of chapter 1, Laws of 1973, and these rules, requests for copies of the department's decisions, and other matters, shall be addressed as follows: Washington State Patrol, c/o Public Records Officer, General Administration Building, AX-12, Olympia, Washington 98504.

**NEW SECTION**

**WAC 446-10-150 ADOPTION OF FORM.** The department hereby adopts for use by all persons requesting inspection and/or copying, or copies of its records, the following form entitled, "Request for Public Record:"

**REQUEST FOR PUBLIC RECORD**

Date ..... Time .....  
Name .....  
Address .....  
Nature or Description of Record (see index):  
.....  
.....  
.....  
.....

I certify that the information obtained through this request for public record will not be used for commercial purposes.

.....  
Signature

**WSR 79-04-038**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Filed March 23, 1979]

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 emission standards and controls for sources emitting volatile organic compounds (voc). The proposed rules establish registration requirements, control requirements, and compliance schedules for sources of volatile organic compounds. Emission controls are required for petroleum refineries, petroleum liquid storage, gasoline loading terminals on a statewide basis. Control requirements for bulk gasoline plants, gasoline dispensing facilities, surface coating, solvent metal cleaning and cutback asphalts apply within the ozone non-attainment areas. Review and approval is required for all new sources, creating chapter 173-490 WAC;

that such agency will at 7:00 p.m., Thursday, April 19, 1979, at Pier 66, Port of Seattle, Seattle, Washington conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, April 26, 1979, in the Hearings Room, Department of Ecology, Lacey, Washington.

The authority under which these rules are proposed is chapter 70.94 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 20, 1979, and/or orally at above hearing.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 78-11-084, 79-01-052 and 79-01-060 filed with the code reviser's office on 11/1/78, 12/22/78 and 12/28/78.

Dated: March 22, 1979  
By: Wilbur G. Hallauer  
Director

**WSR 79-04-039**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Filed March 23, 1979]

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 general requirements for air pollution sources. The proposed amendments adopt requirements of the federal Clean Air Act for non-attainment areas and new source review, requiring reasonably available control technology (RACT) for all point sources for fugitive emissions and fugitive dust sources in non-attainment areas. Lowest Achievable Emission Rate (LAER) is proposed for new sources in non-attainment areas. New sections are proposed for maintenance of pay and to adopt requirements for boards and directors, amending chapter 173-400 WAC;

that such agency will at 7:00 p.m., Thursday, April 19, 1979, at Pier 66, Port of Seattle, Seattle, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, April 26, 1979, in the Hearings Room, Department of Ecology, Lacey, Washington.

The authority under which these rules are proposed is chapter 70.94 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 20, 1979, and/or orally at above hearing.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 78-11-085, 79-01-051 and 79-01-061 filed with the code reviser's office on 11/1/78, 12/22/78 and 12/28/78.

Dated: March 22, 1979  
By: Wilbur G. Hallauer  
Director

**WSR 79-04-040**  
**PROPOSED RULES**  
**STATE BOARD OF EDUCATION**  
 [Filed March 23, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning chapter 180-30 WAC, School Building Construction, to incorporate qualification criteria for providing state assistance to school districts in school building projects;

and that the adoption, amendment, or repeal of such rules will take place at 3:00 p.m., Thursday, May 10, 1979, in the Hallmark Inn, Centralia, Washington.

The authority under which these rules are proposed is RCW 28A.47.801 through 28A.47.811.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-02-070 filed with the code reviser's office on 2/5/79.

Dated: March 22, 1979  
 By: Wm. Ray Broadhead  
 Secretary

**WSR 79-04-041**  
**ADOPTED RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 79-17—Filed March 23, 1979]

I, Gordon Sandison, director of state Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use shellfish regulations.

This action is taken pursuant to Notice No. WSR 79-02-054 filed with the code reviser on January 30, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 20, 1979.

By Gordon Sandison  
 Director

AMENDATORY SECTION (Amending Order 1106, filed 1/10/74)

WAC 220-56-050 GENERAL PROVISIONS. (1) The personal use possession limit of food fish shall include all fresh, frozen, canned and other processed fish in the immediate possession of an individual, together with fish held for him by a custom canner or processor, and fish consigned for him for processing, preserving,

storing or transporting to a place other than where such food fish were taken.

(2) The possession limit for processed food fish shall not exceed the equivalent catch or possession limits of fresh fish.

(3) It shall be unlawful for any custom canner, or any person operating as a canner or processor of personal-use catches of food fish to accept, process or hold in the name of any individual more than his lawful possession limit.

(4) Custom cannery or processors of personal-use food fish or shellfish, resort operators and others who hold fish on their premises for sport fishermen, shall maintain accurate written accounts of such fish. These records shall be made available for inspection by the Department of Fisheries, and shall contain the name, signature and permanent address of the taker, the date and area of catch; the number, weight, species and date submitted for processing or holding and the final quantities processed by numbers of units.

(5) It shall be unlawful for any commercial fish dealer, cold storage plant operator, restaurant or hotel to store or have in possession any food fish or shellfish taken by any person for personal use, unless it is identified by tags attached bearing the names and addresses of the persons taking such food fish or shellfish.

(6) It shall be unlawful for any person taking food fish or shellfish for personal use to intermingle his catch or part of his catch with that of any duly licensed person taking food fish or shellfish for commercial purposes.

(7) Any species or quantity of food fish or shellfish taken for commercial purposes, when possessed by any person taking food fish or shellfish for personal use, or otherwise engaging in a personal-use fishery, shall be considered a part of the personal-use possession limit of the latter.

(8) It shall be unlawful for any person to catch, dig or possess the daily personal-use catch or bag limit of another person: PROVIDED, That it shall be lawful to dig the personal-use daily bag limit of razor clams for another person if that person has in possession a physical disability permit signed by the director and is physically present with the digger on the site where such digging occurs. Such permit may be obtained by providing to the director written certification from a licensed physician that said person is physically unable to dig razor clams.

Such digging shall take place only in areas designated for permit holders. Such areas shall be designated by the department at the beginning of each season and each person who has a permit issued pursuant to this section shall be notified of the areas which will be open.

(9) It shall be unlawful to take, fish for or possess food fish or shellfish taken for personal use with the intent of wasting or destroying such food fish or shellfish, or to remove eggs from any salmon for the purpose of using or preserving them for bait without retaining the carcass of the fish from which they were removed.

(10) It shall be unlawful to return any razor clams to the ocean beaches in a mutilated condition, and all razor clams taken for personal use shall be retained by the digger as a part of his possession limit; provided, it shall

be unlawful for any person to destroy oysters or hard-shell clams taken from their natural beds by sorting and culling them on land or shore and leaving the culled oysters or hardshell clams there to die; but in all cases the culled oysters or hardshell clams must be returned to their beds.

(11) It shall be unlawful to possess in the field or transport for personal use any sturgeon from which either the head or tail or both have been removed.

(12) It shall be unlawful for any person taking smelt for personal use to fail to retain the first twenty pounds of smelt caught.

(13) The lawful total cumulative number of salmon or amounts of other food fish and shellfish possessed when taken from more than one area shall not exceed the daily catch or possession limit for a single area.

**WSR 79-04-042**

**ADOPTED RULES**

**DEPARTMENT OF GENERAL ADMINISTRATION**

**(Division of Banking)**

[Order 40—Filed March 23, 1979]

I, Michael D. Edwards, Supervisor of Banking, do promulgate and adopt at Olympia, Washington, the annexed rules relating to regulation of banks, small loan companies, industrial loan companies, and public records maintained by the supervisor of banking. A copy of proposed amendments is attached. However, changes may be made prior to the adoption of the rules.

This action is taken pursuant to Notice No. WSR 79-01-095 filed with the code reviser on January 3, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 30.08.095 w/respect to WAC 50-12-040, 30.12.060 w/respect to WAC 50-12-050; RCW 42.17.250 w/respect to WAC 50-24-030, WAC 50-24-120 and WAC 50-24-140.

This rule is promulgated pursuant to RCW 31.08.230 w/respect to WAC 50-16-060, WAC 50-16-070, WAC 50-16-075, WAC 50-16-080, WAC 50-16-095, WAC 50-16-100; RCW 31.04.150(2) w/respect to WAC 50-20-010 and WAC 50-20-050, which directs that the Department of General Administration, Division of Banking, has authority to implement the provisions of RCW 31.08.230 w/respect to WAC 50-16-030, WAC 50-16-035 and WAC 50-16-045.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 14, 1979.

By Michael D. Edwards  
Supervisor of Banking

AMENDATORY SECTION (Amending Order 32, filed 10/2/75)

✓ WAC 50-12-040 SCHEDULE OF FEES FOR BANKS, TRUST COMPANIES, MUTUAL SAVINGS BANKS, AND ALIEN BANKS. The supervisor shall collect in advance the following fees: (1) \$2,000.00 for filing application for a certificate of authority and attendant investigation for a new bank or trust company. If the cost therefor (computed on the basis of \$20.00 per man hour devoted by the division of banking to processing and investigating the application) exceeds \$2,000.00, the applicant shall pay such excess when ascertained by the supervisor.

(2) \$1,500.00 for filing an application for certificate authorizing an alien bank to establish and operate an office in the State of Washington and attendant investigation. If the cost therefor (computed on the basis of \$20.00 per man hour devoted by the division of banking to processing and investigating the application) exceeds \$1,500.00, the applicant shall pay such excess when ascertained by the supervisor.

(3) \$500.00 for filing an application for certificate authorizing an alien bank to establish and operate a bureau in the State of Washington. If the cost therefor (computed on the basis indicated in (1) and (2) above) exceeds \$500.00, the applicant shall pay such excess when ascertained by the supervisor.

(4) \$500.00 for filing an application for a certificate of authority for a branch and attendant investigation. If the cost therefor (computed on the basis of \$20.00 per man hour devoted by the division of banking to processing and investigating the application) exceeds \$500.00, the applicant shall pay such excess when ascertained by the supervisor.

(5) \$500.00 for filing an application for a certificate conferring trust powers and attendant investigation. If the cost therefor (computed on the basis of \$20.00 per man hour devoted by the division of banking to processing and investigating the application) exceeds \$500.00, the applicant shall pay such excess when ascertained by the supervisor.

(6) \$2,000.00 for filing merger agreement and attendant investigation. If three or more banks are involved, then the fee for each is \$1,000.00. If the cost therefor (computed on the basis of \$20.00 per man hour devoted by the division of banking to processing and investigating the application) exceeds the specified fee, the applicant surviving bank shall pay such excess when ascertained by the supervisor.

(7) \$300.00 for filing an application for a certificate of appropriate adjunct and attendant investigation. If the cost therefor (computed on the basis of \$20.00 per man hour devoted by the division of banking to processing and investigating the application) exceeds \$300.00, the applicant shall pay such excess when ascertained by the supervisor.

(8) (~~(\$100.00)~~) \$300.00 for filing application to relocate main office or branch and attendant investigation. If the cost therefor (computed on the basis of \$20.00 per man hour devoted by the division of banking to processing and investigating the application) exceeds

~~(\$100.00)~~ \$300.00, the applicant shall pay such excess when determined by the supervisor.

(9) ~~(\$25.00)~~ \$100.00 for issuing each branch certificate for branch resulting from merger.

(10) ~~(\$25.00)~~ \$100.00 for filing articles of incorporation, or amendments thereof, or other certificates required to be filed with the supervisor.

(11) ~~(\$25.00)~~ \$100.00 for issuing a certificate of increase or decrease of capital stock or issuing a certificate of authority.

(12) Fifty cents per page for furnishing copies of papers filed with the supervisor.

(13) ~~(\$100.00)~~ \$300.00 for filing an application for approval of the supervisor for a bank, trust company or mutual savings bank to provide a satellite facility. In the event the application is for approval of the supervisor to provide more than one such satellite facility, the filing fee on such a multiple application is ~~(\$100.00)~~ \$300.00 for the first such satellite facility and ~~(\$50.00)~~ \$100.00 for each additional satellite facility. This fee shall be deemed to include the cost of processing the application and the cost of an attendant investigation, but if the cost therefor (computed at \$20.00 per man hour devoted by the division of banking to processing and investigating the application) exceeds the filing fee, the applicant shall pay such excess when ascertained by the supervisor.

(14) ~~(\$25.00)~~ \$100.00 for the issuance of a certificate of approval to provide a satellite facility.

(15) \$200.00 for issuing certificate of approval for capital notes.

#### AMENDATORY SECTION (Amending Order 31, filed 10/2/75)

✓ WAC 50-12-050 LIMITING LOANS TO OFFICERS. If approved by resolution of its board of directors as required by law, a bank may make the following loans to any of its officers:

(1) A loan, not exceeding ~~(\$40,000.00)~~ \$60,000.00 to any of its officers if, at the time the loan is made:

(a) It is secured by a first lien on a dwelling which is expected, after the making of the loan, to be owned by the officer and used by him as his residence; and

(b) No other loan made by the bank to the officer under authority of this subparagraph is outstanding;

(2) In addition to (1) above, a bank may make extensions of credit to any officer of a bank, not exceeding the aggregate amount of ~~(\$10,000.00)~~ \$20,000.00 outstanding at any one time, to finance the education of the children of the officer; and

(3) A bank, in addition to loans made pursuant to subparagraphs (1) and (2) above, may make extensions of credit to its officers not exceeding the aggregate amount of ~~(\$5,000.00)~~ \$10,000.00 outstanding at any one time(;;); PROVIDED((:)), That total liability to the bank of such officer does not exceed the limit prescribed in RCW 30.04.110.

#### AMENDATORY SECTION (Amending Rule 50-16-030, filed 12/20/63)

✓ WAC 50-16-030 BOOKS, FILES AND ACCOUNTING RECORDS REQUIRED. At least the

following books, files and accounting records shall be maintained:

(1) Loan register. (a) Every loan shall be recorded in the loan register, which shall be kept currently (~~post-~~) in (~~consecutive numerical~~) the order made showing the following information:

~~((a))~~ (i) Number of loan

~~((b))~~ (ii) Date of loan

~~((c))~~ (iii) Name of borrower

~~((d))~~ (iv) Amount of loan

~~((e))~~ Brief description of security)

(b) As an alternative method for maintaining records, the licensee may maintain a copy of the disclosure statement in a separate binder, and in chronological order.

(2) Borrowers' individual account cards or looseleaf ledgers. A separate account record shall be maintained for each loan made to any one borrower. Each such account record shall provide space for the proper recording of the following information:

(a) Loan register number of loan

(b) Date of loan

(c) Name and address of borrower

(d) ~~(Brief description of security, if any)~~ Rate at which charges are to be computed or the annual percentage rate (APR), if less than the maximum

(e) ~~(Rate or rates at which charges are to be computed, if less than maximum)~~ Terms of repayment

(f) ~~(Terms of repayment)~~ Face amount of note

(g) ~~(Face amount of note~~

~~(h))~~ If charges are precomputed:

(i) ~~(Total)~~ Principal amount of ~~((such charges))~~ loan

(ii) ~~(Amount which may be collected as a default charge)~~ Total amount of charges

(iii) Amount which may be collected as a default charge

~~((f))~~ (h) Payments received showing:

(i) Date of payment

(ii) Amount paid on principal or amount paid on note when charges have been precomputed

(iii) Remaining principal balance or remaining face amount of note when charges have been precomputed

(iv) Amount paid on charges, except when charges are precomputed

(v) Date to which charges are paid, except when charges are precomputed

(vi) The amount of default and/or deferment charges collected

~~((f))~~ (i) Name and address of co-maker or endorser, if any

~~((k))~~ (j) Date of maturity of loan

~~((h))~~ (k) Amount of charge for life insurance

~~((m))~~ (l) When a note has been reduced to judgment, the face of the account record must show the following:

(i) Date of judgment

(ii) Amount of judgment

(iii) Court costs

Thereafter, all payments received must be applied on the judgment and properly identified.

(3) Cash book. Acceptable records showing all cash receipts and disbursements.

(4) Alphabetical record of makers, endorsers, co-makers, sureties. Cards or other records of makers, endorsers, co-makers or sureties, showing liability thereof on all loans.

(5) General ledger. ~~((A))~~ The general ledger, which shall be posted at least once as of the close of business on a fixed date (preferably the last business day) of each month, and a trial balance taken therefrom. When the general ledger for the office is maintained elsewhere, a copy of the monthly trial balance shall be forwarded to the small loan office, ~~((or, in lieu of forwarding said copy, a report entitled, "Monthly verification of loans and contracts," signed by a responsible individual, shall be prepared from the general ledger;))~~ showing the following information as of the end of each month:

- (a) Total number and amount of precomputed loans
- (b) Reserve for unearned precomputed charges
- (c) Total number and amount of nonprecomputed loans
- (d) Total number and amount of contracts outstanding
- (e) Total number and amount of all other loans, being loans not made under the Small Loan Act.

~~((The copy of the monthly trial balance, or the monthly report prepared in lieu thereof, shall be forwarded to the small loan office to arrive not later than twenty days after the month end.~~

(6) Loan files. Adequate files of all papers required by the Small Loan Act or the rules and regulations in connection with all loans:))

AMENDATORY SECTION (Amending Rule 50-16-035, filed 12/20/63)

WAC 50-16-035 FORMS. Copies of all forms of applications, notes, statements to borrowers, receipts, mortgages, security agreements and/or chattel assignments, and other documents which are ~~((to be in general use))~~ currently used by the licensee and which relate to loan transactions, shall be filed with the supervisor.

AMENDATORY SECTION (Amending Rule 50-16-045, filed 12/20/63)

WAC 50-16-045 LOANS. (1) Numbering and filing. Each loan made shall have its proper ~~((consecutive))~~ account number and all instruments taken in connection with any loan must bear ~~((the respective loan))~~ this account number. All such instruments and papers required by the Small Loan Act to be retained by the licensee shall be filed so as to be readily available for inspection at any time, and shall be retained for a period of two years after date of final entry.

(2) Payment schedule. All loan contracts shall provide for substantially equal payments, and such payments shall be due not less frequently than once in each month. If agreed by the parties to the loan contract the due date of the first installment may be not more than fifteen days more than one month from date of loan. A month shall be that period of time from any date in a month to a corresponding date in the next month and if there is no corresponding date, then to the last day of the next month.

~~((3) Limitation on term of loan. No licensee shall make loans for a period in excess of twenty-five and one half months:))~~

AMENDATORY SECTION (Amending Rule 50-16-060, filed 12/20/63)

WAC 50-16-060 SPLITTING LOANS PROHIBITED. ~~((Splitting loans with resulting higher rate of charge is prohibited.))~~ A licensee who makes loans to both members of a marital community individually in compliance with the provisions of the Federal Equal Credit Opportunity Act shall not be deemed to have violated RCW 31.08.160(4). If separate loans are made for the purpose of obtaining a higher rate of charge, then the making of such loans shall be deemed a violation. For the purpose of RCW 31.08.160(4), and this rule, "Licensee" shall include two or more licensees who are, directly or indirectly owned or controlled by the same group or have common management.

AMENDATORY SECTION (Amending Rule 50-16-070, filed 12/20/63)

WAC 50-16-070 ADVERTISING. (1) General. No licensee in any of its advertising or upon any of its forms, instruments or stationary shall use any phrase or expression referring to its authority or supervision by the state, or any department thereof, or the supervisor of banking, except the following: "Licensed under the Washington Small Loan Act" or "Under state regulation," or both: PROVIDED, That when either such phrase is employed, it shall be used in conjunction only with the business of making small loans under the Small Loan Act.

(2) Misleading advertising. All advertising, printed or spoken, shall be truthful in statement and implication and shall not be of such a nature as may reasonably be construed to be misleading or deceptive. In determining whether any particular advertising matter violates the provisions or intent of RCW 31.08.150, the supervisor will give consideration to general arrangement of copy and to whether, from statements made, the inference or impression may reasonably be drawn that such statements or representations are inaccurate, deceptive or misleading. It shall be considered misleading:

(a) To use phrases such as "lowest costs," "lowest rates," "quickest service," "legal rates," "no red tape," "easy payments," "repayment in easy installments."

(b) To advertise "new reduced rates" or "a new type of service" or any such similar comparative expression unless such statement is in fact accurate with respect to the business of the licensee so advertising and unless such advertisement clearly indicates that such new plan refers specifically to a change in the particular licensee's plan of operation, and which change must be of more than minor importance with respect to the business of the licensee. Any such advertisement shall not be used for a period longer than sixty days after such plan has been put into effect.

(3) Blind loan advertisements. Licensees shall not use blind loan advertisements such as using only telephone

numbers or newspaper box addresses. Every advertisement shall clearly indicate the identity of the licensee.

(4) Disclosure of extension charge. Licensees shall not advertise that in the event of sickness or disability or other contingency, payment will be extended without also stating that charges continue during the period of extension, if such is the fact.

(5) Distribution of handbills. No licensee shall distribute, or cause to be distributed, handbills or similar advertising matter except in the office of the licensee or through the mails.

(6) Credit cards—Letters of credit. No licensee shall solicit business by means of "credit cards," "letters of credit," or other similar devices which indicate that a holder has an established credit standing with a licensee unless such holder has made a bona fide application to the licensee and credit has actually been established.

(7) Inducements prohibited. No licensee shall, by any representation or device, either directly or indirectly, offer to any persons anything of value by means of which they will be encouraged to become borrowers or for recommending, referring, or inducing applicants to apply for or secure loans from any such licensee.

Note: The distribution of articles of trivial value for general good will advertising, in the ordinary course of business, will not be deemed to be in violation of this prohibition.

(8) Charges and payments specified. When examples or tables of periodic payments under a flat payment plan are advertised, they shall include all charges to the borrower as well as principal. If principal payments only are advertised, a clear statement of the rate of charge or the total amount of charge shall be included. In all such advertising the total number and frequency of payments must be specified. No advertising shall include average repayments or average cost of a loan.

(9) Retention of advertising copy. Each licensee shall retain for a period of one year from date of use, with date of use indicated thereon, information disclosing the medium through which any advertisement was disseminated, identical copies of all advertising material published, distributed, broadcast or televised, available for inspection by the supervisor at any time.

~~((10) Form letters deemed advertising: ))~~ All form letters sent to former or present customers soliciting additional loans shall be considered advertising ~~((and copies of all such material shall be retained for inspection by the supervisor at any time))~~ If the advertisement relates to a specific office maintained by the licensee, the material must be maintained in that office. If the advertisement relates to the licensee's business generally and does not relate to a particular office, the material need be maintained only in one office in this state designated by the licensee.

AMENDATORY SECTION (Amending Rule 50-16-075, filed 12/20/63)

WAC 50-16-075 RESTRICTIONS ON INSURANCE. (1) No licensee shall write or sell insurance on the life of ~~((a))~~ any borrowers where such insurance is a condition to the granting of a loan.

(2) No insurance shall be required in connection with any loan made under the Small Loan Act, except as and to the extent authorized by RCW 31.08.175.

AMENDATORY SECTION (Amending Rule 50-16-080, filed 12/20/63)

WAC 50-16-080 DELIVERY OF POLICY OR EVIDENCE TO BORROWER—MASTER POLICY REQUIRED. (1) If ~~((a))~~ any borrowers procure~~((s))~~ any insurance by or through a licensee, the licensee shall cause to be delivered to the borrowers within thirty days from date of loan a copy of the policy, certificate, or other evidence thereof which may be incorporated in the statement required by RCW 31.08.170.

(2) Each licensee shall maintain at each licensed office a specimen copy of any master or blanket policy in lieu of which a certificate or other evidence thereof has been delivered to borrowers under the provisions of RCW 31.08.175(3).

AMENDATORY SECTION (Amending Rule 50-16-095, filed 12/20/63)

WAC 50-16-095 KNOWLEDGE OF THE LAW AND REGULATIONS. ~~((Each person who is to make loans under the Small Loan Act shall be familiar with the law and the rules and regulations relating to the business. No office shall be in charge of any person who does not have a thorough understanding of the provisions of the Small Loan Act and of these rules and regulations))~~ Each licensee shall be responsible for assuring that any person making loans on behalf of the licensee under the Small Loan Act shall have a sufficient understanding of the statutes and regulations applicable to its business so as to insure compliance with the Small Loan Act.

AMENDATORY SECTION (Amending Rule 50-16-100, filed 12/20/63)

WAC 50-16-100 HOURS OF BUSINESS. The place of business designated in the license shall be open during customary hours to receive payments from borrowers, and such hours shall be posted ~~((on))~~ at the ~~((office door))~~ entrance to the office.

AMENDATORY SECTION (Amending Order 5, filed 12/4/69)

WAC 50-20-010 BOOKS AND RECORDS. (1) The company shall maintain a borrower's individual account card file, income and expense accounts, and have a general ledger readily available, and such other books and records including a monthly trial balance as will enable the supervisor to determine whether such company is complying with the provisions of this act and with the rules and regulations of the Supervisor with the result that these books and accounts will fairly reflect the condition of the company independent of other business conducted in the office.

(2) For a period of not less than two years after the making of the final entry upon its books with respect to

any such transaction the company shall preserve the records of original and final entry upon all loans made and upon all transactions pertinent to the sale and issuance of investment certificates.

(3) If the company operates branches, there shall be kept in each branch office such books, accounts and records as will enable the Supervisor to determine whether such company is complying with the provisions of this act and with the rules and regulations of the Supervisor.

(4) The original application for a loan and all original papers relating thereto, including the note, any instrument held as collateral security, security agreement, salary assignment, etc., shall be available for inspection by the Supervisor, or any duly authorized representative. All real estate mortgage loans shall be supported by an appraisal from a qualified appraiser, disclosing all pertinent information, including a detailed schedule of all prior liens.

(5) No licensee shall take any instruments in which blanks are not filled in completely before the proceeds of the loan are delivered.

(6) Fees collected in advance to be subsequently disbursed by the company for recording and releasing collateral instruments or for other similar purposes shall be credited to a suspense account supported by a detailed record of the borrower's name and the respective amount of such fees.

AMENDATORY SECTION (Amending Order 5, filed 12/4/69)

WAC 50-20-050 RESTRICTIONS AS TO CHARGES. (1) No company shall charge the borrower for notarial fees.

(2) No industrial loan company shall require the purchasing of property insurance from the company or any employee, affiliate, or associate of the company or from any agent, broker, or insurance company designated by the company as a condition precedent to the making of a loan nor shall any company decline existing insurance which meets or exceeds the standards set forth in this section.

A company may insure the life of one borrower, but only one of them, if there are two or more obligors, for the unpaid principal balance scheduled to be outstanding.

If the loan contract is prepaid in full by cash, a new loan, renewal, refinancing, or otherwise, a portion of the credit life and/or accident and health insurance charge shall be rebated according to the method established under paragraph (5) of this section.

(3) No company shall make any charge for the filing, recording or releasing of mortgages or other instruments or for transferring title certificates to automobiles unless such charges are or are in fact to be paid out by the company to the proper officials for such filing, recording, transferring or releasing thereof.

(4) In the event a company makes a new loan where any part of the proceeds are used to pay the amount due it on an existing loan within four months from date of the existing loan, no charge for investigation fee shall be permitted.

(5) Any note which is prepaid in full by cash, a new loan, refinancing, or otherwise before the final due date, the unearned portion of the interest shall be refunded using the sum of the digits method commonly known as the "Rule of 78's". In computing any required rebate, any prepayment made on or before the fifteenth day following the scheduled payment date on the investment certificate shall be deemed to have been made on the payment date preceding such prepayment. In the case of prepayment prior to the first installment date, the company may retain an amount not to exceed 1/30 of the first month's interest charge for each date between the origination date of the loan and the actual date of prepayment.

AMENDATORY SECTION (Amending Order 14, filed 5/1/73)

WAC 50-24-030 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION OF DIVISION OF BANKING. ~~((+))~~ DIVISION OF BANKING. The division of banking is an administrative, supervisory, licensing and chartering agency. The administrative office of the division of banking and its staff is located at Room 111B, General Administration Building, Olympia, Washington. In addition to this office of record, a field office, for the convenience of the field examiners for the preparation of their reports of examination and other official duties, is maintained in ~~((Suite 605 Lowman Building, 107 Cherry Street))~~ 1015 Second Avenue, Seattle, Washington 98104. The Seattle office is not a depository for public records and none are available at that office for public inspection or copying.

AMENDATORY SECTION (Amending Order 14, filed 5/1/73)

WAC 50-24-120 PROTECTION OF PUBLIC RECORDS. ~~((+))~~ Public records shall be available for public inspection during regular office hours as provided for by regulation at the office of the supervisor of banking, Room ~~((+HB))~~ 219, General Administration Building, Olympia. No person shall be allowed to remove any records made available to him for inspection from the place designated for inspection by the public records officer. If copies are desired the person so desiring them shall inform the public records officer who shall then either have the copies made or make the copying facilities of the division of banking available for copying.

AMENDATORY SECTION (Amending Order 14, filed 5/1/73)

WAC 50-24-140 INFORMATION GENERAL-  
LY—ADDRESS. All communications with the division of banking including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 1, Laws of 1973 and these rules, requests for copies of the division of banking's decisions and other matters, shall be addressed as follows: Division of Banking, Records Officer, Room ~~((+HB))~~ 219, General Administration Building, State Capitol, Olympia, Washington 98504.

**WSR 79-04-043**  
**ADOPTED RULES**  
**DEPARTMENT OF TRANSPORTATION**  
 [Order 27—Filed March 26, 1979]

I, W.A. Bulley, Secretary of Transportation, do promulgate and adopt at Room 1D9, Highway Administration Building, Olympia, Washington, the annexed rules relating to prohibiting parking along State Route 308 in Keyport; formerly called State Route 303, just west of the Naval Station gate, amending WAC 468-42-303 and adopting WAC 468-42-308.

This action is taken pursuant to Notice No. WSR 79-02-062 filed with the code reviser on 2/2/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 46.61.570 which directs that the Department of Transportation has authority to implement the provisions of RCW 46.61.570.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 19, 1979.

By V.W. Korf  
Deputy Secretary

**NEW SECTION**

**WAC 468-42-308 STATE ROUTE 308.** Keyport.  
(1) Keyport vicinity. Parking is prohibited for a distance of 0.20 mile on the northwest and southeast sides of State Route 308, northeasterly of the intersection of SR 303 and SR 308, mile post 1.88 to mile post 2.08, a distance of 0.20 mile.

(2) Parking is prohibited on the south side of State Route 308 from Washington Street at mile post 2.23 to the end of the route at mile post 2.29, a distance of 0.06 mile, and on the north side of State Route 308 from mile post 2.27 to the route end at mile post 2.29, a distance of 0.02 mile.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

**WAC 468-42-303 STATE ROUTE 303.**

**WSR 79-04-044**  
**PROPOSED RULES**  
**CENTRAL WASHINGTON UNIVERSITY**  
 [Filed March 27, 1979]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 and 28B.40.120, that the Central Washington University intends to adopt, amend, or repeal rules concerning parking and traffic regulations, amending chapter 106-116 WAC and financial

obligations of students, amending chapter 106-124 WAC;

that such institution will at 2:00 p.m., Thursday, May 10, 1979, in the Samuelson Union Building, room 206, Central Washington University campus conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Thursday, May 10, 1979, in the Samuelson Union Building, room 206, Central Washington University campus.

The authority under which these rules are proposed is RCW 28B.40.120.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to May 10, 1979, and/or orally at 2:00 p.m., Thursday, May 10, 1979, in the Samuelson Union Building, room 206, Central Washington University campus.

Dated: March 26, 1979  
By: Barbara A. Davis  
Administrative Secretary

**AMENDATORY SECTION** (Amending Order 19, filed 8/22/74)

**WAC 106-116-304 DISABILITY PERMIT.** Any university employee, student or visitor who can show physical disability may apply to the Handicapped Student Services Office (~~Campus Police Department~~) for a disability parking permit. Certification by a physician may be required.

**AMENDATORY SECTION** (Amending Order 41, filed 10/4/78)

**WAC 106-124-011 FINANCIAL OBLIGATIONS OF STUDENTS—APPEAL PROCEDURE.** Every student has the right to appeal an assessment by the university of a fee, fine, charge, debt, or other financial obligation by filing a written petition with the appropriate dean or nonacademic area director stating the student's reasons for challenging the validity of the assessed obligation. The written petition must be filed not more (~~less~~) than thirty (~~ten~~) days after the notice of assessment was sent to the student. The dean or director, or his designee, shall review the university's decision to assess the fee, fine, charge, debt, or other financial obligation in light of the student's petition appealing the assessment and shall render a decision thereon which shall be final.

**WSR 79-04-045**

**ADOPTED RULES**

**APPLE ADVERTISING COMMISSION**

[Order 8—Filed March 27, 1979—Effective date: See below\*]

Be it resolved by the Washington State Apple Advertising Commission, acting at Towne Plaza Motor Inn, 607 East Yakima Avenue, Yakima, WA 98901 that it does promulgate and adopt the annexed rules relating to increasing the state apple advertising assessment from 14 cents cwt. gross billing weight to 16 cents cwt. gross billing weight, effective with the 1979 and subsequent crops of apples.

This action is taken pursuant to Notice No. WSR 79-02-026 filed with the code reviser on 1/17/79. Such rules shall take effect at a later date, such date being \*effective with the 1979 and subsequent crops of apples.

This rule is promulgated pursuant to RCW 15.24.070(1) which directs that the Washington State Apple Advertising Commission has authority to implement the provisions of chapter 15.24 RCW.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 21, 1979.

By J. K. McArthur, Jr.  
Chairman

AMENDATORY SECTION (Amending Order 7, filed 6/16/78)

WAC 24-12-011 AMOUNT OF ASSESSMENTS. ~~((Assessments shall be that amount on each one hundred pounds gross billing weights of apples established from time to time pursuant to the provisions of RCW 15.24.090 and))~~ There is hereby levied upon all fresh apples grown annually in this state, and all apples packed as Washington apples, an assessment of 14 cents of each one hundred pounds (100 lbs.) gross billing weight applicable to the 1978 and prior crops of apples, and an assessment of 16 cents on each one hundred pounds (100 lbs.) gross billing weight applicable to the 1979 and subsequent crops of apples. Assessments shall be payable when shipped, whether in bulk or loose in boxes or any other container, or packed in any style package. The gross billing weights for the following containers shall apply for the purpose of computing said assessment:

Description of Container	Gross Billing Weights
1/3 Bushel Box (packed or loose)	15 lbs.
1/2 Bushel Box (loose)	23 lbs.
Bulk Bushel Container (loose)	Net weight plus 3 lbs. tare
9/4 and 12/3 Bag Containers	41 lbs.
13/3 Bag Container	44 lbs.
10/4 and 8/5 Bag Containers	45 lbs.
12/4 Bag Container	53 lbs.
Standard Tray Pack Container	46 lbs.
Pocket Cell Tray Pack Container	46 lbs.
Cell Pack Containers, all counts	46 lbs.
2-Layer Tray Pack Container	23 lbs.
Single-Layer Tray Pack Container	12 lbs.

~~((The effective date of the foregoing amendments shall be September 1, 1978.))~~

Reviser's Note: The above section, filed by the agency as an amendment of WAC 24-12-011, appears to be an amendment of WAC 24-12-010, there being no WAC 24-12-011 in existence. Pursuant to RCW 34.08.040, the section is published in the same form as filed by the agency.

**WSR 79-04-046**  
**PROPOSED RULES**  
**STATE BOARD FOR**  
**COMMUNITY COLLEGE EDUCATION**  
[Filed March 27, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board for Community College Education intends to adopt, amend, or

repeal rules concerning retirement and annuity plan for faculty members and employees, amending WAC 131-16-011, 131-16-040, 131-16-061 and adding new sections to WAC 131-16-062 and 131-16-067;

and that the adoption, amendment, or repeal of such rules will take place at 8:30 a.m., Wednesday, May 23, 1979, in the Olympia Technical Community College, 2011 Mottman Road, Olympia, WA.

The authority under which these rules are proposed is RCW 28B.10.400.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 23, 1979, and/or orally at 8:30 a.m., Wednesday, May 23, 1979, Olympia Technical Community College, 2011 Mottman Road, Olympia, WA.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 78-10-108, 78-12-071 and 79-01-087 filed with the code reviser's office on October 4 and December 4, 1978 and January 3, 1979.

Dated: March 26, 1979

By: Gilbert J. Carbone  
Assistant Director

AMENDATORY SECTION (Amending Order 28 filed 7/1/74)

WAC 131-16-011 DEFINITIONS. For the purpose of WAC 131-16-005 through WAC 131-16-069, the following definitions shall apply:

(1) "Participant" shall be defined as any individual who is eligible to purchase retirement annuities through the TIAA/CREF Plan and whose basic contribution to such plan is matched by the employing college district or the State Board for Community College Education pursuant to the provisions of WAC 131-16-050.

(2) "Supplemental retirement benefit" shall be defined as payments, as calculated in accordance with WAC 131-16-061 and WAC 131-16-062, made by the community college district or the State Board to an eligible retired participant or surviving spouse whose retirement benefits provided by the TIAA/CREF Plan do not attain the level of the retirement benefit goal established by WAC 131-16-015.

(3) "Year of full-time service" shall be defined as employment in an eligible position for a period of not less than five months in any fiscal year during which TIAA/CREF contributions were made by both the participant and a Washington public higher education institution or any years of prior service in a Washington public retirement system while employed at a Washington public higher education institution, provided the participant will receive a retirement income benefit from such other retirement system; provided further that not more than one year of full-time service will be credited for service in any one fiscal year.

(4) "Fiscal year" shall be defined as the period beginning on July 1 of any calendar year and ending on June 30 of the succeeding calendar year.

(5) "Average annual salary" shall be defined as the amount derived when the salary received during any two consecutive academic years of full-time service for which TIAA/CREF contributions were made by both the participant and a Washington public higher education institution is divided by two.

(6) "Academic year" shall be defined as the period beginning on September 1 of any calendar year and ending on August 31 of the next calendar year.

(7) "TIAA/CREF retirement benefit" shall be defined as the amount of annual retirement income derived from a participant's accumulated annuities including dividends at the time of retirement; provided that, solely for the purpose of calculating a potential Supplemental Retirement Benefit, such amount shall be adjusted to meet the assumptions set forth in WAC 131-16-061, subsection (2).

(8) "Salary" shall be defined as all remuneration received by the participant from the employing community college district or the State Board including summer quarter compensation, extra duty pay, leave stipends, and grants made by or through the college district or State Board.

**AMENDATORY SECTION** (Amending Order 28 filed 7/1/74)

**WAC 131-16-040 SPECIAL RETIREMENT PROVISIONS FOR TIAA/CREF PARTICIPANTS.** (1) The normal retirement age shall be defined as the end of the academic year in which the participant attains age sixty-five; provided that any participant may elect to retire at the earliest age specified for retirement by federal social security law.

~~((2) There shall be no prior service benefits associated with participation in the TIAA/CREF Plan.))~~

~~((3))~~ 2 The board of trustees of any college district may approve the retirement of any employee under the age of sixty-five for reasons of health or permanent disability either upon the request of the individual employee or the district president; provided that the board of trustees shall first give reasonable consideration to the written recommendations regarding such requested retirement from the employee's personal physician and, if requested by either the employee or the district president, a review of such recommendations by another physician appointed by the board of trustees.

**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.

**AMENDATORY SECTION** (Amending Order 28 filed 7/1/74)

**WAC 131-16-061 SUPPLEMENTAL RETIREMENT BENEFITS.** (1) A participant is eligible to receive supplemental retirement benefit payments if at the time of retirement the participant is age sixty-two or over and has participated in the TIAA/CREF plan at a Washington public institution of higher education for at least ten years; provided that the amount of the supplemental retirement benefit, as calculated in accordance with the provisions of this section, is a positive amount.

(2) Subject to the provisions of WAC 131-16-062 and subdivisions (c), (d), and (e) of this subsection, the annual amount of supplemental retirement benefit payable to a participant upon retirement is the excess, if any, when the value determined in subdivision (b) is subtracted from the value determined in subdivision (a), as follows:

(a) The lesser of fifty percent of the participant's average annual salary or two percent of the average annual salary multiplied by the number of years of full-time service; provided that if the participant did not elect to contribute ten percent of salary beginning July 1, 1974, or if later, after the first day of the calendar year following attainment of age fifty, service for such periods shall be calculated at the rate of one and one-half percent instead of two percent.

(b) The ~~((TIAA/CREF))~~ combined retirement benefit from the TIAA/CREF annuity and any Washington state public retirement system earned as a result of service at any Washington public higher education institution that the participant would receive in the first month of retirement multiplied by twelve; provided that ~~((such))~~ the TIAA/CREF benefit shall be calculated on the following assumptions:

(i) After July 1, 1974, fifty percent of the combined contributions were made to TIAA and fifty percent to CREF during each year of full-time service; provided that benefit calculations related to contributions made prior to July 1, 1974, shall be computed on the basis of actual allocations between TIAA and CREF; and

(ii) The full TIAA/CREF annuity accumulations, including all dividends payable by TIAA and further including the amounts, if any, paid in a single sum under the retirement transition benefit option, were fully settled on a joint and two-thirds survivorship option with a ten-year guarantee, using actual ages of retiree and spouse, but not exceeding a five-year difference; except that for unmarried participants the TIAA accumulations, including dividends, were settled on an installment refund option and the CREF accumulations were settled on a life annuity with ten-year guarantee option, all to be based on TIAA/CREF estimates at the time of retirement; and

(iii) Annuity benefits purchased by premiums paid other than as a participant in a Washington public institution of higher education TIAA/CREF retirement plan shall be excluded.

(c) The amount of supplemental retirement benefit for a participant who has not attained age sixty-five at retirement is the amount calculated in subsection (2) of this section reduced by one-half of one percent for each calendar month remaining until age sixty-five; provided that the supplemental retirement benefit for a participant retired for reason of health or permanent disability shall not be so reduced.

(d) Any portion of participant's TIAA and/or CREF annuity accumulation paid to a participant's spouse upon dissolution of a marriage shall be included in any subsequent calculation of supplemental retirement benefits just as if these funds had remained in the participant's TIAA and/or CREF annuity.

(e) The selection of a TIAA/CREF retirement option other than the joint and two-thirds survivorship with ten-year guarantee shall not alter the method of calculating the supplemental retirement benefit; however, if the participant's combined TIAA/CREF retirement benefit and calculated supplemental retirement benefit exceeds fifty percent of the participant's average annual salary, the supplemental retirement benefit shall be reduced so that the total combined benefits do not exceed fifty percent of average annual salary.

(3) The payment of supplemental retirement benefits shall be consistent with the following provisions:

(a) Supplemental retirement benefits shall be paid in equal monthly installments, except that if such monthly installments should be less than \$10, such benefit payments may be paid at longer intervals as determined by the employer.

(b) Supplemental retirement benefit payments will continue for the lifetime of the retired participant; however, prior to retirement, a participant may choose to provide for the continuation of supplemental retirement benefit payments, on an actuarially equivalent reduced basis, to his or her spouse after the retiree's death. Notification of such choice shall be filed in writing with the appropriate college district or State Board officer and shall be irrevocable after retirement. If such option is chosen, the supplemental retirement benefit payments shall be in the same proportion as the TIAA/CREF survivor annuity option elected by the participant.

(c) Prior to making any supplemental benefit payments, the employing college district or State Board shall obtain a document signed by the participant and spouse, if any, acknowledging the supplemental retirement benefit option chosen by the participant.

(4) A retired participant who is reemployed shall continue to be eligible to receive retirement income benefits, except that the supplemental retirement benefit shall not continue during periods of employment for more than forty percent of full-time or seventy hours per month or five months duration. Retirement contributions shall not be made from the salary for such employment, unless the individual once again becomes eligible to participate under the provisions of WAC 131-16-020.

**Reviser's Note:** Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

**NEW SECTION**

**WAC 131-16-062 RECIPROCITY WITH OTHER WASHINGTON RETIREMENT PLANS.** (1) For the purpose of calculating a supplemental retirement benefit pursuant to WAC 131-16-061, a participant who elects to retire shall have added to his or her number of years of full-time TIAA/CREF service, any other years of retirement service credit earned while employed at any Washington public higher education institution during which he or she participated in some other Washington state public retirement system, provided that he or she will receive a retirement income benefit from such other system.

(2) Any retirement income benefit that the retiree may receive from such other Washington state public retirement system based on years of full-time service at any Washington public higher education institution shall be included in the value determined pursuant to subsection (2)(b) of WAC 131-16-061 on an actuarially equivalent basis.

**NEW SECTION**

**WAC 131-16-067 OPTIONS TO SURVIVING SPOUSES.** (1) A surviving spouse shall have a right to exercise the options normally available to a participant pursuant to WAC 131-16-060, 131-16-061, and 131-16-065.

(2) If a participant dies prior to retirement, but after becoming eligible for retirement, the surviving spouse shall be entitled to receive any supplemental retirement benefit, as calculated pursuant to WAC 131-16-061, that such spouse would have received if the participant had retired prior to death and elected to receive a joint-and-two-thirds survivorship option with a ten-year guarantee.

**WSR 79-04-047**

**ADOPTED RULES**

**DEPARTMENT OF TRANSPORTATION**

**(Transportation Commission)**

[Order 6, Resolution 44—Filed March 27, 1979]

Be it resolved by the Washington State Transportation Commission, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to the adoption of a new schedule of tolls for the Washington State Ferry System, amending WAC 468-300-010, 468-300-020, 468-300-030, 468-300-040, 468-300-050 and repealing WAC 468-300-060.

This action is taken pursuant to Notice No. WSR 79-02-050 filed with the code reviser on January 30, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 47.60.325 which directs that the Department of Transportation has authority to implement the provisions of RCW 47.60.325.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 20, 1979.

By Ray A. Aardal  
Chairman

AMENDATORY SECTION (Amending Order No. 2, filed May 19, 1978)

WAC 468-300-010 FERRY PASSENGER TOLLS

*CORRECTED BY WLA 3-30-79*

ROUTES	Full Fare One Way	Half Fare** One Way	PASSENGER COMMUTATION 20 Rides *****		SCHOOL COMMUTATION**** 20 Rides		EXCURSION-ROUND TRIP*** Full Fare Half Fare	
			12-20	5-11				
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow ----- Edmonds-Kingston Pt. Townsend-Keystone	((-85)) <u>.95</u>	((+45)) <u>.50</u>	((+10-20)) <u>11.40</u>	((8-50)) <u>9.50</u>	((4-25)) <u>4.75</u>	((+20)) <u>1.35</u>	((-60)) <u>.70</u>	
Fauntleroy-Vashon Southworth-Vashon *----- Pt. Defiance-Tahlequah	((+110)) <u>1.25</u>	((-55)) <u>.65</u>	((6-60)) <u>7.50</u> *****	((5-50)) <u>6.25</u>	((2-75)) <u>3.15</u>	N/A	N/A	
Mukilteo-((Columbia-Beach))- Clinton	((-55)) <u>.60</u>	((-30)) <u>.30</u>	((6-60)) <u>7.20</u>	((5-50)) <u>6.00</u>	((2-75)) <u>3.00</u>	((-75)) <u>.85</u>	((-40)) <u>.45</u>	
Anacortes to Lopez ----- Shaw or Orcas ----- Friday Harbor ----- Sidney -----	((+100)) <u>1.15</u> ((+15)) <u>1.30</u> ((+30)) <u>1.45</u> ((3-50)) <u>3.95</u>	((-50)) <u>.85</u> ((-60)) <u>.70</u> ((-65)) <u>.75</u> ((+75)) <u>2.00</u>	((12-00)) <u>13.80</u> ((13-00)) <u>15.60</u> ((15-60)) <u>17.40</u> N/A	((10-00)) <u>11.50</u> ((11-50)) <u>13.00</u> ((13-00)) <u>14.50</u> N/A	((5-00)) <u>5.75</u> ((5-75)) <u>6.50</u> ((6-50)) <u>7.25</u> N/A	N/A	N/A	
Friday Harbor to Lopez, Shaw or Orcas ---	((-85)) <u>.95</u>	((-45)) <u>.50</u>	((+10-20)) <u>11.40</u>	((8-50)) <u>9.50</u>	((4-25)) <u>4.75</u>	N/A	N/A	
Between Lopez, Shaw, or Orcas	((-55)) <u>.60</u>	((-30)) <u>.30</u>	((6-60)) <u>7.20</u>	((5-50)) <u>6.00</u>	((2-75)) <u>3.00</u>	N/A	N/A	
Sidney to Lopez ----- Shaw or Orcas ----- Friday Harbor -----	((2-50)) <u>2.85</u> ((2-35)) <u>2.65</u> ((2-20)) <u>2.50</u>	((+25)) <u>1.40</u> ((+20)) <u>1.35</u> ((+10)) <u>1.25</u>	N/A	N/A	N/A	N/A	N/A	

\*These routes operate on one-way only toll collection system.

\*\*Half Fare

Senior Citizens - Passengers and driver, age 65 and over, with proper identification establishing proof of age, may travel at half-fare tolls on any route. NOTE: Half-fare privilege does not include vehicle.

Children - Children under five years of age will be carried free when accompanied by parent or guardian. Children five through eleven years of age will be charged half-fare. Children twelve years of age will be charge full-fare.

Handicapped - Any individual who, by reason of illness, injury, congenital malfunction, or other incapacity or disability is unable without special facilities or special planning or design to utilize Ferry System services, may travel at half-fare tolls on any route upon presentation of a WSF Handicapped Travel Permit at time of travel. In addition, those handicapped persons who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSF Handicapped Travel Permit and such endorsement shall allow the attendant to also travel at half fare. NOTE: Half-fare privilege does not include vehicle.

\*\*\*One day excursion for walk-on passengers with limited time ashore. Special stay aboard excursion rate (one-half of amounts shown) effective only during designated special events on routes and at times as determined by the Secretary of Transportation (not to exceed 14 days per year on any route).

\*\*\*\*School Commutation Tickets - Tickets are for the exclusive use of bona fide students under twenty-one years of age attending grade, junior high, and high schools. Student shall be required to present credentials at time of purchase. A letter indicating school attendance signed by school principal or authorized representative shall be considered proper credentials. Tickets are valid for transportation on school days only.

\*\*\*\*\*A combination Ferry/Bus Public Transit Passenger Monthly Reusable Ticket Rate may be available for a particular route in conjunction with a public transit operating authority whenever it is determined by the Transportation Commission that said ticket is a necessary element of a Transit Operating Plan designed to eliminate the necessity for assigning an additional ferry to such particular route; and that the resulting savings in Ferry System operating and amortized capital costs exceed the total revenue lost as a result of this reduced rate as projected during the period of time during which such transit operating plan is projected to eliminate the need for an additional ferry. The equivalent ferry fare per ride with this special rate shall be one-half the equivalent fare per ride with the standard commutation book, and shall assume 40 one-way trips per month. The total cost of the ticket shall be the cost of the ferry portion, calculated as described above plus the cost of the bus portion as determined by the Public Transit Operating Authority, subject to the approval of the Secretary of Transportation. The ticket shall be valid only for passengers on board a bus; or for walk-on passengers, on weekdays only, on those routes which have connecting bus service as part of the Transit Operating Plan. The assigning of an additional ferry to such particular route may be cause for removal of the special rate.

\*\*\*\*\*On the Fauntleroy-Vashon route, a combination Ferry/Bus Transit Monthly Reusable Ticket Rate shall apply.

AMENDATORY SECTION (Amending Order No. 2, filed May 19, 1978)

CORRECTED  
BY K.L.  
3-30-79

WAC 468-300-020 AUTO, MOTORCYCLE AND BICYCLE FERRY TOLLS

	AUTO** INCL. DRIVER		MOTORCYCLE INCL. DRIVER		BICYCLE & RIDER			Excursion Round Trip***	
	One Way	Commutation	One Way	Commutation	Full Fare One Way	Half Fare One Way	Commutation 20 Rides	Full Fare	Half Fare
		20 Rides		20 Rides					
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow -----	((2-85))3.20	((45-60))51.20	((1-50))1.70	((20-00))22.65	((1-20))1.35	((-80)) .90	((12-00))13.50	((1-90))2.15	((1-30))1.45
Edmonds-Kingston Pt. Townsend-Keystone									
Fauntleroy-Vashon Southworth-Vashon ----	((3-80))4.30	((30-40))34.40	((2-00))2.25	((13-35))15.00	((1-60))1.80	((1-05)) <sup>1.20</sup> <del>1.15</del>	((8-00))9.00	N/A	N/A
Pt. Defiance-Tablequah									
Mukilteo--((Columbia Beach)) Clinton ----	((1-90))2.15	((30-40))34.40	((1-00))1.15	((13-35))15.35	((-80)) .90	((-55)) <sup>1.00</sup> <del>.65</del>	((8-00))9.00	((1-25)) <sup>1.45</sup> <del>1.40</del>	((-90)) <sup>1.05</sup> <del>1.00</del>
Anacortes to Lopez ---	((3-10))3.50	((24-50))28.00	((1-80))2.05	((24-00))27.35	((1-40))1.60	((-90)) <sup>1.05</sup> <del>.95</del>	((14-00))16.00	N/A	N/A
Shaw or Orcas ---	((3-50))3.95	((28-00))31.60	((2-10))2.35	((28-00))31.35	((1-60))1.80	((1-05)) <sup>1.15</sup> <del>1.10</del>	((16-00))18.00	N/A	N/A
Friday Harbor ---	((4-00))4.50	((31-50))36.00	((2-40))2.70	((32-00))36.00	((1-80))2.05	((1-15))1.35	((18-00))20.50		
Sidney -----	((15-00))16.95	N/A	((7-50))8.50	N/A	((4-90))5.55	((3-50))3.60	N/A	((6-80))7.70	((4-80)) <sup>5.45</sup> <del>5.40</del>
Friday Harbor to Lopez, Shaw or Orcas -----	((2-50))2.85	((20-00))22.80	((1-50))1.70	((20-00))22.65	((1-20))1.35	((-80)) .90	((12-00))13.50	N/A	N/A
Between Lopez, Shaw, Or Orcas -----	((1-70))1.90	((13-30))15.20	((1-00))1.15	((13-35))15.35	((-80)) .90	((-55)) <sup>1.00</sup> <del>.65</del>	((8-00))9.00	N/A	N/A
Sidney to Lopez -----	((11-90))13.45		((5-70))6.45		((3-50))3.95	((2-25)) <sup>2.55</sup> <del>2.50</del>		N/A	N/A
Shaw or Orcas ---	((11-50))13.00	N/A	((5-40))6.10	N/A	((3-30))3.75	((2-15))2.45	N/A	N/A	N/A
Friday Harbor ---	((11-00))12.45		((5-10))5.75		((3-10))3.50	((2-00))2.25			

\*These routes operate on one-way only toll collection system.  
 \*\*Stages - option of paying Auto rate plus full fare for passengers (See Stages and Busses). A charge of \$25.00 will be assessed for an emergency trip during non-operating hours at locations where a crew is on duty.  
 \*\*Vanpools - A commuter vanpool which carries (nine) seven or more persons on a regular and expense-sharing basis for the purpose of travel to or from work or school and which is certified as such by a local organization approved by the Washington State Ferry System, may purchase for a \$10 fee, a permit valid for a three-month period on Mondays through Fridays only and valid only during the hours shown on the permit. These hours are selectable by the purchaser but shall designate two periods of use each day not to exceed two hours per period. The permit so purchased shall allow passage of the vehicle only during the valid periods. All riders in the van, including the driver, shall pay the applicable passenger fare. Except that the minimum total paid for all riders in the van shall not be less than the amount equal to seven times the applicable passenger fare.  
 \*\*\*One day excursion for bicycle and rider with limited time ashore.

**SUMMER SURCHARGE**  
 A 20% surcharge shall be applied during the summer schedule period (beginning the third Sunday in June and ending the third Saturday in September) to regular, non-commutation auto and oversized vehicle rates only.

**PENALTY CHARGES**  
 Owner of vehicle without driver will be assessed a \$25.00 penalty charge.

Overhang on passenger vehicles will be assessed a penalty charge of 10¢ per lineal foot of overhang in addition to regular applicable tolls, except that no charge for overhang will be assessed when overall length of vehicle and overhang is less than twenty feet. A fraction of a foot of overhang in excess of six inches will be counted as one foot in assessment of charge for overhang.

**SPECIAL SCHOOL RATE**  
School groups when traveling in authorized school vehicles for institution-sponsored activities shall be assessed a flat fee of \$1.00 per vehicles load of students and/or advisors and staff. The flat fee shall be in addition to regular vehicle and drive toll. Private vehicles need letter of authorization.

**NOTE:** Special School Rate is \$2.00 on routes where one-way only toll systems are in effect. Special Student Rate not available on Anacortes-Sidney, B.C. route between May 1, and September 1 due to limited space.

AMENDATORY SECTION (Amending Order No. 2, filed May 19, 1978)

CORRECTED  
BY HLL  
3-30-79

WAC 468-300-030 OVERSIZED VEHICLE, STAGE AND BUS, NEWSPAPER AND EXPRESS SHIPMENT FERRY TOLLS

ROUTES	OVERSIZED VEHICLES**		STAGES AND BUSES INCL. DRIVER***		BULK NEWSPAPERS Per 100 Lbs.	EXPRESS SHIPMENTS Per 100 Lbs.
	One Way	Commutation 20 Rides	One Way	Each**** Passenger		
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow ----- Edmonds-Kingston Pt. Townsend-Keystone	((4-50)) <u>5.10</u>	((72-00)) <u>81.60</u>	((6-25)) <u>7.05</u>	((-45)) <u>.50</u>	(1) ((1-10)) <u>\$1.25</u> per 100 Pounds (Shipments exceeding 60,000 lbs. in any month shall be assessed ((55¢)) <u>60¢</u> per 100 lbs.)	(2) ((9-00)) <u>\$10.15</u> per 100 Pounds (Shipments Exceeding 100 lbs. assessed ((2-25)) <u>\$2.55</u> for each 25 lbs. or fraction thereof.)
Fauntleroy-Vashon Southworth-Vashon ----- Pt. Defiance-Tablequah	((6-00)) <u>6.80</u>	((48-00)) <u>54.40</u>	((8-00)) <u>9.05</u>	((-55)) <u>.60</u>		
Mukilteo-((Columbia Beach)) Clinton -----	((3-00)) <u>3.40</u>	((48-00)) <u>54.40</u>	((4-00)) <u>4.50</u>	((-30)) <u>.25</u> <sup>.30</sup>		
Anacortes to Lopez ----- Shaw or Orcas ----- Friday Harbor ----- Sidney -----		10 Rides ((50-00)) <u>56.40</u>	((8-50)) <u>9.60</u>	((-50)) <u>.55</u> ((60)) <u>.70</u> ((65)) <u>.75</u> ((75)) <u>2.00</u>		
Friday Harbor to Lopez, Shaw or Orcas -----	((4-50)) <u>5.10</u>	((36-00)) <u>40.80</u>	((6-25)) <u>7.05</u>	((-45)) <u>.50</u>		
Between Lopez, Shaw or Orcas -----	((3-00)) <u>3.40</u>	((24-00)) <u>27.20</u>	((4-00)) <u>4.50</u>	((-30)) <u>.25</u> <sup>.30</sup>		Inter-island Express shipments will be handled @ ((1-10)) <u>\$1.25</u> per 100 lbs.
Sidney to Lopez ----- Shaw or Orcas ----- Friday Harbor -----	((14-25)) <u>16.10</u>	N/A	((19-50)) <u>22.05</u>	((-25)) <u>1.40</u> ((20)) <u>1.35</u> ((30)) <u>1.25</u>		

\*These routes operate on one-way only toll collection system.

\*\*Includes Motor Homes, and Mobile Campers that exceed eight feet in height. Excludes trucks licensed over 8,000, passenger busses and stages.

\*\*\*Stages - Option of paying Auto-driver rate plus full fare for each passenger.

- A public transportation operator providing regularly scheduled week-day service for public necessity and convenience may pay a \$10 annual fee for each scheduled vehicle. This fee covers the fare for each trip of the vehicle and operator only. All occupants shall be assessed the applicable passenger rate per trip. The \$10 annual fee does not apply to vehicles providing chartered service or vehicles providing service for special events such as trips for recreational purposes.

\*\*\*\*Half fare.

SUMMER SURCHARGE

A 20% surcharge shall be applied during the summer schedule period (beginning the third Sunday in June and ending the third Saturday in September) to regular, non-commutation auto and oversized vehicle rates only.

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$25.00 penalty charge.

(1) Daily Newspapers, in bundles, to be received and delivered without receipt and subject to owner's risk, will be transported between ferry terminals on regular scheduled sailings.

(2) Emergency shipments will be handled on scheduled sailings when no other means of shipment is available to shipper. Shipments must be of a size and weight requiring a minimum of handling by carrier's employees. Carrier reserves the right to refuse shipment of any item. Carrier assumes no liability for loss or damage to any shipment. Minimum rate for any shipment shall be the rate for 100 pounds.

AMENDATORY SECTION (Amending Order No. 2, filed May 19, 1978)

WAC 468-300-040 TRUCK FERRY TOLLS

ROUTES	TRUCK, INCL DRIVER									
	***8,001 to 10,000	10,001 to 16,000	16,001 to 22,000	22,001 to 28,000 ****	28,001 to 36,000	36,001 to 48,000	48,001 to 60,000	60,001 to 72,000	72,001 to 80,000	Over 80,000 per 1000 Lbs.
Fauntleroy- Southworth Seattle- Bremerton Seattle- Kingston Edmonds- Kingston Pt. Townsend- Keystone	((4-50)) <u>5.10</u>	((6-25)) <u>7.05</u>	((8-00)) <u>9.05</u>	((9-75)) <u>11.00</u>	((12-00)) <u>13.55</u>	((15-75)) <u>17.80</u>	((19-50)) <u>22.05</u>	((23-25)) <u>26.25</u>	<u>30.40</u>	((-45)) <u>.50</u>
Fauntleroy- Vashon Southworth Vashon --- Pt. Defiance- Tablequah	((6-00)) <u>6.80</u>	((8-00)) <u>9.05</u>	((10-00)) <u>11.30</u>	((12-00)) <u>13.55</u>	((15-00)) <u>16.95</u>	((20-00)) <u>22.60</u>	((25-00)) <u>28.25</u>	((30-00)) <u>33.90</u>	<u>39.15</u>	((-55)) <u>.60</u>
Mukilteo- ((Columbia-Beach)) Clinton	((3-00)) <u>3.40</u>	((4-00)) <u>4.50</u>	((5-00)) <u>5.65</u>	((6-00)) <u>6.80</u>	((7-50)) <u>8.50</u>	((10-00)) <u>11.30</u>	((12-50)) <u>14.15</u>	((15-00)) <u>16.95</u>	<u>19.55</u>	((-30)) <u>.35</u>
**Anacortes to Lopez Shaw or Orcas Friday Harbor Sidney	((6-25)) <u>7.05</u>	((8-50)) <u>9.60</u>	((10-75)) <u>12.15</u>	((13-00)) <u>14.70</u>	((16-00)) <u>18.10</u>	((21-00)) <u>23.75</u>	((26-00)) <u>29.40</u>	((31-00)) <u>35.05</u>	<u>40.70</u>	((-60)) <u>.70</u>
**Friday Harbor to Lopez, Shaw or Orcas	((20-50)) <u>23.15</u>	((28-00)) <u>31.65</u>	((35-50)) <u>40.10</u>	((43-00)) <u>48.60</u>	((52-00)) <u>58.75</u>	((69-00)) <u>77.95</u>	((86-00)) <u>97.20</u>	((103-00)) <u>116.40</u>	<u>121.75</u>	((1-90)) <u>2.15</u>
**Between Lopez, Shaw or Orcas	((3-00)) <u>3.40</u>	((4-00)) <u>4.50</u>	((5-00)) <u>5.65</u>	((6-00)) <u>6.80</u>	((7-50)) <u>8.50</u>	((10-00)) <u>11.30</u>	((12-50)) <u>14.15</u>	((15-00)) <u>16.95</u>	<u>19.55</u>	((-30)) <u>.35</u>
**Sidney to Lopez Shaw or Orcas Friday Harbor	((14-25)) <u>16.10</u>	((19-50)) <u>22.05</u>	((25-00)) <u>28.25</u>	((30-00)) <u>33.90</u>	((36-00)) <u>40.70</u>	((48-00)) <u>54.25</u>	((60-00)) <u>67.80</u>	((72-00)) <u>81.35</u>	<u>84.85</u>	((1-30)) <u>1.45</u>

\*These routes operate on one-way only toll collection system.

\*\*Commercial trucks are allowed stop-over at intermediate points upon payment of \$2.00 per stop-over.

\*\*\*Trucks under 8,001 lbs. will be classified as automobiles, unless over 8' in overall height. (See Oversized Vehicles.)

\*\*\*\*UNITED STATES GOVERNMENT SPECIAL RATE - Special rates are available to the United States Government through advance, bulk ticket purchase at the general offices of Washington State Ferries. The per unit price is the same as the "22,001 to 28,000" rate. Semi-trucks are considered two truck units.

PENALTY CHARGES -

Owner of vehicle without driver will be assessed a \$25.00 penalty charge.

DISCOUNT PERCENTAGES FROM REGULAR TOLL -

12 to 23, inclusive, one-way unit crossings within any consecutive six (6) day period-----25%  
 24 or more one-way unit crossings with any consecutive six (6) day period-----33-1/3%  
 Semi-trucks are considered two truck units.

OVERWIDTH CHARGES -

Any over legal width vehicle, trailer, load or combination requiring a special permit for highway use (exceeding 8 feet in width as provided in RCW 40.44.010) shall be assessed a 50% surcharge applied to the total fare.

AMENDATORY SECTION (Amending Order No. 2, filed May 19, 1978)

WAC 468-300-050 TRAILER FERRY TOLLS

ROUTES	TRAILER					
	Under 10' One Way	10'-0" to Under 20' One Way	20'-0" to Under 30' One Way	30'-0" to Under 40' One Way	40'-0" to Under 50' One Way	50'-0" & Over One Way
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow -----	((1-50)) <u>1.70</u>	((2-85)) <u>3.20</u>	((4-50)) <u>5.10</u>	((9-75)) <u>11.00</u>	((15-75)) <u>17.80</u>	((19-50)) <u>22.05</u>
Edmonds-Kingston Pt. Townsend-Keystone						
Fauntleroy-Vashon Southworth-Vashon -----	((2-00)) <u>2.25</u>	((3-80)) <u>4.30</u>	((6-00)) <u>6.80</u>	((12-00)) <u>13.55</u>	((20-00)) <u>22.60</u>	((25-00)) <u>28.25</u>
Pt. Defiance-Tahlequah						
Mukilteo-((Columbia-Beach)) Clinton -----	((1-00)) <u>1.15</u>	((1-90)) <u>2.15</u>	((3-00)) <u>3.40</u>	((6-00)) <u>6.80</u>	((10-00)) <u>11.30</u>	((12-50)) <u>14.15</u>
Anacortes to Lopez -----	((1-80)) <u>2.05</u>	((3-10)) <u>3.50</u>				
Shaw or Orcas -----	((2-10)) <u>2.35</u>	((3-50)) <u>3.95</u>	((6-25)) <u>7.05</u>	((13-00)) <u>14.70</u>	((21-00)) <u>23.75</u>	((26-00)) <u>29.40</u>
Friday Harbor -----	((2-40)) <u>2.70</u>	((4-00)) <u>4.50</u>				
Sidney -----	((7-50)) <u>8.50</u>	((15-00)) <u>16.95</u>	((20-50)) <u>23.15</u>	((43-00)) <u>48.60</u>	((69-00)) <u>77.95</u>	((86-00)) <u>97.20</u>
Friday Harbor to Lopez, Shaw or Orcas -	((1-50)) <u>1.70</u>	((2-50)) <u>2.85</u>	((4-50)) <u>5.10</u>	((9-75)) <u>11.00</u>	((15-75)) <u>17.80</u>	((19-50)) <u>22.05</u>
Between Lopez, Shaw, or Orcas -----	((1-00)) <u>1.15</u>	((1-70)) <u>1.90</u>	((3-00)) <u>3.40</u>	((6-00)) <u>6.80</u>	((10-00)) <u>11.30</u>	((12-50)) <u>14.15</u>
Sidney to Lopez -----	((5-70)) <u>6.45</u>	((11-90)) <u>13.45</u>				
Shaw or Orcas -----	((5-40)) <u>6.10</u>	((11-50)) <u>13.00</u>	((14-25)) <u>16.10</u>	((30-00)) <u>33.90</u>	((48-00)) <u>54.25</u>	((60-00)) <u>67.80</u>
Friday Harbor -----	((5-10)) <u>5.75</u>	((11-00)) <u>12.45</u>				

\*These routes operate on one-way only toll collection system.

**REPEALER**

The following sections of the Washington Administrative Code are each repealed:

- (1) WAC 468-300-060 ROUND TRIP PARTY FERRY TOLLS

**WSR 79-04-048**

**ADOPTED RULES**

**BOARD OF PHARMACY**

[Order 147, Resolution 3-79—Filed March 27, 1979]

Be it resolved by the Washington State Board of Pharmacy, acting at Burien Public Library, 14700 Sixth Ave. S. W., Burien, WA, that it does promulgate and adopt the annexed rules relating to WAC 360-11-010 Continuing Education; WAC 360-12-050 Reciprocity Applicants; WAC 360-12-065 Foreign-trained Applicants; WAC 360-12-130 Reinstatement; WAC 360-36-130 Additional Schedule IV Substances; WAC 360-52-060 Level B Pharmacy Assistants Utilization; and new section WAC 360-12-015 Examinations.

This action is taken pursuant to Notice No. WSR 79-02-068 filed with the code reviser on 2/5/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 69.50.201 which directs that the Board of Pharmacy has authority to implement the provisions of Controlled Substances Act.

This rule is promulgated under the general rule-making authority of the Board of Pharmacy as authorized in RCW 18.64.005(9).

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 16, 1979.

By David C. Campbell, Jr.  
Executive Secretary

**AMENDATORY SECTION** (Order 116, filed 11/9/73)

**WAC 360-11-010 CONTINUING EDUCATION.** (1) Commencing July 1, 1975, no renewal certificate of registration shall be issued by the board of pharmacy until the applicant submits satisfactory proof to the board that during the calendar year preceding his or her application for renewal he or she has participated in courses of continuing professional pharmaceutical education of the types and number of continuing education credits specified by the board. Such continuing education is hereby declared to be a mandatory requirement for license renewal, except that pharmacists applying for the first annual renewal of their certificate of registration shall be exempt from the provisions of this regulation.

(2) A pharmacist who desires to reinstate his or her license after having been unlicensed for over one year shall, as a condition to reinstatement of his or her license, complete such continuing education credits as may be specified by the board in each individual case.

**AMENDATORY SECTION** (Order 146, filed 2/1/79)

**WAC 360-36-130 ADDITIONAL SCHEDULE IV SUBSTANCES.** The board finds that the following substances meet the schedule IV tests and are hereby placed in schedule IV in addition to those set forth in chapter 69.50 RCW. The placement in schedule IV includes any material, compound, mixture or preparation which contains any quantity of the following substances, their salts, isomers and salts of isomers, unless specifically excepted, wherever the existence of these salts, isomers and salts of isomers is possible within the specific designation:

- (1) Fenfluramine
- (2) Diethylpropion
- (3) Phentermine
- (4) Pemoline
- (5) Mebutamate
- (6) Chlordiazepoxide (Librium)
- (7) Diazepam (Valium)
- (8) Oxazepam (Serax)
- (9) Chlorazepate (Tranxene)
- (10) Flurazepam (Dalmane)
- (11) Clonazepam (Clonopin)
- (12) Prazepam (Verstran)
- (13) Dextropropoxyphene (Darvon).
- (14) Lorazepam (Ativan)
- (15) Not more than 1 milligram Difenoxin in combination with not less than 25 micrograms of Atropine Sulfate per dosage unit (Motofen).
- (16) Pentazocine

**NEW SECTION**

**WAC 360-12-015 EXAMINATIONS.** (1) The examination for licensure as a pharmacist shall be known as the full board examination and shall consist of both theoretical and practical sections in such form as may be determined by the board.

(2) The score required to pass the overall examination shall be 75 percent. In addition, the scores achieved in the jurisprudence and written practice of pharmacy sections of the exam shall be no lower than 75 percent and the scores achieved on the other sections of the exam shall be no lower than 60 percent.

(3) An examinee failing any portion of the examination other than the jurisprudence section shall retake the regularly scheduled full board examination.

(4) An examinee failing the jurisprudence portion of the full board examination shall be allowed one retake of the jurisprudence portion at a time and place to be specified by the board.

(5) An examinee failing the retake of the jurisprudence examination shall be required to retake the full board examination.

AMENDATORY SECTION (Reg. 2, filed 2/23/60)

WAC 360-12-130 REGISTERED PHARMACISTS—REINSTATEMENT. (~~Any person who has not practiced pharmacy for a period of three years shall be subject to an examination before reinstatement if the board so directs.~~)

(1) A pharmacist who desires to reinstate his or her license after having been out of the active practice of pharmacy must meet the following requirements, as applicable, in addition to paying the fee required by RCW 18.64.140.

(a) If the pharmacist has been unlicensed for three years or less, he or she must take and pass the jurisprudence examination given by the board.

(b) If the pharmacist has been unlicensed for between three and five years, he or she must take and pass the jurisprudence examination given by the board and either serve an internship of 300 hours or take and pass such further written practical examinations as are specified by the board in each individual case.

(c) If the pharmacist has been unlicensed for over five years, he or she must take and pass the full board examination and serve an internship of 300 hours.

(2) A pharmacist desiring to reinstate his or her license must complete such continuing education credits as the board may specify in each individual case.

AMENDATORY SECTION (Order 121, filed 8/8/74)

WAC 360-12-050 APPLICANTS—RECIPROCITY APPLICANTS. (1) Applicants for license by reciprocity whose applications have been approved for the purpose of taking the jurisprudence examination may appear before the board at the time designated for examination.

(2) An applicant for reciprocity licensing shall be required to take and pass the jurisprudence examination given by the board prior to being issued his or her license. The jurisprudence examination shall be offered at least once in every two months.

(3) An applicant for reciprocity licensing who has been out of the active practice of pharmacy for between three and five years must take and pass the jurisprudence examination and additionally must either serve an internship of 300 hours or take and pass such additional practical examinations as may be specified by the board in each individual case.

(4) An applicant for reciprocity licensing who has been out of the active practice of pharmacy for over five years must take and pass the full board examination and serve an internship of 300 hours.

AMENDATORY SECTION (Order 122, filed 9/30/74)

WAC 360-12-065 FOREIGN-TRAINED APPLICANTS. (1) Applicants whose academic training in pharmacy has been obtained from institutions in foreign countries who wish to register as pharmacists in the state of Washington shall complete such additional academic work, if necessary, so as to be qualified to receive a ((B.S.)) baccalaureate degree in pharmacy or doctor of

pharmacy degree from an accredited college or school of pharmacy recognized by the state board of pharmacy.

(2) In addition, before registration can be extended to them, they shall pass successfully the Washington state board of pharmacy full board examination and meet its internship requirements.

(3) Applicants whose academic training in pharmacy has been obtained from institutions in foreign countries and whose credentials are such that no further education is necessary must earn a total of 1500 intern hours before licensure. The applicant must earn at least 1200 intern hours before taking the full board examination: PROVIDED, That the board may, for good cause shown, waive up to 800 hours of the required 1500 hours.

AMENDATORY SECTION (Order 141, filed 12/9/77)

WAC 360-52-060 LEVEL B PHARMACY ASSISTANTS UTILIZATION. (1) Level B pharmacy assistants may perform, under the general supervision of a licensed pharmacist, duties including but not limited to typing of prescription labels, filing, refiling, bookkeeping, pricing or determination of cost or charge, stocking, delivery, nonprofessional phone inquiries, and documentation of third party reimbursements.

(2) The term "nonprofessional phone inquiry" as used in subsection 1 shall include only those phone inquiries which are not related to any aspect of the "practice of pharmacy" as that term is defined in RCW 18.64.011(1).

**WSR 79-04-049****ADOPTED RULES****UTILITIES AND TRANSPORTATION****COMMISSION**

[Order R-121, Cause No. TV-1203—Filed March 28, 1979]

In the matter of amending WAC 480-12-190, relating to motor carriers.

This action is taken pursuant to Notice No. WSR 79-02-082, filed with the Code Reviser on February 7, 1979. This rule as amended shall take effect pursuant to RCW 34.04.040(2).

This rule amendment is promulgated under the general rulemaking authority of the Washington Utilities and Transportation Commission as authorized in RCW 80-01.040, RCW 81.80.211, and RCW 81.80.290.

This rulemaking proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), the State Economic Policy Act (chapter 43.21H RCW), and the State Environmental Policy Act of 1971 (chapter 43-21C RCW).

Pursuant to Notice No. WSR 79-02-082, the above matter was scheduled for amendment at 8:00 a.m., Wednesday, March 21, 1979, in the Commission's Conference Room, Seventh Floor, Highways-Licenses

Building, Olympia, Washington before Commissioners Elmer C. Huntley and Frank W. Foley.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the Commission in writing prior to March 16, 1979. Under the terms of said notice, interested persons were also afforded the opportunity to submit data, views, or arguments orally at 8:00 a.m., Wednesday, March 21, 1979, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

At the March 21 meeting Mr. Duclos, the Administrator of Transportation, indicated that based upon recent discussion with persons involved in the trucking industry, it was his suggestion that the seasonal extensions of hours of service for dump truckers, log haulers, and primary agricultural haulers in the proposed rule be eliminated to allow a year-round extension to apply.

Written comments opposing the proposed rule amendment were received from George F. Joseph and Beattie & Sanger, Inc. Mr. Joseph opposed the rule as originally proposed as it did not allow enough driving time for agricultural haulers. Beattie & Sanger, Inc., opposed the rule as originally proposed as it did not allow enough driving time for log haulers.

Oral comments were received by the following persons who opposed the rule amendment as originally proposed, but supported the rule amendment as modified by Mr. Duclos' suggestion noted above: Marty Sangster, Washington Trucking Association; Donald L. Werst, Fairchild General Freight, an agricultural hauler; Eugene Prince, Inland Empire Trucking Association; Derald Borth, Washington Dump Truckers Association; David Robinson, One Way Trucking, a log hauler; Chuck Skillman, Washington Contract Loggers Association; Larry Pursley, Washington Trucking Association; Jade Seton, Seton and Son Construction, a log hauler. Each of the above described the nature of their respective industry in addition to commenting upon the proposed rule as qualified by Mr. Duclos' suggestion noted above.

Oral comments opposing the rule were received by Robert Swain, Arrow Transportation Company, who stated that in his opinion the extensions of hours of service for agricultural and log haulers, and dump truckers was discriminatory economically and that the emphasis for regulation in this area should be on safety.

An oral comment was received by George Capallis, from Spokane, who commented on the proposed rules' applicability to taxi-cab operations.

The Commission has considered the comments and has determined to modify the proposed rule in accordance with Mr. Duclos' suggestion, noted above.

The amendment to WAC 480-12-190 affects no economic values. The economic impact as a result of the adoption of the amendment to WAC 480-12-190 has been considered. The economic impact on each carrier in order to comply with the new safety rule will vary, and cannot be stated precisely. The adoption of the amendment to WAC 480-12-190, will have no significant economic impact.

In reviewing the entire record herein, it has been determined that WAC 480-12-190 should be amended to read as set forth in Appendix "A", attached hereto and made a part hereof by reference. WAC 480-12-190, as amended, adopts pertinent federal motor carrier safety regulations relating to motor carrier driver's hours of service. WAC 480-12-190, as amended, also provides for certain exceptions to the adopted federal regulations in the case of log haulers, dump truckers, and primary agricultural haulers, with respect to on-duty time, driving time, and recording methods.

#### ORDER

WHEREFORE, IT IS ORDERED That WAC 480-12-190 relating to motor carriers, be, and the same is hereby amended as set forth in Appendix "A" as permanent rules of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rules after being first recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

IT IS FURTHER ORDERED That there shall be forwarded to the secretary of the senate and chief clerk of the house of representatives three copies of the statement required by RCW 34.04.045.

DATED at Olympia, Washington, this 28 day of March, 1979.

Washington Utilities and Transportation Commission

Elmer C. Huntley, Commissioner

Frank W. Foley, Commission

Appendix "A"

#### AMENDATORY SECTION (Amending Order R-5, filed 6/6/69)

WAC 480-12-190 HOURS OF SERVICE—ON DUTY—ADOPTION OF FEDERAL SAFETY REGULATIONS. ~~((+) Every motor freight common and contract carrier and officers, agents, employees, and representatives of any motor common or contract carrier shall comply with the following regulations, and every such motor carrier shall be conversant with the rule and require that officers, agents, employees, and representatives be conversant with this rule.~~

##### (2) Definitions:

(a) ~~On duty. A driver is "on duty" from the time he begins to work or is required to be in readiness to work until the time he is relieved from work and all responsibility for performing work.~~

(b) ~~Driving Time. The terms "drive or operate" and "driving time" include all time spent on a moving vehicle and any interval not in excess of 10 minutes in which a driver is on duty but not on a moving vehicle. For the purpose of computing an interval in excess of 10 minutes, all stops made in any one village, town or city for the delivery of freight originating in said village, town or~~

city may be computed as one, and all stops made in any one village, town or city for delivery of freight originating elsewhere may be computed as one if the driver has not driven or operated the motor vehicle more than 10 miles in such village, town or city.

(c) Week. The term "week" means any period of 168 consecutive hours beginning at the time the driver reports for duty.

(d) 24 Consecutive Hours. The term "24 consecutive hours" means any such period starting at the time the driver reports for duty.

(3) No carrier subject to these regulations shall permit or require any driver employed or used by it to remain on duty for a total of more than 60 hours in any week. PROVIDED, That carriers operating vehicles on every day of the week may permit drivers to remain on duty for a total of not more than 70 hours in any period of 192 consecutive hours. PROVIDED, FURTHER, That this section shall not apply with respect to drivers of motor vehicles engaged solely in making deliveries for retail stores during the period from December 10 to December 25, both inclusive, of each year.

(4) Except under conditions set forth in Section (6), no carrier subject to these rules shall permit or require a driver employed or used by it to drive or operate for more than 10 hours in the aggregate in any period of 24 consecutive hours, unless such driver be off duty for 8 consecutive hours during or immediately following the 10 hours aggregate driving and within said period of 24 consecutive hours.

(5) No carrier subject to these rules, if himself a driver, shall remain on duty or drive for longer periods than those prescribed in Section (3) and (4).

(6) In case of snow, sleet, fog, or other adverse weather conditions, or in case the highways are covered with snow or ice, or presence of unusual adverse road and traffic conditions, a driver may be permitted and required to drive or operate a motor vehicle for not more than 12 hours in the aggregate in any period of 24 consecutive hours in order to complete his run, without being off duty for a period of 8 consecutive hours.

(7) In case of any emergency, a driver may complete his run without being in violation of the provisions of these regulations, if such run could reasonably have been completed without such violation.)) The rules and regulations adopted by the United States department of transportation in Title 49, Code of Federal Regulations, Part 395, as well as and including all appendices and amendments thereto in effect on January 30, 1978 are adopted and prescribed by the commission to be observed by all common, contract, and registered carriers operating under chapter 81.80 RCW, except:

(1) A driver who is driving a motor vehicle in the hauling of logs from the point of production or in dump truck operations, exclusively in intrastate commerce, shall not drive nor be permitted to drive more than twelve hours following eight consecutive hours off duty. Such driver shall not be on duty nor be permitted to be on duty more than ninety hours in any period of seven consecutive days.

(2) A driver who is driving a motor vehicle in the hauling of agricultural products from the point of production on farms, exclusively in intrastate commerce, shall not drive nor be permitted to drive more than twelve hours following eight consecutive hours off duty. Such driver shall not be on duty nor be permitted to be on duty more than ninety hours in any period of seven consecutive days.

(3) The rules and regulations governing driver's daily logs prescribed in Title 49, Code of Federal Regulations, section 395.8 and adopted in this section, do not apply for those operations described in subsections (1) and (2) of this section to a regularly employed driver who drives wholly within a radius of one hundred miles of the terminal or garage at which he or she reports for work, if the motor carrier who employs the driver maintains and retains for a period of one year accurate and true records showing the total number of hours of driving time and the time that the driver is on duty each day and the time at which the driver reports for, and is released from, duty each day. A tacograph showing the required driver hourly information may be substituted for the required records.

#### WSR 79-04-050

#### EMERGENCY RULES

#### DEPARTMENT OF FISHERIES

[Order 79-18—Filed March 28, 1979]

I, Gordon Sandison, director of state Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing 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 such emergency is this regulation is adopted pursuant to the Columbia River Compact meeting March 27, 1979.

Such 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 he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 28, 1979.

By Gordon Sandison  
Director

#### NEW SECTION

WAC 220-32-051001 GILL NET SEASONS Notwithstanding the provisions of WAC 220-32-051 and

WAC 220-32-052, it shall be unlawful to take, fish for, or possess salmon for commercial purposes in Columbia River Management and Catch Reporting Areas 1F, 1G, and 1H, except those individuals possessing treaty fishing rights pursuant to the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish 12 noon February 1 until 12 noon April 1, 1979. No mesh restrictions.

**REPEALER**

The following section of the Washington Administrative Code is hereby repealed:

WAC 220-32-05100H GILL NET SEASONS (79-3)

**WSR 79-04-051  
NOTICE OF PUBLIC MEETINGS  
WASHINGTON STATE LIBRARY  
[Memorandum—March 26, 1979]**

The June 14 WSL Commission meeting has been changed to Ellensburg at the Little Theatre beginning at 10:00 a.m. The September meeting will be held in Wenatchee on September 20. Meeting place to be decided upon. Meeting begins at 10:00 a.m.

**WSR 79-04-052  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)  
[Filed March 28, 1979]**

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 temporary housing—limited to Governor's request for federal assistance, new chapter 388-53A WAC;

It is the intention of the Secretary to adopt these rules on an emergency basis prior to the hearing.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Michael Stewart  
Executive Assistant  
Department of Social and Health Services  
Mailstop OB-44 C  
Olympia, WA 98504;

that such agency will at 2:00 p.m., Wednesday, May 9, 1979, in the Auditorium, State Office Bldg #2, 12th and Jefferson, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, May 16, 1979, in William B. Pope's Office, 3-D-14, State Office Bldg #2, 12th and Jefferson, Olympia, WA.

The authority under which these rules are proposed is RCW 38.52.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 9, 1979, and/or orally at 2:00 p.m., Wednesday, May 9, 1979, Auditorium, State Office Bldg #2, 12th and Jefferson, Olympia, WA.

Dated: March 28, 1979  
By: Michael S. Stewart  
Executive Assistant

**Chapter 388-53A WAC  
TEMPORARY HOUSING PROGRAM: LIMITED TO GOVERNOR'S  
REQUEST FOR FEDERAL ASSISTANCE**

**WAC**

388-53A-010	Purpose
388-53A-020	Definitions
388-53A-030	Authorization of program
388-53A-040	Administrative procedures
388-53A-050	Program eligibility
388-53A-060	Program eligibility review
388-53A-070	Criteria for continued eligibility
388-53A-080	Termination of temporary housing
388-53A-090	Allocation of funds
388-53A-100	Organization and functions
388-53A-110	Eligibility determinations
388-53A-120	Notification of approval or disapproval
388-53A-130	Reconsideration process
388-53A-140	State appeal

**NEW SECTION**

**WAC 388-53A-010 PURPOSE.** The purpose of this plan is to set forth the administrative procedures and describe the organization for implementing the temporary housing program. This program may be requested by the governor after the President declares an emergency or major disaster in the state of Washington. The Governor of Washington has designated the state department of emergency services as the responsible state coordinating agency. The department of social and health services by agreement will administer the temporary housing program in Washington.

**NEW SECTION**

**WAC 388-53A-020 DEFINITIONS.** (1) "Secretary" shall mean the secretary of the department of social and health services. "Director" is the director of the department of emergency services.

(2) "Department" shall mean the department of social and health services, or the department of emergency services, whichever applies.

(3) "Act" shall mean RCW 38.52.

(4) "Necessary expense" means the cost of an item or service essential to an individual or family to mitigate or overcome an adverse condition caused by a major disaster.

(5) "Serious need" means a requirement for an item or service essential to an individual or family to prevent or reduce hardship, injury, or loss caused by a major disaster.

(6) "Family" means a social unit comprised of husband, and wife and dependents, if any, or a head of household, as these terms are defined in the Internal Revenue Code of 1954.

(7) "Individual" means a person who is not a member of a family as defined in subsection (b).

(8) "Assistance from other means" means assistance including monetary or in-kind contributions from other governmental programs, insurance, voluntary or charitable organizations, or from any sources other than those of the individual or family.

(9) "Federal coordinating officer" (FCO) means the person appointed by the administrator, FDAA, to coordinate federal assistance in a major disaster.

(10) "State coordinating officer" (SCO) means the individual appointed by the governor to coordinate state and local disaster assistance efforts with those of the federal government.

**NEW SECTION**

**WAC 388-53A-030 AUTHORIZATION OF PROGRAM.** The program is authorized by Public Law 93-288 (the Disaster Relief Act of 1974) and Federal Disaster Assistance Administration Regulations,

24 CFR 2205. Section 404 of Public Law 93-288 provides for temporary housing to individuals and families who, as a result of a presidentially declared emergency or major disaster are without adequate housing. RCW 38.52 places responsibility for determining eligibility standards for disaster relief programs administered by the state with the department of social and health services.

#### NEW SECTION

**WAC 388-53A-040 ADMINISTRATIVE PROCEDURES.** The State Coordinating Officer (SCO) will be the governor's authorized representative for the implementation of the temporary housing program. The state department of emergency services has been designated by the governor as the responsible state coordinating agency to administer the provisions of the federal disaster laws.

(1) Public Law 93-288, Section 404, provides for temporary housing to individuals and families who have become homeless and require temporary housing as a result of an emergency or major disaster.

(2) Upon a declaration of an emergency or major disaster by the president, the governor may request temporary housing assistance from the Federal Disaster Assistance Administration (FDAA).

(3) The department of emergency services shall be responsible for preparing the governor's request in accordance with 24 CFR 2205.45.

(4) When agreed to by the governor and regional director of the FDAA, the state shall administer the temporary housing program. The state coordinating officer, department of emergency services, and the bureau of income maintenance, department of social and health services, shall coordinate the necessary actions to place in operation the provisions and administrative policies and procedures for the temporary housing program.

(5) The department of emergency services, acting as the designated responsible state coordinating agency, will arrange for the procurement and make habitable, temporary housing provided by the federal government in conformity with the state/federal agreement and Public Law 93-288.

(6) RCW 38.52 makes the department of social and health services responsible for establishing eligibility standards for applicants for assistance under the state-administered temporary housing program.

(7) The program will be administered in conformity with provisions of Sections 2205.13, 2205.15, 2205.18 and 2205.45 of the Federal Disaster Assistance Regulations.

(8) Eligibility criteria will conform to Section 2205.45 and such requirements as the department of social and health services may require not inconsistent with the provision in the above listed sections of the federal regulations, and in accordance with RCW 38.52.

#### NEW SECTION

**WAC 388-53A-050 PROGRAM ELIGIBILITY.** (1) In order to qualify for temporary housing under this section, an individual or family representative must certify to one of the following:

(a) Their dwelling has been destroyed as a result of a disaster.

(b) Their dwelling has been damaged or utility service has been interrupted to such an extent as to constitute a health or safety hazard which did not exist prior to the disaster.

(c) Their dwelling has been made inaccessible due to the disruption or destruction of transportation routes or facilities, or due to other impediments to access.

(d) Their dwelling has been made inaccessible by restrictions on travel or movement imposed or recommended by a responsible official.

(e) Their dwelling is no longer available due to eviction or disposition of the applicant by the owner because of the owner's personal need for that dwelling as a result of a disaster.

(f) They have been evicted from their dwelling by the owner or mortgage holder because of their financial hardship which is a direct result of the disaster; or

(g) Other circumstances resulting from a disaster prevent an individual or family from occupying a dwelling which they occupied immediately prior to the disaster.

(2) Income and resources of applicants for temporary housing shall be exempted from consideration in determining eligibility for a temporary period not to exceed one year or such time as is necessary to restore them to independence as provided by RCW 74.04.005(11)(G) and 74.04.265. An applicant/recipient shall be considered restored to independence when he/she no longer meets the requirements for continued eligibility as specified in WAC 388-53A-060.

(3) Eligible Categories

Assistance may be made available to meet temporary housing needs by providing goods and services for the following:

(a) Mobile homes

(i) Pad rental

(ii) All utilities and connections

(iii) Blocking, winterization and other installations necessary to ensure compliance with applicable state and local codes.

(iv) Maintenance on mobile home agreed to by eligible occupant and owner.

(b) Required state inspections of accommodations.

(4) Ineligible Categories

Temporary housing assistance will not be made available under the following conditions:

(a) When insurance coverage provides for the full cost of alternate living arrangements and where such alternate living arrangements are readily available.

(b) When the dwelling from which the applicant/recipient was displaced was used as a vacation or recreational residence.

#### NEW SECTION

**WAC 388-53A-060 PROGRAM ELIGIBILITY REVIEW.** (1) A periodic eligibility review for continued occupancy in temporary housing shall be made no less frequently than every 90 days.

(2) Continued occupancy shall be determined on the basis of need as specified in WAC 388-53A-070.

(3) Each occupant shall be notified of his/her eligibility or ineligibility.

#### NEW SECTION

**WAC 388-53A-070 CRITERIA FOR CONTINUED ELIGIBILITY.** (1) A temporary housing occupant shall endeavor to place himself/herself in alternate housing at the earliest possible time.

(2) A temporary housing occupant shall be eligible for continued assistance when:

(a) Alternate housing is not available to the occupant. Alternate housing is deemed available when it:

(i) Is sufficient in size to accommodate the family;

(ii) Is free of health and safety hazards;

(iii) Is located such that the occupants may commute to their place(s) of employment, schools, and other centers of family activity within usual and customary commutation time periods effective in the area;

(iv) Is within the financial means of the occupant, based on 25 percent of adjusted household income. Occupants who qualify for available low-income or other governmental rent subsidies shall be considered able to assume financial responsibility for similar alternate housing. Housing costs shall include utilities costs, and adjusted household income shall be computed using the total gross income of household members (excluding the earnings of persons under 18, except where such persons are head of the household or a spouse), with the following exceptions:

(A) \$25 per month for each person under 18 or full-time student over 18 except when such an individual is a head of household;

(B) \$25 per month for each elderly (over 62) or handicapped adult, except where they are head of the household; and

(C) Expenses resulting from unusual financial demands upon a household, as approved by the CSO administrator or his/her designee.

(v) Does not impose an undue burden upon the occupant in his/her plans to secure permanent housing.

(b) The occupant is in compliance with the terms of the rental contract/agreement including:

(i) Prompt payment of utility, rent, and other appropriate charges;

(ii) Reimbursement to the government where all or a portion of the temporary housing assistance represents a duplication of benefits or for other charges as authorized by the CSO administrator or his/her designee;

(iii) Maintenance of the temporary housing unit in a manner normally expected of a tenant; and

(iv) Utilization of the unit for purposes of a family dwelling, solely for the occupant's household.

#### NEW SECTION

**WAC 388-53A-080 TERMINATION OF TEMPORARY HOUSING.** (1) Temporary housing assistance may be terminated on a 30-day written notice.

(2) Temporary housing assistance may be terminated for reasons including, but not limited to the following:

(a) A determination has been made through the recertification process that alternate housing is available to the occupant.

(b) Failure on the part of the occupant to utilize or maintain the temporary housing provided in the manner normally expected of a tenant. Normal wear and tear excepted, the occupant shall be liable for all damages to the property.

(c) Determination that the temporary housing assistance was obtained either through misrepresentation or fraud.

(3) No mobile home rent shall be charged during the first 12 months of occupancy.

#### NEW SECTION

**WAC 388-53A-090 ALLOCATION OF FUNDS.** The amount and type of the federal share of temporary housing assistance shall be in accordance with the federal/state disaster relief agreement.

(1) The federal share of temporary housing may be made by financial assistance or contributions in-kind, depending on the request of the governor.

(2) The federal government may make available mobile homes or other readily fabricated dwellings to the state on the condition that the state or local government provide sites complete with utilities.

(3) The state may make available funds to provide for mobile home or other dwelling site preparation, utilities, rental, maintenance, or other item necessary to ensure habitability.

#### NEW SECTION

**WAC 388-53A-100 ORGANIZATION AND FUNCTIONS.** All state agencies charged with responsibilities under this chapter will ensure compliance with Section 2205.13, Non-Discrimination in Disaster Assistance, and Section 2205.15, Duplication of Benefits, of the FDAA regulations.

(1) When deemed necessary, the secretary of the department of social and health services shall publicize the availability of the temporary housing program to potential applicants.

(a) Notifying local governments, welfare related agencies, and civic and church groups; and

(b) Establishing outreach programs.

(2) The secretary of social and health services will be responsible for interviewing applicants, receiving applications, and establishing case files. Applications for temporary housing shall be taken for 60 days following a presidentially declared emergency or major disaster. The interviewer will fully explain the scope and purpose of this program to each applicant.

(3) The secretary of social and health services will be responsible for verification of the need for temporary housing for which assistance has been requested.

#### NEW SECTION

**WAC 388-53A-110 ELIGIBILITY DETERMINATIONS.** (1) All determinations shall be made in accordance with the eligibility criteria in WAC 388-53A-060 and 070.

(2) Eligibility for the temporary housing program shall be determined by an authorized DSHS employee in accordance with criteria set forth in this chapter.

#### NEW SECTION

**WAC 388-53A-120 NOTIFICATION OF APPROVAL OR DISAPPROVAL.** The department of social and health services will notify every applicant by letter of the eligibility determination made on the application.

(1) In the case of approval, the letter will state that the application has been approved, and the purpose for which the temporary housing assistance has been made.

(2) In the case of disapproval, the letter will state that the application has been disapproved and the reasons for disapproval.

(3) In both cases, the letter will inform the applicant of the right to request reconsideration within 15 days from the date the letter was sent.

#### NEW SECTION

**WAC 388-53A-130 RECONSIDERATION PROCESS.** (1) Each applicant will be provided an opportunity to have a temporary

housing assistance determination reviewed and reconsidered by the state upon submission of additional information.

(2) The state reconsideration panel will reconsider an applicant's temporary housing assistance determination and within 15 calendar days of receipt of the reconsideration request render a decision either approving or denying it.

(3) Each applicant will be notified by letter of the result of his request for reconsideration. The determination letter must be dated and sent to the applicant one day after the reconsideration decision. The letter must inform the applicant of the right to appeal within 20 days from the date the letter was sent.

#### NEW SECTION

**WAC 388-53A-140 STATE APPEAL.** Should an applicant not agree with the state reconsideration panel determination of the reconsideration request, an appeal must be filed within 20 days.

The department of social and health services will conduct an appeal hearing and render a decision either approving or denying within 15 calendar days of receipt by the department of social and health services. Each applicant will be notified by letter of the result of his appeal. The appeal decision letter must be dated and sent to the appellant one day after the appeal decision was made.

### **WSR 79-04-053**

#### **EMERGENCY RULES**

#### **HIGHER EDUCATION PERSONNEL BOARD**

[Order 73—Filed March 28, 1979]

Be it resolved by the Higher Education Personnel Board, acting at Seattle Central Community College, Seattle, Washington, that it does promulgate and adopt the annexed rules relating to Layoff, amending WAC 251-10-030, Layoff—Special employment, WAC 251-10-035 and Special employment programs, WAC 251-10-410.

We, the Higher Education Personnel Board, find that an emergency exists and that the foregoing 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 such emergency is unanticipated enforcement of a maximum period of subsidized employment by the CETA prime sponsors requires that this modification be made in order to avoid unnecessary and unintended loss of additional CETA positions and participants due to the exercise of layoff options.

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

This rule is promulgated under the general rule-making authority of the Higher Education Personnel Board as authorized in RCW 28B.16.100.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 28, 1979.

By Douglas E. Sayan  
Director

AMENDATORY SECTION (Amending Order 71, filed 2/27/79)

WAC 251-10-030 LAYOFF. (1) An appointing authority may separate or reduce the number of working hours or the work year of an employee without prejudice because of lack of funds, curtailment of work, or good faith reorganization for efficiency reasons.

(2) Each institution shall develop for approval by the director a layoff procedure based upon layoff seniority as defined in WAC 251-04-020, to include as a minimum:

(a) Clearly defined layoff unit(s), in order to minimize the disruption of an institution's total operation, and

(b) Provision for veterans preference for eligible veterans and their unmarried widows/widowers as defined in WAC 251-10-045.

(3) A permanent status employee scheduled for layoff shall receive written notice of any available options in lieu of layoff as provided in WAC 251-10-030 (5) and (6). The employee shall be given no less than three working days to select an option, if available, or to elect to be laid off and/or be placed on the appropriate institution-wide layoff list(s).

(4) Written notice of at least fifteen calendar days must be given to the employee after he/she has selected one of the options or upon completion of the option period.

(5) Within the layoff unit, a permanent status employee scheduled for layoff shall be offered employment options to comparable position(s), as determined by the personnel officer, in:

(a) Class(es) in which the employee has held permanent status which have the same or lower salary range maximum as the current class;

(b) Lower class(es) in those same class series for which the employee is qualified.

The employee may exercise either option WAC 251-10-030 (5)(a) or (5)(b) provided that the employee being replaced is the least senior in a comparable position in the class and has less layoff seniority than the employee replacing him/her. A vacant position, if available, should be considered to be the position in the class held by the least senior person. The employee may elect to have access to less-than-comparable positions by so notifying the personnel officer in writing.

(6) Except as provided in WAC 251-10-035, a permanent employee scheduled for layoff who has no options available under subsection (5) above shall be offered position(s) as follows:

(a) The personnel officer will offer in writing not less than three positions from among the highest available classes (unless the total available is less than three); provided that any position(s) offered must be:

- (i) At the same level or lower than the class from which the employee is being laid off; and
- (ii) Vacant or held by a provisional, temporary, or probationary employee; and
- (iii) In a class for which the employee being laid off meets the minimum qualifications and can pass the appropriate qualifying examination.

(b) The employee will be required to indicate within three working days his/her interest in a specific class(es) so that the personnel officer may schedule the appropriate examination(s).

(c) Upon satisfactory completion of the examination(s) the employee will be offered option(s) to specific position(s), including salary information.

(d) Employees appointed to positions through provisions of this subsection (6) will be required to serve a trial service period.

(7) In order to be offered a layoff option or return from layoff to a position for which selective certification as identified in WAC 251-18-250(1)(a) has been authorized by the personnel officer, the employee must possess the required prerequisite skill(s) called for in the selective certification.

(8) In a layoff action involving a position for which a particular sex is a bonafide occupational requirement, as approved by the Washington State Human Rights Commission, the most senior employee meeting the occupational requirements may be retained in the position over more senior employees in such class who do not meet the occupational requirement.

(9) When it is determined that layoffs will occur within a unit, the personnel officer will:

(a) Provide a copy of the institution's reduction-in-force procedure to all employees subject to layoff;

(b) Advise each employee in writing of available options in lieu of layoff;

(c) Advise each employee in writing of the specific layoff list(s) upon which he/she may be placed as required per WAC 251-10-055 and 251-10-035;

(d) Provide information about the process by which the employee may make application for state-wide layoff lists, as required per WAC 251-10-060(7);

(e) Advise each employee in writing of the right to appeal his/her layoff to the board per WAC 251-12-080.

(10) Layoff actions for employees of special employment programs as identified in WAC 251-18-410 shall be administered as provided in WAC 251-10-035.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77)

WAC 251-10-035 LAYOFF—SPECIAL EMPLOYMENT PROGRAMS. (1) Institutions participating in special employment programs qualifying under the conditions identified in WAC 251-18-410 shall establish a special employment program layoff unit.

(2) An appointing authority may separate or reduce the number of working hours or the work year of a special employment program employee without prejudice because of lack of funds, curtailment of work, good faith reorganization for efficiency purposes, or when the prime sponsor directs that the incumbent must be separated.

(3) A permanent status special employment program employee scheduled for layoff shall receive written notice of any available options in lieu of layoff as provided in subsection (5) of this section. Employment options ((of individuals being laid off from positions in special employment programs)) are limited to positions within the special employment program layoff unit and/or program

for which the employee qualifies. The employee shall be given no less than three working days to select an option, if available, or to elect to be laid off and/or be placed on the appropriate special employment program layoff list(s).

(4) The appointing authority must provide the employee at least fifteen calendar days written notice beyond the date of selection of an option or the completion of the option period, whichever is sooner. The notice shall inform the employee of his/her right to appeal the layoff action to the board per WAC 251-12-080.

~~((3))~~ (5) Within the special employment program layoff unit, a permanent status employee scheduled for layoff ((from service or from the class)) shall be offered ((employment options)) the following:

(a) Employees who are being laid off for reasons other than the expiration of the maximum allowable period of subsidized employment shall be offered options within the layoff unit and placement on special employment program layoff lists in class(es) with the same or lower salary range maximum that are:

~~((a))~~ (i) Class(es) in which the employee has held permanent status;

~~((b))~~ (ii) Lower class(es) in the same class series for which the employee is qualified.

The employee may exercise either option provided that the employee being replaced is the least senior in the class and has less layoff seniority than the employee replacing him/her.

(b) Employees who are being laid off due to the expiration of the maximum allowable period of subsidized employment shall not be offered layoff options but shall be placed on the special employment program layoff list(s) for which they are eligible.

(6) The provisions of WAC 251-10-030 (7) and (8) relative to selective certification and bonafide occupational requirements shall apply to special employment program layoff actions.

~~((4))~~ (7) The names of employees scheduled for layoff or actually laid off from service within a class shall be placed on the special employment program layoff list as provided in WAC 251-18-180.

#### AMENDATORY SECTION (Amending Order 61, filed 8/30/77)

WAC 251-18-410 SPECIAL EMPLOYMENT PROGRAMS. (1) Special employment programs are those programs designated by the director which are designed and implemented to reduce unemployment and/or provide training opportunities to enable persons to become more employable. Special employment programs are funded in total, or in part, from sources other than the normal sources available to ((higher education)) the institutions((/related boards)).

(2) Positions created for special employment programs are included in the regular classified service of an institution((/related board)). The primary distinction is that each institution ((or board)) shall establish a separate layoff unit to include all special employment programs. Employees occupying such positions are eligible for usual staff benefits. When special employment program positions are abolished or when the prime sponsor

directs that the incumbent must be separated, layoffs will occur as provided in WAC 251-10-035.

**WSR 79-04-054  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)  
[Filed March 28, 1979]**

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 disregard of income and resources, amending WAC 388-28-575.

It is the intent of the Secretary to adopt these rules on an emergency basis prior to the hearing.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Michael Stewart  
Executive Assistant  
Department of Social and Health Services  
Mailstop OB-44 C  
Olympia, WA 98504;

that such agency will at 2:00 p.m., Wednesday, May 9, 1979, in the Auditorium, State Office Bldg #2, 12th and Jefferson, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, May 16, 1979, in William B. Pope's office, 3-D-14, State Office Bldg #2, 12th and Jefferson, Olympia, WA.

The authority under which these rules are proposed is RCW 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 9, 1979, and/or orally at 2:00 p.m., Wednesday, May 9, 1979, Auditorium, State Office Bldg #2, 12th and Jefferson, Olympia, WA.

Dated: March 28, 1979  
By: Michael S. Stewart  
Executive Assistant

#### AMENDATORY SECTION (Amending Order 1324, filed 8/17/78)

WAC 388-28-575 DISREGARD OF INCOME AND RESOURCES. (1) In determining need and the amount of the assistance payment in AFDC, the following shall be disregarded as income and resources:

(a) Any grant or loan to any undergraduate student for educational purposes made or insured under any programs administered by the commissioner of education, U.S. department of health, education, and welfare. The entire amount of such loan or grant is disregarded, irrespective of the use to which the funds are put.

(b) Any per capita judgment funds paid under Public Law 92-254 to members of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana.

(c) Any Indian claim settlement funds distributed per capita or held in trust as authorized in Section 7 of Public Law 93-134 or Section 6 of Public Law 94-114.

(d) The income and resources of an individual receiving benefits under supplemental security income for the period for which such benefits are received.

(e) Any payments received by Alaska natives under the Alaska Native Claims Settlement Act, to the extent such payments are exempt from taxation under Section 21(a) of that act.

(f) From August 1, 1975 to September 30, 1976, forty percent of the first fifty dollars collected by the office of support enforcement in payment on the support obligations for the current month.

(g) ~~(Earnings received by any person under Title III, Part C Youth Employment Demonstration Program of the Comprehensive Employment and Training Act of 1973, Public Law 93-203.)~~ Moneys received under The Comprehensive Employment and Training Act of 1973, as amended, as follows:

(i) The \$30 weekly incentive training allowance for AFDC recipients;

(ii) Earnings and allowances received by any youth under the youth incentive entitlement pilot projects, youth community conservation and improvement projects and youth employment and training program.

(h) Retroactive AFDC benefits resulting from a court order modifying a department policy. This subdivision is effective April 1, 1978.

(i) OASDI student benefits paid to 18 to 22 year olds who are full-time students.

(j) That part of a veterans' administration educational assistance payment which is for the student's educational expenses, such as, but not limited to, tuition, books, fees, equipment, transportation for school purposes and child care services necessary for school attendance.

(2) In determining need and the amount of the assistance payment in AFDC and GA, the following shall be disregarded as income and resources:

(a) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(b) The value of the coupon allotment under the Food Stamp Act of 1964, as amended, in excess of the amount paid for the coupons.

(c) The value of the U.S. Department of Agriculture donated foods (surplus commodities).

(d) Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended.

(e) Any compensation provided to volunteers in ACTION programs established by Titles II and III of Public Law 93-113, the Domestic Volunteer Service Act of 1973. This policy is effective retroactively to October 1, 1973.

(f) Any compensation provided volunteers in ACTION programs established by Title I of Public Law 93-113, the Domestic Volunteer Service Act.

(g) Any benefits received under the women, infants and children program (WIC) of the Child Nutrition Act of 1966, as amended and the special food service program for children under the National School Lunch Act, as amended.

**WSR 79-04-055  
EMERGENCY RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)**

[Order 1380—Filed March 28, 1979]

I, Michael Stewart, Ex. Asst. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to temporary housing—limited to Governor's request for federal assistance, new chapter 388-53A WAC.

I, Michael Stewart, find that an emergency exists and that the foregoing 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 such emergency is certain parts of the State of Washington are presently suffering flood damage and a need for temporary housing exists.

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

This rule is promulgated pursuant to RCW 38.52.030 and is intended to administratively implement that statute.

The undersigned hereby declares that he 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).

APPROVED AND ADOPTED March 28, 1979.

By Michael S. Stewart  
Executive Assistant

**Chapter 388-53A WAC  
TEMPORARY HOUSING PROGRAM: LIMITED  
TO GOVERNOR'S  
REQUEST FOR FEDERAL ASSISTANCE**

**WAC**

388-53A-010	Purpose
388-53A-020	Definitions
388-53A-030	Authorization of program
388-53A-040	Administrative procedures
388-53A-050	Program eligibility
388-53A-060	Program eligibility review
388-53A-070	Criteria for continued eligibility
388-53A-080	Termination of temporary housing
388-53A-090	Allocation of funds
388-53A-100	Organization and functions
388-53A-110	Eligibility determinations
388-53A-120	Notification of approval or disapproval
388-53A-130	Reconsideration process
388-53A-140	State appeal

**NEW SECTION**

**WAC 388-53A-010 PURPOSE.** The purpose of this plan is to set forth the administrative procedures and describe the organization for implementing the temporary housing program. This program may be requested by the governor after the President declares an emergency or major disaster in the state of Washington. The Governor of Washington has designated the state department of emergency services as the responsible state coordinating agency. The department of social and health services by agreement will administer the temporary housing program in Washington.

**NEW SECTION**

**WAC 388-53A-020 DEFINITIONS.** (1) "Secretary" shall mean the secretary of the department of social and health services. "Director" is the director of the department of emergency services.

(2) "Department" shall mean the department of social and health services, or the department of emergency services, whichever applies.

(3) "Act" shall mean RCW 38.52.

(4) "Necessary expense" means the cost of an item or service essential to an individual or family to mitigate or overcome an adverse condition caused by a major disaster.

(5) "Serious need" means a requirement for an item or service essential to an individual or family to prevent

or reduce hardship, injury, or loss caused by a major disaster.

(6) "Family" means a social unit comprised of husband, and wife and dependents, if any, or a head of household, as these terms are defined in the Internal Revenue Code of 1954.

(7) "Individual" means a person who is not a member of a family as defined in subsection (b).

(8) "Assistance from other means" means assistance including monetary or in-kind contributions from other governmental programs, insurance, voluntary or charitable organizations, or from any sources other than those of the individual or family.

(9) "Federal coordinating officer" (FCO) means the person appointed by the administrator, FDAA, to coordinate federal assistance in a major disaster.

(10) "State coordinating officer" (SCO) means the individual appointed by the governor to coordinate state and local disaster assistance efforts with those of the federal government.

#### NEW SECTION

**WAC 388-53A-030 AUTHORIZATION OF PROGRAM.** The program is authorized by Public Law 93-288 (the Disaster Relief Act of 1974) and Federal Disaster Assistance Administration Regulations, 24 CFR 2205. Section 404 of Public Law 93-288 provides for temporary housing to individuals and families who, as a result of a presidentially declared emergency or major disaster are without adequate housing. RCW 38.52 places responsibility for determining eligibility standards for disaster relief programs administered by the state with the department of social and health services.

#### NEW SECTION

**WAC 388-53A-040 ADMINISTRATIVE PROCEDURES.** The State Coordinating Officer (SCO) will be the governor's authorized representative for the implementation of the temporary housing program. The state department of emergency services has been designated by the governor as the responsible state coordinating agency to administer the provisions of the federal disaster laws.

(1) Public Law 93-288, Section 404, provides for temporary housing to individuals and families who have become homeless and require temporary housing as a result of an emergency or major disaster.

(2) Upon a declaration of an emergency or major disaster by the president, the governor may request temporary housing assistance from the Federal Disaster Assistance Administration (FDAA).

(3) The department of emergency services shall be responsible for preparing the governor's request in accordance with 24 CFR 2205.45.

(4) When agreed to by the governor and regional director of the FDAA, the state shall administer the temporary housing program. The state coordinating officer, department of emergency services, and the bureau of income maintenance, department of social and health services, shall coordinate the necessary actions to place in

operation the provisions and administrative policies and procedures for the temporary housing program.

(5) The department of emergency services, acting as the designated responsible state coordinating agency, will arrange for the procurement and make habitable, temporary housing provided by the federal government in conformity with the state/federal agreement and Public Law 93-288.

(6) RCW 38.52 makes the department of social and health services responsible for establishing eligibility standards for applicants for assistance under the state-administered temporary housing program.

(7) The program will be administered in conformity with provisions of Sections 2205.13, 2205.15, 2205.18 and 2205.45 of the Federal Disaster Assistance Regulations.

(8) Eligibility criteria will conform to Section 2205.45 and such requirements as the department of social and health services may require not inconsistent with the provision in the above listed sections of the federal regulations, and in accordance with RCW 38.52.

#### NEW SECTION

**WAC 388-53A-050 PROGRAM ELIGIBILITY.**

(1) In order to qualify for temporary housing under this section, an individual or family representative must certify to one of the following:

(a) Their dwelling has been destroyed as a result of a disaster.

(b) Their dwelling has been damaged or utility service has been interrupted to such an extent as to constitute a health or safety hazard which did not exist prior to the disaster.

(c) Their dwelling has been made inaccessible due to the disruption or destruction of transportation routes or facilities, or due to other impediments to access.

(d) Their dwelling has been made inaccessible by restrictions on travel or movement imposed or recommended by a responsible official.

(e) Their dwelling is no longer available due to eviction or dispossession of the applicant by the owner because of the owner's personal need for that dwelling as a result of a disaster.

(f) They have been evicted from their dwelling by the owner or mortgage holder because of their financial hardship which is a direct result of the disaster, or

(g) Other circumstances resulting from a disaster prevent an individual or family from occupying a dwelling which they occupied immediately prior to the disaster.

(2) Income and resources of applicants for temporary housing shall be exempted from consideration in determining eligibility for a temporary period not to exceed one year or such time as is necessary to restore them to independence as provided by RCW 74.04.005(11)(G) and 74.04.265. An applicant/recipient shall be considered restored to independence when he/she no longer meets the requirements for continued eligibility as specified in WAC 388-53A-060.

(3) Eligible Categories

Assistance may be made available to meet temporary housing needs by providing goods and services for the following:

- (a) Mobile homes
  - (i) Pad rental
  - (ii) All utilities and connections
  - (iii) Blocking, winterization and other installations necessary to ensure compliance with applicable state and local codes.
  - (iv) Maintenance on mobile home agreed to by eligible occupant and owner.
- (b) Required state inspections of accommodations.
- (4) Ineligible Categories

Temporary housing assistance will not be made available under the following conditions:

- (a) When insurance coverage provides for the full cost of alternate living arrangements and where such alternate living arrangements are readily available.
- (b) When the dwelling from which the applicant/recipient was displaced was used as a vacation or recreational residence.

#### NEW SECTION

WAC 388-53A-060 PROGRAM ELIGIBILITY REVIEW. (1) A periodic eligibility review for continued occupancy in temporary housing shall be made no less frequently than every 90 days.

(2) Continued occupancy shall be determined on the basis of need as specified in WAC 388-53A-070.

(3) Each occupant shall be notified of his/her eligibility or ineligibility.

#### NEW SECTION

WAC 388-53A-070 CRITERIA FOR CONTINUED ELIGIBILITY. (1) A temporary housing occupant shall endeavor to place himself/herself in alternate housing at the earliest possible time.

(2) A temporary housing occupant shall be eligible for continued assistance when:

(a) Alternate housing is not available to the occupant. Alternate housing is deemed available when it:

- (i) Is sufficient in size to accommodate the family;
- (ii) Is free of health and safety hazards;
- (iii) Is located such that the occupants may commute to their place(s) of employment, schools, and other centers of family activity within usual and customary commutation time periods effective in the area;
- (iv) Is within the financial means of the occupant, based on 25 percent of adjusted household income. Occupants who qualify for available low-income or other governmental rent subsidies shall be considered able to assume financial responsibility for similar alternate housing. Housing costs shall include utilities costs, and adjusted household income shall be computed using the total gross income of household members (excluding the earnings of persons under 18, except where such persons are head of the household or a spouse), with the following exceptions:

(A) \$25 per month for each person under 18 or full-time student over 18 except when such an individual is a head of household;

(B) \$25 per month for each elderly (over 62) or handicapped adult, except where they are head of the household; and

(C) Expenses resulting from unusual financial demands upon a household, as approved by the CSO administrator or his/her designee.

(v) Does not impose an undue burden upon the occupant in his/her plans to secure permanent housing.

(b) The occupant is in compliance with the terms of the rental contract/agreement including:

(i) Prompt payment of utility, rent, and other appropriate charges;

(ii) Reimbursement to the government where all or a portion of the temporary housing assistance represents a duplication of benefits or for other charges as authorized by the CSO administrator or his/her designee;

(iii) Maintenance of the temporary housing unit in a manner normally expected of a tenant; and

(iv) Utilization of the unit for purposes of a family dwelling, solely for the occupant's household.

#### NEW SECTION

WAC 388-53A-080 TERMINATION OF TEMPORARY HOUSING. (1) Temporary housing assistance may be terminated on a 30-day written notice.

(2) Temporary housing assistance may be terminated for reasons including, but not limited to the following:

(a) A determination has been made through the recertification process that alternate housing is available to the occupant.

(b) Failure on the part of the occupant to utilize or maintain the temporary housing provided in the manner normally expected of a tenant. Normal wear and tear excepted, the occupant shall be liable for all damages to the property.

(c) Determination that the temporary housing assistance was obtained either through misrepresentation or fraud.

(3) No mobile home rent shall be charged during the first 12 months of occupancy.

#### NEW SECTION

WAC 388-53A-090 ALLOCATION OF FUNDS. The amount and type of the federal share of temporary housing assistance shall be in accordance with the federal/state disaster relief agreement.

(1) The federal share of temporary housing may be made by financial assistance or contributions in-kind, depending on the request of the governor.

(2) The federal government may make available mobile homes or other readily fabricated dwellings to the state on the condition that the state or local government provide sites complete with utilities.

(3) The state may make available funds to provide for mobile home or other dwelling site preparation, utilities, rental, maintenance, or other item necessary to ensure habitability.

#### NEW SECTION

WAC 388-53A-100 ORGANIZATION AND FUNCTIONS. All state agencies charged with responsibilities under this chapter will ensure compliance with

Section 2205.13, Non-Discrimination in Disaster Assistance, and Section 2205.15, Duplication of Benefits, of the FDAA regulations.

(1) When deemed necessary, the secretary of the department of social and health services shall publicize the availability of the temporary housing program to potential applicants.

(a) Notifying local governments, welfare related agencies, and civic and church groups; and

(b) Establishing outreach programs.

(2) The secretary of social and health services will be responsible for interviewing applicants, receiving applications, and establishing case files. Applications for temporary housing shall be taken for 60 days following a presidentially declared emergency or major disaster. The interviewer will fully explain the scope and purpose of this program to each applicant.

(3) The secretary of social and health services will be responsible for verification of the need for temporary housing for which assistance has been requested.

#### NEW SECTION

WAC 388-53A-110 ELIGIBILITY DETERMINATIONS. (1) All determinations shall be made in accordance with the eligibility criteria in WAC 388-53A-060 and 070.

(2) Eligibility for the temporary housing program shall be determined by an authorized DSHS employee in accordance with criteria set forth in this chapter.

#### NEW SECTION

WAC 388-53A-120 NOTIFICATION OF APPROVAL OR DISAPPROVAL. The department of social and health services will notify every applicant by letter of the eligibility determination made on the application.

(1) In the case of approval, the letter will state that the application has been approved, and the purpose for which the temporary housing assistance has been made.

(2) In the case of disapproval, the letter will state that the application has been disapproved and the reasons for disapproval.

(3) In both cases, the letter will inform the applicant of the right to request reconsideration within 15 days from the date the letter was sent.

#### NEW SECTION

WAC 388-53A-130 RECONSIDERATION PROCESS. (1) Each applicant will be provided an opportunity to have a temporary housing assistance determination reviewed and reconsidered by the state upon submission of additional information.

(2) The state reconsideration panel will reconsider an applicant's temporary housing assistance determination and within 15 calendar days of receipt of the reconsideration request render a decision either approving or denying it.

(3) Each applicant will be notified by letter of the result of his request for reconsideration. The determination letter must be dated and sent to the applicant one day

after the reconsideration decision. The letter must inform the applicant of the right to appeal within 20 days from the date the letter was sent.

#### NEW SECTION

WAC 388-53A-140 STATE APPEAL. Should an applicant not agree with the state reconsideration panel determination of the reconsideration request, an appeal must be filed within 20 days.

The department of social and health services will conduct an appeal hearing and render a decision either approving or denying within 15 calendar days of receipt by the department of social and health services. Each applicant will be notified by letter of the result of his appeal. The appeal decision letter must be dated and sent to the appellant one day after the appeal decision was made.

#### **WSR 79-04-056**

#### **PROPOSED RULES**

#### **DEPARTMENT OF AGRICULTURE**

[Filed March 28, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapters 15.58 and 17.21 RCW, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning state restricted use pesticides for use by certified applicators only;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Monday, April 2, 1979, in the Directors Office, Department of Agriculture.

The authority under which these rules are proposed is chapters 15.58 and 17.21 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 2, 1979.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-02-077 filed with the code reviser's office on February 6, 1979.

Dated: March 27, 1979

By: Norval G. Johanson  
Assistant Supervisor

#### **WSR 79-04-057**

#### **PROPOSED RULES**

#### **DEPARTMENT OF LICENSING**

(Board of Nursing)

[Filed March 28, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Nursing intends to adopt, amend, or repeal rules concerning the requirements for board approval of nursing refresher courses;

that such agency will at 2:00 p.m., Friday, May 11, 1979, in the 4th Floor Conference Room, Highways-Licenses Building, 12th and Franklin, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Friday, May 11, 1979, in the 4th Floor Conference Room, Highways-Licenses Building, 12th and Franklin, Olympia, WA.

The authority under which these rules are proposed is RCW 18.88.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 11, 1979, and/or orally at 2:00 p.m., Friday, May 11, 1979, 4th Floor Conference Room, Highways-Licenses Building, 12th and Franklin, Olympia, WA.

Dated: March 28, 1979  
By: Sandra Ryan, R.N.  
Assistant Executive Secretary

#### NEW SECTION

WAC 308-120-186 CRITERIA FOR APPROVED REFRESHER COURSE. (1) Philosophy, purpose and objectives.

(a) Philosophy, purpose and objectives of the course shall be clearly stated and available in written form. They shall be consistent with the definition of nursing as outlined in RCW 18.88.030.

(b) Objectives reflecting the philosophy shall be stated in behavioral terms and describe the capabilities and competencies of the graduate.

(2) Faculty.

(a) All nurse faculty shall hold a current license to practice as a registered nurse in the state of Washington.

(b) All faculty shall be qualified academically and professionally for their respective areas of responsibility.

(c) There shall be an adequate number of qualified faculty to develop and implement the program and achieve the stated objectives. The maximum faculty/student ratio in the clinical area shall be 1 to 12. Exceptions shall be justified to and approved by the board.

(3) Course content.

(a) The course content, length, methods of instruction and learning experiences shall be consistent with the philosophy and objectives of the course. Outlines and descriptions of all learning experiences shall be available in writing.

(b) The course content shall include, but not be limited to, a minimum of sixty (60) hours of theory in current basic concepts of the nursing process, nursing practice, pharmacology, and review of the concepts in the areas of medical nursing, surgical nursing, psychiatric nursing, obstetric nursing and nursing of children.

(c) The course shall include a minimum of eighty (80) hours of clinical practice in the areas listed in subsection (b) above. Exceptions shall be justified to and approved by the board.

(d) Examinations shall be given to measure knowledge of content.

(e) Methods shall be used to measure the student's achievement of the stated clinical objectives.

(4) The course shall be periodically evaluated by faculty and students.

(5) Admission requirements.

(a) Requirements for admission shall be available in writing.

(b) All students shall hold a current valid limited educational license approved by the Washington state board of nursing.

(6) Records.

(a) Evidence that the student has successfully completed the course and met the stated objectives shall be kept on file.

(b) A letter certifying completion of the course shall be sent to the Washington state board of nursing office.

(7) Refresher courses taken outside of the state of Washington shall be reviewed individually for approval by the board.

#### WSR 79-04-058

#### PROPOSED RULES

#### PARKS AND RECREATION COMMISSION

[Filed March 28, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Parks and Recreation Commission intends to adopt, amend, or repeal rules concerning overnight camping fees;

that such agency will at 9:00 a.m., Monday, May 21, 1979, at the Grant County PUD in Ephrata conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Monday, May 21, 1979, at the Grant County PUD in Ephrata.

The authority under which these rules are proposed is RCW 43.51.040(2).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 18, 1979, and/or orally at 9:00 a.m., Monday, May 21, 1979, at the Grant County PUD in Ephrata.

Dated: March 28, 1979

By: James H. Davenport  
Assistant Attorney General

AMENDATORY SECTION (Amending Administrative Order No. 41, filed 1/23/79)

WAC 352-32-250 STANDARD FEES CHARGED. The following fees shall be charged in all parks operated by the Washington State Parks and Recreation Commission: (1) Overnight camping - basic camp: ~~((33-50))~~ \$4.50 per night;

(2) Overnight camping - camp site (two or more hookups): ~~((34-50))~~ \$5.50 per night;

(3) Group camping area - certain parks: ~~((25))~~ \$3.00 per camper per night; maximum of \$10.00 per night;

(4) Environmental Learning Center: (ELC) overnight camping \$1.60 per camper per night;

(a) Camp Wooten and Cornet Bay Environmental Learning Centers during the season the swimming pools are operational: \$2.00 per camper per night;

(b) Environmental Learning Center day use only: 75¢ multiplied by the minimum capacity established for each ELC or 75¢ for each member of the group - whichever is higher.

(5) Hot showers: \$.10 for four minutes shower time;

(6) Electric stoves: \$.10 for thirty minutes cooking time;

(7) Senior Citizen Passport: ~~((10-00))~~ \$12.00 per season (from October 1 through April 30);

~~((8) Camp Wooten and Cornet Bay Environmental Learning Centers during the season the swimming pools are operational: \$2.00 per camper per night;))~~

~~((9) Environmental Learning Center day use only: 75¢ multiplied by the minimum capacity established for each ELC or 75¢ for each member of the group - whichever is higher:))~~

~~((10))~~ (8) Washington senior citizens and disabled or handicapped persons found eligible under Chapter 330, Laws of 1977 First Extraordinary Session shall be entitled to the issuance of an annual free pass entitling the card holder and his "camping unit" to free admission to any state park administered facility and fifty percent discount on any camping fees levied by the Commission.

(a) A camping unit includes the passport holder and guest or guests in one car or one camper, or one such vehicle with trailer per camp or trailer site. A greater number may be authorized in specific areas when constructed facilities so warrant.

(b) Persons traveling by bicycle or motor bikes, or mode of transportation other than those referenced above, and who are utilizing regular camp or trailer sites, shall be limited to six persons per site.

(c) These guidelines will also apply to group camping and emergency areas.

(9) Adirondacks - not to include those located in ELC area: Same as fee charged for campsite with two or more hookups.

These fees do not apply in those circumstances set forth in WAC 352-32-280 and WAC 352-32-285 as now or hereafter amended.

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 79-04-059**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Order 1382—Filed March 28, 1979]

I, Michael Stewart, Ex. Asst. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to settlement, amending WAC 388-96-222.

This action is taken pursuant to Notice No. WSR 79-02-039 filed with the code reviser on 1/24/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.09.120 and is intended to administratively implement that statute.

The undersigned hereby declares that he 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).

APPROVED AND ADOPTED March 28, 1979.

By Michael S. Stewart  
 Executive Assistant

AMENDATORY SECTION (Amending Order 1300, filed 6/1/78)

WAC 388-96-222 SETTLEMENT. (1) Following completion of the field audit of an annual report, the department will compare the prospective rates paid to the contractor during the report period, weighted according to the number of patient days during which each rate was in effect, with the contractor's audited allowable costs for the period, taking into account all authorized shifting (WAC 388-96-223) and the upper rate limits set out in WAC 388-96-760.

(2) Within sixty days after completion of the field audit, the department will send a written audit report to the contractor. In this report, the department will:

(a) Explain the application of relevant contract provisions, regulations, auditing standards, rate formulas, and department policies to the contractor's report, in sufficient detail to permit the contractor to calculate with reasonable certainty its audited allowable costs and its settlement with the department;

(b) Advise the contractor of rules and regulations justifying a settlement determination resulting in reimbursement in any cost center at less than actual allowable costs, as reported by the contractor and verified by audit;

(c) Summarize all audit disallowances; and

(d) Request the contractor to refund money, if necessary, in accordance with the following principles((:));

(i) In the patient care and food cost areas, the contractor shall refund all portions of payments received for recipients in excess of allowable patient care and food costs, respectively, for those recipients;

(ii) In the patient care cost area, the contractor shall also refund the percentage of the amount paid (less any recovery under subsection (i) above) equal to the percentage by which average per patient day nursing service hours provided were less than the minimum number of hours issued by the department;

(iii) In the administration and operations and property cost areas, payments in excess of allowable costs will normally be retained by the contractor. Those overpayments shall be refunded only in the following circumstances:

(A) Costs totaling \$.02 per patient day or \$1,000, whichever is higher, in any cost area, were reported which cannot be documented at audit, or accumulated liabilities of at least that amount were not properly reversed in accordance with WAC 388-96-032 or 388-96-113; or

(B) All conditions and standards were not met during the entire fiscal year, as determined by the department in Title XIX certification surveys. The portion of the total overpayment attributable to thirty days plus the number of days from the date of the first survey at which a standard or condition was found unmet until the date of the survey showing all conditions and standards met will be recovered. For IMR facilities with initial certification conditioned upon meeting a plan of correction relating solely to IMR program standards, overpayments will not be recovered (~~due to failure to comply with these standards during the period covered by~~) if the IMR program standards are met within this initial plan of correction; and

(iv) In the property cost area, the contractor shall refund amounts determined under WAC 388-96-571(4) or 388-96-573.

(3) The contractor shall pay the refund, or shall commence repayment in accordance with a schedule determined by the department, within sixty days after receiving the audit report, unless the contractor contests settlement issues in good faith in accordance with the procedures set out in WAC 388-96-904. If the settlement determination is contested, the contractor shall pay or commence repayment in accordance with a schedule determined by the department within sixty days after such proceedings are concluded. The department will pay any amount due the contractor as the result of errors discovered at audit in billing or payment within thirty days after the audit report is received by the contractor or within thirty days after proceedings to contest the settlement are concluded.

(4) If the contractor does not refund the overpayment or any installment when due, the department may withhold payments from current billings until the overpayment is refunded. Payments will only be withheld under this subsection up to the unrefunded amount of the overpayment.

**WSR 79-04-060**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Order 1385—Filed March 28, 1979]

I, Michael Stewart, Ex. Asst. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to winterizing homes, amending WAC 388-29-230.

This action is taken pursuant to Notice No. WSR 79-02-057 filed with the code reviser on 2/1/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

The undersigned hereby declares that he 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).

APPROVED AND ADOPTED March 28, 1979.

By Michael S. Stewart  
 Executive Assistant

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-29-230 WINTERIZING HOMES. (1) Repairs of homes owned or being purchased by AFDC recipients, to a maximum of \$500 for any one home, are an additional requirement under the following circumstances:

(a) The primary purpose of the repairs is to minimize heat loss or otherwise increase the efficiency of the home heating system,

(b) The repairs are necessary to render the home habitable,

(c) Lack of repairs would require the assistance unit to move to rental quarters,

(d) The rental costs expended by the assistance unit over a period of two years would exceed the costs, including repairs, attributable to continued occupancy of the home, and

(e) No expenditures for repair of the home have been made previously under the policies outlined in ~~((subsections (1)))~~ subdivisions (a) through ((1))(d) ~~((above))~~ of this subsection.

(2) All expenditures for repairs shall be paid by vendor payments when there is sufficient recorded evidence that the home repair was performed.

**WSR 79-04-061**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Order 1381—Filed March 28, 1979]

I, Michael Stewart, Ex. Asst. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 388-96-010 relating to terms.  
 New WAC 388-96-750 relating to return on investment.

This action is taken pursuant to Notice No. WSR 79-02-058 filed with the code reviser on 2/1/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.09.120 and is intended to administratively implement that statute.

The undersigned hereby declares that he 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).

APPROVED AND ADOPTED March 28, 1979.

By Michael S. Stewart  
 Executive Assistant

AMENDATORY SECTION (Amending Order 1300, filed 6/1/78)

WAC 388-96-010 TERMS. Unless the context clearly requires otherwise, the following terms shall have the meaning set forth below when used in this chapter.

"Accrual method of accounting" – A method of accounting in which revenues are reported in the period when they are earned, regardless of when they are collected, and expenses are reported in the period in which they are incurred, regardless of when they are paid.

"Allowable costs" – See WAC 388-96-501.

"Arms-length transaction" – A transaction resulting from good-faith bargaining between a buyer and seller who are unrelated and have adverse bargaining positions in the market place.

"Assets" – Economic resources of the contractor, recognized and measured in conformity with generally accepted accounting principles. They also include certain deferred charges which are not resources but which are recognized and measured in accordance with generally accepted accounting principles.

"Bad debts" – Amounts considered to be uncollectable from accounts and notes receivable.

"Beds" – Unless otherwise specified, the number of set-up beds in the nursing home.

"Capitalization" – The process of recording and carrying forward into one or more future periods an expenditure the benefits or proceeds from which will then be enjoyed.

"Capitalized lease" – A lease which is required to be recorded as an asset and associated liability in accordance with generally accepted accounting principles.

"Cash method of accounting" – A method of accounting in which revenues are recognized only when

cash is received, and expenditures for expense and asset items are not recorded until cash is disbursed for them.

"Change of ownership" – A change in the individual or legal organization which is responsible for the daily operation of a nursing home.

(1) Events which change ownership include but are not limited to the following:

(a) The form of legal organization of the owner is changed (e.g., a sole proprietor forms a partnership or corporation);

(b) Title to the nursing home enterprise is transferred by the operating entity to another party;

(c) The nursing home enterprise is leased, or an existing lease is terminated;

(d) Where the owner is a partnership, any event occurs which dissolves the partnership;

(e) Where the owner is a corporation, it is dissolved, merges with another corporation which is the survivor, or consolidates with one or more other corporations to form a new corporation.

(2) Ownership does not change when the following, without more, occur:

(a) A party contracts with the owner to manage the enterprise as the owner's agent, i.e., subject to the owner's general approval of daily operating decisions;

(b) If the owner is a corporation, some or all of its stock is transferred.

"Charity allowances" – Reductions in charges made by the contractor because of the indigence or medical indigence of a patient.

"Contract" – A contract between the department and a contractor for the delivery of SNF, ICF and/or IMR services to medical care recipients.

"Contractor" – An entity which contracts with the department to deliver SNF, ICF and/or IMR services to medical care recipients.

"Courtesy allowances" – Reductions in charges in the form of an allowance to physicians, clergy, and others, for services received from the contractor. Employee fringe benefits are not considered courtesy allowances.

"Department" – The department of social and health services (DSHS).

"Depreciation" – The systematic distribution of the cost or other base of a depreciable asset over its estimated useful life.

"Donated asset" – An asset which the contractor acquired without making any payment for it in the form of cash, property, or services. An asset is not a donated asset if the contractor made even a nominal payment in acquiring it. An asset purchased using donated funds is not a donated asset.

"Entity" – An individual or legal organization capable of entering enforceable contracts (e.g., corporation, partnership).

"Equity capital" – Total fixed assets related to patient care from page 13 of the most recent provider cost report minus total long-term debt from page 18 of the most recent provider cost report plus working capital as defined in this section.

"ESSO" – The local economic and social service office of the department.

"Exceptional care recipient" – A medical care recipient determined by the department to require exceptionally heavy care.

"Fair market value" – The price for which an asset would have been purchased on the date of acquisition in an arms-length transaction between a well-informed buyer and seller, neither being under any compulsion to buy or sell.

"Fiscal year" – The operating or business year of a contractor. All contractors report on the basis of a twelve month fiscal year, but provision is made in this chapter for reports covering abbreviated fiscal periods.

"Fixed asset" – A tangible asset with an historical cost in excess of one hundred fifty dollars and a useful life of more than one year.

"Generally accepted accounting principles" – Accounting principles currently approved by the American Institute of Certified Public Accountants.

"Goodwill" – The excess of the price paid for a business over the fair market value of all other identifiable, tangible and intangible assets acquired. Also, the excess of the price paid for an asset over its fair market value.

"Historical cost" – The actual cost incurred in acquiring and preparing a fixed asset for use. Historical cost includes such planning costs as feasibility studies, architects' fees, and engineering studies. It does not include "start-up costs" as defined in this section or construction interest (see WAC 388-96-543).

"ICF" – When referring to a nursing home, an intermediate care facility. When referring to a level of care, intermediate care. When referring to a patient, a patient requiring intermediate care.

"Imprest fund" – A fund which is regularly replenished in exactly the amount expended from it.

"IMR" – When referring to a facility, one certified to provide services to the mentally retarded or persons with related conditions. When referring to a level of care, services for the mentally retarded or persons with related conditions. When referring to a recipient, a recipient requiring IMR services.

"Interest" – The cost incurred for the use of borrowed funds, generally paid at fixed intervals by the user.

"Intermediate care facility" – A licensed facility certified to deliver intermediate care services to medical care recipients.

"Levels of care" – The classification of types of services provided to patients by a contractor, e.g., skilled nursing care or intermediate care.

"Medical care recipient" – A recipient of medical assistance under Title XIX of the Social Security Act or of state funded medical care services.

"Multiservice facility" – A facility at which two or more types of health or related care are delivered, e.g., a hospital and SNF and/or ICF, or a boarding home and SNF and/or ICF. A combined SNF/ICF or ICF/IMR is not considered a multiservice facility.

"Nonallowable costs" – Costs which do not meet every test of an allowable cost.

"Nonrestricted funds" – Funds which are not restricted to a specific use by the donor, e.g., general operating funds.

"Nursing home" – A home, place or institution, licensed in accordance with chapter 18.51 RCW, in which skilled nursing, intermediate care and/or IMR services are delivered.

"Operating lease" – A lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

"Owner" – The individual or legal organization which is responsible for the daily operation of a nursing home. This party is legally responsible for operational decisions and liabilities.

"Patient day" – A calendar day of patient care. In computing calendar days of care, the day of admission is always counted. The day of discharge is counted only when the patient was admitted on the same day. A patient is admitted for purposes of this definition when he or she is assigned a bed and a patient medical record is opened.

"Per diem (per patient day) costs" – Total allowable costs for a fiscal period divided by total patient days for the same period.

"Prospective daily payment rate" – The rate assigned by the department to a contractor for providing service to medical care recipients. The rate is used to compute the maximum participation of the department in the contractor's costs.

"Recipient" – A medical care recipient.

"Related organization" – An entity which, to a significant extent, is under common ownership and/or control with, or has control of or is controlled by, the contractor. An entity is deemed to "control" another entity if it has a five percent or greater ownership interest in the other, or if it has capacity, derived from any financial or other relationship, and whether or not exercised, to influence directly or indirectly the activities of the other.

"Relative" – Spouse; natural parent, child, or sibling; adopted child or adoptive parent; step-parent, step-child, step-brother, step-sister; father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law; grandparent or grandchild; uncle, aunt, nephew, niece or cousin.

"Restricted fund" – A fund the use of the principal and/or income of which is restricted by agreement with or direction by the donor to a specific purpose, in contrast to a fund over which the owner has complete control. These generally fall into three categories:

(1) Funds restricted by the donor to specific operating purposes;

(2) Funds restricted by the donor for additions to property, plant and equipment; and

(3) Endowment funds.

"Skilled nursing facility" – A licensed facility certified to deliver skilled nursing care services to medical care recipients.

"SNF" – When referring to a facility, a skilled nursing facility. When referring to a level of care, skilled nursing care. When referring to a patient, a patient requiring skilled nursing care.

"Start-up costs" – The one-time preopening costs incurred from the time preparation begins on a newly constructed or purchased building until the first patient is admitted. Start-up costs include administrative and

nursing salaries, utility costs, taxes, insurance, repairs and maintenance, training costs, etc. They do not include such costs as feasibility studies, engineering studies and architects' fees which are part of the historical cost of the facility.

"Uniform chart of accounts" – A list of account titles identified by code numbers established by the department for contractors to use in reporting their costs.

"Vendor number" – A number assigned to each contractor delivering SNF, ICF and/or IMR services to medical care recipients.

"Working capital" – Total current assets from page 13 of the most recent cost report minus total current liabilities from page 18 of the most recent cost report.

#### NEW SECTION

WAC 388-96-750 RETURN ON INVESTMENT. (1) Beginning January 1, 1979, the department will pay a return on investment based on a contractor's equity capital as defined in WAC 388-96-010.

(2) The rate of return used to calculate this return on investment will be eleven percent or one and one-half times the most recent twelve-month average of rates of interest on special issues of public debt obligations issued to the federal hospital insurance trust fund (the Medicare rate of return on equity capital) whichever is lower.

(3) The calculation of a contractors' return on investment will consist of multiplying equity capital as defined in WAC 388-96-010 by the current rate of return.

(4) This return on investment will be paid as an add-on to the property and related cost area and will not be subject to the upper limit of the cost area. This return on investment based on equity capital is applicable to proprietary contractors only.

(5) For the period January 1, 1978, through December 31, 1978, a contractor may choose to retain savings in the administrative and operations and property and related cost centers in lieu of receiving a return based on equity capital.

**WSR 79-04-062**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Order 1384—Filed March 28, 1979]

I, Michael Stewart, Ex. Asst. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to payment of foster care, amending WAC 388-70-022.

This action is taken pursuant to Notice No. WSR 79-02-069 filed with the code reviser on 2/5/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

The undersigned hereby declares that he 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).

APPROVED AND ADOPTED March 28, 1979.

By Michael S. Stewart  
Executive Assistant

AMENDATORY SECTION (Amending Order 1335, filed 9/1/78)

WAC 388-70-022 PAYMENT OF FOSTER CARE. (1) Payment is made for foster care upon:

(a) Documentation of the need for the type and level foster care as determined by the department and

(b) Documentation of authority for the placement of a child in foster care as required by WAC 388-70-013 and

(c) Receipt of a request for payment of the care to be provided.

(2) All persons and agencies to whom the department makes payment must be appropriately licensed and approved, or, if not subject to licensing, be certified or otherwise approved as meeting licensing or other appropriate requirements of the department.

(3) Payment is made for out-of-state foster care placements only after approval from the two state offices involved.

(4) ~~((In all instances,))~~ Authorization of payment is the responsibility of ~~((financial))~~ social services ~~((and))~~. The determination of the amount of parental support, except when stated in a superior court order, is the responsibility of the office of support enforcement.

**WSR 79-04-063**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 1386—Filed March 28, 1979]

I, Michael Stewart, Ex. Asst. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to disregard of income and resources, amending WAC 388-28-575.

I, Michael Stewart, find that an emergency exists and that the foregoing 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 or the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these changes are necessary to conform to federal regulations which are currently in effect.

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

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

The undersigned hereby declares that he 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).

APPROVED AND ADOPTED March 28, 1979.

By Michael S. Stewart  
Executive Assistant

AMENDATORY SECTION (Amending Order 1324, filed 8/17/78)

WAC 388-28-575 DISREGARD OF INCOME AND RESOURCES. (1) In determining need and the amount of the assistance payment in AFDC, the following shall be disregarded as income and resources:

(a) Any grant or loan to any undergraduate student for educational purposes made or insured under any programs administered by the commissioner of education, U.S. department of health, education, and welfare. The entire amount of such loan or grant is disregarded, irrespective of the use to which the funds are put.

(b) Any per capita judgment funds paid under Public Law 92-254 to members of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana.

(c) Any Indian claim settlement funds distributed per capita or held in trust as authorized in Section 7 of Public Law 93-134 or Section 6 of Public Law 94-114.

(d) The income and resources of an individual receiving benefits under supplemental security income for the period for which such benefits are received.

(e) Any payments received by Alaska natives under the Alaska Native Claims Settlement Act, to the extent such payments are exempt from taxation under Section 21(a) of that act.

(f) From August 1, 1975 to September 30, 1976, forty percent of the first fifty dollars collected by the office of support enforcement in payment on the support obligations for the current month.

(g) ~~((Earnings received by any person under Title III, Part C Youth Employment Demonstration Program of the Comprehensive Employment and Training Act of 1973, Public Law 93-203.))~~ Moneys received under The Comprehensive Employment and Training Act of 1973, as amended, as follows:

(i) The \$30 weekly incentive training allowance for AFDC recipients;

(ii) Earnings and allowances received by any youth under the youth incentive entitlement pilot projects, youth community conservation and improvement projects and youth employment and training program.

(h) Retroactive AFDC benefits resulting from a court order modifying a department policy. This subdivision is effective April 1, 1978.

(i) OASDI student benefits paid to 18 to 22 year olds who are full-time students.

(j) That part of a veterans' administration educational assistance payment which is for the student's educational expenses, such as, but not limited to, tuition, books, fees, equipment, transportation for school purposes and child care services necessary for school attendance.

(2) In determining need and the amount of the assistance payment in AFDC and GA, the following shall be disregarded as income and resources:

(a) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(b) The value of the coupon allotment under the Food Stamp Act of 1964, as amended, in excess of the amount paid for the coupons.

(c) The value of the U.S. Department of Agriculture donated foods (surplus commodities).

(d) Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended.

(e) Any compensation provided to volunteers in ACTION programs established by Titles II and III of Public Law 93-113, the Domestic Volunteer Service Act of 1973. This policy is effective retroactively to October 1, 1973.

(f) Any compensation provided volunteers in ACTION programs established by Title I of Public Law 93-113, the Domestic Volunteer Service Act.

(g) Any benefits received under the women, infants and children program (WIC) of the Child Nutrition Act of 1966, as amended and the special food service program for children under the National School Lunch Act, as amended.

**WSR 79-04-064**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Commission for Vocational Education)**  
 [Order 1383—Filed March 28, 1979]

I, Michael Stewart, Ex. Asst. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- Amd WAC 490-500-145 Criteria for selection of services.
- Amd WAC 490-500-190 Economic need—Standards for determining.
- Rep WAC 490-500-140 Accepted for regular services.

This action is taken pursuant to Notice No. WSR 79-02-059 filed with the code reviser on 2/1/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the secretary of Department of Social and Health Services as authorized in RCW 28A.10.025.

The undersigned hereby declares that he 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).

APPROVED AND ADOPTED March 28, 1979.

By Michael S. Stewart  
 Executive Assistant

AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

WAC 490-500-145 CRITERIA FOR SELECTION OF SERVICE. In selecting handicapped individuals to be provided vocational rehabilitation services when such services cannot be provided to all persons who apply and who have been determined to be eligible or who have been determined to be in need of an extended evaluation of rehabilitation potential to determine eligibility, ~~((clients are to be accepted for services in order of priorities listed))~~ use the following order:

- ~~((1) The most severely handicapped;~~
- ~~(2) The disabled public assistance recipients;~~
- ~~(3) The disabled public offenders;~~
- ~~(4)) Those clients who are most severely disabled will be accepted for service first to be followed by other clients of the department of social and health services second, and then all other clients ((will be accepted)) in order of precedence by date of application with earliest date of application having first priority.~~

AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

WAC 490-500-190 ECONOMIC NEED—STANDARDS FOR DETERMINING. (1) A client shall be eligible on the basis of economic need to receive vocational rehabilitation services or extended evaluation services from the division when the total of his/her obligations, debts, and expenses is equal to or exceeds the total of his/her income and nonexempt assets or resources. When the value of his/her income and nonexempt assets is greater than the value of his/her obligations, debts, and expenses, the excess of the former over the latter shall be taken into account in planning for payment of the cost of those services which are conditioned upon economic need.

(2) Determination of a client's economic need involves an evaluation of the income, assets, debts, obligations, and expenses of his/her entire family unit, including his/her dependents or, if the client is an unemancipated minor, his/her parents.

(3) The following shall be considered income for the purpose of determining the economic need of a client:

(a) Wages paid to the client and to any dependent family members living in the home. For purposes of this section wages shall be equal to gross wages less deductions for income taxes, social security, taxes, retirement deductions, and other involuntary deductions.

(b) Contributions from relatives or others, in cash or in kind, on a regular and predictable basis,

(c) Net profit from roomers or boarders,

(d) Net profit from property rentals,

(e) Net profit from farm products,

(f) Net profit from business enterprises,

(g) Scholarship or fellowship funds,

(h) Income from public or private welfare agencies,

(i) Any other income received on a regular and predictable basis, including but not limited to alimony, dividends from stocks, annuity payment, unemployment compensation, insurance, pensions, etc.

(4) The following types of property shall be considered exempt assets and may not be considered in determining the client's economic need((;));

(a) The home occupied by the client or his/her family, including any contiguous real property. A house trailer is an exempt asset when it is being regularly occupied by the client or his/her family as the principle place of residence or when it will be so occupied in the predictable future.

(b) Household furniture, clothing, life insurance, and other personal effects;

(c) An automobile when one or more of the following conditions is met:

(i) The client and his/her family have only one automobile, or

(ii) All automobiles used by the family are for the purpose of transportation to work or school, or

(iii) The automobile has been furnished in whole or in part to the client or to one of his/her dependents by the veteran's administration, or

(iv) The automobile is essential to the client's vocational rehabilitation objective.

(d) Vocational equipment and machinery owned by the client is an exempt asset if it is being used to provide part or all of the living expenses of the client and his/her dependents or if it may be so used after completion of the vocational rehabilitation plan;

(e) Livestock is an exempt asset to the extent that it produces income or otherwise helps the client to meet normal living requirements.

(5) All types of tangible and intangible property, including but not limited to real property, personal property, stocks, bonds, savings accounts, and checking accounts, which are not exempt under subsection (4) shall constitute the client's nonexempt assets and shall be considered in determining the client's economic need. The value of a nonexempt asset shall be equal to its fair market value less any unpaid encumbrances of record.

(6) The following obligations, debts, and expenses shall be deducted from the client's income and nonexempt assets in determining the client's economic need((;));

(a) The client's actual shelter and living expenses, ~~((not to exceed the normal living requirement as established by the division;))~~

(b) Shelter and living expenses for the client's dependents, ~~((not to exceed the normal living requirement as established by the division;))~~

(c) Payments which the client is required to make under court order,

(d) Outstanding taxes on earnings or personal or real property,

(e) Insurance premium payments,

(f) Contractual payments on real or personal property if such obligations were incurred prior to the client's application for vocational rehabilitation services.

(7) ~~((The normal living requirements shall be the dollar amount of funds which the division has determined to be necessary to maintain a client and his dependents, if any, on a normal standard of living.~~

(a) ~~The maximum amounts allowed for the support of an individual client and his dependents shall be:~~

~~(i) \$99.80 for self, plus cost of shelter, \$100.00 maximum = \$199.80 total maximum;~~

~~(ii) \$136.25 for self and one dependent, plus cost of shelter, \$140.00 maximum = \$276.25 total maximum;~~

~~(iii) \$196.90 for self and two dependents, plus cost of shelter, \$150.00 maximum = \$346.90 total maximum;~~

~~(iv) \$225.55 for self and three dependents, plus cost of shelter, \$160.00 maximum = \$385.55 total maximum;~~

~~(v) \$266.75 for self and four dependents, plus cost of shelter, \$165.00 maximum = \$431.75 total maximum;~~

~~(vi) \$308.35 for self and five dependents, plus cost of shelter, \$170.00 maximum = \$478.35 total maximum;~~

~~(vii) For each dependent over five, add \$39.80.~~

~~(b) Shelter for purposes of determining normal living requirement shall include the actual cost to the client of rent, house payments, taxes, assessments and insurance not to exceed the maximum amounts listed in subsection (7)(a);) When maintenance is to be paid by the Division of Vocational Rehabilitation to a client, it shall be in the amount the division has determined to be necessary to maintain the client and dependents up to a maximum of:~~

~~(a) \$230.25 for self;~~

~~(b) \$64.00 additional for each dependent consistent with DVR policies and criteria.~~

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 490-500-140 ACCEPTED FOR REGULAR SERVICES.

**WSR 79-04-065**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed March 29, 1979]

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 responsibilities of the Office of Support Enforcement, amending WAC 388-14-205.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Michael Stewart  
 Executive Assistant  
 Department of Social and Health Services  
 Mailstop OB-44 C  
 Olympia, WA 98504;

that such agency will at 2:00 p.m., Wednesday, May 9, 1979, in the Auditorium, State Office Bldg #2, 12th and Jefferson, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, May 16, 1979, in William B. Pope's office, 3-D-14, State Office Bldg #2, 12th and Jefferson, Olympia.

The authority under which these rules are proposed is RCW 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 9, 1979, and/or orally at 2:00 p.m., Wednesday, May 9, 1979, Auditorium, State Office Bldg #2, 12th and Jefferson, Olympia, WA.

Dated: March 28, 1979

By: Michael S. Stewart  
Executive Assistant

**AMENDATORY SECTION** (Amending Order 1330, filed 8/22/78)

**WAC 388-14-205 RESPONSIBILITIES OF THE OFFICE OF SUPPORT ENFORCEMENT.** (1) The office of support enforcement will undertake, when public assistance is paid or the services requested, to:

(a) Establish paternity of any child born out of wedlock; and  
(b) Secure support for a child from any person legally liable for such support.

(2) The office of support enforcement will not act to establish paternity or secure child support in any case for which it has received notice that the ((ESSO)) CSO has determined that there has been a finding of good cause under WAC 388-24-111.

(a) The office of support enforcement will insure that all activities under Title IV-D to establish paternity or secure child support including activities of agencies acting under cooperative agreements are suspended when OSE receives notice from the ((ESSO)) CSO that an applicant or recipient has claimed good cause until notified of the final determination of the ((ESSO)) CSO.

A child support obligation continues while enforcement and/or collection action is suspended pending a final determination of good cause and will be subject to collection when a decision is made that good cause for refusal to cooperate no longer exists.

~~((b)) If the IV-A agency has determined that the applicant/recipient has good cause not to cooperate but that child support enforcement may proceed without the participation of the caretaker/relative, then the office of support enforcement shall undertake to establish paternity or secure child support without the involvement of the caretaker/relative.))~~

~~((c)) (b) The office of support enforcement will review and comment on the findings and basis for the proposed determination by the ((ESSO)) CSO.~~

~~((d)) (c) The office of support enforcement will be a party to any hearing requested as a result of an applicant's or recipient's appeal of any agency action under WAC 388-24-111.~~

**WSR 79-04-066**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Filed March 29, 1979]

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 Continuing general assistance—Exclusions, amending WAC 388-37-010.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Michael Stewart  
Executive Assistant  
Department of Social and Health Services  
Mailstop OB-44 C  
Olympia, WA 98504;

that such agency will at 2:00 p.m., Wednesday, May 9, 1979, in the Auditorium, State Office Bldg #2, 12th

and Jefferson, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, May 16, 1979, in William B. Pope's office, 3-D-14, State Office Bldg #2, 12th and Jefferson, Olympia.

The authority under which these rules are proposed is RCW 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 9, 1979, and/or orally at 2:00 p.m., Wednesday, May 9, 1979, Auditorium, State Office Bldg #2, 12th and Jefferson, Olympia, WA.

Dated: March 28, 1979

By: Michael S. Stewart  
Executive Assistant

**AMENDATORY SECTION** (Amending Order 1337, filed 9/15/78)

**WAC 388-37-010 CONTINUING GENERAL ASSISTANCE—EXCLUSIONS.**

(1) Continuing general assistance is a state financed program which provides for the needs of some persons who are not eligible for or are not receiving a federal aid grant and whose need is expected to continue for more than a 30-day period.

(2) Continuing general assistance cannot be granted to a person eligible for or ((receiving)) whose needs are being met by supplemental security income ((except that)) with the following exceptions:

(a) An applicant who appears to be eligible for SSI may receive continuing general assistance payments until the date of receipt of the initial SSI payment provided that:

(i) the applicant applies;  
(ii) the applicant assigns the initial SSI payment to DSHS up to the amount of the GA-U provided to the applicant pending approval of the SSI application;  
(iii) the applicant meets all other general assistance eligibility requirements.

(b) If the amount of the initial SSI payment recovered by DSHS under subdivision ((f)) (2)(a) does not meet the amount paid as GA-U, the balance must be treated as an overpayment.

(i) If the SSI benefit is less than the GAU payment standard because the SSI is based on a different living arrangement than that authorized under the GAU program, the difference will not be considered an overpayment, provided the applicant has appealed the SSI determination and lost the final appeal.

(c) An AFDC parent in need of intensive treatment (thirty days or less) in an approved alcoholic treatment facility may be granted continuing general assistance for the cost of treatment. This payment is made through the Vendor Billing procedure.

(3) Continuing general assistance cannot be granted to a recipient of supplemental security income when he is subject to any sanction for failure to comply with SSI eligibility requirements.

**Reviser's Note:** Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear 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 79-04-067**  
**PROPOSED RULES**  
**HOSPITAL COMMISSION**  
[Filed March 29, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Hospital Commission intends to adopt, amend, or repeal

rules concerning amendment of WAC 261-30-040 concerning submittal of data, WAC 261-40-020 concerning applicability of chapter 261-40 WAC, WAC 261-40-140 concerning notice to the public of budgets, WAC 261-40-145 concerning hospital responses to staff recommendations, WAC 261-40-150 concerning criteria for budget approval, WAC 261-40-160 concerning rate approval for less than one year, and the part headings of chapter 261-40 WAC. Adoption of WAC 261-40-165 concerning budget amendments and WAC 261-40-240 concerning burden of proof. Amendment of the text of the Commission's Accounting and Reporting Manual for Hospitals, filed with the Code Reviser on October 1, 1974, as Order No. 74-07, but not published as part of the Washington Administrative Code. The specific portions of the Manual amended by this action are as follows:

Modifying the following pages-

Page 2210.2	Ancillary Service Revenue
Page 2210.3	Ancillary Service Revenue
Page 2220.2	Ancillary Service Revenue
Page 2220.3	Ancillary Service Expense
Page 2220.7	Administrative Services
Page 2420.2 (Cont.5)	#7070 Laboratory
Page 2420.2 (Cont.6)	#7080 Pulmonary Function (Combined with #7180 Respiratory Therapy)
Page 2420.2 (Cont.8)	#7110 Electrodiagnosis
Page 2420.2 (Cont.9)	#7140 Radiology - Diagnostic
Page 2420.2 (Cont.16)	#7211 Occupational Therapy
Page 2420.7 (Cont.9)	#8710 Health Care Review
Page 5110 (Cont.2)	Table of Standard Units of Measure
Page 5110 (Cont.3)	Table of Standard Units of Measure (Cont.)
Page 5110 (Cont.4)	Table of Standard Units of Measure (Cont.)

APPENDICES TABLE OF CONTENTS

Adding the following:

Page 2420.2 (Cont.16-1)	#7212 Speech Pathology
Page 2420.2 (Cont.16-2)	#7213 Recreational Therapy
Page 2420.2 (Cont.16-3)	#7214 Electromyography
Pages F-1 through F-7	Occupational Therapy Relative Value Units

The proposed sections are attached. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed amendments on economic values, pursuant to chapter 43.21H RCW; and that the adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Thursday, May 10, 1979, in the University Towers Hotel, Seattle, Washington.

The authority under which these rules are proposed is RCW 70.39.180(1) and 34.04.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 9, 1979, and/or orally at 9:30 a.m., Thursday, May 10, 1979, University Towers Hotel, Seattle, Washington.

Dated: March 29, 1979  
By: Frank D. Baker  
Executive Director

AMENDATORY SECTION (Amending Order 75-02, filed 5/23/75)

WAC 261-30-040 DATE OF REQUIRED INFORMATION SUBMITTAL TO COMMISSION—FORM AND MANNER OF SUBMITTAL. Each hospital shall submit to the Commission not less than ~~((sixty))~~ seventy-five days prior to the beginning of its fiscal year such information as the Commission shall require concerning the total financial needs of such hospital and the resources available or expected to become available to meet such needs, including the effect of proposals made by area-wide and state comprehensive health planning agencies. Such required information shall be that specified in the Commission's publication entitled Budgeting and Prospective Rate Setting Manual, and shall be submitted to the Commission in such form and manner as it shall prescribe. Where more than one hospital is operated by the reporting organization, the information required by this section shall be reported for each hospital separately.

AMENDATORY SECTION (Amending Order 75-05, filed 11/10/75)

WAC 261-40-020 APPLICABILITY OF THIS CHAPTER. (1) Required commission approval of rate changes: No rate described in any hospital's annual budget submittal and approved by the commission may be changed by such hospital without applying to the commission for the approval of a rate change in accordance with the procedures set forth in this chapter.

(2) Required use of approved rates: Hospitals shall utilize only those rates that have been approved by the commission: PROVIDED, That except for hospitals which have not filed such information as the commission shall require concerning the total financial needs of such hospital within the period specified in WAC 261-30-040, this subsection shall not apply if, on the effective date of any proposed rate change filed by any hospital with the commission, no order shall have been issued by the commission either suspending, approving, disapproving or modifying such proposed rate change: PROVIDED FURTHER, That for any hospital concerning whose proposed rate change the commission shall have instituted proceedings as to the reasonableness of the proposed change pursuant to RCW 70.39.160(2) or (4), the period during which this subsection shall not apply due to the passage of the effective date of the hospital's proposed rate change without the commission having issued its order either suspending, approving, disapproving or modifying such proposed rate change shall extend only until the issuance by the commission of an order either approving, disapproving or modifying such proposed rate change on a prospective basis.

(3) Public hearing on initial annual budget submittal: Since no hospital will have utilized the rate concept adopted by the commission under chapter 261-30 WAC prior to preparation and submission of its initial annual budget submittal, the rates proposed therein will constitute "new" rates. As such, they will be deemed by the commission to propose a change in rates subject to commission review in a public hearing in accordance with RCW 70.39.160.

AMENDATORY SECTION (Amending Order 75-05, filed 11/10/75)

WAC 261-40-140 NOTICE TO PUBLIC REGARDING ANNUAL BUDGET SUBMITTAL FINDINGS AND RECOMMENDATIONS AND PUBLIC HEARING. Not less than ~~((fifteen))~~ twenty days prior to the date last set for commission consideration of a hospital's annual budget submittal, the staff shall provide ~~((such))~~ notice to the general public ~~((as the commission shall direct))~~ regarding the impending hearing. ~~((Such notice shall indicate the receipt by the commission of the hospital's annual budget submittal; the preparation of staff findings, and recommendations to the commission regarding such submittal; the availability of such material in the commission's office for inspection and copying pursuant to chapter 261-06 WAC; the setting of a date, time, and place for commission consideration of~~

~~such material together with any further response to the staff findings and recommendations subsequently submitted by the hospital, and the opportunities of the general public not only to present written testimony for or against the rates, rate schedules, other charges, or changes therein, or directly related matters before the commission, but also to attend such hearing.))~~

AMENDATORY SECTION (Amending Order 75-05, filed 11/10/75)

WAC 261-40-145 HOSPITAL'S RESPONSE TO STAFF FINDINGS AND RECOMMENDATIONS; WRITTEN TESTIMONY FROM GENERAL PUBLIC, TIME FOR SUBMISSION. A hospital may submit to the commission a response to the staff findings and recommendations. Such response, and any written testimony from the general public submitted pursuant to WAC 261-40-140 notice, must be received in the commission's office not less than three days prior to the date last set for commission consideration of the hospital's annual budget submittal in any informal hearing. A hospital's response and any written testimony from the general public received after that date may not be considered by the commission.

AMENDATORY SECTION (Amending Order 77-02, filed 12/23/77)

WAC 261-40-150 CRITERIA FOR APPROVAL, MODIFICATION, OR DISAPPROVAL OF ANNUAL BUDGET SUBMITTAL AND RATES, RATE SCHEDULES, OTHER CHARGES, AND CHANGES THEREIN. The following criteria shall be utilized by the commission in reviewing and acting on annual budget submittals pursuant to chapter 70.39 RCW and this chapter; the weighting of each criterion listed below, however, is a matter of commission discretion:

(1) Whether the hospital's annual budget submittal and the rates, rate schedules, other charges, and changes therein:

(a) Are such that the commission can assure all purchasers of that hospital's health care services that the total costs of the hospital are reasonably related to the total services offered by that hospital;

(b) Are such that the hospital's aggregate revenues as expressed by rates are reasonably related to the hospital's aggregate costs;

(c) Are such that rates are set equitably among all purchasers or classes of purchasers of services without undue discrimination or preference.

(2) Whether the commission action will permit a nonprofit hospital to render effective and efficient service in the public interest and on a solvent basis.

(3) Whether the commission action will permit a proprietary profit-making hospital to render effective and efficient service in the public interest as well as allow such hospital's shareholders a fair return based upon actual investment or, if the hospital elects, upon the fair value of the investment on ~~((the effective date of this section))~~ July 16, 1973: PROVIDED, That, once the election is made it may not be changed without the approval of the commission.

(a) For the purposes of this subsection, "investment" is defined as the sum of the differences between a hospital's current assets and current liabilities on the one hand and long term assets and long term liabilities, on the other hand, to the extent such assets and liabilities are allowable for ratemaking.

(b) For the purposes of this subsection, the term "actual investment" shall refer to assets computed as set forth in subdivision (a) of this subsection on the basis of historical cost less accumulated depreciation.

(c) For the purposes of this subsection, the term "fair value of the investment" shall mean the result of the computation performed in subdivision (a) of this subsection on assets whose value as of July 16, 1973 is determined by means of impartial appraisal.

(4) Whether the appropriate area-wide and state comprehensive health planning agencies have recommended approval, modification, or disapproval of the annual budget submittal, or the rates, rate schedules, other charges, or changes therein.

(5) Whether the hospital's annual budget submittal and the rates, rate schedules, other charges, and changes therein will in the aggregate produce sufficient total revenue for the hospital to meet all of the reasonable obligations specified in chapter 70.39 RCW.

(6) Whether the rates, rate schedules, other charges, and changes therein contained in the hospital's annual budget submittal are reasonable.

(7) Whether the rates implemented and revenues collected by the hospital in previous budget years conformed to the applicable commission determinations for such years, according to the criteria set forth in the applicable subdivision of this subsection:

(a) For hospitals participating under types II and III of the Prospective Reimbursement Demonstration Project, and for hospitals which have been excluded from participation in the Prospective Reimbursement Demonstration Project, and for all hospitals, beginning at such time and continuing for so long as the Prospective Reimbursement Demonstration Project becomes ineffective due to interruption or termination of the project, conformance will be determined by comparing, at the end of the budget year, actual revenues for the budget year to commission-approved revenues, on the basis of either the the aggregate rate per adjusted patient day, or the revenues for individual revenue centers, as either may be modified, where appropriate, for volume variance between budgeted and actual levels; such comparison shall be made using actual, rather than budgeted, deductions from revenue, and shall be subject to whichever of the qualifications contained in items (i) through (iii) of this subdivision, may be applicable to the specific budget year: PROVIDED, That any hospital may submit justification for any deviation from its approved rates.

(i) For fiscal years beginning prior to January 1, 1977, hospitals shall be deemed in compliance if actual revenues are within plus or minus three percent of approved revenues as adjusted for volume variance and actual deductions from revenue for hospitals in peer groups 1 and 2 and specialty hospitals having fewer than fifty beds, or within plus or minus one point five percent of such approved revenues as adjusted for hospitals in peer groups 3, 4 and 5 and specialty hospitals having fifty or more beds.

(ii) For fiscal years beginning January 1, 1977 through December 31, 1977, all costs will be presumed to vary with changes in patient volumes: PROVIDED, That hospitals may, at their option, use the schedule of ratios of fixed costs to variable costs contained in item (iii) of this subdivision, or submit suggested ratios of fixed costs to variable costs, either in the aggregate or by revenue center, along with any other reasonable, justifying information to explain deviation from approved revenues. Upon approval by the commission, such approved ratios will be used to determine allowable revenue variance due to volume changes.

(iii) For fiscal years beginning on and after January 1, 1978, only that portion of total costs per patient day designated as variable according to the following schedule will be adjusted for variances in patient volumes:

Peer groups 1 and 2 and specialty hospitals having fewer than fifty beds; fixed costs - eighty percent, variable costs - twenty percent

Peer groups 3 and 4 and specialty hospitals having fifty or more beds; fixed costs - seventy percent, variable costs - thirty percent

Peer group 5 hospitals; fixed costs - sixty percent, variable costs - forty percent

(b) For and after the fiscal year beginning July 1, 1977 of hospitals participating under type I of the Prospective Reimbursement Demonstration Project, conformance will be determined as follows:

(i) When actual rate setting revenue adjusted for actual deductions from revenue (which includes contractual allowances) is equal to or less than that approved by the commission, the hospital shall be deemed in compliance.

(ii) If a hospital is out of compliance under subparagraph (i) above, the hospital shall be subjected to year-end compliance on revenue from nonparticipating payors in accordance with the compliance criteria contained in subdivision (a) above.

AMENDATORY SECTION (Amending Order 75-05, filed 11/10/75)

WAC 261-40-160 APPROVAL OF RATES FOR LESS THAN FULL FISCAL YEAR. The commission, in its discretion, may grant approval of rates as submitted in a hospital's annual budget submittal or as modified by the commission, either for the full fiscal year of the hospital or any period less than ~~((that))~~ that period. The decision and order of the commission notifying a hospital of such action shall specify the period of time within which the hospital may utilize the approved rates as well as what action (if any) must be taken by the hospital to secure commission approved rates after the specified period.

PART ((H)) III  
GENERAL PROCEDURES APPLICABLE TO ALL  
COMMISSION HEARINGS REGARDING ANNUAL BUDGET  
SUBMITTALS

PART ((HH)) IV  
SPECIAL INFORMAL HEARING PROCEDURES

PART ((HV)) V  
FORMAL HEARING PROCEDURES

PART II  
BUDGET AMENDMENT SUBMITTAL REVIEW PROCESS

NEW SECTION

WAC 261-40-165 BUDGET AMENDMENT SUBMITTALS AUTHORIZED—TIME LIMITATIONS—PRESUMPTION. (1) Hospitals are authorized, upon learning of facts justifying revision of their approved budgets, to submit amendments to such budgets not less than forty-five days in advance of the proposed effective date of any associated proposed rate changes; amendments submitted without effective dates will be assigned effective dates falling forty-five days after receipt: PROVIDED, That no budget amendment shall have an effective date fewer than seventy-five days before the end of a hospital's fiscal year.

(2) Within thirty days after receipt of a budget amendment submittal, the staff shall determine whether it is complete and conforms to commission regulations, policies, and instructions, and shall verify the data contained therein.

(3) The provisions of WAC 261-40-100, 261-40-105, 261-40-110, 261-40-115, 261-40-120, 261-40-125, 261-40-130, 261-40-135, 261-40-140, 261-40-145, and 261-40-150 shall apply to budget amendment submittals with the same force with which they apply to annual budget submittals.

(4) Any element of a hospital's budget amendment submittal which is not specifically identified as changed from the previously approved amount will be presumed to remain the same as previously approved.

(5) If a budget amendment is submitted while a prior such amendment is still pending before the commission, notwithstanding subsection (1) of this section, the effective date of such subsequent budget amendment shall be forty-five days after the occurrence of the earliest of the following:

- (a) Issuance of a commission decision on the previously pending amendment;
- (b) Expiration of the suspension period of the previously pending amendment;
- (c) Or passage of the effective date of the previously pending amendment, if not suspended.

NEW SECTION

WAC 261-40-240 BURDEN OF PROOF. At any hearing involving any change in any schedule, classification, rule or regulation, the effect of which is to increase any rate theretofore charged, the burden of proof to show that such increase meets the requirements of chapter 70.39 RCW shall be upon the proponent of the increase.

**Reviser's Note:** The text of the proposed amendments to the Commission's ACCOUNTING AND REPORTING MANUAL FOR HOSPITALS has been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish and readily available elsewhere. Copies of the proposed changes may be obtained from the Commission's office at 206 Evergreen Plaza, 711 South Capitol Way, Olympia, Washington 98504.

WSR 79-04-068  
PROPOSED RULES  
STATE BOARD OF EDUCATION  
[Filed March 30, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning state support of public schools relating to entry age, chapter 180-16 WAC;

that such agency will at 9:00 a.m., Thursday, May 10, 1979, in the Hallmark Inn, 702 Harrison, Centralia, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, May 11, 1979, in the Hallmark Inn, 702 Harrison, Centralia, WA.

The authority under which these rules are proposed is RCW 28A.58.190 and 28A.04.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 10, 1979, and/or orally at 9:00 a.m., Thursday, May 10, 1979, Hallmark Inn, 702 Harrison, Centralia, WA.

Dated: March 30, 1979  
By: Wm. Ray Broadhead  
Secretary

NEW SECTION

WAC 180-16-166 ENTRY AGE. The purpose of WAC 180-16-166 is to implement RCW 28A.58.190 which authorizes the State Board of Education to establish uniform entry qualifications.

(1) Uniform rule. Effective midnight August 31, 1979, a child must be five years of age as of midnight August 31 of the year of entry to be permitted to enter kindergarten. Effective midnight August 31, 1980, a child must be six years of age as of midnight August 31 of the year of entry to be permitted to enter the first grade.

(2) Delayed implementation. School districts using an entry age date for kindergarten later than the foregoing as of July 1, 1979, shall be permitted to use an entry age date for kindergarten of no later than October 31 for the 1979-80 school year and of no later than September 30 for the 1980-81 school year.

School districts using an entry age date for first grade later than the foregoing as of July 1, 1979, shall be permitted to use an entry age date for the first grade of no later than October 31 for the 1980-81 school year and of no later than September 30 for the 1981-82 school year.

(3) Exceptions. School districts may establish exceptions to the uniform entry age qualifications authorizing younger children to enter kindergarten and first grade pursuant to district regulations establishing a screening process and/or instrument(s) which shall measure the ability, or the need, or both of the individual student in order to demonstrate that the student is sufficiently advanced to succeed in such a program. Such process and/or instrument shall include but not be limited to screening in the following areas:

- (a) Mental ability;
- (b) Gross motor skills;
- (c) Fine motor skills;
- (d) Visual discrimination;
- (e) Auditory discrimination; and
- (f) Emotional/social development.

Such regulation shall provide for an internal district appeal process for parents or guardians to seek review of the decision of the building administrator.

**WSR 79-04-069**  
**PROPOSED RULES**  
**STATE BOARD OF EDUCATION**  
 [Filed March 30, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning Professional preparation—Program development and approval, amending chapter 180-78 WAC;

that such agency will at 9:00 a.m., Thursday, May 10, 1979, in the Hallmark Inn, 702 Harrison, Centralia, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, May 11, 1979, in the Hallmark Inn, 702 Harrison, Centralia, WA.

The authority under which these rules are proposed is RCW 28A.04.120(1)(2) and (3).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 10, 1979, and/or orally at 9:00 a.m., Thursday, May 10, 1979, Hallmark Inn, 702 Harrison, Centralia, WA.

Dated: March 30, 1979  
 By: Wm. Ray Broadhead  
 Secretary

**AMENDATORY SECTION** (Amending Order 5-78, filed 5/26/78)

**WAC 180-78-050 PROGRAM APPROVAL STANDARDS AND CRITERIA.** (1) Cooperation.

(a) Standard: Programs of preparation are developed with the cooperation of a program unit.

(b) Criteria:

(i) Documentation provides evidence acceptable to the site visit team and the state board of education that:

(A) The chief administrative officer of each agency was contacted and appointed a representative to the program unit whose authority to act in behalf of the agency is stated in writing; or

(B) A recommendation was forwarded to the superintendent of public instruction for comment and then to the state board of education signed by the chief administrative officers of each agency requesting that an exception be made to this program approval standard; documentation sets forth the reasons for the request; and documentation verifies that the exception was granted by the state board of education.

(ii) Bylaws or operating procedures have been written, adopted and implemented.

(iii) Meetings of the program unit, its subcommittees and/or task forces are held on a regular basis and minutes of activities and actions are maintained.

(iv) A college or university coordinates cooperation, involvement, and activities among agencies in the program unit under a written procedure explaining how each agency gains input.

(v) Governing boards of agencies which participate in the program unit contribute human and material resources to the program as feasible.

(2) Program management.

(a) Standard: Responsibilities are clearly assigned to individuals, groups, and/or committees for program development, implementation, and evaluation.

(b) Criteria:

(i) The college or university shall notify the state board of education and the superintendent of public instruction of the formation of a program unit; the membership; the specialization, subject matter, and/or grade level focus of the proposed programs; and its timeline for program development.

(ii) Responsibilities are assigned for selection; advising and counseling; maintaining records regarding the student's program and progress; supervision and evaluation of candidates; and verifying that certification requirements have been met and the preparation program has been completed.

(iii) Persons who will instruct, evaluate, or supervise candidates are identified; descriptions of their roles, responsibilities, and loads are written; and their activities are consistent with the written role description.

(iv) Documentation contains a written explanation of policy-making, program development, and program management processes and responsibilities.

(v) Review of certification records verifies that the records are accurate.

(vi) The need for any new program, new program emphasis, or certificate endorsement is established and evidence of need exists including statistics relative to supply and demand; professional development needs of individuals or the education community; new curriculum or instructional directions in the common schools; and changes in enrollments and staffing ratios and patterns.

(vii) A schedule and outline have been completed relative to development and implementation of the program; decision-making points are identified; and individuals, agencies, or committees responsible for such tasks and decisions are specified.

(viii) Data are collected and available relative to the effectiveness of the management system, including identification of problem areas and procedural elements.

(ix) Responsibility for reporting program changes to the superintendent of public instruction and state board of education is assigned.

(3) Program outcomes.

(a) Standard: At a minimum the program includes academic and experience requirements set forth in chapter 180-79 WAC for the respective role(s) and specifies in writing the knowledges and skills the person will possess and demonstrate when he or she completes the program, including the state board of education minimum generic standards(~~are specified in writing~~).

(b) Criteria:

(i) All minimum generic standards for certification established by the state board of education are addressed in learning experiences and are included among the program outcomes. A relationship exists between field and didactic learning experiences and program outcomes.

(ii) Relevant standards of the national association of state directors of teacher education and certification, the national council for accreditation of teacher education and/or standards of specialized associations and scholarly societies are referred to as guides in identifying program outcomes: PROVIDED, That the superintendent of public instruction or his or her designee shall present to the state board of education for approval any standards of specialized associations and scholarly societies which will be used (~~during the following year~~) to supplement the standards set forth herein for assessment of program outcomes.

(iii) Degrees of proficiency required for program outcomes are clearly differentiated between the initial and continuing certificate levels.

(iv) Faculty, students and field supervisors know the program outcomes required of candidates.

(v) Program outcomes are stated in terms which make evaluation by supervisors and instructors possible.

(vi) Knowledge and skills related to continuing education and professional development are included in program outcomes.

(4) Selection and retention.

(a) Standard: Criteria and requirements to be used in selecting candidates for admission to the preparation program are explicit and practices relevant to retention of candidates are specified.

(b) Criteria:

(i) Selection criteria and the process used to screen and admit candidates are written.

(ii) Selection criteria are relevant to attainment of program outcomes.

(iii) A clearly written process exists for counseling and advising students about supply and demand; progress and retention in the program; and supervision and evaluation relative to academic, experience and generic standards.

(iv) Selection and retention procedures and criteria do not discriminate on the basis of race, ethnic group, sex, age, handicapping conditions, color or religion.

(v) Specific standards exist relative to retention in the program.

(vi) Written procedures exist for appeal of decisions within the college or university relative to admission or retention in the program.

(vii) Admission requirements to the professional preparation programs include evidence that the candidate is competent in the basic skills required for oral and written communication and computation.

## (5) Individualization.

(a) Standard: Programs recognize individual differences in terms of learner rate and style. Alternative learning experiences appropriate to such differences are available.

## (b) Criteria:

(i) Procedures for assessing individual assets and needs are clearly defined.

(ii) Opportunities for planning alternate preparation experiences are available to students.

(iii) Learning experiences are designed to provide for social-cultural-economic differences among candidates.

(iv) Appropriate individualized learning opportunities are provided to those students identified as possessing special assets and needs as determined through a variety of assessment procedures.

(v) Individual differences in learning style are recognized and as feasible alternative learning opportunities are provided.

(vi) When appropriate and feasible, learning opportunities provide for differences in learning rate by variations in training time.

## (6) Field experience.

(a) Standard: Field experiences are provided as required in WAC 180-79-115, 180-79-120, and 180-79-125 and are designed to correlate with specified program outcomes.

## (b) Criteria:

(i) A sequence of field experiences is offered in the preparation program including opportunities for observation, tutoring, micro-teaching and extended practicum, student teaching, and/or internship experiences in educational settings.

(ii) Appropriate clinical and laboratory experiences are available to persons being prepared in specializations requiring practice under supervision in settings in addition to educational settings.

(iii) Written agreements exist between the college or university and the field sites which specify the role of agencies and the responsibilities and contributions each will make to the field program.

(iv) Field experiences provide opportunities for candidates to observe and participate in educational settings having varied organizational structures, ethnic populations, age groups, socio-economic characteristics, and curricular and instructional programs.

(v) Field experiences are designed to address the minimum generic standards established by the state board of education and to integrate theory and practice.

(vi) Criteria for selecting sites and for selecting field personnel are specified.

(vii) Criteria and procedures to be used in assigning students to field settings are identified; provisions are made for changes in assignments in circumstances where problems exist.

(viii) The responsibilities and authority of college supervisors and field personnel are specified in writing in relation to instruction, observation, evaluation, and grading.

(ix) Written materials are provided to field personnel which make explicitly their responsibilities and the program outcomes to be experienced, demonstrated, and evaluated in the field setting.

(x) Field personnel serving as supervisors are oriented to their responsibilities, and training is provided to assist them in implementing and evaluating those elements of the program for which they share responsibility with the college or university supervisors.

(xi) College or university supervisors have scheduled contact and communication with field personnel.

## (7) Supervision.

(a) Standard: Provision exists in the program for ongoing evaluation and for constructive supervision emphasizing the developmental nature of the preparation process.

## (b) Criteria:

(i) A schedule exists which ensures that each candidate receives regular assessment and feedback relative to knowledge, skill, and performance.

(ii) Results of assessment and evaluation are used as a basis for developing further didactic, field, and/or clinical experiences.

(iii) Criteria exist and are used for selecting field personnel and college or university personnel who will provide supervision; criteria include knowledge, skill and experience requirements.

(iv) Orientation and training are offered for all supervisory personnel including college and university supervisors.

(v) Records of observations, evaluations, and suggested learning experiences are maintained for each student in the preparation program.

(vi) College personnel providing supervision of field experiences and instructing techniques and methods courses have had experience in an educational setting in grades K-12.

## (8) Options.

(a) Standard: Program units are encouraged to employ alternative methods for developing programs and implementing professional preparation.

## (b) Criteria:

(i) Documentation shall identify unique features or approaches used in implementing program principles or meeting program approval standards and provide a rationale for variation in the latter instance.

(ii) Innovative and experimental programs or program components are based on validated research and theory.

(iii) Alternative approaches are appropriate to institutional and program characteristics and program emphases and objectives.

## (9) Resources.

(a) Standard: Resources are of the quantity and quality necessary for meetings of the program unit and for implementation of the program as approved by the state board of education.

## (b) Criteria:

(i) Documentation shall specify activities of the program unit and the availability of resources to support those activities. Documentation shall also specify elements of the program which require resources and resources available for specific needs.

(ii) Documentation and data relevant to funding, personnel, facilities, material, and equipment are available for review.

(iii) Member agencies in the program unit have set forth in writing the real and/or in-kind resource contributions they are making to the program unit or program.

(iv) A budget document exists detailing budgetary information pertinent to the program unit and the program.

(v) Faculty members and field personnel who supervise and instruct in the program have the appropriate academic preparation and experience in the fields of study for which they are responsible and which are essential to implementation of the program.

(vi) Learning resources reflect breadth and depth in selection of journals, books, curriculum and materials and are evaluated periodically using model listings and guidelines of professional organizations.

(vii) The program administrator is allowed the necessary time as part of his or her load to fulfill program responsibilities.

## (10) Research and evaluation.

(a) Standard: The preparation program is based on study and research; ongoing program evaluation; and follow-up assessment of the persons prepared.

## (b) Criteria:

(i) Specific individuals are assigned responsibility for program evaluation, research, and follow-up.

(ii) A systematic procedure is established for program evaluation and for follow-up studies of graduates.

(iii) A systematic process exists for gaining from instructors, supervisors, students, and field personnel evaluative information and data about the program and its outcomes.

(iv) Placement records are maintained and annual summaries are prepared.

(v) Data are analyzed and studied for the purposes of determining program needs.

(vi) Data generated from research or follow-up studies are used in program revision and redesign.

**WSR 79-04-070****PROPOSED RULES****STATE BOARD OF EDUCATION**

[Filed March 30, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning secondary education, relating to enrollment size standard, amending chapter 180-56 WAC;

that such agency will at 9:00 a.m., Thursday, May 10, 1979, in the Hallmark Inn, 702 Harrison, Centralia, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, May 11, 1979, in the Hallmark Inn, 702 Harrison, Centralia, WA.

The authority under which these rules are proposed is RCW 28A.04.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 10, 1979, and/or orally at Thursday, May 10, 1979, Hallmark Inn, 702 Harrison, Centralia, WA.

Dated: March 30, 1979  
By: Wm. Ray Broadhead  
Secretary

AMENDATORY SECTION (Amending SBE 56-8-531, filed 3/29/65)

WAC 180-56-235 ENROLLMENT. The initial enrollment for a four-year secondary school, grades nine through twelve, shall be at least four hundred; or if less than four hundred initially, substantial evidence shall be submitted that this enrollment will be reached within three years and that there is assurance of a relatively stable population.

The initial enrollment for a six-year secondary school, grades seven through twelve, shall be at least five hundred; or if less than five hundred initially, substantial evidence shall be submitted that this enrollment will be reached within three years and that there is assurance of a relatively stable population.

~~((In computing the initial enrollment of the proposed secondary school, students who can be served economically and reasonably in already existing high schools shall not be counted, even though these students reside in the nonhigh school district.))~~

**WSR 79-04-071**  
**PROPOSED RULES**  
**STATE BOARD OF EDUCATION**  
(Filed March 30, 1979)

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning Professional preparation—Certification requirements, amending chapter 180-79 WAC;

that such agency will at 9:00 a.m., Thursday, May 10, 1979, in the Hallmark Inn, 702 Harrison, Centralia, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, May 11, 1979, in the Hallmark Inn, 702 Harrison, Centralia, WA.

The authority under which these rules are proposed is RCW 28A.04.120(1)(2) and (3).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 10, 1979, and/or orally at 9:00 a.m., Thursday, May 10, 1979, Hallmark Inn, 702 Harrison, Centralia, WA.

Dated: March 30, 1979  
By: Wm. Ray Broadhead  
Secretary

AMENDATORY SECTION (Amending Order 6-78, filed 5/26/78)

WAC 180-79-045 CERTIFICATES—PREVIOUS STANDARDS. (1) Certificates issued under previous standards which were issued for a specific term shall continue to be effective for that term. ~~((Renewals and reinstatements of such certificates shall be under the~~

~~standards set forth in this chapter as now or hereafter amended. PROVIDED, That))~~ All persons who hold any standard teacher, administrator, or specialized personnel certificate issued under previous standards of the state board of education shall be issued a continuing certificate: PROVIDED ((FURTHER)), That all persons who hold any provisional or initial certificate granted under previous standards of the state board of education shall be authorized to meet requirements for standard or continuing certification as set forth in the relevant previous standards so long as the standard or continuing certificate is obtained within six calendar years of the date on which the first provisional or initial certificate was issued ~~((or, in the case of specialized personnel certificates authorized by chapter 180-84 WAC, five calendar years after adoption of the certification regulation set forth in this chapter))~~: PROVIDED FURTHER, That all persons who hold other than provisional or standard teaching certificates issued under standards of the state board of education adopted prior to 1971 shall be issued continuing certificates if they have completed forty-five quarter hours (thirty semester hours) of preparation past the baccalaureate degree and three years of experience: PROVIDED FURTHER, That persons holding provisional credentials as administrators under standards adopted by the state board of education in 1956 who have completed all requirements for the standard credential except the three years of experience as a principal or superintendent shall be issued continuing administrator certificates under these standards if they have completed at least five years of experience in an educational setting as defined herein and three years of experience in the role of superintendent, principal, vice principal, or deputy or assistant to a principal or superintendent: PROVIDED FURTHER, That any person holding a provisional certificate as a school nurse under provisions of chapter 180-84 WAC shall be granted a continuing certificate.

(2) Except as noted in subsection (1) above, certificates issued under previous standards which were issued for an indefinite period shall continue to be in effect.

(3) Until such time as programs are approved under standards set forth in chapter 180-78 WAC, but not later than June 1, 1983 as specified in WAC 180-78-025, program standards and certificate requirements set forth in chapters 180-80 and 180-84 WAC shall continue in effect.

AMENDATORY SECTION (Amending Order 13-78, filed 9/1/78)

WAC 180-79-065 CERTIFICATE LAPSE, RENEWAL, AND REINSTATEMENT. (1) Initial certificate.

(a) The initial certificate may be renewed once for a three-year period on verification by an approved program that work has begun toward continuing level certification: PROVIDED, That no more than ten years has elapsed since the completion of an approved preparation program for initial certification.

(b) The initial certificate may be reinstated ~~((once))~~ for a three-year period if the individual completes at least fifteen quarter hours (ten semester hours) of course work in an approved preparation program and verification of minimum generic standards for initial certification. ~~((Course work taken more than three years prior to the date of application for reinstatement shall not satisfy this requirement.))~~

(2) Continuing certificate.

(a) The continuing certificate will lapse if the holder does not serve at least thirty school days in an educational setting during one of seven consecutive school years.

(b) To reinstate a lapsed continuing certificate the individual must complete fifteen quarter hours (ten semester hours) of course work in a state board of education approved preparation program and demonstrate minimum generic standards required for continuing certification ~~((Course work taken more than three calendar years prior to the date of application for reinstatement shall not satisfy this requirement))~~: PROVIDED, That coursework taken more than three years prior to the date of application for reinstatement shall not satisfy this requirement and that no more than five quarter (three semester) hours of correspondence credit shall be acceptable toward renewal or reinstatement requirements set forth above.

(3) Recency of training and experience. If an applicant has not served in an educational setting or has not completed a preparation program within the seven-year period preceding application for a certificate or has not completed fifteen quarter (ten semester) hours of coursework in an accredited four-year college or university within the three years immediately preceding application for a certificate, he/she will be required to complete refresher study consisting of fifteen quarter (ten semester) hours of coursework applicable to his or her field of study or specialization in order to be eligible for certification.

AMENDATORY SECTION (Amending Order 13-78, filed 9/1/78)

WAC 180-79-115 ACADEMIC AND EXPERIENCE REQUIREMENTS FOR CERTIFICATION—TEACHERS. Candidates for teachers' certificates shall complete the following requirements in addition to those set forth in WAC ~~((180-79-105))~~ 180-75-080 and ~~((180-79-110))~~ 180-75-085.

## (1) Initial.

(a) Candidates for the initial certificate shall hold a baccalaureate degree. Candidates for secondary certificates shall have completed the degree major in an academic field; candidates for elementary certificates shall have completed the degree major in an academic field or teaching specialization. If the degree major is elementary education, the candidate must have at least one area of emphasis in an academic field.

(b) Candidates shall give evidence that they have completed in-school, clinical, and laboratory experiences which include observations and at least eight weeks of practice teaching under supervision in a state board of education approved or accredited public or nonpublic K-12 classroom(s).

## (2) Continuing.

(a) Candidates shall have completed at least forty-five quarter hours (thirty semester hours) of upper division and/or graduate work subsequent to the baccalaureate degree of which thirty quarter hours (twenty semester hours) must be taken after the first year of teaching.

(b) Candidates shall have completed at least three years of service as a teacher in a classroom teaching role in an educational setting, at least two years of which shall be in grades K-12.

AMENDATORY SECTION (Amending Order 6-78, filed 5/26/78)

WAC 180-79-120 ACADEMIC AND EXPERIENCE REQUIREMENTS FOR CERTIFICATION—ADMINISTRATORS. Candidates for the respective administrative certificate shall complete the following requirements in addition to those set forth in WAC ~~((180-79-110))~~ 180-75-085.

## (1) Superintendent.

## (a) Initial.

(i) The candidate shall hold a master's degree and complete at least fifteen quarter hours (ten semester hours) of graduate study beyond the master's degree in education-related course work.

(ii) The candidate shall hold or be eligible to hold a valid initial or continuing teacher or ESA certificate.

(iii) The candidate shall have served as an administrator in K-12 settings for at least three years as verified by the district(s) superintendent or designee.

(iv) The candidate shall have completed a one-year internship appropriate to the role of superintendent. The internship shall provide experience under supervision in all aspects of a district's program.

## (b) Continuing.

(i) The candidate shall have completed at least thirty quarter hours (twenty semester hours) of graduate work beyond the master's degree.

(ii) ~~((While holding the initial superintendent's certificate,))~~ The candidate shall have completed at least three years of experience as superintendent, deputy superintendent, or assistant superintendent.

## (2) Principal.

## (a) Initial.

(i) The candidate shall hold a valid initial or continuing teacher certificate.

(ii) The candidate shall have completed at least three years of certificated service in a K-12 setting, including a minimum of one year of classroom teaching experience as a certificated teacher at the level for which he or she seeks certificate endorsement: PROVIDED, That if the candidate has not served as a teacher, a waiver of this requirement may be requested as specified under WAC ~~((180-79-040))~~ 180-75-015 and the candidate shall during the internship experience complete supervised experiences in the classroom at the level for which the certificate will be endorsed and shall demonstrate the minimum generic standards set forth in WAC 180-79-130 for teachers.

(iii) The candidate shall complete an internship at the grade level(s) for which the certificate will be endorsed. As a minimum the internship shall be of sufficient length and depth to provide experience under supervision in all aspects of the school program and participation in activities prior to the opening and following the closing of the regular school year.

(iv) The candidate shall have completed at least thirty quarter hours (twenty semester hours) of graduate level work in an approved program for preparation of principals.

## (b) Continuing.

(i) The candidate shall hold a master's degree.

(ii) ~~((While holding the initial principal's certificate,))~~ The candidate shall have completed at least three years of experience as a principal, vice principal, or assistant principal.

## (3) Program administrator.

## (a) Initial.

(i) The candidate shall hold a valid initial or continuing teacher or educational staff associate certificate.

(ii) The candidate shall hold a master's degree.

(iii) The candidate shall have completed at least three years of certificated service in an educational setting, grades K-12.

(iv) The candidate shall have completed an internship.

## (b) Continuing.

(i) The candidate shall have completed at least fifteen quarter hours (ten semester hours) of graduate work beyond the master's degree relevant to educational administration or his or her subject matter field(s) or specialization(s).

(ii) The candidate shall have completed at least three years of experience as a program administrator in a district-wide assignment.

AMENDATORY SECTION (Amending Order 13-78, filed 9/1/78)

WAC 180-79-125 ACADEMIC AND EXPERIENCE REQUIREMENTS FOR CERTIFICATION—EDUCATIONAL STAFF ASSOCIATE (ESA). Candidates for ESA certification shall complete the following requirements in addition to those set forth in WAC ~~((180-79-110))~~ 180-75-085: PROVIDED, That it shall not be necessary for any candidate who holds a master's degree to obtain a second master's degree; however, the candidate shall complete all course work and experience requirements relevant to the specialization set forth in an approved preparation program for the appropriate ESA speciality.

## (1) Communication disorders specialist.

## (a) Initial.

(i) The candidate shall have completed all requirements for the master's degree (except special examinations, projects or thesis) with a major in speech pathology and/or audiology.

(ii) The candidate shall have completed practicum experiences in communication disorders which include observation as well as practice under supervision in K-12, clinical, and field/laboratory settings.

(b) Continuing. The candidate shall hold a master's degree with a major in speech pathology and/or audiology.

## (2) Counselor.

## (a) Initial.

(i) The candidate shall have completed all requirements for the master's degree (except special examinations, projects or thesis) with a major in counseling.

(ii) The candidate shall have completed a supervised practicum or internship in counseling in a K-12 school setting.

(b) Continuing. The candidate shall hold a master's degree with a major in counseling.

## (3) Occupational therapist.

## (a) Initial.

(i) The candidate shall have completed an approved or accredited baccalaureate degree program in occupational therapy and have status as an occupational therapist registered with the American occupational therapy association.

(ii) The candidate shall have completed field experience in an educational setting which includes observation as well as practice under supervision.

(iii) The candidate shall have successfully completed the American occupational therapy association certification examination.

(b) Continuing. The candidate shall have completed at least fifteen quarter hours (ten semester hours) of graduate work or continuing education in occupational therapy or education.

## (4) Physical therapist.

(a) The candidate shall hold a baccalaureate degree in physical therapy from a college or university having an approved or accredited school of physical therapy or the candidate shall hold a baccalaureate degree and a certificate in physical therapy from an accredited school of physical therapy.

(i) The candidate shall hold a current Washington state license or a provisional certificate to practice as a physical therapist.

(ii) The candidate shall have completed field experiences in an educational setting which includes observation as well as practice under supervision.

(b) Continuing. The candidate shall have completed at least fifteen quarter hours (ten semester hours) of graduate work or continuing education in physical therapy or education.

(5) School psychologist.

(a) Initial.

(i) The candidate shall have completed all requirements for the master's degree (except special examinations, projects or thesis) with a major or specialization in school psychology.

(ii) The candidate shall have completed a practicum or internship under supervision in an educational setting, K-12.

(b) Continuing. The candidate shall hold a master's degree with a major or specialization in school psychology.

(6) Reading resource specialist.

(a) Initial.

(i) The candidate shall hold a valid initial or continuing level teacher's certificate.

(ii) The candidate shall have completed all requirements for the master's degree (except special examinations, projects or thesis) with a major or specialization in reading.

(iii) The candidate shall have completed field experiences in an educational setting which includes observation as well as practice under supervision.

(b) Continuing. The candidate shall hold a master's degree with a major or specialization in reading.

(7) School nurse.

(a) Initial.

(i) The candidate shall hold a valid license as a registered nurse (RN) in Washington state.

(ii) The candidate shall hold a baccalaureate degree in nursing with an emphasis in school nursing or community health.

(iii) The candidate shall have completed field experiences in an educational setting, K-12, which includes observation as well as practice under supervision.

(b) Continuing. The candidate shall have completed at least forty-five quarter hours (thirty semester hours) of upper division or graduate work in education, community health, nursing or school nursing; thirty quarter hours (twenty semester hours) of which have been taken subsequent to the first year of service as a school nurse.

(8) Social worker.

(a) Initial.

(i) The candidate shall hold a master's degree in social work or shall demonstrate knowledge and skill equivalent to that required for the master's degree.

(ii) The candidate shall have completed at least one thousand two hundred hours of field experience in an educational setting, K-12, under the supervision of a certificated master of social work.

(b) Continuing. The candidate shall hold a master's degree in social work or an initial level certificate as a school social worker.

**AMENDATORY SECTION** (Amending Order 6-78, filed 5/26/78)

**WAC 180-79-230 LIMITED CERTIFICATES.** The following certificates are issued under specific circumstances for limited periods of service as outlined:

(1) Consultant special certificate.

(a) The issuance of consultant special certificates is limited to:

(i) Persons highly qualified and experienced in fields of knowledge to be taught in the common or nonpublic schools;

(ii) Persons who qualify to instruct in the traffic safety program as paraprofessionals pursuant to WAC 392-153-020(2) and (3);

(iii) Persons who qualify to teach specific subjects in the adult education program;

(iv) Persons who under previous standards hold the band and orchestra certificate; and

(v) Persons who are assigned instructional responsibility for intramural/interscholastic activities which are part of the district approved program.

(b) Such certificates are issued to individuals who are screened by the local school district or educational service district superintendents. The educational service district or local district superintendent will verify that the following criteria have been met when requesting the consultant special certificate:

(i) No person with regular certification in the field is available as verified by the district or educational service district superintendent;

(ii) The individual will be delegated primary responsibility for planning, conducting, and evaluating instructional activities and will not be serving in a paraprofessional role which would not require certification;

(iii) The individual is being certificated for a limited assignment and responsibility in a specified activity/field;

(iv) Personnel so certificated will be oriented and prepared for the specific assignment and will be apprised of any legal liability, the lines of authority, and the duration of the assignment; and

(v) The district or educational service district superintendent will indicate the basis on which he/she has determined that the individual is competent for the assignment and will verify that general requirements for certification as set forth in WAC 180-79-105 through 180-79-110 have been met.

(c) The certificate is valid for one year and only for the activity specified. The certificate may be reissued on application and evidence that requirements continue to be met: PROVIDED, That the superintendent of public instruction may extend the validity of the certificate for more than one year but no more than four years.

(2) Substitute certificate.

(a) The substitute certificate entitles the holder to act as substitute during the absence of the regularly certificated staff member for a period not to exceed thirty consecutive school days during the school year in any one assignment. This certificate may be issued to:

(i) Elementary or secondary school teachers, educational staff associates or administrators whose state of Washington certificates have expired, or

(ii) Persons who have completed state approved preparation programs for certificates within the past ten years, or

(iii) Any district unable to secure substitutes who meet these requirements may contact the office of the superintendent of public instruction to request a waiver of these requirements. Reasons for the request and qualifications of the proposed substitute shall be set forth in writing.

(b) The substitute certificate is valid for three years and may be reissued subsequently for three-year periods: PROVIDED, That the superintendent of public instruction may determine in emergency situations to issue the substitute certificate to persons not fully qualified under this subsection for a period not to exceed one year.

(3) Emergency certification.

(a) Emergency certification for specific positions may be issued upon the recommendation of school district and educational service district superintendents to persons who hold the appropriate degree and have substantially completed a program of preparation in accordance with Washington requirements for certification: PROVIDED, That a qualified person who holds regular certification is not available or that the position is essential and circumstances warrant consideration of issuance of an emergency certificate. The superintendent of public instruction shall determine that the issuance of such certificate is in the best interest of the state.

(b) The emergency certificate is valid for one year.

**AMENDATORY SECTION** (Amending Order 6-78, filed 5/26/78)

**WAC 180-79-245 RECIPROCALITY.** Candidates for certification who hold certificates or credentials in other states or who have completed approved or accredited preparation programs in other states shall be eligible for Washington certificates as follows:

(1) Initial certificate. The initial certificate shall be issued by the superintendent of public instruction to any candidate who:

(a) Qualifies under provisions of the interstate compact or of this chapter; or

(b) Holds the appropriate degree as set forth in WAC 180-79-250; has completed a state, regional, or nationally approved or accredited preparation program in the professional field for which the certificate is to be issued; and has verification by previous supervisors and instructors that he or she possesses the relevant minimum generic standards: PROVIDED, That no more than seven years has elapsed since the individual completed his or her preparation or last served in a certificated position in an educational setting.

(2) Continuing certificate. The continuing certificate shall be issued only on verification from a Washington state board of education approved preparation program that the individual meets relevant academic and experience requirements and minimum generic standards set forth in this chapter: PROVIDED, That any out-of-state candidate who through no fault of his or her own is unable to gain admission to a state board of education approved program relevant to his or her certification during the four year period for which the initial certificate is valid, may request that the superintendent of public instruction or his or her designee issue a continuing certificate. The superintendent or his or her designee shall secure verification from an out-of-state college or university having a state approved or accredited

preparation program and from supervisors that relevant academic and experience requirements and continuing level minimum generic standards set forth in this chapter have been ((met)) demonstrated within the seven-year period immediately prior to application for the certificate or the applicant shall complete recency requirements set forth in WAC 180-79-065(3).

(3) Until such time as the state board of education approves programs of preparation consistent with chapter 180-78 WAC, out-of-state candidates may:

- (a) Seek certification under provisions of chapter 180-79 WAC; or
- (b) Request that the superintendent of public instruction or his or her designee secure verification of academic and experience requirements and minimum generic standards for certification in accordance with provisions of this chapter.

**WSR 79-04-072**  
**PROPOSED RULES**  
**STATE BOARD OF EDUCATION**  
 [Filed March 30, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning general certification provisions, amending chapter 180-75 WAC;

that such agency will at 9:00 a.m., Thursday, May 10, 1979, in the Hallmark Inn, 702 Harrison, Centralia, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, May 11, 1979, in the Hallmark Inn, 702 Harrison, Centralia, WA.

The authority under which these rules are proposed is RCW 28A.04.120(1)(2) and (3).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 10, 1979, and/or orally at 9:00 a.m., Thursday, May 10, 1979, Hallmark Inn, 702 Harrison, Centralia, WA.

Dated: March 30, 1979  
 By: Wm. Ray Broadhead  
 Secretary

**AMENDATORY SECTION** (Amending Order 10-78, filed 9/1/78)

**WAC 180-75-035 CERTIFICATE REVOCATION.** The state board of education considers it to be the professional obligation of each school district superintendent or nonpublic school administrator and each educational service district superintendent to file a written complaint with the superintendent of public instruction pursuant to RCW 28A.70.160 against any certificated employee who:

(1) Has committed or is guilty of (a) immorality, (b) a violation of written contract, (c) intemperance, (d) a crime against the law of the state, or (e) an act of unprofessional conduct that is of a nature which may justify the revocation of the individual's certificate to be employed in the schools; or

(2) Has been convicted of any crime involving the physical neglect of children, injury of children (excepting possible motor vehicle violations) or the sexual abuse of children.

Upon receipt of any such written complaint, that section within the office of the superintendent of public instruction having responsibility for certification shall investigate the complaint. If sufficient cause for revocation of the individual's certificate(s) is believed to exist, the section shall present the case before the superintendent of public instruction. The superintendent of public instruction may appoint a hearing examiner and/or legal counsel to assist the superintendent in hearing the case. The hearing shall be conducted pursuant to chapter 180-08 WAC and chapter 34.04 RCW.

The superintendent of public instruction or his or her designee shall withhold or withdraw certification of an individual from another state whose certificate has been revoked in such state.

In accordance with RCW 28A.70.180 an individual may become eligible to receive a certificate after a period of one calendar year from the date of revocation. The superintendent of public instruction or his or her designee shall consider the application of an individual whose certificate has been revoked and, based upon application and such other information as deemed appropriate, determine whether a certificate shall be issued.

**AMENDATORY SECTION** (Amending Order 10-78, filed 9/1/78)

**WAC 180-75-070 USE OF FEE FOR CERTIFICATION.** (1) Certification fees will be used solely for precertification professional preparation, professional inservice training programs, teachers' institutes and/or workshops, and evaluations thereof in accordance with this chapter.

(2) Precertification professional preparation:

(a) A subcommittee of the state professional education advisory committee as established in WAC 180-78-015 shall assist the superintendent of public instruction in administration of precertification program funds by annually establishing priorities and procedures for distribution of funds available for precertification activities. The primary utilization shall be to support collaborative efforts essential to program development, program evaluation and assessment of candidates' entry and exit competency.

(b) Funds set aside for precertification shall not supplant funds already available to any participating agency.

(c) A single educational service district shall be designated to administer the funds allocated for precertification programs. The designated educational service district shall be permitted to retain up to five percent of the precertification fees for costs related to administering these funds.

(d) Each quarter every educational service district shall forward the moneys designated for precertification programs to the educational service district designated to administer such programs.

(3) Professional inservice training programs and teachers' institutes and/or workshops:

(a) Each educational service district, or cooperative thereof as specified in subparagraph (d) of this subsection, shall establish an inservice committee composed of an educational service district representative; at least one district superintendent; one principal; one educational staff associate; one elementary, one junior high and one senior high teacher; one representative from the private schools within the educational service district; and one representative selected by the chief administrative officer responsible for professional education from a college/university having a state board of education approved teacher education program. Teacher representatives shall be selected by agreement among the presidents of the local education associations within the respective educational service district or cooperative thereof.

(b) The educational service district representative shall serve as chairperson of the inservice committee and provide liaison with the superintendent of public instruction and the state board of education.

(c) The inservice committee will be responsible for coordinating inservice/staff development model programs within the educational service district and shall submit to the superintendent of public instruction and the state board of education a plan for soliciting and selecting model programs which shall include procedures for conducting needs assessments, determining priorities and carrying out program evaluation.

(d) Cooperative agreements may be made among educational service districts to provide quality inservice education programs.

(e) Funds designated for inservice programs shall not supplant funds already available for such programs.

(4) Allowable expenditures. Funds may be used to support costs related to training, such as the payment of professional contractual services, per diem, travel costs, materials, printing, or released time. Nonallowable costs, except when approved in advance by the superintendent of public instruction or his or her designee, are college/university tuition and fees and the rental or purchase of facilities or equipment.

(5) Annual reporting. The superintendent of public instruction shall prepare and present to the state board of education an annual report concerning the use of certification fees for precertification and inservice activities.

AMENDATORY SECTION (Amending Order 10-78, filed 9/1/78)

WAC 180-75-080 CITIZENSHIP REQUIREMENTS—ALIEN PERMITS—TEACHERS ONLY. No person who is not a citizen of the United ((State[s])) States of America shall be permitted to teach in the common schools of this state: PROVIDED, That the superintendent of public instruction may grant an alien a permit pursuant to WAC ((180-79-235)) 180-75-090: PROVIDED FURTHER, That after a one-year probationary period the superintendent of public instruction, at the written request of the superintendent or his or her designee, or the school organization which employed such person on a permit, may grant to an alien who is otherwise qualified as determined by the superintendent of public instruction or his or her designee a certificate for which the applicant is otherwise qualified under this chapter.

AMENDATORY SECTION (Amending Order 10-78, filed 9/1/78)

WAC 180-75-085 GENERAL REQUIREMENTS—TEACHERS, ADMINISTRATORS, EDUCATIONAL STAFF ASSOCIATES. The following requirements are to be met by candidates for certification as teachers, administrators, or educational staff associates:

(1) Age. No person who is less than eighteen years of age shall receive a certificate to serve in the public or nonpublic schools of Washington state.

(2) Character. Applicants for certificates in Washington state must give evidence of good moral character, personal fitness, and no convictions for crimes involving the physical neglect of children, physical injury of children (excepting possible motor vehicle violations), or sexual abuse of children as verified by a signed affidavit: PROVIDED, That the superintendent of public instruction may issue an emergency certificate pursuant to WAC 180-79-230 to an applicant who is on parole or probation.

(3) Competency. A candidate for certification shall demonstrate knowledge and skill in the areas specified by the state board of education as minimum generic standards for the respective certificate type and level set forth in WAC 180-79-130 through 180-79-210.

(4) Academic. A candidate for certification shall have successfully completed an approved program or have qualified under WAC 180-75-100 and/or 180-79-245 through 180-79-250: PROVIDED, That no more than five quarter hours of correspondence credit shall be acceptable toward continuing level certification.

(5) Experience. All candidates for continuing level certification shall have completed three years of certificated service in the respective role in an educational setting.

(6) Probationary status. A certificate shall not be issued to any candidate who is in a probationary status as defined in RCW 28A.67.065 as teacher, educational staff associate, or administrator at the time of application for a certificate.

(7) Program completion. A candidate for an initial or continuing certificate shall provide verification that he/she has completed an approved preparation program.

Subsections (3), (4) and (5) of this section shall not apply to vocational certificates. Vocational certificates are issued under academic and experience requirements set forth in chapter 180-77 WAC.

**WSR 79-04-073**  
**PROPOSED RULES**  
**STATE BOARD OF EDUCATION**  
 [Filed March 30, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning teacher education and certification, amending chapter 180-80 WAC;

that such agency will at 9:00 a.m., Thursday, May 10, 1979, in the Hallmark Inn, 702 Harrison, Centralia, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, May 11, 1979, in the Hallmark Inn, 702 Harrison, Centralia, WA.

The authority under which these rules are proposed is RCW 28A.04.120(1)(2) and (3).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 10, 1979, and/or orally at 9:00 a.m., Thursday, May 10, 1979, Hallmark Inn, 702 Harrison, Centralia, WA.

Dated: March 30, 1979  
 By: Wm. Ray Broadhead  
 State Board of Education

AMENDATORY SECTION (Amending Order 11-77, filed 9/13/77)

WAC 180-80-215 WASHINGTON PROGRAM OF TEACHER EDUCATION—STANDARD CERTIFICATE. (1) Eligibility. Teachers who have held provisional certificates or the equivalent based on four years of college study, have completed the fifth-year college program of studies and three years of teaching experience which, as a whole, are judged satisfactory are eligible for the standard certificate.

(2) Standards and procedures for the fifth college year.

(a) Choice of college. The fifth year of teacher education is to be completed following a period of at least one year of initial teaching experience. The teacher may complete this study during an academic year or summer sessions in an approved institution of his/her choice as follows:

(i) In a Washington state institution with a teacher education program approved by the state board of education. The institution chosen shall be responsible for recommending the teacher for the standard certificate.

(ii) In an approved out-of-state institution. The teacher's preservice institution shall be responsible for recommending him/her for the standard certificate. Prior approval of the teacher's program by his/her preservice institution is required in conformity with the fifth-year pattern of study outlined in subdivision (b) below.

(b) The fifth-year pattern of study. The teacher's fifth-year program shall be approved by the recommending institution.

(i) The preservice institution may designate fifth-year requirements to the extent of half of the program subject to the approval of the recommending institution.

(ii) Study shall be in both academic and professional fields. The fifth year shall include a minimum of 45 quarter hours of which at least 50 per cent are in upper division undergraduate and graduate level courses. Not more than five quarter hours (three semester hours) of credit obtained through accredited programs of correspondence study may be approved. A minimum of half of the fifth year shall be taken in residence in the recommending institution or in an approved out-of-state institution. It is recommended that only fifteen of the 45 required quarter hours be completed prior to or during the first year of teaching experience: PROVIDED, That teacher education institutions may permit individual students to take as many as 30 quarter hours of the fifth year prior to teaching experience.

(3) Teaching authorization. Grades kindergarten through twelve.

(4) Validity—Reinstatement. Standard certificates are valid on a continuing basis while the teacher is in professional service and for a period of seven years thereafter. ~~((Additional preparation consistent with provisions of WAC 180-80-210(5) for renewal of a provisional certificate is required for reinstatement of a lapsed certificate. The required twelve quarter hours (eight semester hours) for reinstatement must be applicable to the field of preparation of the applicant and must be earned within the seven-year period immediately preceding the date of application for renewal.))~~ Reinstatement shall be in accordance with requirements set forth in WAC 180-79-065(2).

(5) Issuance. Standard certificates are issued on recommendation of teacher education institutions upon completion of fifth-year standards and recommendation of the superintendent(s) or chief school administrator(s) of the school district(s) or school(s) in which the applicant has completed three years of teaching experience which as a whole are judged satisfactory: PROVIDED, That upon consideration of each application each superintendent or chief school administrator must indicate either (1) satisfactory completion of teaching experience, or (2) not satisfactory at this time: PROVIDED FURTHER, if the superintendent(s) or chief school administrator(s) of the school district(s) or school(s) in which the applicant has completed three

years of teaching experience will not certify that the applicant's experience was satisfactory, the affected teacher may appeal the decision to the state board of education.

(6) Notwithstanding any other provision of chapter 180-80 WAC to the contrary, the requirement that a person have completed three years of satisfactory teaching experience as a condition to the issuance or re-issuance of a standard elementary or secondary certificate shall not apply to either (i) those persons who, on or before October 9, 1975, had either been issued a provisional certificate or were eligible for provisional certificate by virtue of their completion of a teacher education program approved by the state board of education for purposes of such certification, or (ii) those persons who held a standard elementary or secondary certificate on or before October 9, 1975. Any such person shall be eligible for a standard elementary or secondary certificate and the reissuance of the same upon completion of two years of satisfactory teaching experience and such other requirements as are imposed by chapter 180-80 WAC.

(7) Upon receipt of a written notice of appeal pursuant to subsection (5) of this section, the section within the office of the superintendent of public instruction having responsibility for certification shall investigate the matter and determine whether or not probable cause exists to believe that the required teaching experience of the applicant may have been unsatisfactory.

(a) If it is determined that probable cause does not exist, the applicant shall be issued a standard certificate, provided that he or she otherwise meets the requirements established by this chapter.

(b) If it is determined that probable cause does exist, a hearing shall be scheduled and conducted by either the state board of education or any hearing officer designated by the board. The section within the office of the superintendent of public instruction having responsibility for certification shall be responsible for presenting such evidence and arguments as may exist in support of a finding that the applicant's required teaching experience was unsatisfactory. The applicant shall be responsible for presenting such arguments and evidence as may exist in support of a finding that the applicant's teaching experience was satisfactory.

(c) The state board of education may deny the applicant a standard certificate in the event the record supports a finding that the applicant either:

(i) Failed to perform satisfactorily for a substantial portion of his or her required teaching experience and had been placed upon probation on one or more occasions pursuant to RCW 28A.67.065 or

(ii) Failed to perform satisfactorily on one or more occasions in a manner that constitutes one or more of the grounds for revocation of certificate set forth in RCW 28A.70.160, as now or hereafter amended.

(d) The applicant's provisional or other certification shall remain in force and effect pending a determination pursuant to subdivisions (7)(a) or (7)(b) of this section.

**AMENDATORY SECTION** (Amending Order 11-70, filed 10/30/70)

**WAC 180-80-312 ADMINISTRATORS' CREDENTIALS—PERIOD OF VALIDITY AND REINSTATEMENT OF CREDENTIALS.** (1) Period of validity. Standard administrators' credentials are valid as long as the holders' certificates to teach remain valid. Provisional administrators' credentials are valid for not more than four years of administrative experience in elementary schools of six or more teachers or in accredited junior, senior, four-year or six-year high schools: PROVIDED, That the holders' certificates to teach continue to remain valid during the prescribed period.

(2) Reinstatement. Credentials that lapse ((because the certificate for teaching has lapsed may be reinstated by reinstatement of the certificate, except that when ten years or more have elapsed since the holder's most recent full year of teaching or administrative service, additional preparation or experience may be required)) shall be reinstated in accordance with requirements set forth in WAC 180-79-065(3).

**AMENDATORY SECTION** (Amending Order 3-71, filed 7/13/71)

**WAC 180-80-705 GUIDELINES AND STANDARDS FOR DEVELOPMENT AND APPROVAL OF PROGRAMS OF PREPARATION—CERTIFICATION.** (1) Three types of certificates are provided:

(a) The teacher certificate authorizes service in the primary role of teaching.

(b) The administrator certificate authorizes service in the primary role of general school administration, program administration and/or supervision.

(c) The educational staff associate certificate authorizes service in roles of specialized assistance to the learner, the teacher, the administrator and/or the educational program.

(2) Three levels of certificates are provided for each certificate type:

(a) The preparatory certificate authorizes experiences in school or school-related settings designed to develop competence at the "initial" level of certification. This certificate is valid for one year and is renewable.

(b) The initial certificate authorizes school service in a particular role and allows the holder to assume independent responsibility for working with children, youth and adults. This certificate is valid for three years and is renewable ((once)).

(c) The continuing certificate authorizes school service on a career basis and assumes continued professional development. The continuing certificate is valid as long as the holder continues in service((-It is subject to renewal only if the holder leaves educational service for a period in excess of four years)) and for seven years thereafter.

**TYPES AND LEVELS OF CERTIFICATES**  
(Figure 1)

Types of Certificates	Teacher	Administrator	Educational Staff Associate
Levels of Certificates	Continuing	Continuing	Continuing
	Initial	Initial	Initial
	Preparatory	Preparatory	Preparatory

(3) Certificate endorsements. Initial and continuing certificates will be endorsed to indicate grade level(s), content area(s) and/or specialization(s) for which the professional is or has been prepared.

(4) Reinstatement of initial or continuing certificates. The initial or continuing certificate shall be reinstated in accordance with requirements set forth in WAC 180-79-065.

(5) Reciprocity.

((~~(a)~~)) In-state candidates:

((~~(i)~~)) (a) Holders of initial certificates shall be admitted to programs leading to continuing certification.

((~~(ii)~~)) (b) Holders of provisional certificates or credentials awarded under previously adopted state board of education rules and regulations may be admitted to programs leading to continuing certification, provided they meet entry level requirements.

((~~(iii)~~)) (c) Holders of standard certificates or of valid teacher certificates issued prior to 1949 may be admitted to programs leading to initial or continuing certification, provided they meet entry level requirements, without jeopardizing their prior certification status.

((~~(b)~~)) Out-of-state candidates. Candidates holding out-of-state certificates or credentials shall have the option of applying for certification under either these 1971 standards or under those previously adopted.

((~~(i)~~)) Graduates of institutions accredited by the National Council for Accreditation of Teacher Education, or graduates of out-of-state four-year institutions accredited for teacher education who hold or are eligible for comparable certificates in another state, territory or possession of the United States, may be granted temporary certificates with appropriate endorsements.

((~~(ii)~~)) Graduates of accredited out-of-state institutions who do not meet the requirements cited above and who wish Washington certification shall be required to meet requirements established by a consortium of institutions and agencies with approved preparation programs in the state.

((~~(iii)~~)) Experienced persons who hold certificates from other states and have been granted temporary certificates may apply for initial or continuing certification to in-state consortiums of agencies with approved programs as soon as they are employed in Washington. These consortiums shall have procedures which ensure fair and prompt assessment of the applicant's qualifications and shall make appropriate recommendations to the superintendent of public instruction regarding certification of the applicant.)

**WSR 79-04-074**  
**PROPOSED RULES**  
**BOARD OF HEALTH**  
 [Filed March 30, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Health intends to adopt, amend, or repeal rules concerning:

Amd WAC 248-18-215 Pediatric services.  
 Amd WAC 248-18-220 Obstetrical department.  
 New WAC 248-18-223 Neonatal intensive care nursery;

that such agency will at 9:00 a.m., Wednesday, May 9, 1979, in the Tacoma-Pierce County Health Department Auditorium, 3629 South "D" Street, Tacoma, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, May 9, 1979, in the Tacoma-Pierce County Health Department Auditorium, 3629 South "D" Street, Tacoma, WA.

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 9, 1979, and/or orally at 9:00 a.m., Wednesday, May 9, 1979, Tacoma-Pierce County Health Department Auditorium, 3629 South "D" Street, Tacoma, WA.

Dated: March 28, 1979

By: John A. Beare MD  
 Secretary

**AMENDATORY SECTION (Amending Order 119, filed 5/23/75)**

WAC 248-18-215 PEDIATRIC SERVICES. ((+) Hospitals admitting children shall have proper facilities for their care apart from the obstetrical facilities.

((2) Children should not be placed in rooms with adult patients.)) (1) Definitions.

(a) "Adolescent" shall mean an individual during the period of life beginning with the appearance of secondary sex characteristics and terminating with the cessation of somatic growth.

(b) "Children" shall mean young persons of either sex between infancy and adolescence.

(c) "Double-checking" means verification of patient identity, agent to be administered, route, quantity, rate of administration, time, and interval by two persons prior to administration of the agent.

(d) "Infant" means a baby or very young child up to one year of age.

(2) Hospitals admitting infants, children, and adolescents shall have written policies and procedures specifying the criteria for admission to the hospital and conditions requiring transfer when indicated. These policies and procedures shall be based upon the resources available at the hospital, specifically in terms of personnel, space, equipment and supplies.

(3) Guidelines shall be developed related to placement or room assignment of infants, children, and adolescents under usual, specific and/or unusual conditions within the hospital.

(a) Infants and children shall be placed in beds where frequent observation is possible.

(b) Decisions regarding placement or room assignment of infants and children in the hospital shall incorporate the judgment of a registered nurse.

(c) Children and adolescents should be placed in rooms with peers to the extent practicable.

(4) Hospitals admitting infants and children shall have available to the area and within the hospital the following equipment and supplies of pediatric size: Intubation equipment; oxygen masks for the ventilatory bags; blood pressure cuffs; intravenous equipment and supplies;

emergency medications; stethoscope; defibrillator paddles; measuring devices, (should measure metric).

(5) In hospitals admitting infants and children, there shall be written hospital policy and procedural guidelines for determining appropriate safety measures for each infant and child in terms of the use of particular types of cribs, bassinets or beds; utilization of restraints, side rails and safety devices.

(a) Criteria shall be developed for safe toys and play items which may be utilized in the hospital.

(b) Policies and procedures specific to both infectious childhood diseases and childhood susceptibility to infections, and the control thereof.

(c) Nutritional guidelines shall be developed for infants, children, and adolescents to include normal diets and diets for special nutritional needs.

(6) In areas where infants, children and adolescents are patients, procedures shall be developed specific to administration of drugs and intravenous fluids.

(a) There shall be written guidelines for amounts of intravenous fluid that infants, children and adolescents of various ages, body surface areas and/or weights should receive; rate control and checking procedures which may be required by the hospital; required or recommended use of rate control measuring chambers.

(b) There shall be documentation requirements specified for intravenous therapy to include intake and output.

(c) There shall be procedures for calculation of fractional and/or pediatric doses of agents or medications available for use by licensed nurses who administer medications to children.

(i) Special instructions for administration of agents or medications to which general rules of dosage calculation are not applicable shall be available for licensed nurses who administer medications.

(ii) There shall be double checking procedures for highly toxic agents or medications and blood; a list of agents and medication requiring double checking should be available in patient care areas and double checking should include two professionals.

(7) A mechanism for consultation with a pediatrician or with a physician who has preparation and/or experience in pediatrics should be developed in hospitals admitting infants and children.

(8) Hospitals admitting children should have criteria specific to knowledge and experience requirement of nurses hired to work in areas where there are patients who are infants, children or adolescents.

(9) Policies shall specify admission assessment requirements for infants, children and adolescents.

(10) An inservice program shall be established and should include drugs and toxicology, intravenous therapy, pediatric emergency procedures, infant and child nutrition, and child abuse (including identification of high risk families).

(1) Organized, distinct, pediatric units shall include:

(a) An accessible examination or treatment area;

(b) A sufficient and safe area for diversional play activities;

(c) Provision for isolation areas with established criteria for use;

(d) General medical direction by a physician, or by a designated committee, with preparation and experience in pediatrics;

(e) An interdisciplinary committee including representation of nursing staff, medical staff and administration responsible for policy development and review of practice in the unit;

(f) A registered nurse prepared through education and experience in pediatrics to supervise nursing care and to be responsible for implementation of nursing policies, procedures and practice.

**AMENDATORY SECTION (Amending Order 142, filed 2/8/77)**

WAC 248-18-220 OBSTETRICAL DEPARTMENT. Any hospital which provides obstetrical services shall be in compliance with the following additional requirements.

((+) General:

(a) The obstetrical labor rooms, delivery suite, post-partum rooms and newborn nursery facilities shall be located and arranged to minimize traffic of patients, visitors and personnel from other services or departments and prevent through traffic in a delivery suite, delivery room, patient room or a newborn nursery unit.

(b) At least one patient room and such additional patient rooms as are necessary to provide a number of beds at least equal to the average daily obstetrical census shall be reserved for obstetrical patients exclusively.

(c) Obstetrical patients shall not be placed in rooms with other types of patients. PROVIDED, HOWEVER, That recovery room care of an

obstetrical patient immediately following delivery may be in an inpatient recovery unit used for other types of patients who have no known or suspected infectious conditions:

(d) There shall be at least one water closet and lavatory and additional water closets and lavatories as are necessary to provide one water closet and lavatory per every six obstetrical beds or fraction thereof. Any water closet which is being used by an obstetrical patient shall be reserved for obstetrical patients exclusively.

(e) Any obstetrical patient or newborn infant who has a known or suspected infectious condition shall be segregated from other patients and receive care in an isolation room which has handwashing facilities.

(f) When any member of the nursing staff provides care to other types of patients as well as obstetrical patients or newborn infants, strict handwashing and gowning technic [technique] shall be employed in giving nursing care to an obstetrical patient or newborn infant. Gowns which have been worn outside the obstetrical service or in the care of non-obstetrical patients shall not be worn in the care of obstetrical patients or newborn infants.

(g) There shall be written policies and procedures which supplement the hospital's basic policies and procedures and are specific to the obstetrical service. Policies and procedures shall be designed to guide personnel in: the observation and care of obstetrical patients during labor, delivery and the post-partum period; the observation and care of newborn infants; the use of special equipment and supplies employed in the care of obstetrical patients or newborn infants and control of traffic within the obstetrical department. Policies and procedures shall be reviewed and revised as necessary to keep them current, dated, and approved in writing by appropriate representatives of the nursing and medical staffs:

(2) Labor and delivery:

(a) A registered nurse shall be in attendance during labor and delivery of a patient:

(b) Rooms used for patients in labor shall be single or two-bed rooms within or close to the obstetrical delivery suite. Labor rooms within a delivery suite shall be used exclusively for patients in labor: PROVIDED, HOWEVER, That such labor room which have outside windows may be used for other obstetrical patients if the hospital's usual, daily obstetrical census is less than the approved number of beds in these labor rooms.

(c) Obstetrical delivery facilities in operation or approved for construction prior to February 21, 1975 shall be in a separate, segregated delivery suite which services obstetrical patients exclusively and contains delivery rooms in the ratio of at least one for every 700 deliveries or fraction thereof per year and ancillary facilities:

(i) The minimum dimension of a delivery room shall be at least 15 feet. A delivery room shall have a minimum area of at least 270 square feet and be properly equipped for the care of mothers and their newborn infants:

(ii) There shall be scrub-up, clean-up, sterilizing, storage, house-keeping and staff facilities which shall be in accord with WAC 248-18-600(1)(c), (d), (e), (f), (g), (h), (i) and (k):

This shall not be interpreted to constitute rescindment of State Board of Health exemptions from requirements for delivery room facilities which were granted prior to February 21, 1975:

(3) Exemptions to the requirement for a separate, segregated delivery suite:

The Secretary of the Department or his designee may, upon written application by a hospital, exempt a hospital from compliance with WAC 248-18-220(2)(c) to permit a hospital to close its obstetrical delivery suite and use surgery suite facilities for obstetrical deliveries or to permit a hospital to use obstetrical delivery suite facilities for surgical operations, providing the following requirements are met:

(a) The use of the hospital's obstetrical suite facilities prior to the granting of the exemption shall have averaged less than 400 obstetrical deliveries per delivery room per year:

(b) The need for continuation of obstetrical services by the hospital shall have been determined by means of the Comprehensive Health Planning and Certificate of Need process established under the provisions of chapter 70.38 RCW:

(c) The hospital shall establish a policy governing the use of obstetrical delivery and operating rooms which ensures that any patient who presents an obstetrical emergency, which requires immediate medical intervention to preserve the health and life of a mother or her infant, is given priority over other obstetrical and non-emergency surgical patients:

(d) The hospital's infection control committee shall establish policies and procedures designed to prevent the transmission of infection

through the combined use of surgery or obstetrical delivery suite facilities and shall maintain a system for discovery, reporting and investigation of all infections occurring in surgical patients, post-partum patients and neonates. A record of reports and investigations of all such infections shall be kept on file:

(e) A hospital which is permitted to use facilities in the obstetrical delivery suite for surgical operations shall:

(i) Reserve for obstetrical deliveries exclusively at least one delivery room and such additional delivery rooms as are necessary to provide one delivery room for every 700 obstetrical deliveries or fraction thereof per year:

(ii) Give priority to any obstetrical patients for whom delivery is imminent when the number of such obstetrical patients and patients scheduled for surgery in the delivery suite exceed the number of patients that can be accommodated in the obstetrical delivery rooms available:

(iii) Exclude the following categories of surgery from the obstetrical delivery suite: surgery performed on persons who have a known or suspected infection (acute or chronic), are known carriers of a communicable disease, or who are known to have been exposed to a communicable disease within a recent period which is less than the maximum incubation period of the disease; change or removal of a cast; mouth, nose, or throat surgery; and intestinal, rectal, anal or perianal surgery other than an incidental appendectomy:

(f) A hospital may be permitted to use one operating room for both surgical operations and obstetrical deliveries, provided the hospital has only one operating room in its surgery suite and averages fifty or less obstetrical deliveries per year and 75 or less surgical operations per year, excluding minor emergency surgical procedures which are performed outside the surgery suite. Any other hospital which is permitted to close its obstetrical suite and use facilities in the surgery suite for obstetrical deliveries shall:

(i) Reserve for obstetrical deliveries exclusively at least one operating room and such additional operating rooms as are necessary to provide an operating room for every 700 obstetrical deliveries or fraction thereof per year:

(ii) Give priority to any obstetrical patients for whom delivery is imminent when the number of such obstetrical patients and the number of patients scheduled for non-emergency surgery exceed the number of patients that can be accommodated in the operating rooms available:

(iii) Exclude from operating rooms used for obstetrical deliveries the categories of surgery which are excluded from an obstetrical delivery suite by the preceding WAC 248-18-220(3)(c)(iii):

(g) Any hospital to which an exemption from WAC 248-18-220(2)(c) has been granted shall establish policies and procedures and maintain appropriate equipment and supplies for rapid conversion of a labor room to an emergency delivery room should an obstetrical delivery be imminent at a time that all obstetrical delivery rooms or operating rooms are in use:

(4) Nursery:

(a) A properly equipped nursery shall be provided for the care of the newborn and shall not be used for any other purpose:

(b) A nursery room shall provide a minimum of 20 square feet per bassinets:

(c) Bassinets should be spaced at least two feet apart unless there are six or less bassinets in a nursery room:

(d) The nursery shall have window area equal to at least one-eighth of the floor area, or shall be provided with complete air conditioning to control temperature, humidity and air motion:

(e) There shall be work and examining space of adequate area preferably in a separate room, adjacent to a nursery or pair of nurseries:

(f) There shall be running water in the work room and in the nursery with foot, knee, or elbow faucet control; knee or foot faucet control are preferable:

(g) There shall be a glass observation window in the nursery area:

(h) The nursery shall be maintained at a temperature of approximately 75 degrees F. The nursery shall have a reliable thermometer mounted four feet from the floor:

(i) Adequate facilities shall be provided for the care of premature infants:

(j) Only such persons necessary to the care of the infant or the nursery unit shall be admitted to the nursery:

(k) The nursing care of the newborn infant shall be under the immediate supervision of a registered nurse:

(l) Nurses and other personnel regularly assigned to the nursery shall wear short-sleeved scrub dresses or uniforms covered with a clean, long-sleeved gown.

(m) All persons not regularly assigned to the nursery shall wear clean long-sleeved gowns before handling infants or coming in contact with clean equipment such as bassinets, incubators and examining tables.

(n) Handwashing.

(i) Prior to touching infants or clean equipment such as bassinets, incubators and examining tables, all persons must wash their hands.

(ii) The handwashing procedure shall be that approved by the infection control committee.

(iii) A handwashing is required before handling each infant.

(o) Individual equipment shall be provided for each infant and individual technique shall be used in the care of each infant. Common bathing tables and common carriers for transporting babies to mothers shall not be used.

(p) A neonate who is transferred from another hospital may be admitted directly to a newborn nursery room provided he presents no evidence of an infection and was born and transferred under conditions which protected him from exposure to an infectious condition. Other infants born outside the hospital shall be isolated upon admission. An infant who has symptoms of an infection shall be removed from the regular nursery and isolated without delay. Infants of mothers who have an infectious disease shall be isolated.

(q) Strict isolation technique shall be observed in caring for any isolated infant.

(r) Prophylactic treatment of the eyes of the newborn child shall be carried out in accordance with the regulations of the State Board of Health.

(s) Newborn infants shall be marked for identification in the delivery room. The method of identification shall be such as to positively identify an infant with his mother.

(5) Formula.

(a) There shall be a suitable, designated area for the preparation of milk mixtures. This area shall be equipped with sink, handwashing facilities and storage space.

(b) The sink shall be equipped with foot, knee or elbow faucet control.

(c) Formula for the milk mixtures for newborns shall be ordered and signed by the physician.

(d) Formula and other fluids for infants shall be prepared by terminal heat method. This is a process by which the completely assembled formula units (bottles filled with formula, with nipples applied and covered with nipple protectors) are exposed to heat treatment sufficient to make them bacteriologically safe.

(e) The individually bottled formula shall be stored in a refrigerator at a temperature of 40 degrees—45 degrees F. Nothing else should be stored in the refrigerator which might be a possible source of contamination to the formula.

(6) Commercial infant formula—Direct system—A "direct system" of commercial infant feeding is one in which pre-mixed, pre-sterilized infant formula is packaged in individual, single-feeding hermetically sealed containers that are designed and used for individual feeding purposes.

(a) There shall be a suitable, designated area for the preparation of milk mixtures. This area shall be equipped with sink, handwashing facilities and storage space.

(b) The sink shall be equipped with foot, knee or elbow faucet control.

(c) Formula for the milk mixtures for newborns shall be ordered and signed by the physician.

(d) The formula is ready-to-use infant formula that is wholesome and safe for infant feeding and that is bottled, or otherwise assembled, and sterilized in hermetically sealed containers.

(e) On each package of formula containers there is indicated an expiration date beyond which the formula may not be used.

(f) All formula containers, nipples, caps and auxiliary equipment are packaged and stored in containers that protect them from contamination and are handled in a manner that prevents contamination of any of their surfaces.

(g) Packages in which the formula and auxiliary equipment are delivered to the hospital from an outside source are not permitted in the nursery suite.

(h) Handling and storage conditions are such that:

(i) In areas outside nursing unit, nursery or formula rooms:

(A) Containers of formula are protected by complete encasement or wrapping until delivery to formula room, nursery or nursing unit.

(B) The storage area is dry, clean and not excessively warm.

(C) Stock is rotated regularly.

(D) Expiration dates on packages of formula containers are checked routinely. Outdated formula supplies are not issued or used for infant feeding.

(ii) In areas of nursing unit, nursery or formula room:

(A) The manner in which formula containers are delivered to the nursing unit, nursery or formula room prevents contamination of the containers, or handling of containers by other than nursery personnel; or the containers are of a type and make which permit safe and adequate sanitation and are adequately sanitized as they are brought into the nursing unit, nursery or formula room.

(B) Formula containers, packages of nipples, caps and/or covers and any other formula preparation equipment are stored in a manner which protects them from contamination.

(C) The area where formula is stored is not subject to excessive heat and/or sunlight.

(D) The stock is checked and rotated regularly to avoid use of outdated or deteriorated formula.

(i) The quality and sanitary design of the formula container, the cover and/or nipple and other equipment used in the preparation for feeding infants are acceptable to the department.

(j) Formula is not transferred from its original sealed container to another bottle, can or nurser for feeding purposes.

(k) Equipment used in the opening and preparation of the formula is adequately cleaned and sterilized or sanitized.

(l) The formula container is opened and the nipple applied with strict aseptic technique and with no direct manual contact with the nipple or nipple portion of a feeding device.

(m) The preparation of formula for infant feeding is performed in a clean area used for this purpose only.

(n) Formula preparation for infant feeding is performed under the immediate supervision of a registered nurse.

(o) Any individual formula container on which the hermetic seal has been broken is used only for the next immediate feeding period and then discarded. The time lapse between the break of the hermetic seal and the use of formula may not exceed 4 hours.

(p) When individually wrapped, sterile, disposable nipples are used, they are discarded after one feeding or any contamination.

(q) When reusable nipples, collars, caps or other accessory equipment are used, they are properly cleaned and assembled into complete units, individually packaged and properly sterilized after each use.

(r) No nipple on a formula container is changed. If a nipple is contaminated or is unsatisfactory for the feeding of an infant, another complete feeding unit is used.

(s) Formula containers which are opened in excess of the number of feedings required at one time are used or discarded within a 4 hour period.

(t) Ready-to-use formula from an outside source does not receive further heat treatment in the hospital.

(u) Each complete formula unit is properly labeled with:

(i) Manufacturer's name and address.

(ii) Name of infant.

(iii) Name of formula.

**RECOMMENDATION:** It is strongly recommended that bacteriological cultures be performed at least weekly on random samples of complete nipped formula units by the hospital.

(7) Commercial infant formula—Indirect system. An "indirect system" of commercial infant feeding is one in which multiple feedings of pre-mixed, pre-sterilized infant formula are packaged in a single hermetically sealed bulk container and transfer of formula from such original container to other containers suitable for individual feedings is necessary.

(a) There shall be a suitable, designated area for the preparation of milk mixtures. This area shall be equipped with sink, handwashing facilities and storage space.

(b) The sink shall be equipped with foot, knee or elbow faucet control.

(c) Formula for the milk mixtures for newborns shall be ordered and signed by the physician.

(d) The formula is ready-to-use infant formula that is wholesome and safe for infant feeding and that is packaged and sterilized in hermetically sealed containers.

(e) On each package of formula containers there is indicated an expiration date beyond which the formula may not be used.

(f) Each hermetically sealed container is prepared for use with a sterile, disposable, single-service nurser device, a sterile, disposable, integral air filter transfer device, and sterile auxiliary equipment.

(g) All nurser devices, transfer devices, and other auxiliary equipment are packaged and stored in containers that protect them from contamination and are handled in a manner that prevents contamination of any surface.

(h) Packages in which the formula and auxiliary equipment are delivered to the hospital from an outside source are not permitted in the nursery suite.

(i) Handling and storage conditions are such that:

(i) In areas outside nursing unit, nursery or formula room:

(A) Containers of formula are protected by complete encasement or wrapping until delivery to formula room, nursery or nursing unit:

(B) The storage area is dry, clean and not excessively warm:

(C) Stock is rotated regularly:

(D) Expiration dates on bulk containers are checked routinely. Outdated formula supplies are not issued or used for infant feeding:

(ii) In areas of nursing unit, nursery or formula room:

(A) The manner in which formula containers and auxiliary supplies are delivered to the nursing unit, nursery or formula room prevents contamination of the containers and supplies, or handling of containers and supplies by other than nursery personnel; the containers and auxiliary supplies or wrappers are of a type and make which permit safe and adequate sanitization and are adequately sanitized as they are brought into the nursing unit, nursery or formula room:

(B) Formula containers, nursers, and any other formula preparation equipment are stored in a manner which protects them from contamination:

(C) The area where formula is stored is not subject to excessive heat and/or sunlight:

(D) The stock is checked and rotated regularly to avoid use of outdated or deteriorated formula:

(j) Formula is transferred from its original sealed container to sterile, single-service nurser devices by means of sterile, disposable, integral air filter transfer devices with strict aseptic technique and no manual contact with the nipple portion or nurser:

(k) The quality and sanitary design of the formula container, the nurser and other equipment used in transfer of the formula to the nurser are acceptable to the department:

(l) The filled single nurser device is used only for the next immediate feeding period and then discarded:

(m) The container and transfer device are discarded when the original formula container is emptied:

(n) If an original sealed formula container has been opened but not emptied during the course of formula preparation for the next immediate feeding period, the container of formula is used during subsequent formula preparation periods after opening, only under the following conditions:

(i) The sterile, disposable transfer device is not removed from the opened formula container:

(ii) All surfaces of the transfer device that have contact with the formula or the nipple portion of the nurser device are handled and protected in a manner to prevent contamination:

(o) Whenever a formula container has not been emptied within twenty-four hours after opening, the remaining contents, container and attached transfer device are discarded:

(p) Formula preparation for infant feeding is performed under the immediate supervision of a registered nurse:

(q) The preparation of formula for infant feeding is performed in a clean area used for this purpose only:

(r) Ready-to-use formula from an outside source does not receive further heat treatment in the hospital:

(s) Each complete formula unit is properly labeled with:

(i) Manufacturer's name and address:

(ii) Name of infant:

(iii) Name of formula:

**RECOMMENDATION:** It is strongly recommended that bacteriological cultures be performed at least weekly on random samples of complete filled formula units:))

(1) Definitions.

(a) "High risk infant" means an infant, regardless of gestational age or birth weight, whose extrauterine existence is compromised by various factors, prenatal, natal, or postnatal and who therefore is in need of special or extraordinary medical and/or nursing care.

(b) "Infant" means a baby or very young child up to one year of age.

(c) "Neonate" or "newborn" means a newly born infant less than twenty-eight days of age.

(d) "Obstetrical area" means the portions or units of the hospital designated or designed for care and treatment of women during the antepartum, intrapartum and postpartum period and/or areas designed as nurseries for care of newborns.

(e) "Rooming in" means an arrangement for mother and infant to room together with provision for family interaction within the hospital setting.

(2) General.

(a) Obstetrical areas shall be located and arranged to minimize the traffic to and from other areas.

(i) There shall be at least one water closet and lavatory for every six obstetrical beds or fraction thereof.

(ii) There shall be capability to isolate patients, when appropriate in each obstetrical area.

(b) There shall be appropriate, adequate and separate resuscitation equipment which has been designed for adult and newborn in each obstetrical service area.

(c) There shall be written policies and procedures addressing the placement, admission or room assignment of obstetrical patients and newborns. These policies and procedures shall reflect psycho-social needs of patients and shall be approved by the infection control committee or by an equivalent designated committee.

(d) There shall be written policy approved by the infection control committee or by an equivalent designated committee regarding assignment and utilization of personnel from the obstetrical areas to other areas and from other areas of the hospital to any obstetrical service area.

(e) There shall be policies and procedures related to wearing of uniforms, scrub clothes or cover ups for persons entering or leaving each obstetrical service area. An abbreviated notice of the dress code should be posted in a prominent location within each obstetrical area.

(f) Hand washing procedures shall be posted. These shall be approved annually by the infection control committee or by an equivalent designated committee.

(g) Written visiting policies shall specify who may enter the labor, delivery and nursery areas and specify other conditions related to the visiting of mothers and newborns.

(h) Routine orders when used shall be reviewed annually and signed by the appropriate physician.

(i) There shall be written policies and procedures regulating room assignment, visitors, supplies, equipment and staff responsibility for care of mother and newborn when rooming in is used.

(3) Labor and delivery. There shall be a written policy addressing adequate provision(s) for ensuring optimum body heat of the newborn at all times, including during transport.

(a) There shall be adequate provision for ensuring optimum body heat of the newborn at all times including during transport.

(b) Rooms used for patients in labor shall be single or two bed rooms within or close to the obstetrical delivery suite. Labor rooms within a delivery suite shall be used exclusively for obstetrical patients. Labor rooms outside of the delivery suite which have outside windows may be used for other patients if the usual daily obstetrical census of the hospital is less than the approved number of beds in these labor rooms.

(c) Obstetrical delivery facilities in operation or approved for construction prior to February 21, 1975 shall be in a separate segregated delivery suite which services obstetrical patients exclusively.

(i) The minimum dimension of the delivery rooms shall be 15 feet. A delivery room shall have a minimum delivery area of 270 square feet and be properly equipped for the care of mothers and newborns.

(ii) There shall be a scrub-up, clean-up, sterilization, storage, housekeeping and staff facilities that shall be in accord with WAC 248-18-600(1)(c), (d), (e), (f), (g), (h), (i), (j), and (k). This shall not be interpreted to effect the state board of health exemptions from requirements for delivery room facilities which were granted prior to February 21, 1975.

(d) The temperature in the delivery room shall be maintained at a minimum of 72°F 22.2°C, with a reliable method of monitoring temperature.

(4) Exemptions to the requirement for a separate segregated delivery suite. The secretary of the department or his designee may, upon written application by the hospital, exempt the hospital from compliance of WAC 248-18-220(3)(c) to permit a hospital to close its obstetrical delivery suite and use surgery suite facilities for obstetrical

deliveries or to permit a hospital to use obstetrical delivery suite facilities for surgical operations, providing the following requirements are met:

(a) The use of the hospital's obstetrical suite facilities prior to the granting of the exemption shall have averaged less than four hundred obstetrical deliveries per delivery room per year.

(b) The hospital shall establish a policy governing the use of obstetrical delivery and operating rooms which ensures that any patient who presents with parturition imminent or with an obstetrical emergency which requires immediate medical intervention to preserve the health and life of the mother or her infant, is given priority over other obstetrical and nonemergent surgical procedures.

(c) The hospital's infection control committee or an equivalent designated committee shall approve policies and procedures designed to prevent the transmission of infection through the combined use of surgery or obstetrical delivery suite facilities and shall maintain a system of discovery, reporting and investigation of all infection occurring in surgical, obstetrical or neonatal patients. A record of reports and investigations of all such infection shall be kept on file.

(d) A hospital which is permitted to use facilities in the obstetrical delivery suite for surgical operations shall:

(i) Reserve for obstetrical deliveries exclusively at least one delivery room.

(ii) Give priority to any obstetrical patients for whom parturition is imminent when the number of such obstetrical patients and patients scheduled for surgery in the delivery suite exceed the number of patients which can be accommodated in the obstetrical rooms available.

(iii) Exclude the following categories of surgery from the obstetrical delivery suite: Surgery performed on persons who have a known or suspected infection, (acute or chronic), are known carriers of a communicable disease, or who are known to have been exposed to communicable disease to which susceptible within a recent period which is less than the maximum incubation period of the disease; change or removal of a cast; mouth, nose or throat surgery; intestinal, rectal, anal or perianal surgery other than incidental appendectomy.

(e) A hospital may be permitted to use one operating room for surgical operations and obstetrical deliveries provided the hospital has more than one operating room in its surgery suite. Any hospital which is permitted to close its obstetrical suite and use facilities in the surgery suite for obstetrical delivery shall:

(i) Designate for obstetrical deliveries at least one operating room and such additional rooms as are necessary.

(ii) Give priority to any obstetrical patient for whom parturition is imminent when the number of such obstetrical patients and the number of patients scheduled for nonemergency surgery exceeds the number of patients that can be accommodated in the operating rooms available.

(f) Any hospital to which an exemption from WAC 248-18-220(3)(c) has been granted shall establish policies and procedures and maintain appropriate equipment and supplies for rapid conversion of the labor room to an emergency delivery room should an obstetrical delivery be imminent at a time when all obstetrical rooms or operating rooms are in use.

#### (5) Nursery.

(a) A properly equipped nursery shall be provided for assessment and care of newborns.

(i) Supplies and equipment shall be available in appropriate sizes and types.

(ii) A wall clock with sweep second hand shall be visible from each nursery room.

(iii) Measuring devices should register metric.

(iv) There shall be provisions to do portable X-ray in the nursery area.

(v) There shall be an oxygen source in the nursery area with oxygen analyzer available.

(vi) Mechanical suction and compressed air shall be available.

(vii) There shall be provision for warming and humidifying oxygen mixtures.

(b) The nursery room shall provide a minimum of 20 square feet per bassinet.

(c) Bassinets shall be placed at least two feet apart.

(d) The temperature in each nursery room shall be maintained at a range of 72° to 75°F, 22 to 25°C, with a reliable method for monitoring the temperature.

(e) The nursery shall have window area equal to at least one-eighth of the floor area, or shall be provided with complete air conditioning to control temperature, humidity and air motion.

(f) There shall be adequate handwashing facilities with foot, knee or elbow faucet controls located at the entrance to the nursery area. A lavatory with foot, knee, or elbow faucet controls shall be located in each nursery room.

(g) There shall be provision for visitors to view newborns from outside the nursery.

(h) Nursing care of the newborn shall be under the supervision of a registered nurse in the hospital at all times.

(i) There shall be sufficient nursing service personnel to provide continued observation and care of the newborn when the newborn is in the nursery.

(j) Infection control.

(i) Handwashing and gowning procedures shall be established and followed prior to entering the nursery and before handling each infant and/or clean equipment.

(ii) Individual equipment, supplies and techniques shall be used for the care of each infant including equipment for bathing and transporting infants.

(iii) Special equipment which is used for more than one infant shall be used in ways which prevent cross infection and as approved by the infection control committee or by an equivalent designated committee.

(iv) Infants exhibiting signs of infection or with suspected exposure to communicable disease shall be isolated from other infants without delay.

(v) Procedures for isolation of newborns shall be approved by the infection control committee or by an equivalent designated committee.

(vi) Prophylactic treatment of the eyes of the newborn shall be carried out in accordance with RCW 70.24.040 and WAC 248-100-295 as now or hereafter amended.

(k) Blood specimens shall be obtained for PKU (phenylketonuria) and other metabolic tests prior to discharge from the hospital or when the infant is ten days of age, whichever comes first in accordance with RCW 70.83.020.

(l) Newborns shall be marked for identification in the delivery room or prior to separation from the mother. Verification of initial identification shall be recorded at the time done and at the time of discharge.

(m) There shall be an emergency call system from the nursery to another nearby professionally staffed area.

(6) Formula, foods and nourishments.

(a) There shall be a clean designated area for storage of infant formula.

(b) Formula shall be stored according to manufacturers directions.

(c) Formula shall not be used beyond the manufacturers date of expiration.

(d) Formula shall be prepared and used according to manufacturers and/or physicians directions.

(e) Aseptic techniques shall be used in handling and preparing infant formula according to manufacturers directions.

(f) Provision and procedures shall be established for procuring, handling and storage of breast milk.

(7) Hospitals admitting or treating high risk infants shall provide appropriate and adequate staff, equipment, back-up services, and consultation provisions to meet the needs of the high risk infant.

#### FOOTNOTE:

All regulations for nurseries are applicable to any hospital which provides care for infants, (see WAC 248-18-220(5) and (7)).

#### NEW SECTION

##### WAC 248-18-223 NEONATAL INTENSIVE CARE NURSERY. (1) Definitions.

(a) "Infant station" means a space for a bassinet, incubator or equivalent, including support equipment, used for the care of an individual infant.

(b) "High risk infant" means an infant, regardless of gestational age or birth weight, whose extrauterine existence is compromised by various factors, prenatal, natal, or postnatal and who therefore is in need of special or extraordinary medical and/or nursing care.

(c) "Neonatal intensive care" means management of high risk infants requiring constant nursing care and cardio-pulmonary and/or other life support on a continuing basis.

(d) "Neonatal intensive care nursery" means an area designed, organized and equipped to provide constant nursing care to the high risk infant.

(2) If neonatal intensive care services are provided, the following regulations shall apply.

(a) Regulations for WAC 248-18-220(5) shall apply to the intensive care nursery with the exception of space.

(b) The neonatal intensive care nursery shall provide at least 50 square feet per infant station.

(c) Eight electrical receptacles (four duplex receptacles or equivalent), shall be available within each infant station. All electrical receptacles shall be on the emergency generator.

(d) Oxygen, air and suction capabilities shall include:

(i) Two separate oxygen outlets available for each infant station, (portable tanks and/or piped oxygen).

(ii) One compressed air source available per infant station.

(iii) Two oxygen analyzers available in the intensive care nursery.

(iv) A mechanism for blending oxygen and compressed air.

(v) Capability to warm and humidify oxygen mixtures prior to administration.

(vi) One electrical mechanical suction per infant station and other mechanical suction available.

(e) A waiting and instruction area shall be available near the intensive care nursery.

(f) Neonatal intensive care nurseries shall be under the medical direction of a pediatrician with education, preparation and experience in neonatal medicine. A mechanism for consultation with pediatric subspecialties shall be established and available.

(g) There shall be an adequate number of nursing personnel skilled in the care of high risk infants available in the neonatal intensive care nursery.

(i) The intensive care nursery shall be under the nursing supervision of a registered nurse prepared through education and/or experience in the intensive care of infants.

(ii) There shall be two persons assigned to the intensive care nursery when an infant requiring intensive care is present.

(h) Standing orders shall be available for nursing services. There shall be written medical policies and orders to guide the action of nurses and other personnel if an emergency is imminent or arises and a physician is not present. These shall: Delineate the circumstances for which particular policies and orders are to be followed; provide for a physician to be called as rapidly as possible; delineate the minimum qualifications or training of persons who may execute particular medical orders; and be approved in writing by appropriate representatives of the medical, nursing and administrative staff. An order for the administration of a drug or other treatment during a medical emergency shall include: A description of the treatment which includes the name of each drug or other agent; the dosage, concentration or intensity of the drug or agent; the route or method of administration; and where pertinent, the time interval, frequency or duration of administration. These policies shall be reviewed and approved in writing by appropriate representatives of the nursing, administrative and medical staff annually.

(i) The intensive care nursery shall have available within the hospital at all times laboratory, radiology and respiratory care services.

(i) A person skilled in infant respiratory management and endotracheal intubation of newborns shall be available within the hospital at all times.

(ii) Anesthesia and social services shall be available.

(iii) Other facilities shall be readily available for use where infants may require services of subspecialists.

(j) There shall be written plans for patient care, discharge and transfer with provisions for follow up.

(k) There shall be periodic evaluation of the neonatal intensive care nursery service by an appropriate interdisciplinary committee including medical staff and nursing services with a report to the executive committee and administration.

## WSR 79-04-075

### PROPOSED RULES

#### EVERETT-EDMONDS COMMUNITY COLLEGE

[Filed March 30, 1979]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Washington State Community College District V intends to adopt, amend, or repeal rules relating to faculty tenure, dismissal and

reduction-in-force, chapters 132E-128 and 132E-129 WAC;

that such institution will at 1:30 p.m., Thursday, May 10, 1979, in the District Office, Board Room, Paine Field, Everett, WA 98204 conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Thursday, May 10, 1979, in the District Office, Board Room, Paine Field, Everett, WA 98204.

The authority under which these rules are proposed is RCW 28B.50.030, 28B.50.140(13) and 28B.50.852.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to May 10, 1979, and/or orally at 1:30 p.m., Thursday, May 10, 1979, District Office, Board Room, Paine Field, Everett, WA 98204.

Dated: March 29, 1979

By: Tom Harker  
Controller

### NEW SECTION

WAC 132E-128-001 TENURE AND DISMISSAL. It is the policy of the Board of Trustees of Washington Community College District V that all matters relating to tenure and dismissal of academic employees shall be governed by the laws of the State of Washington and the terms of the negotiated agreement between the Board and the duly elected academic employee bargaining agent as contained in that agreement.

### REPEALER

The following sections of the Washington Administrative Code are each repealed:

- (1) WAC 132E-128-010 TENURE - PURPOSE.
- (2) WAC 132E-128-020 TENURE - DEFINITIONS
- (3) WAC 132E-128-030 TENURE - APPOINTMENT REVIEW COMMITTEES - PURPOSE OF THE COMMITTEES AND SELECTION OF MEMBERSHIP.
- (4) WAC 132E-128-040 TENURE - APPOINTMENT REVIEW COMMITTEES - DUTIES AND RESPONSIBILITIES.
- (5) WAC 132E-128-050 TENURE - APPOINTMENT REVIEW COMMITTEES - OPERATING PROCEDURES.
- (6) WAC 132E-128-060 TENURE - AUTHORITY OF THE BOARD OF TRUSTEES.
- (7) WAC 132E-128-070 TENURE - RIGHTS AND REASONABLE EXPECTATIONS OF THE PROBATIONER.
- (8) WAC 132E-128-080 DISMISSAL OF TENURED AND PROBATIONARY FACULTY MEMBERS.
- (9) WAC 132E-128-090 RIGHTS OF TRANSFEREES.

### NEW SECTION

WAC 132E-129-001 REDUCTION-IN-FORCE. It is the policy of the Board of Trustees of Washington Community College District V that all matters relating to reduction-in-force of academic employees shall be governed by the laws of the State of Washington and terms of the negotiated agreement between the Board and the duly elected academic employee bargaining agent as contained in that agreement.

### REPEALER

The following sections of the Washington Administrative Code are each repealed:

- (1) WAC 132E-129-010 OBJECTIVE AND DEFINITION.
- (2) WAC 132E-129-020 PROCEDURES FOR DETERMINING THE NECESSITY.
- (3) WAC 132E-129-030 LAY-OFF UNITS.
- (4) WAC 132E-129-040 SENIORITY.
- (5) WAC 132E-129-050 IMPLEMENTATION OF REDUCTION-IN-FORCE.

- (6) WAC 132E-129-060 RIGHTS OF LAID OFF ACADEMIC EMPLOYEES.  
 (7) WAC 132E-129-070 SPECIAL PROVISIONS.

**WSR 79-04-076**  
**NOTICE OF PUBLIC MEETINGS**  
**CLARK COLLEGE**  
 [Memorandum—March 30, 1979]

The members of the Clark College Board of Trustees will meet for a special two-day work session April 7 and 8 at Gleneden Beach, Oregon.

The Board will consider goals and objectives of the college for future years, preparation for an accreditation visit in 1980, and other topics related to long-range planning including policies for the naming of College buildings, the Clark College Foundation, and legislative actions affecting the 1979-81 biennium.

No action will be taken by the Board during this session.

**WSR 79-04-077**  
**ADOPTED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Order 1596—Filed March 30, 1979]

I, Bob J. Mickelson, director of Department of Agriculture do promulgate and adopt at Olympia, Washington, the annexed rules relating to schedule of fees for the chemical analysis and physical grading of hops, amending WAC 16-218-010 and 16-218-02001.

This action is taken pursuant to Notice No. WSR 79-02-073 filed with the code reviser on 2/6/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 22.09 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 30, 1979.

By Bob J. Mickelson  
 Director

**AMENDATORY SECTION** (Amending Order 1580, Filed 6/30/78)

**WAC 16-218-010 SCHEDULE OF FEES FOR PHYSICAL GRADING.** The schedule of fees, payable to the department for certification of hops pursuant to the standards established by the Federal Grain Inspection Service of the United States department of agriculture as authorized by the Agricultural Marketing Act of 1946, as amended, shall be as follows:

(1) Lot inspection. (~~Sixty~~) Seventy cents per bale in each lot, minimum charge shall be fifteen dollars.

(2) Sample inspection. Fifteen dollars per unofficial sample submitted.

(3) Supplemental certificates. Two dollars per certificate.

(4) Appeal inspection. Charges for appeal inspections will be made by the Federal Grain Inspection Service, Portland, Oregon, and payment for appeal inspections shall be made to them.

(5) Extra copies. A charge of fifty cents per set will be made for typing extra copies of a certificate when requested by the original applicant or other financially interested party.

(6) Extra time and mileage charges. If through no fault of the inspection service, lots of hops cannot be sampled at the time such sampling has been requested by the applicant or there is an undue delay in making a lot of hops available for sampling, extra time and mileage charges shall be assessed. Fees for hourly wages and mileage rates will be in accordance with current applicable fees charged by the department.

To be considered available for sampling and certification, it is necessary that each and every bale in the lot of hops be readily accessible so that each bale may be properly stenciled and samples drawn from those bales selected by the inspector.

**AMENDATORY SECTION** (Amending Order 1580, Filed 6/30/78)

**WAC 16-218-02001 SCHEDULE OF CHARGES FOR CHEMICAL ANALYSES OF HOPS, HOP EXTRACT, HOP PELLETS OR HOP POWDER.** (1) When samples are submitted to the Yakima Chemical and Hop Laboratory, the charges will be: Twenty-five dollars per certificate for the Wollmer Hop Analysis Method; fifteen dollars per certificate for the ASBC Spectrophotometric or Conductometric Methods; and fifteen dollars per certificate for the EBC Conductometric Method. A Submitted Sample Certificate will be issued.

(2) Official samples of hops drawn by department personnel are composited either from the cores drawn for grade analysis, or from cores specially drawn on federal sampling schedule for brewing value only. Charges for analysis are: (~~Ten~~) Fifteen cents per bale, with a minimum of twenty-five dollars for the Wollmer Hop Analysis Method; (~~ten~~) fifteen cents per bale, with a minimum of fifteen dollars for the ASBC Spectrophotometric or Conductometric Methods; and (~~ten~~) fifteen cents per bale, with a minimum of fifteen dollars for the EBC Conductometric Method. An official Brewing Value Certificate will be used.

(3) Extra time and mileage charges. If through no fault of the inspection service, lots of hops cannot be sampled at the time such sampling has been requested by the applicant or there is an undue delay in making a lot of hops available for sampling, extra time and mileage charges shall be assessed. Fees for hourly wages and mileage rates will be in accordance with current applicable fees charged by the department.

To be considered available for sampling and certification, it is necessary that each and every bale in the lot of hops be readily accessible so that each bale may be

properly stenciled and samples drawn from these bales selected by the inspector.

(4) The fee to be charged by the department for analyses for tannin, isoconversion products from alpha and beta resins, oil analysis and other components, and possible adulterants such as residues, when requested, shall be the actual cost to the department. Such fee shall be based on and include man hour costs, necessary material costs, laboratory equipment use and depreciation costs, and administrative and overhead costs of such tests.

**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 79-04-078**  
**PROPOSED RULES**  
**TRANSPORTATION COMMISSION**  
[Filed April 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 47.60.325, that the Washington State Transportation Commission intends to adopt, amend, or repeal rules concerning the permanent adoption of WAC 468-300-005 establishing tolls for ferries across the Hood Canal and the Port Townsend to Edmonds route, supplanting the Emergency Rule adopted by Resolution No. 47, Administrative Order No. 7, filed March 22, 1979;

that such agency will at 2:00 p.m., Tuesday, May 15, 1979, in the Highway Administration Building, Room 1D2, Olympia, Washington conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Tuesday, May 15, 1979, in the Highway Administration Building, Room 1D2, Olympia, Washington.

The authority under which these rules are proposed is RCW 47.56.033 and 47.60.325.

Interested persons may submit data, views, or arguments to this agency in writing to be received from this agency prior to May 15, 1979, and/or orally at 2:00 p.m., Tuesday, May 15, 1979, Highway Administration Building, Room 1D2, Olympia, Washington.

Dated: April 2, 1979

By: Lue Clarkson  
Administrator

**NEW SECTION**

**WAC 468-300-005 PORT TOWNSEND-EDMONDS AND LOFALL-SOUTHPOINT FERRY FARES**

The following schedule of charges is hereby adopted:

- (1) Edmonds-Port Townsend: double cross-Sound rate structure.
- (2) Lofall-Southpoint or other crossing of Hood Canal as may be designated by the Secretary of Transportation.

\$.60 for passenger-only fare for ferry crossing only.

Additionally, a special school rate of \$.10 per student shall apply for designated school functions.

\$1.30 for ferry crossing plus bus ride, terminal on either or both sides of Hood Canal to or from Winslow, Bremerton, Port Townsend, Bangor, or Keyport, or intermediate points.

\$1.00 for bus ride only, terminal on each side of Hood Canal to or from Winslow, Bremerton, Port Townsend, Bangor, or Keyport or other intermediate points.

Upon institution of auto ferry service across Hood Canal, the rates shall be the same as the Mukilteo-Clinton rate structure.

- (3) Above service shall be provided at one-half fare for children 5 to 11 and elderly over 65 and handicapped with Washington State Ferries handicapped permit. Children under 5, free.

**WSR 79-04-079**

**NOTICE OF PUBLIC MEETINGS**  
**FOREST PRACTICES BOARD**  
[Memorandum, Chairman—April 2, 1979]

The Forest Practices Board of the State of Washington will hold a public meeting on May 16, 1979, at 10:00 o'clock, a.m., in Room 301, Public Lands Building, Olympia, Washington.

The business to be transacted is as follows:

- (1) consideration of amending Class IV Forest Practices Regulations, WAC 222-16-050.
- (2) consideration of establishing Forest Practices Regulations covering forest practices which relate to certain public water supply systems and fish hatcheries.
- (3) consideration of amending the definitional section of the Forest Practices/Regulations, WAC 222-16-010, as part of the implementation of changes in the Regulations under (1) and (2) above.

This special meeting may be continued and adjourned from time to time and place to place by the Forest Practices Board until completion of business.

DATED this 2nd day of April, 1979.

Bert L. Cole, Chairman  
Forest Practices Board

**WSR 79-04-080**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
[Filed April 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to adopt, amend, or repeal rules concerning collection agencies, by adopting new sections WAC 308-29-050, pertaining to suit or judgment notification by collection agencies, and WAC 308-29-060, pertaining to notification upon sale or transfer of a collection agency. (A copy of these proposed rules is attached, but the Director reserves the right to modify the same after receiving public testimony at the hearing.);



WSR 79-04-081  
ADOPTED RULES  
BOARD OF HEALTH  
[Order 176—Filed April 2, 1979]

that such agency will at 3 p.m., Friday, May 18, 1979, in the Sheraton-Spokane Hotel, North 322 Spokane Falls Court, Spokane, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10 a.m., Friday, June 1, 1979, in the Office of the Director, Fourth Floor, Highways-Licenses Bldg., Olympia, Washington.

The authority under which these rules are proposed is RCW 19.16.410.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 16, 1979, at Div. of Professional Licensing, P.O. Box 9649, Olympia, WA and/or orally at 3 p.m., Friday, May 18, 1979, Sheraton-Spokane Hotel, North 322 Spokane Falls Court, Spokane, WA.

Dated: April 2, 1979

By: Will Swanzy  
Deputy Director

Be it resolved by the Washington State Board of Health acting at Pasco, Washington that it does promulgate and adopt the annexed rules relating to:

- Amd WAC 248-18-110 Emergency light and power in existing hospitals.
- Amd WAC 248-18-160 Laundry in existing hospitals.
- Amd WAC 248-18-270 Use of medical gases, combustible anesthetics in existing hospitals.
- Amd WAC 248-18-280 Oxygen in existing hospitals.
- New WAC 248-18-315 Respiratory care services in existing hospitals.

This action is taken pursuant to Notice No. WSR 79-01-094 and 79-03-027 filed with the code reviser on 1/3/79 and 2/23/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.41.030 and is intended to administratively implement that statute.

The undersigned hereby declare that they have complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

This order after being first recorded in the order register of this governing body is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED March 14, 1979.

By Irma Goertzen

Chairman  
Robert H. Barnes MD

John B. Conway

Fred Quarnstrom

John A. Beare MD

Secretary

NEW SECTION

WAC 308-29-050 SUIT OR JUDGMENT NOTIFICATION.

(1) Every licensee shall, within twenty days, notify the director in writing of any judgment entered in any court whatsoever, the subject matter of which involves any of the practices prohibited in RCW 19.16.250 or any of the grounds set forth in RCW 19.16.120(4)(c), RCW 19.16.120(4)(d) or RCW 19.16.120(4)(f), and in which the licensee or any owner, officer, director or managing employee of a non-individual licensee is named a party therein.

(2) Every licensee shall, within twenty days after service or knowledge thereof, notify the director in writing of the filing of a petition in bankruptcy, or any tax lien or warrant, or of the filing of any suit, complaint, counterclaim or cross claim served or filed in any court in which the licensee or any owner, officer, director or managing employee of a nonindividual licensee is named a party and which involves any alleged violation of RCW 19.16.210 or which is or purports to be brought on behalf of the state of Washington or three or more persons or entities.

(3) The notification in writing shall be by certified or registered mail and shall identify the name or names of all parties plaintiff and defendant, the court in which the action is commenced, and the cause number assigned to the action.

NEW SECTION

WAC 308-29-060 SALE OF LICENSED COLLECTION AGENCY.

(1) Whenever a licensee intends to sell or otherwise transfer his interests in a collection agency to another individual, firm, partnership, joint venture, association or corporation, the licensee shall notify the director by certified mail, return receipt requested, of the pending sale or transfer including the date such sale or transfer becomes effective and the name of the buyer or transferee.

(2) The seller (licensee) and buyer will insure that there is incorporated in the body of the sale agreement appropriate clauses that set forth provisions relative to the following:

(a) The Washington state collection agency license is not transferable or assignable and buyer is responsible to initiate whatever administrative action is necessary to obtain such license as required by law.

(b) Whenever buyer or seller has the responsibility for all payments due customers on or before the effective date of sale.

(c) Whether buyer or seller has the responsibility for maintaining and preserving the accounting records as prescribed by RCW 19.16.230(3).

(d) Whether buyer is restricted from or is authorized to use the seller's collection agency's business name.

AMENDATORY SECTION (Amending Order 119, filed 5/23/75)

WAC 248-18-110 EMERGENCY LIGHT AND POWER. (1) Flashlights or battery-operated lamps shall be available to employees ((on night duty)) and kept in operating condition.

(2) Adequate emergency lighting ((equipment)) and power shall be available ((in the surgery suite, delivery suite, and emergency room. Such equipment shall meet the requirements of the state electrical code)).

AMENDATORY SECTION (Amending Order 119, filed 5/23/75)

WAC 248-18-160 LAUNDRY. (~~The hospital shall make provision and be responsible for the proper handling, cleaning, and storage of linen and other washable goods.~~) (1) The laundry and linen service shall have adequate space and equipment for storage, sorting and processing of clean and soiled linen/laundry.

(a) Separation between clean and soiled linen/laundry shall be maintained during sorting, processing, transporting, and storage of linen/laundry.

(b) Soiled and clean linen/laundry shall be handled in a way which minimizes contamination risks.

(i) Soiled linen/laundry from isolation and septic surgical cases shall be bagged and marked for special handling.

(ii) There shall be an adequate supply of hot water at a minimum temperature of 160 degrees F.; 71.1 degrees C., with use of appropriate disinfecting agents.

(c) Procedures shall be established to provide for clean linen/laundry free of toxic residues.

(2) The hospital shall maintain an adequate supply of linen/laundry through a linen/laundry control system.

(3) A clean and safe environment with adequate ventilation and lighting shall be maintained.

(a) Positive clean air flow shall be maintained in clean linen/laundry areas which are within the laundry.

(b) Negative soiled air flow shall be maintained in soiled linen/laundry areas which are within the laundry.

(c) Chemical or soap product containers shall be clearly labeled.

(d) The use and precautionary procedures shall be defined and posted for chemical agents and soap products.

(4) The laundry and linen service shall be adequately staffed.

(a) Orientation and in-service, including infection control and safe laundry practices, shall be provided for laundry and linen service personnel.

(b) Written policies and procedures shall specify scheduled activities and routines of personnel working in the laundry and/or linen areas.

(5) If contracted services are used, the hospital shall insure that all requirements, except requirements in subsection (4) of this section, are met through:

(a) An annual on-site visit (inspection), of the complete physical plant(s) of any contract laundry which provides any service to or for the hospital shall be conducted by (a) member(s) of the hospital infection control committee (or the equivalent designated committee). This annual visit (inspection), as a minimum requirement, shall be done by that member of the hospital infection control committee (or equivalent designated committee), who has the most expertise in the field of infection control and shall be documented by that committee in a record which the hospital shall retain.

(b) A written agreement between the hospital and any facility which provides laundry services to and for the hospital requiring that applicable provisions of this section (see subsection (5) of this section), be met by the

laundry provider, and allowing for immediate termination of the contract for failure to comply with any of the applicable provisions hereof, provided this subsection shall not be effective relative to any contract which was in existence prior to the effective date of this subsection, provided, however, that no such contract may be extended, renewed or otherwise held in effect beyond its termination date, as stated on the effective date hereof.

(c) The hospital which uses contract laundry services shall meet the requirements specified in subsection (4) of this section, as applicable, for any hospital employees who are involved with distribution, handling or storage of the linen/laundry, whether cleaned or soiled.

AMENDATORY SECTION (Amending Order 119, filed 5/23/75)

WAC 248-18-270 USE OF MEDICAL GASES, COMBUSTIBLE ANESTHETICS. In rooms where combustible anesthetic (cyclopropane, divinyl ether, ethyl chloride, ethyl ether, and ethylene) agents are used, the installation, maintenance, and use of equipment and other precautions observed by personnel shall be in accordance with ~~((the current issue of the National Fire Protection Association, No. 56, (Safe practices for hospital operating rooms))~~ department approved or recommended standards.

AMENDATORY SECTION (Amending Order 119, filed 5/23/75)

WAC 248-18-280 ((OXYGEN)) NONFLAMMABLE MEDICAL GASES. (1) ~~((Oxygen gauges))~~ Nonflammable medical gases shall include but not be limited to oxygen, nitrous oxide, medical compressed air, carbon dioxide, helium, nitrogen and mixtures of such gases when used for medical purposes.

(2) Medical gas gauges, alarms and manometers shall be tested for accuracy periodically and be conspicuously labeled "((Oxygen)) (Name of gas), use no oil".

~~((2))~~ (3) "No Smoking" signs shall be posted where oxygen is being administered.

~~((3))~~ (4) Oxygen tent canopies shall be fabricated of slow burning or noncombustible material.

~~((4))~~ (5) Electric equipment used in ((connection with oxygen tents)) an oxygen enriched environment shall be properly designed for use with oxygen and should be labeled for use with oxygen.

(6) Procedures shall specify the safe storage and handling of medical gas containers.

NEW SECTION

WAC 248-18-315 RESPIRATORY CARE SERVICES. (1) Respiratory care services shall be clearly defined in a written statement that describes the scope of diagnostic, therapeutic and rehabilitative cardio-pulmonary services provided for inpatients and outpatients.

(2) Policies and procedures.

(a) Written policies and procedures for respiratory care services shall be developed and implemented and shall include instructions for the following: Patient care techniques; operation and application of equipment;

equipment maintenance and monitoring; infection control practices including cleaning, disinfecting, sterilizing and changing of equipment; use and storage of medications, drugs and chemicals.

(b) Policies and procedures shall be periodically reviewed, revised as needed and approved by the appropriate committee with medical staff representation or by member of the medical staff.

(3) Medical direction and personnel.

(a) The respiratory care services shall be under the medical direction of a member of the active medical staff or a committee chaired by a member of the active medical staff.

(b) Respiratory care services shall have an adequate number of qualified personnel in accordance with the scope and volume of services.

(c) In-service shall be provided and documented for respiratory care service personnel.

(4) Authorization and documentation.

(a) Respiratory care services provided for a patient shall be authorized in writing and signed by a physician. Verbal and telephone orders shall be signed by a physician.

(b) Routine and standing orders, when used, shall be reviewed annually and signed by the appropriate member of the active medical staff.

(c) Respiratory care services provided for a patient shall be reported in the medical record. The record shall include the date, time, type of respiratory service performed, medications, assessment of the response of the patient, and signature of the person performing the service.

(d) There shall be a policy statement describing what to do when physician orders are unclear or incomplete.

(5) Space.

(a) There shall be adequate space designated in the hospital for reception, treatments and/or respiratory services, record keeping, storage for equipment, supplies and drugs.

(b) Space for treatments and for processing of equipment and materials shall be organized and maintained to prevent cross-contamination.

(c) Equipment and instruments shall be safe, functional, and appropriate for respiratory care services provided. There shall be documentation of the calibration and maintenance systems.

#### WSR 79-04-082

#### NOTICE OF PUBLIC MEETINGS WESTERN WASHINGTON UNIVERSITY [Memorandum, President—March 29, 1979]

The special meeting of the Board of Trustees of Western Washington University, scheduled to be held April 4, 1979, in 340 Old Main on the Western Washington University campus, has been canceled.

#### WSR 79-04-083 NOTICE OF PUBLIC MEETINGS URBAN ARTERIAL BOARD [Memorandum—April 3, 1979]

Beginning at 9:30 a.m., Thursday, April 19, 1979

1. Minutes of UAB meeting, February 21, 1979
2. Report of Chairman
3. Apportionment of funds deposited into the Urban Arterial Trust Account between January 1, 1979 and March 31, 1979
4. Allocation of Urban Arterial Trust Funds to previously authorized projects for the second quarter of 1979
5. Review obligation status of Urban Arterial Trust Funds
6. Proposed authorization of Urban Arterial Trust Funds for design on project in Federal Urban Areas
7. Proposed authorization of Urban Arterial Trust Funds for construction on approved projects in Federal Urban Areas and Rural Incorporated Cities
8. Review new proposed UAB rule which would govern projects approved in the 1979-1981 Biennium

#### WSR 79-04-084 PROPOSED RULES UNIVERSITY OF WASHINGTON [Filed April 3, 1979]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 and 42.30.060, that the University of Washington intends to adopt, amend, or repeal rules concerning parking and traffic regulations, amending WAC 478-116-060, 478-116-230, 478-116-290, 478-116-340, 478-116-360, 478-116-450, 478-116-520, 478-116-600 and new WAC 478-116-601;

that such agency will at 9:00 a.m., Wednesday, May 16, 1979, in the HUB 304F, Student Union Building, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:00 p.m., Friday, June 8, 1979, in the Regent's Room, Administration Bldg., UW, Seattle.

The authority under which these rules are proposed is RCW 28B.20.130(1).

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to May 16, 1979, and/or orally at 9:00 a.m., Wednesday, May 16, 1979, HUB 304F, Student Union Building.

Dated: March 29, 1979

By: Sally G. Tenney  
Assistant Attorney General

#### AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-060 PERMITS REQUIRED FOR VEHICLES ON CAMPUS. (1) Except as provided in WAC 478-116-090 and ((WAC)) 478-116-160 of these regulations, no person shall drive any

vehicle, nor shall any person stop, park, or leave any vehicle, whether attended or unattended, upon the campus of the University of Washington without a valid permit issued by the Manager of the Parking Division pursuant to the authority granted by the Board of Regents

(2) Permission to drive on campus or to park thereon shall be shown by display of a valid permit. Possession of a gate key card does not, in itself, constitute permission to park in a designated parking area.

(3) A valid permit is:

(a) An unexpired vehicle permit and area designator properly registered and displayed in accordance with instructions.

(b) A temporary permit authorized by the Parking Division and displayed in accordance with instruction on the permit.

(c) A parking permit issued by a gate attendant, which permit shall be displayed on the vehicle in accordance with instructions.

(4) A gate key card is a plastic card which actuates the gates controlling certain parking areas, and is issued by the Parking Division.

(5) Parking permits, credit cards, ticket books, and ~~((gate))~~ key cards are not transferable, except as provided in WAC 478-116-280 and ~~((WAC))~~ 478-116-360.

(6) The University reserves the right to refuse the issuance of a parking permit.

#### AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-290 TEMPORARY AND REPLACEMENT PERMITS. (1) Any permit holder may obtain without charge a temporary permit at the Parking Division Office for an unregistered vehicle when necessary due to nonavailability of his or her registered vehicle.

(2) Any permit holder may obtain ~~((without))~~ at a charge of one dollar a replacement permit upon completion of a signed certificate as provided in WAC 478-116-600(2) when his or her assigned permit has been lost, stolen or destroyed.

(3) Any permit holder may obtain ~~((without))~~ at a charge of one dollar a replacement permit upon delivery of the scrapings of his or her assigned permit when his or her vehicle has been sold. Without the scrapings a replacement fee of two dollars will be charged as provided in WAC 478-116-600(2).

#### AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-340 DISPLAY OF PERMITS. The single vehicle permit issued by the Manager of the Parking Division shall be displayed affixed to the center bottom of the windshield of the vehicle. The transferable vehicle permit shall be displayed in the plastic pocket which shall be affixed to the center bottom of the windshield of the vehicle. The area designator (numeral, letter or combination) will be affixed to the vehicle permit. ~~((When the area designator (numeral, letter or combination) is issued separately from the permit it shall be placed on the inside of the rear window on the lower left corner as viewed from the rear of the car. If the vehicle is a convertible or a truck-camper or has no permanently fixed rear window, the area designator shall be placed on the windshield adjacent to the permit.))~~ Motorcycle and scooter permits shall be prominently displayed on the front or left side of the vehicle. Permits and area designators not displayed in accordance with the provisions of this section are not valid and vehicles displaying them improperly are subject to citation. Expired permits must be removed before affixing current permit.

#### AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-360 CARPOOL PERMITS. ~~((Three))~~ Two or more people constitute a valid carpool. Faculty, staff personnel and students may be issued one transferable permit for each carpool. This permit is transferable only among the registered vehicles of the carpool and is not valid on any other vehicle. The Manager of the Parking Division is authorized to set aside carpool spaces in designated parking areas in an amount which will not cause relocation of permit parking and to develop appropriate procedures to insure against abuse of carpool privileges.

#### AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-230 PRIORITIES. (1) The parking space available on the campus shall be allocated by the Manager of the Parking Division among applicants for permits in such manner as will best obtain the objectives of these regulations. In making such allocation of parking spaces, the Manager of the Parking Division shall consult with

and receive the advice of the Transportation Advisory Committee appointed by the President of the University to represent the interests of the faculty, the staff personnel and the student body.

(2) Unless in his or her opinion the objectives of these regulations would otherwise be better served, the Manager of the Parking Division shall observe the following priorities in the issuance of permits to applicants, with the first-listed priority being highest and the last-listed priority being lowest:

(a) Physically handicapped faculty members, staff personnel and students. Such faculty and staff must obtain a certificate from a physician and such students must obtain a disability parking request from Hall Health Center indicating that special parking assignment is essential in order for them to perform their assigned duties or to attend classes;

(b) Deans, senior executive and administrative officers, and department chairpersons and directors;

(c) ~~((The following academic personnel, in the stated order:~~

(i) Professors;

(ii) Associate Professors;

(iii) Assistant Professors;

(iv) Instructors, Research Associates and Lecturers;

~~((v) Librarians with academic status))~~ Full Professors, Associate Professors, and three or more person carpools;

(d) Assistant Professors, Instructors, Research Associates and Lecturers, Librarians with academic status, and two person carpools;

(e) Full-time personnel who regularly and frequently have need for a car to facilitate their work. Procedures for such issuance will be determined by the Manager of the Parking Division;

~~((f))~~ (f) Other full-time personnel;

~~((g))~~ (g) Teaching and research assistants;

~~((h))~~ (h) Students whose extracurricular activities require regular and frequent use of vehicles. Procedures for such issuance will be coordinated between the Vice President for Student Affairs and the Manager of the Parking Division;

~~((i))~~ (i) Part-time academic and part-time staff personnel;

~~((j))~~ (j) All other University students.

(3) When recommended by the appropriate Vice President or dean or his or her designee, parking spaces may be redistributed among personnel within a department or administrative unit.

(4) Assignment of parking space to residence hall students will be made in accordance with priorities and procedures developed by the Director of Housing and Food Services and approved by the Manager of the Parking Division.

#### AMENDATORY SECTION (Amending Order 78-3, filed 6/15/78)

WAC 478-116-520 FINES AND PENALTIES. (1) The fines or penalties which may be assessed for violations of these regulations are those detailed in WAC ~~((478-116-600(3)))~~ 478-116-601.

(2) Fines.

(a) Persons cited for violation of these regulations may respond either by arranging for a University Parking Court date or by paying and forfeiting a fine within seven days of service of the citation in accordance with WAC 478-116-450. Forfeitures submitted by mail must be postmarked within seven days of the date of issue of the citation in order to avoid additional penalties.

(b) An additional fine of \$5.00 per offense shall be assessed for each parking citation which is not responded to within the seven day limit provided in WAC 478-116-520(2)(a).

(c) The Manager of the Parking Division shall cause these regulations or a reasonable summary thereof to be:

(i) Published in the University of Washington DAILY at least twice each calendar year.

(ii) Prominently displayed in the offices of the University Parking Violations Division, the University Police Department, and the Parking Division.

(d) The Fine Schedule shall be printed on the parking violation notices served on alleged violators.

(3) In any case where an alleged violator within a period of three months or less has a combined total of five or more violations with respect to which he/she has either forfeited the fine or been convicted of the violation, the Parking Judge may, in addition to whatever fines are appropriate under the applicable fine schedule, impose the following sanctions:

(a) Suspension of permit parking privileges on campus for a specified time;

(b) Direct a report of the offense to be forwarded to the appropriate dean or administrative officer.

AMENDATORY SECTION (Amending Order 78-3, filed 6/15/76)

WAC 478-116-450 ELECTION TO FORFEIT OR CONTEST.

(1) The summons or parking violation notice issued pursuant to WAC 478-116-440 shall advise the alleged violator that he or she may elect either to pay and forfeit the fine applicable to the violation(s) charged or to contest the matter(s) in the University Parking Court.

(2) If the alleged violator chooses to forfeit the fine(s) he or she may do so by mail, forwarding the appropriate amount by check or money order or bringing such amount in cash to the University Parking Violations Division. Such forfeiture shall constitute a waiver of the right to a hearing.

(3) If the alleged violator chooses to contest, he or she may do so by contacting the Parking Violations Division and requesting a date to appear in court. Such request may be made by telephone, mail or in person.

(4) If an alleged violator has received one or more parking violation notice(s) amounting to \$12.00 or more without either forfeiting the fine or requesting a court date, the Parking Violations Division shall send him or her a notice directing him or her either to (appear in court on a date at least 25 days after the date the notice is deposited in the mail or to pay and forfeit his or her fine, the total of which shall be set forth on the notice) pay and forfeit a fine, the amount of which shall be set forth on the notice, or request an appearance in the University Parking Court by contacting the Parking Violations Division on or before a specified date which is not less than ten days from the date the notice is deposited in the mail. Such notice shall be sent not earlier than seven days after the alleged violator was served with his or her unanswered summons or parking violation notice(s). The notice sent by the Parking Violations Division shall advise the alleged violator that failure to either pay and forfeit the fine or make a request for a court hearing date within the time set forth on the notice will result in a default judgment and such penalty or fine may be imposed by the Parking Judge as is appropriate under the schedule of fines established pursuant to WAC 478-116-520.

(5) Failure of an alleged violator to appear in the University Parking Court on the date set or to apply for a continuance of the hearing date or to pay and forfeit fines prior to the hearing date shall, unless lawful excuse is established before the University Parking Court, constitute a plea of guilty to the complaint or information and such penalty or fine may be imposed by the Parking Judge as is appropriate under the schedule of fines established pursuant to WAC 478-116-520.

AMENDATORY SECTION (Amending Order 78-6, filed 9/14/78)

WAC 478-116-600 FEES((,-FINES AND PENALTIES)). (1)

For purposes of this section the following lots are in:

- (a) Zone A - (i) Central Campus: C1, C3, C6, C7, C8, C9, C10, C12, C13, C14, C15, C16, C17, C18; (ii) East Campus: E3, E6, E7, E8;((+)) (iii) North Campus: N2, N3, N4, N6, N7, N8, N9, N10, N11, N12, N13, N14, N15, N16, N18, N20, N21, N22, N23, N24, N26, N27, N28; (iv) South Campus: S1, S4, S5, S6, S7, S8, S9, S10; (v) West Campus: W1, W3, W4, W5, W6, W7, W8, W9, W10, W11, W12, W13, W14, W18, W20, W21, W22, W23, W24, W25, W34, W39, W41, W42. (b) Zone B - (i) East Campus: E2, E9, E10, E11, E12; (ii) North Campus: N1, N5, N25; (iii) South Campus: S13; (iv) West Campus: W2, W16, W17, W26, W27, W28, W29, W30, W31, W32, W33, W36, W38, W40.

(2) The following schedule of parking fees is hereby established:

Table with 2 columns: (a) Type of Permit - and PER AMOUNT. Includes items like Annual Permits, Zone A Permits, Zone B Permits, Reserved - General, Reserved - Physically Handicapped, Motorcycle and Scooter, Drive-through permits, 24-hour storage, garages, Carpool Permits, and Night Permits.

Table with 2 columns: (ii) Quarterly Permits, (iii) Night Permits, (v) Academic Year Permits, (b) Hourly Parking Rates, (i) 0-15 minutes, (ii) 15 minutes to 30 minutes, (iii) to 1 hour, (iv) 1 hour to 2 hours, (v) 2 hours to 3 hours, (vi) over 3 hours, (b-1) Hourly Parking Rates for Designated Areas on the Periphery of Campus, (i) 0-15 minutes, (ii) 15 minutes to 30 minutes, (iii) to 1 hour, (iv) over 1 hour, (c) Evening Parking, (i) 0-15 minutes, (ii) 15-30 minutes, (iii) Over 30 minutes, (d) Overnight Parking, (e) Special Permits, (i) Short term (24-hour) Zone A, (ii) Short term (not including 24-hour storage) Zone A, (iii) Short-term Motorcycle, (iv) Ticket Books, (A) 5 ticket book - Individual, (B) 10 ticket book - Individual, (C) 25 ticket book - Individual, (D) 5 ticket book - Departmental, (E) 10 ticket book - Departmental, (F) 25 ticket book - Departmental, (g) Mechanically Controlled Parking Areas, (h) Athletic Events, (i) Football, (A) Automobiles, (B) Motor Homes, (C) Buses, (ii) All other events - Pavilion and Stadium lots, (A) When staffed by attendants, (B) When controlled by mechanical equipment, (g) Miscellaneous Fees, (i) Transfer from one area to another by request of individual, (ii) Gate keycard replacement - not to exceed.

	PER AMOUNT	Offense	Maximum Fine
(iii) Vehicle Gatekey deposit (Amount of deposit will be set by the Manager of the Parking Division. Deposit will be returned to individual when key is returned to Parking Division.)	Not to exceed ((5-00)) 10.00	(11) 11 Parking Out of Assigned Area WAC 478-116-130	5.00
(iv) Permit Replacement		(12) 12 Parking Over Posted Time Limit WAC 478-116-110	5.00
(A) With signed certificate of destruction or theft	((No-charge)) 1.00	(13) 13 Parking with No Valid Permit Displayed WAC 478-116-060	5.00
(B) Without certificate of destruction	2.00	(14) 14 Parking within 10 Feet of Fire Hydrant WAC 478-116-130	10.00
(v) Impound Fee	At cost	(15) 15 Parking at Expired Meter WAC 478-116-350	5.00
(vii) Carpools - (Daily pay parking in certain designated areas. Two or more persons)	.10 - .50	(16) 16 Parking Outside Cycle Area WAC 478-116-070	5.00
((3) The following schedule of fines for violations of these rules is hereby established:))		(17) 17 Parking in Space/Area Not Designated for Parking WAC 478-116-130	5.00
((Offense))	((Maximum-Fine))	(18) 18 Parking While Privilege Suspended WAC 478-116-520	25.00
((a) 01 Blocking Traffic WAC 478-116-190	\$ 10.00	(19) 19 Use of Forged/Stolen Vehicle Permit WAC 478-116-060 and 478-116-370	25.00
(b) 02 Enter/Exit Without Paying WAC 478-116-110	10.00	(20) 20 Impound WAC 478-116-580	At Cost
(c) 03 Failure to Lock Ignition WAC 478-116-200	3.00	(21) 21 Other Violations of the University Parking and Traffic Regulations	25.00
(d) 04 Failure to Set Brakes WAC 478-116-200	5.00	(22) 22 Failure to Transfer a Valid Permit WAC 478-116-340	2.00
(e) 05 Improper Display of Vehicle Permit WAC 478-116-340	2.00		
(f) 06 Occupying More than One Stall or Space WAC 478-116-140	2.00		
(g) 07 Parking in Restricted Parking Area WAC 478-116-110	5.00		
(h) 08 Parking in Prohibited Area WAC 478-116-130	10.00		
(i) 09 Parking on [Grass] [Planted Areas] WAC 478-116-130	5.00		
(j) 10 Parking Out of Assigned Area WAC 478-116-130	5.00		
(k) 11 Parking Over Posted Time Limit WAC 478-116-110	5.00		
(l) 12 Parking with No Valid Permit Displayed WAC 478-116-060	5.00		
(m) 13 Parking within 10 Feet of Fire Hydrant WAC 478-116-130	10.00		
(n) 14 Parking at Expired Meter WAC 478-116-350	5.00		
(o) 15 Parking Outside Cycle Area WAC 478-116-070	5.00		
(p) 16 Parking in Space/Area Not Designated for Parking WAC 478-116-130	5.00		
(q) 17 Parking While Privilege Suspended WAC 478-116-520	5.00		
(r) 18 Use of Forged/Stolen Vehicle Permit WAC 478-116-060 and WAC 478-116-370	25.00		
(s) 19 Impound WAC 478-116-580	At cost		
(t) 20 Other Violations of the University Parking and Traffic Regulations	25.00))		

**WSR 79-04-085**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**  
[Filed April 3, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapters 15.58 and 17.21 RCW, that the Department of Agriculture intends to adopt, amend, or repeal rules relating to special program fees on 2,4-D herbicide distributed in this state, amending WAC 16-230-115 and 16-230-120;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Wednesday, May 9, 1979, in the Directors Office, Olympia, Washington.

The authority under which these rules are proposed is chapters 15.58 and 17.21 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 8, 1979.

Dated: April 2, 1979  
By: Art G. Losey  
Assistant Director

NEW SECTION

WAC 478-116-601 FEES AND PENALTIES. The following schedule of fines for violations of the rules listed in WAC 478-116-600 is hereby established:

Offense	Maximum Fine
(1) 01 Obstructing Traffic WAC 478-116-190	\$ 10.00
(2) 02 Enter/Exit Without Paying WAC 478-116-110	10.00
(3) 03 Failure to Lock Ignition WAC 478-116-200	3.00
(4) 04 Failure to Set Brakes WAC 478-116-200	5.00
(5) 05 Improper Display of Vehicle Permit WAC 478-116-340	2.00
(6) 06 Permit Not Registered to this Vehicle WAC 478-116-060	5.00
(7) 07 Occupying More than One Stall or Space WAC 478-116-140	2.00
(8) 08 Parking in Restricted Parking Area WAC 478-116-110	5.00
(9) 09 Parking in Prohibited Area WAC 478-116-130	10.00
(10) 10 Parking on Planted Areas WAC 478-116-130	5.00

AMENDATORY SECTION (Amending Order 1576, filed 5/31/78)

WAC 16-230-115 PROCEDURE FOR COLLECTING SPECIAL PROGRAM FEES. (1) Each first distributor of a restricted use herbicide in this state shall pay to the department a fee of five cents per pound of active ingredient of restricted use herbicide distributed by such person during the year beginning ~~July 1, 1978~~ July 1, 1979 and ending ~~June 30, 1979~~ June 30, 1980: PROVIDED, That when computing the pounds of active ingredient on which the fees must be paid, distribution for use outside the state by the first distributor may be excluded.

(2) When more than one first distributor is involved in the distribution of a restricted use herbicide the initial first distributor meeting the criteria of WAC 16-230-110(1) is responsible for reporting the pounds of active ingredient of restricted use herbicides and paying the fee, unless the reporting and paying of fees have been made by another distributor of restricted use herbicides as per WAC 16-230-115(3).

(3) Any distributor other than the first distributor may act as an agent in paying the special program fee: PROVIDED, That written agreement exists between the distributors, and: PROVIDED FURTHER, That such written agreement has been approved by the director.

**AMENDATORY SECTION** (Amending Order 1576, filed 5/31/78)

**WAC 16-230-120 PROCEDURE FOR SUBMITTING REPORTS.** (1) Each person made responsible by these regulations for the payment of fees for restricted use herbicides distributed in this state shall file a report with the department on ~~January 1, 1979~~ January 1, 1980 and ~~July 1, 1979~~ July 1, 1980 showing the number of pounds of such restricted use herbicides distributed during the six calendar months immediately preceding the date the report is due. When verifying such reports, the department may accept sales records or other records accurately reflecting the poundage sold. The appropriate fee, no less than the five dollar minimum fee, shall be remitted with the report. The person required to file the report and pay the fee shall have a thirty day grace period. Such grace period shall expire on ~~January 30, 1979~~ January 30, 1980 for the ~~January 1, 1979~~ January 1, 1980 report and ~~July 30, 1979~~ July 30, 1980 for the ~~July 1, 1979~~ July 1, 1980 report.

**WSR 79-04-086****PROPOSED RULES****DEPARTMENT OF AGRICULTURE**

[Filed April 3, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapters 15.58 and 17.21 RCW, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning state restricted use pesticides for use by certified applicators only;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Tuesday, April 10, 1979, in the Directors Office, Department of Agriculture, Olympia, Washington.

The authority under which these rules are proposed is chapters 15.58 and 17.21 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to Tuesday, April 10, 1979.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 79-02-077 and 79-04-056 filed with the code reviser's office on 2/6/79 and 3/28/79.

Dated: April 2, 1979

By: Art G. Losey  
Assistant Director**WSR 79-04-087****PROPOSED RULES****HIGHER EDUCATION PERSONNEL BOARD**

[Filed April 3, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 28B.16.100, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning:

- Amd WAC 251-06-050 Position allocation—Reallocation to clarify provisions regarding computation of time.
- Amd WAC 251-06-060 Position review to clarify provisions regarding computation of time.
- Amd WAC 251-09-020 Work period designations to accommodate range numbers of new salary grid to be effective July 1, 1979.
- Amd WAC 251-09-030 Overtime to correct a typographical error.

- Amd WAC 251-10-030 Layoff.
- Amd WAC 251-10-035 Layoff—Special employment programs.
- Amd WAC 251-18-410 Special employment programs.

The above amendments are proposed to provide that CETA participants who are being laid off due to the expiration of a maximum period of subsidized employment shall not have the right to "bump" other CETA employees who may not have achieved such maximum period;

that such agency will at 10:00 a.m., Thursday, May 17, 1979, in the Board Room, Wenatchee Valley College, Wenatchee, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, May 17, 1979, in the Board Room, Wenatchee Valley College, Wenatchee, Washington.

The authority under which these rules are proposed is RCW 28B.16.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 17, 1979, and/or orally at 10:00 a.m., Thursday, May 17, 1979, Wenatchee Valley College, Wenatchee, Washington.

Dated: April 2, 1979

By: Douglas E. Sayan  
Director**AMENDATORY SECTION** (Amending Order 61, filed 8/30/77)

**WAC 251-06-050 POSITION ALLOCATION—REALLOCATION.** (1) The personnel officer shall allocate or reallocate each classified position to the appropriate class in the classification plan. In determining the class to which the position should be allocated, specifications describing each class shall be considered as a whole. Consideration should be given to the general duties, specific tasks, responsibilities, and relationships to other classes as a composite description of the kind of employment that the class is intended to embrace. The personnel officer shall allocate the employee's position to the class which best describes the overall duties and responsibilities.

(2) When there are permanent and substantive changes in the functions of a position involving the addition, reduction, or modification of duties and responsibilities, the personnel officer shall reallocate the position to the appropriate class. The employee shall be notified of the action including the effective date, as provided in WAC 251-06-065 and be informed that the appeal rights provided in WAC 251-06-070 may be exercised within thirty calendar days of service of the notification or the effective date of the action, whichever is later.

**AMENDATORY SECTION** (Amending Order 67, filed 4/27/78)

**WAC 251-06-060 POSITION REVIEW.** (1) Whenever an employee feels that his/her position is not allocated to the proper class, the employee or his/her representative may request a position review by the personnel officer, provided:

(a) The request must be in writing and describe the work assigned and performed which is alleged to be outside the class specification, and

(b) Six months must have elapsed since the date of the employee's last request for a review of this position as provided in this section.

(2) The personnel officer will investigate the position and issue a written response to the employee or employee representative within sixty calendar days of receipt of the request. If the personnel officer does not approve the reallocation, the response must state the reason(s) that the position does not warrant reallocation. The response must include a notice to the employee that an appeal, as provided in WAC 251-06-070, may be exercised within thirty calendar days of (receipt) service of the response or the effective date of the action, whichever is later.

AMENDATORY SECTION (Amending Order 62, filed 8/30/77)

WAC 251-09-020 WORK PERIOD DESIGNATIONS. Each position will be assigned by the personnel officer to one of the work period designations identified below, and employees will be informed of their eligibility for overtime compensation.

(1) SCHEDULED WORK PERIODS, within which there are two work schedules:

(a) Regular Work Schedule. The regular work schedule for full time classified employees shall consist of five consecutive and uniformly scheduled eight hour days in a seven day period. Uniformly scheduled means a daily repetition of the same working hours and a weekly repetition of the same working days.

(b) Alternate Work Schedule. Operational necessity or employee convenience may require positions that are normally designated regular work schedule to work an alternate forty hour work schedule (other than five uniform and consecutive eight hour days in a seven day period), or as provided by the Washington State Minimum Wage Law in conjunction with the federal law which provides for an eighty hour workweek in a fourteen day period for hospital personnel. Alternate work schedules shall be made available upon request of the director.

(2) NONSCHEDULED WORK PERIOD. The nonscheduled work period designation applies to those positions for which the hours cannot be scheduled but which work a forty hour week and do not meet any of the other work period designations. The personnel officer shall designate positions as nonscheduled in accordance with the institution's procedure approved by the director.

(3) EXCEPTED WORK PERIOD. The excepted work period designation applies to classes and positions which meet the HEPB definitions of executive, administrative, or professional employees and are assigned to salary ranges (~~forty-five~~) twenty-six and above. Qualifying classes will be approved by the director. Each personnel officer will be responsible for determining the positions designated "excepted" at his/her institution. The personnel officer will develop a procedure for verifying "excepted" positions which will be available for review by the director.

AMENDATORY SECTION (Amending Order 68, filed 5/25/78)

WAC 251-09-030 OVERTIME. (1) Any one of the following constitutes overtime:

(a) Work in excess of the daily work shift for full-time employees assigned to scheduled work period positions;

(b) Work in excess of forty hours in one workweek for employees assigned to scheduled or nonscheduled work period positions; or

(c) For hospital personnel assigned to a fourteen day schedule, work in excess of eighty hours in a fourteen day (~~(schedule))~~ period.

(2) Overtime worked by employees assigned to scheduled or nonscheduled work period positions shall be compensated at a rate of one and one-half times the employee's straight time hourly rate including shift differential for all overtime worked as provided in subsection (1) of this section.

(3) Employees assigned to scheduled or nonscheduled work period positions shall receive monetary payment as compensation for overtime worked; however, at the employee's request compensatory time off at one and one-half times the overtime hours worked may be granted in lieu of monetary payment, except that agricultural employees shall receive compensatory time off or monetary payment at the option of the institution.

(4) Use of accrued compensatory time shall be approved by the employing official with consideration being given to the work requirements of the department and the wishes of the employee. Compensatory time off may be scheduled by the employing official during the final sixty days of a biennium.

(5) Employees assigned to excepted work period positions normally do not qualify for overtime. Under circumstances in which the employee is directed to work an excessive amount of overtime, the personnel officer may authorize additional compensation in cash or compensatory time off not to exceed one and one-half times the employee's regular rate. The employee may petition the personnel officer for compensation of the directed overtime.

(6) For purposes of computing overtime compensation, holidays or leave with pay during the employee's regular work schedule shall be considered as time worked.

AMENDATORY SECTION (Amending Order 71, filed 2/27/79)

WAC 251-10-030 LAYOFF. (1) An appointing authority may separate or reduce the number of working hours or the work year of an employee without prejudice because of lack of funds, curtailment of work, or good faith reorganization for efficiency reasons.

(2) Each institution shall develop for approval by the director a layoff procedure based upon layoff seniority as defined in WAC 251-04-020, to include as a minimum:

(a) Clearly defined layoff unit(s), in order to minimize the disruption of an institution's total operation, and

(b) Provision for veterans preference for eligible veterans and their unmarried widows/widowers as defined in WAC 251-10-045.

(3) A permanent status employee scheduled for layoff shall receive written notice of any available options in lieu of layoff as provided in WAC 251-10-030 (5) and (6). The employee shall be given no less than three working days to select an option, if available, or to elect to be laid off and/or be placed on the appropriate institution-wide layoff list(s).

(4) Written notice of at least fifteen calendar days must be given to the employee after he/she has selected one of the options or upon completion of the option period.

(5) Within the layoff unit, a permanent status employee scheduled for layoff shall be offered employment options to comparable position(s), as determined by the personnel officer, in:

(a) Class(es) in which the employee has held permanent status which have the same or lower salary range maximum as the current class;

(b) Lower class(es) in those same class series for which the employee is qualified.

The employee may exercise either option WAC 251-10-030 (5)(a) or (5)(b) provided that the employee being replaced is the least senior in a comparable position in the class and has less layoff seniority than the employee replacing him/her. A vacant position, if available, should be considered to be the position in the class held by the least senior person. The employee may elect to have access to less-than-comparable positions by so notifying the personnel officer in writing.

(6) Except as provided in WAC 251-10-035, a permanent employee scheduled for layoff who has no options available under subsection (5) above shall be offered position(s) as follows:

(a) The personnel officer will offer in writing not less than three positions from among the highest available classes (unless the total available is less than three); provided that any position(s) offered must be:

(i) At the same level or lower than the class from which the employee is being laid off; and

(ii) Vacant or held by a provisional, temporary, or probationary employee; and

(iii) In a class for which the employee being laid off meets the minimum qualifications and can pass the appropriate qualifying examination.

(b) The employee will be required to indicate within three working days his/her interest in a specific class(es) so that the personnel officer may schedule the appropriate examination(s).

(c) Upon satisfactory completion of the examination(s) the employee will be offered option(s) to specific position(s), including salary information.

(d) Employees appointed to positions through provisions of this subsection (6) will be required to serve a trial service period.

(7) In order to be offered a layoff option or return from layoff to a position for which selective certification as identified in WAC 251-18-250(1)(a) has been authorized by the personnel officer, the employee must possess the required prerequisite skill(s) called for in the selective certification.

(8) In a layoff action involving a position for which a particular sex is a bonafide occupational requirement, as approved by the Washington State Human Rights Commission, the most senior employee meeting the occupational requirements may be retained in the position over more senior employees in such class who do not meet the occupational requirement.

(9) When it is determined that layoffs will occur within a unit, the personnel officer will:

(a) Provide a copy of the institution's reduction-in-force procedure to all employees subject to layoff;

(b) Advise each employee in writing of available options in lieu of layoff;

(c) Advise each employee in writing of the specific layoff list(s) upon which he/she may be placed as required per WAC 251-10-055 and 251-10-035;

(d) Provide information about the process by which the employee may make application for state-wide layoff lists, as required per WAC 251-10-060(7);

(e) Advise each employee in writing of the right to appeal his/her layoff to the board per WAC 251-12-080.

(10) Layoff actions for employees of special employment programs as identified in WAC 251-18-410 shall be administered as provided in WAC 251-10-035.

#### AMENDATORY SECTION (Amending Order 61, filed 8/30/77)

WAC 251-10-035 LAYOFF—SPECIAL EMPLOYMENT PROGRAMS. (1) Institutions participating in special employment programs qualifying under the conditions identified in WAC 251-18-410 shall establish a special employment program layoff unit.

(2) An appointing authority may separate or reduce the number of working hours or the work year of a special employment program employee without prejudice because of lack of funds, curtailment of work, good faith reorganization for efficiency purposes, or when the prime sponsor directs that the incumbent must be separated.

(3) A permanent status special employment program employee scheduled for layoff shall receive written notice of any available options in lieu of layoff as provided in subsection (5) of this section. Employment options ((of individuals being laid off from positions in special employment programs)) are limited to positions within the special employment program layoff unit and/or program for which the employee qualifies. The employee shall be given no less than three working days to select an option, if available, or to elect to be laid off and/or be placed on the appropriate special employment program layoff list(s).

(4) The appointing authority must provide the employee at least fifteen calendar days written notice beyond the date of selection of an option or the completion of the option period, whichever is sooner. The notice shall inform the employee of his/her right to appeal the layoff action to the board per WAC 251-12-080.

~~((f3))~~ (5) Within the special employment program layoff unit, a permanent status employee scheduled for layoff ~~((from service or from the class))~~ shall be offered ~~((employment options))~~ the following:

(a) Employees who are being laid off for reasons other than the expiration of the maximum allowable period of subsidized employment shall be offered options within the layoff unit and placement on special employment program layoff lists in class(es) with the same or lower salary range maximum that are:

~~((a))~~ (i) Class(es) in which the employee has held permanent status;

~~((b))~~ (ii) Lower class(es) in the same class series for which the employee is qualified.

The employee may exercise either option provided that the employee being replaced is the least senior in the class and has less layoff seniority than the employee replacing him/her.

(b) Employees who are being laid off due to the expiration of the maximum allowable period of subsidized employment shall not be offered layoff options but shall be placed on the special employment program layoff list(s) for which they are eligible.

(6) The provisions of WAC 251-10-030 (7) and (8) relative to selective certification and bonafide occupational requirements shall apply to special employment program layoff actions.

~~((4))~~ (7) The names of employees scheduled for layoff or actually laid off from service within a class shall be placed on the special employment program layoff list as provided in WAC 251-18-180.

#### AMENDATORY SECTION (Amending Order 61, filed 8/30/77)

WAC 251-18-410 SPECIAL EMPLOYMENT PROGRAMS.

(1) Special employment programs are those programs designated by the director which are designed and implemented to reduce unemployment and/or provide training opportunities to enable persons to become more employable. Special employment programs are funded in total, or in part, from sources other than the normal sources available to ~~((higher education))~~ the institutions ~~((related boards))~~.

(2) Positions created for special employment programs are included in the regular classified service of an institution ~~((related board))~~. The primary distinction is that each institution ~~((or board))~~ shall establish a separate layoff unit to include all special employment programs. Employees occupying such positions are eligible for usual staff benefits. When special employment program positions are abolished or when the prime sponsor directs that the incumbent must be separated, layoffs will occur as provided in WAC 251-10-035.

#### WSR 79-04-088

#### NOTICE OF PUBLIC MEETINGS HOSPITAL COMMISSION [Memorandum—April 2, 1979]

The State Hospital Commission is scheduled to meet on Thursday, April 26, 1979 beginning at 9:00 a.m., at the University Tower Hotel, N.E. 45th and Brooklyn Avenue, Seattle, Washington. The hospitals scheduled for informal hearings have previously filed with the Commission their annual budget and rate requests or their requests for amendments to their previously approved budget and rates. Staff findings and recommendations will be prepared and transmitted to the scheduled hospitals and to members of the Hospital Commission in accordance with WAC 261-40-135. Such information is on file in the Commission offices and is available for inspection.

#### WSR 79-04-089

#### PROPOSED RULES THE EVERGREEN STATE COLLEGE [Filed April 3, 1979]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 and 24B.40.120(11), that The Evergreen State College intends to adopt, amend, or repeal rules concerning financial obligation of students policy, new WAC 174-162-320 and use of human subjects policy, new chapter 174-126 WAC;

that such institution will at 11:00 a.m., Thursday, May 17, 1979, in the Board of Trustees Room #3112, Library Building, The Evergreen State College campus conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Thursday, May 17, 1979, in the Board of Trustees Room, Library Building #3112, The Evergreen State College, Olympia.

The authority under which these rules are proposed is RCW 24B.40.120(11).

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to May 10, 1979, and/or orally at 11:00 a.m., Thursday, May 17, 1979, Board of Trustees Room, Library Building 3112, TESC campus.

Dated: April 2, 1979

By: Daniel J. Evans  
President

#### NEW SECTION

WAC 174-162-320 CREDIT BALANCES IN STUDENT ACCOUNTS. Students are expected to pay all accounts promptly when due. Account credit balances resulting from nonrefundable deposits, financial aid awards, and other overpayments may be offset against any outstanding charges due the college in the order of established priority guidelines.

#### Chapter 174-126 WAC USE OF HUMAN SUBJECTS

#### ACTIVITIES INVOLVING USE OF HUMAN SUBJECTS

**NEW SECTION**

**WAC 174-126-010 GENERAL POLICY.** This policy regarding the use of human subjects recognizes the responsibility to protect the rights, well-being and personal privacy of individuals, to assure a favorable climate for the conduct of academic-oriented inquiry, and to protect the interests of The Evergreen State College. The following practices and procedures have been established for the conduct of activities involving human subjects.

**NEW SECTION**

**WAC 174-126-020 PRACTICES AND PROCEDURES.** (1) No activity involving human subjects shall be undertaken unless a Human Subjects Review Board has reviewed and approved such activity. This review shall determine whether these subjects will be placed at risk and, if so, whether:

(a) The risks to the subject are so outweighed by the sum of the benefit to the subject and the importance of the knowledge to be gained as to warrant a decision to allow the subject to accept these risks;

(b) The rights and welfare of any such subjects will be adequately protected; and

(c) Legally effective informed consent will be obtained by adequate and appropriate methods.

**(2) Definitions.**

(a) "Subject at risk" means any individual who may be exposed to the possibility of injury, including physical, psychological or social injury, as a consequence of participation in any activity which departs from the application of those established and accepted methods necessary to meet the subject's needs, or which increases the ordinary risks of daily life.

(b) "Informed consent" means the knowing consent of any individual or of a legally authorized representative. The consent is to be a free-will choice obtained from the subject or representative without undue inducement or any element of constraint or coercion. The basic elements of information necessary to such consent include:

(i) A description of the procedures to be followed, including an identification of those which are experimental;

(ii) A description of the attendant risks and discomforts;

(iii) A description of the benefits to be expected or the knowledge hoped to be gained;

(iv) A disclosure of appropriate alternative procedures that might be advantageous to the subject;

(v) An offer to answer any inquiries the participant has concerning the activity;

(vi) An instruction that the subject is free to withdraw at anytime without penalty.

(vii) An assurance that the subject's identity will remain confidential;

(viii) A disclosure of what costs the subject may immediately or ultimately be forced to bear, and what reimbursement of costs or other compensation the subject will receive.

**(3) Activities subject to review.**

(a) All activities supported by noncollege funds in which such action is required by the grantor;

(b) Other activities which involve the likelihood of risk or substantial stress or discomfort to the subject;

(c) Activities which include the administration of personality tests, inventories or questionnaires of a personal and sensitive nature;

(d) Activities involving health care procedures of any kind which are not principally for the benefit of the subject, or which include diagnostic or therapeutic measures that are not yet standard;

(e) Other activities in which the subject is not fully informed as to the procedure to be followed.

**(4) Responsibilities.**

(a) Responsibility for review and approval of proposed activities is vested in the Human Subjects Review Board.

(b) The appropriate dean or director under whose program the proposed activities emanate is responsible for determining if any of the above criteria (subsection (3) of this section) apply to the proposed activities and, if so, to forward the proposal to the Human Subjects Review Board.

(c) It is the obligation of the investigator to bring any proposed activity involving the use of human subjects to the attention of the respective faculty member, supervisor or dean.

**NEW SECTION****WAC 174-126-030 HUMAN SUBJECTS REVIEW BOARD.**

(1) The purpose of the Human Subjects Review Board is to conduct initial and continuing reviews of the use of human subjects in accordance with the policy outlined in WAC 174-126-020(1).

**(2) Board composition and qualifications.**

(a) The board must be composed of not less than five persons with varying backgrounds.

(b) The board must be sufficiently qualified through the maturity, experience and expertise of its members and diversity of its membership to insure respect for its advice and counsel for safeguarding the rights and welfare of human subjects.

(c) The board must be able to ascertain the acceptability of application and proposals in terms of institutional commitments and regulations, applicable law, standards of professional conduct and practice and community attitudes.

(d) No board member shall be involved in either the initial or continuing review of an activity in which the respective member has a conflict of interest.

(e) At no time shall the board consist entirely of persons who are associated with the institution apart from their membership on the board.

(f) The quorum of the board shall be defined but in no event will be less than a majority of the total membership.

(g) Members of the board are to be appointed by the president of the college for two-year renewable terms.

**(3) Responsibilities of the Human Subjects Review Board.**

(a) The board will develop and maintain procedures which the college will follow in its initial and continual review of applications, proposals and activities.

(b) The board will develop and maintain procedures to:

(i) Provide advice and counsel to activity directors and investigators with regard to the board's actions;

(ii) Insure prompt reporting to the board of proposed changes in an activity and of unanticipated problems involving risk to subjects or others; and

(iii) Insure that any such problems including adverse reactions to biological drugs, radioisotope labeled drugs or to medical devices are promptly reported to the appropriate authority.

(c) The board will develop and maintain procedures which the college will follow to maintain an active and effective board and to implement its recommendations.

(d) Policies and procedures established by the board will be in compliance with federal (specifically Title 45, Sec. 46), state and local laws as well as college policies and procedures.

(4) Executive responsibility of the college.

(a) Board approvals, favorable actions and recommendations are subject to review and disapproval or further restrictions by the president, academic vice president and administrative vice president.

(b) Board disapprovals, restrictions or conditions cannot be rescinded or removed except by action of the board.

**WSR 79-04-090****PROPOSED RULES****DEPARTMENT OF AGRICULTURE**

[Filed April 3, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.14 RCW, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning change in field standards for production of registered and certified hop rootstock, amending WAC 16-354-020 as to isolation requirements and change in number of growing seasons and amending WAC 16-354-040 to change registration date;

that such agency will at 1:00 p.m., Thursday, May 10, 1979, in the Hearing Room, 2015 South First Street, Yakima, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Thursday, May 17, 1979, in the 4th floor conference room, General Administration Building, Olympia.

The authority under which these rules are proposed is chapter 15.14 RCW.

Interested persons may submit data, views, or arguments to this agency orally at 1:00 p.m., Thursday, May 10, 1979, Hearing Room, 2015 South First Street, Yakima, WA.

Dated: April 3, 1979  
By: C. T. Nielsen  
Assistant Director

AMENDATORY SECTION (Amending Order 1264, filed 5/10/72)

WAC 16-354-020 FIELD STANDARDS FOR PRODUCTION OF REGISTERED AND CERTIFIED HOP ROOTSTOCK. (1) Land requirements. (a) A field to be eligible for production of registered or certified hop rootstocks must never have grown hops, provided that a field is eligible to be replanted with the identical hop strain of equal standards.

(b) Land proposed for producing registered and certified hop rootstocks must be approved by the department in respect to location, drainage and adaptability.

(2) Isolation requirements. (a) A field to be eligible for production of registered or certified hop rootstock must be ~~((at least 50 feet from or separated by a barrier that would isolate the planting))~~ separated by an uncultivated strip of ground and at least twenty-one feet from any other hop plants unless these plants also meet the requirements of this program.

(b) A grower of registered or certified hop rootstocks may grow one or more hop varieties or strains provided each such variety or strain is separated by not less than ~~((2+))~~ twenty-one feet.

(3) Plant requirements. (a) Only propagations from hop roots of approved strains which have been grown as foundation or registered stock may be planted for the production of registered rootstock.

(b) Only propagations from hop roots of approved strains which have been grown as registered stock may be planted for the production of certified rootstock.

(c) Registered and certified stock shall remain in the nursery no more than ~~((two))~~ four growing seasons; PROVIDED, That "seeded plants" have not been discovered in the nursery. If seeded plants are found, field will be disqualified in the year following discovery of such plants.

(d) In roguing, growers must dig and immediately destroy all low yielding, unhealthy appearing, off-type, diseased or otherwise abnormal plants.

(e) Plant pests and weeds are to be effectively controlled.

AMENDATORY SECTION (Amending Order 1264, filed 5/10/72)

WAC 16-354-040 APPLICATION AND FEES. (1) The applicant grower shall furnish to the department all information pertinent to the operation of this program and shall give his consent to the department to take material for examination and testing.

(2) Application for inspection and testing of registered and certified stock must be filed with the department by ~~((February))~~ April 1 of each year accompanied by a \$40 application fee.

(3) Inspection fees are \$12.50 for each acre or fraction thereof per inspection.

(4) Payment for inspection of registered blocks and nursery stock for registration and certification must be made upon completion of the inspection. Billing to the nurseryman to be made by the plant industry division.

**WSR 79-04-091**  
**PROPOSED RULES**  
**DEPARTMENT OF PERSONNEL**  
[Filed April 4, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 41.06.040, that the State Personnel Board intends to adopt, amend, or repeal rules concerning Paid sick leave—Use, amending WAC 356-18-060;

that such agency will at 10:00 a.m., Thursday, May 10, 1979, in the Board Meeting Room, 600 South Franklin, Olympia, WA 98504 conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, May 10, 1979, in the Board Meeting Room, 600 South Franklin, Olympia, WA 98504.

The authority under which these rules are proposed is RCW 41.06.040 and 41.06.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 8, 1979, and/or orally at 10:00 a.m., Thursday, May 10, 1979, Board Meeting Room, 600 South Franklin, Olympia, WA 98504.

Dated: April 3, 1979  
By: Leonard Nord  
Secretary

AMENDATORY SECTION (Amending Order 128, filed 2/14/79)

WAC 356-18-060 PAID SICK LEAVE—USE. (1) Personal Illness: Accumulated sick leave shall be granted when an employee is required to be absent from work for any of the following reasons:

(a) Illness or injury of the employee or for preventative health care.

(b) Exposure of the employee to contagious disease when attendance at work would jeopardize the health of others.

(c) Disability of the employee due to pregnancy or childbirth.

(2) Illness of Relatives or Household Members: Accumulated sick leave shall be granted up to five days for each occurrence or as extended by the agency when an employee is required to be absent from work for any of the following reasons:

(a) Illness, injury or preventative health care of members of the employee's household or relatives of the employee that requires the employee's attendance.

(b) For purposes of the provisions of (2), "relatives" shall include:

(1) Spouse.

(2) Son, daughter, grandchild, or foster child.

(3) Grandparent or parent.

(4) Father-in-law or mother-in-law.

(c) For purposes of the provisions of (2); and (3) (a) below:

Members of household means "Persons who reside in same home, who have reciprocal and natural and/or moral duties to and do provide support for one another. The term does not include persons sharing the same general house when the living style is primarily that of a dormitory or commune."

(3) Bereavement: Accumulated sick leave shall be granted up to three days for each occurrence or as extended by the agency for reasons of travel when an employee is required to be absent from work for any of the following reasons:

(a) Death of members of the employee's household or relatives of the employee or the employee's spouse.

(b) For purposes of the provisions of (3), "relatives" shall include:

(1) Spouse.

(2) Son, daughter, grandchild, foster child, son-in-law, or daughter-in-law.

(3) Grandparent, parent, brother, sister, niece, nephew, aunt, uncle, first cousin, brother-in-law, or sister-in-law.

(4) Inability of employee to report for scheduled work because of severe inclement weather. (Such use of sick leave shall be limited to

three days in any calendar year and shall be used only as specified in WAC 356-18-115.)

(5) In addition to the reasons listed above, emergency care of a child in the custody of and residing in the home of an employee. (Such use of sick leave shall normally be limited to a maximum of one day per incident, and to three days in any calendar year, unless extended by the appointing authority, and shall be used only as specified in WAC 356-18-116.)

(6) When a condition listed under (1) (a), or (c) above arises while the employee is on vacation leave, the employee shall be granted accrued sick leave as provided above for the condition (in lieu of the approved vacation leave) provided that the employee requests such sick leave within fourteen days after return to work.

**WSR 79-04-092**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Filed April 4, 1979]

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 motor vehicle noise performance standards, amending chapter 173-62 WAC;

that such agency will at 7:00 p.m., Wednesday, June 6, 1979, in the Auditorium, Tacoma Public Utility Administration Building, 3628 35th South, Tacoma, WA conduct a hearing relative thereto.

Also: 7:00 p.m., Monday, June 11, 1979, in the Auditorium, Spokane County Health Center, West 1101 College, Spokane, WA;

and that the adoption, amendment, or repeal of such rules will take place at 10:15 a.m., Thursday, June 28, 1979, in the Hearings Room, Department of Ecology, Lacey, Washington.

The authority under which these rules are proposed is chapter 70.107 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 19, 1979, and/or orally at any of the above hearings.

Dated: April 3, 1979  
 By: Elmer C. Vogel  
 Deputy Director

**AMENDATORY SECTION** (Amending Order DE 77-2, filed 6/1/77)

**WAC 173-62-030 STANDARDS.** (1) No person shall operate any motor vehicle upon any public highway or any combination of such vehicles under any conditions of grade, load, acceleration or deceleration in such a manner as to exceed the following maximum permissible sound levels for the category of vehicle, as measured at a distance of 50 feet from the center of the lane of travel within the speed limits specified, under procedures established by the state commission on equipment in (chapter 204-56 WAC) Sound measurement procedures.

Table I  
**MOTOR VEHICLE NOISE PERFORMANCE STANDARDS**

Vehicle Category	Highway Operations Test		Stationary Test
	35 mph or less	over 35 mph	
Motor vehicles over 10,000 lbs GVWR or GCWR	86 dBA	90 dBA	86 dBA
Motorcycles	80	84	N/A
All other motor vehicles	76	80	N/A

(2) Every motor vehicle operated upon the public highways shall at all times be equipped with a muffler in good working order and constant operation.

(3) No person shall operate a motor vehicle in such a manner as to cause or allow to be emitted squealing, screeching or other such noise from the tires in contact with the ground because of rapid acceleration or excessive speed around corners or other such reason, except that noise resulting from emergency braking to avoid imminent danger shall be exempt from this provision.

(4) No person shall sell or offer for sale a NEW MOTOR VEHICLE except an off-highway vehicle, which produces a maximum noise exceeding the following noise levels at a distance of 50 feet under acceleration test procedures established by the state commission on equipment.

Table II  
**((MAXIMUM NOISE LEVELS FOR NEW MOTOR VEHICLES**

Motorcycles manufactured after 1975	83 dBA
Any motor vehicle with GVWR or GCWR of 10,000 pounds or more manufactured after 1975	86 dBA
after January 1, 1978	83 dBA
after January 1, 1982	80 dBA
Any motor vehicle with GVWR or GCWR of less than 10,000 pounds manufactured after 1975	80 dBA

**MAXIMUM NOISE LEVELS FOR NEW MOTOR VEHICLES MEASURED @ 50 FEET**

Any motor vehicle with GVWR or GCWR of 10,000 pounds or more manufactured	
before January 1, 1978	86 dBA
after January 1, 1978	83 dBA
after January 1, 1979	80 dBA
Model Year	Motor Vehicles with less than 10,000 GVWR or GCWR
before January 1, 1980	83 dBA
after January 1, 1980	80 dBA
after January 1, 1984	78 dBA

(5) No person shall operate any motor vehicle upon any public highway or any combination of such vehicles in such a manner that the vehicle exhaust system exceeds the following maximum permissible sound levels for the category and year of vehicle, as measured at a distance of twenty inches (0.5 meter) from the exhaust outlet under procedures established by the state commission on equipment in chapter 204-56 WAC, "Sound Measurement Procedures."

**Table III**  
**MOTOR VEHICLE NOISE PERFORMANCE**  
**STANDARDS MEASURED @ 20 INCHES**

Motor Vehicle Category	Under 10,000 lbs GVWR or GCWR		Motorcycles
	front engine vehicles	rear and mid engine vehicles	
Engines Manufactured			
before January 1, 1980	95 dBA	97 dBA	101 dBA
after January 1, 1980	93 dBA	95 dBA	99 dBA
after January 1, 1984	91 dBA	93 dBA	97 dBA

(6) No person shall sell or offer for sale a NEW MOTOR VEHICLE except an off-highway vehicle, which produces a maximum noise exceeding the following noise levels, when measured at a distance of twenty inches (0.5 meter) from the exhaust outlet under procedures established by the state commission on equipment in chapter 204-56 WAC, "Sound Measurement Procedures."

**Table IV**  
**MAXIMUM NOISE LEVELS FOR NEW MOTOR**  
**VEHICLES MEASURED @ 20 INCHES**

Engines Manufactured	Under 10,000 lbs GVWR or GCWR		Motorcycles
	front engine vehicles	rear and mid engine vehicles	
before January 1, 1980	94 dBA	96 dBA	100 dBA
after January 1, 1980	92 dBA	94 dBA	98 dBA
after January 1, 1984	90 dBA	92 dBA	96 dBA

**WSR 79-04-093**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Filed April 4, 1979]

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 maximum environmental noise levels, amending chapter 173-60 WAC;

that such agency will at 7:00 p.m., Wednesday, June 6, 1979, in the Auditorium, Tacoma Public Utility Administration Building, 3628 35th South, Tacoma, WA conduct a hearing relative thereto.

Also: 7:00 p.m., Monday, June 11, 1979, in the Auditorium, Spokane County Health Center, West 1101 College, Spokane, WA;

and that the adoption, amendment, or repeal of such rules will take place at 10:15 a.m., Thursday, June 28, 1979, in the Hearings Room, Department of Ecology, Lacey, Washington.

The authority under which these rules are proposed is chapter 70.107 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 19, 1979, and/or orally at any of the above hearings.

Dated: April 3, 1979  
By: Elmer C. Vogel  
Deputy Director

**AMENDATORY SECTION** (Amending Order DE 77-1, filed 6/1/77)

**WAC 173-60-020 DEFINITIONS.** (1) "Background Sound Level" means the level of all sounds in a given environment, independent of the specific source being measured.

(2) "dBA" means the sound pressure level in decibels measured using the "A" weighting network on a sound level meter. The sound pressure level, in decibels, of a sound is 20 times the logarithm to the base 10 of the ratio of the pressure of the sound to a reference pressure of 20 micropascals.

(3) "Department" means the department of ecology.

(4) "Director" means the director of the department of ecology.

(5) "EDNA" means the environmental designation for noise abatement, being an area or zone (environment) within which maximum permissible noise levels are established.

(6) "Impulse Sound" means either a single pressure peak or a single burst (multiple pressure peaks) for a duration of less than one second as measured on a peak unweighted sound level meter.

(7) "Local Government" means county or city government, or any combination ((of the two)).

((7)) (8) "Noise" means the intensity, duration, and character of sounds, from any and all sources.

(9) "Octave Band Sound Pressure Level" means the sound pressure level for the sound being measured within the specified octave band.

(10) "One-Third Octave Band Sound Pressure Level" means the sound pressure level for the sound being measured within the specified one-third octave band at the following preferred frequencies in Hertz: 20, 25, 31.5, 40, 50, 63, 80, 100, 125, 160, 200, 250, 315, 400, 500, 630, 800, 1000, 1250, 1600, 2000, 2500, 3150, 4000, 5000, 6300, 8000, 10,000, 12,500.

((8)) (11) "Person" means any individual, corporation, partnership, association, governmental body, state agency, or other entity whatsoever.

((9)) (12) "Property Boundary" means the surveyed line at ground surface and its vertical extension, which separates the real property owned, rented, or leased by one or more persons, from that owned, rented, or leased by one or more other persons((- and its vertical extension)).

(13) "Pure Tone" means any sound which can be distinctly heard as a single pitch or as a set of single pitches.

((10)) (14) "Racing Event" means any motor vehicle competition conducted under a permit issued by a governmental authority having jurisdiction or, if such permit is not required, then under the auspices of a recognized sanctioning body.

((11)) (15) "Receiving Property" means real property within which the maximum ((permissible)) noise levels ((specified herein)) permitted by this chapter shall not be exceeded when the noise is emitted from sources outside such property.

((12)) (16) "Sound Level Meter" means a device or combination of devices which measures sound pressure levels and conforms to Type 1 or Type 2 as specified in the American National Standards Institute Specification S1.4-1971. An impulse sound level meter shall be a sound level meter which is capable of measuring impulse sound in conformance with the IEC 179A impulse meter standard.

((13)) (17) "Watercraft" means any contrivance, excluding aircraft, used or capable of being used as a means of transportation or recreation on water.

**AMENDATORY SECTION** (Amending Order 74-32, filed 4/22/75)

**WAC 173-60-030 IDENTIFICATION OF ENVIRONMENTS.**

(1) Except when included within specific prior designations as provided in subsections (2), (3), and (4) of this section, the EDNA of any property shall be based on the following typical uses, taking into consideration the present, future, and historical usage, as well as the usage of adjacent and other ((lands)) properties in the vicinity.

(a) Class A EDNA - ((Lands)) Properties where human beings reside and sleep. Typically, Class A EDNA will be the following types of property used for human habitation:

- (i) ((Residential)) Residences;
- (ii) Multiple family living accommodations;
- (iii) Recreation((at)) and entertainment, (e.g., camps, parks, camping facilities, and resorts);
- (iv) Community services, (e.g., orphanages, homes for the aged, hospitals, health and correctional facilities);

(b) Class B EDNA - ~~((Lands))~~ Properties involving uses ~~((requir- ing))~~ which require protection against noise ~~((interference))~~ that inter- feres with speech. Typically, Class B EDNA will be the following types of property:

- (i) Commercial living accommodations;
- (ii) Commercial dining establishments;
- (iii) Motor vehicle services;
- (iv) Retail services;
- (v) Banks and office buildings;
- (vi) Miscellaneous commercial services, property not used for hu- man habitation;
- (vii) Recreation and entertainment, property not used for human habitation (e.g., theaters, stadiums, fairgrounds, and amusement parks);
- (viii) Community services, property not used for human habitation (e.g., educational, religious, governmental, cultural and recreational facilities).

(c) Class C EDNA - ~~((Lands))~~ Properties involving certain eco- nomic activities of such a nature that higher noise levels than experi- enced in other areas ~~((is normally))~~ are normal and are to be ~~((anticipated))~~ expected. Persons working in these areas are normally covered by noise control regulations of the department of labor and in- dustries. Uses typical of Class A EDNA are generally not permitted within such areas. Typically, Class C EDNA will be the following types of property:

- (i) Storage, warehouse, and distribution facilities~~((:))~~;
- (ii) Industrial property used for the production and fabrication of durable and nondurable man-made goods;
- (iii) Agricultural ~~((and))~~, silvicultural and aquacultural property used for the processing or production of crops, ~~((wood))~~ plant products, ~~((or))~~ livestock, or fish.
- (d) ~~((Where there is neither a zoning ordinance in effect nor an adopted comprehensive plan, the legislative authority of local govern- ment may, by ordinance or resolution, designate specifically described EDNAs which conform to the above use criteria and, upon depart- mental approval, EDNAs so designated shall be as set forth in such local determination:))~~ By ordinance or resolution, the legislative au- thority of local government may designate specifically described EDNAs. This takes place when no zoning ordinances or adopted com- prehensive plans are in effect. Further, these EDNAs must conform to the above given use criteria. If the department approves, these EDNAs shall be as designated in the local determination.

(e) Where no specific prior designation of EDNAs has been made, the appropriate EDNA for properties involved in any enforcement ac- tivity will be determined by the investigating official on the basis of the criteria of (a), (b), and (c) of this subsection.

(2) In areas covered by a local zoning ordinance, the legislative au- thority of the local government may, by ordinance or resolution desig- nate EDNAs to conform with the zoning ordinance as follows:

- (a) Residential zones - Class A EDNA;
- (b) Commercial zones - Class B EDNA;
- (c) Industrial zones - Class C EDNA.

Upon approval by the department, EDNAs so designated shall be as set forth in such local determination. EDNA designations shall be amended as necessary to conform to zone changes under the zoning ordinance.

(3) In areas not covered by a local zoning ordinance but within the coverage of an adopted comprehensive plan the legislative authority of the local government may, by ordinance or resolution designate EDNAs to conform with the comprehensive plan as follows:

- (a) Residential areas - Class A EDNA;
- (b) Commercial areas - Class B EDNA;
- (c) Industrial areas - Class C EDNA.

Upon approval by the department EDNAs so designated shall be as set forth in such local determination. EDNA designations shall be amended as necessary to conform to changes in the comprehensive plan.

(4) Notwithstanding the provisions of subsections (1)(d), (2) and (3) of this section, property used for human habitation shall be treated as a Class A EDNA. Such property shall include the structure in which human habitation occurs, and all area within fifty feet of such structure: PROVIDED, That this area shall not extend beyond the property boundary.

(5) The department recognizes that on certain ~~((lands))~~ properties, serenity, ~~((tranquility))~~ tranquility, or quiet are an essential part of the quality of the environment and serve an important public need. Special designation of such ~~((lands))~~ properties with appropriate noise

level standards by local government may be adopted subject to ap- proval by the department. The director may make such special desig- nation pursuant to the procedures of the Administrative Procedure Act, chapter 34.04 RCW.

**AMENDATORY SECTION** (Amending Order 74-32, filed 4/22/75)

**WAC 173-60-040 MAXIMUM PERMISSIBLE ENVIRON- MENTAL NOISE LEVELS.** (1) No person shall cause or permit noise to intrude into the property of another person ~~((which))~~ if that noise exceeds the maximum permissible noise levels ~~((set forth below))~~ given in this section.

(2) ~~((a))~~ Table I shows the noise limitations ~~((established are as set forth in the following table after))~~ before any applicable adjust- ments provided for ~~((herein are applied))~~ in subsections (3) and (4) of this section have been made.

EDNA of NOISE SOURCE	EDNA OF RECEIVING PROPERTY		
	Class A	Class B	Class C
CLASS A	55dBA	57dBA	60dBA
CLASS B	57	60	65
CLASS C	60	65	70

~~((b))~~ (3) Between the hours of 10:00 p.m. and 7:00 a.m. the noise limitations of the foregoing table shall be reduced by 10 dBA for re- ceiving property within Class A EDNAs.

~~((c))~~ (4) At any hour of the day or night the applicable noise lim- itations in ~~((a))~~ (2) and ~~((b) above)~~ (3) of this section may be ex- ceeded for any receiving property by no more than:

- ~~((d))~~ (a) 5 dBA for a total of 15 minutes in any one-hour period;
- or
- ~~((e))~~ (b) 10 dBA for a total of 5 minutes in any one-hour period;
- or
- ~~((f))~~ (c) 15 dBA for a total of 1.5 minutes in any one-hour period.

(5) Table II lists the octave band limitations for noise emitted from any noise source EDNA when received by a Class A EDNA property.

Octave Band Center Frequency	Between the hours of	
	7:00 a.m.- 10:00 p.m.	10:00 p.m.- 7:00 a.m.
31.5	70dB	67dB
63	66	63
125	62	58
250	58	54
500	54	50
1000	50	45
2000	46	41
4000	43	38
8000	43	38

(6) No pure tone shall be emitted from any noise source EDNA when received by a Class A EDNA at any hour of the day or night, if the one-third octave band sound pressure level in the band which con- tains the tone exceeds the arithmetic average of the sound pressure levels of the two adjacent one-third octave bands by:

- (a) 5 dB for center frequencies of 500 Hz and above;
- (b) 8 dB for center frequencies from 160 Hz to 400 Hz, inclusive;
- (c) 15 dB for center frequencies of 125 Hz and below.

(7) The following maximum sound pressure level limitations are es- tablished for impulse sounds emitted from any noise source EDNA when received by a Class A EDNA property as measured on an im- pulse or peak impact sound level meter.

- (a) 100 dB Between the hours of 7:00 a.m. and 10:00 p.m.
- (b) 80 dB Between the hours of 10:00 p.m. and 7:00 a.m.

(c) The above levels shall be modified by the addition of a correction factor to the prescribed level, to be calculated by the formula:

$$C = -10 \log_{10}(N)$$

where C is the correction factor in dB and N is the number of impulses in any one hour period.

**AMENDATORY SECTION** (Amending Order DE 77-1, filed 6/1/77)

**WAC 173-60-050 EXEMPTIONS.** (1) The following ((~~shall be~~)) sounds are exempt from the provisions of WAC 173-60-040 between the hours of 7:00 a.m. and 10:00 p.m.:

(a) Sounds ((~~originating from residential property relating to~~)) ~~created~~ by temporary projects for the maintenance or repair of homes, grounds and appurtenances on residential properties (Class A EDNA).

(b) Sounds created by ((~~the discharge of~~)) firearms ~~discharged~~ on authorized shooting ranges.

(c) Sounds created by blasting.

(d) Sounds created by aircraft engine testing and maintenance not related to flight operations: PROVIDED, That aircraft engine testing and maintenance ((~~shall be~~)) are conducted at remote sites whenever possible.

(e) Sounds created by the installation or repair of essential utility services.

(2) The following ((~~shall be~~)) ~~sounds are exempt from the provisions of WAC 173-60-040~~ ((2)) (3), which is the 10 dBA nighttime reduction for Class A EDNA receivers:

(a) ((~~Noise~~)) ~~Sounds from electrical substations and existing stationary equipment used ((in the conveyance of)) by a utility to convey water ((by a utility)).~~

(b) ((~~Noise~~)) ~~Sounds from existing industrial installations which exceed the standards ((contained in these regulations)) and which, ((over the previous three years)) since September 1, 1975, have consistently operated in excess of 15 hours per day as a consequence of process necessity and/or demonstrated routine normal operation. Changes in working hours, or noise levels emitted, which would affect exemptions under this regulation, require approval of the department.~~

(3) The following ((~~shall be~~)) ~~sounds are exempt from the provisions of WAC 173-60-040, except ((insofar as)) when such provisions relate to ((the reception of)) noise received within Class A EDNAs between the hours of 10:00 p.m. and 7:00 a.m.:~~

(a) Sounds originating from temporary construction sites as a result of construction activity.

(b) Sounds originating from forest harvesting and silvicultural activity.

(4) The following ((~~shall be~~)) ~~sounds are exempt from all provisions of WAC 173-60-040:~~

(a) Sounds created by motor vehicles when regulated by chapter 173-62 WAC, "Motor Vehicle Noise Performance Standards".

(b) Sounds originating from aircraft in flight and sounds ((~~that originate at airports~~)) which are directly related to flight operations at authorized airports.

(c) Sounds created by surface carriers engaged in interstate commerce by railroad.

(d) Sounds created by warning devices not operating continuously for more than five minutes, or bells, chimes, and carillons.

(e) Sounds created by safety and protective devices where noise suppression would defeat the intent of the device or is not economically feasible.

(f) Sounds created by emergency equipment and work necessary ((~~in the interests of~~)) to enforce the law ((~~enforcement~~)) or for the health, safety, or welfare of the community.

(g) Sounds originating from motor vehicle racing events at existing authorized facilities.

(h) Sounds originating from officially sanctioned parades and other public events.

(i) Sounds emitted from petroleum refinery boilers during startup of said boilers: PROVIDED, That the startup operation is performed during daytime hours whenever possible.

(j) Sounds created by watercraft.

(k) Sounds created by ((~~the discharge of~~)) firearms ~~discharged~~ in the course of hunting.

(l) Sounds caused by natural phenomena and unamplified human voices.

(m) Sounds created by motor vehicles, licensed or unlicensed, when operated off public highways EXCEPT when such sounds are received in Class A EDNAs.

(5) ((~~The following shall be exempt from all provisions of WAC 173-60-040 until February 1, 1978 or amended regulations are developed, whichever occurs sooner:~~

(a) Sounds originating from natural gas transmission facilities installed prior to September 1, 1975.

(6) Nothing in these exemptions is intended to ((~~preclude~~)) ~~prevent~~ the department from requiring installation of the best available noise abatement technology consistent with economic feasibility. The establishment of any such requirement shall be subject to the provisions of the Administrative Procedure Act, chapter 34.04 RCW.

**AMENDATORY SECTION** (Amending Order 74-32, filed 4/22/75)

**WAC 173-60-060 NUISANCE REGULATIONS NOT PROHIBITED.** Nothing in this chapter, or the exemptions provided herein, shall ((~~be construed as preventing~~)) prevent local government from regulating noise from any source as a nuisance. The department considers local resolutions, ordinances, rules or regulations regulating noise on such a basis ((~~shall not be deemed inconsistent~~)) to be consistent with this chapter ((~~by the department~~)).

**AMENDATORY SECTION** (Amending Order DE 77-1, filed 6/1/77)

**WAC 173-60-070 FUTURE REGULATIONS.** ((~~It is the intention of~~)) The department intends to establish use standards and/or performance standards for the following sources of noise exempted or partially exempted from the requirements of this chapter within two years after adequate legislative funding is made available to conduct studies providing the necessary data.

(1) Sounds created by aircraft engine testing and maintenance not related to flight operations, ((~~through the adoption of~~)) by adopting a new chapter 173-64 WAC.

(2) Sounds created by construction equipment ((~~and~~)) or emanating from construction sites, ((~~through the adoption of~~)) by adopting a new chapter 173-66 WAC.

(3) Sounds created by motor vehicle racing events, ((~~through the adoption of~~)) by adopting a new chapter 173-63 WAC.

(4) ((~~Sounds created by watercraft, through the adoption of a new chapter 173-70 WAC:~~

(5) Sounds created by the operation of equipment or facilities of surface carriers engaged in commerce by railroad, to the extent consistent with federal law and regulations ((~~through the adoption of~~)), by adopting a new chapter 173-72 WAC.

**AMENDATORY SECTION** (Amending Order 74-32, filed 4/22/75)

**WAC 173-60-080 VARIANCES AND IMPLEMENTATION SCHEDULES.** (1) Variances may be granted to any person from any ((~~particular~~)) requirement of this chapter, if findings are made that immediate compliance with such requirement cannot be achieved because of special circumstances ((~~rendering immediate~~)) which make compliance unreasonable ((~~in light of~~)). Such circumstances include economic or physical factors, ((~~encroachment~~)) encroachment upon an existing noise source, or ((~~because of nonavailability~~)) lack of feasible technology or control methods. Any ((~~such~~)) variance, or its renewal ((~~thereof~~)), shall be granted only for the minimum time period found to be necessary under the facts and circumstances.

(2) An implementation schedule for achieving compliance with this chapter shall be ((~~incorporated into~~)) included in any variance issued.

(3) Variances shall be issued only upon written application ((~~in writing~~)), and only after providing such information as may be requested. No variance shall be issued for a period of more than 30 days ((~~except upon due notice to~~)) without notifying the public ((~~with~~)) and providing opportunity to comment. Public hearings may be held, when substantial public interest is shown, at the discretion of the issuing agency.

(4) Sources of noise, subject to this chapter, upon which construction begins after the effective date hereof shall immediately comply with the requirements of this chapter, except in extraordinary circumstances where overriding considerations of public interest dictate the issuance of a variance.

**AMENDATORY SECTION** (Amending Order DE 76-5, filed 2/5/76)

**WAC 173-60-090 ENFORCEMENT POLICY.** ((~~Noise measurement for the purposes of enforcing the provisions of WAC 173-60-040 shall be measured in dBA with a sound level meter with the point of measurement being at any point within the receiving property.~~

~~Such enforcement shall be undertaken only upon receipt of a complaint made by a person who resides, owns property, or is employed in the area affected by the noise complained of, EXCEPT for parks, recreational areas, and wildlife sanctuaries. For enforcement purposes pursuant to RCW 70.107.050, each day, defined as the 24-hour period beginning at 12:01 a.m., in which violation of the Noise Control Regulations (chapter 173-60 WAC) occurs, shall constitute a separate violation.)~~ Noise levels, to enforce WAC 173-60-040, shall be measured with a sound level meter. The point of measurement shall be anywhere within the receiving property.

~~Enforcement shall occur only when a complaint is received from a person who resides, owns property, or is employed in the affected area, except for persons in parks, recreational areas, and wildlife sanctuaries.~~

~~Under RCW 70.107.050, each day in which chapter 173-60 WAC is, in any way, violated shall be a separate violation. "Each day" is defined as the twenty-four hour period that begins at 12:01 a.m.~~

AMENDATORY SECTION (Amending Order 74-32, filed 4/22/75)

WAC 173-60-100 APPEALS. Any person aggrieved by any decision of the department in relation to the enforcement of the maximum permissible noise levels provided for herein, the granting or denial of a variance, or the approval or disapproval of a local resolution or ordinance for noise abatement and control may appeal to the pollution control hearings board pursuant to chapter 43.21B RCW under the procedures of chapter 371-08 WAC.

AMENDATORY SECTION (Amending Order 74-32, filed 4/22/75)

WAC 173-60-110 COOPERATION WITH LOCAL GOVERNMENT. (1) The department conceives that the function of noise abatement and control ~~((to be))~~ is primarily the role of local government ~~((and intends))~~. The department will actively ~~((to))~~ encourage local government to adopt measures for noise abatement and control. ~~((Wherever such))~~ When local measures are ~~((made effective))~~ in effect and are being ~~((actively))~~ enforced, the department ~~((does not intend to))~~ will not directly engage ~~((directly))~~ in enforcement ~~((activities))~~.

(2) ~~((No ordinance or resolution of any local government which imposes noise control requirements differing from those adopted by the department shall be effective unless and until approved by the director. If approval is denied, the department, within 60 days of submission of such local ordinance or resolution to the department, shall deliver its statement or order of denial, designating in detail the specific provision(s) found to be objectionable and the precise grounds upon which the denial is based, and shall submit to the local government, the department's suggested modification.))~~ The department must approve an ordinance or resolution by any local government that imposes noise controls which differ from those adopted by the department. These local ordinances cannot become effective until approved. If approval is denied, the department shall deliver its statement or order of denial to the local government within sixty days after the local government submits the resolution or ordinance to the department.

This statement shall designate, in detail, the provision(s) objected to and the grounds upon which the denial is based. At that time, the department shall also submit suggested modifications to the local government.

(3) The department shall encourage all local governments enforcing noise ordinances ~~((pursuant to))~~ under this chapter to consider noise criteria and land use planning and zoning.

**WSR 79-04-094**  
**PROPOSED RULES**  
**DEPARTMENT OF REVENUE**  
 [Filed April 4, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 42.30 RCW, that the Department of Revenue intends to adopt, amend, or repeal rules concerning the new schedules which will reflect the reduced state sales tax rate of 4.5% which becomes effective July 1, 1979, by reason of expiration of the proviso in RCW 82.08.020 which set the state sales

tax rate at 4.6% for a specified period, amending WAC 458-20-237 (Rule 237) Retail Sales Tax Collection Schedules;

that such agency will at 10:30 a.m., Wednesday, May 9, 1979, in the 1st Floor Conference Room, General Administration Building, Olympia, Washington 98504 conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:30 a.m., Thursday, May 17, 1979, in the Director's Office, 415 General Administration Building, Olympia, WA.

The authority under which these rules are proposed is RCW 82.08.060, 82.14.070 and 82.32.300.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 9, 1979, and/or orally at 10:30 a.m., Wednesday, May 9, 1979, 1st Floor Conference Room, General Administration Building, Olympia, Washington 98504.

Dated: April 4, 1979  
 By: S. Ed Tveden  
 Assistant Director

AMENDATORY SECTION (Amending Order ET 76-2, filed 5/19/76)

WAC 458-20-237 (RULE 237) RETAIL SALES TAX COLLECTION SCHEDULES. ~~((Under the provisions of chapter 130, Laws of 1975-'76 2nd ex. sess., the state retail sales tax was increased to 4.6%, effective June 1, 1976. By chapter 94, Laws of 1970, counties and incorporated cities or towns are authorized to levy a local sales and use tax of .5%, such local tax to be collected along with the 4.6% state tax, making a total combined tax of 5.1% in areas imposing the local tax. By chapter 270, Laws of 1975 1st ex. sess., cities and counties, after voter approval, are authorized to levy an additional sales and use tax of .1%, .2% or .3% to finance public transportation systems, making a total combined tax of 5.2%, 5.3%, or 5.4%.~~

The Department of Revenue under the authority of RCW 82.08.060 and 82.14.070, and in accordance with chapter 34.04 RCW, has adopted the following 4.6%, 5.1%, 5.2%, 5.3%, and 5.4% schedules to govern the collection of retail sales tax on all retail sales:

**4.6% RETAIL SALES TAX  
 COLLECTION SCHEDULE**

June 1, 1976

**SALE      TAX**

<del>.11</del>	<del>.32</del>	<del>.01</del>
<del>.33</del>	<del>.54</del>	<del>.02</del>
<del>.55</del>	<del>.76</del>	<del>.03</del>
<del>.77</del>	<del>.97</del>	<del>.04</del>
<del>.98</del>	<del>1.19</del>	<del>.05</del>
<del>1.20</del>	<del>1.41</del>	<del>.06</del>
<del>1.42</del>	<del>1.63</del>	<del>.07</del>
<del>1.64</del>	<del>1.84</del>	<del>.08</del>
<del>1.85</del>	<del>2.06</del>	<del>.09</del>
<del>2.07</del>	<del>2.28</del>	<del>.10</del>
<del>2.29</del>	<del>2.49</del>	<del>.11</del>
<del>2.50</del>	<del>2.71</del>	<del>.12</del>
<del>2.72</del>	<del>2.93</del>	<del>.13</del>
<del>2.94</del>	<del>3.15</del>	<del>.14</del>
<del>3.16</del>	<del>3.36</del>	<del>.15</del>
<del>3.37</del>	<del>3.58</del>	<del>.16</del>
<del>3.59</del>	<del>3.80</del>	<del>.17</del>
<del>3.81</del>	<del>4.02</del>	<del>.18</del>
<del>4.03</del>	<del>4.23</del>	<del>.19</del>
<del>4.24</del>	<del>4.45</del>	<del>.20</del>
<del>4.46</del>	<del>4.67</del>	<del>.21</del>
<del>4.68</del>	<del>4.89</del>	<del>.22</del>
<del>4.90</del>	<del>5.10</del>	<del>.23</del>
<del>5.11</del>	<del>5.32</del>	<del>.24</del>
<del>5.33</del>	<del>5.54</del>	<del>.25</del>

SALE	FAX
5:55—5:76	:26
5:77—5:97	:27
5:98—6:19	:28
6:20—6:41	:29
6:42—6:63	:30
6:64—7:06	:31
7:07—7:28	:32
7:29—7:49	:33
7:50—7:71	:34
7:72—7:93	:35
7:94—8:15	:36
8:16—8:36	:37
8:37—8:58	:38
8:59—8:80	:39
8:81—9:02	:40
9:03—9:23	:41
9:24—9:45	:42
9:46—9:67	:43
9:68—9:89	:44
9:90—10:10	:45

5:1% RETAIL SALES TAX  
COLLECTION SCHEDULE

June 1, 1976

SALE	FAX
1:0—:29	:01
:30—:49	:02
:50—:68	:03
:69—:88	:04
:89—1:07	:05
1:08—1:27	:06
1:28—1:47	:07
1:48—1:66	:08
1:67—1:86	:09
1:87—2:05	:10
2:06—2:25	:11
2:26—2:45	:12
2:46—2:64	:13
2:65—2:84	:14
2:85—3:03	:15
3:04—3:23	:16
3:24—3:43	:17
3:44—3:62	:18
3:63—3:82	:19
3:83—4:01	:20
4:02—4:21	:21
4:22—4:41	:22
4:42—4:60	:23
4:61—4:80	:24
4:81—4:99	:25
5:00—5:19	:26
5:20—5:39	:27
5:40—5:58	:28
5:59—5:78	:29
5:79—5:98	:30
5:99—6:17	:31
6:18—6:37	:32
6:38—6:56	:33
6:57—6:76	:34
6:77—6:96	:35
6:97—7:15	:36
7:16—7:35	:37
7:36—7:54	:38
7:55—7:74	:39
7:75—7:94	:40
7:95—8:13	:41
8:14—8:33	:42
8:34—8:52	:43
8:53—8:72	:44
8:73—8:92	:45
8:93—9:11	:46
9:12—9:31	:47

SALE	FAX
9:32—9:50	:48
9:51—9:70	:49
9:71—9:90	:50
9:91—10:09	:51

5:2% RETAIL SALES TAX  
COLLECTION SCHEDULE

June 1, 1976

SALE	FAX
1:0—:26	:01
:29—:48	:02
:49—:67	:03
:68—:86	:04
:87—1:05	:05
1:06—1:24	:06
1:25—1:44	:07
1:45—1:63	:08
1:64—1:82	:09
1:83—2:01	:10
2:02—2:21	:11
2:22—2:40	:12
2:41—2:59	:13
2:60—2:78	:14
2:79—2:98	:15
2:99—3:17	:16
3:18—3:36	:17
3:37—3:55	:18
3:56—3:74	:19
3:75—3:94	:20
3:95—4:13	:21
4:14—4:32	:22
4:33—4:51	:23
4:52—4:71	:24
4:72—4:90	:25
4:91—5:09	:26
5:10—5:28	:27
5:29—5:48	:28
5:49—5:67	:29
5:68—5:86	:30
5:87—6:05	:31
6:06—6:24	:32
6:25—6:44	:33
6:45—6:63	:34
6:64—6:82	:35
6:83—7:01	:36
7:02—7:21	:37
7:22—7:40	:38
7:41—7:59	:39
7:60—7:78	:40
7:79—7:98	:41
7:99—8:17	:42
8:18—8:36	:43
8:37—8:55	:44
8:56—8:74	:45
8:75—8:94	:46
8:95—9:13	:47
9:14—9:32	:48
9:33—9:51	:49
9:52—9:71	:50
9:72—9:90	:51
9:91—10:09	:52

5:3% RETAIL SALES TAX  
COLLECTION SCHEDULE

June 1, 1976

SALE	FAX
1:0—:28	:01
:29—:47	:02
:48—:66	:03
:67—:84	:04
:85—1:03	:05

SALE	TAX
1.04	.06
1.23	.07
1.42	.08
1.61	.09
1.80	.10
1.99	.11
2.17	.12
2.36	.13
2.55	.14
2.74	.15
2.93	.16
3.12	.17
3.31	.18
3.50	.19
3.68	.20
3.87	.21
4.06	.22
4.25	.23
4.44	.24
4.63	.25
4.82	.26
5.00	.27
5.19	.28
5.38	.29
5.57	.30
5.76	.31
5.95	.32
6.14	.33
6.33	.34
6.51	.35
6.70	.36
6.89	.37
7.08	.38
7.27	.39
7.46	.40
7.65	.41
7.84	.42
8.02	.43
8.21	.44
8.40	.45
8.59	.46
8.78	.47
8.97	.48
9.16	.49
9.34	.50
9.53	.51
9.72	.52
9.91	.53

SALE	TAX
3.80	.21
3.99	.22
4.17	.23
4.36	.24
4.54	.25
4.73	.26
4.91	.27
5.10	.28
5.28	.29
5.47	.30
5.65	.31
5.84	.32
6.02	.33
6.21	.34
6.39	.35
6.58	.36
6.76	.37
6.95	.38
7.13	.39
7.32	.40
7.50	.41
7.69	.42
7.88	.43
8.06	.44
8.25	.45
8.43	.46
8.62	.47
8.80	.48
8.99	.49
9.17	.50
9.36	.51
9.54	.52
9.73	.53
9.91	.54

Revised April 19, 1976))

By its terms the proviso of RCW 82.08.020 setting the state retail sales tax rate at 4.6% expired June 30, 1979, thereby reinstating the previous rate of 4.5% effective July 1, 1979. RCW 82.14.030 authorizes counties and cities to levy a local sales and use tax of .5%, such local tax to be collected along with the 4.5% state tax, making a total combined tax of 5% in areas imposing the local tax. By RCW 82.14.045 cities and counties, after voter approval, are authorized to levy an additional sales and use tax of .1%, .2%, or .3% to finance public transportation systems, which tax is also to be collected along with the state tax, making a total combined tax of 5.1%, 5.2%, or 5.3%.

Under the authority of RCW 82.08.060 and 82.14.070, and in accordance with chapter 34.04 RCW, the department of revenue has adopted the following 4.5%, 5%, 5.1%, 5.2%, and 5.3% schedules to govern the collection of retail sales tax on all retail sales.

**5.4% RETAIL SALES TAX COLLECTION SCHEDULE**  
June 1, 1976

SALE	TAX
.10	.01
.28	.02
.47	.03
.65	.04
.84	.05
1.02	.06
1.21	.07
1.39	.08
1.58	.09
1.76	.10
1.95	.11
2.13	.12
2.32	.13
2.50	.14
2.69	.15
2.88	.16
3.06	.17
3.25	.18
3.43	.19
3.62	.20

**RETAIL SALES TAX COLLECTION SCHEDULE**  
July 1, 1979

4.5 Percent	
SALE	TAX
.12	.01
.34	.02
.56	.03
.78	.04
1.00	.05
1.23	.06
1.45	.07
1.67	.08
1.89	.09
2.12	.10
2.34	.11
2.56	.12
2.78	.13
3.00	.14
3.23	.15
3.45	.16
3.67	.17
3.89	.18
4.12	.19

SALE	TAX
4.34-4.55	.20
4.56-4.77	.21
4.78-4.99	.22
5.00-5.22	.23
5.23-5.44	.24
5.45-5.66	.25
5.67-5.88	.26
5.89-6.11	.27
6.12-6.33	.28
6.34-6.55	.29
6.56-6.77	.30
6.78-6.99	.31
7.00-7.22	.32
7.23-7.44	.33
7.45-7.66	.34
7.67-7.88	.35
7.89-8.11	.36
8.12-8.33	.37
8.34-8.55	.38
8.56-8.77	.39
8.78-8.99	.40
9.00-9.22	.41
9.23-9.44	.42
9.45-9.66	.43
9.67-9.88	.44
9.89-10.11	.45

RETAIL SALES TAX COLLECTION SCHEDULE

July 1, 1979

5.0 Percent

SALE	TAX
.10- .29	.01
.30- .49	.02
.50- .69	.03
.70- .89	.04
.90- 1.09	.05
1.10- 1.29	.06
1.30- 1.49	.07
1.50- 1.69	.08
1.70- 1.89	.09
1.90- 2.09	.10
2.10- 2.29	.11
2.30- 2.49	.12
2.50- 2.69	.13
2.70- 2.89	.14
2.90- 3.09	.15
3.10- 3.29	.16
3.30- 3.49	.17
3.50- 3.69	.18
3.70- 3.89	.19
3.90- 4.09	.20
4.10- 4.29	.21
4.30- 4.49	.22
4.50- 4.69	.23
4.70- 4.89	.24
4.90- 5.09	.25
5.10- 5.29	.26
5.30- 5.49	.27
5.50- 5.69	.28
5.70- 5.89	.29
5.90- 6.09	.30
6.10- 6.29	.31
6.30- 6.49	.32
6.50- 6.69	.33
6.70- 6.89	.34
6.90- 7.09	.35
7.10- 7.29	.36
7.30- 7.49	.37
7.50- 7.69	.38
7.70- 7.89	.39
7.90- 8.09	.40
8.10- 8.29	.41
8.30- 8.49	.42

SALE	TAX
8.50- 8.69	.43
8.70- 8.89	.44
8.90- 9.09	.45
9.10- 9.29	.46
9.30- 9.49	.47
9.50- 9.69	.48
9.70- 9.89	.49
9.90-10.09	.50

RETAIL SALES TAX COLLECTION SCHEDULE

July 1, 1979

5.1 Percent

SALE	TAX
.10- .29	.01
.30- .49	.02
.50- .68	.03
.69- .88	.04
.89- 1.07	.05
1.08- 1.27	.06
1.28- 1.47	.07
1.48- 1.66	.08
1.67- 1.86	.09
1.87- 2.05	.10
2.06- 2.25	.11
2.26- 2.45	.12
2.46- 2.64	.13
2.65- 2.84	.14
2.85- 3.03	.15
3.04- 3.23	.16
3.24- 3.43	.17
3.44- 3.62	.18
3.63- 3.82	.19
3.83- 4.01	.20
4.02- 4.21	.21
4.22- 4.41	.22
4.42- 4.60	.23
4.61- 4.80	.24
4.81- 4.99	.25
5.00- 5.19	.26
5.20- 5.39	.27
5.40- 5.58	.28
5.59- 5.78	.29
5.79- 5.98	.30
5.99- 6.17	.31
6.18- 6.37	.32
6.38- 6.56	.33
6.57- 6.76	.34
6.77- 6.96	.35
6.97- 7.15	.36
7.16- 7.35	.37
7.36- 7.54	.38
7.55- 7.74	.39
7.75- 7.94	.40
7.95- 8.13	.41
8.14- 8.33	.42
8.34- 8.52	.43
8.53- 8.72	.44
8.73- 8.92	.45
8.93- 9.11	.46
9.12- 9.31	.47
9.32- 9.50	.48
9.51- 9.70	.49
9.71- 9.90	.50
9.91-10.09	.51

RETAIL SALES TAX COLLECTION SCHEDULE

July 1, 1979

5.2 Percent

SALE	TAX
.10- .28	.01

SALE	TAX
.29- .48	.02
.49- .67	.03
.68- .86	.04
.87- 1.05	.05
1.06- 1.24	.06
1.25- 1.44	.07
1.45- 1.63	.08
1.64- 1.82	.09
1.83- 2.01	.10
2.02- 2.21	.11
2.22- 2.40	.12
2.41- 2.59	.13
2.60- 2.78	.14
2.79- 2.98	.15
2.99- 3.17	.16
3.18- 3.36	.17
3.37- 3.55	.18
3.56- 3.74	.19
3.75- 3.94	.20
3.95- 4.13	.21
4.14- 4.32	.22
4.33- 4.51	.23
4.52- 4.71	.24
4.72- 4.90	.25
4.91- 5.09	.26
5.10- 5.28	.27
5.29- 5.48	.28
5.49- 5.67	.29
5.68- 5.86	.30
5.87- 6.05	.31
6.06- 6.24	.32
6.25- 6.44	.33
6.45- 6.63	.34
6.64- 6.82	.35
6.83- 7.01	.36
7.02- 7.21	.37
7.22- 7.40	.38
7.41- 7.59	.39
7.60- 7.78	.40
7.79- 7.98	.41
7.99- 8.17	.42
8.18- 8.36	.43
8.37- 8.55	.44
8.56- 8.74	.45
8.75- 8.94	.46
8.95- 9.13	.47
9.14- 9.32	.48
9.33- 9.51	.49
9.52- 9.71	.50
9.72- 9.90	.51
9.91-10.09	.52

SALE	TAX
3.31- 3.49	.18
3.50- 3.67	.19
3.68- 3.86	.20
3.87- 4.05	.21
4.06- 4.24	.22
4.25- 4.43	.23
4.44- 4.62	.24
4.63- 4.81	.25
4.82- 4.99	.26
5.00- 5.18	.27
5.19- 5.37	.28
5.38- 5.56	.29
5.57- 5.75	.30
5.76- 5.94	.31
5.95- 6.13	.32
6.14- 6.32	.33
6.33- 6.50	.34
6.51- 6.69	.35
6.70- 6.88	.36
6.89- 7.07	.37
7.08- 7.26	.38
7.27- 7.45	.39
7.46- 7.64	.40
7.65- 7.83	.41
7.84- 8.01	.42
8.02- 8.20	.43
8.21- 8.39	.44
8.40- 8.58	.45
8.59- 8.77	.46
8.78- 8.96	.47
8.97- 9.15	.48
9.16- 9.33	.49
9.34- 9.52	.50
9.53- 9.71	.51
9.72- 9.90	.52
9.91-10.09	.53

Note: Brackets are repetitive above \$10.  
 Revised May 17, 1979  
 Effective July 1, 1979

**WSR 79-04-095**  
**PROPOSED RULES**  
**SHORELINE COMMUNITY COLLEGE**  
 [Filed April 4, 1979]

**RETAIL SALES TAX COLLECTION SCHEDULE**

July 1, 1979

5.3 Percent

SALE	TAX
.10- .28	.01
.29- .47	.02
.48- .66	.03
.67- .84	.04
.85- 1.03	.05
1.04- 1.22	.06
1.23- 1.41	.07
1.42- 1.60	.08
1.61- 1.79	.09
1.80- 1.98	.10
1.99- 2.16	.11
2.17- 2.35	.12
2.36- 2.54	.13
2.55- 2.73	.14
2.74- 2.92	.15
2.93- 3.11	.16
3.12- 3.30	.17

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

- Time and place of board meetings to change time.
- Off-campus student invited speakers.
- Reduction in force and tenure code.
- Graduation requirements.
- Use of library, regarding library hours, inspection, prohibited entry and gifts.
- Withholding of transcripts and registration privileges;

that such institution will at 8:00 a.m., Friday, May 18, 1979, in the Board Room, Room 1008, Administration Building, Shoreline Community College conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 8:00 a.m., Friday, May 18, 1979, in the Board Room, Room 1008, Administration Building, Shoreline Community College.

The authority under which these rules are proposed is RCW 28B.50.090, 28B.50.130 and 28B.50.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to May 17, 1979, and/or orally at 8:00 a.m., Friday, May 18, 1979, Board Room, Room 1008, Administration Building, Shoreline Community College.

Dated: April 3, 1979

By: Ronald E. Bell  
Administrative Assistant to President

AMENDATORY SECTION (Amending Order 2-10:74, filed 4/26/74)

WAC 132G-104-010 TIME AND PLACE OF BOARD MEETINGS. The Board of Trustees shall hold one regular meeting on the third Friday of each month at ~~((7:30))~~ 8:00 a.m. and such special meetings as may be requested by the Chairman of the Board or by a majority of the members of the Board and announced in accordance with law.

All regular and special meetings of the Board of Trustees shall be held at 16101 Greenwood Avenue North, Seattle, unless scheduled elsewhere, and shall be open to the general public, except for lawful executive sessions.

No official business shall be conducted by the Board of Trustees except during a regular or special meeting.

AMENDATORY SECTION (Amending Order 1-35:72, filed 11/29/72)

WAC 132G-120-110 DISCIPLINARY TERMS. The following definitions of disciplinary terms have been established to provide consistency in the application of penalties.

(1) Disciplinary Warning: Formal action censuring a student for violation of college rules or regulations or for failure to satisfy the college's expectations regarding conduct. Disciplinary warnings are always made in writing to the student by the officer or agency taking the action, with copies to the Dean of Student Services' office. A disciplinary warning indicates to the student that continuation of the specific conduct involved or other misconduct will result in one of the more serious disciplinary actions (see WAC 132G-120-110(2) through (6)).

(2) Hold: Attachment of a student's academic record to encourage the fulfillment of the student's obligations to the college, particularly financial. Holds are always made in writing, including a detailed list of the obligations to be met, and are sent to the student. Requests for transcripts of the student's academic record will not be honored until the initiating authority is satisfied that the obligations have been met and provides the registrar with written notification of the release of the hold.

(3) Registration Denied: Formal action refusing to allow a student to register for subsequent quarters, for violation of college rules or regulations, or failure to satisfy the college's expectations regarding conduct ~~((or failure to fulfill obligations to the College))~~. Students may be denied registration only on the approval of the President and on the recommendation of the college discipline committee. The initiating authority, in his written notification to the student, will detail the reasons for the denial of registration and the conditions to be met before registration will be allowed. Registration may be denied for a fixed or indefinite period. Future registration will not be allowed until the initiating authority is satisfied that the conditions have been met.

(4) Disciplinary Probation: Formal action placing conditions upon the student's continued attendance for violation of college rules or regulations or failure to satisfy the college's expectations regarding conduct. The office placing the student on disciplinary probation will specify, in writing, the period of probation and the conditions. Disciplinary probation warns the student that any further misconduct will make him liable to suspension or expulsion from the college. Disciplinary probation may be for a specific term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.

(5) Suspension: Formal action by an authorized disciplinary agency dismissing a student temporarily from the college for unacceptable

conduct or violation of college rules or regulations. Suspension may be for a stated or for an indefinite period, but the implication of the action is that the student may eventually return if evidence or other assurance is presented that the unacceptable conduct will not be repeated.

(6) Expulsion: Students may be expelled only on the approval of the President of the college and on the recommendation of the Dean of Student Services and the college discipline committee. The notification expelling a student will indicate, in writing, the term of the expulsion and any special conditions which must be met before readmission. There is no refund of fees for the quarter in which the action is taken, but fees paid in advance for a subsequent quarter are to be refunded.

Chapter 132G-126 WAC  
REDUCTION IN FORCE AND TENURE CODE

NEW SECTION

WAC 132G-126-010 RULES AND REGULATIONS GOVERNING REDUCTION IN FORCE—OBJECTIVE AND DEFINITION. The objective of this policy is to provide a means whereby the reduction of the academic employee work force may be accomplished in an orderly manner in the event that emergency circumstances arise. Such circumstances are defined as follows:

- (1) Inadequate funding to the college or to a specific program or individual discipline within the college;
- (2) Program termination or reduction;
- (3) Significant decreases in enrollment in the college or in some program or individual discipline;
- (4) Changes in educational policy.

NEW SECTION

WAC 132G-126-020 RIF—PROCEDURES FOR DETERMINING THE NECESSITY. (1) In the event that the president determines that a reduction in force may be necessary, he/she shall give notice of the potential reduction in force and extent thereof to the recognized academic employee organization. This notice shall be in writing and shall include the reasons upon which the president's conclusion shall have been based.

(2) Within five days from the date this notice is received, a three member committee of the recognized academic employee organization shall be provided with an opportunity to meet with the president regarding the problems arising out of the emergency situation facing the college. Such meeting shall include exchanges of information concerning the potential need to implement a reduction in force, and any alternatives or options which either party feels are reasonably available. Such options may include:

(a) Examination of the college budget by the administration and academic employee organization for the purpose of identifying potential budget savings;

(b) The transfer of academic employees from one area or division to another in instances wherein an individual has adequate qualifications;

(c) Providing the means by which an academic employee threatened by a potential reduction in force can gain additional competencies in those areas considered necessary to the maintenance of quality education at Shoreline Community College. This means would include: Sabbatical leave priority, transfer to an administrative or nonteaching position, use of activity supervision as part of the academic load, arrangement of employment schedules, etc.;

(d) Use of summer quarter and/or night classes as a regular part of the college year, in an emergency situation, to give an employee a full academic load;

(e) Encouragement of nonmandatory early retirements in those instances wherein such retirements would work little or no hardship upon the retiree and would provide a means whereby the college might continue to offer employment to a less senior academic employee threatened by reduction in force.

During these discussions the college president will document his findings by supplying data that may be reasonably produced. Such meetings shall conclude within ten working days from the date of the first meeting between the president and the recognized academic employee organization. In the event that the academic employee organization fails to respond to the notice issued by the college president, or upon the conclusion of ten days, the president shall submit his recommendations to the board of trustees.

(3) In the event the president determines a reduction in force to be necessary, he shall develop and submit to the board of trustees recommendations regarding the extent of such reduction. Such recommendations shall protect the instructional capacity and flexibility required to maintain the highest quality education possible for students. The academic employee organization may simultaneously present any alternatives to reduction at its discretion.

(4) The board of trustees in its role of appointing authority shall make the final determination regarding the necessity of a reduction in force and extent thereof. Any court review of such decisions shall not act as a stay to any further actions taken by the employer in accordance with this chapter.

#### NEW SECTION

WAC 132G-126-030 RIF-LAY-OFF UNITS. (1) The following lay-off units are hereby created:

- (a) Business Administration;
- (b) Humanities;
- (c) Ethnic Studies;
- (d) Health Occupations;
- (e) Science;
- (f) Social Science;
- (g) Physical Education and Athletics;
- (h) Library/Media Center;
- (i) Student Personnel Services.

(2) A committee consisting of the executive vice president, dean of student services, and faculty president shall assign each academic employee to one of the above lay-off units and shall maintain an updated list reflecting new hires and changes in work assignments of any individual academic employee. Such list shall rank each employee in the appropriate unit in accordance with the seniority procedures defined herein and shall designate whether the individual is an associate, probationary, or tenured academic employee.

(3) Disputes regarding lay-off unit assignments shall be appealed to the committee and if not resolved shall be submitted directly to the American Arbitration Association under its voluntary rules.

#### NEW SECTION

WAC 132G-126-040 RIF-SENIORITY. Seniority shall be based on the number of years of employment beginning with the date of the signing of the first full-time faculty contract for the most recent period of continuous full-time service for Shoreline Community College (commencing in the year 1964). Such time shall include all authorized leaves of absence consistent with terms set forth in the current agreement between the board of trustees and the official bargaining agent. The person with the highest number of qualifying years shall be the most senior; in the case of ties, seniority shall be determined in the following order:

- (1) First date of the signature of a letter of intent to accept employment or first date of signature of an employment contract;
- (2) First date of application for employment.

Seniority for a faculty member who has assumed an administrative role shall be determined by the procedure set forth above as long as the individual, as part of his/her regular contract, continues to function as a faculty member at no less than one-third regular faculty load for his/her division. In the case of a faculty member who moves to an administrative position without continuing a one-third faculty assignment as part of his/her regular contract, seniority shall remain at the same level as when the faculty member ceased faculty function and moved to an administrative post. If the same member returns from administration to full-time faculty assignment or assumes a one-third faculty load as part of his/her regular contract, seniority shall continue from the seniority level the member had reached when he/she moved to an administrative post.

#### NEW SECTION

WAC 132G-126-050 RIF-IMPLEMENTATION OF REDUCTION IN FORCE. (1) If the number of academic employees is to be reduced, the president shall decide which course offerings and/or support services are most necessary to maintain quality education in the district. The president shall declare the duties associated with such course offerings or support services to be needed duties of an academic

employee and thus subject to protected status in reduction in force decisions.

The president shall consider, but not be limited to, the following factors:

(a) The enrollment and the trends in enrollment for six consecutive quarters (excluding summer quarters) if applicable, and their affect upon each lay-off unit;

(b) The goals and objectives of Shoreline Community College and the State Board for Community College Education;

(c) Information concerning vacancies occurring through retirement, resignation, sabbaticals or other leaves of absence.

(2) The college president shall then decide the number of academic employees to be laid off in each lay-off unit. Such decision shall observe the protected status of certain courses and support services.

(3) Within each affected lay-off unit, the president shall observe the following order of lay-off:

(a) First - Associate academic employees;

(b) Second - Full-time probationary employees in order of least seniority;

(c) Third - Full-time tenured employees in order of least seniority.

The above order and/or application of seniority may be interrupted in the event that:

(a) Strict adherence to it would result in no qualified individual being available to fully perform all duties of a protected course or support service; or

(b) Strict adherence to it would cause a regression in the progress of the college toward its affirmative action goals.

#### NEW SECTION

WAC 132G-126-060 RIF-NOTIFICATION, HEARING AND APPEAL. Such matters shall be held in accordance with applicable sections of the current contract, subject to the following conditions:

(1) Preliminary proceedings concerning the fitness of a faculty member regarding suspension, and regarding peremptory challenge, shall be limited to the removal of one peer member.

(2) No academic employee who has received a lay-off notice shall participate as a member of the dismissal review committee.

#### NEW SECTION

WAC 132G-126-070 RIF-RIGHTS OF LAID-OFF ACADEMIC EMPLOYEES. Recall lists shall be created and maintained for each affected lay-off unit at Shoreline Community College. The names of those academic employees laid off shall be placed on the appropriate recall lists according to seniority. Recall shall be in order of reverse seniority; those qualified academic employees at the highest levels of seniority will be the first ones considered for recall. The right of recall shall extend three calendar years from the date of actual lay-off. No new hires shall be permitted to fill academic employee vacancies at the college unless there are no qualified academic employees on the recall lists to fill the vacancies. The name of any academic employee refusing a recall offer shall be removed from the recall list, and said academic employee will no longer be considered eligible for recall. It is the responsibility of those academic employees desiring recall to furnish the college with the appropriate addresses to which notices and other pertinent recall information can be sent. Upon recall, academic employees shall retain all benefits such as sick leave, tenure, and seniority which had accrued to the date of lay-off.

#### NEW SECTION

WAC 132G-126-080 RIF-SPECIAL PROVISIONS. (1) Upon the request of an academic employee laid-off for reasons of this policy, the college president shall write a letter to other institutions of the Northwest stating:

(a) The reasons for said lay-off;

(b) The qualifications of the affected academic employee; and

(c) Any other pertinent information which may be of assistance in securing another employment position.

(2) No application of the terms or procedures of this chapter shall be subject to any other grievance procedures.

(3) Upon written mutual consent between the academic employee and the board of trustees, appeal rights may be waived in favor of final and binding arbitration.

NEW SECTION

WAC 132G-126-200 **TENURE—PURPOSE.** The Board of Trustees of Community College District Number Seven hereby establishes (in accordance with RCW 28B.50.850 through 28B.50.869), the following rules on faculty tenure the purpose of which are twofold:

(1) To protect faculty employment rights and faculty involvement in the establishment and protection of these rights at Shoreline Community College and any other community college hereafter established within Community College District Number Seven; and

(2) To define a reasonable and orderly process for the appointment of faculty members to tenure status, or for the nonrenewal of probationary faculty members.

NEW SECTION

WAC 132G-126-210 **TENURE—DEFINITIONS.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Appointing authority" shall mean the Board of Trustees of Community College District Number Seven.

(2) "Tenure" shall mean a faculty appointment for an indefinite period of time which may be revoked only for adequate cause and due process. RCW 28B.50.851(1).

(3) "Faculty appointment" shall mean full-time employment as a teacher, counselor, librarian or other position for which the training, experience, and responsibilities are comparable as determined by the appointing authority, except administrative appointments. Faculty appointment shall also mean department heads, division heads and administrators to the extent that such department heads, division heads or administrators have had or do have status as a teacher, counselor, or librarian. RCW 28B.50.851(2).

(4) "Probationary faculty appointment" shall mean a faculty appointment for a designated period of time which may be terminated without cause upon expiration of the probationer's term of employment. RCW 28B.50.851(3).

(5) "Probationer" shall mean any individual holding a probationary faculty appointment. RCW 28B.50.851(4).

(6) "Administrative appointment" shall mean employment in a specific administrative position as determined by the appointing authority. RCW 28B.50.851(5).

(7) "Regular college year" shall mean that period of time extending from the beginning of the fall quarter through the end of the following spring quarter.

(8) "President" shall mean the President of Community College District Number Seven, or in the president's absence, the acting president.

(9) "College" shall mean Shoreline Community College and any other community college hereafter established in Community College District Number Seven.

(10) "Appointment review committee" shall mean a committee composed of the probationer's tenured faculty peers, a student representative and a member of the administrative staff of the college, provided that a majority of the committee shall consist of the probationer's faculty peers. RCW 28B.50.850(7).

(11) "Nonrenewal" shall mean the decision of the board of trustees not to renew the appointment of a probationary faculty member for the succeeding academic year.

(12) "Department head" as used in RCW 28B.50.869 shall mean division chairman or chairwoman, the director of the learning resources center, the director of physical education and athletics, and the director of counseling for the purposes of this policy.

(13) "Full-time" shall mean an individual assigned a full load for the entire regular college year.

(14) "A faculty peer" shall mean an individual holding a faculty appointment.

NEW SECTION

WAC 132G-126-220 **TENURE—APPOINTMENT REVIEW COMMITTEES—PURPOSE OF THE COMMITTEES AND SELECTION OF MEMBERSHIP.** Each probationer shall have a five-member appointment review committee assigned to him or her by October 15 of the first year of his/her appointment, or in the case of probationers appointed at some time other than the beginning of fall quarter, within six weeks of the date of the appointment. Appointment review committees shall serve as standing committees until such time

as the probationer is either granted tenure or his/her employment in a probationary faculty appointment is terminated.

(1) The divisional or administrative unit tenured faculty shall submit a list of three or more nominees who will be tenured faculty to serve on the appointment review committee. The teaching faculty and faculty department heads acting in a body shall then vote to select two such nominees as members of the appointment review committee.

(2) The probationer may submit to the divisional or administrative unit faculty a list of two or more nominees who will be tenured faculty to serve on the appointment review committee. The teaching faculty and faculty department heads acting in a body shall then vote to select one such nominee as a member of the appointment review committee: PROVIDED, That in the event the probationer does not submit nominations, the teaching faculty and faculty department heads acting in a body shall then vote to select a third appointment review committee member.

(3) The administrative representative on the committee shall be appointed by the president.

(4) The full-time student member on each appointment review committee shall be appointed by the student body president with ratification by the student legislature.

(5) If a vacancy occurs upon any appointment review committee, a replacement shall be appointed: By the faculty president from among the faculty members in the probationer's discipline or related disciplines in the case of a vacancy in a faculty position on the committee; by the student body president in the case of a vacancy in the student position on the committee; or by the college president in the case of a vacancy in the administrative position on the committee.

(6) Insofar as possible, at least one member of the committee should be in the probationer's academic discipline or field of specialization.

NEW SECTION

WAC 132G-126-230 **TENURE—APPOINTMENT REVIEW COMMITTEES—DUTIES AND RESPONSIBILITIES.** The general duty and responsibility of the appointment review committee shall be to:

- (1) Evaluate the probationer;
- (2) Advise him/her of his/her strengths and weaknesses;
- (3) Develop with him/her programs to overcome his/her deficiencies.

The evaluation process shall place primary importance upon the probationer's effectiveness in his/her appointment. The appointment review committee shall be responsible for making a recommendation, in accordance with the procedures in WAC 132G-126-240, as to whether the probationer shall be granted nonrenewal of his/her probationary status.

NEW SECTION

WAC 132G-126-240 **TENURE—APPOINTMENT REVIEW COMMITTEES—OPERATING PROCEDURES.** (1) The first meeting of an appointment review committee shall be upon the call of the executive vice president of the college. A chairperson shall be elected by the committee at its first meeting.

(2) All meetings of an appointment review committee after the first shall take place upon the call of the chairperson. Appointment review committees may meet with or without the probationer. The committee shall determine whether the probationer's presence is necessary or advisable; in any event, the committee shall meet with the probationer at least once a month.

(3) The evaluative process employed by each appointment review committee shall include the stipulations outlined below:

(a) The first order of business for each appointment review committee shall be to establish, in consultation with the probationer, the procedures it will follow in evaluating the performance and professional competence of the probationer assigned thereto.

(b) Criteria to be used in the evaluation shall be limited to faculty-staff relationships, instructional and/or guidance skills, general college service and knowledge of subject matter.

(c) Evaluation shall be based partly on first-hand observations of the probationer's performance in his/her position. The evaluation process shall also include a self-evaluation by the probationer, an evaluation by his/her discipline peer group, an evaluation by the probationer's students, and an evaluation by the probationer's immediate administrator.

(d) In those areas such as the library and the counseling center wherein classroom visits and/or student evaluation might be unreasonable, irrelevant or unproductive, the appointment review committee shall be free to devise and employ evaluative techniques and procedures which they deem more appropriate.

(e) All evaluative judgments shall be written in narrative report form.

(4) When deficiencies in the performance of a probationer have been noted by an appointment review committee the following steps should be taken by the committee:

(a) Areas of deficiency should be put in writing and discussed at a conference with the probationer as soon as these deficiencies are recognized.

(b) The appointment review committee should develop with the probationer a written program to improve these deficient areas.

(c) Frequent conferences (at least once a month) should follow step (b) above to help the probationer improve.

(5) Each appointment review committee, as a result of its ongoing evaluation of the probationer, shall periodically advise the probationer, in writing, of his/her progress during the probationary period and receive the probationer's written acknowledgement thereof. The following written reports, at the minimum will be rendered to the probationer, the president, and the appointing authority on or before the times specified herein during each regular college year that such appointee is on probationary status; or, as is also required, within fifteen days of the president's written request therefor; except that the recommendation for tenure or continued probationary status shall not be required when the committee in an earlier report has recommended nonrenewal:

(a) A written progress report by the end of fall quarter outlining the probationer's strengths and weaknesses. This report shall also include a list of steps that can be taken by the probationer to improve any such deficiencies.

(b) A written evaluation of the probationer's performance and progress, including the degree to which the probationer has overcome stated deficiencies, on or before February 1.

(c) A written recommendation regarding the renewal or nonrenewal of the probationer's contract for the ensuing regular college year, on or before February 1.

(d) A written recommendation for tenure or continued probationary status by May 1.

#### NEW SECTION

**WAC 132G-126-250 TENURE—AUTHORITY OF THE BOARD OF TRUSTEES.** The appointing authority shall provide for the award of faculty tenure following a probationary period not to exceed three consecutive regular college years, excluding summer quarters: PROVIDED, That tenure may be awarded at any time as may be determined by the appointing authority after it has given reasonable consideration to the recommendations of the review committee.

#### NEW SECTION

**WAC 132G-126-260 TENURE—RIGHTS AND REASONABLE EXPECTATIONS OF THE PROBATIONER.** (1) Sufficient rapport should be established between the probationer and his/her appointment review committee so that the purposes of the classroom visits and evaluation sessions are clear.

(2) The classroom visits should be arranged with the probationer so that he/she will be prepared for the visit.

(3) The probationer should have been acquainted with the evaluative instrument prior to its use.

(4) Conferences with the probationer should be scheduled and should cover each category on the evaluation instruments used in the preparation for the conference(s).

(5) When a disagreement occurs between the probationer and his/her appointment review committee over any area of evaluation, the probationer may submit a written statement of these disagreements, and shall be entitled to a written response from the committee.

(6) If the probationer disagrees with the recommendation of his/her appointment review committee to the board of trustees, he/she may request a meeting of the teaching faculty and department heads, in a body, to review and approve or disapprove the committee's recommendation. This request shall be made in writing to the faculty president within five days after the probationer's receipt of the committee's recommendation. The faculty president shall call the meeting within ten

days of receipt of such request. Within one week of the meeting, the decision of the teaching faculty and department heads, acting in a body, shall be sent, in writing, to the board of trustees for the board's consideration. This report shall be advisory and shall not be construed to be contrary to or supersede any provision of RCW 28B.50.850 through 28B.50.869.

#### NEW SECTION

**WAC 132G-136-120 OFF-CAMPUS STUDENT-INVITED SPEAKERS—PREAMBLE.** The board of trustees, administration and faculty of Shoreline Community College subscribe to the proposition that an important aspect of the education of college students is the opportunity to listen to speakers representing a wide variety of opinions and beliefs, therefore, in conformity with the American traditions of free speech and free inquiry, it is hereby provided that any recognized student organization, with the knowledge and approval of its advisor, may invite to the campus any speaker the group would like to hear. Although it is the advisor's responsibility through the inviting group to insure the educational relevance of such programs, all such speakers have complete discretion in the content and manner of their presentation, subject to restraints imposed by federal and/or state Constitutions and statutes. Moreover, the appearance of an invited speaker on the campus does not involve any endorsement, either implicit or explicit, of his views by Shoreline Community College, its faculty, its administration, or its board of trustees.

It is understood that no person who is not a member of the student body, faculty or staff of Shoreline Community College has an inherent right to speak on the campus unless he has been invited by a member of the faculty or by a recognized student organization; and further, that no person not a member of the Shoreline Community College student body, faculty or staff has a right to demand that he be allowed to listen to an address of an invited speaker.

#### NEW SECTION

**WAC 132G-136-130 OFF-CAMPUS STUDENT-INVITED SPEAKERS—RULES FOR SCHEDULING.** (1) The scheduling of facilities for hearing speakers must be through the office of the Director of Student Activities and will always be subject to the availability of the appropriate space.

(2) Registration forms are available in the office of the Director of Student Activities during regular office hours.

(3) Registration forms must be completed at least forty-eight hours prior to the appearance of the invited speaker. (Any exception to this rule is subject to the approval of the president or his appointed representative.)

(4) The sponsoring organization shall assign an individual to preside over any program where a speaker has been invited.

#### AMENDATORY SECTION (Amending Order 1-35:72, filed 11/29/72)

**WAC 132G-140-070 WITHHOLDING OF ((GRADE REPORTS AND)) TRANSCRIPTS AND REGISTRATION PRIVILEGES.** ((Under the conditions of unmet college financial obligations and violations of nonacademic college regulations, the college will withhold grade reports and transcripts until the student's record has been cleared by the registrar.)) The college will withhold transcripts and registration privileges for any student who has:

- (1) An unpaid application fee;
- (2) Paid resident fees instead of nonresident fees;
- (3) An unpaid credit hour change;
- (4) An unpaid transcript fee;
- (5) Unpaid lab fees;
- (6) An unpaid parking fine;
- (7) An unpaid library fine;
- (8) An unpaid short-term loan;
- (9) An unpaid nursing loan;
- (10) An unpaid National Direct Student Loan;
- (11) Written a Nonsufficient Funds (NSF) check;
- (12) An overdue required exit interview by the financial aid office;
- (13) Failed to submit a DD214, Southeast Asia Exemption;
- (14) An overdue book from the library or classroom;
- (15) Failed to return borrowed college property.

The hold will apply until the student's record has been cleared by the registrar.

NEW SECTION

WAC 132G-160-500 GRADUATION REQUIREMENTS. A student seeking to graduate from Shoreline Community College may elect to meet the requirements in the current catalog or one for any prior year of his/her attendance. The student must secure an application for a degree from the graduation window in the registration office during normal business hours and fill it out as instructed.

Any deviation from graduation requirements must be requested by petition to the registrar, who has final decision-making authority in these matters.

NEW SECTION

WAC 132G-168-012 LIBRARY HOURS. The library is generally open from 7:30 a.m. to 9:00 p.m. Monday through Thursday, and 7:30 a.m. to 5:00 p.m. on Friday. The library will be closed on holidays. These hours are subject to change with advance notice.

NEW SECTION

WAC 132G-168-014 INSPECTION. The library shall have the right to inspect packages, brief cases, containers, articles, materials, etc., leaving the building to prevent unauthorized removal of library resources. The inspection may be done by persons or devices designed to detect unauthorized removals.

NEW SECTION

WAC 132G-168-016 PROHIBITED ENTRY. The library shall have the right to prevent entry of foods and beverages, animals or other things detrimental to the library purpose.

NEW SECTION

WAC 132G-168-018 GIFTS. The library welcomes the donations of books and other library materials as well as money to be used for the library. Gifts become library property when accepted and received, and their disposition is a library matter. The college, through the Board of Trustees or their designee, reserves the right to reject, refuse to accept, or return to the donor any gift made available to the Shoreline Community College library.

**WSR 79-04-096  
PROPOSED RULES  
DEPARTMENT OF GAME  
(State Game Commission)  
[Filed April 4, 1979]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 42.30 RCW, that the State Game Commission intends to adopt, amend, or repeal rules concerning:

- Rep WAC 232-28-201 1978 Hunting Seasons and Game Bag Limits.
- Rep WAC 232-28-301 1978 Game Management Unit and Area Legal Descriptions.
- New WAC 232-28-202 1979 Hunting Seasons and Game Bag Limits.
- New WAC 232-28-302 1979 Game Management Unit and Area Legal Descriptions.
- Amd WAC 232-12-490 Possession of game off an Indian reservation legally possessed on reservation.
- New WAC 232-28-601000C Opening of South Warden and Warden Lakes in Grant County.
- New WAC 232-28-601000D Closing of Medical Lake in Spokane County;

that such agency will at 9:00 a.m., Monday and Tuesday, May 21 and 22, 1979, in the Red Lion Motor Inn, East I-90 at Sullivan Road, Spokane, WA 99220 conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Monday and Tuesday, May 21 and 22, 1979, in the Red Lion Motor Inn, East I-90 at Sullivan Road, Spokane, WA 99220.

The authority under which these rules are proposed is RCW 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 21 and 22, 1979, and/or orally at 9:00 a.m., Monday and Tuesday, May 21 and 22, 1979, Red Lion Motor Inn, East I-90 at Sullivan Road, Spokane, WA 99220.

Dated: April 4, 1979  
By: Wallace F. Kramer  
Chief, Wildlife Enforcement Division

AMENDATORY SECTION (Amending Order 92, filed 10/13/76)

WAC 232-12-490 POSSESSION OF GAME OFF AN INDIAN RESERVATION LEGALLY POSSESSED ON RESERVATION. (1) An Indian who has lawfully acquired possession of any game animals, game birds, furbearing animals, or game fish, from within an Indian reservation may possess the same outside said reservation for his personal use only: PROVIDED, That such game animals, game birds, furbearing animals or game fish shall, before leaving the reservation, be tagged or marked for identification by a wildlife agent or departmentally authorized agent.

(2) ~~((Any person who has lawfully acquired possession of any game fish under a tribally authorized fishing ordinance or program, from within an Indian reservation, may possess the same outside said reservation for his personal use only: PROVIDED, That such game fish shall, before leaving the reservation, be tagged or marked for identification by a wildlife agent or departmentally authorized agent, or such person shall have in his possession off the reservation a permit form identifying the fish being possessed and signed by a wildlife agent or departmentally authorized agent.))~~

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 232-28-202 1979 HUNTING SEASONS AND GAME BAG LIMITS.

NEW SECTION

WAC 232-28-302 1979 GAME MANAGEMENT UNIT AND AREA LEGAL DESCRIPTIONS.

Reviser's Note: The text and accompanying maps comprising the 1979 Hunting Seasons and Game Bag Limits and the 1979 Game Management Unit and Area Legal Descriptions proposed by the Department of Game have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the proposed rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington, 98504, and upon final adoption are available in pamphlet form from the Department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

NEW SECTION

WAC 232-28-601000C OPENING OF SOUTH WARDEN AND WARDEN LAKES IN GRANT COUNTY. Notwithstanding the provisions of WAC 232-28-601, South Warden and Warden Lakes in Grant County shall be open to all game fish April 22, 1979 to September 30, 1979.

NEW SECTION

WAC 232-28-601000D CLOSING OF MEDICAL LAKE IN SPOKANE COUNTY. Notwithstanding the provisions of WAC 232-

28-601, Medical Lake in Spokane County shall be closed to all game fish.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 232-28-201 1978 HUNTING SEASONS & GAME BAG LIMITS
- (2) WAC 232-28-301 1978 GAME MANAGEMENT UNIT AND AREA LEGAL DESCRIPTIONS

**WSR 79-04-097**  
**PROPOSED RULES**  
**DEPARTMENT OF FISHERIES**  
 [Filed April 4, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 75.08.080, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning commercial fishing regulations;

that such agency will at 10:00 a.m., Friday, May 18, 1979, in Conference Room F, Balcony, Food Circus Building, Seattle Center, Seattle, Washington conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:30 a.m., Wednesday, May 23, 1979, in the Small Conference Room, General Administration Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 75.08.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 18, 1979, and/or orally at 10:00 a.m., Friday, May 18, 1979, Conference Room F, Balcony, Food Circus Building, Seattle Center, Seattle.

Dated: April 4, 1979  
 By: Gordon Sandison  
 Director

#### AMENDATORY SECTION (Amending Order 78-83, filed 9/20/78)

**WAC 220-44-020 SEASONS.** (1) It shall be unlawful to take, fish for or possess salmon taken for commercial purposes in that portion of Coastal Salmon Management and Catch Reporting Area 4 north of Point of the Arches and inside the 3-mile limit during weekly closed periods extending from 11:59 p.m. Friday to 12:01 a.m. Monday.

(2) It shall be unlawful to take, fish for or possess salmon taken for commercial purposes with purse seine, drag seine, or gill net gear from Coastal Salmon Management and Catch Reporting Areas 1, 2, 3 and 4.

(3) It shall be unlawful to take, fish for or possess smelt taken for commercial purposes with purse seine, drag seine, or gill net gear from Marine Fish-Shellfish Management and Catch Reporting Areas 59, 60A, and that portion of Area 58 within the United States 200-mile fishery conservation zone.

(4) It shall be lawful to take, fish for and possess smelt taken for commercial purposes by hand net gear in Marine Fish-Shellfish Management and Catch Reporting Areas 59 and 60A except during weekly closed periods extending from 8:00 a.m. Friday to 8:00 a.m. Sunday.

(5) It shall be lawful to take, fish for and possess for commercial purposes sturgeon, shad, candlefish, anchovies and pilchards taken in Marine Fish-Shellfish Management and Catch Reporting Areas 59, 60A, and that portion of Area 58 within the United States 200-mile fishery conservation zone with any lawful commercial fishing gear.

(6) It shall be unlawful except by permit to take and fish for herring for commercial purposes or possess herring taken for commercial purposes from Marine Fish-Shellfish Management and Catch Reporting Areas 59, 60A, and that portion of Area 58 within the United States 200-mile fishery conservation and management zone with any type of gear.

(7) It shall be unlawful to transport through Coastal Salmon Management and Catch Reporting Areas 1, 2, 3, and 4 or to land in the state of Washington, any salmon taken for commercial purposes contrary to the provisions of chapter 220-47 WAC relative to seasons and species and as provided in WAC 220-24-020.

**WSR 79-04-098**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 79-19—Filed April 4, 1979]

I, Gordon Sandison, director of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing 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 such emergency is this order is necessary to accommodate 1979 roe herring fishery assessments.

Such 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 he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 4, 1979.

By Gordon Sandison  
 Director

#### NEW SECTION

**WAC 220-49-02100B WEEKLY PERIODS (1)**  
*Notwithstanding the provisions of WAC 220-49-021, it shall be lawful to take, fish for or possess herring, candlefish, anchovy or pilchards in Marine Fish-Shellfish Catch Reporting Areas 20A, 20B, 21A and 21B (exclusive of on-reservation tribal areas) from April 15 through May 31, 1979, during weekly periods and daily hours hereinafter designated:*

a) *Weekly periods: Monday, Wednesday and Thursday.*

b) *Daily hours: 6:00 A.M. to 4:00 P.M. on open days.*

(2) *It shall be unlawful to take, fish for or have in possession for commercial purposes herring, candlefish, anchovy or pilchards in Marine Fish-Shellfish Catch Reporting Areas 20A, 20B, 21A and 21B from April 16 through May 31, 1979 after a quota of 750 tons has been taken.*

**WSR 79-04-099**  
**NOTICE OF PUBLIC MEETINGS**  
**INTERAGENCY COMMITTEE**  
**FOR OUTDOOR RECREATION**  
 [Memorandum, Admin.—April 3, 1979]

The Interagency Committee for Outdoor Recreation at its March 30 meeting scheduled the following 1979 official meetings:

Previously indicated meeting of November 1-2, 1979  
 changed to:

November 8-9, 1979  
 IAC Funding Session  
 Place to be determined

Special Meeting - August 10, 1979  
 Agenda items to include:

Washington Administrative Code  
 Local Agency Action Program  
 Legislative Actions Review  
 Statewide Outdoor Recreation Plan Review

**WSR 79-04-100**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Filed April 4, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, 49.17.040, 49.17.050, 49.17.240 and chapters 43.22 and 42.30 RCW, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning:

- Amd chapter 296-24 WAC, to correct housekeeping error, add new subdivision;
- Amd chapter 296-155 WAC, adding a new subsection regarding ladder safety, correct housekeeping error;
- Amd chapter 296-306 WAC, exception of air contaminant to reflect OSHA;
- Amd chapter 296-27 WAC, will incorporate changes in record keeping identical to OSHA, 29 CFR 1904.2, 3, 6, 7 and 20;
- Amd WAC 296-62-07347, housekeeping error;
- Amd WAC 296-62-07515, housekeeping error;
- Amd WAC 296-62-07335, Benzene, identical to OSHA 29 CFR 1910.1028;

New Safety Requirements for Powder Actuated Fastening Systems;

WAC 296-24-66301, 296-24-66303, 296-24-66305, 296-24-66307, 296-24-66309, 296-24-66311, 296-24-66313, 296-24-66315, 296-24-66317, 296-24-66319, and WAC 296-24-66321;

New Proposed Safety Standards for Logging;

WAC 296-54-501, 296-54-503, 296-54-505, 296-54-507, 296-54-509, 296-54-511, 296-54-513, 296-54-515, 296-54-517, 296-54-519, 296-54-521, 296-54-523, 296-54-525, 296-54-527, 296-54-529, 296-54-531, 296-54-533, 296-54-535, 296-54-537, 296-54-539, 296-54-541, 296-54-543, 296-54-545, 296-54-547, 296-54-549, 296-54-551, 296-54-553, 296-54-

555, 296-54-557, 296-54-559, 296-54-561, 296-54-563, 296-54-565, 296-54-567, 296-54-569, 296-54-571, 296-54-573, 296-54-575, 296-54-577, 296-54-579, 296-54-581, 296-54-783[296-54-583], 296-54-585, 296-54-587, 296-54-589, 296-54-591, 296-54-593, 296-54-595, 296-54-597, 296-54-599, 296-54-601, 296-54-603, 296-54-605, and WAC 296-54-607.

The following sections of the Washington Administrative Code are repealed:

Repeal Safety Requirements for Explosive Actuated Fastening Tools;

WAC 296-24-662, 296-24-66201, 296-24-66203, 296-24-66205, 296-24-66207, 296-24-66209, 296-24-66211, 296-24-66213, 296-24-66215, 296-24-66217, 296-24-66219, 296-24-66221, 296-24-66223, and WAC 296-24-225;

Repeal Safety Standards for Logging;

WAC 296-54-001, 296-54-003, 296-54-010, 296-54-020, 296-54-030, 296-54-040, 296-54-051, 296-54-052, 296-54-130, 296-54-140, 296-54-150, 296-54-160, 296-54-170, 296-54-180, 296-54-185, 296-54-190, 296-54-195, 296-54-200, 296-54-210, 296-54-215, 296-54-216, 296-54-217, 296-54-218, 296-54-220, 296-54-230, 296-54-240, 296-54-260, 296-54-270, 296-54-280, 296-54-281, 296-54-282, 296-54-284, 296-54-286, 296-54-290, 296-54-300, 296-54-310, 296-54-320, 296-54-330, 296-54-335, 296-54-340, 296-54-350, 296-54-360, 296-54-370, 296-54-380, 296-54-392, 296-54-393, 296-54-39301, and WAC 296-54-400;

that such agency will at 9:30 a.m., Wednesday and Thursday, May 16 and 17, 1979, in the Conference Room, General Administration Building, Olympia, Washington conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Monday, June 18, 1979, in the Director's office, General Administration Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 49.17.040, 49.17.050, 49.17.240, and chapters 43.22 and 42.30 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 16, 1979, and/or orally beginning at 9:30 a.m., Wednesday and Thursday, May 16 and 17, 1979, Conference Room, General Administration Building, Olympia, Washington.

Dated: April 4, 1979

By: James Hughes  
 Director

NEW SECTION

WAC 296-24-663 SAFETY REQUIREMENTS FOR POWDER ACTUATED FASTENING SYSTEMS.

NEW SECTION

WAC 296-24-66301 SCOPE. This standard provides safety requirements for a powder actuated fastening tool or machine which propels a stud, pin, fastener, or other object for the purpose of affixing it by penetration to another object.

This standard does not apply to devices designed for attaching objects to soft construction materials, such as wood, plaster, tar, dry wallboard, and the like, or to stud welding equipment.

#### NEW SECTION

**WAC 296-24-66303** PURPOSE. The purpose of this standard is to provide reasonable safety for life, limb, and property, by establishing requirements for design, construction, operation, service, and storage of powder actuated fastening tools, fasteners, and power loads.

#### NEW SECTION

**WAC 296-24-66305** DEFINITIONS APPLICABLE TO THIS SECTION. (1) Angle control – a safety feature designed to prevent a tool from operating when tilted beyond a predetermined angle.

(2) Approved – meeting the requirements of this standard and acceptable to the Department of Labor and Industries, Division of Industrial Safety and Health.

(3) Cased power load – a power load with the propellant contained in a closed case.

(4) Caseless power load – a power load with the propellant in solid form not requiring containment.

(5) Chamber (noun) – the location in the tool into which the power load is placed and in which it is actuated.

(6) Chamber (verb) – to fit the chamber according to manufacturer's specifications.

(7) Fasteners – any pins (unthreaded heads) or studs (threaded heads) driven by powder actuated tools.

(8) Fixture – a special shield that provides equivalent protection where the standard shield cannot be used.

(9) Head – that portion of a fastener that extends above the work surface after being properly driven.

(10) Misfire – a condition in which the power load fails to ignite after the tool has been operated.

(11) Powder actuated fastening system – a method comprising the use of a powder actuated tool, a power load, and a fastener.

(12) Powder actuated tool (also known as tool) – a tool that utilizes the expanding gases from a power load to drive a fastener.

(13) Power load – the energy source used in powder actuated tools.

(14) Qualified operator – a person who meets the requirements of WAC 296-24-66321(1) and (2).

(15) Shield – a device, attached to the muzzle end of a tool, which is designed to confine flying particles.

(16) Spalled area – a damaged and nonuniform concrete or masonry surface.

(17) Test velocity – the measurement of fastener velocity performed in accordance with WAC 296-24-66307(1)(m).

(18) Tools – tools can be divided into two types: Direct acting and indirect acting; and three classes: Low velocity, medium velocity, and high velocity.

(a) Direct-acting tool – a tool in which the expanding gas of the power load acts directly on the fastener to be driven.

(b) Indirect-acting tool – a tool in which the expanding gas of the power load acts on a captive piston, which in turn drives the fastener.

(c) Low-velocity tool – a tool whose test velocity has been measured ten times while utilizing the highest velocity combination of:

(i) The lightest commercially available fastener designed for that specific tool;

(ii) The strongest commercially available power load that will properly chamber in the tool;

(iii) The piston designed for that tool and appropriate for that fastener; that will produce an average test velocity from the ten tests not in excess of 100 meters per second (328 feet per second) with no single test having a velocity of over 108 m/s (354 ft/s).

(d) Medium-velocity tool – a tool whose test velocity has been measured ten times while utilizing the highest velocity combination of:

(i) The lightest commercially available fastener designed for the tool;

(ii) The strongest commercially available power load that will properly chamber in the tool;

(iii) The piston designed for that tool and appropriate for that fastener; that will produce an average test velocity from ten tests in excess of 100 m/s (328 ft/s) but not in excess of 150 m/s (492 ft/s) with no single test having a velocity of 160 m/s (525 ft/s).

(e) High-velocity tool – a tool whose test velocity has been measured ten times while utilizing the combination of:

(i) The lightest commercially available fastener designed for the tool;

(ii) The strongest commercially available power load which will properly chamber in the tool; that will produce an average velocity from the ten tests in excess of 150 m/s (492 ft/s).

#### NEW SECTION

**WAC 296-24-66307** REQUIREMENTS. (1) General.

(a) The tool shall be designed to prevent inadvertent actuation.

(b) The tool shall be designed to prevent actuation when dropped in any attitude from a height of 3 meters (10 ft) onto a smooth, hard surface such as concrete or steel, if such actuation can propel a fastener or any part thereof in free flight.

(c) Actuation of the tool shall be dependent upon at least two separate and distinct operations by the operator, with at least one operation being separate from the operation of holding the tool against the work surface.

(d) The tool shall be designed not to be operable other than against a work surface with a force on the work surface equal to 22 newtons (5 lb.) greater than the weight of the tool or a minimum impact energy of 4 joules (3 ft-lb).

(e) All tools shall be designed so that compatible protective shields or fixtures, designed, built, and supplied by the manufacturer of the tool, can be used (see WAC 296-24-66307(2)(b), (3)(b), (4)(b) and 296-24-66313(8)).

(f) The tool shall be designed so that a determinable means of varying the power levels is available for selecting a power level adequate to perform the desired work (see WAC 296-24-66309(5)).

(g) The tool shall be designed so that all principal functional parts can be checked for foreign matter that may affect operation.

(h) The tool shall be designed so that all parts will be of adequate strength to resist maximum stresses imposed upon actuation when the tool is used in accordance with the manufacturer's instructions and is powered by any commercially available power load which will properly chamber in the tool.

(i) Each tool shall bear a legible permanent model designation, which shall serve as a means of identification. Each tool shall also bear a legible, permanent manufacturer's unique serial number.

(j) A lockable container shall be provided for each tool. The words "POWDER ACTUATED TOOL" shall appear in plain sight on the outside of the container. The following notice shall be attached on the inside cover of the container:

**"WARNING – POWDER ACTUATED TOOL. TO BE USED ONLY BY A QUALIFIED OPERATOR AND KEPT UNDER LOCK AND KEY WHEN NOT IN USE."**

(k) Each tool shall bear a durable warning label with the following statement, or the equivalent:

**"WARNING – FOR USE ONLY BY QUALIFIED OPERATORS ACCORDING TO MANUFACTURER'S INSTRUCTION MANUAL."**

(l) Each tool shall be supplied with the following:

(i) Operator's instruction and service manual.

(ii) Power load chart.

(iii) Tool inspection record.

(iv) Service tools and accessories.

(m) In determining tool test velocities, the velocity of the fastener shall be measured in free flight at a distance of 2 meters (6-1/2 ft) from the muzzle end of the tool, using accepted ballistic test methods.

(2) Design requirements – low-velocity class.

(a) Low-velocity tools, indirect-acting (piston) type, as defined in WAC 296-24-66305, shall meet the requirements of WAC 296-24-66307(1).

(b) A shield shall be supplied with each tool.

(3) Design requirements – medium-velocity class.

(a) Medium-velocity tools, indirect-acting (piston) type, as defined in WAC 296-24-66305, shall meet the requirements of WAC 296-24-66307(1).

(b) The tool shall have a shield at least 63 mm (2-1/2 in) in diameter mounted perpendicular to, and concentric with, the muzzle end, when it is indexed to the center position. A special shield or fixture may be used when it provides equivalent protection.

(c) The tool shall be designed so that it cannot be actuated unless it is equipped with a shield or fixture.

(d) The tool shall be designed with angle control so that it will not actuate when equipped with the standard shield indexed to the center position if the bearing surface of the shield is tilted more than 12 degrees from a flat surface.

(4) Design requirements – high-velocity class.

(a) High-velocity tools, direct-acting or indirect-acting type, as defined in WAC 296-24-66305, shall meet the requirements of WAC 296-24-66307(1).

(b) The tool shall have a shield at least 88 mm (3-1/2 in) in diameter mounted perpendicular to, and concentric with, the muzzle end, when it is indexed to the center position. A special shield or fixture may be used when it provides equivalent protection.

(c) The tool shall be designed so that it cannot be actuated unless it is equipped with a shield or fixture.

(d) The tool shall be designed with angle control so that it will not actuate when equipped with the standard shield indexed to the center position, if the bearing surface of the shield is tilted more than eight degrees from a flat surface.

**NEW SECTION**

**WAC 296-24-66309 POWER LOADS.** (1) Identification of cased power loads. Cased power loads shall be coded to identify power load levels by case color and power load color as specified in Table P-1.

(2) Identification of caseless power loads. Caseless power loads shall be coded to identify power load levels by power load color as specified in Table P-1 and by configuration.

(3) Power load use limitation. No power load (cased or caseless) shall be used if it will properly chamber in any existing commercially available tool and will cause a fastener to have a test velocity in excess of the maximum test velocities specified for the said tool.

(4) Identification of power load packages. Power load packages shall provide a visual number-color indication of the power level of the power load as specified in Table P-1.

(5) Optional power load variation. Where means other than power loads of varying power levels are to be used to control penetration, such means shall provide an equivalent power level variation.

**NEW SECTION**

**WAC 296-24-66311 FASTENERS.** Fasteners for use in powder actuated tools shall be designed and manufactured to function compatibly with these tools and, when used in masonry, concrete, or steel, to effect properly the application for which they are recommended.

TABLE P-1  
Power Load Identification

Power Level	Color Identification		Nominal velocity	
	Case Color	Load Color	Meters per Second (± 13.5)	Feet per Second (± 45)
1	Brass	Gray	91	300
2	Brass	Brown	119	390
3	Brass	Green	146	480
4	Brass	Yellow	174	570
5	Brass	Red	201	660
6	Brass	Purple	229	750
7	Nickel	Gray	256	840
8	Nickel	Brown	283	930
9	Nickel	Green	311	1020
10	Nickel	Yellow	338	1110
11	Nickel	Red	366	1200
12	Nickel	Purple	393	1290

NOTE: The nominal velocity applies to a 9.53 mm (3/8-in) diameter 22.7-gram (350-grain) ballistic slug fired in a test device and has no reference to actual fastener velocity developed in any specific tool.

**NEW SECTION**

**WAC 296-24-66313 OPERATION.** (1) Only tools meeting the requirements of this standard shall be used.

(2) Only qualified operators shall operate tools.

(3) The lowest velocity class of tool that will properly set the fastener shall be used.

(4) Tools shall be operated in strict accordance with the manufacturer's instructions.

(5) Eye or face protection, or both, shall be worn by operators, assistants, and adjacent personnel when tool is in use. Hearing protection shall be used when making fastenings in confined areas.

(6) Each day, prior to use, the operator shall inspect the tool to determine that it is in proper working condition in accordance with the testing methods recommended by the manufacturer of the tool.

(7) Any tool found not to be in proper working condition shall be immediately removed from service and tagged "DEFECTIVE"; it shall not be used until it has been properly repaired in accordance with the manufacturer's instructions.

(8) The proper shield, fixture, adapter, or accessory, suited for the application, as recommended and supplied by the manufacturer, shall be used.

(9) Only those types of fasteners and power loads recommended by the tool manufacturer shall be used.

(10) Before fastening into any questionable material, the operator shall determine its suitability by using a fastener as a center punch. If the fastener point does not easily penetrate, is not blunted, and does not fracture the material, initial test fastenings shall then be made in accordance with the tool manufacturer's recommendations. (See WAC 296-24-66315(3)).

(11) No tool shall be loaded unless it is being prepared for immediate use. If the work is interrupted after loading, the tool shall be unloaded at once.

(12) Tools shall not be loaded until just prior to the intended firing time. Neither loaded nor empty tools are to be pointed at any person; hands shall be kept clear of the open barrel end.

(13) The tool shall always be held perpendicular to the work surface when fastening into any material, except for specific applications recommended by the tool manufacturer.

(14) In the event of a misfire, the operator shall hold the tool firmly against the work surface for a period of thirty seconds and then follow the explicit instructions set forth in the manufacturer's instructions.

(15) Power loads of different power levels and types shall be kept in separate compartments or containers.

(16) A sign, at least 20 x 25 cm (8 x 10 in), using boldface type no less than 2.5 cm (1 in) in height, shall be posted in plain sight on all construction projects where tools are used. The sign shall bear wording similar to the following: "POWDER ACTUATED TOOL IN USE."

**NEW SECTION**

**WAC 296-24-66315 LIMITATIONS OF USE.** (1) The tool shall not be used in an explosive or flammable atmosphere.

(2) A tool shall never be left unattended in a place where it would be available to unauthorized persons.

(3) Fasteners shall not be driven into very hard or brittle materials including, but not limited to, cast iron, glazed tile, hardened steel, glass block, natural rock, hollow tile, or most brick. (See WAC 296-24-66313(10)).

(4) Fasteners shall not be driven into easily penetrated or thin materials, or materials of questionable resistance, unless backed by a material that will prevent the fastener from passing completely through the other side.

(5) Fasteners shall not be driven closer than 13 mm (1/2 in) from the edge of steel except for specific applications recommended by the tool manufacturer.

(6) Fasteners shall not be driven closer than 7.5 cm (3 in) from the unsupported edge of masonry materials except for specific applications recommended by the tool manufacturer.

(7) Fasteners shall not be driven into concrete unless material thickness is at least three times the fastener shank penetration.

(8) Fasteners shall not be driven into any spalled area.

(9) Fasteners shall not be driven through existing holes unless a specific guide means, as recommended and supplied by the tool manufacturer, is used to ensure positive alignment.

**NEW SECTION**

**WAC 296-24-66317 MAINTENANCE AND STORAGE.** (1) The tool shall be serviced and inspected for worn or damaged parts at regular intervals as recommended by the tool manufacturer. Prior to the tool being put back into use, all worn or damaged parts shall be replaced by a qualified person using only parts supplied by the tool manufacturer. A record of this inspection shall be noted and dated on the tool inspection record.

(2) Instruction manuals, maintenance tools, and accessories supplied with the tool shall be stored in the tool container when not in use.

(3) Powder actuated tools and power loads shall be locked in a container and stored in a safe place when not in use and shall be accessible only to authorized personnel.

**NEW SECTION**

**WAC 296-24-66319 AUTHORIZED INSTRUCTOR.** (1) Only persons trained and authorized by the tool manufacturer or by an authorized representative of the tool manufacturer shall be qualified to instruct and qualify operators for the manufacturer's powder actuated tools.

(2) All authorized instructors shall have read and be familiar with this standard, and shall be capable of:

- (a) Disassembling, servicing, and reassembling the tool.
- (b) Recognizing any worn or damaged parts or defective operation.
- (c) Recognizing and clearly identifying the colors used to identify power load levels.
- (d) Using the tool correctly within the limitations of its use.
- (e) Training and testing operators prior to issuing a qualified operator's card.

(3) All authorized instructors shall have in their possession a valid authorized instructor's card issued and signed by an authorized representative of the manufacturer. The card shall be wallet size of approximately 6 x 9 cm (2-1/2 x 3-1/2 in), and the face of the card shall bear text similar to that shown in Figure P-1.

(4) A list of all instructors authorized by the manufacturer to instruct and qualify operators shall be maintained by the tool manufacturer and be made available to the Department of Labor and Industries, Division of Industrial Safety and Health, upon request.

(5) An instructor's card may be revoked by the authorizing agent or the Department of Labor and Industries, Division of Industrial Safety and Health, if he is known to have issued a qualified operator's card in violation of any regulation contained in this standard. When an instructor is no longer authorized to issue qualified operator's cards, he shall surrender his card to the authorizing agent or the Department of Labor and Industries, Division of Industrial Safety and Health.

**AUTHORIZED INSTRUCTOR**

\_\_\_\_\_ Powder Actuated Tools Date \_\_\_\_\_  
(MAKE)

Card No. \_\_\_\_\_ Social Security No. \_\_\_\_\_  
This certifies that \_\_\_\_\_

(NAME OF INSTRUCTOR)

**TION**

has received the prescribed training in the operation and maintenance of powder actuated tools manufactured by \_\_\_\_\_

\_\_\_\_\_ and is qualified  
(NAME OF MANUFACTURER)

to train and certify operators of \_\_\_\_\_  
(MAKE)

powder actuated tools.  
Model(s) \_\_\_\_\_

Authorized by \_\_\_\_\_

I have received instruction by the manufacturer's authorized representative in the training of operators of the above tools and agree to conform to all rules and regulations governing the instruction of tool operators.

Date of Birth \_\_\_\_\_

\_\_\_\_\_  
(SIGNATURE)

Figure P-1

Sample of Authorized Instructor's Card

**NEW SECTION**

**WAC 296-24-66321 QUALIFIED OPERATOR.** (1) The operator shall be trained by an authorized instructor to be familiar with the provisions of this standard and the instructions provided by the manufacturer for operation and maintenance. The operator shall also be capable of:

- (a) Reading and understanding the manufacturer's instruction manual.
- (b) Cleaning the tool correctly.

(c) Recognizing any worn or damaged parts or defective operation.  
(d) Recognizing the number-color code system used in this standard to identify power load levels. In the event the operator is unable to distinguish the colors used, he shall be given special instruction to enable him to avoid error.

(e) Using the tool correctly within the limitations of its use and demonstrating his competence by operating the tool in the presence of the instructor.

(2) After training, the operator shall, to substantiate his competency, satisfactorily complete a written examination provided by the manufacturer of the tool.

(a) The operator's written examination shall consist of questions to establish the operator's competence with respect to:

- (i) The requirements of this standard;
- (ii) The powder actuated fastening system; and
- (iii) The specific details of operation and maintenance of the tool(s) involved.

(b) The examination shall provide a statement, attested to by the instructor, that the applicant can (or cannot) readily distinguish the colors used to identify power load levels (see WAC 296-24-66309).

(3) Each applicant who meets the requirements as set forth in subsections (1) and (2) of this section shall receive a qualified operator's card, issued and signed by both the instructor and applicant. While using the tool, the operator shall have this card in his possession.

(4) The qualified operator's card supplied by the manufacturer shall be wallet size of approximately 6 x 9 cm (2-1/2 x 3-1/2 in), and the face of the card shall bear text similar to that shown in Figure P-2.

(5) There shall be printed on the card a notation reading:

"Revocation of card - Failure to comply with any of the rules and regulations for safe operation of powder actuated fastening tools shall be cause for the immediate revocation of this card."

**QUALIFIED OPERATOR**

\_\_\_\_\_ Powder Actuated Tools Date \_\_\_\_\_  
(MAKE)

Card No. \_\_\_\_\_ Social Security No. \_\_\_\_\_  
This certifies that \_\_\_\_\_

(NAME OF OPERATOR)

**TOR)**

has received the prescribed training in the operation of powder actuated tools manufactured by \_\_\_\_\_

(NAME OF MANUFACTURER)

Model(s) \_\_\_\_\_  
Trained and issued by \_\_\_\_\_

(SIGNATURE OF AUTHORIZED INSTRUCTOR)

I have received instruction in the safe operation and maintenance of powder actuated fastening tools of the makes and models specified and agree to conform to all rules and regulations governing that use  
Date of Birth \_\_\_\_\_

\_\_\_\_\_  
(SIGNATURE)

Figure P-2

Sample of Qualified Operator's Card

**REPEALER**

The following sections of the Washington Administrative Code are each repealed:

- (1) WAC 296-24-662 SAFETY REQUIREMENTS FOR EXPLOSIVE-ACTUATED FASTENING TOOLS.
- (2) WAC 296-24-66201 SCOPE.
- (3) WAC 296-24-66203 PURPOSE.
- (4) WAC 296-24-66205 DEFINITIONS.
- (5) WAC 296-24-66207 DESIGN REQUIREMENTS—HIGH VELOCITY TOOLS.
- (6) WAC 296-24-66209 LOW VELOCITY PISTON TOOLS.
- (7) WAC 296-24-66211 HAMMER-OPERATED PISTON TOOLS—LOW VELOCITY TYPE.
- (8) WAC 296-24-66213 REQUIREMENTS FOR LOADS AND FASTENERS.

- (9) WAC 296-24-66215 APPROVALS.
- (10) WAC 296-24-66217 OPERATION.
- (11) WAC 296-24-66219 SERVICING.
- (12) WAC 296-24-66221 QUALIFICATION AND CERTIFICATION OF OPERATORS.
- (13) WAC 296-24-66223 STORAGE OF EXPLOSIVE-ACTUATED TOOLS, INSTRUCTION BOOKS, CLEANING KITS, AND TOOLS.
- (14) WAC 296-24-66225 USE LOW VELOCITY TOOLS WHEN POSSIBLE.

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73)

WAC 296-24-23515 HOISTING EQUIPMENT. (1) Sheaves. (a) Sheave grooves shall be smooth and free from surface defects which could cause rope damage.

(b) Sheaves carrying ropes which can be momentarily unloaded shall be provided with close-fitting guards or other suitable devices to guide the rope back into the groove when the load is applied again.

(c) The sheaves in the bottom block shall be equipped with close-fitting guards that will prevent ropes from becoming fouled when the block is lying on the ground with ropes loose.

(d) Pockets and flanges of sheaves used with hoist chains shall be of such dimensions that the chain does not catch or bind during operation.

(e) All running sheaves shall be equipped with means for lubrication. Permanently lubricated, sealed and/or shielded bearings meet this requirement.

(2) Ropes. (a) In using hoisting ropes, the crane manufacturer's recommendation shall be followed. The rated load divided by the number of parts of rope shall not exceed 20 percent of the nominal breaking strength of the rope.

(b) Socketing shall be done in the manner specified by the manufacturer of the assembly.

(c) Rope shall be secured to the drum as follows:

(i) No less than two wraps of rope shall remain on the drum when the hook is in its extreme low position.

(ii) Rope end shall be anchored by a clamp securely attached to the drum, or by a socket arrangement approved by the crane or rope manufacturer.

(d) Rope clips attached with U-bolts shall have the U-bolts on the dead or short end of the rope. Spacing and number of all types of clips shall be in accordance with (2)(e) of this section. Clips shall be drop-forged steel in all sizes manufactured commercially. When a newly installed rope has been in operation for an hour, all nuts on the clip bolts shall be retightened.

(e) DIAMETER OF ROPE	NUMBER OF CLIPS REQUIRED	SPACE BETWEEN CLIPS
1 1/2 inch	8	10 inches
1 3/8 inch	7	9 inches
1 1/4 inch	6	8 inches
1 1/8 inch	5	7 inches
1 inch	5	6 inches
7/8 inch	5	5 1/4 inches
3/4 inch	5	4 1/2 inches
3/8 to 5/8 inch	4	3 inches

(f) Swaged or compressed fittings shall be applied as recommended by the rope or crane manufacturer.

(g) Wherever exposed to temperatures, at which fiber cores would be damaged, rope having an independent wire-rope or wire-strand core, or other temperature-damage resistant core shall be used.

(h) Replacement rope shall be the same size, grade, and construction as the original rope furnished by the crane manufacturer, unless otherwise recommended by a wire rope manufacturer due to actual working condition requirements.

(3) Equalizers. If a load is supported by more than one part of rope, the tension in the parts shall be equalized.

(4) Hooks. Hooks shall meet the manufacturer's recommendations and shall not be overloaded. Safety latch-type hooks shall be used or the hook shall be moused.

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73)

WAC 296-24-24005 LOAD RATINGS. (1) Load Ratings—Where Stability Governs Lifting Performance. (a) The margin of stability for determination of load ratings, with booms of stipulated lengths at stipulated working radii for the various types of crane

mountings is established by taking a percentage of the loads which will produce a condition of tipping or balance with the boom in the least stable direction, relative to the mounting. The load ratings shall not exceed the following percentages for cranes, with the indicated types of mounting under conditions stipulated in (1)(b) and (c) of this section.

Type of crane mounting:	Maximum load ratings (percent of tipping loads)
Locomotive, without outriggers;	
Booms 60 feet or less	85
Booms over 60 feet	85 <sup>1</sup>
Locomotive, using outriggers fully extended	80
Crawler, without outriggers	75
Crawler, using outriggers fully extended	85
Truck and wheel mounted without outriggers or using outriggers fully extended	85

<sup>1</sup>Unless this results in less than 30,000 pound-feet net stabilizing moment about the rail, which shall be minimum with such booms.

(b) The following stipulation shall govern the application of the values in (1)(a) of this section for locomotive cranes:

(i) Tipping with or without the use of outriggers occurs when half of the wheels farthest from the load leave the rail.

(ii) The crane shall be standing on track which is level within 1 percent grade.

(iii) Radius of the load is the horizontal distance from a projection of the axis of rotation to the rail support surface, before loading, to the center of vertical hoist line or tackle with load applied.

(iv) Tipping loads from which ratings are determined shall be applied under static conditions only, i.e., without dynamic effect of hoisting, lowering, or swinging.

(v) The weight of all auxiliary handling devices such as hoist blocks, hooks, and slings shall be considered a part of the load rating.

(c) Stipulations governing the application of the values in (i)(a) of this section for crawler, truck, and wheel-mounted cranes shall be in accordance with Crane Load-Stability Test Code. Society of Automotive Engineers (SAE) J765.

NOTE: The effectiveness of these preceding stability factors will be influenced by such additional factors as freely suspended loads, track, wind, or ground conditions, condition and inflation of rubber tires, boom lengths, proper operating speeds for existing conditions, and, in general, careful and competent operation. All of these shall be taken into account by the user.

(2) Rated Capacity Chart. A chart indicating the manufacturer's rated capacity at all operating radii for all permissible boom lengths and jib lengths with alternate ratings for optional equipment affecting such ratings shall be posted in all mobile type cranes and shall be readily visible to the operator in his normal operating position.

(3) Inspection Classification. ((~~†~~)) Initial Inspection. Prior to initial use all new and altered cranes shall be inspected to insure compliance with provisions of these standards.

(4) All hooks shall be of the safety latch-type or the hook shall be moused.

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73)

WAC 296-24-24519 OTHER REQUIREMENTS. (1) Guards.

(a) Exposed moving parts, such as gears, ropes, setscrews, projecting keys, chains, chain sprockets, and reciprocating components, which constitute a hazard under normal operating conditions shall be guarded.

(b) Guards shall be securely fastened.

(c) Each guard shall be capable of supporting without permanent distortion, the weight of a 200-pound person unless the guard is located where it is impossible for a person to step on it.

(2) Hooks. (a) Hooks shall meet the manufacturer's recommendations and shall not be overloaded.

(b) Safety latch type hooks shall be used ((wherever possible)) or the hook shall be moused.

(3) Fire Extinguishers. (a) A carbon dioxide, dry chemical, or equivalent fire extinguisher shall be kept in the immediate vicinity of the derrick.

(b) Operating and maintenance personnel shall be familiar with the use and care of the fire extinguishers provided.

(4) Refueling. (a) Refueling with portable containers shall be done with Underwriters' Laboratory, Inc. (UL), or Factory Mutual Laboratories approved, or equivalent, safety type containers equipped with automatic closing spout and flame arrester.

(b) Machines shall not be refueled with the engine running.

(5) Operating Near Electric Powerlines. (a) Except where the electrical distribution and transmission lines have been deenergized and visibility grounded at point of work or where insulating barriers not a part of or an attachment to the derrick have been erected to prevent physical contact with the lines, derricks shall be operated proximate to, under, over, by, or near powerlines only in accordance with the following:

(i) For lines rated 50 kv. or below minimum clearance between the lines and any part of the derrick or load shall be 10 feet.

(ii) For lines rated over 50 kv. minimum clearance between lines and any part of the derrick or load shall be 10 feet plus 0.4 inch for each 1 kv. over 50 kv., or use twice the length of the line insulator, but never less than 10 feet.

(b) Cage-type boom guards, insulating links, or proximity warning devices may be used on derricks, but the use of such devices shall not operate to alter the requirements of (5)(a) of this section.

(c) Before the commencement of operations near electrical lines, the owners of the lines or their authorized representatives shall be notified and provided with pertinent information. The owner's cooperation shall be requested.

(d) Any overhead wire shall be considered to be an energized line until the owner of the line or their authorized representatives state that it is deenergized.

(6) Cab or Operating Enclosure. (a) Necessary clothing and personnel belongings shall be stored in such a manner as to not interfere with access or operation.

(b) Tools, oilcans, waste, extra fuses, and other necessary articles shall be stored in the toolbox, and shall not be permitted to lie loose in or about the cab or operating enclosure.

#### AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-29425 WIRE ROPE SLINGS. (1) Sling Use. Wire rope slings shall not be used with loads in excess of the rated capacities shown in Tables D-3 through D-14. Slings not included in these tables shall be used only in accordance with the manufacturer's recommendations.

(2) Minimum Sling Lengths.

(a) Cable laid and 6x19 and 6x37 slings shall have a minimum clear length of wire rope 10 times the component rope diameter between splices, sleeves or end fittings.

(b) Braided slings shall have a minimum clear length of wire rope 40 times the component rope diameter between the loops or end fittings.

(c) Cable laid grommets, strand laid grommets and endless slings shall have a minimum circumferential length of 96 times their body diameter.

(3) Safe Operating Temperatures. Fiber core wire rope slings of all grades shall be permanently removed from service if they are exposed to temperatures in excess of 200°F. When nonfiber core wire rope slings of any grade are used at temperatures above 400°F or below minus 60°F, recommendations of the sling manufacturer regarding use at that temperature shall be followed.

(4) End Attachments.

(a) Welding of end attachments, except covers to thimbles, shall be performed prior to the assembly of the sling.

(b) All welded end attachments shall not be used unless proof tested by the manufacturer or equivalent entity at twice their rated capacity prior to initial use. The employer shall retain a certificate of the proof test, and make it available for examination.

(5) Removal From Service. Wire rope slings shall be immediately removed from service if any of the following conditions are present:

(a) Ten randomly distributed broken wires in one rope lay, or five broken wires in one strand in one rope lay.

(b) Wear or scraping of one-third the original diameter of outside individual wires.

(c) Kinking, crushing, bird caging or any other damage resulting in distortion of the wire rope structure.

(d) Evidence of heat damage.

(e) End attachments that are cracked, deformed or worn.

(f) Hooks that have been opened more than 15 percent of the normal throat opening measured at the narrowest point or twisted more than 10 degrees from the plane of the unbent hook.

(g) Corrosion of the rope or end attachments.

~~((6) Knots and Wire Rope Clips. Eyes in wire rope slings shall not be formed by using knots or wire rope clips.))~~

#### AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-78009 CARE AND USE OF LADDERS. (1) Care. To insure safety and serviceability the following precautions on the care of ladders shall be observed:

(a) Ladders shall be maintained in good condition at all times, the joint between the steps and side rails shall be tight, all hardware and fittings securely attached, and the moveable parts shall operate freely without binding or undue play.

(b) Metal bearings of locks, wheels, pulleys, etc., shall be frequently lubricated.

(c) Frayed or badly worn rope shall be replaced.

(d) Safety feet and other auxiliary equipment shall be kept in good condition to insure proper performance.

(e) Ladders should be stored in such a manner as to provide ease of access or inspection, and to prevent danger of accident when withdrawing a ladder for use.

(f) Wood ladders, when not in use, should be stored at a location where they will not be exposed to the elements, but where there is good ventilation. They shall not be stored near radiators, stoves, steam pipes, or other places subjected to excessive heat or dampness.

(g) Ladders stored in a horizontal position should be supported at a sufficient number of points to avoid sagging and permanent set.

(h) Ladders carried on vehicles should be adequately supported to avoid sagging and securely fastened in position to minimize chafing and the effects of road shocks.

(i) Ladders should be kept coated with a suitable protective material. The painting of ladders is satisfactory providing the ladders are carefully inspected prior to painting by competent and experienced inspectors acting for, and responsible to, the purchaser, and providing the ladders are not for resale.

(j) Ladders shall be inspected frequently and those which have developed defects shall be withdrawn from service for repair or destruction and tagged or marked as "Dangerous, Do Not Use".

(k) Rungs should be kept free of grease and oil.

(2) Use. The following safety precautions shall be observed in connection with the use of ladders:

(a) Portable rung and cleat ladders shall, where possible, be used at such a pitch that the horizontal distance from the top support to the foot of the ladder is one-quarter of the working length of the ladder (the length along the ladder between the foot and the top support). The ladder shall be so placed as to prevent slipping, or it shall be lashed, or held in position. Ladders shall not be used in a horizontal position as platforms, runways, or scaffolds;

(b) Ladders for which dimensions are specified should not be used by more than one man at a time nor with ladder jacks and scaffold planks where use by more than one man is anticipated. In such cases, specially designed ladders with larger dimensions of the parts should be procured;

(c) Portable ladders shall be so placed that the side rails have a secure footing. The top rest for portable rung and cleat ladders shall be reasonably rigid and shall have ample strength to support the applied load;

(d) Ladders shall not be placed in front of doors opening toward the ladder unless the door is blocked open, locked, or guarded((-);

(e) Ladders shall not be placed on boxes, barrels, or other unstable bases to obtain additional height;

(f) To support the top of the ladder at a window opening, a board should be attached across the back of the ladder, extending across the window and providing firm support against the building walls or window frames;

(g) When ascending or descending, the user should face the ladder;

(h) Ladders with broken or missing steps, rungs, or cleats, broken side rails, or other faulty equipment shall not be used; improvised repairs shall not be made((-);

(i) Short ladders shall not be spliced together to provide long sections;

(j) Ladders made by fastening cleats across a single rail shall not be used;

(k) Ladders shall not be used as guys, braces, or skids, or for other than their intended purposes;

(l) Tops of the ordinary types of stepladders shall not be used as steps;

(m) On two-section extension ladders the minimum overlap for the two sections in use shall be as follows:

Size of ladder (feet):	Overlap (feet)
Up to and including 36	3
Over 36 up to and including 48	4
Over 48 up to and including 60	5

(n) Portable rung ladders with reinforced rails (see WAC 296-24-78007(3)(iii) and (iv)) shall be used only with the metal reinforcement on the under side. Ladders of this type should be used with great care near electrical conductors, since the reinforcing itself is a good conductor;

(o) No ladder should be used to gain access to a roof unless the top of the ladder shall extend at least 3 feet above the point of support, at eave, gutter, or roof line;

(p) Adjustment of extension ladders should only be made by the user when standing at the base of the ladder, so that the user may observe when the locks are properly engaged. Adjustment of extension ladders from the top of the ladder (or any level over the locking device) is a dangerous practice and should not be attempted. Adjustment should not be made while the user is standing on the ladder.

(q) Middle and top sections of sectional or window cleaner's ladders should not be used for bottom section unless the user equips them with safety shoes.

(r) Extension ladders should always be erected so that the upper section is resting on the bottom section.

(s) The user should equip all portable rung ladders with nonslip bases when there is a hazard of slipping. Nonslip bases are not intended as a substitute for care in safety placing, lashing, or holding a ladder that is being used upon oily metal, concrete, or slippery surfaces.

(t) The bracing on the back legs of step ladders is designed solely for increasing stability and not for climbing.

(u) When service conditions warrant, hooks may be attached at or near the top of portable ladders to give added security.

(v) Stepladders shall not be used as single ladders.

(w) Separate ladders for ascending and descending shall be provided in building construction of more than 2 stories in height, or where traffic is heavy.

(x) Where one broad ladder is used, a center rail shall be provided, and each side plainly marked "up" and "down".

(y) Ladder rungs shall not be used to support more than 1 section of plank, and not more than 2 men shall work on such section of planking at one and the same time. When 2 men are working on the same section of plank, their work should be so arranged that their weight is equally distributed between 2 ladders as nearly as possible.

(z) When ladders are used of a length sufficient to possess a tendency to spring when weight is applied, they shall be provided with bracing to overcome same. This applies particularly to extension ladders.

(a) Before climbing ladders, workmen shall see that their shoes are free and clean of greasy or slippery substances.

(b) When working from a stepladder over 5 feet high a workman shall not stand on a step higher than the third step from the top of the stepladder.

(c) Ladders shall not be placed or used in elevator shafts or hoistways except where used by workmen engaged in work within such shafts or hoistways, and then they shall be protected from objects falling from operations at higher elevations in or adjoining the shaft.

(d) Workmen shall not ascend or descend ladders while carrying tools or materials which will interfere with the free use of both hands.

(e) Ladders shall pass the following test:

When tested as a simple beam with a support under each end and the center rung loaded with a 200 pound load, the ladder must support this load for 10 minutes without permanent set and without showing any sign of failure. The maximum deflection shall not be greater than shown in the enclosed table.

Lengths of extended ladder in feet	Distance of supports from ends, in inches	Total deflection, in inches
12	3	2 3/4
16	3	6 3/4
20	3	11 1/2
24	3	16 1/2

Lengths of extended ladder in feet	Distance of supports from ends, in inches	Total deflection, in inches
28	3	21 1/2
30	3	23 1/2
34	6	26
36	6	29
40	6	37
44	9	41

(f) When working from a ladder over 25 feet from the ground or floor, the ladder shall be secured at both top and bottom.

(g) No type of work shall be performed on a ladder over 25 feet from the ground or floor that requires the use of both hands to perform the work.

(h) Work such as sandblasting or spray painting, that requires wearing eye protection, respirators, and handling of pressure equipment, shall be limited to not over 30 feet from the ground of floor while working on a ladder.

TABLE D-5

CLASSIFICATION OF VARIOUS SPECIES OF WOOD ACCEPTABLE FOR USE IN LADDER

The species are listed alphabetically within each group. The position of any species within a group therefore bears no relation to its strength or acceptability.

Where ladders are desired for use under conditions favorable to decay, it is recommended that the heartwood of decay-resistant species be used, or that the wood be given a treatment with a wood preservative. The species having the most durable heartwood are marked with an asterisk (\*), and these should be preferred where resistance to decay is required.

GROUP 1

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed 2,150 pounds per square inch. These species may be substituted for Group 3 woods on the following basis: The dimensions may be not more than 10 percent smaller for each cross-section dimension, or the thickness may remain unchanged, in which case the width may not be more than 15 percent smaller if used edgewise (as in a rail) or 25 percent smaller if used flatwise (as in a tread).

White ash	Fraxinus americana, pennsylvanica, quadrangulata
Beech	Fagus grandifolia
Birch	Betula lenta, alleghaniensis, nigra (2)
Rock elm	Ulmus thomasii
Hickory	Carya ovata, laciniosa, tomentosa, glabra
Locust*	Robinia pseudoacacia, Gleditsia triacanthos
Hard maple	Acer nigrum, saccharum
Red maple	Acer rubrum (3)
Red oak	Quercus velutina, marilandica, kelloggii, falcata var. pagodaefolia, laurifolia, ellipsoidalis, rubra, nuttallii, palustris, coccinea, shumardii, falcata, laevis, phellos
White oak	Quercus arizonica, douglasii, macrocarpa, lobata, prinus, muehlenbergii, emoryi, gambelii, oblonifolia, virginiana, garryana, lyrata, stellata, michauxii, bicolor, alba
Pecan	Carya illinoensis, cordiformis, myristicaeformis (4), aquatica (4)
Persimmon	Diospyros virginiana

GROUP 2

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed 2,000 pounds per square inch. These species may be substituted for Group 3 woods on the following basis: The dimensions may be not more than 7 1/2 percent smaller for each cross-section dimension, or the thickness may remain unchanged, in which case the width may be not more than 11 percent smaller if used edgewise (as in a rail) or 20 percent smaller if used flatwise (as in a tread).

Douglas fir (coast region) —	Pseudotsuga menziesii
Western larch —	Larix occidentalis
Southern yellow pine —	Pinus taeda, palustris, echinata, elliotii, rigida, virginiana

GROUP 3

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed 1,600 pounds per square inch.

Red alder —	Alnus rubra, rhombifolia (2)
Oregon ash —	Fraxinus latifolia
Pumpkin ash —	Fraxinus profunda
Alaska cedar* —	Chamaecyparis nootkatensis
Port Orford cedar* —	Chamaecyparis lawsoniana
Cucumber —	Magnolia acuminata
Cypress* —	Taxodium distichum
Soft elm —	Ulmus americana, rubra
Douglas fir (Rocky Mountain type) —	Pseudotsuga menziesii var. glauca
Noble fir —	Abies procera
Gum —	Liquidambar styraciflua
West coast hemlock —	Tsuga heterophylla
Magnolia —	Magnolia grandiflora
Oregon maple —	Acer macrophyllum
Norway pine —	Pinus resinosa
Poplar —	Liriodendron tulipifera
Redwood* —	Sequoia sempervirens
Eastern spruce —	Picea glauca, rubens
Sitka spruce —	Picea sitchensis
Sycamore —	Platanus occidentalis
Tamarack —	Larix laricina
Tupelo —	Nyssa aquatica, sylvatica

GROUP 4

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed 1,375 pounds per square inch. These species may be substituted for Group 3 woods on the following basis: The dimensions shall be at least 5 percent greater for each cross-section dimension, or the thickness may remain unchanged, in which case the width shall be at least 7 1/2 percent greater if used edgewise (as in a rail) or 15 percent greater if used flatwise (as in a tread).

Aspen —	Populus tremuloides, grandidentata
Basswood —	Tilia americana, heterophylla (2)
Buckeye —	Aesculus octandra, glabra (2)
Butternut —	Juglanscinerea
Incense cedar* —	Libocedrus decurrens
Western red cedar* —	Thuja plicata
Cottonwood —	Populus balsamifera, deltoides, sargentii, heterophylla
White fir —	Abies concolor, grandis, amabilis, lasiocarpa, magnifica
Hackberry —	Celtis occidentalis, laevigata (2)
Eastern hemlock —	Tsuga canadensis
Holly —	Ilex opaca
Soft maple —	Acer saccharinum
Lodgepole pine —	Pinus contorta
Idaho white pine —	Pinus monticola
Northern white pine —	Pinus strobus
Ponderosa pine —	Pinus ponderosa, pinus jeffreyi (Jeffrey pine)
Sugar pine —	Pinus lambertiana
Engelmann spruce —	Picea engelmannii

NOTE 1: The common and scientific names of species used conform to the American Lumber Standards nomenclature and in most cases to U.S. Department of Agriculture Handbook No. 41, "Check List of Native and Naturalized Trees of the United States (including Alaska)," by Elbert L. Little. These publications can be obtained from the Superintendent of Documents, Washington D.C. 20225.

NOTE 2: This species is commonly associated with others of the same genus under American Lumber Standards nomenclature, but no strength tests have been made on it at the Forest Products Laboratory.

NOTE 3: Included under soft maple in American Lumber Standards nomenclature.

NOTE 4: This species is not included under this common name in American Lumber Standards nomenclature, but strength data are available and it is accordingly included in this classification.

AMENDATORY SECTION (Amending Order 74-27, filed 5/7/74)

WAC 296-24-73507 COVERS AND GUARDRAILS. (1) All open vats and tanks into which workers may fall shall be guarded with railings or screen guards.

(2) All open vats and tanks where workers are employed shall have a platform or walkway 36 to 42 inches below the top of vat or tank or where walkway is flush with top of vat or tank, a standard safeguard of 36 to 42 inches high shall be constructed.

(3) Every tank over ((five)) 5 feet deep, excepting where agitators are used or where products may be damaged by ladders, shall have a ladder fixed on the inside so placed as to connect with means of access from the outside. Rungs shall have a clearance of at least ((six)) 6 inches measured between the rung and the side of the tank.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73)

WAC 296-24-75011 RAILING, TOEBOARDS, AND COVER SPECIFICATIONS. (1) A standard railing shall consist of top rail, intermediate rail, and posts, and shall have a vertical height of from 36 to 42 inches nominal from upper surface of top rail to floor, platform, runway, or ramp level. The top rail shall be smooth-surfaced throughout the length of the railing. The intermediate rail shall be approximately halfway between the top rail and the floor, platform, runway, or ramp. The ends of the rails shall not overhang the terminal posts except where such overhang does not constitute a projection hazard.

(2) A stair railing shall be of construction similar to a standard railing but the vertical height shall be not more than 34 inches nor less than 30 inches from upper surface of top rail to surface of tread in line with face of riser at forward edge of tread.

(3) Minimum requirements for standard railings under various types of construction are specified in this subsection. Dimensions specified are based on the U.S. Department of Agriculture Wood Handbook, No. 72, 1955 (No. 1 [S4S] Southern Yellow Pine [Modulus of Rupture 7,400 p.s.i.]) for wood; ANSI G 41.5-1970, American National Standard Specifications for Structural Steel, for structural steel; and ANSI B 125.1-1970, American National Standard Specifications for Welded and Steamless Steel Pipe, for pipe.

(a) For wood railings, the posts shall be of at least 2-inch by 4-inch nominal stock spaced not to exceed 6 feet; the top and intermediate rails shall be of at least 2-inch by 4-inch nominal stock. If top rail is made of two right-angle pieces of 1-inch by 4-inch stock, posts may be spaced on 8-foot centers, with 2-inch by 4-inch intermediate rail.

(b) For pipe railings, posts and top and intermediate railings shall be at least 1 1/2 inches nominal diameter with posts spaced not more than 8 feet on centers.

(c) For structural steel railings, posts and top and intermediate rails shall be of 2-inch by 2-inch by 3/8-inch angles or other metal shapes of equivalent bending strength with posts spaced not more than 8 feet on centers.

(d) The anchoring of posts and framing of members for railings of all types shall be of such construction that the completed structure shall be capable of withstanding a load of at least 200 pounds applied in any direction at any point on the top rail.

(e) Other types, sizes, and arrangements of railing construction are acceptable provided they meet the following conditions:

(i) A smooth-surfaced top rail at a height above floor, platform, runway, or ramp level of from 36 to 42 inches nominal;

(ii) A strength to withstand at least the minimum requirement of 200 pounds top rail pressure;

(iii) Protection between top rail and floor, platform, runway, ramp, or stair treads, equivalent at least to that afforded by a standard intermediate rail;

(iv) Elimination of overhang of rail ends unless such overhang does not constitute a hazard; such as, baluster railings, scrollwork railings, paneled railings.

(4) A standard toeboard shall be a minimum of 4 inches nominal in vertical height from its top edge to the level of the floor, platform, runway, or ramp. It shall be securely fastened in place and with not more than 1/4-inch clearance above floor level. It may be made of any substantial material either solid or with openings not over 1 inch in greatest dimension.

Where material is piled to such height that a standard toeboard does not provide protection, paneling from floor to intermediate rail, or to top rail shall be provided.

(5) A handrail shall consist of a lengthwise member mounted directly on a wall or partition by means of brackets attached to the lower side of the handrail so as to offer no obstruction to a smooth surface

along the top and both sides of the handrail. The handrail shall be of rounded or other section that will furnish an adequate handhold for anyone grasping it to avoid falling. The ends of the handrail should be turned in to the supporting wall or otherwise arranged so as not to constitute a projection hazard.

(a) The height of handrails shall be not more than 34 inches nor less than 30 inches from upper surface of handrail to surface of tread in line with face of riser or to surface of ramp.

(b) The size of handrails shall be: When of hardwood, at least 2 inches in diameter; when of metal pipe, at least 1 1/2 inches in diameter. The length of brackets shall be such as will give a clearance between handrail and wall or any projection thereon of at least ((3)) 1 1/2 inches. The spacing of brackets shall not exceed 8 feet.

(c) The mounting of handrails shall be such that the completed structure is capable of withstanding a load of at least 200 pounds applied in any direction at any point on the rail.

(6) All handrails and railings shall be provided with a clearance of not less than ((3)) 1 1/2 inches between the handrail or railing and any other object.

(7) Floor opening covers may be of any material that meets the following strength requirements:

(a) Trench or conduit covers and their supports, when located in plant roadways, shall be designed to carry a truck rear-axle load of at least 20,000 pounds.

(b) Manhole covers and their supports, when located in plant roadways, shall comply with local standard highway requirements if any; otherwise, they shall be designed to carry a truck rear-axle of at least 20,000 pounds.

(c) The construction of floor opening covers may be of any material that meets the strength requirements. Covers projecting not more than 1 inch above the floor level may be used providing all edges are chamfered to an angle with the horizontal of not over 30 degrees. All hinges, handles, bolts, or other parts shall set flush with the floor or cover surface.

(8) Skylight screens shall be of such construction and mounting that they are capable of withstanding a load of at least 200 pounds applied perpendicularly at any one area on the screen. They shall also be of such construction and mounting that under ordinary loads or impacts, they will not deflect downward sufficiently to break the glass below them. The construction shall be of grillwork with openings not more than 4 inches long or of slat work with openings not more than 2 inches wide with length unrestricted.

(9) Wall opening barriers (rails, rollers, picket fences, and half doors) shall be of such construction and mounting that, when in place at the opening, the barrier is capable of withstanding a load of at least 200 pounds applied in any direction (except upward) at any point on the top rail or corresponding member.

(10) Wall opening grab handles shall be not less than 12 inches in length and shall be so mounted as to give ((3)) 1 1/2 inches clearance from the side framing of the wall opening. The size, material, and anchoring of the grab handle shall be such that the completed structure is capable of withstanding a load of at least 200 pounds applied in any direction at any point of the handle.

(11) Wall opening screens shall be of such construction and mounting that they are capable of withstanding a load of at least 200 pounds applied horizontally at any point on the near side of the screen. They may be of solid construction, of grillwork with openings not more than 8 inches long, or of slatwork with openings not more than 4 inches wide with length unrestricted.

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73)

**WAC 296-24-82507 TUBE AND COUPLER SCAFFOLDS.**

(1) A light-duty tube and coupler scaffold shall have all posts, bearers, runners, and bracing of nominal 2-inch O.D. steel tubing. The posts shall be spaced no more than 6 feet apart by 10 feet along the length of the scaffold. Other structural metals when used must be designed to carry an equivalent load.

(2) A medium-duty tube and coupler scaffold shall have all posts, runners, and bracing of nominal 2-inch O.D. steel tubing. Posts spaced not more than 6 feet apart by 8 feet along the length of the scaffold shall have bearers of nominal 2 1/2-inch O.D. steel tubing. Posts spaced not more than 5 feet apart by 8 feet along the length of the scaffold shall have bearers of nominal 2-inch O.D. steel tubing. Other structural metals when used must be designed to carry an equivalent load.

(3) A heavy-duty tube and coupler scaffold shall have all posts, runners, and bracing of nominal 2-inch O.D. steel tubing, with the

posts spaced not more than 6 feet apart by 6 feet 6 inches along the length of the scaffold. Other structural metals when used must be designed to carry an equivalent load.

(4) Tube and coupler scaffolds shall be limited in heights and working levels to those permitted in tables D-13, 14, and 15. Drawings and specifications of all tube and coupler scaffolds above the limitations in tables D-13, 14, and 15 shall be designed by a registered professional engineer and copies made available to the employer and for inspection purposes.

(5) All tube and coupler scaffolds shall be constructed and erected to support four times the maximum intended loads as set forth in tables D-13, 14, and 15, or as set forth in the specifications by a registered professional engineer, copies which shall be made available to the employer and for inspection purposes.

(6) All tube and coupler scaffolds shall be erected by competent and experienced personnel.

(7) Posts shall be accurately spaced, erected on suitable bases, and maintained plumb.

(8) Runners shall be erected along the length of the scaffold located on both the inside and the outside posts at even height. Runners shall be interlocked to form continuous lengths and coupled to each post. The bottom runners shall be located as close to the base as possible. Runners shall be placed not more than 6 feet 6 inches on centers.

(9) Bearers shall be installed transversely between posts and shall be securely coupled to the posts bearing on the runner coupler. When coupled directly to the runners, the coupler must be kept as close to the posts as possible.

(10) Bearers shall be at least 4 inches but not more than 12 inches longer than the post spacing or runner spacing. Bearers may be cantilevered for use as brackets to carry not more than two planks.

(11) Cross bracing shall be installed across the width of the scaffold at least every third set of posts horizontally and every fourth runner vertically. Such bracing shall extend diagonally from the inner and outer runners upward to the next outer and inner runners.

(12) Longitudinal diagonal bracing shall be installed at approximately a 45-degree angle from near the base of the first outer post upward to the extreme top of the scaffold. Where the longitudinal length of the scaffold permits, such bracing shall be duplicated beginning at every fifth post. In a similar manner, longitudinal diagonal bracing shall also be installed from the last post extending back and upward toward the first post. Where conditions preclude the attachment of this bracing to the posts, it may be attached to the runners.

(13) The entire scaffold shall be tied to and securely braced against the building at intervals not to exceed 30 feet horizontally and 26 feet vertically.

(14) Guardrails not less than 2 x 4 inches nominal lumber or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1 x 4-inch nominal lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than ((8)) 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with WAC 296-24-82503(17). (See tables D-13, 14 and 15.

TABLE D-13

TUBE AND COUPLER SCAFFOLDS  
LIGHT DUTY

Uniformly distributed load — Not to exceed 25 p.s.f.  
Post spacing (longitudinal) — 10 ft. 0 in.  
Post spacing (transverse) — 6 ft. 0 in.

Working levels	Additional planked levels	Maximum height
1	8	125 ft.
2	4	125 ft.
3	0	91 ft. 0 in.

TABLE D-14

TUBE AND COUPLER SCAFFOLDS  
MEDIUM DUTY

Uniformly distributed load — Not to exceed 50 p.s.f.  
Post spacing (longitudinal) — 8 ft. 0 in.  
Post spacing (transverse) — 6 ft. 0 in.

TABLE D-14  
TUBE AND COUPLER SCAFFOLDS  
MEDIUM DUTY

Working levels	Additional planked levels	Maximum height
1	6	125 ft.
2	0	78 ft. 0 in.

TABLE D-15  
TUBE AND COUPLER SCAFFOLDS  
HEAVY DUTY

Uniformly distributed load — Not to exceed 75 p.s.f.  
Post spacing (longitudinal) — 6 ft. 6 in.  
Post spacing (transverse) — 6 ft. 0 in.

Working levels	Additional planked levels	Maximum height
1	6	125 ft.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73)

WAC 296-24-82509 TUBULAR WELDED FRAME SCAFFOLDS. (1) Metal tubular frame scaffolds, including accessories such as braces, brackets, trusses, screw legs, ladders, etc., shall be designed and proved to safely support four times the maximum intended load.

(2) Spacing of panels or frames shall be consistent with the loads imposed.

(3) Scaffolds shall be properly braced by cross bracing or diagonal braces, or both, for securing vertical members together laterally, and the cross braces shall be of such length as will automatically square and align vertical members so that the erected scaffold is always plumb, square, and rigid. All brace connections shall be made secure.

(4) Scaffold legs shall be set on adjustable bases or plain bases placed on mud sills or other foundations adequate to support the maximum intended load.

(5) The frames shall be placed one on top of the other with coupling or stacking pins to provide proper vertical alignment of the legs.

(6) Where uplift may occur, panels shall be locked together vertically by pins or other equivalent suitable means.

(7) Guardrails not less than 2 x 4 inches or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1-x 4-inch nominal lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than ((8)) 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches nominal lumber in height. Wire mesh shall be installed in accordance with WAC 296-24-82503(17).

(8) All tubular metal scaffolds shall be constructed and erected to support four times the maximum intended loads.

(9) To prevent movement, the scaffold shall be secured to the building or structure at intervals not to exceed 30 feet horizontally and 26 feet vertically.

(10) Maximum permissible spans of planking shall be in conformity with WAC 296-24-82503(9).

(11) Drawings and specifications for all frame scaffolds over 125 feet in height above the base plates shall be designed by a registered professional engineer and copies made available to the employer and for inspection purposes.

(12) All tubular welded frame scaffolds shall be erected by competent and experienced personnel.

(13) Frames and accessories for scaffolds shall be maintained in good repair and every defect, unsafe condition, or noncompliance with this section shall be immediately corrected before further use of the scaffold. Any broken, bent, excessively rusted, altered, or otherwise structurally damaged frames or accessories shall not be used.

(14) Periodic inspections shall be made of all welded frames and accessories, and any maintenance, including painting, or minor corrections authorized by the manufacturer, shall be made before further use.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73)

WAC 296-24-82515 TWO-POINT SUSPENSION SCAFFOLDS (SWINGING SCAFFOLDS). (1) Two-point suspension scaffold platforms shall be not less than 20 inches nor more than 36 inches wide overall. The platform shall be securely fastened to the hangers by U-bolts or by other equivalent means.

(2) The hangers of two-point suspension scaffolds shall be made of wrought iron, mild steel, or other equivalent material having a cross-sectional area capable of sustaining four times the maximum intended load, and shall be designed with a support for guardrail, intermediate rail, and toeboard.

(3) When hoisting machines are used on two-point suspension scaffolds, such machines shall be of a design tested and approved by Underwriters' Laboratories or Factory Mutual Engineering Corp.

(4) The roof irons or hooks shall be of wrought iron, mild steel, or other equivalent material of proper size and design, securely installed and anchored. Tiebacks of ((three-fourth)) 3/4-inch manila rope or the equivalent shall serve as a secondary means ((or)) of anchorage, installed at right angles to the face of the building whenever possible and secured to a structurally sound portion of the building.

(5) Guardrails not less than 2 x 4 inches or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1-x 4-inch nominal lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than ((8)) 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches nominal lumber in height. Wire mesh shall be installed in accordance with WAC 296-24-82503(17).

(6) Two-point suspension scaffolds shall be suspended by wire or fiber ropes. Wire and fiber ropes shall conform to WAC 296-24-82503(22).

(7) The blocks for fiber ropes shall be of standard 6-inch size, consisting of at least one double and one single block. The sheaves of all blocks shall fit the size of rope used.

(8) All wire ropes, fiber ropes, slings, hangers, platforms, and other supporting parts shall be inspected before every installation. Periodic inspections shall be made while the scaffold is in use.

(9) On suspension scaffolds designed for a working load of 500 pounds no more than two men shall be permitted to work at one time. On suspension scaffolds with a working load of 750 pounds, no more than three men shall be permitted to work at one time. Each workman shall be protected by a safety lifeline attached to a lifeline. The lifeline shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the workman in case of a fall.

(10) Where acid solutions are used, fiber ropes are not permitted unless acid-proof.

(11) Two-point suspension scaffolds shall be securely lashed to the building or structure to prevent them from swaying. Window cleaners' anchors shall not be used for this purpose.

(12) The platform of every two-point suspension scaffold shall be one of the following types:

(a) The side stringer of ladder-type platforms shall be clear straight-grained spruce or materials of equivalent strength and durability. The rungs shall be of straight-grained oak, ash, or hickory, at least 1 1/8 inch in diameter, with seven-eighth inch tenons mortised into the side stringers at least seven-eighth inch. The stringers shall be tied together with the tie rods not less than one-quarter inch in diameter, passing through the stringers and riveted up tight against washers on both ends. The flooring strips shall be spaced not more than five-eighth inch apart except at the side rails where the space may be 1 inch. Ladder-type platforms shall be constructed in accordance with table D-17.

(b) Plank-type platforms shall be composed of not less than nominal 2- x 8-inch unspliced planks, properly cleated together on the underside starting 6 inches from each end; intervals in between shall not exceed 4 feet. The plank-type platform shall not extend beyond the hangers more than 18 inches. A bar or other effective means shall be securely fastened to the platform at each end to prevent its slipping off the hanger. The span between hangers for plank-type platforms shall not exceed 10 feet.

(c) Beam platforms shall have side stringers of lumber not less than 2 x 6 inches set on edge. The span between hangers shall not exceed 12 feet when beam platforms are used. The flooring shall be supported on 2- and 6-inch crossbeams, laid flat and set into the upper edge of the stringers with a snug fit, at intervals of not more than 4 feet, securely nailed in place. The flooring shall be of 1- x 6-inch material properly

nailed. Floorboards shall not be spaced more than one-half inch apart. (See table D-17.)

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73)

**WAC 296-24-82517 STONE SETTERS' ADJUSTABLE MULTIPLE-POINT SUSPENSION SCAFFOLDS.** (1) The scaffold shall be capable of sustaining a working load of 25 pounds per square foot and shall not be overloaded. Scaffolds shall not be used for storage of stone or other heavy materials.

(2) The hoisting machine and its supports shall be of a type tested and listed by Underwriters' Laboratories or Factory Mutual Engineering Corp.

(3) The platform shall be securely fastened to the hangers by U-bolts or other equivalent means.

(4) The scaffold unit shall be suspended from metal outriggers, iron brackets, wire rope slings, or iron hooks which will safely support the maximum intended load.

(5) Outriggers when used shall be set with their webs in a vertical position, securely anchored to the building or structure and provided with stop bolts at each end.

(6) The scaffold shall be supported by wire rope conforming with WAC 296-24-82503(22), suspended from overhead supports.

(7) The free ends of the suspension wire ropes shall be equipped with proper size thimbles, secured by splicing or other equivalent means. The running ends shall be securely attached to the hoisting drum and at least four turns of rope shall remain on the drum at all times.

(8) Guardrails not less than 2 by 4 inches or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1- by 4-inch nominal lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than ((8)) 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches nominal lumber in height. Wire mesh shall be installed in accordance with WAC 296-24-82503(17).

(9) When two or more scaffolds are used on a building or structure they shall not be bridged one to the other but shall be maintained at even height with platforms butting closely.

(10) Each scaffold shall be installed or relocated in accordance with designs and instructions of a registered professional engineer, and such installation or relocation shall be supervised by a competent designated person to comply with requirements of this section.

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73)

**WAC 296-24-82521 BOATSWAIN'S CHAIRS.** (1) The chair seat shall be not less than 12 by 24 inches, and of 1-inch thickness. The seat shall be reinforced on the underside to prevent the board from splitting.

(2) The two fiber rope seat slings shall be of 5/8-inch diameter, reeved through the four seat holes so as to cross each other on the underside of the seat.

TABLE D-17  
SCHEDULE FOR LADDER-TYPE PLATFORMS

	Length of platform (feet)				
	12	14&16	18&20	22&24	28&30
Side Stringers, minimum cross section (finished sizes):					
At ends (in.)	1 3/4 x2 3/4	1 3/4 x2 3/4	1 3/4 x3	1 3/4 x3	1 3/4 x3 1/2
At middle (in.)	1 3/4 x3 3/4	1 3/4 x3 3/4	1 3/4 x4	1 3/4 x4 1/4	1 3/4 x5
Reinforcing strip (minimum)	A 1/8x7/8-in. steel reinforcing strip or its equivalent shall be attached to the side or underside, full length.				
Rungs	Rungs shall be 1 1/8-in. minimum diameter with at least 7/8-in. diameter tenons, and the maximum spacing shall be 12 in. center to center.				

TABLE D-17  
SCHEDULE FOR LADDER-TYPE PLATFORMS

	Length of platform (feet)				
	12	14&16	18&20	22&24	28&30
Tie rods:					
Number (minimum)	3	4	4	5	6
Diameter (minimum)	1/4 in.	1/4 in.	1/4 in.	1/4 in.	1/4 in.
Flooring, minimum finished size (in.)	1/2 x2 3/4	1/2 x2 3/4	1/2 x2 3/4	1/2 x2 3/4	1/2 x2 3/4

(3) Seat slings shall be of at least 3/8-inch wire rope when a workman is conducting a heat producing process such as gas or arc welding.

(4) The workman shall be protected by a safety life belt attached to a lifeline. The lifeline shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the worker in case of a fall.

(5) The tackle shall consist of correct size ball bearing or bushed blocks and properly spliced 5/8-inch diameter first-grade manila rope or equivalent strength synthetic-fiber rope.

(6) The roof irons, hooks, or the object to which the tackle is anchored shall be securely installed. Tiebacks when used shall be installed at right angles to the face of the building and securely fastened to a chimney.

**AMENDATORY SECTION** (Amending Order 76-6, filed 3/1/76)

**WAC 296-24-82523 CARPENTERS' BRACKET SCAFFOLDS.** (1) The brackets shall consist of a triangular wood frame not less than 2 by 3 inches in cross section, or of metal of equivalent strength. Each member shall be properly fitted and securely joined.

(2) Each bracket shall be attached to the structure by means of one of the following:

(a) A bolt no less than ((five-eighths)) 5/8-inch in diameter which shall extend through the inside of the building wall.

(b) A metal stud attachment device.

(c) Welding to steel tanks.

(d) Hooking over or securing through a well-secured and adequately strong supporting member.

The brackets shall be spaced no more than 10 feet apart.

(3) No more than two persons shall occupy any given 10 feet of a bracket scaffold at any one time. Tools and materials shall not exceed 75 pounds in addition to the occupancy.

(4) The platform shall consist of not less than two 2- by 10-inch nominal size planks extending not more than 10 inches or less than 6 inches beyond each end support.

(5) Guardrails not less than 2 by 4 inches or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1- by 4-inch lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than ((8)) 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with WAC 296-24-82503(17).

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73)

**WAC 296-24-82527 HORSE SCAFFOLDS.** (1) Horse scaffolds shall not be constructed or arranged more than two tiers or 10 feet in height.

(2) The members of the horses shall be not less than those specified in Table D-19.

(3) Horses shall be spaced not more than 5 feet for medium duty and not more than 8 feet for light duty.

(4) When arranged in tiers, each horse shall be placed directly over the horse in the tier below.

(5) On all scaffolds arranged in tiers, the legs shall be nailed down to the planks to prevent displacement or thrust and each tier shall be substantially cross braced.

TABLE D-19  
MINIMUM DIMENSIONS  
FOR HORSE SCAFFOLD MEMBER

Members:	Dimensions (inches)
Horizontal members or bearers	3 by 4
Legs	1 1/4 by 4 1/2
Longitudinal brace between legs	1 by 6
Gusset brace at top of legs	1 by 8
Half diagonal braces	1 1/4 by 4 1/2

(6) Horses or parts which have become weak or defective shall not be used.

(7) Guardrails not less than 2 by 4 inches or the equivalent and not less than 36 inches or more than 42 inches high with a mid-rail, when required, of 1- by 4-inch lumber or equivalent and toeboards, shall be installed at all open sides on all scaffolds more than ((8)) 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with WAC 296-24-82503(17).

#### AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73)

WAC 296-24-82529 NEEDLE BEAM SCAFFOLD. (1) Wood needle beams shall be in accordance with WAC 296-24-82503(5) and (9) and shall be not less than 4 by 6 inches in size, with the greater dimension placed in a vertical direction. Metal beams or the equivalent conforming to WAC 296-24-82503(4) and (8) may be used.

(2) Ropes or hangers shall be provided for supports. The span between supports on the needle beam shall not exceed 10 feet for 4- by 6-inch timbers. Rope supports shall be equivalent in strength to 1-inch diameter first-grade manila rope.

(3) The ropes shall be attached to the needle beams by a scaffold hitch or a properly made eye splice. The loose end of the rope shall be tied by a bowline knot or by a round turn and one-half hitch.

(4) The platform span between the needle beams shall not exceed 8 feet when using 2-inch scaffold plank. For spans greater than 8 feet, platforms shall be designed based on design requirements for the special span. The overhang of each end of the platform planks shall be not less than 1 foot and not more than 18 inches.

(5) When one needle beam is higher than the other or when the platform is not level the platform shall be secured against slipping.

(6) All unattached tools, bolts, and nuts used on needle beam scaffolds shall be kept in suitable containers.

(7) One end of a needle beam scaffold may be supported by a permanent structural member conforming to WAC 296-24-82503(4) and (8).

(8) Each man working on a needle beam scaffold ((20)) 10 feet or more above the ground or floor ((and working with both hands)), shall be protected by a safety life belt attached to a lifeline. The lifeline shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the workman in case of a fall.

#### AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73)

WAC 296-24-82531 PLASTERERS', DECORATORS', AND LARGE AREA SCAFFOLDS. (1) Plasterers', decorators', lathers', and ceiling workers' inside scaffolds shall be constructed in accordance with the general requirements set forth for independent wood pole scaffolds.

(2) Guardrails not less than 2 by 4 inches nominal lumber or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1- by 4-inch nominal lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than ((8)) 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches nominal lumber in height. Wire mesh shall be installed in accordance with WAC 296-24-82503(17).

(3) All platform planks shall be laid with the edges close together to the point where material cannot fall through.

(4) When independent pole scaffold platforms are erected in sections such sections shall be provided with connecting runways equipped with substantial guardrails.

#### AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73)

WAC 296-24-82533 INTERIOR HUNG SCAFFOLDS. (1) An interior hung scaffold should be hung or suspended from the roof structure or substantial ceiling beams.

(2) The suspended steel wire rope shall conform to WAC 296-24-82503(22). Wire may be used providing the strength requirements of WAC 296-24-82503(22) are met.

(3) For hanging wood scaffolds, the following minimum nominal size material is recommended:

(a) Supporting bearers 2 by 9 inches on edge.

(b) Planking 2 by 9 inches or 2 by 10 inches, with maximum span 9 feet for heavy duty and 10 feet for light duty or medium duty.

(4) Steel tube and coupler members may be used for hanging scaffolds with both types of scaffold designed to sustain a uniform distributed working load up to heavy duty scaffold loads with a safety factor of four.

(5) When a hanging scaffold is supported by means of wire rope, such wire rope shall be wrapped at least twice around the supporting members and twice around the bearers of the scaffold, with each end of the wire rope secured by at least three standard wire-rope clips.

(6) All overhead supporting members shall be inspected and checked for strength before the scaffold is erected.

(7) Guardrails not less than 2 by 4 inches nominal lumber or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of at least 1- by 4-inch lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than ((8)) 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches nominal lumber in height. Wire mesh shall be installed in accordance with WAC 296-24-82503(17).

#### AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73)

WAC 296-24-84003 GENERAL REQUIREMENTS. (1) Application. This section is intended to prescribe rules and requirements for the design, construction, and use of mobile work platforms (including ladder stands but not including aerial ladders) and rolling (mobile) scaffolds (towers). This standard is promulgated to aid in providing for the safety of life, limb, and property, by establishing minimum standards for structural design requirements and for the use of mobile work platforms and towers.

(2) Working Loads. (a) Work platforms and scaffolds shall be capable of carrying the design load under varying circumstances depending upon the conditions of use. Therefore, all parts and appurtenances necessary for their safe and efficient utilization must be integral parts of the design.

(b) Specific design and construction requirements are not a part of this section because of the wide variety of materials and design possibilities. However, the design shall be such as to produce a mobile ladder stand or scaffold that will safely sustain the specified loads. The material selected shall be of sufficient strength to meet the test requirements and shall be protected against corrosion or deterioration.

(i) The design working load of ladder stands shall be calculated on the basis of one or more 200-pound persons together with 50 pounds of equipment each.

(ii) The design load of all scaffolds shall be calculated on the basis of:

Light—Designed and constructed to carry a working load of 25 pounds per square foot.

Medium—Designed and constructed to carry a working load of 50 pounds per square foot.

Heavy—Designed and constructed to carry a working load of 75 pounds per square foot.

All ladder stands and scaffolds shall be capable of supporting at least four times the design working load.

(c) Materials used in mobile ladder stands and scaffolds shall be of standard manufacture and conform to specifications of this section for strength, dimensions, and weights, and shall be selected to safely support the design working load.

(d) Nails, bolts, or other fasteners used in the construction of ladders, scaffolds, and towers shall be of adequate size and in sufficient numbers at each connection to develop the designed strength of the unit. Nails shall be driven full length. (All nails should be immediately withdrawn from dismantled lumber.)

(e) All exposed surfaces shall be free from sharp edges, burrs or other safety hazards.

(3) Work Levels. (a) The maximum work level height shall not exceed four ((+)) times the minimum or least base dimension of any

mobile ladder stand or scaffold. Where the basic mobile unit does not meet this requirement, suitable outrigger frames shall be employed to achieve this least base dimension, or provisions shall be made to guy or brace the unit against tipping.

(b) The minimum platform width for any work level shall not be less than 20 inches for mobile scaffolds (towers). Ladder stands shall have a minimum step width of 16 inches.

(c) The supporting structure for the work level shall be rigidly braced, using adequate cross bracing or diagonal bracing with rigid platforms at each work level.

(d) The steps of ladder stands shall be fabricated from slip resistant treads.

(e) The work level platform of scaffolds (towers) shall be of wood, aluminum, or plywood planking, steel or expanded metal, for the full width of the scaffold, except for necessary openings. Work platforms shall be secured in place. All planking shall be 2-inch (nominal) scaffold grade minimum 1,500 f. (stress grade) construction grade lumber or equivalent.

(f) All scaffold work levels ((8)) 10 feet or higher above the ground or floor shall have a standard (4-inch nominal) toeboard.

(g) All work levels ((8)) 10 feet or higher above the ground or floor shall have a guardrail of 2- by 4-inch nominal lumber or the equivalent installed no less than 36 inches or more than 42 inches high, with a mid-rail, when required, of at least 1- by 4-inch nominal lumber or equivalent.

(h) A climbing ladder ((or)), stairway, or equivalent shall be provided for proper access and egress, and shall be affixed or built into the scaffold and so located that its use will not have a tendency to tip the scaffold. A landing platform shall be provided at intervals not to exceed 30 feet.

(4) Wheels or Casters. (a) Wheels or casters shall be properly designed for strength and dimensions to support four ((4)) times the design working load.

(b) All scaffold casters shall be provided with a positive wheel and/or swivel lock to prevent movement. Ladder stands shall have at least two ((2)) of the four ((4)) casters and shall be of the swivel type.

(c) Where leveling of the elevated work platform is required, screw jacks or other suitable means for adjusting the height shall be provided in the base section of each mobile unit.

#### AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73)

WAC 296-24-85503 FORGING MACHINE AREA. (1) Machines shall be so located as to give (a) enough clearance between machines so that the movement of one operator will not interfere with the work of another, (b) ample room for cleaning machines and handling the work, including material and scrap. The arrangement of machines shall be such that operators will not stand in aisles.

(2) Aisles shall be provided of sufficient width to permit the free movement of employees bringing and removing material. This aisle space is to be independent of working and storage space and should be defined by marking.

(3) Wood platforms used on the floor in front of machines shall be substantially constructed with nonslip surfaces.

#### AMENDATORY SECTION (Amending Order 78-10, filed 6/28/78)

WAC 296-27-030 LOG AND SUMMARY OF OCCUPATIONAL INJURIES AND ILLNESSES. (1) Except as provided in subsection (2) of this section, each employer shall:

(a) Maintain in each establishment a log and summary of all recordable occupational injuries and illnesses for that establishment; and

(b) Enter each recordable injury and illness on the log as early as practicable, but no later than six working days after receiving information that a recordable case has occurred. For this purpose Form OSHA No. 200 or an equivalent which is as readable and comprehensible to a person not familiar with it shall be used. The log and summary shall be completed in the detail provided in ((the forms and)) instructions on Form OSHA No. 200.

(2) Any employer may maintain the log and summary of all recordable occupational injuries and illnesses at a place other than the establishment or by means of data processing equipment, or both, if at each of the employer's establishments there is available a copy of the log and summary which reflects separately the injury and illness experience of that establishment complete and current to a date within ((45)) forty-five calendar days.

#### AMENDATORY SECTION (Amending Order 74-22, filed 5/6/74)

WAC 296-27-040 PERIOD COVERED BY LOGS. Logs and summaries of occupational injuries and illnesses shall be established on a calendar year basis. ((The initial log shall include recordable occupational injuries and illnesses occurring on or after January 1, 1975.))

#### AMENDATORY SECTION (Amending Order 78-10, filed 6/28/78)

WAC 296-27-050 SUPPLEMENTARY RECORD. In addition to the log and summary of occupational injuries and illnesses provided for under WAC 296-27-030, each employer shall have available for inspection at each establishment or other location as specified in WAC 296-27-020 within six working days after receiving information that a recordable case has occurred, a supplementary record for each occupational injury or illness for that establishment. The record shall be completed in the detail prescribed in the instructions accompanying Form OSHA No. 101. The Department of Labor and Industries ACCIDENT REPORT FORM LI-210-130 may be used as an alternative to the Form OSHA 101. Other reports are acceptable alternative records if they contain the information required by Form OSHA No. 101. If no acceptable alternative record is maintained for other purposes, Form OSHA No. 101 shall be used for the necessary information or shall be otherwise maintained in a convenient form.

#### AMENDATORY SECTION (Amending Order 74-22, filed 5/6/74)

WAC 296-27-070 RETENTION OF RECORDS. Records provided for in WAC 296-27-030, ((WAC)) 296-27-050, and ((WAC)) 296-27-060((;)) including Form OSHA No. 200 and its predecessor Forms WISHA No. 100 and WISHA No. 102 shall be retained in each establishment for five years following the end of the year to which they relate.

#### AMENDATORY SECTION (Amending Order 74-22, filed 5/6/74)

WAC 296-27-080 ACCESS TO RECORDS. (1) Each employer shall provide upon request records provided for in WAC 296-27-030, ((WAC)) 296-27-050, and ((WAC)) 296-27-060, for inspection and copying by designated or authorized representatives of the Department of Labor and Industries, compliance safety and health officers of the Occupational Safety and Health Administration, U.S. Department of Labor during any occupational safety and health inspection provided for under 29 CFR 1903 and section 8 of the Federal Occupational Safety and Health Act, by any representatives of the Bureau of Labor Statistics, U.S. Department of Labor, or by any representative of the Secretary of Health, Education and Welfare during any investigation under section 20(b) of the Federal Occupational Safety and Health Act.

(2) (a) The log and summary of ((occupational injuries and illnesses provided for in WAC 296-27-030, shall be available in the establishment for examination in a reasonable manner and at reasonable times by any authorized representatives of the employees. For purposes of this section, an authorized representative of the employee shall be defined as (i) a representative for purposes of collective bargaining; or (ii) an employee of the employer who has written authorization from two or more employees employed in the establishment; or (iii) one or three or fewer employees are employed in the work place, any one of such employees)) all recordable occupational injuries and illnesses (OSHA No. 200) (the log) provided for in WAC 296-27-030 shall, upon request, be made available by the employer to any employee, former employee, and to their representatives for examination and copying in a reasonable manner and at reasonable times. The employee, former employee, and their representatives shall have access to the log for any establishment in which the employee is or has been employed.

(b) ((The employer shall withhold from examination the injury and illness records of an employee under subsection (2)(a)(i) of this section if the employee has so requested in writing. The employer shall maintain a separate file of employee requests for such withholding. The file is to be made available for inspection and copying as provided in subsection (1) of this section)) Nothing in this section shall be deemed to preclude employees and employee representatives from collectively bargaining to obtain access to information relating to occupational injuries and illnesses in addition to the information made available under this section.

(c) ((Nothing in this section shall be deemed to effect in any way any collective bargaining agreement in effect prior to the effective date of this chapter, nor shall it be deemed to effect in any way the scope of

collective bargaining as to safety and health matters)) Access to the log provided under this section shall pertain to all logs retained under the requirements of WAC 296-27-070.

**AMENDATORY SECTION** (Amending Order 74-22, filed 5/6/74)

**WAC 296-27-130 DESCRIPTION OF STATISTICAL PROGRAM.** ~~((H))~~ RCW 49.17.260 directs the director to develop and maintain a program of collection, compilation and analysis of occupational safety and health statistics. The program shall include periodic surveys of occupational injuries and illnesses.

~~((2) The statistical program sample design encompasses probability procedures, detailed stratification by industry and size, and a systematic selection within the strata. Stratification and sampling will be carried out by the department. Some industries will be sampled more heavily than others depending on the injury rate level based on previous experience. The survey should produce adequate estimates for most four digit standard industrial classification (SIC) industries in manufacturing and for three digit (SIC) classification in non-manufacturing.))~~

**AMENDATORY SECTION** (Amending Order 78-16, filed 8/31/78)

**WAC 296-62-07335 BENZENE.** (1) Scope and application.

(a) This section applies to each place of employment where benzene is produced, reacted, released, packaged, repackaged, stored, transported, handled, or used.

(b) This section does not apply to:

(i) The storage, transportation, distribution, dispensing, sale or use as fuel of gasoline motor fuels or other fuels subsequent to discharge from bulk terminals; or

(ii) The storage, transportation, distribution or sale of benzene in intact containers sealed in such a manner as to contain benzene vapors or liquid, except for the requirements of subsection (11)(b), (c), (d) and (e), and subsection (10) of this section.

(iii) Work operations where the only exposure to benzene is from liquid mixtures containing 0.5 percent (0.1 percent after June 27, 1981) or less of benzene by volume, or the vapors released from such liquids.

(2) Definitions applicable to this section:

(a) "Action level" - an airborne concentration of benzene of 0.5 ppm, averaged over an ~~((8))~~ eight-hour work day.

(b) "Authorized person" - any person required by his duties to enter a regulated area and authorized to do so by his employer, by this section or by the Washington Industrial Safety and Health Act of 1973. Authorized person includes a representative of employees who is designated to observe monitoring and measuring procedures under subsection (13) of this section.

(c) "Benzene" - (C<sub>6</sub>H<sub>6</sub>) (CAS Registry No. 00071432), means solid, liquefied or gaseous benzene. It includes mixtures of liquids containing benzene and the vapors released by these liquids.

(d) "Bulk terminal" - a facility which is used for the storage and distribution of gasoline, motor fuels or other fuels and which receives its petroleum products by pipeline, barge or marine tanker.

(e) "Director" - the Director of Labor and Industries, or his authorized representative.

(f) "Emergency" - any occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which may, or does, result in a massive release of benzene.

(3) Permissible exposure limits.

(a) Inhalation.

(i) Time-weighted average limit (TWA). The employer shall assure that no employee is exposed to an airborne concentration of benzene in excess of ~~((+))~~ 10 ppm (parts benzene fume per million parts of air) ~~((+ ppm))~~ as an ~~((8))~~ eight-hour time-weighted average.

(ii) Ceiling limit. The employer shall assure that no employee is exposed to an airborne concentration of benzene in excess of ~~((5))~~ 25 ppm ~~((as averaged over any 15 minute period))~~ except for excursions totaling ten minutes in any eight hour shift into concentrations not to exceed 50 ppm.

(b) Dermal and eye exposure limit. The employer shall assure that no employee is exposed to eye contact with liquid benzene; or to skin contact with liquid benzene, unless the employer can establish that the skin contact is an isolated instance.

(4) Regulated areas.

(a) The employer shall establish within each place of employment, regulated areas where benzene concentrations are in excess of the permissible airborne exposure limit.

(b) The employer shall limit access to regulated areas to authorized persons.

(c) Notification of regulated areas. Within ~~((30))~~ thirty days following the establishment of a regulated area, the employer shall report the following information to the director:

(i) The address of each establishment which has one or more regulated areas;

(ii) The locations, within the establishment, of each regulated area;

(iii) A brief description of each process or operation which results in employee exposure to benzene in regulated areas; and

(iv) The number of employees engaged in each process or operation within each regulated area which results in exposure to benzene and an estimate of the frequency and degree of exposure within each regulated area.

(5) Exposure monitoring and measurement.

(a) General.

(i) Determinations of airborne exposure levels shall be made from air samples that are representative of each employee's exposure to benzene over an eight hour period.

(ii) For the purposes of this section, employee exposure is that exposure which would occur if the employee were not using a respirator.

(b) Initial monitoring.

(i) Each employer who has a place of employment where benzene is produced, reacted, released, packaged, repackaged, stored, transported, handled or used, shall monitor each of these workplaces and work operations to accurately determine the airborne concentrations of benzene to which employees may be exposed.

(ii) The initial monitoring required under subsection (5)(b)(i) of this section shall be conducted and the results obtained within ~~((30))~~ thirty days of the effective date of this section. Where the employer has monitored after January 4, 1977, and the monitoring satisfies the accuracy requirements of subsection (5)(f) of the section, the employer may rely on such earlier monitoring to satisfy the requirements of subsection (5)(b)(i) of this section, unless there has been a production, process, personnel or control change which may have resulted in new or additional exposures to benzene or the employer has any other reason to suspect a change which may have resulted in new or additional exposures to benzene; and provided that the employer maintains a record of the monitoring in accordance with subsection (12)(a) and notifies each employee in accordance with subsection (5)(e).

(c) Frequency.

(i) Measurements below the action level. If the measurements conducted under subsection(5)(b)(i) of this section reveal employee exposure to be below the action level, the measurements need not be repeated, except as otherwise provided in subsection (5)(d) of this section.

(ii) Measurements at or above the action level. If the measurements reveal employee exposure to be at or in excess of the action level, but below the permissible exposure limit, the employer shall repeat the monitoring at least quarterly. The employer shall continue these quarterly measurements until at least two consecutive measurements, taken at least seven days apart, are below the action level, and thereafter the employer may discontinue monitoring, except as provided in subsection (5)(e) of this section.

(iii) Measurements above the permissible exposure limit. If the measurements reveal employee exposure to be in excess of the permissible exposure limits, the employer shall repeat the measurements at least monthly. The employer shall continue these monthly measurements until at least two consecutive measurements, taken at least seven days apart, are below the permissible exposure limits, and thereafter the employer shall monitor at least quarterly.

(d) Additional monitoring.

(i) Whenever there has been a production, process, personnel or control change which may result in new or additional exposure to benzene or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to benzene, the employer shall repeat the monitoring which is required by subsection (5)(b)(i) of this section.

(ii) Whenever spills, leaks, ruptures or other breakdowns occur, the employer shall repeat the monitoring which is required by subsection (5)(b)(i) after cleanup of the spill or repair of the leak, rupture or other breakdown.

(e) Employee notification.

(i) Within ~~((5))~~ five working days after the receipt of measurement results, the employer shall notify each employee in writing of the exposure measurements which represent that employee's exposure.

(ii) Where the results indicate that the employee's exposure exceeds the permissible exposure limits, the notification shall also include the corrective action being taken or to be taken by the employer to reduce exposure to or below the permissible exposure limit.

(f) Accuracy of measurement. The employer shall use a method of measurement which has an accuracy, to a confidence level of ((95)) ninety-five percent, of not less than plus or minus ((25)) twenty-five percent for concentrations of benzene greater than or equal to 1 ppm.

(6) Methods of compliance.

(a) Priority of compliance methods. The employer shall institute engineering and work practice controls to reduce and maintain employee exposures to benzene at or below the permissible exposure limits, except to the extent that the employer establishes that these controls are not feasible. Where feasible engineering and work practice controls are not sufficient to reduce employee exposures to or below the permissible exposure limits, the employer shall nonetheless use them to reduce exposures to the lowest level achievable by these controls, and shall supplement them by the use of respiratory protection.

(b) Compliance program.

(i) The employer shall establish and implement a written program to reduce exposures to or below the permissible exposure limits solely by means of engineering and work practice controls required by subsection (6)(a) of this section.

(ii) The written program shall include a schedule for development and implementation of the engineering and work practice controls. These plans shall be revised and updated at least every six months to reflect the current status of the programs.

(iii) Written plans for these compliance programs shall be submitted, upon request, to the director, and shall be available at the worksite for examination and copying by the director, and the employees or their authorized representatives.

(iv) The employer shall institute and maintain at least the controls described in his most recent written compliance program.

(7) Respiratory protection.

(a) General. Where respiratory protection is required under this section, the employer shall select, provide and assure the use of respirators. 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) During maintenance and repair activities in which engineering and work practice controls are not feasible;

(iii) In work situations where feasible engineering and work practice controls are not yet sufficient to reduce exposure to or below the permissible exposure limits; or

(iv) In emergencies.

(b) Respirator selection.

(i) Where respiratory protection is required under this section, the employer shall select and provide at no cost to the employee, the appropriate respirator from Table I and shall assure that the employee uses the respirator provided.

(ii) The employer shall select respirators from among those approved by the National Institute for Occupational Safety and Health, and according to WAC 296-24-081.

(c) Respirator program. The employer shall institute a respiratory protection program in accordance with WAC 296-24-081.

(d) Respirator use.

(i) Where air-purifying respirators (cartridge, canister, or gas mask) are used, the employer shall, except as provided in subsection (7)(d)(ii) of this section, replace the air-purifying canisters or cartridges prior to the expiration of their service life or the end of shift in which they are first used, whichever occurs first.

(ii) Where a cartridge or canister of an air-purifying respirator has an end of service life indicator certified by NIOSH for benzene, the employer may permit its use until such time as the indicator shows the end of service life.

(iii) The employer shall assure that the respirator issued to the employee exhibits minimum facepiece leakage and that the respirator is properly fitted.

(iv) The employer shall allow each employee who wears a respirator to wash his or her face and respirator facepiece to prevent skin irritation association with respirator use.

TABLE I

## RESPIRATORY PROTECTION FOR BENZENE

Airborne Concentration of Benzene or Condition of Use	Respirator Type
(a) Less than or equal to 10 p/m	(1) Any chemical cartridge respirator with organic vapor cartridge; or (2) Any supplied air respirator.
(b) Less than or equal to 50 p/m	(1) Any chemical cartridge respirator with organic vapor cartridge and full facepiece; (2) Any supplied air respirator with full facepiece; (3) Any organic vapor gas mask; or (4) Any self-contained breathing apparatus with full facepiece.
(c) Less than or equal to 1,000 p/m	(1) Supplied air respirator with half mask in positive pressure mode.
(d) Less than or equal to 2,000 p/m	(1) Supplied air respirator with full facepiece, helmet or hood, in positive pressure mode.
(e) Less than or equal to 10,000 p/m	(1) Supplied air respirator and auxiliary self-contained facepiece in positive pressure mode; or (2) Open circuit self-contained breathing apparatus with full facepiece in positive pressure mode.
(f) Escape	(1) Any organic vapor gas mask; or (2) Any self-contained breathing apparatus with full facepiece.

(8) Protective clothing and equipment. Where eye or dermal exposure may occur, the employer shall provide, at no cost to the employee, and assure that the employee wears impermeable protective clothing and equipment to protect the area of the body which may come in contact with liquid benzene. 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 and employees who are subjected to an emergency.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and provided without cost to the employee.

(b) Initial examinations.

(i) Within thirty days of the effective date of this section, or before the time of initial assignment, the employer shall provide each employee who is or may be exposed to benzene at or above the action level with a medical examination, including at least the following elements:

(A) A history which includes past work exposure to benzene or any other hematologic toxins; a family history of blood dyscrasias including hematological neoplasms; a history of blood dyscrasias including genetically related hemoglobin alterations, bleeding abnormalities, abnormal function of formed blood elements; a history of renal or liver dysfunction, a history of drugs routinely taken, alcoholic intake and systemic infections; a history of exposure to marrow toxins outside of the current work situation, including volatile cleaning agents and insecticides;

(B) Laboratory tests, including a complete blood count with red cell count, white cell count with differential, platelet count, hematocrit, hemoglobin and red cell indices (MCV, MCH, MCHC), serum bilirubin and reticulocyte count; and

(C) Additional tests where, in the opinion of the examining physician, alterations in the components of the blood are related to benzene exposure.

(ii) No medical examination is required to satisfy the requirements of subsection (9)(b)(i) of this section if adequate records show that the employee has been examined in accordance with the procedures of subsection (9)(b)(i) of this section within the previous six months.

(c) Information provided to the physician. The employer shall provide the following information to the examining physician for each examination under this section:

(i) A copy of this regulation;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's representative exposure level or anticipated exposure level;

(iv) A description of any personal protective equipment used or to be used; and

(v) Information from previous medical examinations of the affected employee which is not readily available to the examining physician.

(d) 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 containing the following:

(A) The 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 increased 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.

(ii) The written opinion obtained by the employer shall not reveal specific findings or diagnoses unrelated to occupational exposures.

(e) Periodic examinations.

(i) The employer shall provide each employee covered under subsection (9)(b) of this section with a medical examination at least semi-annually following the initial 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 drug and alcohol intake and the appearance of physical symptoms relating to blood disorders;

(B) A complete blood count with red cell count, white cell count with differential, platelet count, hemoglobin, hematocrit and red cell indices (MCV, MCH, MCHC); and

(C) Additional tests where in the opinion of the examining physician, alterations in the components of the blood are 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 a medical examination which shall include those elements considered appropriate by the examining physician.

(f) Emergency situations. If the employee is exposed to benzene in an emergency situation, the employer shall provide the employee with a urinary phenol test at the end of the employee's shift. The urine specific gravity shall be corrected to 1.024. If the result of the urinary phenol test is below 75 mg phenol/L of urine, no further testing is required. 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 a red cell count, white cell count with differential, and platelet count as soon as practicable, and shall provide these same counts one month later.

(g) Special examinations.

(i) Where the results of any tests required by this section reveal that any of the following conditions exist, the employer shall have the test results of the employee evaluated by a hematologist:

(A) The red cell count, hemoglobin or platelet count varies more than (+5) fifteen percent above or below the employee's most recent values;

(B) The red cell count is below 4.4 million or above 6.3 million per  $\text{mm}^3$ , (for males), or below 4.2 million or above 5.5 million per  $\text{mm}^3$  (for females);

(C) The hemoglobin is below 14 grams percent or above 18 grams percent (for males) or below 12 grams percent or above 16 grams percent (for females);

(D) The white cell count is below 4,200 or above 10,000/ $\text{mm}^3$ ;

(E) The thrombocyte count is below  $140 \times 10^3$  cells per  $\text{mm}^3$  or above  $440 \times 10^3$  cells per  $\text{mm}^3$ .

(ii) In addition to the information required to be provided to the physician under subsection (9)(c) of this section, the employer shall provide the hematologist with the medical record required to be maintained by subsection (12)(b) of this section.

(iii) The hematologist's evaluation shall include a determination as to the need for additional tests, and the employer shall assure that these tests are provided.

(10) Employee information and training.

(a) Training program.

(i) The employer shall institute a training program for all employees assigned to workplaces where benzene is produced, reacted, released, packaged, repackaged, stored, transported, handled or used and shall assure that each employee assigned to these workplaces is informed of the following:

(A) The information contained in Appendix A and B<sup>(1)</sup>;

(B) The quantity, location, manner of use, release, or storage of benzene and the specific nature of operations which could result in exposure above the permissible exposure limits as well as necessary protective steps;

(C) The purpose, proper use, and limitations of personal protective equipment and clothing required by subsection (8) of this section and of respiratory devices required by subsection (7) of this section and WAC 296-24-081;

(D) The purpose and a description of the medical surveillance program required by subsection (9) of this section and the information contained in Appendix C<sup>(1)</sup>; and

(E) The contents of this standard.

(ii) The training program required under subsection (10)(a)(i) of this section shall be provided within ((90)) ninety days of the effective date of this section or at the time of initial assignment to workplaces where benzene is produced, reacted, released, packaged, repackaged, stored, transported, handled or used, and at least annually thereafter.

(b) Access to training materials.

(i) The employer shall make a copy of this standard and its appendices readily available to all affected employees.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(11) Signs and labels.

(a) The employer shall post signs in regulated areas bearing the following legend:

**DANGER  
BENZENE  
CANCER HAZARD  
FLAMMABLE-NO SMOKING  
AUTHORIZED PERSONNEL ONLY  
RESPIRATOR REQUIRED**

(b) The employer shall assure that caution labels are affixed to all containers of benzene and of products containing any amount of benzene, except:

(i) Pipelines, and

(ii) Transport vessels or vehicles carrying benzene or benzene products in sealed intact containers.

(iii) Liquid mixtures containing 5.0 percent or less benzene by volume which were packaged before June 27, 1978.

(c) The employer shall assure that the caution labels remain affixed when the benzene or products containing benzene are sold, distributed or otherwise leave the employer's workplace.

(d) The caution labels required by subsection (11)(b) of this section shall be readily visible and legible. The labels shall bear the following legend:

**CAUTION  
CONTAINS BENZENE  
CANCER HAZARD**

(e) The employer shall assure that no statement which contradicts or detracts from the information required by subsections (11)(a) and (d) of this section appears on or near any required sign or label.

(12) Recordkeeping.

(a) Exposure measurements.

(i) The employer shall establish and maintain an accurate record of all measurements required by subsection (5) of this section.

(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) Type of respiratory protective devices worn, if any; and

(D) Name, social security number, and job classification 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 ((40)) forty years or the duration of employment plus ((20)) 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 required by subsection (9) of this section.

(ii) This record shall include:

(A) The name, and social security number of the employee;

(B) A copy of the physicians' written opinions, including results of medical examinations and all tests, opinions and recommendations;

(C) The peripheral blood smear slides of the initial test, the most recent test, and any test demonstrating hematological abnormalities related to benzene exposure;

(D) Any employee medical complaints related to exposure to benzene;

(E) A copy of this standard and its appendices, except that the employer may keep one copy of the standard and its appendices for all employees provided that he references the standard and its appendices in the medical surveillance record of each employee;

(F) A copy of the information provided to the physician as required by subsections (9)(c)(ii) through (9)(c)(v) of this section; and

(G) 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 ~~((40))~~ forty years or for the duration of employment plus ~~((20))~~ twenty years, whichever is longer.

(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) The employer shall assure that employee exposure measurement records as required by this section be made available for examination and copying to affected employees or their designated representatives.

(iii) The employer shall assure that former employees and the former employees' designated representatives have access to such records as will indicate the former employee's own exposure to benzene.

(iv) The employer shall assure that employee medical records required to be maintained by this section be made available upon request for examination and copying to the employee or former employee or to a physician or other individual designated by the affected employee or former employee.

(d) Transfer of records.

(i) When the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by subsection (12) of this section for the prescribed period.

(ii) When 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 transmit these records by mail to the director.

(iii) At the expiration of the retention period for the records required to be maintained under subsection (12) of this section, the employer shall transmit these records by mail to the director.

(13) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees, or their designated representatives, an opportunity to observe any measuring or monitoring of employee exposure to benzene conducted pursuant to subsection (5) of this section.

(b) Observation procedures.

(i) 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.

(ii) Without interfering with the measurement, observers shall be entitled to:

(A) Receive an explanation of the measurement procedures;

(B) Observe all steps related to the measurement of airborne concentrations of benzene performed at the place of exposure; and

(C) Record the results obtained.

(14) Effective date. This standard shall become effective ~~((30))~~ thirty days after being filed with the Code Reviser unless otherwise stated within this standard.

\*<sup>(1)</sup> Appendices printed in addition to this section and information contained therein is not intended, by itself, to create any additional obligations not otherwise imposed or to detract from any existing obligations.

#### AMENDATORY SECTION (Amending Order 79-1, filed 1/23/79)

WAC 296-62-07347 INORGANIC ARSENIC. (1) Scope and Application. This section applies to all occupational exposures to inorganic arsenic except that this section does not apply to employee exposures in agriculture or resulting from pesticide application, the

treatment of wood with preservatives or the utilization of arsenically preserved wood.

(2) Definitions. (a) "Action level" - a concentration of inorganic arsenic of 5 micrograms per cubic meter of air ( $5 \mu\text{g}/\text{m}^3$ ) averaged over any eight-hour period.

(b) "Authorized person" - 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.

(c) "Director" - the Director of the Department of Labor and Industries, or his designated representative.

(d) "Inorganic arsenic" - copper aceto-arsenite and all inorganic compounds containing arsenic except arsine, measured as arsenic (As).

(3) Permissible Exposure Limit. The employer shall assure that no employee is exposed to inorganic arsenic at concentrations greater than 10 micrograms per cubic meter of air ( $10 \mu\text{g}/\text{m}^3$ ), averaged over any ~~((8))~~ eight-hour period.

(4) Notification of Use. (a) By October 1, 1978, or within ~~((60))~~ sixty days after the introduction of inorganic arsenic into the workplace, every employer who is required to establish a regulated area in his workplaces shall report in writing to the Department of Labor and Industries for each such workplace:

(i) The address of each such workplace;

(ii) The approximate number of employees who will be working in regulated areas; and

(iii) A brief summary of the operations creating the exposure and the actions which the employer intends to take to reduce exposures.

(b) Whenever there has been a significant change in the information required by subsection (4)(a) of this section, the employer shall report the changes in writing within ~~((60))~~ sixty days to the Department of Labor and Industries.

(5) Exposure Monitoring. (a) General. (i) Determinations of airborne exposure levels shall be made from air samples that are representative of each employee's exposure to inorganic arsenic over an eight-hour period.

(ii) For the purposes of this section, employee exposure is that exposure which would occur if the employee were not using a respirator.

(iii) The employer shall collect full shift (for at least ~~((7))~~ seven continuous hours) personal samples including at least one sample for each shift for each job classification in each work area.

(b) Initial Monitoring. Each employer who has a workplace or work operation covered by this standard shall monitor each such workplace and work operation to accurately determine the airborne concentration of inorganic arsenic to which employees may be exposed.

(c) 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 subsection (5)(d) of this section.

(ii) If the initial monitoring, required by this section, or subsequent monitoring reveals ~~((employer))~~ employee exposure to be above the permissible exposure limit, the employer shall repeat monitoring at least quarterly.

(iii) If the initial monitoring, required by this section, or subsequent monitoring reveals employee exposure to be above the action level and below the permissible exposure limit the employee shall repeat monitoring at least every six months.

(iv) 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 until such time as any of the events in subsection (5)(d) of this section occur.

(d) Additional monitoring. Whenever there has been a production, process, control or personal change which may result in new or additional exposure to inorganic arsenic, or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to inorganic arsenic, additional monitoring which complies with subsection (5) of this section shall be conducted.

(e) 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 exposures.

(ii) Whenever the results indicate that the representative employee exposure 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 to reduce exposure to or below the permissible exposure limit.

(f) Accuracy of measurement. (i) The employer shall use a method of monitoring and measurement which has an accuracy (with a confidence level of 95 percent) of not less than plus or minus 25 percent for concentrations of inorganic arsenic greater than or equal to 10  $\mu\text{g}/\text{m}^3$ .

(ii) The employer shall use a method of monitoring and measurement which has an accuracy (with confidence level of 95 percent) of not less than plus or minus 35 percent for concentrations of inorganic arsenic greater than 5  $\mu\text{g}/\text{m}^3$  but less than 10  $\mu\text{g}/\text{m}^3$ .

(6) Regulated Area. (a) Establishment. The employer shall establish regulated areas where worker exposures to inorganic arsenic, without regard to the use of respirators, are in excess of the permissible limit.

(b) Demarcation. Regulated areas shall be demarcated and segregated from the rest of the workplace in any manner that minimizes the number of persons who will be exposed to inorganic arsenic.

(c) Access. Access to regulated areas shall be limited to authorized persons or to persons otherwise authorized by the Act or regulations issued pursuant thereto to enter such areas.

(d) Provision of respirators. All persons entering a regulated area shall be supplied with a respirator, selected in accordance with subsection (8)(b) of this section.

(e) Prohibited activities. The employer shall assure that in regulated areas, food or beverages are not consumed, smoking products, chewing tobacco and gum are not used and cosmetics are not applied, except that these activities may be conducted in the lunchrooms, change rooms and showers required under subsection (12) of this section. Drinking water may be consumed in the regulated area.

(7) Methods of Compliance. (a) Controls. (i) The employer shall institute at the earliest possible time but not later than December 31, 1979, engineering and work practice controls to reduce exposures to or below the permissible exposure limit, except to the extent that the employer can establish that such controls are not feasible.

(ii) Where engineering and work practice controls are not sufficient to reduce exposures to or below the permissible exposure limit, they shall nonetheless be used to reduce exposures to the lowest levels achievable by these controls and shall be supplemented by the use of respirators in accordance with subsection (8) of this section and other necessary personal protective equipment. Employee rotation is not required as a control strategy before respiratory protection is instituted.

(b) Compliance program. (i) The employer shall establish and implement a written program to reduce exposures to or below the permissible exposure limit by means of engineering and work practice controls.

(ii) Written plans for these compliance programs shall include at least the following:

(A) A description of each operation in which inorganic arsenic is emitted; e.g., machinery used, material processed, controls in place, crew size, operating procedures and maintenance practices;

(B) Engineering plans and studies used to determine methods selected for controlling exposure to inorganic arsenic;

(C) A report of the technology considered in meeting the permissible exposure limit;

(D) Monitoring data;

(E) A detailed schedule for implementation of the engineering controls and work practices that cannot be implemented immediately and for the adaptation and implementation of any additional engineering and work practices necessary to meet the permissible exposure limit;

(F) Whenever the employer will not achieve the permissible exposure limit with engineering controls and work practices by December 31, 1979, the employer shall include in the compliance plan an analysis of the effectiveness of the various controls, shall install engineering controls and institute work practices on the quickest schedule feasible, and shall include in the compliance plan and implement a program to minimize the discomfort and maximize the effectiveness of respirator use; and

(G) Other relevant information.

(iii) Written plans for such a program 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) The plans required by this subsection shall be revised and updated at least every six months to reflect the current status of the program.

(8) Respiratory Protection. (a) General. The employer shall assure that respirators are used where required under this section to reduce employee exposures to below the permissible exposure limit and in emergencies. Respirators shall be used in the following circumstances:

(i) During the time period necessary to install or implement feasible engineering or work practice controls;

(ii) In work operations such as maintenance and repair activities in which the employer establishes that engineering and work practice controls are not feasible;

(iii) In work situations in which engineering controls and supplemental work practice controls are not yet sufficient to reduce exposures to or below the permissible exposure limit; or

(iv) In emergencies.

(b) Respirator selection. (i) Where respirators are required under this section the employer shall select, provide at no cost to the employee and assure the use of the appropriate respirator or combination of respirators from Table I for inorganic arsenic compounds without significant vapor pressure, or Table II for inorganic arsenic compounds which have significant vapor pressure.

(ii) Where employee exposures exceed the permissible exposure limit for inorganic arsenic and also exceed the relevant limit for particular gasses such as sulfur dioxide, any air purifying respirator supplied to the employee as permitted by this standard must have a combination high efficiency filter with an appropriate gas sorbent. (See footnote in Table I)

**TABLE I**  
**RESPIRATORY PROTECTION FOR INORGANIC ARSENIC PARTICULATE EXCEPT FOR THOSE WITH SIGNIFICANT VAPOR PRESSURE**

Concentration of Inorganic Arsenic (as As) or Condition of Use.	Required Respirator
(i) Unknown or greater or lesser than 20,000 $\mu\text{g}/\text{m}^3$ (20 mg/m <sup>3</sup> ) or firefighting.	(A) Any full facepiece self-contained breathing apparatus operated in positive pressure mode.
(ii) Not greater than 20,000 $\mu\text{g}/\text{m}^3$ (20 mg/m <sup>3</sup> )	(A) Supplied air respirator with full facepiece, hood, or helmet or suit and operated in positive pressure mode.
(iii) Not greater than 10,000 $\mu\text{g}/\text{m}^3$ (10 mg/m <sup>3</sup> )	(A) Powered air-purifying respirators in all inlet face coverings with high-efficiency filters. (B) Half-mask supplied air respirators operated in positive pressure mode.
(iv) Not greater than 500 $\mu\text{g}/\text{m}^3$	(A) Full facepiece air-purifying respirator equipped with high-efficiency filter. <sup>1</sup> (B) Any full facepiece supplied air respirator. (C) Any full facepiece self-contained breathing apparatus.
(v) Not greater than 100 $\mu\text{g}/\text{m}^3$	(A) Half-mask air-purifying respirator equipped with high-efficiency filter. <sup>1</sup> (B) Any half-mask supplied air respirator.

<sup>1</sup>High-efficiency filter-99.97 pct efficiency against 0.3 micrometer monodisperse diethyl-hexyl phthalate (DOP) particles.

**TABLE II**  
**RESPIRATORY PROTECTION FOR INORGANIC ARSENICALS (SUCH AS ARSENIC TRICHLORIDE<sup>2</sup> AND ARSENIC PHOSPHIDE) WITH SIGNIFICANT VAPOR PRESSURE**

Concentration of Inorganic Arsenic (as As) or Condition of Use	Required Respirator
(i) Unknown or greater or lesser than 20,000 $\mu\text{g}/\text{m}^3$ (20 mg/m <sup>3</sup> ) or firefighting.	(A) Any full facepiece contained breathing apparatus operated in positive pressure mode.
(ii) Not greater than 20,000 $\mu\text{g}/\text{m}^3$ (20 mg/m <sup>3</sup> )	(A) Supplied air respirator with full facepiece hood, or helmet or suit and operated in positive pressure mode.
(iii) Not greater than 10,000 $\mu\text{g}/\text{m}^3$ (10 mg/m <sup>3</sup> )	(A) Half-mask <sup>2</sup> supplied air respirator operated in positive pressure mode.
(iv) Not greater than 500 $\mu\text{g}/\text{m}^3$	(A) Front or back mounted gas mask

Concentration of Inorganic Arsenic (as As) or Condition of Use

Required Respirator

Concentration of Inorganic Arsenic (as As) or Condition of Use	Required Respirator
(v) Not greater than 100 $\mu\text{g}/\text{m}^3$	equipped with high-efficiency filter and acid gas canister. (B) Any full facepiece supplied air respirator. (C) Any full facepiece self-contained breathing apparatus. (A) Half-mask air-purifying respirator equipped with high-efficiency filter and acid gas cartridge. (B) Any half-mask supplied air respirator.

<sup>1</sup>High efficiency filter—99.97 pct efficiency against 0.3 micrometer monodisperse diethyl-hexyl phthalate (DOP) particles.

<sup>2</sup>Half-mask respirators shall not be used for protection against arsenic trichloride, as it is rapidly absorbed through the skin.

(iii) The employer shall select respirators from among those approved for protection against dust, fume, and mist by 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) The employer shall perform qualitative fit tests at the time of initial fitting and at least semi-annually thereafter for each employee wearing respirators, where quantitative fit tests are not required.

(iii) Employers with more than ((20)) twenty employees wearing respirators shall perform a quantitative face fit test at the time of initial fitting and at least semi-annually thereafter for each employee wearing negative pressure respirators. The test shall be used to select facepieces that provide the required protection as prescribed in Table I or II.

(iv) If an employee has demonstrated difficulty in breathing during the fitting test or during use, he or she shall be examined by a physician trained in pulmonary medicine 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 296-24-08103, 296-24-08107, 296-24-08109 and 296-24-08111.

(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 to prevent skin irritation associated with respirator use.

(e) Commencement of respirator use. (i) The employer's obligation to provide respirators commences on August 1, 1978, for employees exposed over 500  $\mu\text{g}/\text{m}^3$  of inorganic arsenic, as soon as possible but not later than October 1, 1978, for employees exposed to over 50  $\mu\text{g}/\text{m}^3$  of inorganic arsenic, and as soon as possible but not later than December 1, 1978, for employees exposed between 10 and 50  $\mu\text{g}/\text{m}^3$  of inorganic arsenic.

(ii) Employees with exposures below 50  $\mu\text{g}/\text{m}^3$  of inorganic arsenic may choose not to wear respirators until December 31, 1979.

(iii) After December 1, 1978, any employee required to wear air purifying respirators may choose, and if so chosen the employer must provide, if it will give proper protection, a powered air purifying respirator and in addition if necessary a combination dust and acid gas respirator for times where exposures to gases are over the relevant exposure limits.

(9) RESERVED.

(10) Protective Work Clothing and Equipment. (a) Provision and use. Where the possibility of skin or eye irritation from inorganic arsenic exists, and for all workers working in regulated areas, the employer shall provide at no cost to the employee and assure that employees use appropriate and clean protective work clothing and equipment such as, but not limited to:

(i) Coveralls or similar full-body work clothing;

(ii) Gloves, and shoes or coverlets;

(iii) Face shields or vented goggles when necessary to prevent eye irritation, which comply with the requirements of WAC 296-24-07801(1) - (6).

(iv) Impervious clothing for employees subject to exposure to arsenic trichloride.

(b) Cleaning and replacement. (i) The employer shall provide the protective clothing required in subsection (10)(a) of this section in a freshly laundered and dry condition at least weekly, and daily if the employee works in areas where exposures are over 100  $\mu\text{g}/\text{m}^3$  of inorganic arsenic or in areas where more frequent washing is needed to prevent skin irritation.

(ii) The employer shall clean, launder, or dispose of protective clothing required by subsection (10)(a) of this section.

(iii) The employer shall repair or replace the 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 prescribed in subsection (13)(a) 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 inorganic arsenic outside the container.

(vi) The employer shall inform in writing any person who cleans or launders clothing required by this section, of the potentially harmful effects including the carcinogenic effects of exposure to inorganic arsenic.

(vii) The employer shall assure that the containers of contaminated protective clothing and equipment in the workplace or which are to be removed from the workplace are labeled as follows:

CAUTION: Clothing contaminated with inorganic arsenic; do not remove dust by blowing or shaking. Dispose of inorganic arsenic contaminated wash water in accordance with applicable local, state, or Federal regulations.

(viii) The employer shall prohibit the removal of inorganic arsenic from protective clothing or equipment by blowing or shaking.

(11) Housekeeping. (a) Surfaces. All surfaces shall be maintained as free as practicable of accumulations of inorganic arsenic.

(b) Cleaning floors. Floors and other accessible surfaces contaminated with inorganic arsenic may not be cleaned by the use of compressed air, and shoveling and brushing may be used only where vacuuming or other relevant 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 to minimize the reentry of inorganic arsenic into the workplace.

(d) Housekeeping plan. A written housekeeping and maintenance plan shall be kept which shall list appropriate frequencies for carrying out housekeeping operations, and for cleaning and maintaining dust collection equipment. The plan shall be available for inspection by the Director.

(e) Maintenance of equipment. Periodic cleaning of dust collection and ventilation equipment and checks of their effectiveness shall be carried out to maintain the effectiveness of the system and a notation kept of the last check of effectiveness and cleaning or maintenance.

(12) RESERVED.

(13) Hygiene Facilities and Practices. (a) Change rooms. The employer shall provide for employees working in regulated areas or subject to the possibility of skin or eye irritation from inorganic arsenic, clean change rooms equipped with storage facilities for street clothes and separate storage facilities for protective clothing and equipment in accordance with WAC 296-24-12011.

(b) Showers. (i) The employer shall assure that employees working in regulated areas or subject to the possibility of skin or eye irritation from inorganic arsenic shower at the end of the work shift.

(ii) The employer shall provide shower facilities in accordance with WAC 296-24-12009(3).

(c) Lunchrooms. (i) The employer shall provide for employees working in regulated areas, lunchroom facilities which have a temperature controlled, positive pressure, filtered air supply, and which are readily accessible to employees working in regulated areas.

(ii) The employer shall assure that employees working in the regulated area or subject to the possibility of skin or eye irritation from exposure to inorganic arsenic wash their hands and face prior to eating.

(d) Lavatories. The employer shall provide lavatory facilities which comply with WAC 296-24-12009(1) and (2).

(e) Vacuuming clothes. The employer shall provide facilities for employees working in areas where exposure, without regard to the use of respirators, exceeds 100  $\mu\text{g}/\text{m}^3$  to vacuum their protective clothing

and clean or change shoes worn in such areas before entering change rooms, lunchrooms or shower rooms required by subsection (10) of this section and shall assure that such employees use such facilities.

(f) Avoidance of skin irritation. The employer shall assure that no employee is exposed to skin or eye contact with arsenic trichloride, or to skin or eye contact with liquid or particulate inorganic arsenic which is likely to cause skin or eye irritation.

(14) Medical Surveillance. (a) General. (i) Employees covered. The employer shall institute a medical surveillance program for the following employees:

(A) All employees who are or will be exposed above the action level, without regard to the use of respirators, at least ((30)) thirty days per year; and

(B) All employees who have been exposed above the action level, without regard to respirator use, for ((30)) thirty days or more per year for a total of ((10)) ten years or more of combined employment with the employer or predecessor employers prior to or after the effective date of this standard. The determination of exposures prior to the effective date of this standard shall be based upon prior exposure records, comparison with the first measurements taken after the effective date of this standard, or comparison with records of exposures in areas with similar processes, extent of engineering controls utilized and materials used by that employer.

(ii) Examination by physician. The employer shall assure that all medical examinations and procedures are 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.

(b) Initial examinations. By December 1, 1978, for employees initially covered by the medical provisions of this section, or thereafter at the time of initial assignment to an area where the employee is likely to be exposed over the action level at least ((30)) thirty days per year, the employer shall provide each affected employee an opportunity for a medical examination, including at least the following elements:

(i) A work history and a medical history which shall include a smoking history and the presence and degree of respiratory symptoms such as breathlessness, cough, sputum production and wheezing.

(ii) A medical examination which shall include at least the following:

(A) A 14" by 17" posterior-anterior chest X-ray and International Labor Office UICC/Cincinnati (ILO U/C) rating;

(B) A nasal and skin examination;

(C) A sputum cytology examination; and

(D) Other examinations which the physician believes appropriate because of the employees exposure to inorganic arsenic or because of required respirator use.

(c) Periodic examinations. (i) The employer shall provide the examinations specified in subsections (14)(b)(i) and (14)(b)(ii)(A), (B) and (D) of this section at least annually for covered employees who are under ((45)) forty-five years of age with fewer than ((10)) ten years of exposure over the action level without regard to respirator use.

(ii) The employer shall provide the examinations specified in subsections (14)(b)(i) and (ii) of this section at least semi-annually for other covered employees.

(iii) Whenever a covered employee has not taken the examinations specified in subsection (14)(b)(i) and (ii) of this section within six months preceding the termination of employment, the employer shall provide such examinations to the employee upon termination of employment.

(d) Additional examinations. If the employee for any reason develops signs or symptoms commonly associated with exposure to inorganic arsenic the employer shall provide an appropriate examination and emergency medical treatment.

(e) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this standard and its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's representative exposure level or anticipated exposure level;

(iv) A description of any personal protective equipment used or to be used; and

(v) Information from previous medical examinations of the affected employee which is not readily available to the examining physician.

(f) Physician's written opinion. (i) The employer shall obtain a written opinion from the examining physician which shall include:

(A) The results of the medical examination and tests performed;

(B) 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 exposure to inorganic arsenic;

(C) Any recommended limitations upon the employee's exposure to inorganic arsenic or upon the use of protective clothing or equipment such as respirators; and

(D) 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 explanation or treatment.

(ii) The employer shall instruct the physician not to reveal in the written opinion specific findings or diagnoses unrelated to occupational exposure.

(iii) The employer shall provide a copy of the written opinion to the affected employee.

(15) Employee information and training. (a) Training program. (i) The employer shall institute a training program for all employees who are subject to exposure to inorganic arsenic above the action level without regard to respirator use, or for whom there is the possibility of skin or eye irritation from inorganic arsenic. The employer shall assure that those employees participate in the training program.

(ii) The training program shall be provided by October 1, 1978 for employees covered by this provision, at the time of initial assignment for those subsequently covered by this provision, and shall be repeated at least quarterly for employees who have optional use of respirators and at least annually for other covered employees thereafter, and the employer shall assure that each employee is informed of the following:

(A) The information contained in Appendix A;

(B) The quantity, location, manner of use, storage, sources of exposure, and the specific nature of operations which could result in exposure to inorganic arsenic as well as any necessary protective steps;

(C) The purpose, proper use, and limitation of respirators;

(D) The purpose and a description of medical surveillance program as required by subsection (14) of this section;

(E) The engineering controls and work practices associated with the employee's job assignment; and

(F) A review of this standard.

(b) Access to 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.

(16) Signs and Labels. (a) General. (i) The employer may use labels or signs required by other statutes, regulations, or ordinances in addition to, or in combination with, signs and labels required by this subsection.

(ii) The employer shall assure that no statement appears on or near any sign or label required by this subsection which contradicts or detracts from the meaning of the required sign or label.

(b) Signs. (i) The employer shall post signs demarcating regulated areas bearing the legend:

DANGER

INORGANIC ARSENIC

CANCER HAZARD

AUTHORIZED PERSONNEL ONLY

NO SMOKING OR EATING

RESPIRATOR REQUIRED

(ii) The employer shall assure that signs required by this subsection are illuminated and cleaned as necessary so that the legend is readily visible.

(c) Labels. The employer shall apply precautionary labels to all shipping and storage containers of inorganic arsenic, and to all products containing inorganic arsenic except when the inorganic arsenic in the product is bound in such a manner so as to make unlikely the possibility of airborne exposure to inorganic arsenic. (Possible examples of products not requiring labels are semiconductors, light emitting diodes and glass.) The label shall bear the following legend:

DANGER

CONTAINS INORGANIC ARSENIC

CANCER HAZARD

HARMFUL IF INHALED OR

**SWALLOWED  
USE ONLY WITH ADEQUATE  
VENTILATION  
OR RESPIRATORY PROTECTION**

(17) Recordkeeping. (a) Exposure monitoring. (i) The employer shall establish and maintain an accurate record of all monitoring required by subsection (5) 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 employees 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 the employee's exposure.

(iii) The employer shall maintain these monitoring records for at least ~~((40))~~ forty years or for the duration of employment plus ~~((20))~~ 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 (14) of this section.

(ii) This record shall include:

(A) The name, social security number, and description of duties of the employee;

(B) A copy of the physician's written opinions;

(C) Results of any 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 inorganic arsenic.

(iii) The employer shall in addition 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 (14) 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;

(C) The initial X-ray;

(D) The X-rays for the most recent five years;

(E) Any X-rays with a demonstrated abnormality and all subsequent X-rays;

(F) The initial cytologic examination slide and written description;

(G) The cytologic examination slide and written description for the most recent five years; and

(H) Any cytologic examination slides with demonstrated atypia, if such atypia persists for three years, and all subsequent slides and written descriptions.

(iv) The employer shall maintain or assure that the physician maintains those medical records for at least ~~((40))~~ forty years, or for the duration of employment, plus ~~((20))~~ twenty years, whichever is longer.

(c) Availability. (i) The employer shall make available upon request all records required to be maintained by subsection ~~((16))~~ (17) of this section to the Director for examination and copying.

(ii) The employer shall make available upon request records of employee exposure monitoring required by subsection (17)(a) of this section for inspection and copying to affected employees, former employees and their designated representatives.

(iii) The employer shall make available upon request an employee's medical records and exposure records representative of that employee's exposure required to be maintained by subsection (17) of this section to the affected employee or former employee or to a physician designated by the affected employee or former employee.

(d) 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 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 he requests them within that period.

(18) 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 inorganic arsenic conducted pursuant to subsection (5) of this section.

(b) Observation procedures. (i) Whenever observation of the monitoring of employee exposure to inorganic arsenic 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 inorganic arsenic performed at the place of exposure; and

(C) Record the results obtained or receive copies of the results when returned by the laboratory.

(19) Effective Date. This ~~((emergency rule))~~ standard shall become effective ~~((upon))~~ thirty days after filing with the Code Reviser.

(20) 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.

(21) Startup Dates. (a) General. The startup dates of requirements of this standard shall be the effective date of this standard unless another startup date is provided for, either in other subsections of this section or in this subsection.

(b) Monitoring. Initial monitoring shall be commenced by August 1, 1978, and shall be completed by September 15, 1978.

(c) Regulated areas. Regulated areas required to be established as a result of initial monitoring shall be set up as soon as possible after the results of that monitoring is known and no later than October 1, 1978.

(d) Compliance program. The written program required by subsection (7)(b) as a result of initial monitoring shall be made available for inspection and copying as soon as possible and no later than December 1, 1978.

(e) Hygiene and lunchroom facilities. Construction plans for change-rooms, showers, lavatories, and lunchroom facilities shall be completed no later than December 1, 1978, and these facilities shall be constructed and in use no later than July 1, 1979. However, if as part of the compliance plan it is predicted by an independent engineering firm that engineering controls and work practices will reduce exposures below the permissible exposure limit by December 31, 1979, for affected employees, then such facilities need not be completed until one year after the engineering controls are completed or December 31, 1980, whichever is earlier, if such controls have not in fact succeeded in reducing exposure to below the permissible exposure limit.

(f) Summary of startup dates set forth elsewhere in this standard.

#### STARTUP DATES

August 1, 1978 - Respirator use over 500  $\mu\text{g}/\text{m}^3$ .

#### AS SOON AS POSSIBLE BUT NO LATER THAN

September 15, 1978 - Completion of initial monitoring.

October 1, 1978 - Complete establishment of regulated areas.

Respirator use for employees exposed above 50  $\mu\text{g}/\text{m}^3$ . Completion of initial training. Notification of use.

December 1, 1978 - Respirator use over 10  $\mu\text{g}/\text{m}^3$ . Completion of initial medical. Completion of compliance plan. Optional use of powered air-purifying respirators.

July 1, 1979 - Completion of lunch rooms and hygiene facilities.

December 31, 1979 - Completion of engineering controls.

All other requirements of the standard have as their startup date August 1, 1978.

#### AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

**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

Threshold Limit Values (alphabetical order) substance	ppm (See note a)	mg/M <sup>3</sup> (See note b)
Abate	—	10
**Acetaldehyde	(200)	(360)
Acetic acid	10	25
**Acetic anhydride	(5)	(20)
Acetone	1,000	2,400
Acetonitrile	40	70
2-Acetyl amino flourene-skin	—	A <sup>2</sup>
Acetylene	F	—
Acetylene dichloride, see 1,2-Dichloroethylene	—	—
Acetylene tetrabromide	1	14
Acrolein	0.1	0.25
Acrylamide—Skin	—	0.3
Acrylonitrile—Skin	20	45
Aldrin—Skin	—	0.25
Allyl alcohol—Skin	2	3
Allyl chloride	1	5
*C Allyl glycidyl ether (AGE)	(10)	(45)
Allyl propyl disulfide	2	12
Alundum (Al <sub>2</sub> O <sub>3</sub> )	—	E
4-Aminodiphenyl-skin	—	A <sup>1</sup> (See note b)
2-Aminoethanol, see Ethanolamine	—	—
2-Aminopyridine	0.5	2
**Ammonia	(50)	(35)
*Ammonium chloride, fume	—	10
Ammonium sulfamate (Ammate)	—	10
n-Amyl acetate	100	525
sec-Amyl acetate	125	650
Aniline—Skin	5	19
Anisidine (o, p-isomers)—Skin	—	0.5
Antimony & compounds (as Sb)	—	0.5
ANTU (alpha naphthyl thiourea)	—	0.3
Argon	F	—
Arsenic & Compounds (as As)	—	0.5
Arsine	0.05	0.2
Asphalt (petroleum) fumes	—	5
Azinphos methyl—Skin	—	0.2
Barium (soluble compounds)	—	0.5
***Benzene	—	A <sup>1</sup>
Benzidine—Skin	—	(See note b)
p-Benzoquinone, see Quinone	—	—
Benzoyl peroxide	—	5
Benzyl chloride	1	5
***Beryllium	—	—
Biphenyl, see Diphenyl	—	—
Boron oxide	—	10
Boron tribromide	1	10
C Boron trifluoride	1	3
Bromine	0.1	0.7
Bromine pentafluoride	0.1	0.7
Bromoform—Skin	0.5	5.0
Butadiene (1,3-butadiene)	1,000	2,200
Butanethiol, see Butyl mercaptan	—	—
2-Butanone	200	590
2-Butoxy ethanol (Butyl Cellosolve)—Skin	50	240
Butyl acetate (n-butyl acetate)	150	710
sec-Butyl acetate	200	950
tert-Butyl acetate	200	950
Butyl alcohol	100	300
sec-Butyl alcohol	150	450
tert-Butyl alcohol	100	300
C Butylamine—Skin	5	15
C tert-Butyl chromate (as CrO <sub>3</sub> )—Skin	—	0.1
n-Butyl glycidyl ether (BGE)	50	270
Butyl mercaptan	0.5	1.5
p-tert-Butyl-toluene	10	60
***Cadmium dust	—	—
C Cadmium oxide fume (as Cd)	—	0.1
Calcium carbonate	—	E
Calcium arsenate	—	1
Calcium oxide	—	5
Camphor (synthetic)	2	12
Carbaryl (Sevin <sup>®</sup> )	—	5
Carbon black	—	3.5
Carbon dioxide	5,000	9,000
***Carbon disulfide	—	—
Carbon monoxide	50	55
***Carbon tetrachloride	—	—

TABLE 1

Threshold Limit Values (alphabetical order) substance	ppm (See note a)	mg/M <sup>3</sup> (See note b)
Cellulose (paper fiber)	—	E
Chlordane—Skin	—	0.5
Chlorinated camphene-skin	—	0.5
Chlorinated diphenyl oxide	—	0.5
Chlorine	1	3
Chlorine dioxide	0.1	0.3
C Chlorine tri-fluoride	0.1	0.4
C Chloroacet-aldehyde	1	3
α-Chloroaceto-phenone (Phenacylchloride)	0.05	0.03
Chlorobenzene (monochlorobenzene)	75	350
o-Chlorobenzylidene malomonitrile (OCBM)—skin	0.05	0.4
Chlorobromomethane	200	1,050
2-Chloro-1,3-butadiene, see Chloroprene	—	—
Chlorodiphenyl (42% Chlorine)—Skin	—	1
Chlorodiphenyl (54% Chlorine)—Skin	—	0.5
1-Chloro,2,3-epoxy propane, see Epichlorhydrin	—	—
2-Chloroethanol, see Ethylene chlorohydrin	—	—
Chloroethylene, see Vinyl chloride	—	—
**C Chloroform (tri-chloromethane)	(50)	(240)
1-Chloro-1-nitropropane	20	100
Chloropicrin	0.1	0.7
Chloroprene (2-chloro-1,3-butadiene)—Skin	25	90
***Chromic acid	—	—
Chromium, sol. chromic, chromous salts as Cr.	A <sup>1</sup>	0.5
**Metal & insol. salts	(See note a)	(1.0)
Coal tar pitch volatiles (benzene soluble fraction anthracene, BaP, phenanthrene, acridine, chrysene, pyrene)	A <sup>1</sup> (See note a)	0.2
Colbalt, metal fume & dust	—	0.1
Copper fume	—	0.1
Dusts and Mists	—	1.0
*Corundum (Al <sub>2</sub> O <sub>3</sub> )	—	E
**Cotton Dust (raw)	—	(1)
Crag <sup>®</sup> herbicide	—	10
Cresol (all isomers)—Skin	5	22
Crotonaldehyde	2	6
Cumene—Skin	50	245
Cyanide (as CN)—Skin	—	5
Cyanogen	10	—
Cyclohexane	300	1,050
Cyclohexanol	50	200
Cyclohexanone	50	200
Cyclohexene	300	1,015
Cyclopentadiene	75	200
2,4-D	—	10
DDT	—	1
DDVP, see Dichlorvos	—	—
Decaborane—Skin	0.05	0.3
Demeton <sup>®</sup> —Skin	—	0.1
Diacetone alcohol (4-hydroxy-4-methyl-2-pentanone)	50	240
1,2-Diaminoethane, see Ethylenediamine	—	—
Diazinon-skin	—	0.1
Diazomethane	0.2	0.4
Diborane	0.1	0.1
Dibrom <sup>®</sup>	—	3
*2-N Dibutylamino-ethanol-skin	2	14
Dibutyl phosphate	1	5
Dibutylphthalate	—	5
C Dichloroacetylene	0.1	0.4
C o-Dichlorobenzene	50	300
p-Dichlorobenzene	75	450
**Dichlorobenzidine-skin	—	A <sup>1</sup> (See note b)
Dichlorodifluoro-methane	1,000	4,950
1,3-Dichloro-5,5-dimethyl hydantoin	—	0.2
**1,1-Dichloro-ethane	(100)	(400)
1,2-Dichloro-ethylene	200	790

TABLE I

Threshold Limit Values (alphabetical order) substance	ppm (See note a)	mg/M <sup>3</sup> (See note b)
**C Dichloroethyl ether—Skin	(15)	(90)
Dichloromethane, see Methylene-chloride	—	—
Dichloromonofluoro—methane	1,000	4,200
C 1,1-Dichloro-1-nitroethane	10	60
1,2-Dichloropropane, see Propylene-dichloride	—	—
Dichlorotetra-fluoroethane	1,000	7,000
Dichlorvos (DDVP)—skin	—	1
Dieldrin—Skin	—	0.25
Diethylamine	25	75
Diethylamino ethanol—Skin	10	50
*C Diethylene triamine—Skin	1	4
Diethylether, see Ethyl ether	—	—
Di fluorodibromomethane	100	860
C Diglycidyl ether (DGE)	0.5	2.8
Dihydroxybenzene, see Hydroquinone	—	—
*Diisobutyl ketone	(50)	(290)
Diisopropylamine—Skin	5	20
Dimethoxymethane, see Methylal	—	—
Dimethyl acetamide—Skin	10	35
Dimethylamine	10	18
4-Dimethylaminoazo-benzene	—	A <sup>2</sup>
Dimethylaminobenzene, see Xylidene	—	—
Dimethylaniline (n-dimethylaniline)—Skin	5	25
Dimethylbenzene, see Xylene	—	—
Dimethyl,1,2-dibromo-2,2-dichloroethyl phosphate, see DiBrom	—	—
Dimethylformamide—Skin	10	30
2,6-Dimethylheptanone, see Diisobutyl ketone	—	—
1,1-Dimethylhydrazine—Skin	0.5	1
Dimethylphthalate	—	5
**Dimethylsulfate—Skin	(1)	(5)
Dinitrobenzene (all isomers)—Skin	—	1
Dinitro-o-cresol—Skin	—	0.2
Dinitrotoluene—Skin	—	1.5
**Dioxane (Diethylene dioxide)—Skin	100	360
Diphenyl	0.2	1
Diphenyl amine	—	10
Diphenylmethane diisocyanate (see Methylene bisphenyl isocyanate (MDI))	—	—
Dipropylene glycol methyl ether—Skin	100	600
Di-sec-octyl phthalate (Di-2-ethylhexyl-phthalate)	—	5
Emery	—	E
Endosulfan (Thiodan <sup>[R]</sup> )—skin	—	0.1
Endrin—Skin	—	0.1
Epichlorhydrin—Skin	5	19
EPN—Skin	—	0.5
1,2-Epoxypropane, see Propylene-oxide	—	—
2,3-Epoxy-1-propanol, see Glycidol	—	—
Ethane	F	—
Ethanethiol, see Ethylmercaptan	—	—
Ethanolamine	3	6
**2-Ethoxyethanol—Skin	(200)	(740)
2-Ethoxyethylacetate (Cellosolve acetate)—Skin	100	540
Ethyl acetate	400	1,400
Ethyl acrylate—Skin	25	100
Ethyl alcohol (ethanol)	1,000	1,900
Ethylamine	10	18
Ethyl sec-amyI ketone (5-methyl-3-heptanone)	25	130
Ethyl benzene	100	435
Ethyl bromide	200	890
Ethyl butyl keton (3-Heptanone)	50	230
Ethyl chloride	1,000	2,600
Ethyl ether	400	1,200
Ethyl formate	100	300
Ethyl mercaptan	0.5	1
Ethyl silicate	100	850
Ethylene	F	—

TABLE I

Threshold Limit Values (alphabetical order) substance	ppm (See note a)	mg/M <sup>3</sup> (See note b)
Ethylene chlorohydrin—Skin	5	16
Ethylenediamine	10	25
**Ethyene dibiomide	—	—
**Ethyene dichloride	—	—
C Ethylene glycol dinitrate and/or Nitroglycerin—Skin	0.2 (See note d)	—
Ethylene glycol monomethyl ether acetate (Methyl cellosolve acetate)—Skin	25	120
Ethylene imine—Skin	0.5	1
Ethylene oxide	50	90
Ethylidene chloride, see 1,1-Dichloroethane	—	—
n-Ethylmorpholine—Skin	20	94
Ferbam	—	15
Ferrovandium dust	—	1
Fluoride as dust	(0.1)	2.5 (0.2)
**Fluorine	(0.1)	(0.2)
Fluorotrichloromethane	1,000	5,600
*C Formaldehyde	2	3
Formic acid	5	9
Furfuryl—Skin	5	20
**Furfuryl alcohol	(50)	(200)
Gasoline	—	B <sup>2</sup>
Glass, fibrous or dust (See note e)	—	E
Glycerin mist	—	E
Glycidol (2,3-Epoxy-1-propanol)	50	150
Glycol monoethyl ether, see 2-Ethoxyethanol	—	—
Graphite, (Synthetic)	—	E
Guthion <sup>[R]</sup> , see Azinphosmethyl	—	—
Gypsum	—	E
Hafnium	—	0.5
Helium	F	—
Heptachlor—Skin	—	0.5
Heptane (n-heptane)	500	2,000
Hexachloroethane—Skin	1	10
Hexachloronaphthalene—Skin	—	0.2
Hexane (n-hexane)	500	1,800
2-Hexanone	100	410
Hexone (Methyl isobutyl ketone)	100	410
sec-Hexyl acetate	50	300
Hydrazine—Skin	1	1.3
Hydrogen	F	—
Hydrogen bromide	3	10
C Hydrogen chloride	5	7
Hydrogen cyanide—Skin	10	11
Hydrogen fluoride	3	2
Hydrogen peroxide	1	1.4
Hydrogen selenide	0.05	0.2
**Hydrogen sulfide	—	—
Hydroquinone	—	2
Indene	10	45
Indium and compounds, as In	—	0.1
C Iodine	0.1	1
Iron oxide fume	—	10
*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	100	300
**Isophorone	—	—
Isopropyl acetate	250	950
Isopropyl alcohol	400	980
Isopropylamine	5	12
**Isopropylether	—	—
Isopropyl glycidyl ether (IGE)	50	240
Kaolin	—	E
Ketene	0.5	0.9
Lead and its inorganic compounds	—	0.2
Lead arsenate	—	0.15
Limestone	—	E
Lindane	—	0.5
Lithium hydride	—	0.025
L.P.G. (Liquified petroleum gas)	1,000	1,800
Magnesite	—	E
Magnesium oxide fume	—	10
Malathion—Skin	—	10
Maleic anhydride	0.25	1

TABLE 1

TABLE 1

Threshold Limit Values (alphabetical order) substance	ppm (See note a)	mg/M <sup>3</sup> (See note b)
C Manganese and compounds, as Mn	—	5
Marble	—	E
***Mercury	—	—
***Mercury (alkyl)	—	—
Mesityl oxide	25	100
Methane	F	—
Methanethiol, see Methyl mercaptan	—	—
Methoxychlor	—	10
2-Methoxyethanol-skin (Methyl cellosolve)	25	80
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
Methylal (dimethoxy-methane)	1,000	3,100
Methyl alcohol (methanol)	200	260
Methylamine	10	12
Methyl amyl alcohol, see Methyl isobutyl carbinol	—	—
Methyl 2-cyano-acrylate	2	8
Methyl isoamyl ketone	100	475
Methyl (n-amyl) ketone (2-Heptanone)	100	465
**Methyl bromide—Skin	—	—
Methyl butyl ketone, see 2-Hexanone	—	—
Methyl cellosolve-skin, see 2-Methoxyethanol	—	—
Methyl cellosolve acetate—Skin, see Ethylene glycol monomethyl ether acetate	—	—
Methyl chloride	100	210
Methyl chloroform	350	1,900
Methylcyclohexane	500	2,000
**Methylcyclohexanol	(100)	(470)
**o-Methylcyclo-hexanone—Skin	(100)	(460)
Methylcyclopentadienyl manganese tricarbonyl (as Mn)—skin	0.1	0.2
Methyl demeton—skin	—	0.5
Methyl ethyl ketone (MEK), see 2-Butanone	—	—
Methyl formate	100	250
Methyl iodide—Skin	5	28
Methyl isobutyl carbinol—Skin	25	100
Methyl isobutyl ketone, see Hexone	—	—
Methyl isocyanate—Skin	0.02	0.05
Methyl mercaptan	0.5	1
Methyl methacrylate	100	410
Methyl parathion—skin	—	0.2
Methyl propyl ketone, see 2-Pentanone	—	—
C Methyl silicate	5	30
C α-Methyl styrene	100	480
C Methylene bisphenyl isocyanate (MDI)	0.02	0.2
***Methylene chloride	—	—
Molybdenum (soluble compounds)	—	5
(insoluble compounds)	—	10
Monomethyl aniline—Skin	2	9
C Monomethyl hydrazine—Skin	0.2	0.35
Morpholine—Skin	20	70
Naphtha (coal tar)	100	400
Naphthalene	10	50
β-Naphthylamine	—	A
Neon	F	(See note b)
Nickel carbonyl	0.001	A <sup>1</sup> 0.007 (See note a)
Nickel, metal and soluble compounds, as Ni	—	1
Nicotine—Skin	—	0.5
Nitric acid	2	5
Nitric oxide	25	30
p-Nitroaniline—Skin	1	6
Nitrobenzene—Skin	1	5
p-Nitrochlorobenzene—Skin	—	1
4-Nitrodiphenyl	—	A (See note a)
Nitroethane	100	310

Threshold Limit Values (alphabetical order) substance	ppm (See note a)	mg/M <sup>3</sup> (See note b)
Nitrogen	F	—
C Nitrogen dioxide	5	9
Nitrogen trifluoride	10	29
C Nitroglycerin—Skin	0.2	2
Nitromethane	100	250
1-Nitropropane	25	90
2-Nitropropane	25	90
n-Nitrosodimethyl-amine (Dimethyl-nitrosoamine)—Skin	—	A <sup>2</sup>
Nitrotoluene—Skin	5	30
Nitrotrichloromethane, see Chloropicrin	—	—
Nitrous Oxide	F	—
Octachloronaphthalene—Skin	—	0.1
Octane	400	1,900
Oil mist, particulate	—	5 (See note f)
Oil mist, vapor	B <sup>2</sup> (See note g)	—
Osmium tetroxide	—	0.002
Oxalic acid	—	1
Oxygen difluoride	0.05	0.1
Ozone	0.1	0.2
Paraquat—Skin	—	0.5
Parathion—Skin	—	0.1
Pentaborane	0.005	0.01
Pentachloronaphthalene—Skin	—	0.5
Pentachlorophenol—Skin	—	0.5
Pentaerythritol	—	E
Pentane	500	1,500
2-Pentanone	200	700
***Perchloroethylene	—	—
Perchloromethyl mercaptan	0.1	0.8
Perchloryl fluoride	3	14
Petroleum Distillates (naphtha)	B <sup>2</sup> (See note g)	—
Phenol—Skin	5	19
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)	10	60
Phenyldiazine—Skin	5	22
Phenothiazine-skin	—	5
Phosdrin (Mevinphos <sup>[R]</sup> )—Skin	—	0.1
Phosgene (carbonyl chloride)	0.1	0.4
Phosphine	0.3	0.4
Phosphoric acid	—	1
Phosphorus (yellow)	—	0.1
Phosphorus pentachloride	—	1
Phosphorus pentasulfide	—	1
Phosphorus trichloride	0.5	3
Phthalic anhydride	2	12
Picric acid—Skin	—	0.1
Pival <sup>[R]</sup> (2-Pivalyl-1,3-indandione)	—	0.1
Plaster of Paris	—	E
Platinum (Soluble Salts) as Pt	—	0.002
Polychlorobiphenyls, see Chlorodiphenyls	—	—
Polytetrafluoroethylene decomposition products	—	B <sup>1</sup>
Propane	F	—
β-Propiolactone	—	A <sup>2</sup>
Propargyl alcohol—Skin	1	—
n-Propyl acetate	200	840
Propyl alcohol	200	500
n-Propyl nitrate	25	110
Propylene dichloride (1,2-Dichloropropane)	75	350
*Propylene glycol monomethyl ether	100	360
Propylene imine—Skin	2	5
Propylene oxide	100	240
Propyne, see Methylacetylene	—	—
Pyrethrum	—	5
Pyridine	5	15
Quinone	0.1	0.4
RDX—Skin	—	1.5
Rhodium, Metal fume and dusts, as Rh	—	0.1
Soluble salts	—	0.001

TABLE 1

Threshold Limit Values (alphabetical order) substance	ppm (See note a)	mg/M <sup>3</sup> (See note b)
Ronnel	—	10
*Rosin Core Solder, pyrolysis products (as formaldehyde)	—	0.1
Rotenone (commercial)	—	5
Rouge	—	E
Selenium compounds (as Se)	—	0.2
Selenium hexafluoride	0.05	0.4
Silicon Carbide	—	E
Silver, metal and soluble compounds	—	0.01
Sodium fluoroacetate (1080)—Skin	—	0.05
Sodium hydroxide	—	2
Starch	—	E
Stibine	0.1	0.5
Stoddard solvent	200	1,150
Strychnine	—	0.15
***Styrene	—	—
Sucrose	—	E
Sulfur dioxide	5	13
Sulfur hexafluoride	1,000	6,000
Sulfuric acid	—	1
Sulfur monochloride	1	6
Sulfur pentafluoride	0.025	0.25
Sulfuryl fluoride	5	20
Systox, see Demeton [R]	—	—
2,4,5 T	—	10
Tantalum	—	5
TEDP—Skin	—	0.2
Teflon [R] decomposition products	—	B <sup>1</sup>
Tellurium	—	0.1
Tellurium hexafluoride	0.02	0.2
TEPP—Skin	—	0.05
C Terphenyls	1	9
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	5	35
***Tetrachloroethylene	—	—
Tetrachloromethane, see Carbon tetrachloride	—	—
Tetrachloronaphthalene—Skin	—	2
Tetraethyl lead (as Pb)—Skin	—	0.100 (See note h)
Tetrahydrofuran	200	590
Tetramethyl lead (as Pb)—Skin	—	0.150 (See note h)
Tetramethyl succinonitrile—Skin	0.5	3
Tetranitromethane	1	8
Tetryl (2,4,6-trinitrophenyl-methylnitramine)—Skin	—	1.5
Thallium (soluble compounds)—Skin (as Tl)	—	0.1
Thiram [R]	—	5
Tin (inorganic compounds, except SnH <sub>4</sub> and SnO <sub>2</sub> ) as Sn	—	2
Tin (organic compounds)—skin (as Sn)	—	0.1
Tin oxide	—	E
Titanium dioxide	—	E
***Toluene	—	—
C Toluene-2,4-diisocyanate	0.02	0.14
o-Toluidine—Skin	5	22
Toxaphene, see Chlorinated camphene	—	—
Tributyl phosphate	—	5
1,1,1-Trichloroethane, see Methyl chloroform	—	—
1,1,2-Trichloroethane—Skin	10	45
***Trichloroethylene	—	—
Trichloromethane, see Chloroform	—	—
Trichloronaphthalene—Skin	—	5
1,2,3-Trichloropropane	50	300
1,1,2-Trichloro 1,2,2-trifluoroethane	1,000	7,600
Triethylamine	25	100
Trifluoromono-bromomethane	1,000	6,100
Trimethyl benzene	25	120
2,4,6-Trinitrophenol, see Picric acid	—	—
2,4,6-Trinitrophenyl-methylnitramine, see Tetryl	—	—

TABLE 1

Threshold Limit Values (alphabetical order) substance	ppm (See note a)	mg/M <sup>3</sup> (See note b)
Trinitrotoluene—Skin	—	1.5
Triorthocresyl phosphate	—	0.1
Triphenyl phosphate	—	3
Tungsten & Compounds, as W	—	—
Soluble	—	1
Insoluble	—	5
Turpentine	100	560
Uranium (natural) sol. & insol. compounds as U	—	0.2
Vanadium (V <sub>2</sub> O <sub>5</sub> ), as V Dust	—	0.5
*C Fume	—	0.05
Vinyl acetate	10	30
Vinyl benzene, see Styrene	—	—
*Vinyl bromide	250	1,100
Vinyl chloride	200	510
Vinylcyanide, see Acrylonitrile	—	—
Vinyl toluene	100	480
Warfarin	—	0.1
Xylene (xylol)	100	435
Xylidine—Skin	5	25
Yttrium	—	1
Zinc chloride fume	—	1
Zinc oxide fume	—	5
Zirconium compounds (as Zr)	—	5

- \* 1972 Addition
- \*\* Intended Changes
- \*\*\* See Table 2
- 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.
- d) An atmospheric concentration of not more than 0.02 ppm, or personal protection may be necessary to avoid headache.
- e) <5-7 μm in diameter.
- f) As sampled by method that does not collect vapor.
- g) According to analytically determined composition.
- h) For control of general room air, biologic monitoring is essential for personnel control.

NOTE: See Notice of Intended Changes (for 1972) in Appendix G.

Material	8-hour time weighted average	+ TABLE 2 [See note a)]		Acceptable maximum peak above the acceptable ceiling concentration for an 8 hour shift.	
		Acceptable ceiling concentration	Concentration	Maximum duration	
Benzene (Z37.4-1969)	10 ppm	25 ppm	50 ppm	10 minutes.	
Beryllium and beryllium compounds (Z37.29-1970)	2 μg/M <sup>3</sup>	5 μg/M <sup>3</sup>	25 μg/M <sup>3</sup>	30 minutes.	
Cadmium dust (Z37.5-1970)	0.2 mg/M <sup>3</sup>	0.6 mg/M <sup>3</sup>			
Carbon disulfide (Z37.3-1968)	20 ppm	30 ppm	100 ppm	30 minutes.	
Carbon Tetrachloride (Z37.17-1967)	10 ppm	25 ppm	200 ppm	5 minutes in any 4 hours.	
Ethylene dibromide (Z37.31-1970)	20 ppm	30 ppm	50 ppm	5 minutes.	
Ethylene dichloride (Z37.21-1969)	50 ppm	100 ppm	200 ppm	5 minutes in any 3 hours.	
Methylene Chloride (Z37.3-1969)	500 ppm	1,000 ppm	2,000 ppm	5 minutes in any 2 hours.	
Organo (alkyl) mercury (Z37.30-1969)	0.01 mg/M <sup>3</sup>	0.04 mg/M <sup>3</sup>			
Styrene (Z37.15-1969)	100 ppm	200 ppm	600 ppm	5 minutes in any 3 hours.	

+ TABLE 2  
[See note a)]

Material	8-hour time weighted average	Acceptable ceiling concentration	Acceptable maximum peak above the acceptable ceiling concentration for an 8 hour shift.	
			Concentration	Maximum duration
Trichloroethylene (Z37.19-1967)	100 ppm	200 ppm	300 ppm	5 minutes in any 2 hours.
Tetrachloroethylene (Z37.22-1967)	100 ppm	200 ppm	300 ppm	5 minutes in any 3 hours.
Toluene (Z37.12-1967)	200 ppm	300 ppm	500 ppm	10 minutes.
Hydrogen sulfide (Z37.2-1966)	10 ppm	20 ppm	50 ppm	10 minutes once only if no measurable exposure occurs.
Mercury (Z37.8-1971)	0.05 mg/M <sup>3</sup>	0.1 mg/M <sup>3</sup>		
Chromic acid and chromates (Z37.7-1971)		0.1 mg/M <sup>3</sup>		

<sup>a</sup>Acceptable ceiling concentrations. An employee's exposure to a material listed in table 2 shall not exceed at any time during an 8-hour shift the acceptable ceiling concentration limit given for the material in the table, except for a time period, and up to a concentration not exceeding the maximum duration and concentration allowed in the column under "acceptable maximum peak above the acceptable ceiling concentration for an 8-hour shift".

Example. During an 8-hour work shift, an employee may be exposed to a concentration of Benzene above 25 ppm (but never above 50 ppm) only for a maximum period of 10 minutes. Such exposure must be compensated by exposures to concentrations less than 10 ppm so that the cumulative exposure for the entire 8-hour work shift does not exceed a weighted average of 10 ppm.

+TABLE 3  
((MINERAL)) DUSTS

Substance	Mppcf (See note e)	mg/M <sup>3</sup>
Silica:		
Crystalline: (See note f)		
Quartz (respirable) .....	300	10mg/M <sup>3</sup> m
	%SiO <sub>2</sub> +10	%SiO <sub>2</sub> +2
Quartz (total dust) .....		30mg/M <sup>3</sup>
		%SiO <sub>2</sub> +3
Cristobalite: Use 1/2 the value calculated from the count or mass formulae for quartz.		
Tridymite: Use 1/2 the value calculated from the formulae for quartz.		
Amorphous, including natural diatomaceous earth .....	20	80mg/M <sup>3</sup>
		%SiO <sub>2</sub>
Silicates (less than 1% crystalline silica):		
Mica .....	20	
Soapstone .....	20	
Talc .....	20	
Portland cement .....	50	
Graphite (natural) .....	15	
Coal dust (respirable fraction less than 5% SiO <sub>2</sub> ) .....		2.4mg/M <sup>3</sup>
		or
For more than 5% SiO <sub>2</sub> .....		10mg/M <sup>3</sup>
		%SiO <sub>2</sub> +2

+TABLE 3  
((MINERAL)) DUSTS

Substance	Mppcf (See note e)	mg/M <sup>3</sup>
Inert or Nuisance Dust:		
Respirable fraction .....	15	5mg/M <sup>3</sup>
Total dust .....	30	10mg/M <sup>3</sup>

NOTE: Conversion factors—  
mppcf X 35.3 = million particles per cubic meter  
= particles per c.c.

e Millions of particles per cubic foot of air, based on impinger samples counted by light-field techniques.

f 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.

m Both concentration and percent quartz for the application of this limit are to be determined from the fraction passing a size-selector with the following characteristics:

Aerodynamic diameter (unit density sphere)	Percent passing selector
2	90
2.5	75
3.5	50
5.0	25
10	0

The measurements under this note refer to the use of an AEC instrument. If the respirable fraction of coal dust is determined with a MRE the figure corresponding to that of a 2.4 mg/M<sup>3</sup> in the table for coal dust is 4.5 mg/M<sup>3</sup>.

AMENDATORY SECTION (Amending Order 76-29, filed 9/30/76)

WAC 296-155-330 RIGGING EQUIPMENT FOR MATERIAL HANDLING. (1) General. (a) Rigging equipment for material handling shall be inspected prior to use on each shift and as necessary during its use to ensure that it is safe. Defective rigging equipment shall be removed from service.

(b) Rigging equipment shall not be loaded in excess of its recommended safe working load, as prescribed in Tables F-1 through F-20 in this Part.

(c) Rigging equipment, when not in use, shall be removed from the immediate work area so as not to present a hazard to employees.

(d) Special custom design grabs, hooks, clamps, or other lifting accessories, for such units as modular panels, prefabricated structures and similar materials, shall be marked to indicate the safe working loads and shall be proof-tested prior to use to ((+25)) one hundred twenty-five percent of their rated load.

(2) Alloy Steel Chains. (a) Welded alloy steel chain slings shall have permanently affixed durable identification stating size, grade, rated capacity, and sling manufacturer.

(b) Hooks, rings, oblong links, pear-shaped links, welded or mechanical coupling links, or other attachments, when used with alloy steel chains, shall have a rated capacity at least equal to that of the chain.

(c) The use of job or shop hooks and links, or makeshift fasteners, formed from bolts, rods, etc., or other such attachments, shall be prohibited.

(d) Rated capacity (working load limit) for alloy steel chain slings shall conform to the values shown in Table F-1.

(e) Whenever wear at any point of any chain link exceeds that shown in Table F-2, the assembly shall be removed from service.

(f) If at any time any three foot length of chain is found to have stretched one-third the length of a link it shall be discarded.

(g) The practice of placing bolts or nails between two links to shorten chains is prohibited.

(h) Splicing broken chains by inserting a bolt between two links with the heads of the bolt and the nut sustaining the load, or passing one link through another and inserting a bolt or nail to hold it, is prohibited.

(i) Wherever annealing of chains is attempted, it shall be done in properly equipped annealing furnaces and under the direct supervision of a competent person.

(3) Wire Rope. (a) Table F-3 through F-14 shall be used to determine the safe working loads of various sizes and classifications of improved plow steel wire rope and wire rope slings with various types of terminals. For sizes, classifications, and grades not included in these tables, the safe working load recommended by the manufacturer for specific, identifiable products shall be followed, provided that a safety factor of not less than 5 is maintained.

(b) Protruding ends of strands in splices on slings and bridles shall be covered or blunted.

(c) Wire rope shall not be secured by knots.

(d) The following limitations shall apply to the use of wire rope:

(i) An eye splice made in any wire rope shall have not less than three full tucks.

NOTE: This requirement shall not preclude the use of another form of splice or connection which can be shown to be as efficient and which is not otherwise prohibited.

(ii) Except for eye splices in the ends of wires and for endless rope slings, each wire rope used in hoisting or lowering, or in pulling loads, shall consist of one continuous piece without knot or splice.

(iii) Wire rope shall not be used, if in any length of eight diameters, the total number of visible broken wires exceeds ((+10)) ten percent of the total number of wires, or if the rope shows other signs of excessive wear, corrosion, or defect.

(e) When U-bolt wire rope clips are used to form eyes, Table F-20 shall be used to determine the number and spacing of clips.

(f) When used for eye splices, the U-bolt shall be applied so that the "U" section is in contact with the dead end of the rope.

((g) Eyes in wire rope bridles, slings or bull wires shall not be formed by wire rope clips or knots.))

NOTE: See Table F-20 for number of clamps and spacing requirements.

**CORRECT METHOD OF ATTACHING WIRE ROPE CLIPS**

SEE ILLUSTRATION  
(WAC 296-155-330)

U-Bolt of all clips on dead end of rope

(4) Natural Rope, and Synthetic Fiber. (a) General. When using natural or synthetic fiber rope slings, Tables F-15, F-16, F-17 and F-18 shall apply.

(b) All splices in rope slings provided by the employer shall be made in accordance with fiber rope manufacturers' recommendations.

(i) In manila rope, eye splices shall contain at least three full tucks, and short splices shall contain at least six full tucks (three on each side of the centerline of the splice).

(ii) In layed synthetic fiber rope, eye splices shall contain at least four full tucks, and short splices shall contain at least eight full tucks (four on each side of the centerline of the splice).

(iii) Strand end tails shall not be trimmed short (flush with the surface of the rope) immediately adjacent to the full tucks. This precaution applies to both eye and short splices and all types of fiber rope. For fiber ropes under 1-inch diameter, the tails shall project at least six rope diameters beyond the last full tuck. For fiber ropes 1-inch diameter and larger, the tails shall project at least 6 inches beyond the last full tuck. In applications where the projecting tails may be objectionable, the tails shall be tapered and spliced into the body of the rope using at least two additional tucks (which will require a tail length of approximately six rope diameters beyond the last full tuck).

(iv) For all eye splices, the eye shall be sufficiently large to provide an included angle of not greater than 60° at the splice when the eye is placed over the load or support.

(v) Knots shall not be used in lieu of splices.

(vi) All fibre rope used for hoisting purposes or for the support of scaffolds, or any part thereof, shall be of high grade Manila hemp

(abaca). Fibre rope used for the support of scaffolds, or any part thereof, except rope used for lashing or tying purposes, shall be not less than ((three-fourths-))3/4((3))-inch in diameter.

(vii) The maximum safe working load for fibre rope shall not exceed ((one-sixth-))1/6((3)) of the maximum strength as shown in the following table:

**STRENGTH OF HIGH GRADE MANILA (ABACA) ROPE  
COMMON LAY THREE STRAND**

Approximate Diameter in inches	Circumference in inches	Safe Load in Pounds
3/16 (6 yarns)	1/2	98
1/4 (6 yarns)	3/4	116
5/16 (6 yarns)	1	200
3/8 (12 yarns)	1 1/8	241
7/16 (15 yarns)	1 1/4	291
15/32 (18 yarns)	1 3/8	350
1/2 (21 yarns)	1 1/2	408
9/16	1 3/4	526
5/8	2	666
3/4	2 1/4	816
13/16	2 1/2	983
7/8	2 3/4	1,166
1	3	1,366
1 1/16	3 1/4	1,683
1 1/8	3 1/2	1,833
1 1/4	3 3/4	2,083
1 5/16	4	2,365
1 3/8	4 1/4	2,666
1 1/2	4 1/2	2,916

NOTE: This table is based on data contained in the U.S. Department of Commerce circular of the Bureau of Standards, No. 324.

(5) Synthetic Webbing (Nylon, Polyester, and Polypropylene). (a) The employer shall have each synthetic web sling marked or coded to show:

- (i) Name or trademark of manufacturer.
- (ii) Rated capacities for the type of hitch.
- (iii) Type of material.

(b) Rated capacity shall not be exceeded.

(6) Shackles and Hooks. (a) Table F-19 shall be used to determine the safe working loads of various sizes of shackles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than 5 is maintained.

(b) The manufacturer's recommendations shall be followed in determining the safe working loads of the various sizes and types of specific and identifiable hooks. All hooks for which no applicable manufacturer's recommendations are available shall be tested to twice the intended safe working load before they are initially put into use. The employer shall maintain a record of the dates and results of such tests.

(c) Hooks shall not be modified by welding and/or drilling unless written approval by the manufacturer has been received.

(7) Slings. (a) When slings are provided as a part of the hoisting equipment, every precaution shall be taken to keep them in a serviceable condition.

(i) Cable slings shall be frequently inspected and oiled.

(ii) Slings shall not be left where they can be damaged by traffic or form stumbling hazards.

(iii) Blocks or heavy bagging shall be used at corners of the load to protect the sling from sharp bending.

(b) When a load is lifted by a multiple rope sling the sling shall be so arranged that the strain can be equalized between the ropes.

(i) When using a sling with both ends engaged in the hoisting block, the sling shall be adjusted so as to equalize the stress.

(ii) Slings shall be placed on the load at safe lifting angles.

(8) Material Handling—General. (a) When necessary to store building material on public thoroughfares, care shall be exercised to see that it is so piled or stacked as to be safe against collapse or falling over.

(b) Material shall be so located as not to interfere with, or present a hazard to employees, traffic or the public.

AMENDATORY SECTION (Amending Order 76-29, filed 9/30/76)

**WAC 296-155-480 LADDERS.** (1) General Requirements. (a) All applicable rules for design, construction, maintenance, operation, testing, and use of ladders contained in WAC 296-24-780 through 296-24-81013 of the General Safety and Health Standards shall be complied with.

(b) Except where either permanent or temporary stairways or suitable ramps or runways are provided, ladders described in this Part shall be used to give safe access to all elevations.

(c) The use of ladders with broken or missing rungs or steps, broken or split side rails, or other faulty or defective construction is prohibited. When ladders with such defects are discovered, they shall be immediately withdrawn from service. Inspection of metal ladders shall include checking for corrosion of interiors of open end hollow rungs.

(d) Manufactured portable wood ladders provided by the employer shall be in accordance with the provisions of the American National Standards Institute, A14.1-1968, Safety Code for Portable Wood Ladders.

(e) Portable metal ladders shall be of strength equivalent to that of wood ladders. Manufactured portable metal ladders provided by the employer shall be in accordance with the provisions of the American National Standards Institute, A14.2-1972, Safety Code for Portable Metal Ladders.

(f) Fixed ladders shall be in accordance with the provisions of the American National Standards Institute, A14.3-1956, Safety Code for Fixed Ladders.

(g) Feet of portable ladders shall be placed on a substantial base, and the area around the top and bottom of the ladder shall be kept clear.

(h) Portable ladders shall be used at such a pitch that the horizontal distance from the top support to the foot of the ladder is about one-quarter of the working length of the ladder (the length along the ladder between the foot and the top support). Ladders shall not be used in a horizontal position as platforms, runways, or scaffolds.

(i) Ladders shall not be placed in passageways, doorways, driveways, or any location where they may be displaced by activities being conducted on any other work, unless protected by barricades or guards.

(j) The side rails shall extend not less than 36 inches above the landing. When this is not practical, grab rails, which provide a secure grip for an employee moving to or from the point of access, shall be installed.

(k) Portable straight ladders in use shall be tied, blocked, equipped with safety shoes or otherwise secured to prevent their being displaced.

(l) Portable metal ladders shall not be used for electrical work or where they may contact electrical conductors.

(m) Unless otherwise stated, all lumber sizes shall be nominal.

(n) When working from a ladder over 25 feet from the ground or floor, the ladder shall be secured at both top and bottom.

(o) No type of work shall be performed on a ladder over 25 feet from the ground or floor that requires the use of both hands to perform the work.

(p) Work, such as sandblasting or spray painting, that requires wearing eye protection, respirators, and handling of pressure equipment, shall be limited to not over 30 feet from the ground or floor while working on a ladder.

(2) Job-Made Ladders. (a) Job-made ladders shall be constructed for intended use.

(b) If a ladder is to provide the only means of access or exit from a working area for ((25)) twenty-five or more employees, or simultaneous two-way traffic is expected, a double cleat ladder shall be installed.

(c) Double cleat ladders shall not exceed 24 feet in length.

(d) Single cleat ladders shall not exceed 30 feet in length between supports (base and top landing). If ladders are to connect different landings, or if the length required exceeds this maximum length, two or more separate ladders shall be used, offset with a platform between each ladder. Guardrails and toeboards shall be erected on the exposed sides of the platforms.

(e) The width of single cleat ladders shall be at least 15 inches, but not more than 20 inches between rails at the top.

(f) It is preferable that side rails be continuous. If splicing is necessary to attain the required length however, the splice must develop the full strength of a continuous side rail of the same length.

(g) 2-inch by 4-inch lumber shall be used for side rails of single cleat ladders up to 16 feet long; 3-inch by 6-inch lumber, or the equivalent, shall be used for single cleat ladders from 16 to 30 feet in length.

(h) 2-inch by 4-inch lumber shall be used for side and middle rails of double cleat ladders up to 12 feet in length; 2-inch by 6-inch lumber for double cleat ladders from 12 to 24 feet in length.

(i) ((2-inch)) 1-inch by 4-inch lumber shall be used for cleats of single and double cleat ladders.

(j) Cleats shall be inset into the edges of the side rails one-half inch, or filler blocks shall be used on the rails between the cleats. The cleats shall be secured to each rail with three 10d common wire nails or other fasteners of equivalent strength. Cleats shall be uniformly spaced, 12 inches top-to-top.

(k) Side rails shall be parallel or flared top to bottom by not more than one-quarter of an inch for each ((two)) 2 feet of ladder.

(l) Wood side rails of ladders having cleats shall be not less than 1-1/2 inches thick and 3-1/2 inches deep (2 inches by 4 inches nominal) when made of Group 2 or Group 3 woods (see Table J-18). Wood side rails of Group 4 wood (See Table J-18) may be used in the same cross-section of dimensions for cleat ladders up to 20 feet in length.

AMENDATORY SECTION (Amending Order 76-29, filed 9/30/76)

**WAC 296-155-485 SCAFFOLDING.** (1) General Requirements. (a) All applicable rules for design, construction, maintenance, operation, testing, and use of scaffolds contained in chapter 296-24 WAC, "General Safety and Health Standards", shall apply within the construction industry. (See WAC 296-24-825 through 296-24-84013).

(b) Scaffolds shall be erected in accordance with requirements of this section.

(c) The footing or anchorage for scaffolds shall be sound, rigid, and capable of carrying the maximum intended load without settling or displacement. Unstable objects such as barrels, boxes, loose brick, or concrete blocks, shall not be used to support scaffolds or planks.

(d) No scaffold shall be erected, moved, dismantled, or altered except under the supervision of competent persons.

(e) Guardrails and toeboards shall be installed on all open sides and ends of platforms more than 10 feet above the ground or floor, except needle beam scaffolds and floats. The guardrail shall not be more than 18 inches from the edge of the outside platform plank on the outside face (opposite the building wall or structure) except on plasterer's and lather's scaffolds as permitted by WAC 296-155-485(18)(l). On the inside face (next to building or structure) the scaffold shall be as close to the building or structure as possible, but in no case shall the platform planks be more than 18 inches from the building or structure unless a standard guardrail is provided on the inside face of the scaffold. Scaffolds 4 feet to 10 feet in height, having a minimum horizontal dimension in either direction of less than 45 inches, shall have standard guardrails and toeboards installed on all open sides and ends of the scaffold platform.

(f) Where persons are required to work or pass under the scaffold, scaffolds shall be provided with a screen between the toeboard and the guardrail, extending along the entire opening, consisting of No. 18 gauge U.S. Standard wire 1/2-inch mesh, or the equivalent.

(g) Scaffolds and their components shall be capable of supporting without failure at least 4 times the maximum intended load.

(h) Any scaffold including accessories such as braces, brackets, trusses, screw legs, ladders, etc. damaged or weakened from any cause shall be immediately repaired or replaced.

(i) All load-carrying timber members of scaffold framing shall be a minimum of 1,500 fiber (Stress Grade) construction grade lumber. All dimensions are nominal sizes as provided in the American Lumber Standards, except that where rough sizes are noted, only rough or undressed lumber of the size specified will satisfy minimum requirements.

(j) All planking shall be Scaffold Grades, or equivalent, as recognized by approved grading rules for the species of wood used. The maximum permissible spans for 2- x 10-inch or wider planks shall be as shown in Table J-1.

(k) The maximum permissible span for 1 1/4- x 9-inch or wider plank of full thickness shall be 4 feet with medium duty loading of 50 p.s.f.

(l) All planking or platforms shall be overlapped (minimum 12 inches), or secured from movement and the platform shall be a minimum of two 2-inch by 10-inch planks in width or a minimum of 18 inches.

(m) An access ladder or equivalent safe access shall be provided.

(n) Scaffold planks shall extend over their end supports not less than 6 inches nor more than 12 inches.

(o) The poles, legs, or uprights of scaffolds shall be plumb, and securely and rigidly braced to prevent swaying and displacement.

(p) Overhead protection shall be provided for persons on a scaffold exposed to overhead hazards.

(q) Slippery conditions on scaffolds shall be eliminated as soon as possible after they occur.

(r) No welding, burning, riveting, or open flame work shall be performed on any staging suspended by means of fiber or synthetic rope. Only treated or protected fiber or synthetic ropes shall be used for or near any work involving the use of corrosive substances or chemicals. Specific requirements for boatswain's chairs and float or ship scaffolds are contained in subsections (12) and (24) of this section.

(s) Wire, synthetic, or fiber rope used for scaffold suspension shall be capable of supporting at least 6 times the rated load.

(t) The use of shore or lean-to scaffolds is prohibited.

(2) Wood Pole Scaffolds. (a) Scaffold poles shall bear on a foundation of sufficient size and strength to spread the load from the pole over a sufficient area to prevent settlement. All poles shall be set plumb.

(b) Where wood poles are spliced, the ends shall be squared and the upper section shall rest squarely on the lower section. Wood splice plates shall be provided on at least two adjacent sides and shall be not less than 4 feet in length, overlapping the abutted ends equally, and have the same width and not less than the cross-sectional area of the pole. Splice plates or other materials of equivalent strength may be used.

(c) Independent pole scaffolds shall be set as near to the wall of the building as practicable.

(d) All pole scaffolds shall be securely guyed or tied to the building or structure. Where the height or length exceeds 25 feet, the scaffold shall be secured at intervals not greater than 25 feet vertically and horizontally.

(e) Putlogs or bearers shall be set with their greater dimension vertical, and long enough to project over the ledgers of the inner and outer rows of poles at least 3 inches for proper support.

(f) Every wooden putlog on single pole scaffolds shall be reinforced with a 3/16- x 2-inch steel strip, or equivalent, secured to its lower edge throughout its entire length.

(g) Ledgers shall be long enough to extend over two pole spaces. Ledgers shall not be spliced between the poles. Ledgers shall be reinforced by bearing blocks securely nailed to the side of the pole to form a support for the ledger.

(h) Diagonal bracing shall be provided to prevent the poles from moving in a direction parallel with the wall of the building, or from buckling.

(i) Cross bracing shall be provided between the inner and outer sets of poles in independent pole scaffolds. The free ends of pole scaffolds shall be cross braced.

(j) Full diagonal face bracing shall be erected across the entire face of pole scaffolds in both directions. The braces shall be spliced at the poles. The inner row of poles on medium and heavy duty scaffolds shall be braced in a similar manner.

(k) Platform planks shall be laid with their edges close together so the platform will be tight with no spaces through which tools or fragments of material can fall.

(l) Where planking is lapped, each plank shall lap its end supports at least 12 inches. Where the ends of planks abut each other to form a flush floor, the butt joint shall be at the centerline of a pole. The abutted ends shall rest on separate bearers. Intermediate beams shall be provided where necessary to prevent dislodgment of planks due to deflection, and the ends shall be secured to prevent their dislodgment.

(m) When a scaffold materially changes its direction, the platform planks shall be laid to prevent tipping. The planks that meet the corner putlog at an angle shall be laid first, extending over the diagonally placed putlog far enough to have a good safe bearing, but not far enough to involve any danger from tipping. The planking running in the opposite direction at an angle shall be laid so as to extend over and rest on the first layer of planking.

(n) When moving platforms to the next level, the old platform shall be left undisturbed until the new putlogs or bearers have been set in place, ready to receive the platform planks.

(o) All wood pole scaffolds 60 feet or less in height shall be constructed and erected in accordance with Tables J-2 to J-8. If they are over 60 feet in height, they shall be designed by a qualified engineer competent in this field, and it shall be constructed and erected in accordance with such design.

(3) Tube and Coupler Scaffolds. (a) A light duty tube and coupler scaffold shall have all posts, bearers, runners, and bracing of nominal 2-inch O.D. steel tubing. The posts shall be spaced no more than 6 feet apart by 10 feet along the length of the scaffold. Other structural

metals when used must be designed to carry an equivalent load. No dissimilar metals shall be used together.

(b) A medium duty tube and coupler scaffold shall have all posts, runners, and bracing of nominal 2-inch O.D. steel tubing. Posts spaced not more than 6 feet apart by 8 feet along the length of the scaffold shall have bearers of nominal 2 1/2-inch O.D. steel tubing. Posts spaced not more than 5 feet apart by 8 feet along the length of the scaffold shall have bearers of nominal 2-inch O.D. steel tubing. Other structural metals, when used, must be designed to carry an equivalent load. No dissimilar metals shall be used together.

(c) A heavy duty tube and coupler scaffold shall have all posts, runners, and bracing of nominal 2-inch O.D. steel tubing, with the posts spaced not more than 6 feet by 6 feet-6 inches. Other structural metals, when used, must be designed to carry an equivalent load. No dissimilar metals shall be used together.

(d) Tube and coupler scaffolds shall be limited in heights and working levels to those permitted in Tables J-8, J-9 and J-10. Drawings and specifications of all tube and coupler scaffolds above the limitations in Tables J-8, J-9 and J-10 shall be designed by a qualified engineer competent in this field.

(e) All tube and coupler scaffolds shall be constructed and erected to support four times the maximum intended loads, as set forth in Tables J-8, J-9 and J-10, or as set forth in the specifications by a licensed professional engineer competent in this field.

(f) Posts shall be accurately spaced, erected on suitable bases, and maintained plumb.

(g) Runners shall be erected along the length of the scaffold, located on both the inside and the outside posts at even height. Runners shall be interlocked to the inside and the outside posts at even heights. Runners shall be interlocked to form continuous lengths and coupled to each post. The bottom runners shall be located as close to the base as possible. Runners shall be placed not more than 6 feet-6 inches on centers.

(h) Bearers shall be installed transversely between posts and shall be securely coupled to the posts bearing on the runner coupler. When coupled directly to the runners, the coupler must be kept as close to the posts as possible.

(i) Bearers shall be at least 4 inches but not more than 12 inches longer than the post spacing or runner spacing.

(j) Cross bracing shall be installed across the width of the scaffold at least every third set of posts horizontally and every fourth runner vertically. Such bracing shall extend diagonally from the inner and outer runners upward to the next outer and inner runners.

(k) Longitudinal diagonal bracing on the inner and outer rows of poles shall be installed at approximately a 45° angle from near the base of the first outer post upward to the extreme top of the scaffold. Where the longitudinal length of the scaffold permits, such bracing shall be duplicated beginning at every fifth post. In a similar manner, longitudinal diagonal bracing shall also be installed from the last post extending back and upward toward the first post. Where conditions preclude the attachment of this bracing to the posts, it may be attached to the runners.

(l) The entire scaffold shall be tied to and securely braced against the building at intervals not to exceed 30 feet horizontally and 26 feet vertically.

(4) Tubular Welded Frame Scaffolds. (a) Metal tubular frame scaffolds, including accessories such as braces, brackets, trusses, screw legs, ladders, etc., shall be designed, constructed, and erected to safely support four times the maximum rated load.

(b) Spacing of panels or frames shall be consistent with the loads imposed.

(c) Scaffolds shall be properly braced by cross bracing or diagonal braces, or both, for securing vertical members together laterally, and the cross braces shall be of such length as will automatically square and align vertical members so that the erected scaffold is always plumb, square, and rigid. All brace connections shall be made secure.

(d) Scaffold legs shall be set on adjustable bases or plain bases placed on mud sills or other foundations adequate to support the maximum rated load.

(e) The frames shall be placed one on top of the other with coupling or stacking pins to provide proper vertical alignment of the legs.

(f) Where uplift may occur, panels shall be locked together vertically by pins or other equivalent suitable means.

(g) To prevent movement, the scaffold shall be secured to the building or structure at intervals not to exceed 30 feet horizontally and 26 feet vertically.

(h) Maximum permissible spans or planking shall be in conformity with (1)(j) of this section.

(i) Drawings and specifications for all frame scaffolds over 125 feet in height above the base plates shall be designed by a registered professional engineer.

(5) Manually Propelled Mobile Scaffolds. (a) When freestanding mobile scaffold towers are used, the height shall not exceed four times the minimum base dimension.

(b) Casters shall be properly designed for strength and dimensions to support four times the maximum intended load. All casters shall be provided with a positive locking device to hold the scaffold in position.

(c) Scaffolds shall be properly braced by cross bracing and horizontal bracing conforming with (4)(c) of this section.

(d) Platforms shall be tightly planked for the full width of the scaffold except for necessary entrance opening. Platforms shall be secured in place.

(e) A ladder or stairway shall be provided for proper access and exit and shall be affixed or built into the scaffold and so located that when in use it will not have a tendency to tip the scaffold. A landing platform must be provided at intervals not to exceed 35 feet.

(f) The force necessary to move the mobile scaffold shall be applied near or as close to the base as practicable and provision shall be made to stabilize the tower during movement from one location to another. Scaffolds shall only be moved on level floors, free of obstructions and openings.

(g) The employer shall not allow employees to ride on manually propelled scaffolds unless the following conditions exist:

(i) The floor or surface is within 3° of level, and free from pits, holes, or obstructions;

(ii) The minimum dimension of the scaffold base when ready for rolling, is at least one-half of the height. Outriggers, if used, shall be installed on both sides of staging;

(iii) The wheels are equipped with rubber or similar resilient tires;

(iv) All tools and materials are secured or removed from the platform before the mobile scaffold is moved.

(h) Scaffolds in use by any persons shall rest upon a suitable footing and shall stand plumb. The casters or wheels shall be locked to prevent any movement.

(i) Mobile scaffolds constructed of metal members shall also conform to applicable provisions of subsections (2), (3), and (4) of this section, depending on the material of which they are constructed.

(6) Elevating and Rotating Work Platforms. Applicable requirements of American National Standards Institute A92.2-1969, Vehicle Mounted Elevating and Rotating Work Platforms, shall be complied with for such equipment, as required by the provisions of WAC 296-155-580.

(7) Outrigger Scaffolds. (a) Outrigger beams shall extend not more than 6 feet beyond the face of the building. The inboard end of outrigger beams, measured from the fulcrum point to anchorage point, shall be not less than 1 1/2 times the outboard end in length. The beams shall rest on edge, the sides shall be plumb, and the edges shall be horizontal. The fulcrum point of the beam shall rest on a secure bearing at least 6 inches in each horizontal dimension. The beam shall be secured in place against movement and shall be securely braced at the fulcrum point against tipping.

(b) The inboard ends of outrigger beams shall be securely anchored either by means of struts bearing against sills in contact with the overhead beams or ceiling, or by means of tension members secured to the floor joists underfoot, or by both if necessary, or by a securely fastened solid body counterweight. (Water in an open container or loose material in bags shall not be permitted.) The inboard ends of outrigger beams shall be secured against tipping and the entire supporting structure shall be securely braced in both directions to prevent any horizontal movement.

(c) Unless outrigger scaffolds are designed by a registered professional engineer competent in this field, they shall be constructed and erected in accordance with Table J-11. Outrigger scaffolds, designed by a registered professional engineer, shall be constructed and erected in accordance with such design.

(d) Planking shall be laid tight and shall extend to within 3 inches of the building wall. Planking shall be secured to the beams.

(8) Masons' Adjustable Multiple-Point Suspension Scaffolds. (a) The scaffold shall be capable of sustaining a working load of 50 pounds per square foot and shall not be loaded in excess of that figure.

(b) The scaffold shall be provided with hoisting machines that meet the requirements of Underwriters' Laboratories, Factory Mutual Engineering Corporation, or other agency or laboratory approved by the Department of Labor and Industries.

(c) The platform shall be supported by wire ropes, capable of supporting at least 6 times the intended load, suspended from overhead outrigger beams.

(d) The scaffold outrigger beams shall consist of structural metal securely fastened or anchored to the frame or floor system of the building or structure.

(e) Each outrigger beam shall be equivalent in strength to at least a standard 7-inch, 15.3-pound steel I-beam, at least 15 feet long, and shall not project more than 6 feet 6 inches beyond the bearing point.

(f) Where the overhang exceeds 6 feet 6 inches, outrigger beams shall be composed of stronger beams or multiple beams and be installed under the supervision of a competent person.

(g) All outrigger beams shall be set and maintained with their webs in a vertical position.

(h) A stop bolt shall be placed at each end of every outrigger beam.

(i) The outrigger beam shall rest on suitable wood bearing blocks.

(j) The free end of the suspension wire ropes shall be equipped with proper size thimbles and secured by splicing or other equivalent means. The running ends shall be securely attached to the hoisting drum and at least four turns of wire rope shall at all times remain on the drum. The use of fiber rope is prohibited.

(k) Where a single outrigger beam is used, the steel shackles or clevises with which the wire ropes are attached to the outrigger beams shall be placed directly over the hoisting drums.

(l) The scaffold platform shall be equivalent in strength to at least 2-inch planking. (For maximum planking spans, see subsection (1)(j) of this section.)

(m) When employees are at work on the scaffold and an overhead hazard exists, overhead protection shall be provided on the scaffold, not more than 9 feet above the platform, consisting of 2-inch planking, or material of equivalent strength, laid tight, and extending not less than the width of the scaffold.

(n) Each scaffold shall be installed or relocated under the supervision of a competent person.

(9) (Swinging Scaffolds) Two-Point Suspension. (a) Two-point suspension scaffold platforms shall be not less than 20 inches nor more than 36 inches wide overall. The platform shall be securely fastened to the hangers by U-bolts or by other equivalent means.

(b) The hangers of two-point suspension scaffolds shall be made of mild steel, or other equivalent materials, having a cross-sectional area capable of sustaining 4 times the maximum rated load, and shall be designed with a support for guardrail, intermediate rail, and toeboard.

(c) When hoisting machines are used on two-point suspension scaffolds, such machines shall be of a design tested and approved by Underwriters' Laboratories, Factory Mutual Engineering Corporation, or by an agency or laboratory approved by the Department of Labor and Industries.

(d) The roof irons or hooks shall be of mild steel, or other equivalent material, of proper size and design, securely installed and anchored. Tiebacks of 3/4-inch manila rope, or the equivalent, shall serve as a secondary means of anchorage, installed at right angles to the face of the building, whenever possible, and secured to a structurally sound portion of the building.

(e) Two-point suspension scaffolds shall be suspended by wire, synthetic or fiber ropes capable of supporting at least 6 times the rated load. All other components shall be capable of supporting at least four times the rated load.

(f) The sheaves of all blocks, consisting of at least one double and one single block, shall fit the size and type of rope used.

(g) All wire ropes, fiber and synthetic ropes, slings, hangers, platforms, and other supporting parts shall be inspected before every installation. Periodic inspections shall be made while the scaffold is in use.

(h) On suspension scaffolds designed for a working load of 500 pounds, no more than two persons shall be permitted to work at one time. On suspension scaffolds with a working load of 750 pounds, no more than three persons shall be permitted to work at one time. On suspension scaffolds with a working load of 1,000 pounds, no more than four persons shall be permitted to work at one time. Each employee shall be protected by an approved safety life belt attached to a dropline. The droplines shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the employee in case of a fall. In order to keep the

dropline continuously attached, with a minimum of slack, to a fixed structure, the attachment point of the dropline shall be appropriately changed as the work progresses.

(i) When a multi-tiered two-point suspension scaffold is provided with safety droplines that attach to each end of the scaffold through an approved quick acting safety device, in case either or both of the main suspension lines should break, the lanyard of the safety belt shall be tied off to a substantial member of the scaffold itself or to a horizontal lifeline substantially attached to each end of the scaffold or a sliding device on the horizontal lifeline. The two additional safety droplines shall be individually suspended from roof irons, hooks, or other approved devices and shall be in the near proximity to the suspension droplines to prevent unnecessary side impact. The safety dropline shall also have a 6 to 1 safety factor.

(j) Two-point suspension scaffolds shall be securely lashed to the building or structure to prevent the scaffolds from swaying. Window cleaners' anchors shall not be used for this purpose.

(k) The platform of every two-point suspension scaffold shall be one of the following types:

(i) Ladder-Type Platforms. The side stringer shall be of clear straight-grained spruce or materials of equivalent strength and durability. The rungs shall be of straight-grained oak, ash, or hickory, at least 1 1/8-inch in diameter, with 7/8-inch tenons mortised into the side stringers at least ~~(seven-eighths)~~ 7/8 inch. The stringers shall be tied together with the rods not less than one-quarter inch in diameter, passing through the stringers and riveted up tight against washers on both ends. The flooring strips shall be spaced not more than five-eighths inch apart except at the side rails where the space may be 1 inch. Ladder-type platforms shall be constructed in accordance with Table J-12.

(ii) Plank-Type Platforms. Plank-type platforms shall be composed of not less than nominal 2- x 10-inch unspliced planks, properly cleated together on the underside, starting 6 inches from each end; intervals in between shall not exceed 4 feet. The plank-type platform shall not extend beyond the hangers more than 12 inches. A bar or other effective means shall be securely fastened to the platform at each end to prevent its slipping off the hanger. The span between hangers for plank-type platforms shall not exceed 8 feet.

(iii) Beam-Type Platforms. Beam platforms shall have side stringers of lumber not less than 2 x 6 inches set on edge. The span between hangers shall not exceed 12 feet when beam platforms are used. The flooring shall be supported on 2- x 6<sup>(2)</sup>-inch cross beams, laid flat and set into the upper edge of the stringers with a snug fit, at intervals of not more than 4 feet, securely nailed in place. The flooring shall be of 1- x 6-inch material properly nailed. Floor boards shall not be spaced more than one-half inch apart.

(iv) Light Metal-Type Platforms, when used, shall be tested and listed according to Underwriters' Laboratories, Factory Mutual Engineering Corporation, or the Department of Labor and Industries.

(10) Stone Setters' Adjustable Multiple-Point Suspension Scaffolds. (a) The scaffold shall be capable of sustaining a working load of 25 pounds per square foot and shall not be overloaded. Scaffolds shall not be used for storage of stone or other heavy materials.

(b) When used, the hoisting machine and its supports shall be of a type tested and listed by Underwriters' Laboratories, Factory Mutual Engineering Corporation or the Department of Labor and Industries.

(c) The platform shall be securely fastened to the hangers by U-bolts or other equivalent means. (For materials and spans, see item (ii) of subsection (9)(j), Plank-type Platforms and Table J-12 of this section.)

(d) The scaffold unit shall be suspended from metal outriggers, iron brackets, wire rope slings, or iron hooks.

(e) Outriggers, when used, shall be set with their webs in a vertical position, securely anchored to the building or structure and provided with stop bolts at each end.

(f) The scaffold shall be supported by wire rope capable of supporting at least 6 times the rated load. All other components shall be capable of supporting at least 4 times the rated load.

(g) The free ends of the suspension wire ropes shall be equipped with proper size thimbles, secured by splicing or other equivalent means. The running ends shall be securely attached to the hoisting drum and at least four turns of wire rope shall remain on the drum at all times.

(h) When two or more scaffolds are used on a building or structure, they shall not be bridged one to the other; but shall be maintained at even height with platforms abutting closely.

(11) Single-Point Adjustable Suspension Scaffolds. (a) The scaffolding, including power units or manually operated winches, shall be of a type tested and listed by Underwriters' Laboratories, Factory Mutual Engineering Corporation or the Department of Labor and Industries.

(b) The power units may be either electrically or air motor driven.

(c) All power-operated gears and brakes shall be enclosed.

(d) In addition to the normal operating brake, all power-driven units shall have an emergency brake which engages automatically when the normal speed of descent is exceeded.

(e) The hoisting machines, cables, and equipment shall be regularly serviced and inspected.

(f) The units may be combined to form a two-point suspension scaffold. Such scaffold shall then comply with subsection (9) of this section.

(g) The supporting cable shall be vertical for its entire length, and the basket shall not be swayed nor the cable fixed to any intermediate points to change the original path of travel.

(h) Suspension methods shall conform to applicable provisions of subsections (8) and (9) of this section.

(i) For additional details not covered in this subsection applicable technical portions of American National Standards Institute, A120.1-1970, Power-Operated Devices for Exterior Building Maintenance Powered Platforms, shall be used.

(12) Boatswain's Chairs. (a) The chair seat shall not be less than 12 x 24 inches, and 1-inch thickness. The seat shall be reinforced on the underside by cleats securely fastened to prevent the board from splitting.

(b) The two fiber rope seat slings shall be of 5/8-inch diameter, reeved through the four seat holes so as to cross each other on the underside of the seat.

(c) Seat slings shall be of at least 3/8-inch wire rope when an employee is conducting a heat-producing process, such as gas welding.

(d) The employee shall be protected by a safety belt and lifeline in accordance with WAC 296-155-225. The attachment point of the lifeline to the structure shall be appropriately changed as the work progresses.

(e) The tackle shall consist of correct size ball bearing or bushed blocks and properly spliced 5/8-inch diameter first grade manila rope, or equivalent.

(f) The roof irons, hooks, or the object to which the tackle is anchored, shall be securely installed. Tiebacks; when used, shall be installed at right angles to the face of the building and securely fastened.

(13) Carpenters' Bracket Scaffolds. (a) The brackets shall consist of a triangular wood frame not less than 2 x 3 inches in cross section, or of metal of equivalent strength. Each member shall be properly fitted and securely joined.

(b) Each bracket shall be attached to the structure by means of one of the following:

(i) A bolt, no less than ~~((five-eighths))~~ 5/8-inch in diameter, which shall extend through to the inside of the building wall;

(ii) A metal stud attachment device;

(iii) Welding to steel tanks;

(iv) Hooking over a well-secured and adequately strong supporting member.

(c) The brackets shall be spaced no more than 8 feet apart.

(d) No more than two employees shall occupy any given 8 feet of a bracket scaffold at any one time. Tools and materials shall not exceed 75 pounds in addition to the occupancy.

(e) The platform shall consist of not less than two 2- x 10-inch planks extending not more than 12 inches or less than 6 inches beyond each end support.

(14) Bricklayers' Square Scaffolds. (a) The squares shall not exceed 5 feet in width and 5 feet in height.

(b) Members shall be not less than those specified in Table J-13.

(c) The squares shall be reinforced on both sides of each corner with 1- x 6-inch gusset pieces. They shall also have diagonal braces 1 x 8 inches on both sides running from center to center of each member, or other means to secure equivalent strength and rigidity.

(d) The squares shall be set not more than 5 feet apart for medium duty scaffolds, and not more than 8 feet apart for light duty scaffolds. Bracing, 1 x 8 inches, extending from the bottom of each square to the top of the next square, shall be provided on both front and rear sides of the scaffold.

(e) Platform planks shall be at least 2 x 10-inch. The ends of the planks shall overlap the bearers of the squares and each plank shall be supported by not less than three squares.

(f) Bricklayers' square scaffolds shall not exceed three tiers in height and shall be so constructed and arranged that one square shall rest directly above the other. The upper tiers shall stand on a continuous row of planks laid across the next lower tier and be nailed down or otherwise secured to prevent displacement.

(g) Scaffolds shall be level and set upon a firm foundation.

(15) Horse Scaffolds. (a) Horse scaffolds shall not be constructed or arranged more than two tiers or 10 feet in height.

(b) The members of the horses shall be not less than those specified in Table J-14.

(c) Horses shall be spaced not more than 5 feet for medium duty and not more than 8 feet for light duty.

(d) When arranged in tiers, each horse shall be placed directly over the horse in the tier below.

(e) On all scaffolds arranged in tiers, the legs shall be nailed down or otherwise secured to the planks to prevent displacement or thrust and each tier shall be substantially cross braced.

(f) Horses or parts which have become weak or defective shall not be used.

(16) Needle Beam Scaffold. (a) Wood needle beams shall be not less than 4 x 6 inches in size, with the greater dimension placed in a vertical direction. Metal beams or the equivalent, conforming to subsections (1)(h) and (j) of this section, may be used and shall not be altered or moved horizontally while they are in use.

(b) Ropes or hangers shall be provided for supports. The span between supports on the needle beam shall not exceed 10 feet for 4- x 6-inch timbers. Rope supports shall be equivalent in strength to 1-inch diameter first-grade manila rope.

(c) The ropes shall be attached to the needle beams by a scaffold hitch or a properly made eye splice. The loose end of the rope shall be tied by a bowline knot or by a round turn and a half hitch.

(d) The scaffold hitch shall be arranged so as to prevent the needle beam from rolling or becoming otherwise displaced.

(e) The platform span between the needle beams shall not exceed 8 feet when using 2-inch scaffold plank. For spans greater than 8 feet, platforms shall be designed based on design requirements for the special span. The overhang of each end of the platform planks shall be not less than 6 inches and not more than 12 inches.

(f) When needle beam scaffolds are used, the planks shall be secured against slipping.

(g) All unattached tools, bolts, and nuts used on needle beam scaffolds shall be kept in suitable containers, properly secured.

(h) One end of a needle beam scaffold may be supported by a permanent structural member conforming to subsections (1)(h) and (j) of this section.

(i) Each employee working on a needle beam scaffold shall be protected by a safety belt and lifeline in accordance with WAC 296-155-225.

(17) Plasterers', Decorators', and Large Area Scaffolds. (a) Plasterers', lathers', and ceiling workers' inside scaffolds shall be constructed in accordance with the general requirements set forth for independent wood pole scaffolds. (See subsection (2) of this section and Tables J-5, J-6 and J-7.)

(b) All platform planks shall be laid with the edges close together.

(c) When independent pole scaffold platforms are erected in sections, such sections shall be provided with connecting runways equipped with substantial guardrails.

(18) Plasterers' and Lathers' Tubular Welded Frame Scaffolds. (a) Plasterers' and lathers' scaffolds shall be erected in accordance with requirements of this section.

(b) The footing or anchorage for scaffolds shall be sound, rigid, and capable of carrying the maximum intended load without settling or displacement. Unstable objects such as barrels, boxes, loose brick, or concrete blocks shall not be used to support scaffolds or planks.

(c) No scaffold shall be erected, moved, dismantled, or altered except under the supervision of competent persons.

(d) Scaffolds, including accessories such as braces, brackets, trusses, screw legs, ladders, etc., shall be designed, constructed, and erected to safely support four times the maximum rated loads.

(e) Spacing of panels or frames shall be consistent with the loads imposed.

(f) The frames shall be placed one on top of the other with coupling or stacking pins to provide proper vertical alignment of the legs.

(g) Where uplift may occur, panels shall be locked together vertically by pins or other equivalent suitable means.

(h) To prevent movement, the scaffold shall be secured to the building or structure at intervals not to exceed 30 feet horizontally and 26 feet vertically.

(i) The outside face (opposite the building wall) of the scaffold shall be fully cross braced with a horizontal continuous guardrail attached to the lower cross brace lock pins. (See Figure J-1.)

(j) The inside face (next to building wall) of the scaffold shall have a continuous horizontal brace attached to the upper cross brace lock pins.

(k) The outrigger plank shall be no more than 18 inches from the finished wall.

(l) The scaffold platform shall be planked to leave no more than a 22-inch maximum opening between the outside plank and the outside vertical member of the scaffold frame. (See Figure J-2.)

NOTE: The scaffold frame may be utilized to travel from one working level to another working level, provided the scaffold is of the type typified in Figure J-2.

(m) Any scaffold over three frames high shall have a standard inside ladder installed.

(n) All end runs shall be provided with a standard top rail and mid rail.

(o) All outside ends of turns shall be provided with a standard top rail and mid rail or with a cross brace and horizontal rail at the bottom of the cross brace.

(p) If no wall or studs are present on the building side of any scaffold over ten feet high, safety belts shall be used.

(19) Interior Hung Scaffolds. (a) An interior hung scaffold shall be hung or suspended from the roof structure or ceiling beams.

(b) The suspending wire or fiber rope shall be capable of supporting at least 6 times the rated load. The rope shall be wrapped at least twice around the supporting members and twice around the bearers of the scaffold, with each end of the wire rope secured by at least three standard wire-rope clips properly installed.

(c) For hanging wood scaffolds, the following minimum nominal size material shall be used:

(i) Supporting bearers 2 x 10 inches on edge;

(ii) Planking 2 x 10 inches, with maximum span 7 feet for heavy duty and 10 feet for light duty or medium duty.

(d) Steel tube and coupler members may be used for hanging scaffolds with both types of scaffold designed to sustain a uniform distributed working load up to heavy duty scaffold loads with a safety factor of four.

(20) Ladder Jack Scaffolds. (a) All ladder jack scaffolds shall be limited to light duty and shall not exceed a height of 20 feet above the floor or ground.

(b) All ladders used in connection with ladder jack scaffolds shall be heavy-duty ladders and shall be designed and constructed in accordance with American National Standards Institute A14.1-1968, Safety Code for Portable Wood Ladders, and A14.2-1968, Safety Code for Portable Metal Ladders. Cleated ladders shall not be used for this purpose.

(c) The ladder jack shall be so designed and constructed that it will bear on the side rails in addition to the ladder rungs, or if bearing on rungs only, the bearing area shall be at least 10 inches on each rung.

(d) Ladders used in conjunction with ladder jacks shall be so placed, fastened, held, or equipped with devices so as to prevent slipping.

(e) The wood platform planks shall be not less than 2 inches in thickness. Both metal and wood platform planks shall overlap the bearing surface not less than 12 inches. The span between supports for wood shall not exceed 8 feet. Platform width shall be not less than 18 inches.

(f) Not more than two employees shall occupy any given 8 feet of any ladder jack scaffold at any one time.

(21) Window Jack Scaffolds. (a) Window jack scaffolds shall be used only for the purpose of working at the window opening through which the jack is placed.

(b) Window jacks shall not be used to support planks placed between one window jack and another or for other elements of scaffolding.

(c) Window jack scaffolds shall be provided with guardrails unless safety belts with lifelines are attached and used by the employee.

(d) Not more than one employee shall occupy a window jack scaffold at any one time.

(22) Roofing Brackets. (a) Roofing brackets shall be constructed to fit the pitch of the roof.

(b) Brackets shall be secured in place by nailing in addition to the pointed metal projections. When it is impractical to nail brackets, rope supports shall be used. When rope supports are used, they shall consist of first-grade manila of at least 3/4-inch diameter, or equivalent.

(c) A catch platform shall be installed below the working area of roofs more than 16 feet from the ground to eaves with a slope greater than 4 inches in 12 inches without a parapet. In width, the platform shall extend 2 feet beyond the protection of the eaves and shall be provided with a guardrail, midrail, and toeboard. This provision shall not apply where employees engaged in work upon such roofs are protected by a safety belt attached to a lifeline.

(23) Crawling Boards or Chicken Ladders. (a) Crawling boards shall be not less than 10 inches wide and 1 inch thick, having cleats 1 x 1 1/2 inches. The cleats shall be equal in length to the width of the board and spaced at equal intervals not to exceed 24 inches. Nails shall be driven through and clinched on the underside. The crawling board shall extend from the ridge pole to the eaves when used in connection with roof construction, repair, or maintenance.

(b) A firmly fastened lifeline of at least 3/4-inch diameter rope, or equivalent, shall be strung beside each crawling board for a handhold.

(c) Crawling boards shall be secured to the roof by means of adequate ridge hooks or other effective means.

(24) Float or ship Scaffolds. (a) Float or ship scaffolds shall not be used to support more than three persons and a few light tools, such as those needed for riveting, bolting, and welding. They shall be constructed as designed in subdivisions (b) through (f) of this subsection, unless substitute designs and materials provide equivalent strength, stability, and safety.

(b) The platform shall be not less than 3 feet wide and 6 feet long, made of 3/4-inch plywood, equivalent to American Plywood Association Grade B-B, Group 1, Exterior, or other similar material.

(c) Under the platform, there shall be two supporting bearers made from 2- x 4-inch, or 1- x 10-inch rough, "selected lumber," or better. They shall be free of knots or other flaws and project 6 inches beyond the platform on both sides. The ends of the platform shall extend 6 inches beyond the outer edges of the bearers. Each bearer shall be securely fastened to the platform.

(d) An edging of wood not less than 3/4 x 1 1/2 inches or equivalent shall be placed around all sides of the platform to prevent tools from rolling off.

(e) Supporting ropes shall be 1-inch diameter manila rope or equivalent, free from deterioration, chemical damage, flaws, or other imperfections. Rope connections shall be such that the platform cannot shift or slip. If two ropes are used with each float, they shall be arranged so as to provide four ends which are to be securely fastened to an overhead support. Each of the two supporting ropes shall be hitched around one end of bearer and pass under the platforms to the other end of the bearer where it is hitched again, leaving sufficient rope at each end for the supporting ties.

(f) Each employee shall be protected by an approved safety lifeline and lifeline, in accordance with WAC 296-155-225.

(25) Form Scaffolds. (a) Form scaffolds shall be constructed of wood or other suitable materials, such as steel or aluminum members of known strength characteristics. All scaffolds shall be designed and erected with a minimum safety factor of 4, computed on the basis of the maximum rated load.

(b) All scaffold planking shall be a minimum of 2- x 10-inch nominal Scaffold Grade, as recognized by approved grading rules for the species of lumber used, or equivalent material. Maximum permissible spans shall not exceed 8 feet on centers for 2- x 10-inch nominal planking. Scaffold planks shall be either nailed or bolted to the ledgers or of such length that they overlap the ledgers at least 6 inches. Unsupported projecting ends of scaffolding planks shall be limited to a maximum overhang of 12 inches.

(c) Scaffolds shall not be loaded in excess of the working load for which they were designed.

(d) Figure-four form scaffolds: (i) Figure-four scaffolds are intended for light duty and shall not be used to support loads exceeding 25 pounds per square foot unless specifically designed for heavier loading. For minimum design criteria, see Table J-15.

(ii) Figure-four form scaffold frames shall be spaced not more than 8 feet on centers and constructed from sound lumber, as follows: The outrigger ledger shall consist of two pieces of 1- x 6-inch or heavier material nailed on opposite sides of the vertical form support. Ledgers shall project not more than 3 feet 6 inches from the outside of the form support and shall be substantially braced and secured to prevent tipping or turning. The knee or angle brace shall intersect the ledger at

least 3 feet from the form at an angle of approximately 45°, and the lower end shall be nailed to a vertical support. The platform shall consist of two or more 2- x 10-inch planks, which shall be of such length that they extend at least 6 inches beyond ledgers at each end unless secured to the ledgers. When planks are secured to the ledgers (nailed or bolted), a wood filler strip shall be used between the ledgers. Unsupported projecting ends of planks shall be limited to an overhang of 12 inches.

(e) Metal bracket form scaffolds: (i) Metal brackets or scaffold jacks which are an integral part of the form shall be securely bolted or welded to the form. Folding type brackets shall be either bolted or secured with a locking-type pin when extended for use.

(ii) "Clip-on" or "hook-over" brackets may be used, provided the form walers are bolted to the form or secured by snap ties or shea-bolt extending through the form and securely anchored.

(iii) Metal brackets shall be spaced not more than 8 feet on centers.

(iv) Scaffold planks shall be either bolted to the metal brackets or of such length that they overlap the brackets at each end by at least 6 inches. Unsupported projecting ends of scaffold planks shall be limited to a maximum overhang of 12 inches.

(v) Metal bracket form scaffolds shall be equipped with wood guardrails, intermediate rails, toeboards, and scaffold planks meeting the minimum dimensions shown in Table J-16. (Metal may be substituted for wood, providing it affords equivalent or greater design strength.)

(f) Wooden bracket form scaffolds: (i) Wooden bracket form scaffolds shall be an integral part of the form panel. The minimum design criteria set forth herein and in Table J-17 cover scaffolding intended for light duty and shall not be used to support loads exceeding 25 pounds per square foot, unless specifically designed for heavier loading.

(ii) Scaffold planks shall be either nailed or bolted to the ledgers or of such length that they overlap the ledgers at each end by at least 6 inches. Unsupported projecting ends of scaffold planks shall be limited to a maximum overhang of 12 inches.

(26) Pump Jack Scaffolds. (a) Pump jack scaffolds shall:

(i) Not carry a working load exceeding 500 pounds; and

(ii) Be capable of supporting without failure at least four times the maximum intended load.

(iii) The manufactured components shall not be loaded in excess of the manufacturer's recommended limits.

(b) Pump jack brackets, braces, and accessories shall be fabricated from metal plates and angles. Each pump jack bracket shall have two positive gripping mechanisms to prevent any failure or slippage.

(c) The platform bracket shall be fully docked and the planking secured. Planking, or equivalent, shall conform with subsection (1) of this section.

(d) (i) When wood scaffold planks are used as platforms, poles used for pump jacks shall not be spaced more than 10 feet center to center. When fabricated platforms are used that fully comply with all other provisions of this subsection, pole spacing may exceed 10 feet center to center.

(ii) Poles shall not exceed 30 feet in height.

(iii) Poles shall be secured to the work wall by rigid triangular bracing, or equivalent, at the bottom, top, and other points as necessary, to provide a maximum vertical spacing of not more than 10 feet between braces. Each brace shall be capable of supporting a minimum of 225 pounds tension or compression.

(iv) For the pump jack bracket to pass bracing already installed, an extra brace shall be used approximately 4 feet above the one to be passed until the original brace is reinstalled.

(e) All poles shall bear on mud sills or other adequate firm foundations.

(f) Pole lumber shall be two 2 x 4's, of Douglas fir or equivalent, straight-grained, clear, free of cross-grain, shakes, large loose or dead knots, and other defects which might impair strength.

(g) When poles are constructed of two continuous lengths, they shall be two by fours, spiked together with the seam parallel to the bracket, and with 10d common nails, no more than 12 inches center to center, staggered uniformly from opposite outside edges.

(h) If two by fours are spliced to make up the pole, the splices shall be so constructed as to develop the full strength of the member.

(i) A ladder, in accordance with WAC 296-155-480, shall be provided for access to the platform during use.

(j) Not more than two persons shall be permitted at one time upon a pump jack scaffold between any two supports.

(k) Pump jack scaffolds shall be provided with standard guardrails, unless safety belts with lifelines are used by employees.

(l) When a work bench is used at an approximate height of 42 inches, the top guardrail may be eliminated, if the work bench is fully decked, the planking secured, and is capable of withstanding 200 pounds pressure in any direction.

(m) Employees shall not be permitted to use a work bench as a scaffold platform.

(27) **Factory-Built Scaffold Units.** Factory-built or prefabricated scaffold units intended for assembly on the job, prefabricated plank, staging, etc., mechanical hoisting units, or other devices for use on or in connection with any type scaffolds, shall be approved by an agency or laboratory approved by the Department before being used.

(28) **Waler Bracket Scaffolds.** (a) Waler brackets shall be constructed of 1 5/8" x 1 1/2" x 3/16" angle iron minimum size, or material of equivalent strength.

(b) All steel connections shall be welded and riveted or bolted, except where detrimental to strength of materials.

(c) The maximum length of horizontal leg shall not be more than 36" between bracket hook and railing standard.

(d) A 4" x 4" x 3/16" gusset plate shall be securely welded at inside of leg angle.

(e) Nailing Holes shall be provided in lower end of vertical leg for purpose of securing bracket against lifting or shifting.

(f) Waler hook or hooks shall be a minimum of 4((<sup>2</sup>))-inch depth and be constructed of material of a strength to support a minimum of 400 pounds at extreme outer end of bracket.

(29) **Ladder Supported Scaffolds.** (a) **Box Scaffolds.** (i) A step ladder scaffold, trestle scaffold, or an extension trestle scaffold shall be composed of ((2)) two or more step ladders, or trestle ladders, or trestle, or extension trestle placed in line and supporting the platform in the interval or intervals, or in paralleled lines supporting stringers in the interval or intervals, upon which are supported kick plank platforms, not exceeding one platform to each bay. Such scaffolds are also known as "Box Scaffolds."

(ii) The number of persons working on each bay shall not exceed ((3)) three at any one time.

(b) **Step Ladder Scaffolds.** (i) Platforms more than 8 feet above the floor level shall not be supported on step ladders.

(ii) Platforms shall not be supported on the top step of a step ladder unless it is provided with stops at least 1 inch high at each side to prevent the plank from slipping off.

(c) **Trestle Ladder Scaffolds.** (i) Platforms more than 16 feet above the floor level shall not be supported on trestle ladders.

(ii) The top of the trestle ladder shall be at least ((3)) three steps above the level of the scaffold platform.

(iii) Where an extension trestle ladder is used to support a scaffold platform the maximum height of the platform shall be 20 feet above the floor level and the point of support on the extension section shall not be more than 6 feet above the apex of the base section.

(d) **Extension Trestle Scaffolds.** (i) Platforms supported on extension trestles shall not be more than 16 feet above the floor level.

(ii) Ladders shall be provided for access to extension trestle scaffolds. Workers shall not climb up or down on the extension trestle.

(iii) It shall be the individual responsibility of the supervisor and of each worker to make sure that all clamps and fastenings on the extension trestle are secure before employees are allowed to work on the scaffold.

(30) **Chimney, Stack and Tank Bracket Scaffolds.** (a) **General.** A chimney, stack or tank bracket scaffold shall be composed of a platform supported by brackets which are hooked over a steel cable which surrounds the circumference of the chimney, stack or tank approximately in a horizontal plane. The platform shall be not less than ((2)) two planks wide and be designed with a safety factor of not less than 4.

(b) All brackets shall have a mild steel suspension hook 2 inches by 1/4-inch with at least 3 inches projecting beyond the throat of the hook. Hooks shall be integral with or securely attached to the bracket.

(c) Wood spacer blocks shall be provided to hold the suspending cable away from the structure at the points where brackets are hooked on. These spacer blocks shall be not less than 2 inches by 4 inches by 12 inches.

(d) All suspending cables shall be improved plow steel 6 x 19 wire rope or equivalent. In no case shall less than 1/2-inch diameter wire rope be used.

(e) The turnbuckle used to tighten suspending cables shall be not less than 1 inch drop forged steel. The cables shall be provided with thimbles and not less than 3 U-bolt type clips at each end and be attached to the turnbuckles by means of shackles. Open hooks shall not be used.

(f) All chimney, stack and tank bracket scaffolds shall be provided with standard guard rails, intermediate rails and toeboards.

(g) For access to a chimney, stack or tank bracket scaffold, ladders or a boatswain's chair shall be used.

(h) All chimney, stack or tank brackets for scaffolds shall be welded and riveted or bolted.

(31) **Scaffold Platforms Supported by Catenary or Stretch Cables.** (a) When a scaffold platform is supported by cables at least 4 cables shall be used, two near each end of the scaffold.

(b) The cables shall be attached to the scaffold by means of U-bolts or the equivalent through which the cables pass.

(c) Cables shall not be tightened beyond their safe working load. A hanger or set of falls shall be used approximately every 50 feet to pick up the sag in the cable.

#### AMENDATORY SECTION (Amending Order 75-2, filed 1/24/75)

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 and 296-62-075 do not apply to chapter 296-306 WAC, Safety Standards for Agriculture.

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 77-12, filed 7/11/77)

WAC 296-306-025 MANAGEMENT'S RESPONSIBILITY.

(1) It shall be the responsibility of management to maintain and supervise:

(a) A safe and healthful working environment.

(b) An accident prevention program as required by these standards.

(c) A system for reporting and recording accidents that will fulfill statistical requirements of the Department of Labor and Industries. (See chapter 296-27 WAC).

(d) Safety education and training programs.

(e) Temporary Labor Camps, as prescribed in WAC 296-24-125 through 296-24-12523, and shall comply with these rules and regulations.

(2) It shall be the responsibility of management to furnish potable water to employees as follows:

(a) Portable drinking water dispensers shall be designed, constructed, and serviced so that sanitary conditions are maintained, capable of being closed, and equipped with a tap.

(b) Ice in contact with drinking water shall be made of potable water and maintained in a sanitary condition.

(c) Open containers such as barrels, pails, or tanks for drinking water where the water must be dipped or poured are prohibited, whether or not they are fitted with a cover.

(d) A common drinking cup and other common utensils are prohibited.

(e) Where single service cups (used but once) are supplied, a sanitary container for the unused cups and a receptacle for disposing of the used cups shall be provided.

(f) Outlets for nonpotable water, such as water for industrial, fire-fighting or irrigation purposes, shall be posted or otherwise marked in a manner that will indicate clearly the water is unsafe and not to be used for drinking; cooking; washing of the person; washing of food, cooking and eating utensils, or food preparation and processing premises; personal service rooms, or for washing clothes.

(g) Construction of nonpotable water systems or systems carrying any other nonpotable substances shall be such to prevent backflow or backsiphonage into a potable water system. Nonpotable water may be used for cleaning work premises other than food processing and preparation premises and personal service rooms: PROVIDED, That the nonpotable water does not contain concentrations of chemicals, fecal

coliform, or other substances which could create unsanitary conditions or be harmful to employees.

(h) Employees shall not be permitted to drink from irrigation ditches, creeks or rivers. Potable water shall meet the requirements of the United States Public Health Service Drinking Water Standards, published in 42 CFR part 72, or water which is approved for drinking purposes by the state or local authority having jurisdiction.

**NOTE:** Drinking water should be made available within 200 feet of any location where employees are regularly engaged in work.

#### NEW SECTION

**WAC 296-54-501 SCOPE AND APPLICATION.** The requirements of this chapter augment those requirements of the General Safety Standards promulgated by the Department of Labor and Industries, Division of Industrial Safety and Health, applicable to this industry, and apply to all persons, firms, corporations or others engaged in logging operations that come within the jurisdiction of the Department of Labor and Industries. The requirements herein contained do not apply to log handling at sawmills, plywood mills, pulp mills or other manufacturing operations governed by their own specific safety standards.

The safety requirements herein contained are not to be construed to imply that other safe work practices, procedures or methods should not be employed where such methods, means or practices may be required to prevent accidents. Both employers and employees have a duty to do whatever is reasonable and practical to avoid causing accidents. These requirements are minimum safety requirements and shall augment other safety standards developed by the department which are of a general nature and apply to all industrial operations such as those contained in the General Safety Standards, chapter 296-24 WAC; Occupational Health Standards, chapter 296-62 WAC; and Precautionary Labeling of Containers of Hazardous Materials, chapter 296-64 WAC, or others which may be applicable. Regulations adopted by the department concerning certain types of equipment or conditions, such as Metal and Nonmetallic Mines, Quarries, Pits and Crushing Operations, chapter 296-61 WAC, and Possession, Handling and Use of Explosives, chapter 296-52 WAC shall be complied with when applicable.

Some of the factors involving safe practices are use of good judgment, and the avoidance of taking chances. Accidents can be avoided in many instances by everyone conscientiously applying their knowledge of safety.

Copies of all Society of Automotive Engineers Reports (SAE) referred to in these standards are on file in all District Offices of the Division of Industrial Safety and Health of the Department of Labor and Industries, and may be reviewed by any interested person. Individuals desiring to obtain copies of such material shall arrange to do so directly from the publishers or from other sources. The Division of Industrial Safety and Health will not assume the responsibility of acquiring such material for uses other than its own needs.

**NOTE:** Safety standards for pulpwood logging are contained in a separate edition titled "Safety Standards for Pulpwood Logging", WAC 296-54-450.

#### NEW SECTION

**WAC 296-54-503 VARIANCE.** The assistant director may, upon receipt of application and after adequate investigation by the department, permit a variation from these requirements when an approved alternate means or manner of protection is provided, which affords an equivalent measure of safety as required by the rule from which a variance is requested.

#### NEW SECTION

**WAC 296-54-505 DEFINITIONS APPLICABLE TO THIS CHAPTER.** (1) A-frame - a structure made of two independent columns fastened together at the top and separated by a reasonable width at the bottom to stabilize the unit from tipping sideways.

(2) Alternate communication system - a system approved by the Department of Labor and Industries, which by voice or other media than horn or whistle, provides a safe and reliable method of communication between crew members.

(3) A side - any place of activity involving a group in the yarding and loading of logs.

(4) An operation - any place where logging or log related activities are taking place.

(5) Approved - approved by the Department of Labor and Industries, Division of Industrial Safety and Health.

(6) Arch - any device attached to the back of a vehicle and used for raising one end of logs to facilitate movement.

(7) Authorized person - a person approved or assigned by the employer to perform a specific type of duty(s) or to be at a specific location at a certain time(s).

(8) Back line - that section of the haulback that runs between the spar tree and the corner block.

(9) Ballistic nylon - a fabric of high tensile properties designed to provide protection from lacerations.

(10) Barrier - a fence, wall or railing to prevent passage or approach.

(11) Base of tree - that portion of a natural tree not more than three feet above ground level.

(12) Bight of the line - any area where a person is exposed to a controlled or uncontrolled moving line.

(13) Binder - a hinged lever assembly for connecting the ends of a wrapper to tighten the wrapper around the load of logs or materials.

(14) Boomboat - any boat used to push or pull logs, booms, bundles, or bags, in booming ground operations.

(15) Boomscooter - a small boat, usually less than fourteen feet in length, equipped with an outboard motor, having directional pushing capabilities of 360 degrees.

(16) Brailing - when tiers of logs, poles, or piles are fastened together with a type of dogline and the ends of the side members are then fastened together for towing.

(17) Brow log - a log or a suitable substitute placed parallel to any roadway at a landing or dump to protect the carrier and facilitate the safe loading or unloading of logs, timber products, or materials.

(18) Bullbuck - the supervisor of the cutting crew.

(19) Butt welding - the practice of welding something end to end.

(20) Cable tree thinning - the selective thinning of a timber stand utilizing mobile yarding equipment specifically designed or adapted for the purpose. Such systems may be of the skyline, slackline, or modified slackline, overhead cable system.

(21) Choker - a length of wire rope with attachments for encircling the end of a log to be yarded.

(22) Chunking - the clearing of nonusable material from a specified area.

(23) Cold deck - any pile of logs which is yarded and left for future removal.

(24) Competent person - one who is capable of identifying hazards in the surrounding or working conditions which are unsanitary, hazardous or dangerous.

(25) Corner block - the first block the haulback passes through on its way to the tail block.

(26) Crew bus or vehicle - any vehicle furnished by or for the employer that will transport nine or more persons.

(27) Crotch line - two short lines attached to the same ring or shackle, used for loading or unloading.

(28) Danger trees - trees with evidence of deterioration or physical damage to the root system or stem, as well as the degree and/or direction of lean.

(29) Directional falling - a mechanical means to control the direction of falling timber.

(30) Dog line - type of line used to fasten logs or timber products together by the use of dogs.

(31) Donkey - any machine with a series of drums used to yard logs.

(32) Double ended logs - two logs end to end on the same lay.

(33) Droplines - a short line attached to the carriage or carriage block which is used as an extension to the main line.

(34) Drum - a mechanical device on which line is spooled or unspooled.

(35) Dry land storage - decks of logs stored for future removal or use.

(36) Dutchman - (a) A block used to change direction of line lead.

(b) A method of falling timber consisting of inserting a piece of material into one side of the undercut to assist in pulling a tree against the lean or a section of the undercut can be left in a corner to accomplish the same purpose.

(37) Experienced person - a person who has been trained and has participated in the subject process for a period of time long enough to thoroughly acquaint the person with all facets of the process.

(38) F.O.P.S. - Falling object protective structure.

- (39) Fair lead – sheaves, rolls, or a combination thereof arranged to receive a line coming from any direction for proper line spooling on to a drum.
- (40) Front end loader – a mobile machine mounted on a wheeled or tracked chassis, equipped with a grapple, tusk, bucket, or fork-lift device, and employed in the loading, unloading, stacking, or sorting of logs or materials.
- (41) Guard rail – a railing to restrain a person.
- (42) Guyline – a line used to support or stabilize a spar.
- (43) Gypsy drum – a mechanical device wherein the line is not attached to the drum and is manually spooled to control the line movement on and off the drum.
- (44) Haulback – a line used to pull the buttrigging and mainline to the logs to be yarded.
- (45) Haulback block – any block the haulback line passes through including the corner block and tailblock.
- (46) Hay rack – (a) A type of loading boom where two tongs are used and logs are suspended.  
(b) A transporting vehicle with multiple sets of bunks attached to a rigid frame usually used for hauling logs.
- (47) Hazardous falling area – the area within a circle centered on the tree being felled and having a radius not less than twice the height of that tree.
- (48) Head tree – the tree where yarding and/or loading takes place. (See spar tree)
- (49) Heel boom – a type of loading boom where one tong is used and one end of the log is pulled up against the boom.
- (50) High lead – a system of logging wherein the main line is threaded through the main line block, which is attached near the top of the spar, to obtain a lift of the logs being yarded.
- (51) Hobo log – a free or unattached log that is picked up by a turn and is transported with the turn.
- (52) Hooktender – the worker that supervises the method of moving the logs from the woods to the landing.
- (53) Hot deck – a landing where logs are being moved.
- (54) Hydraulic jack – a mechanical device, powered by internal pressure, used to control the direction in which a tree is to be felled.
- (55) In the clear – being in a position where the possibility of harmful physical contact is minimized.
- (56) Jackstrawed – logs piled in an unordered manner.
- (57) Jiggers – any projecting broken wire in a strand of cable.
- (58) Kerf – that portion of timber products taken out by the saw teeth.
- (59) Knob – a metal ferrule attached to the end of a line.
- (60) Landing – any place where logs are laid after being yarded, awaiting subsequent handling, loading, and hauling.
- (61) Loader – the person that picks out the logs and supervises their placement on transporting equipment.
- (62) Loading boom – any structure projecting from a pivot point to guide a log when lifted.
- (63) Lodged tree – a tree leaning against another tree or object which prevents it from falling to the ground.
- (64) Log bronco – a sturdily built boat usually from twelve to twenty feet in length, used to push logs or bundles of logs in a generally forward direction in booming and rafting operations.
- (65) Log dump – a place where logs are removed from transporting equipment. It may be either dry land or water, parbukled over a brow log or removed by machine.
- (66) Logging machine – a machine used or intended for use to yard, move, or handle logs, trees, chunks, trailers, and related materials or equipment. This shall include self-loading log trucks only during the loading and unloading process.
- (67) Logs – tree segments suitable for subsequent processing into lumber, pulpwood, or other wood products, including but not limited to poles, piling, peeler blocks and bolts.
- (68) Log stacker – a mobile machine mounted on a wheeled or tracked chassis, equipped with a frontally mounted grapple, tusk, or forklift device, and employed in the loading, unloading, stacking, or sorting of logs.
- (69) Long sticks – an overlength log that creates a hazard by exceeding the safe perimeters of the landing.
- (70) Mainline – the line attached to the buttrigging used to pull logs to the landing.
- (71) Mainline block – the block hung in the spar through which the mainline passes.
- (72) Mainline train – any train that is made up for travel between the woods and log dump.
- (73) Matchcutting – the felling of trees without using an undercut.
- (74) Mechanized falling – falling of standing timber by a self-propelled mobile wheeled or tracked machine equipped with a shear or other powered cutting device.
- (75) Mechanized feller – any such machine as described in WAC 296-54-535 and 296-54-537, and includes feller/bunchers and similar machines performing multiple functions.
- (76) Mobile log loader – a self-propelled log loading machine mounted on wheels or tracks, incorporating a grapple-rigged Bohemian, goose neck, or straight boom fabricated structure, employed in the loading or unloading of logs by means of grapples or tongs.
- (77) Mobile yarder – a logging machine mounted on wheels, tracks, or skids, incorporating a vertical or inclined spar, tower, or boom, employed in skyline, slackline, high lead, or grapple overhead cable yarding systems.
- (78) Must – the same as "shall" and is mandatory.
- (79) Pass line – a small line threaded through a block at the top of the spar to assist the high climber.
- (80) Permissible (as applied to any device, equipment or appliance) – such device, equipment, or appliance has the formal approval of the United States Bureau of Mines, American Standards Association, or National Board of Fire Underwriters.
- (81) Portable spar or tower – a movable engineered structure designed to be used in a manner similar to which a wood spar tree would be used.
- (82) Qualified person – a person, who by possession of a recognized degree, certificate, professional standing, or by extensive knowledge, training, and experience, has successfully demonstrated ability to solve or resolve problems relating to the subject matter, the work, or the project.
- (83) Reach – a rectangular steel tube or rectangular wood timber connected to the truck and inserted through a tunnel on the trailer. It steers the trailer when loaded and pulls the trailer when empty.
- (84) Receding line – the line on a skidder or slackline comparable to the haulback line on a yarder.
- (85) Reload – an area where logs are dumped and reloaded or transferred as a unit to another mode of transportation.
- (86) Rollway – any place where logs are dumped and they roll or slide to their resting place.
- (87) R.O.P.S. – Roll over protection structure.
- (88) Rub tree – a tree used to guide a turn around a certain area.
- (89) Running line – any line which moves.
- (90) SAE – Society of automotive engineers.
- (91) Safety factor – the ratio of breaking strength to a safe working strength or loading.
- (92) Safety glass – a type of glass that will not shatter when broken.
- (93) Sail block – a block hung inverted on the sail guy to hold the tong block in proper position.
- (94) Scaler – the person who measures the diameter and length of the logs, determines specie and grade, and makes deductions for footage calculations.
- (95) Shall – a requirement that is mandatory.
- (96) Sheer log – a log placed in a strategic location to divert passage of objects.
- (97) Shore skids – any group of timbers spaced a short distance apart on which logs are rolled.
- (98) Signal person – the person designated to give signals to the machine operator.
- (99) Siwash – to change the lead of a line with a physical object such as a stump or tree instead of a block.
- (100) Skidder – a machine or animal used to move logs or trees to a landing.
- (101) Skidding – movement of logs or trees on the surface of the ground to the place where they are to be loaded.
- (102) Skyline – the line suspended between two points on which a block or carriage travels.
- (103) Slackline – a form of skyline where the skyline cable is spooled on a donkey drum and can be raised or lowered.
- (104) Slack puller – any weight or mechanical device used to increase the movement of a line when its own weight is inadequate.
- (105) Snag – a dead standing tree or a portion thereof.
- (106) Snorkel – a loading boom modified to extend its limitations for the purpose of yarding.
- (107) Spar – a device rigged for highlead, skyline or slackline yarding.
- (108) Spar tree – (See spar).

(109) Speeder – a small self-powered vehicle that runs on a railroad track.

(110) Spike – a long heavy nail similar to a railroad spike.

(111) Springboard – a board with an iron tip used by fallers to stand on while working above ground level.

(112) Square lead – the angle of lead up to 90 degrees.

(113) Squirrel – a weight used to swing a boom when the power unit does not have enough drums to do it mechanically.

(114) Squirrel tree – a topped tree, guyed if necessary, near the spar tree in which the counter balance (squirrel) of a tree rigged boom is hung.

(115) Stiff boom – two or more boom sticks wrapped together on which boom persons walk or work.

(116) Strap – any short piece of line with an eye or "D" in each end.

(117) Strawline – a small line used for miscellaneous purposes.

(118) Strap socket or D – a socket with a closed loop and arranged to be attached to the end of a line by the molten zinc, or an equivalent method. It is used in place of a spliced eye.

(119) Strip – a definite location of timber on which one or more cutting crews work.

(120) Swamping – the falling or cutting of brush around or along a specified place.

(121) Swifter – a piece of equipment used to tie the side sticks of a log raft together to keep the raft from spreading.

(122) Swing cut – a back cut in which the holding wood on one side is cut through.

(123) Tail block – the haulback block at the back end of the show.

(124) Tail hold – an anchor used for making fast any line or block.

(125) Tail tree – the tree at the opposite end from the head tree on which the skyline or other type rigging is hung.

(126) Tight line – when either the mainline or haulback are held and power is exerted on the other or when power is exerted on both at the same time.

(127) Tong line block – the block hung in a boom through which the tong line operates.

(128) Tongue – a device used to pull and/or steer a trailer.

(129) Topping – cutting off the top section of a standing tree prior to rigging the tree for a spar or tail tree.

(130) Tower – (See portable spar or tower).

(131) Tractor – a machine of wheel or track design used in logging.

(132) Tractor logging – the use of any wheeled or tracked vehicle in the skidding or yarding of logs.

(133) Transfer (as used in loading) – changing of logs in a unit from one mode of transportation to another.

(134) Tree jack – a grooved saddle of wood or metal rollers contained within two steel plates, attached to a tree with a strap, used as a guide for skyline, sail guy, or similar static line. It is also formed to prevent a sharp bend in the line.

(135) Tree plates – steel bars sometimes shaped as elongated J's, which are fastened near the top of a tree to hold guylines and prevent them from cutting into the tree when tightened. The hooks of the J are also used to prevent the mainline block strap from sliding down the tree.

(136) Tree pulling – a method of falling trees in which the tree is pulled down with a line.

(137) Tug – a boat, usually over twenty feet in length, used primarily to pull barges, booms of logs, bags of debris, or log rafts.

(138) Turn – any log or group of logs attached by some means to power and moved from a point of rest to a landing.

(139) "V" lead – a horizontal angle of less than 90 degrees formed by the projected lines of the mainline from the drum of the logging machine through the block or fairlead and the yarding load or turn.

(140) WAC – Washington Administrative Code.

(141) Waistline – that portion of the haulback running between the corner block and the tail block.

(142) Wrapper – a cable assembly or chain used to contain a load of logs.

(143) Wrapper rack – barrier used to protect a person while removing binders and wrappers from a loaded logging truck.

(144) Yarder – a machine with a series of drums used to yard logs. (See Yankee)

(145) Yarding – the movement of logs from the place they are felled to a landing.

#### NEW SECTION

WAC 296-54-507 MANAGEMENT'S RESPONSIBILITY. In addition to observance of the general safety and health standards:

(1) The employer shall assume the responsibility of safety training for new employees.

(2) The employer shall assume the responsibility of work assignments so that no employee shall be allowed to work in a position or location so isolated that he is not within ordinary calling distance of another employee who can render assistance in case of emergency. In any operation where cutting, yarding, loading, or a combination of these duties is carried on, there shall be a minimum crew of two employees who shall work as a team and shall be in visual or hearing contact with one another to allow prompt awareness of injury or cessation of work activity of one employee by the other. No employee shall be left alone for a period of time to exceed fifteen minutes without visual or hearing contact. In addition, there shall be some system of back-up communication in the near proximity to enable an employee to call for assistance in case of emergency.

NOTE: This does not apply to operators of motor vehicles, watchmen or certain other jobs which, by their nature, are singular employee assignments. However, a definite procedure for checking the welfare of all employees during their working hours shall be instituted and all employees so advised.

(3) The employer shall establish a method of checking the employees in from the woods at the end of each shift. Each immediate supervisor shall be responsible for his crew being accounted for. This standard also includes operators of all movable equipment.

(4) Prior to the commencement of logging operations, a safety meeting shall be held and a plan shall be developed and implemented whereby management shall ascertain by direct supervision that the work is being carried out with special emphasis on safety and safe work practices.

(5) When extreme weather or other extreme conditions are such that additional hazards arise, additional precautions shall be taken to assure safe operations. If the operation cannot be made safe because of the aforementioned conditions, the work shall be discontinued until safe to resume.

(6) Danger trees within reach of landings, roads, rigging, buildings or work areas shall be either felled before regular operations begin or work shall be arranged so that employees shall not be exposed to hazards involved.

(7) Management shall ensure that intoxicating beverages and narcotics are not permitted or used by employees on or in the vicinity of the work site. Management shall cause employees under the influence of alcohol or narcotics to be removed from the work site. This requirement does not apply to employees taking prescription drugs and/or narcotics as directed by a physician providing such use shall not endanger the employee or others.

#### NEW SECTION

WAC 296-54-509 EMPLOYEE'S RESPONSIBILITY. (1) Employees shall coordinate and cooperate with management and other employees in an attempt to eliminate accidents.

(2) Employees shall study and observe all safe work practices governing their work.

(3) They should offer safety suggestions, wherein such suggestions may contribute to a safer work environment.

(4) Intoxicating beverages and narcotics shall not be permitted or used by employees in or around the work sites. Employees under the influence of alcohol or narcotics shall not be permitted on the work site. This rule does not apply to employees taking prescription drugs and/or narcotics as directed by a physician providing such use shall not endanger the employee or others.

(5) Employees shall conduct themselves in a workmanlike manner while on the work site.

#### NEW SECTION

WAC 296-54-511 PERSONAL PROTECTIVE EQUIPMENT.

(1) General requirements.

(a) Protective equipment, including personal protective equipment for eyes, face, head, hearing 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 necessary 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 are required to provide their own protective equipment, the employer shall be responsible to assure its adequacy, including proper maintenance and sanitation of such equipment.

(c) Design. All personal protective equipment shall be of safe design and construction for the work to be performed. All safety belts and attachments shall meet the requirements of section 3 of ANSI A10.14-1975.

(2) Eye and face protection. Protective eye and/or face equipment shall be required and worn where there is a probability of injury that can be prevented by such equipment. In such cases, employers shall make conveniently available a type of protector suitable for the work to be performed, and employees shall use such protectors. Suitable eye protectors shall be provided and worn where machines or operations present the hazard of flying objects, glare, liquids, injurious radiation, or a combination of these hazards.

(3) Respiratory protection. In the control of those occupational diseases caused by breathing air contaminated with harmful dusts, fogs, fumes, mists, gases, smokes, sprays, or vapors, the primary objective shall be to prevent atmospheric contamination. This shall be accomplished as far as feasible by accepted engineering control measures (for example: Enclosure or confinement of the operation, general and local ventilation, and substitution of less toxic materials). When effective engineering controls are not feasible, or while they are being instituted, appropriate respirators shall be used pursuant to The General Safety and Health Standards, WAC 296-24-081.

(4) Occupational head protection. Hard hats meeting the specifications contained in American National Standards Institute (ANSI) Z89.1-1969, shall be worn by all employees involved in the logging operation or any of its related activities unless such employees are protected by F.O.P.S., cabs or canopies. Hard hats shall be maintained in serviceable condition.

(5) Personal flotation devices. Employees working on, over or along water, where the danger of drowning exists, shall be provided with and shall wear approved personal flotation devices in accordance with General Safety and Health Standards, WAC 296-24-086.

(6) Occupational footwear.

(a) All employees whose duties require them to walk on logs or boomsticks, shall wear sharp-calked shoes, or the equivalent, except when conditions such as ice, snow, etc., render calks ineffective. When calks are ineffective and other footwear does not afford suitable protection, workers shall not be required to work on logs or boomsticks.

(b) When nonslip type shoes or boots afford a greater degree of employee protection than calk shoes, such as at scaling stations, log sorting yards, etc., then this type footwear may be worn in lieu of calk shoes providing firm ankle support and secure footing are maintained.

(c) Employees in areas where there is a possibility of foot injury due to falling or rolling objects shall wear safety-type footwear meeting the requirements in American National Standard for Men's Safety-Toe Footwear, ANSI Z41.1-1967.

(7) Leg protection. Employees whose normal duties require them to operate a power saw shall wear a flexible ballistic nylon pad or pads, sewn or otherwise fastened into the trousers, or other equivalent protection, that will protect the vulnerable area of the legs.

(8) Hand protection. All employees handling lines or other rough materials where there is a reasonable possibility of hand injury, shall wear suitable gloves or other hand protection to prevent injury.

(9) Hearing protection. Employees shall be protected against the effects of exposure to noise which exceeds the permissible noise exposures shown in the following table and chapter 296-62 WAC:

**PERMISSIBLE NOISE EXPOSURES**

Duration per day Hours	Sound Level dBA**
8	90
6	92
4	95
3	97
2	100
1-1/2	102
1	105
3/4	107
1/2	110
1/4	115*

\* Ceiling Value: No exposure in excess of 115 dBA.

\*\* Sound level in decibels as measured on a standard sound level meter operating on the A-weighting network with slow meter response.

(10) Protective clothing. Employees working on landings or in log sorting yards, when working on or from the ground, shall wear hard hats and yellow or orange vests, or outer garments of a contrasting color, to enable equipment operators to readily see them. It is recommended that such hard hats and vests or outer garments be of a luminous or reflectorized material. Employees performing duties of a flagperson shall wear a hard hat and vest or garment of contrasting colors. Warning vests and hard hats worn at night shall be of a reflectorized material.

**NEW SECTION**

**WAC 296-54-513 SAFETY EDUCATIONAL AND FIRST AID REQUIREMENTS.** See The General Safety and Health Standards, WAC 296-24-040 through 296-24-065.

**NEW SECTION**

**WAC 296-54-515 GENERAL REQUIREMENTS.** (1) Emergency stops. Speed limiting devices, safety stops or emergency shut down devices or shut off valves shall be provided, with the controls so located that in the event of an emergency, the prime mover may be shut down from a safe place.

(2) Machine operators. Machine operators shall be experienced in operating the equipment they are using, except that inexperienced persons may operate the equipment to gain experience while in training and may do so only while working under immediate supervision of an experienced authorized person.

(3) Refueling vehicles. Vehicles shall not be fueled while the motors are running with the exception of helicopters, which is permitted under certain conditions. (See WAC 296-54-559(36).)

(4) Hydraulic lines. If failure of hydraulic lines would create a hazard to an equipment operator while at the operating station, safeguards shall be installed in such a manner as to eliminate the hazard. All hydraulic lines shall be maintained free of leaks and shall be shielded from damage wherever possible.

(5) Defective equipment. Equipment in need of repair shall be reported to management in writing as soon as possible and such equipment shall not be used until repairs are completed if there is a possible hazard to life safety of the operator or other employees.

(6) Lock out - tag out. Procedures for lock out - tag out shall be established and implemented to prevent the accidental starting of equipment that is shut down for repairs, maintenance or adjustments.

(7) Control marking. The controls of all machines shall be marked as to their purpose in the operation of the machine.

(8) Metal objects. Metal objects driven into trees or logs shall be removed immediately after serving their intended purpose.

(9) Fire protection. An approved, fully charged and maintained, fire extinguisher shall be available at locations where machines are operating or on each vehicle.

(10) Hand tools. Hand and portable powered tools and other hand-held equipment shall be maintained and used in accordance with the General Safety and Health Standards, WAC 296-24-650.

(11) Storage, handling and marking of fuel. Fuel shall be stored, handled and marked in accordance with WAC 296-24-330.

(12) Smoking prohibited. Smoking shall be prohibited in battery charging areas and within fifty feet of all refueling operations. Precautions shall be taken to prevent open flames, sparks or electric arcs in battery charging or refueling areas.

(13) Charging batteries. When charging batteries, the vent caps shall be kept in place to avoid electrolyte spray. Care shall be taken to ensure caps are functioning. The battery (or compartment) cover(s) shall be open to dissipate heat.

(14) Uncovered batteries. Tools and other metallic objects shall be kept away from the tops of uncovered batteries.

**NEW SECTION**

**WAC 296-54-517 CAMPS.** (1) Rules, regulations and standards for camps shall be in accordance with WAC 296-24-125.

(2) All dangerous trees or snags which could fall on any camp building must be felled.

NEW SECTION

**WAC 296-54-519 TRANSPORTATION OF CREWS BY MOTOR VEHICLE.** (1) Seats. Anchored seats shall be provided for each person when riding in any vehicle.

(2) Seat belts. The driver of a crew vehicle shall be provided with and shall wear a seat belt at all times the crew vehicle is in motion.

(3) Barricade. A substantial barricade shall be provided behind the driver of a crew bus or vehicle that will transport nine or more passengers. The barricade shall extend from the floor to at least a level even with the top of the driver's head.

(4) Safe entrance and exits. Adequate provisions shall be made for safe entrance and exits.

(5) Enclosed racks. When equipment or tools are carried inside the vehicle, they shall be stored in enclosed racks or boxes, which shall be properly secured to the vehicle.

(6) Vehicle to be stopped. Persons shall not enter or exit from any vehicle until the vehicle is completely stopped.

(7) Keep within vehicle. Persons shall keep all parts of the body within the vehicle.

(8) Stoves prohibited. Provisions shall be made for heat and light in the passenger portion of the vehicle. Use of stoves in vehicles is prohibited.

(9) Emergency exit. On vehicles designed to transport nine or more passengers, an emergency exit not less than six and one-half square feet in area, with the smaller dimension being not less than 18 inches, shall be placed at the back of the vehicle or near the back on the side opposite the regular entrance. The route to and egress from the exit must be unobstructed at all times.

(10) Fire extinguisher. When no fuel is transported in the crew vehicle, a minimum rated 5/BC dry chemical fire extinguisher shall be kept in the passenger compartment. When fuel is transported on the crew vehicle in accordance with subsection (14) of this section, a minimum rated 10/BC dry chemical fire extinguisher shall be kept in the passenger compartment. The extinguishing agent shall be nontoxic and preferably a noncorrosive type.

(11) Crew and emergency vehicles. Crew vehicles designed to transport nine or more passengers shall be equipped with a stretcher, two blankets, splints, and first-aid kit. If used as a means of transporting injured persons, it shall be designed to enable persons to pass a loaded stretcher into the vehicle. Provisions shall be made for proper securing of the stretcher.

(12) Exhaust systems. Exhaust systems shall be designed and maintained to eliminate the exposure of passengers to toxic agents.

(13) Limitation of transportation of explosives. Explosives shall not be carried on any vehicle while the vehicle is being used to transport workers other than the driver and two persons.

(14) Limitation of transportation of fuels. Fuels shall be transported or stored only in approved safety containers. Enclosed areas where fuels are carried or stored shall be vented in such a manner that a hazardous concentration of fumes cannot accumulate. All containers or drums shall be properly secured to the vehicle while being transported. Commercially built vehicles of the pick-up or flatbed type with a seating capacity of not to exceed six persons may be used to carry fuels in or on the bed of such vehicles, providing such fuels are not carried in the crew compartment. Van-type vehicles may be used to carry fuels only when a vapor-proof bulkhead is installed between the passenger compartment and storage compartment. Not more than forty-two gallons of gasoline may be carried or stored in the compartment and each container shall have a capacity not exceeding seven gallons.

(15) Motor vehicle laws. Motor vehicles used as crew vehicles regularly for the transportation of workers shall be covered against the weather and equipped and operated in conformity with applicable state of Washington motor vehicle laws.

(16) Operator's license. All operators of crew vehicles shall be experienced drivers and shall possess a current valid drivers license.

(17) Daily vehicle check. Operators of crew vehicles shall check brakes and lights daily and shall keep windshields and mirrors clean.

(18) Good repair. Crew vehicles shall be maintained in good repair and safe condition.

(19) Dump trucks. Dump trucks shall only be used in an emergency to transport workers and shall be equipped with adequate safety chains or locking devices which will eliminate the possibility of the body of the truck being raised while employees are riding in the truck. Emergency shall mean any unforeseen circumstances which calls for immediate action when danger to life or danger from fire exists.

(20) Means of signaling. An effective means of signaling shall be provided for communication between the driver and the passengers being transported when they are in separate compartments.

(21) Load limit. The passenger load limit of a crew vehicle shall not exceed the seating capacity of the vehicle.

(22) Vehicle check. Crew vehicles shall be thoroughly inspected by a mechanic for defects which could create a hazardous condition for operation. Such inspections shall be carried out at least every month. Defects known to the operator shall be reported in writing to the mechanic or person in charge. If defects are found, they shall be corrected before the vehicle is used for the transportation of crews.

NEW SECTION

**WAC 296-54-521 TRANSPORTATION OF CREWS BY USE OF SPEEDERS AND TRAILERS.** (1) Braking systems. All speeders shall be equipped with two separate and independently operated braking systems either of which shall be of sufficient capacity to lock all wheels when speeder is fully loaded.

(2) Sanding methods. All speeders used for transporting crews shall be equipped with methods for sanding tracks, operative for both directions of travel.

(3) Lights, windshield wipers. Electric lights of sufficient candle power and range so that vehicle can be stopped within the range of the beam, and which will shine in the direction of travel, shall be provided on all speeders. Adequate tail lights shall be installed and maintained in good order. Automatic windshield wipers of sufficient capacity to maintain clear visibility shall be installed on all speeders.

(4) Trailers. When trailers are coupled behind speeders, they shall be equipped with two separate and independent braking systems, either shall be of sufficient capacity to lock all wheels when the trailer is fully loaded. One of these shall be power operated and shall be controlled from the speeder; the other manually operated from the trailer. One man shall be designated to operate this brake in case of emergency.

(5) Trailer coupling. All trailers shall be coupled to speeders with metal couplings and safety chains or straps of sufficient strength to withstand the impact caused by a broken coupling.

(6) Trailer not to coast. No trailer shall coast or be used as a crew car without being attached to a speeder.

NEW SECTION

**WAC 296-54-523 METHODS OF CREW TRANSPORTATION OTHER THAN THOSE SPECIFIED.** Special approval. Persons or firms desiring to transport crews by methods other than those specified in these rules shall so inform the Division of Industrial Safety and Health, Department of Labor and Industries, so that an evaluation of that method may be made. Should the proposed method be found to afford a measure of safety acceptable to the Division of Industrial Safety and Health, Department of Labor and Industries, a written order stating that finding shall be issued to the person or firm concerned by the Division of Industrial Safety and Health and the proposed method may be utilized.

NEW SECTION

**WAC 296-54-525 RAILROAD CONSTRUCTION AND MAINTENANCE.** (1) Construction. All construction shall be according to safe logging practice as to size of rails, ties, track accessories and methods of installing same.

(2) Rail guards. Rail guards shall be placed on main lines and spurs, consistent with type of traffic and general local conditions.

(3) Rail anchors. Rail anchors of approved design shall be installed wherever practicable.

(4) Frogs, switches and guard rail ends. Frogs, switches and ends of guard rails shall have either patent or wooden foot guard blocking installed.

(5) Slip plates. Slip plates shall be used under all switches and switch points.

(6) Wire for telephone lines. All above ground wire for permanent telegraph or telephone lines used for dispatching must be well strung on insulators and shall be clear of ground and obstruction.

(7) Insulators. Where telephone lines are strung under or near power lines, foot stools mounted on insulators in front of telephone boxes must be used, unless other protection is provided, which affords a substantially equivalent measure of safety.

(8) Trestles. Foundations, pile trestles, framed bent trestles, mud sills, or other framework of all structures shall be adequate to support

the maximum imposed loads without exceeding the maximum safe working unit stresses. Such structure shall be maintained in good condition and repair and shall be inspected at least annually by a qualified person and a record maintained of inspection which shall be made available to the Division of Industrial Safety and Health on request.

(9) Wooden guard. Outside wooden guard rails shall be installed on all railroad bridges except that outside wooden rails will not be required where inside steel guard rails are used. They shall extend not less than six inches above the top of the ties and shall be bolted or spiked to ties at intervals of not more than five feet. Spacer blocks shall be used unless ties are spiked to stringers, or guard rails are dapped to avoid need for spacer blocks.

(10) Bridge ties. Regular bridge ties of not less than ten feet in length shall be used on all railroad bridges constructed after the effective date of these standards.

(11) Safety platforms. On trestles and bridges whose length exceeds two hundred fifty feet, safety platforms providing safe standing space for two persons shall be installed and spaced so that a person on the trestle or bridge is never more than one hundred twenty-five feet from a safety platform or the end of the bridge or structure.

(12) Bridges and trestles used as footways. All railroad bridges and trestles used habitually as footways shall be provided with a plank walkway not less than twelve inches wide and two inches thick, located between the rails, and shall extend from end to end of bridge or trestle.

(13) Walkway. A suitable substantial walkway not less than three feet wide with handrail shall be installed on bridges or trestles where train crews are required to perform routine inspection or repair work on trains. Substantial platforms and handrails shall be provided where switches are located on bridges or trestles. Adequate clearance shall be allowed for the throw of the switch.

(14) Clearing right of way. All dangerous trees, snags or brush shall be cleared a safe distance from both sides of the track and any obstruction that will create a transportation hazard shall be removed.

(15) Secure footing at switches. Material shall be provided which will promote secure footing at places alongside the track where employees customarily perform duties, such as inspect loads, set brakes by hand or throw switches.

(16) Clearance between tracks. The distance between any main tracks and side track shall be such that there shall be a clearance of four feet between bunk ends and locomotive cabs.

(17) Clearances. The minimum horizontal clearances on each side of the center line of standard gauge mainline railroads shall be eight feet, and the vertical clearance shall be twenty-two feet above the top of each rail (in accordance with standard railroad engineering practices).

(18) Derailers.

(a) Derailers shall be installed and used on all landings, passing tracks and spurs where cars are left on a grade.

(b) These derails shall be located in such a manner that they will be close to standing equipment and will not operate to create a hazard to buildings and other railroad lines.

(c) Derailers shall not be located on the inside rail on a sharp curve.

(d) Derail signs shall be set on both sides of the track even with derailer.

(e) When a derailer is no longer needed, it shall be removed or rendered inoperative.

#### NEW SECTION

WAC 296-54-527 TRUCK ROADS. (1) Truck road grades. Truck road grades shall not be too steep for safe operation of logging or work trucks which operate over them and shall not exceed twenty-five percent in any case unless a positive means of lowering trucks is provided.

(2) Truck road surfaces.

(a) Truck roads shall be of sufficient width and evenness to insure the safe operation of equipment.

(b) Hazards such as broken planking, deep holes, large rocks, logs, etc., which prevent the safe operation of equipment, shall be immediately corrected.

(c) Road width. Truck roads shall be of sufficient width for two trucks to pass, or some type of signal system shall be maintained or speed limited to such that the vehicle can be stopped in one-half the visible distance.

(3) Safe roadways. All danger trees shall be felled a safe distance back from the roadway. Rocks, which present a hazard, shall be cleared from banks. Brush and other materials that obstruct the view at intersections or on sharp curves shall be cleared. (This subsection is

applicable only to those portions of roads under direct control of the employer.)

(4) Bridges. All structures shall be adequate to support the maximum imposed loads without exceeding the maximum safe working unit stresses. All bridges shall have an adequate number of reflectors to clearly define the entrance to the bridge. All structures shall be maintained in good condition and repair and shall be inspected at least annually by a qualified authorized person and a record maintained of each inspection, which shall be made available to the Division of Industrial Safety and Health, Department of Labor and Industries on request.

(5) Shear rails. Shear rails shall be installed on both outside edges of bridges. The shear rails must be securely fastened and made of material capable of withstanding the impact generated by contact with the wheels of a loaded vehicle. The top of shear rails shall be not less than fifteen inches above the bridge surface. Bridges in use prior to the effective date of these regulations with outside shear rails of a minimum of ten inches high or center type shear rails of not less than five inches high are permissible if maintained in proper repair.

(6) Control of dust on logging roads. Measures shall be instituted which will minimize dust to such degree that visibility will not be reduced beyond the point where an operator can safely operate a vehicle. Vehicle operators shall govern the speed of vehicles by road conditions.

(7) Fenders. Pneumatic-tired, earth-moving haulage equipment listed in the Society of Automotive Engineers Technical Report J321a, shall be equipped with fenders as described in the report.

#### NEW SECTION

##### WAC 296-54-529 FALLING AND BUCKING—GENERAL.

(1) Before starting to fall or buck any tree or snag, the cutter shall survey the area for possible hazards and proceed according to safe practices. Snags which are unsafe to cut shall be blown down with explosives or felled by other safe methods.

(2) Workers shall not approach a faller within reach of the trees being felled unless a signal has been given and acknowledged by the faller that it is safe to approach.

(3) Before falling or bucking any tree, sufficient work area shall be swamped and an adequate escape path shall be made. An escape path shall be used as soon as the tree or snag is committed to fall, roll or slide.

(4) Warning to be given. Fallers shall give timely and adequate warning prior to falling each tree; such warning shall be given with the saw motor shut off. Persons in the area shall give response to the faller and shall also notify him when they are in the clear.

(5) A competent person, properly experienced in this type of work, shall be placed in charge of falling and bucking operations. Inexperienced workers shall not be allowed to fall timber or buck logs unless working under the direct supervision of an experienced worker.

(6) Snags that have loose bark in the area of the proposed cut shall have the bark removed before being felled. When a snag has elevated loose bark which cannot be removed, the buddy system shall be used to watch for and give warning of falling bark or other hazards.

(7) Tools of fallers and buckers, such as axes, sledges, wedges, saws, spring boards, etc., must be maintained in safe condition. Case hardened or battered sledges and wedges shall not be used. All tools shall be used for their intended purposes.

(8) Trees shall not be felled if the falling tree can endanger any worker or strike any line or any unit in the operation.

(9) When practical, strips shall be laid out so cutters face out into opening when starting strip, and all trees shall be felled into the open whenever conditions permit.

(10) Trade leaners. Cutters shall not fall into another strip; leaners on the line shall be traded.

(11) When there is danger from kickback of a sapling, the same must be either undercut or felled.

(12) Cutters shall place an adequate undercut and leave sufficient holding wood to insure the tree will fall in the intended direction. When required, mechanical means shall be used to accomplish this objective.

(13) Cutters shall be careful their chopping range is unobstructed.

(14) Cutters shall confer with their supervisor regarding a safe manner of performing the work and in unusually hazardous situations shall not proceed with the work until their method has been approved by their supervisor.

(15) The person in charge of cutting crews shall regularly inspect the work of the cutting crews and shall be responsible for seeing the work is performed in a proper and safe manner.

(16) Common sense and good judgment must of necessity govern the safety of cutters as affected by weather conditions. At no time shall they work if wind is strong enough to prevent the falling of trees in the desired direction or when vision is impaired by dense fog or darkness.

(17) Cutters shall be assigned to work in locations where they are in contact with others or their welfare shall be checked on as provided for by WAC 296-54-507(2).

(18) Persons in charge of cutting crews shall account for all persons in their crews being on hand when work ceases as provided for by WAC 296-54-507(3).

(19) All fallers and buckers shall have a current first-aid card.

(20) All fallers and buckers shall carry or have with them in near proximity at all times, an axe, a minimum of two wedges, a whistle and a first-aid kit. The whistle shall be carried on their person.

(21) Special precautions shall be taken to prevent trees from falling into power lines. If a tree does contact a power line, the power company shall be notified immediately and all persons shall remain clear of the area until the power company personnel advise that conditions have been made safe to resume operations.

(22) Wedges shall be of soft metal, hardwood or plastic.

(23) Wedges shall be driven with a hammer or other suitable tool. Double-bitted axes or pulaskies shall not be used for this purpose.

(24) While wedging, fallers shall watch for falling limbs or other material that might be jarred loose. Cutting of holding wood in lieu of using wedges is prohibited.

(25) Undercuts are required except in matchcutting, and shall be large enough to safely guide trees and eliminate the possibility of splitting. Trees with no perceptible lean having undercuts to a depth of one-fourth of the diameter of the tree with a face opening equal to one-fifth of the diameter of the tree, will be assumed to be within reasonable compliance with this rule. Swing cuts are prohibited.

(26) Undercuts shall be completely removed except when a dutchman is required on either side of the cut.

(27) Backcuts shall be as level as possible and shall be approximately two inches higher than the undercut, except in tree pulling.

(28) Trees with face cuts or backcuts shall not be left standing. When a tree is not completely felled, the faller shall clearly mark the tree, shall discontinue work in the hazardous area and notify his immediate supervisor. The supervisor shall be responsible for notifying all workers who might be endangered and shall take appropriate measures to ensure that the tree is safely felled before other work is undertaken in the hazardous area.

(29) To avoid use of wedges, which might dislodge loose bark or other material, snags shall be felled in the direction of lean unless other means (mechanical or dynamite) are used.

(30) Lodged trees shall be clearly marked and identified by a predetermined method and all persons in the area shall be instructed not to pass or work within two tree lengths of such trees except to ground them.

(31) Work areas shall be assigned so that a tree cannot fall into an adjacent occupied work area. The distance between work areas shall be at least twice the height of the trees being felled. A greater distance may be required on downhill slopes depending on the degree of the slope and on the type of trees and other considerations.

(32) Where felled trees are likely to roll and endanger workers, cutting shall proceed from the bottom toward the top of the slope, and performed uphill from previously felled timber.

(33) Cutters shall not be placed on a hillside immediately below each other or below other operations where there is probable danger.

(34) Fallers shall be informed of the movement and location of buckers or other cutters placed, passing or approaching the vicinity of trees being felled.

(35) A flagperson(s) shall be assigned on roads where hazardous conditions are created from falling trees. Where there is no through traffic, such as on a dead end road, warning signs or barricades may be used.

(36) No tree or danger tree shall be felled by one cutter where and when the assistance of a fellow cutter is necessary to minimize the dangers or hazards involved.

(37) Cutters shall be in the clear as the tree falls.

(38) Undercuts and backcuts shall be made at a height above the highest ground level to enable the cutter to safely begin the cut, control the tree, and have freedom of movement for a quick escape to be in the clear from a falling tree.

(39) When falling, a positive means, method or procedure that will prevent accidental cutting of necessary holding wood shall be established and followed. Particular care shall be taken to hold enough

wood to guide the tree or snag and prevent it prematurely slipping or twisting from the stump.

(40) The undercut shall not be made while buckers or other workers are in an area into which the tree could fall.

(41) Matchcutting should not be permitted and shall be prohibited for trees larger than six inches in diameter breast high.

(42) Buckers shall keep the fallers informed of their position and when a faller's first warning is heard, they shall immediately answer the faller and move to a place where they are safe.

(43) The tree (and root wad if applicable) shall be carefully examined to determine which way the logs (and root wad) will roll, drop, or swing when the cut is completed. No worker shall be allowed in this danger zone during cutting.

(44) Logs shall be completely bucked through whenever possible. If it becomes hazardous to complete a cut, then the log shall be marked and identified by a predetermined method. Rigging crews shall be instructed to recognize such marks and when possible, cutters shall warn the rigging crew of locations where such unfinished cuts remain.

(45) Cutters shall give timely warning to all persons within range of any log which may have a tendency to roll after being cut off.

(46) Propping of logs or trees as a means to protect workers downslope from the logs or trees, shall be prohibited.

(47) Logs shall not be jackstrawed when being bucked in piles or decks at a landing.

#### NEW SECTION

**WAC 296-54-531 FALLING AND BUCKING—POWER SAWS AND POWER EQUIPMENT.** (1) Operators shall inspect chain saws daily to ensure that handles and guards are in place, and controls and other moving parts are functional.

(2) Fuel outdoors. The chain saw shall be fueled outdoors at least fifty feet from persons smoking or from other potential sources of ignition.

(3) Chain saws shall not be operated unless equipped with a muffler.

(4) Idler end of power chain saw blade on all two-man machines shall be adequately guarded.

(5) Combustion-engine type power saws shall be equipped with a positive means of stopping the engine.

(6) Electric power saws shall be equipped with an automatic (deadman type) control switch. Saws with faulty switches shall not be used.

(7) Unless the carburetor is being adjusted, the saw shall be shut off before any adjustments or repairs are made to the saw, chain or bar.

(8) Combustion-engine type power saws shall be equipped with a clutch.

(9) The chain saw clutch shall be properly adjusted to prevent the chain from moving when the engine is at idle speed.

(10) Power chain saws with faulty clutches shall not be used.

(11) The bar shall be handled only when the power chain saw motor is shut off.

(12) Power chain saws shall have the drive end of the bar guarded.

(13) Combustion-engine driven power saws shall be equipped with an automatic throttle control (deadman type), which will return the engine to idle speed upon release of the throttle (idle speed is when the engine is running and the chain does not rotate on the bar).

(14) When falling of tree is completed, the power saw motor shall be shutoff. Where terrain or brush creates a hazardous condition, the power saw motor shall be shutoff while the operator is traveling to the next cut. The power saw motor shall also be shutoff while fueling.

(15) Saw pinching and subsequent chain saw kickback shall be prevented by using wedges, levers, guidelines, and saw placement, or by undercutting.

(16) Cutters shall not use the chain saw to cut directly overhead or at a distance that would require the operator to relinquish a safe grip on the saw.

(17) Effective January 1, 1980, all power saws shall be purchased and maintained with chain brakes to minimize kickbacks.

(18) Reserve fuel shall be handled and stored in accordance with WAC 296-24-37009.

(19) Hand-held files shall be equipped with a handle.

(20) Only experienced cutters shall buck windfalls.

**NOTE:** It is recommended that the chain saw be moved at least ten feet from the point of fueling and spilled fuel be allowed to evaporate, before starting the engine. The saw should be placed on the ground or other solid surface, i.e., a log or stump, while starting, and held firmly with the bar tip clear

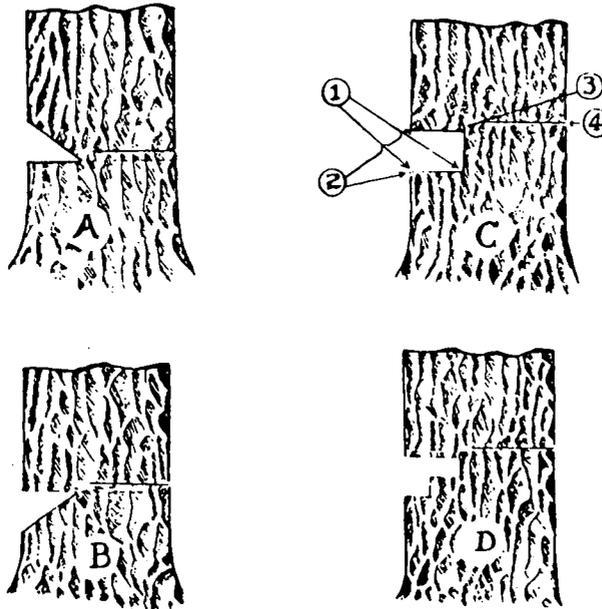
of any obstruction. Firm footing should be ensured while starting and operating the chain saw. The saw should be held with both hands whenever possible and the handles and handlebars maintained free of oil and dirt accumulations that could cause loss of control of the saw.

**NEW SECTION**

**WAC 296-54-533 FALLING AND BUCKING—SPRINGBOARDS AND TREE JACKING.** (1) Springboards shall be of clear, straight-grained sound stock of sufficient length, width and strength and shall be replaced when they will no longer safely support the expected load at the extreme end.  
 (2) Springboard irons shall be well lipped and firmly attached with bolts or a means of attachment furnishing equivalent strength.  
 (3) Two workers shall be present when falling any tree or snag when springboards are used.

(4) Power saw chains shall be stopped while shifting springboards.  
 (5) Jack plates shall be used with hydraulic tree jacks and the base plate shall be seated on solid wood inside the bark ring as close to level as possible.  
 (6) Two workers shall be present at all times during the use of tree jacks.  
 (7) Wedges shall be used as a follow-up method while using tree jacks. The wedges shall be continuously moved in as the tree is jacked.  
 (8) Effective January 1, 1980, all hydraulic tree jacks shall be equipped with an operable velocity fuse (check valve) and the pump shall be equipped with an operable pressure gauge.  
 (9) When tree jacking, the facecut shall be nominally one-fourth the diameter of the tree.  
 (10) The vertical height of the facecut shall be not less than one-fifth of the diameter of the tree when tree jacking.

NOTE: See Figure No. 1, for illustrations of undercuts.



- (a) Conventional undercut. Can be made with parallel saw cut and axe diagonal cut or both cuts with the saw. Generally used on trees of small diameter.
- (b) Both cuts made with the saw. Leaves square-end log. Same as "A", except that waste is put on the stump.
- (c) Two parallel cuts with the saw. The material between the cuts is chipped out with an axe-adz (pulaski) combination. Used on trees over 30" in diameter.
- (d) Three parallel cuts with the saw, leaving a step. Same in principle as above. Used on trees of very large diameters.

Item	
1	Undercut Depth
2	Undercut Height
3	Holding Wood
4	Backcut

Figure No. 1

**NEW SECTION**

**WAC 296-54-535 TREE PULLING.** (1) The cutter shall be responsible for determining if a tree can be safely pulled. If, for any reason, the cutter believes the tree pulling cannot be completed safely, the tree shall be conventionally felled.  
 (2) Positive radio communications shall be maintained at all times between the tree pulling machine and cutter when tree pulling. An audible signal shall be blown when the initial pull is made on the tree and the line is tightened. Hand signals, in lieu of radio communications and an audible signal, may be used only if the cutter is clearly visible to the tree puller operator.

(3) A choker, choker bell, or a line and sleeve shackle shall be used as the means of attachment around the tree when tree pulling. The bight on the line shall be only that necessary to hold the choker or line around the tree.  
 (4) The tree pulling machine shall be equipped with a torque converter, fluid coupler, or an equivalent device to insure a steady even pull on the line attached around the tree.  
 (5) The tree pulling line shall have as straight and direct path from the machine to the tree as possible. Physical obstructions which prevent a steady even pull on the tree pulling line shall be removed or the line shall be rerouted.  
 (6) Siwashing, in lieu of a block, in order to change tree pulling lead, is prohibited.

NEW SECTION

**WAC 296-54-537 MECHANIZED FALLING.** (1) When using selfpropelled mobile falling devices, a watchman and/or warning signs shall be posted at appropriate locations indicating that devices of this type are being used to fall trees.

(2) Self-propelled mobile falling equipment used for falling trees shall be designed in a manner or shall have auxiliary equipment installed which will cause the tree to fall in the intended direction.

(3) Mechanized falling shall be conducted in such a manner as not to endanger persons or equipment.

(4) Where a mechanized feller incorporates a cab structure having a single entrance door, it shall be equipped with an alternate means of escape from the cab should the door be blocked in the event of vehicle rollover or fire. Cab doors shall be fitted with latches operable from both sides of the door.

NEW SECTION

**WAC 296-54-539 CLIMBING EQUIPMENT AND PASS-LINE.** (1) Standard climbing equipment shall be furnished by the employer; however, this shall not be construed to mean that the climber may not use his own equipment, provided it meets the following standards and is permitted by the employer. The climbing ropes shall be of steelcore type. The climber may fasten his rope by passing it through "D" rings fastened to the belt and around his body before tying it to itself. When topping standing trees, it is recommended that a steel chain of 3/16-inch material or larger with appropriate fittings attached be used, in addition to the climbing rope. All climbing equipment shall be maintained in good condition. An extra set of climbing equipment shall be kept available near any climbing operation and a person with climbing experience shall also be available at the worksite.

(2) A person shall ride only the passline to thread lines, oil blocks or to inspect rigging.

(3) No one shall work directly under a tree except when directed by the climber. Warning shall be given prior to intentionally dropping any objects or when objects are accidentally dropped.

(4) Running lines shall not be moved while the climber is working in the tree, except such "pulls" as he directs and are necessary for his work.

(5) One experienced person shall be dispatched to transmit the climber's signals to the machine operator and shall not otherwise be occupied during the time the climber is in the tree, nor shall the machine operator be otherwise occupied while the climber is using the passline. The designated signalman shall position himself clear of hazards from falling, flying or thrown objects.

(6) Splices and knots in passline are not permitted. Chains used in passlines shall be in good condition and shall not contain cold shuts or wire strands.

(7) The climber shall be an experienced logger with proper knowledge of logging methods and the safety of rigging spar and tail trees.

(8) Trees shall not be topped during windy weather.

(9) At no time shall topping, rigging-up, or stripping work be done when visibility is impaired.

(10) When the friction lever and pass line drum is on the opposite side of the machine from the operator, an experienced person shall operate the friction lever while the engineer operates the throttle. While being used, the pass line drum shall be properly attended by another person to guide the pass line onto the passline drum with a tool suitable for the purpose.

(11) The use of a gypsy drum for handling persons in the tree is prohibited.

(12) Danger trees leaning towards and within reach of landings, roads, rigging or work areas shall either be felled before the regular operations begin or work shall be arranged so that workers will not be exposed to hazards involved.

(13) Noisy equipment such as power saws, tractors and shovels shall not be operated around the area where a climber is working when such noise will interfere with the climber's signals.

(14) When the climber is required to top trees ahead of operations, another worker shall be assigned to stay within sight of him at all times.

(15) Climbing and passline equipment shall not be used for other purposes.

(16) Defective climbing equipment shall be immediately removed from service.

(17) The climber shall be equipped with a climbing equipment assembly having a breaking strength of not less than five thousand four

hundred pounds.

The equipment shall include:

(a) A safety belt with double "D" rings;

(b) Steel spurs long and sharp enough to hold in any tree in which they are used; and

(c) A climbing rope made of wire-core hemp, wire or chain construction.

(18) When the climber is using a chain saw in the tree, the climbing rope shall be made of material that cannot be severed by the saw.

(19) The climbing rope or chain shall be attached to both the two "D" rings at the side of the belt, or passed through the "D" rings and around the body.

(20) Lineman hooks shall not be used as spurs.

(21) Spurs shall be removed when the climber is not in the tree.

(22) When power saws are used in topping or limbing standing trees, the weight of the saw shall not exceed thirty pounds.

(23) Tools used by the climber, except the power saw, shall be safely secured to his belt when not in use.

(24) Snaps shall not be used on a climber's rope unless a secondary safety device between the belt and snap is used.

(25) A climber's rope shall encircle the tree before the climber leaves the ground except when the climber is riding the passline.

(26) While the climber is working in the tree, persons shall keep at sufficient distance from the tree to be clear of falling objects.

(27) The climber shall give warning in case any equipment or material is in danger of dropping, or is to be dropped deliberately.

(28) When used, passline fair-leads shall be kept in alignment and free from fouling at all times.

(29) Spikes, used by the climber as a temporary aid in hanging rigging, shall be removed before the tree is used for logging.

(30) Loose equipment, rigging or material shall either be removed from the tree or securely fastened.

(31) All spar trees shall be equipped with passlines that shall:

(a) Be not less than 5/16-inch and not be over 1/2-inch in diameter;

(b) Not be subjected to any sawing on other lines or rigging, and kept clear of all moving lines and rigging;

(c) Be of one continuous length and in good condition with no splices, knots, molles, or eye-to-eye splices between the ends;

(d) Be long enough to provide three wraps on the drum before the climber leaves the ground.

(32) Drums used for passlines shall have sufficient flange depth to prevent the passline from running off the drum at any time.

(33) Passline chains shall:

(a) Be not less than 5/16-inch alloy or 3/8-inch high test chain and shall not contain cold shuts or wire strands;

(b) Be attached to the end of the passline with a screw-pin shackle, a slip-pin shackle with a nut and malle, or a ring large enough to prevent going through the pass block; and

(c) Be fitted with links or rings to prevent workers from being pulled into the passline block.

(34) Pass blocks shall:

(a) Be inspected before placing in each spar and the necessary replacements or repairs made before they are hung;

(b) Have the shells bolted under the sheaves;

(c) Have the bearing pin securely locked and nuts keyed or the block be of the type which positively secures the nut and pin;

(d) Equipped with sheaves not less than six inches in diameter; and

(e) Comply with applicable portions of WAC 296-54-543(6) pertaining to blocks.

(35) When workers are required to go up vertical metal spars, passlines, chains and blocks shall be provided and used.

NEW SECTION

**WAC 296-54-541 SELECTION OF SPAR, TAIL AND INTERMEDIATE TREES.** (1) Douglas fir or spruce shall be used as spar, tail, or intermediate support trees when they are available. If other species must be used, additional guylines, tree plates, or other precautions shall be taken to insure the tree will withstand the strains to be imposed.

(2) Spar, tail and intermediate support trees shall be examined carefully for defects before being selected. They shall be sound, straight, green and of sufficient diameter to withstand the strains to be imposed.

(3) Trees having defects that impair their strength shall not be used for spar, tail or intermediate support trees. Raised trees shall be identified and marked as such.

(4) Before raising spar trees, dummy trees shall be topped and guyed with three guylines equivalent in breaking strength to the mainline.

#### NEW SECTION

##### WAC 296-54-543 GENERAL REQUIREMENTS. (1) Rigging.

(a) Rigging shall be arranged and operated so rigging or loads will not foul, rub or saw against lines, straps, blocks or other equipment.

(b) A thorough inspection of all blocks, straps, guylines and other rigging shall be made before they are placed in positions for use. Inspections shall include an examination for damaged, cracked or worn parts, loose nuts and bolts, and of lubrication, and the condition of straps and guylines. All necessary repairs or replacements for safe operation shall be made before the rigging is used.

(c) Rigging equipment, when not in use, shall be stored so as to not present a hazard to employees.

(d) Running lines shall be arranged so workers will not be required to work in the bight. When this is not possible, workers shall move out of the bight of lines before the lines are tightened or moved.

##### (2) Shackles.

(a) Shackles with screw pins or approved closed slide hooks shall be used to fasten guylines to spar trees.

(b) All shackles used to hang blocks, jacks, or rigging on trees or loading booms shall have the pins fastened by a nut secured with a cotter pin or molle. When used, molles shall be as large as the pin hole will accommodate and with the loose ends rolled in.

(c) The size of the opening between the jaws of shackles used to hang blocks, jacks, rigging, and for joining or attaching lines, shall not be more than one inch greater than the size of the rope, swivel, shackle, or similar device to which it is attached.

(d) All shackles used for mainline or skyline extensions shall be of a type designed for that purpose.

(e) Shackles used other than for mainline extension connections, shall be of the screw-pin type or with the pin secured by a nut and cotter pin or molle, except as specified elsewhere for specific purposes.

(f) Shackles, swivels, links and tree plates shall be replaced or repaired when they will not safely support the imposed strains of their intended use.

(g) Shackles shall not be loaded in excess of the working load recommended by the manufacturer.

(h) All shackles must be made of forged steel or material of equivalent strength and one size larger than the line it connects.

##### (3) Straps.

(a) Safety straps of appropriate size shall be placed on all high lead blocks; also other blocks whenever practicable. Safety straps shall be shackled, with closed end of shackle up, to a guyline which extends as near as possible at right angles with power unit, but shall not be placed on a guyline having an extension within one hundred feet of the tree. When the top guyline on which the safety strap of the high lead block is fastened is changed, safety strap must be attached to another guyline or loosened guyline tightened after change.

(b) All tree straps shall be at least 1/4-inch larger than the pulling line. If impossible to use safety strap, all tree straps shall be 1/2-inch larger than the pulling line.

(c) All straps in back of show must be as large as the running line.

(d) All blocks other than passline and straw line lead blocks shall be hung in both eyes or "D's" of straps. Threading eye through eye is prohibited.

(e) Skyline jack shall not be hung by double strap through shackle and hanging jack in two eyes.

(f) Tree straps shall initially be made of new wire rope when made up. They shall be replaced when there is evidence of damage or broken wires.

(g) A guyline safety strap or equivalent device shall be installed at the top of metal spars to prevent guylines from falling more than five feet in case of structural or mechanical failure of the guyline attachment.

(h) Metal spar guyline safety straps or equivalent devices shall be equal to the strength of the guyline.

(i) Nylon straps may be used in accordance with manufacturer recommendations.

(j) Nylon straps shall be removed from service when the wear reaches the limits prescribed by the manufacturer. The person responsible for inspecting the condition of rigging shall be aware of these limits.

##### (4) Guylines.

(a) All component parts of the guyline system on head tree shall be of equal or greater strength than the mainline and guylines shall be properly spaced to effectively oppose the pull of the mainline.

(b) Guylines on wood spar trees shall be secured to solid stumps with not less than two and one-half complete wraps with at least six staples or eight railroad spikes driven solidly into sound wood on the first and last wrap. The bark shall be removed and the stump adequately notched or other equivalent means shall be used to prevent movement of the line on the stump or tree. Guyline stumps shall be inspected periodically. Guylines may be secured to properly installed "deadmen" when suitable stumps are not available. It is permissible, on the tail tree, to secure the guylines by placing three wraps around a tree or stump and securing them properly by use of clamps.

(c) When a mainline of 7/8-inch or less is used, the spar shall be supported by at least five top guylines or other positive means of supporting the spar.

(d) When tail hold on skyline is choked on stump, there shall be no excessive bight against shackle.

(e) In removing guylines and skylines from stumps, etc.:

(i) A reversed safety wrap shall be put on and secured before loosening the last wrap.

(ii) An experienced person shall be in charge loosening guylines or skylines using proper precautions, and giving warning before lines are released.

(iii) Safety holdbacks shall be used when necessary for the safety of workers.

(iv) Powder or power shall be used for releasing the last wrap on skylines.

(f) Guylines shall be used with any logging equipment when required by the equipment manufacturer.

(g) Guying shall not be less than the minimum recommended by the equipment manufacturer.

(h) Top guys on vertical metal and wooden spars which require five or more guylines shall be so arranged that at least three guys oppose the pull of the load, with at least one guyline anchored adjacent to the yarding quarter.

(i) Guylines shall be of plow steel or better material, and shall be maintained in good condition.

(j) When side blocking or lateral yarding, lateral stability to the head spar tree shall be insured by guylines sufficient in number, breaking strength and spacing.

(k) All guylines shall be kept well tightened while the spar, tree, equipment or rigging they support is in use.

(l) All trees that interfere with proper alignment, placement or tightening of guylines shall be felled.

(m) Guylines shall be hung in a manner to prevent a bight or fouling when they are tightened.

(n) The "U" part of shackles or sleeves shall be around the guyline and the pin passed through the eye of the guyline. Pins shall be secured with molles.

(o) All spliced guyline eyes shall be tucked at least three times.

(p) Extensions to guylines shall be:

(i) Equal in strength to the guyline to which they are attached; and

(ii) Connected only by a shackle connecting two spliced eyes or by double-end hooks. Connections shall have at least one and one-half times the strength of the guyline.

(q) Portable metal spars and their appurtenances shall be inspected by a qualified person each time the spar is lowered and at any time its safe condition is in doubt. When damage from over-stress is noted or suspected, the part in question shall be inspected by a suitable method and found to be safe, or the part repaired or replaced before the spar is again used.

(r) No person shall go up a raised metal spar unless suitable passline equipment is provided and used.

(s) Repairs, modifications or additions which affect the capacity or safe operation of metal spars shall be made only under the direction of a registered engineer and within the manufacturer's recommendations.

(i) In no case shall the original safety factor of the equipment be reduced.

(ii) If such modifications or additions are made, the identification plate required by WAC 296-54-553(1) shall reflect such changes.

(t) When using skylines 7/8-inch or smaller, tail trees shall be supported by at least two guylines when the rigging is placed on the tail tree at a height greater than five times the tree diameter (dbh) or higher than ten feet from the highest ground point, whichever is lower.

(u) When using skylines one inch or larger, tail trees shall be supported by at least four guylines when the rigging is placed on the the

tail tree at a height greater than five times the tree diameter (dbh) or higher than ten feet from the highest ground point whichever is lower.

(v) Tail trees shall be supported by additional guylines if necessary to insure stability of the tree.

(w) Wood head spar trees shall be guyed as follows:

(i) All spar trees one hundred ten feet and over in height shall be provided with a minimum of six top guys and three buckle guys, each of which shall be substantially equal in strength to the strength of the mainline. This requirement, however, shall not be construed as applying where more than three buckle guys are specifically required.

(ii) Spar trees used for loading and yarding at the same time, or for loading and swinging at the same time, or supporting a skyline yarding system, shall have not less than six top and four buckle guylines each of which shall be substantially equal in strength to the strength of the mainline.

(iii) Spar trees under one hundred ten feet high used only for yarding with heavy equipment (over 7/8-inch mainline) shall have not less than six top guys each of which shall be substantially equal in strength to the strength of the mainline.

(iv) Spar trees used for yarding with light equipment (7/8-inch or smaller mainline) shall be guyed in such a manner that strains will be imposed on not less than two guylines. If less than five top guys are used, guylines shall be at least 1/4-inch larger than the mainline.

(v) More guylines shall be added if there is any doubt as to the stability of any spar tree, raised tree, tail tree, or other equipment or rigging they support.

(x) Guylines shall alternately be passed around the wood spar in opposite directions to prevent twisting of the spar.

(y) Guylines shall be attached to the upper portion of the wood spar by means of shackles, hooks or slides.

(z) A-frames shall be guyed by at least two quarter-guylines and one snap guyline or equivalent means to prevent A-frame from tipping back.

(5) Anchoring.

(a) Stump anchors used for fastening guylines and skylines shall be carefully chosen as to position, height and strength. When necessary, stump anchors shall be tied back in a manner that will distribute the load.

(b) Stump anchors shall be barked where attachments are to be made, or devices designed to accomplish the same purpose shall be used.

(c) Stump anchors shall be notched to a depth not greater than one and one-half times the diameter of the line to be attached.

(d) Deadman anchors may be used if properly installed. Guylines shall not be directly attached to deadman anchors. Suitable straps or equally effective means shall be used for this purpose.

(e) Rock bolts and other types of imbedded anchors may be used if properly designed and installed.

(f) Stumps, trees and imbedded type guyline anchors shall be regularly inspected while the operation is in progress. Insecure or hazardous anchors shall be immediately corrected.

(g) Workers shall not stand close to the stump, or in the bight of lines as the guyline or wraps are being tightened.

(6) Blocks.

(a) All blocks shall:

(i) Not be used for heavier strains or lines than those for which they are constructed;

(ii) Be fitted with line guards and shall be designed and used in a manner that prevents fouling;

(iii) Be kept in proper alignment when in use;

(iv) Have bearing and yoke pins of a material that will safely withstand the strains imposed and shall be securely fastened;

(v) Have sheaves of a size designed for the size of the wire rope used.

(b) Blocks with cracked or excessively worn sheaves shall not be used.

(c) Lead blocks used for yarding, swinging, loading and unloading used in wood spars shall:

(i) Be of the type and construction designed for this purpose;

(ii) Be bolted with not less than two bolts through the shells below the sheaves in a manner that will retain the sheave and line in case of bearing pin failure (this does not apply to haulback lead blocks); and

(iii) Mainline blocks shall have a sheave diameter of not less than twenty times the diameter of the mainline.

(d) Block bearing shall be kept well lubricated.

(e) All blocks must be of steel construction or of material of equal or greater strength and so hung that they will not strike or interfere with other blocks or rigging.

(f) All pins in blocks shall be properly secured by "Molle Hogans" or keys of the largest size the pin hole will accommodate. When blocks are hung in trees, threaded pins and nuts shall be used.

(g) Sufficient corner or tail blocks to distribute the stress on anchors and attachments shall be used on all logging systems.

(h) Blocks used to lead lines directly to yarding, loading or unloading machines other than passline or strawline blocks shall be hung by one of the following methods:

(i) In both eyes or "D"s of straps; threading eye through eye is prohibited; or

(ii) If chokers are used, the knob shall be secured in the bell to prevent unbuttoning.

(i) Tail, side or corner blocks used in yarding shall be hung in both eyes of straps.

(7) Wire Rope.

(a) Wire rope shall be of the same or better grade as originally recommended by the equipment manufacturer.

(b) Wire rope shall be removed from service when any of the following conditions exist:

(i) In running ropes, six randomly distributed broken wires in one lay or three broken wires in one strand in one lay;

(ii) Wear of one-third the original diameter of outside individual wires. Kinking, crushing, bird-caging, or any other damage resulting in distortion of the rope structure;

(iii) Evidence of any heat damage from any cause;

(iv) Reductions from nominal diameter of more than 3/64-inch for diameters to and including 3/4-inch, 1/16-inch for diameters 7/8-inch to 1-1/8-inch, inclusive, 3/32-inch for diameters 1-1/4-inches to 1-1/2-inches inclusive;

(v) In standing ropes, more than two broken wires in one lay in sections beyond end connections or more than one broken wire at an end connection;

(vi) In standing ropes, when twelve and one-half percent of the wires are broken within a distance of one wrap (lay); and

(vii) Corroded, damaged or improperly applied end connections.

(c) Wire rope shall be kept lubricated as conditions of use require.

(8) Splicing Wire Rope.

(a) Marlin spikes or needles in good condition and large enough for the size of the line being spliced, shall be used for splicing.

(b) When available, and practical to use, a patented wire cutter shall be used. If using a wire axe to cut cable, the hammer used to strike the axe shall be made of soft nonspalling type material. Eye and face protection shall be worn in accordance with WAC 296-54-511(2).

(c) Short splices, eye to eye splices, cat's paws, knots, molles and rolled eyes are prohibited except for use in the moving of slack lines. Knots will be permitted for use on single drum tractors and grapple pick-up lines when properly tied.

(d) Wire rope 1/2-inch or less in diameter may be tucked two times provided the rope is used only as straw line.

(e) Splices other than eye splices in lang lay lines are prohibited. Eye splices in lang lay lines shall be tucked at least four times.

(f) Long splices shall be used for permanently joining "regular lay" running lines.

(g) When U-bolt wire rope clips (clamps) are used to form eyes on high strength wire rope, an additional clip (clamp) for each grade of line above improved plow steel shall be used over and above the following table: (See Figure No. 2, following this section, for proper application of wire rope clips.)

Improved Plow Steel Diameter of Rope	Number of Clips Drop Forged	Required Other Material	Minimum Space Between Clips
3/8 to 5/8 inch	3	4	3-3/4 inches
3/4 inch	4	5	4-1/2 inches
7/8 inch	4	5	5-1/4 inches
1 inch	5	6	6 inches
1-1/8 inch	6	6	6-3/4 inches
1-1/4 inch	6	7	7-1/2 inches
1-3/8 inch	7	7	8-1/4 inches
1-1/2 inch	7	8	9 inches

(h) All line eye splices shall be tucked at least three full tucks. D's and knobs are recommended for line ends.

(i) Two lines may be connected by a long splice, or by shackles or patent links of the next size larger than the line being used where practical. Double "Molle Hogans" may be used on drop lines only and single "Molle Hogans" may be used on strawline.

(j) Splicing of two lines together for loading line or pass line is prohibited.

(k) Safe margin of line must be used for making long splices. The following table shows comparative safe lengths as to size of cable in making long splices:

Rope Diameter	To Be Unravalled	Total Length
1/4"	8'	16'
3/8"	8'	16'
1/2"	10'	20'
5/8"	13'	26'
3/4"	15'	30'
7/8"	18'	36'
1"	20'	40'
1-1/8"	23'	46'
1-1/4"	25'	50'
1-3/8"	28'	56'
1-1/2"	30'	60'
1-5/8"	33'	66'
1-3/4"	35'	70'
1-7/8"	38'	76'
2"	40'	80'

(9) Miscellaneous Requirements.

(a) All lines, straps, blocks, shackles, swivels, etc., shall be inspected frequently and shall be used only when found to be in good condition. Such items shall be of sufficient size and strength as to safely withstand the stress which can be imposed by the maximum pull of the power unit against such equipment or devices as rigged or used in that particular logging operation.

(b) When used or second-hand cables are purchased, they shall not be used for any purpose until inspection determines they will withstand the maximum imposed strain.

(c) Skyline shall be anchored by placing three full wraps around tail hold and staples or spikes shall be used to securely hold each wrap or choked and secured with a shackle or three wraps and at least three clamps securely tightened.

(d) When using haulback lines greater than 7/8-inch diameter on interlocking drum-type yarders, additional precautions shall be taken to prevent the corner blocks or tail blocks from dislodging the anchors to which the blocks are secured.

(e) Where "dutchman" is used, either for yarding or on skyline, a block of heavy construction must be used. Regular tree shoe or jack may be used for "dutchman" on skyline. Cable must be fastened securely.

(f) Choker drops shall be connected to the butt rigging by knobs or shackles. The use of molles or cold shuts is prohibited in all components of the butt rigging. All butt rigging shall be designed to prevent loss of chokers and defective swivels shall not be used. Open hooks shall not be used to connect lines to the buttrigging.

(g) When heel tackle is fastened near machine, safety line must be placed in such manner that in case of breakage, lines shall not strike power unit and endanger operator.

(h) Only in case of necessity shall any metallic object be driven into a commercial log. The metal must be removed immediately when splice or other work is completed. Stumps shall be used whenever possible for splicing.



RIGHT



WRONG



WRONG

Figure No. 2  
PUT CLIPS ON RIGHT

Clips should be spaced at least six rope diameters apart to get the maximum holding power and should always be attached with the base or saddle of the clip against the longer or "live" end of the rope. The "U" bolt goes over the dead end. This is the only right way. Do not reverse the clips or stagger them. Otherwise the "U" bolt will cut into the live rope when the load is applied. After the rope has been used and is under tension the clips should again be tightened to take up any looseness caused by the tension reducing the rope diameter. Remember that even when properly applied a clip fastening has only about eighty percent of the strength of the rope and far less than that when on wrong.

NEW SECTION

WAC 296-54-545 RIGGING—WOOD SPAR TREES. (1) Wood spar trees shall be of sound material of sufficient size and strength to withstand any stresses which may be imposed by any equipment used for that specific operation. The top of the tree shall extend not more than 16 feet above the top guylines on spar trees over fifty feet in height. Spar trees less than fifty feet in height shall extend no more than eight feet above the top guylines. School marms used as spar trees shall be topped at the forks. Spar trees, except cedar, must be barked where guylines, straps, bull blocks and tree plates are placed.

(2) Spar trees must be topped and limbs must be cut off close so that running lines will not foul or saw on protruding knots.

(3) At least four tree plates shall be placed under top guylines on spar trees over fifty feet in height and at least three tree plates shall be used on spar trees less than fifty feet in height.

(4) Tree plates shall be equipped with lugs or other suitable means of holding them in place.

(5) When spar trees are raised, stumps used for snubbing shall be properly notched. Guylines shall be held by some mechanical means. Snubbing by hand is prohibited.

(6) All rub trees shall be limbed and topped.

(7) Guylines.

(a) Wood spar trees using a line greater than 7/8-inch and used as loading and yarding trees shall have at least six top guys and four buckle guys, providing a sail guy is used.

(b) Wood spar trees using a mainline greater than 7/8-inch and used only as yarding trees shall have at least six top guys and, if not rigid, at least three buckle guys shall be used.

(c) Wood spar trees used for loading only with crotch line, spreader bar or swinging boom shall have at least four top guys and, if not rigid, at least three buckle guys shall be used.

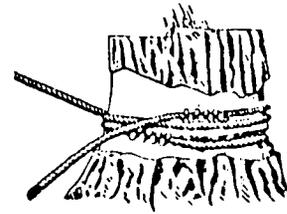
(d) Wood spar trees used for any skyline system of logging shall have additional guylines as are necessary to assure rigidity of tree at skyline jack, skidding block, receding and transfer line blocks, and loading rigging.

(e) Wood spar trees used for transfer shall have at least five top guys and, if not rigid, at least three buckle guys shall be used.

(f) When high lead block is hung below buckle guys, at least three top guys of equal strength to the mainline shall be used to keep the top from swaying.

(g) When buckle guys are required, they shall be installed on the tree where they will provide the maximum effectiveness.

(8) Loose material such as bark, spikes, straps or chains not in use and slabs caused by bumping logs or chafing straps must be removed from the spar tree. Heavy bark shall be removed from trees used for a permanent installation.



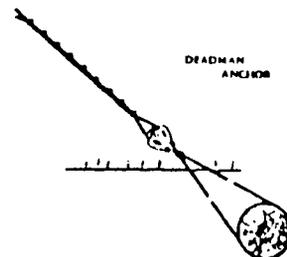
WRAPPING A GUYLINE

**NEW SECTION**

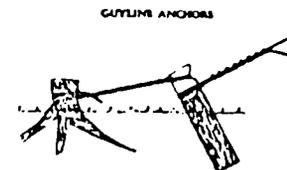
**WAC 296-54-547 RIGGING—TAIL TREE.** (1) No work shall continue on tail tree while the climber is working on the head tree or vice versa, if trees are connected by any line.

(2) Tail trees shall be adequately guyed to withstand any stress to which the tree may be subjected. Live (slackline) or standing skylines may be anchored to the base of standing trees only if no part of the tree will enter the work area (cutting unit) if pulled over. The guyline shall be anchored as low as possible to the base of the tree. If using a live (slackline) standing or running (Grabinski) skyline, the tail tree need not be topped provided the slackline or skyline passes through a jack or block on the tree before being anchored. At least two guylines shall be installed to support the tail tree and may be anchored to the base of standing trees if the above conditions are complied with. Attaching the end of the skyline or slackline to the base of the tail tree is prohibited.

NOTE: See Figure No. 3 for rigging illustrations.

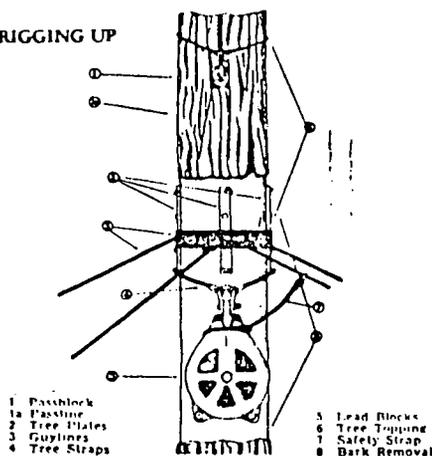


DEADMAN ANCHOR



GUYLINE ANCHORS

RIGGING UP



- |               |                |
|---------------|----------------|
| 1 Passblock   | 5 Lead Block   |
| 1a Passline   | 6 Tree Topping |
| 2 Tree Plates | 7 Safety Strap |
| 3 Guylines    | 8 Bark Removal |
| 4 Tree Straps |                |

Figure No. 3

**NEW SECTION**

**WAC 296-54-549 LINES, STRAPS AND GUYLINE ATTACHMENTS—STEEL SPARS.** (1) When in use, steel tower guyline safety straps shall have a minimum amount of slack.

(2) A safety strap or equivalent device shall be installed on steel towers at the bight of the guylines to prevent the guylines from falling in the case of failure of guyline attachments, guyline lug rings or collar plates, where such exist. Such devices shall have a breaking strength at least equivalent to that of the guylines.

(3) The use of cable clips or clamps for joining the ends of steel tower guylines safety straps is prohibited.

**NEW SECTION**

**WAC 296-54-551 YARDING, LOADING AND SKIDDING MACHINES—GENERAL REQUIREMENTS.** (1) Yarding, loading and skidding machines shall be operated only by experienced authorized personnel, except that inexperienced personnel may operate machines in accordance with WAC 296-54-515(2).

(2) Overhead protection and other barriers shall be installed to protect the operator from lines, limbs and other moving materials on or over all yarding, loading or skidding machines. Construction shall be so the view of the operator is not impaired. Barriers shall consist of metal screen constructed of 1/4-inch diameter woven wire material with maximum two inch openings or 3/4-inch diameter steel rod with eight inch maximum openings. Such barriers shall be installed no closer than four inches to the glass.

(3) When a yarder, loader or skidding machine is placed in a vulnerable position, where a log could come loose from a turn or be dislodged by a turn and slide or roll into the yarder, loader or skidding machine, a barrier or sheer log shall be placed in a strategic location to divert or stop the log before hitting the yarder, loader or skidding machine. Barriers shall be of sufficient strength and dimension to provide necessary protection for the operator.

(4) Logging machines and their components shall be securely anchored to their bases and the sleds or bases shall be of sufficient strength to withstand the common stresses imposed upon them.

(5) A safe and adequate means of access and egress to all parts of logging machinery where persons must go shall be provided and maintained in a safe condition.

(6) Any logging equipment having a single cab entrance door, shall be equipped with an alternate means of escape from the cab should the door be blocked in the event of vehicle rollover or fire. Door latches shall be operable from both sides.

(7) Logging machines shall be kept free of flammable waste materials and any materials which might contribute to slipping, tripping or falling.

(8) Logging machine engines shall be stopped during inspection or repairing, except where operation is required for adjustment.

(9) Grab handrails shall be provided and maintained in good repair on all walkways of stationary units elevated more than four feet. Walkway surfaces on such units shall be of the slip-proof type.

(10) Standard safeguards shall be provided at every place on a machine where persons may be exposed to contact with revolving parts or pinchpoints during normal operations.

(11) To protect workers from exposure to the hazardous pinchpoint area between the rotating superstructure and the nonrotating undercarriage of any logging machine, signs shall be conspicuously posted on all sides of that type machine warning workers: "DANGER - STAY CLEAR."

(12) Items of personal property, tools or other miscellaneous materials shall not be stored on or near any logging machine if retrieval of such items would expose a worker to the hazardous pinchpoint referred to in subsection (11) of this section.

(13) Workers shall approach the hazardous pinchpoint area referenced in subsection (11) of this section, only after informing the operator of their intent and receiving acknowledgment from the operator that he understands their intention. All such machines shall be stopped while any worker is in the hazardous pinchpoint area.

(14) When the nature of the work requires a person to work within three feet of the swing radius of the rotating superstructure, a physical barrier, similar to a standard guardrail, shall be provided between the hazard and the person. This requirement shall not apply when:

(a) The distance from the highest point of the undercarriage to the lowest point of the rotating superstructure is greater than 18-inches. This applies only to that portion of the rotating superstructure that swings directly over the undercarriage;

(b) The distance from the ground to the lowest point of the rotating superstructure is greater than five feet six inches. This applies only to that portion of the rotating superstructure that swings directly over the undercarriage; or

(c) On crawler-type track-mounted logging machines only, the rotating superstructure is positioned at a right angle to the tracks, and the distance from the side of the cab to the extreme end of the track is four feet or less. This exemption shall apply to side barricades only; barricades between the tracks at both ends of any crawler-type logging machine are required regardless of the right angle dimension.

(15) An unimpaired clearance of not less than three feet shall be maintained between the rotating superstructure of any logging machine and any adjacent object or surface. If this clearance cannot be

maintained, a physical barrier similar to a standard guardrail, shall be provided to isolate the hazardous area.

(16) Logging machines shall not be operated until all guards have been installed, safety devices activated and maintenance equipment removed.

(17) Stationary logging machines shall be securely anchored to prevent movement of the machine while yarding or skidding.

(18) Ends of drum lines shall be securely fastened to the drum and at least three wraps shall be maintained on the drum at all times. (This rule does not apply to tractor winch lines.)

(19) Such units shall not be tied to any part of the towing unit, when they are being moved on truck or truck and trailer units.

(20) Logs shall not be moved, swung or held over any persons.

(21) Brow logs in the loading or unloading area shall be blocked or secured to prevent movement. Log decks shall be maintained in a safe condition and shall not present a hazard of logs rolling or sliding on workers.

(22) Brakes shall be set and brake locking devices engaged on logging machines when the operator leaves his normal operating position.

(23) Guyline drum controls and outrigger controls shall be separated, color coded or marked in a manner that will prevent engaging of the wrong control.

(24) Exhaust pipes shall be located or insulated to protect workers from accidental contact with the pipes or muffler and shall direct exhaust gases away from the operator and other persons.

(25) Glass on logging machines shall be safety glass or equivalent and shall be free of deposits of oil, mud, or defects that could endanger the operator or other persons.

(26) Broken or defective glass shall be removed and replaced as soon as possible.

(27) Where safety glass or equivalent, does not provide adequate operator protection from flying chokers, chunks, saplings, limbs, etc., an additional metal screen and/or barrier shall be provided over the safety glass. The operator's vision shall not be impaired. Barriers shall consist of 1/4-inch diameter woven wire material with maximum two inch openings, 3/4-inch diameter steel rod with eight inch maximum openings in any direction or barriers so designed and constructed to provide equivalent operator protection. Such barriers shall be installed no closer than four inches to the glass to enable keeping the glass clean.

(28) Except for hydraulic drums, brakes shall be installed on all logging machine drums and maintained in effective working condition. Brake levers shall be provided with a ratchet or other equally effective means for securely holding the drums.

(29) Brake bands and levers shall have a safety factor of not less than five. (A safety factor of five means that design strength of the bands and levers is five times greater than the calculated working stress to be imposed upon them.)

(30) Brakes shall be tested prior to putting the machine in operation on a production basis. If brake bands have become wet, they shall be dried out.

(31) A stable base shall be provided under outriggers or leveling pads and a means shall be provided to hold outriggers in both the retracted and extended position.

(32) Abrasive contact with hydraulic hose, tubing or fittings shall be eliminated before further use and defective hydraulic hoses, lines and fittings shall be replaced.

(33) Effective January 1, 1980, hydraulic jib cylinders on knuckle boom-type log loading equipment, tilt and clamp cylinders on front end loaders, and hydraulic outrigger cylinders shall have a positive holding device (load check valve or a manually operated valve) to prevent movement of the piston in the event of a hose or fitting failure.

**NOTE:** The requirements of subsection (33) do not apply to the lifting cylinders of hydraulically operated log handling machines of the mobile forklift type. It shall apply only to the boom lifting cylinders of hydraulically operated crane-type log handling machines in which the load is lifted by wire rope.

(34) When moving logging machines, the driver or operator shall have a clear and unobstructed view of the direction of travel. When this is not possible, a signalperson with a clear and unobstructed view of the direction of travel shall be designated and used to direct movement of the machine.

(35) Where a signalperson is used, the equipment operator shall move the equipment only on signal from the designated signalperson and only when the signal is distinct and clearly understood.

(36) When moving power units, persons other than the operator and the person in charge shall not be permitted to ride thereon.

(37) All obstructions which may reach the operator while moving machines, shall be removed.

(38) Only shackles with threaded pins shall be used for connecting moving rigging.

(39) Anchors used for moving power units shall be carefully chosen and must be stable.

(40) When snubbing a machine down a steep slope, use the mainline for snubbing and pull with the haulback whenever possible.

(41) Self-powered mobile logging machines of the type where towers or spars can be raised, shall not travel on steep road grades unless they are securely snubbed or towed.

(42) When moving to areas within the immediate landing area, all persons working on the landing shall stay in the clear of the machine and shall inform the operator of his intention to approach or be near the machine.

(43) Service brakes shall be provided on crawler crane-type logging machines that will bring the machine to a complete stop from normal travel speeds.

(44) Effective January 1, 1980, a traction lock or brake or equivalent locking and braking system, shall be provided on crawler crane-type machines that is capable of holding the machine stationary under normal working conditions, and on any grade the machine is capable of negotiating.

(45) No modifications or additions which affect the capacity or safe operation of the equipment shall be made by the employer without written approval of the manufacturer or a qualified engineer. If such modifications or changes are made, the capacity, operation and maintenance instruction plates, tags, or decals, shall be changed accordingly. In no case shall the original safety factor of the equipment be reduced.

(46) Equipment shall be classed and used according to the manufacturer's rating. Where low gear ratios or other devices are installed to increase the line pull in accordance with subsection (45) of this section, the size of the rigging shall be increased accordingly so that it will safely withstand the increased strains.

(47) Every tractor, skidder, front-end loader, scraper, grader and dozer shall be equipped with a roll-over protective structure (R.O.P.S.). Such structures shall be installed, tested and maintained in accordance with:

(a) WAC 296-155-950 through 296-155-965 of the Safety Standards for Construction, if manufactured prior to the effective date of this chapter.

(b) The Society of Automotive Engineers SAE 1040a-1975, "Performance Criteria for Roll-over Protective Structures (ROPS) for Earthmoving, Construction, Logging and Industrial Vehicles," if manufactured after the effective date of this chapter.

(48) The ROPS shall be of sufficient height and width so that it will not impair the movements of the operator or prevent his immediate escape from the vehicle in emergencies and shall allow as much visibility as possible. Clearance above the deck and the ROPS of the vehicle at points of egress shall not be less than fifty-two inches.

(49) Certified Roll-over protective systems shall be identified by a metal tag permanently attached to the ROPS in a position where it may be easily read from the ground. The tag shall be permanently and clearly stamped, etched or embossed indicating the name and address of the certifying manufacturer or registered professional engineer, the ROPS model number (if any) and the vehicle make, model or serial number the ROPS is designed to fit.

(50) Roll-over protective structure systems shall be maintained in a manner that will preserve their original strength. Welding shall be performed qualified welders only.

(51) Every tractor, skidder, front-end loader, log stacker, forklift truck, scraper, grader and dozer shall be equipped with a FOPS. Such structures shall be installed, tested and maintained in accordance with the Society of Automotive Engineers SAE J231-1971, "Minimum Performance Criteria for Falling Object Protective Structures (F.O.P.S.)."

(52) Vehicles equipped with ROPS or FOPS as required in subsections (47) and (51) of this section, shall comply with the Society of Automotive Engineers SAE J397a-1972, "Deflection Limiting Volume for Laboratory Evaluation of Roll-over Protective Structures (ROPS) and Falling Object Protective Structures (FOPS) of Construction and Industrial Vehicles."

(53) The opening in the rear of the ROPS on the crawler or rubber-tired tractors (skidders) shall be covered with 1/4-inch diameter

woven wire having not less than 1-1/2-inches or more than 2-inch mesh, or material which will afford equivalent protection for the operator. The covering shall be affixed to the structural members so that ample clearance is provided between the screen and the back of the operator. Structural members shall be free from projections which would tend to puncture or tear flesh or clothing. Suitable safeguards or barricades shall be installed, in addition to the screen, to protect the operator when there is a possibility of being struck by any material that could enter from the rear.

(54) Crawler and rubber-tired tractors (skidders) working in areas where limbs or brush may endanger the operator shall be guarded. Shear or deflector guards shall be installed on each side of the vehicle at an angle leading forward and down from the top front edge of the canopy of the vehicle, which will tend to slide the brush or limbs up and over the top of the canopy. Open mesh material with openings of a size that will reject the entrance of an object larger than 1-3/4-inches in diameter, shall be extended forward as far as possible from the rear corners of the cab sides to give the maximum protection against obstacles, branches, etc. entering the cab area. Deflectors shall also be installed ahead of the operator to deflect whipping saplings and branches. These shall be located so as not to impede ingress or egress from the compartment area. The floor and lower portion of the cab shall be completely enclosed with solid material, except at entrances, to prevent the operator from being injured by obstacles which otherwise could enter the cab compartment.

(55) Enclosures for agricultural and industrial tractors manufactured after September 1, 1972, shall be constructed, designed and installed as detailed in the Society of Automotive Engineers Technical Report J168.

(56)(a) All bidirectional machines, such as rollers, compactors, front-end loaders, log stackers, log loaders, bulldozers, and similar equipment, shall be equipped with a horn distinguishable from the surrounding noise level, which shall be operated as needed when the machine is moving in either direction. The horn shall be maintained in an operative condition.

(b) No employer shall permit earthmoving, compacting, or yarding 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 or an employee signals that is safe to do so.

#### NEW SECTION

WAC 296-54-553 YARDING, LOADING AND SKIDDING MACHINES—MOBILE TOWERS AND BOOM-TYPE YARDING AND LOADING MACHINES. (1) Portable (mobile) tower specification plate. A specification plate shall be permanently attached to the base of each portable (mobile) tower so it can be easily read by a person standing on the ground or on the base platform. It shall contain the following information:

- (a) Name and address of manufacturer and model number;
- (b) The maximum diameter of the mainline or skyline for which the unit is designed and size of haulback and mainline to be used together if drums are interlocking or automatic tensioning type;
- (c) The number and size of guylines required to stabilize the unit;
- (d) The maximum length and capacity of a loading boom or similar equipment which may be attached if the structure is engineered for such;
- (e) If the unit is designed for use on any skyline system of logging; and
- (f) Maximum degree of inclination from vertical at which the spar (tower) may be used.

(2) The critical parts of portable spars (towers) shall be inspected by a qualified person at reasonable intervals while in service and each time the spar (tower) is lowered. If indication of failure or weakness is noted or suspected, the part shall be inspected by an approved method and found to be safe, or it shall be repaired or replaced before the operation is allowed to proceed.

(3) Blocks and fair leads shall be so located that there will be no chafing or sawing of any line or part of the structure.

(4)(a) Power guylines used for stabilizing any unit may be choked around an adequately notched stump if using a shackle or approved choker attachment. Two full wraps or more must be placed around an adequately notched stump to secure the guyline if clamps are used. Guyline extensions shall be properly shackled to the guylines.

(b) When using a deadman anchor to support a guyline, the connection shall be made by properly shackling both eyes of the anchor strap to the guyline.

(5) Persons shall not ascend a spar or tower unless suitable equipment or attachments are provided. If using a passline, proper equipment and procedures shall be used to safely control the person's ascent and descent.

(6) Power driven devices shall be securely anchored when used to tighten guylines. Holding of such devices manually is prohibited.

(7)(a) Machines or equipment shall be stabilized by their design or the attachment of guylines or other devices which will prevent the machine from overturning. Machine operators shall be advised of the stability limitations of the equipment.

(b) If stabilization of a machine is dependent upon the use of hydraulic outriggers, a pilot operated hydraulic check valve or other locking device shall be installed to prohibit the outrigger from retracting in case a hydraulic line breaks, except when proper blocking is provided.

(8) A qualified person shall direct each raising or lowering of a portable spar or tower.

(9) All persons not engaged in the actual raising or lowering of portable spars or towers shall stay in the clear during such operations.

(10) Guylines required in rigging spars or towers shall be evenly spooled to prevent fouling.

(11) Portable spars or towers shall be leveled to provide even line spooling and avoid excessive stress on component parts.

(12) The portable spar or tower shall be lowered or supported so the stability of the machine is not impaired during movement of the portable spar or tower.

(13) Guylines of portable spars or towers shall not be anchored to standing trees if the unit is used for yarding as a head tree.

(14) Timbers used for masts or booms shall be straight-grained, solid, and capable of withstanding the working load.

(15) Boom points of timber booms shall be equipped with metal straps, plates, or other devices as needed to properly secure eyebolts and fittings used to support lines, blocks, or other rigging.

(16) All mobile vehicles on which yarding equipment, towers, spars, masts or booms are installed, shall be maintained in a safe operating condition.

(17) A-frames shall be secured against displacement and the tops shall be securely bolted or lashed to prevent displacement.

(18) When any portable-type tower, A-frame or spar is used, the base shall be securely and solidly supported.

(19) All loading, unloading and skidding machines shall be equipped with a horn or whistle which is audible above the surrounding noise level. Such horn or whistle shall be maintained in an operative condition.

## NEW SECTION

**WAC 296-54-555 YARDING—GENERAL REQUIREMENTS.** (1) Workers shall be alert and be positioned in the clear where they will not be exposed to the hazards of moving logs, saplings, root wads, chunks, rigging, or any other material which might be put in motion by the rigging or turn, before the "go ahead" signal is given. They shall remain in the clear at all times while the rigging is moving.

(2) No person shall be near rigging which is stopped at a hangup, until the rigging has been slacked to reduce the hazard.

(3) No person shall stand or remain within the bight of any running line, nor in a position where he could be struck by a line were it to break or come loose.

(4) Whenever possible, chokers shall be set from the uphill side of a log. Persons shall not be on the lower side of a log which appears to be unstable or likely to roll.

(5) Wire rope used for chokers shall not exceed seventy-five percent of the breaking strength of the mainline.

(6) Chokers shall be placed near the end of the log whenever possible.

(7) When pulling lines, do not stand close to fair leads or blocks.

(8) Lines shall not be guided on drums with hands or feet. The use of a bar or equivalent means is recommended.

(9) Yarding with more than one unit on any one head spar is prohibited.

(10) The angle between the power unit, the high lead block, and the mainline road shall not exceed a square lead on rigged spars. When using portable spars or towers, the location of the machine or position of the operator shall be such that the operator shall not be endangered by incoming logs.

(11) When there is danger of tail block straps slipping up or off the stump or tree, the stump or tree shall be adequately notched or the line properly wrapped and secured. When the tail tree or stump is not secure, it shall be tied back.

(12) When yarding is being done during the hours of darkness, the area shall be provided with illumination which will allow persons to safely perform their duties. The source of illumination shall be located and directed creating a minimum of shadows and glare. If using a portable tail-hold, lights shall be directed on the equipment to allow the person to visually ascertain that the tail-hold equipment remains stabilized.

(13) No person shall be required or allowed to ride on a turn of logs or rigging excepting the passline. The practice of holding on to moving rigging or chokers to assist a person by being pulled uphill shall be prohibited.

(14) Wire rope shall be wound evenly on the drum and not be allowed to lap one layer on another in an irregular manner. Sheaves shall be smooth and free from defects that could cause rope damage.

(15) Chaser shall be sure that turns are safely landed before approaching to remove the chokers.

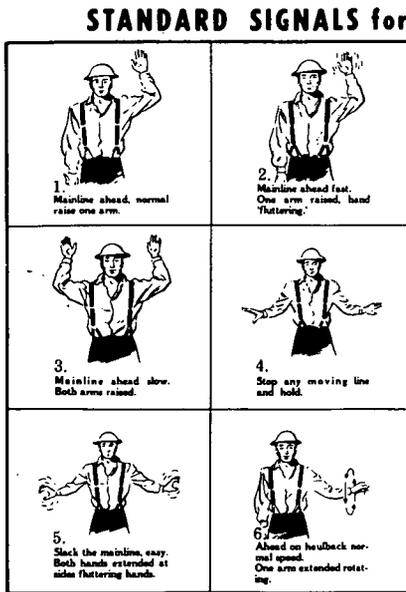
(16) Signaling machine operator at landings by throwing bark, chips or other material in the air is prohibited. Whistle or hand signals shall be used at all times.

(17) Logs shall not be landed while loaders or chasers are engaged in hooking on. Logs shall not be removed from yarder tree by the loader or tractors while the chaser is unhooking a turn from the yarder.

(18) Landings shall be as level as possible and of sufficient size to safely accommodate the majority of type turns to be yarded. At least two-thirds of the log shall rest on the ground or other substantial material when landed. Logs shall be set on the ground or deck and not dropped when being landed. Long sticks shall be safely removed before additional logs are landed.

(19) Chokers shall not be used on a grapple system when the yarder operator cannot clearly see the persons setting the choker, unless conventional whistle signals are used.

**NOTE:** See Figure No. 4 for Standard Hand Signals for High Lead Logging.



### HIGH LEAD LOGGING



Figure No. 4

#### NEW SECTION

**WAC 296-54-557 YARDING—TRACTORS AND SKIDDERS.** (1) Operators shall ensure that all persons are safely in the clear before initiating or continuing the movement of any mobile equipment.

(2) No person shall ride on any mobile equipment, except where adequate and protected seats, or other safe facilities have been provided.

(3) While in use, tractors and skidders shall be maintained in a safe operable condition, with all guards in proper places.

(4) No person shall be under a tractor or other mobile equipment, or be placed in a hazardous position around the equipment without first making certain it cannot move or be moved by another person.

(5) Prior to working on tractor or skidder blades, arches, or other equipment, the equipment must be blocked up lowered to the ground or otherwise secured against slipping or falling. Prior to working on hydraulic equipment, the pressure shall be relieved.

(6) When making repairs to tractor or skidder equipment, such as blades, arches, etc., the engine shall be stopped. The engine may be run when necessary for making adjustments to the engine or equipment.

(7) Operators shall operate and control their machines in a safe manner and avoid operations in areas where machine stability may not be maintained.

(8) The following safe work procedures shall be adhered to:

(a) When hobo logs are picked up with a log turn, the turn shall be dropped to free the hobo.

(b) No line shall be allowed to trail behind the tractor or skidder where it may hang up and snap forward.

(c) Winching at a severe angle, which could cause a hang-up to upset the machine, shall be avoided.

(d) Grapple skidded log turns shall be evenly bunched with squared butt ends, securely grappled and safely positioned before travel commences.

(e) Before climbing or descending grades, the proper gear shall be selected to allow the engine to govern the tractor speed.

(f) On side hills, an abrupt turn uphill shall be avoided. The tractor or skidder shall be backed downhill first then turned uphill. The turn may be slacked off as necessary to permit this maneuver.

(g) The operator shall, before leaving a tractor or skidder, lower the blade to the ground and apply the parking brake.

(h) Tractor or skidder speed shall be adjusted to the circumstances prevailing. Excessive or uncontrolled speed shall be avoided.

(i) Winch lines on logging tractors or skidders shall be attached to the drum with a break-away device.

**NOTE:** It is recommended the turn be winched up tight to the fairlead before travel, to avoid hang-ups or rollover. Before descending a steep skid trail, the tractor or skidder should be stopped and the load repositioned tight against the apron. When operating on steep terrain, the tractor or skidder should not be driven off the skid road or trail to reach a turn. Instead, the mainline should be taken out and the choker extensions used, if necessary, to reach otherwise inaccessible turns.

(9) When hand signals are required for giving instructions to the tractor or skidder operator, the signals as illustrated in Figure No. 5 shall be used.

(10) Tractor and skidder brakes shall stop and hold the machine on any grade over which the machine is being operated. They shall be effective whether or not the engine is running and regardless of the direction of travel.

(11) Tractors and skidders shall be provided with a brake locking device that will hold the machine indefinitely on any grade on which it is being operated.

(12) Operating a tractor or skidder with defective steering or braking devices is prohibited.

(13) Arches shall be equipped with line guards.

(14) Where tractor and skidder operators or helpers, because of the nature or their work duties, are required to wear calk soled footwear, the decks and operating foot controls shall be covered with a suitable nonslip material.

(15) Glass used in windshields or inn cabs shall be of "safety glass." Broken or cracked glass shall be replaced as soon as practical. Barriers shall provided, as needed, to protect the glass from being broken by using screen, bars or other material. The protective material shall be a type that will not create a hazard by undue impairment of the operators' vision.

(16) Barriers shall be constructed of at least 1/4-inch diameter woven wire with two inch maximum openings or other material providing equivalent protection. The barrier shall be installed at least four inches from the glass to provide space to clean the glass.

(17) Enclosed-type cabs installed on mobile equipment shall have two means of exit. One may be deemed as an emergency exit and be available for use at all times, regardless of the position of the side arms or other movable parts of the machine. (An easily removable window

will be acceptable as the emergency exit if it is of adequate size for a person to readily exit through.)

(18) Seat belts shall be installed on tractors and other mobile equipment equipped with a roll-over protective system and shall be worn by the operator and passenger(s) at all times the vehicle is in motion. The seat belts and assemblies shall be designed, constructed and maintained to conform to the requirements specified in the Society of Automotive Engineers Technical Report J386 or J333a. Seat belts need not be provided for equipment which is designed for stand-up operations.

(19) If the equipment operator and person in charge of the jobsite agree that life safety of the operator is jeopardized by wearing a seat belt, the seat belt need not be worn until such time as the operation returns to normal and life safety of the operator is no longer in jeopardy.

(20) Seat belts required by subsection (18) of this section, shall have buckles of the quick release type, designed to minimize the possibility of accidental release.

(21) Before a tractor or skidder is started or moved, the operator shall be certain nothing is in the way that could be set in motion by the movement of the machine thereby endangering persons.

(22) A log or turn shall not be moved until all persons are in the clear (behind the turn and on the uphill side on sloping ground).

(23) Before the engine is shut-down, the brake locks shall be applied and all elements such as blades, buckets, grapples and shears shall be lowered to the ground.

(24) Tractors or skidders shall not be operated within a radius of two tree heights of trees being felled unless called upon by the cutter or faller to ground lodged trees. All cutters shall be notified of the tractor or skidder entrance into the area and all felling within two tree lengths of the tractor or skidder shall be stopped.

(25) Except where electrical distribution and transmission lines have been de-energized and visibly grounded at point of work or where insulating barriers, not a part of or an attachment to the equipment or machinery, have been erected to prevent physical contact with the lines, equipment or machines shall be operated proximate to power lines only in accordance with the following:

(a) For lines rated 50 kV or below, minimum clearance between the lines and any part of the equipment or machine shall be ten feet;

(b) For lines rated over 50 kV, minimum clearance between the lines and any part of the equipment or machine shall be ten feet plus 0.4 inch for each 1 kV over 50 kV, or twice the length of the line insulator, but never less than ten feet;

(c) In transit with no load and boom or extended equipment lowered, the equipment clearance shall be a minimum of four feet for voltages less than 50 kV, and ten feet for voltages over 50 kV up to and including 345 kV, and sixteen feet for voltages up to and including 750 kV;

(d) A person shall be designated to observe clearance of the equipment and give timely warning for all operations where it is difficult for the operator to maintain the desired clearance by visual means;

(e) Any overhead wire shall be considered to be an energized line unless and until the person owning such line or the electrical utility authorities indicate it is not and energized line and it has been visibly grounded.

(26) Log piles and decks shall be located and constructed to provide working areas around them that will accommodate the safe movement of personnel and machinery.

(27) Braking systems required by subsection (10) of this section, shall be capable of stopping the equipment fully loaded as specified in the Society of Automotive Engineers Technical Reports listed in subdivisions (a), (b), (c) or (d) of this subsection and shall be installed by June 30, 1973. All rubber-tired tractors or other types of mobile equipment listed below, manufactured after the effective date of these standards, shall have braking systems and requirements specified in the applicable Technical Reports of the Society of Automotive Engineers as follows:

(a) Brake systems for off-highway, rubber-tired, self-propelled scrapers shall meet or exceed the requirements outlined in SAE Technical Report J319b.

(b) Brake systems for off-highway, rubber-tired, front-end loaders, log stackers and dozers (skidders) shall meet or exceed the requirements outlined in SAE Technical Report J237.

(c) Brake systems for rubber-tired, self-propelled graders shall meet or exceed the requirements outlined in SAE Technical Report J236.

(d) Brake systems for off-highway trucks and wagons shall meet or exceed the requirements outlined in SAE Technical Report J166.

## NEW SECTION

WAC 296-54-559 YARDING—HELICOPTERS AND HELICOPTER CRANES. (1) Helicopters and helicopter cranes shall comply with any applicable regulations of the Federal Aviation Administration.

(2) Prior to each day's operation, a briefing shall be conducted. This briefing shall set forth the plan of operation for the pilot and ground personnel.

(3) A take-off path from the log pickup point shall be established, and shall be made known to all workers in that area before the first turn of logs is moved.

(4) The helicopter flight path to and from the drop zone shall be designated and no equipment or personnel (other than flight personnel necessary to assist landing and take-off) will occupy these areas during helicopter arrival or departure.

(5) The approach to the landing shall be clear and long enough to prevent tree tops from being pulled into the landing.

(6) The helicopter shall not pass over an area in which cutters are working at a height which would cause the rotor wash to inhibit a cutter's ability to safely control a tree or dislodge limbs.

(7) Drop zones shall be twice the nominal length of logs to be landed.

(8) The drop zone shall be no less than one hundred twenty-five feet from the loading or decking area.

(9) Separate areas shall be designated for landing logs and fueling the helicopter(s).

(10) The yarding helicopter shall be equipped with a siren to warn workers of any hazardous situation.

(11) Workers shall remain in the clear as chokers are being delivered, and under no circumstances will workers move under the helicopter that is delivering the chokers or take hold of the chokers before they have been released by the helicopter.

(12) Log pickup shall be arranged in a manner that the hook up crew will not work on slopes below felled and bucked timber.

(13) If the load must be lightened, the hook shall be placed on the ground on the uphill side of the turn before the hooker approaches to release the excess logs.

(14) Landing crew shall be in the clear before logs are dropped.

(15) One end of all the logs in the turn shall be touching the ground and lowered to an angle of not more than 45° from the horizontal before the chokers are released.

(16) Logs shall be laid on the ground and the helicopter will be completely free of the choker(s) before workers approach the logs.

(17) If the load will not release from the hook, the load and the hook shall be on the ground before workers approach to release the hook manually.

(18) Loads shall be properly slung. Tag lines shall be of a length that will not permit their being drawn up into rotors. Pressed sleeve, swedged eyes, or equivalent means shall be used for all freely suspended loads to prevent hand splices from spinning open or cable clamps from loosening.

(19) All electrically operated cargo hooks shall have the electrical activating device so designed and installed as to prevent inadvertent operation. In addition, these cargo hooks shall be equipped with an emergency mechanical control for releasing the load. The hooks shall be tested prior to each day's operation to determine that the release functions properly, both electrically and mechanically.

(20)(a) Personal protective equipment for employees receiving the load shall consist of complete eye protection and hard hats secured by chinstraps, and high visibility vests or outer garments.

(b) Loose-fitting clothing likely to flap in the downwash, and thus be snagged on hoist line, shall not be worn.

(21) Every practical precaution shall be taken to provide for the protection of employees from flying objects in the rotor downwash. All loose gear within one hundred feet of the place of lifting of the load, depositing the load, and all other areas susceptible to rotor downwash shall be secured or removed.

(22) Good housekeeping shall be maintained in all helicopter landing and unloading areas.

(23) The helicopter operator shall be responsible for size, weight, and manner in which loads are connected to the helicopter. If, for any reason, the helicopter operator believes the lift cannot be made safely, the lift shall not be made.

(24) Employees shall not perform work under hovering craft except for that limited period of time necessary to guide, secure, hook and unhook loads. Regardless of whether the hooking or unhooking of a load takes place on the ground or other location in an elevated work

position in structural members, a safe means of access and egress, to include an unprogrammed emergency escape route or routes, shall be provided for the employees hooking or unhooking loads.

(25) Static charge on the suspended load shall be dissipated with a grounding device before ground personnel touch the suspended load, or protective rubber gloves shall be worn by all ground personnel touching the suspended load.

(26) The weight of an external load shall not exceed the manufacturer's rating.

(27) Hoist wires or other gear, except for pulling lines or conductors that are allowed to "pay out" from a container or roll off a reel, shall not be attached to any fixed ground structure, or allowed to foul on any fixed structure.

(28) When visibility is reduced by dust or other conditions, ground personnel shall exercise special caution to keep clear of main and stabilizing rotors. Precautions shall also be taken by the employer to eliminate as far as practical reduced visibility.

(29) Signal systems between aircrew and ground personnel shall be understood and checked in advance of hoisting the load. This applies to either radio or hand signal systems. Hand signals shall be as shown in Figure 6.

(30) No unauthorized person shall be allowed to approach within fifty feet of the helicopter when the rotor blades are turning.

(31) Whenever approaching or leaving a helicopter with blades rotating, all employees shall remain in full view of the pilot and keep in a crouched position. Employees shall avoid the area from the cockpit or cabin rearward unless authorized by the helicopter operator to work there.

(32) Sufficient ground personnel shall be provided, when required, for safe helicopter loading and unloading operations.

(33) There shall be constant reliable communication between the pilot, and a designated employee of the ground crew who acts as a signalperson during the period of loading and unloading. This signalperson shall be distinctly recognizable from other ground personnel.

(34) Open fires shall not be permitted in an area that could result in such fires being spread by the rotor downwash.

(35) Under no circumstances shall the refueling of any type helicopter with either aviation gasoline or Jet B (Turbine) type fuel be permitted while the engines are running.

(36) Helicopters using Jet A (Turbine-Kerosene) type fuel may be refueled with engines running provided the following criteria is met:

(a) No unauthorized persons shall be allowed within fifty feet of the refueling operation or fueling equipment.

(b) A minimum of one thirty-pound fire extinguisher, or a combination of same, good for Class A, B and C fires, shall be provided within one hundred feet on the upwind side of the refueling operation.

(c) All fueling personnel shall be thoroughly trained in the refueling operation and in the use of the available fire extinguishing equipment they may be expected to utilize.

(d) There shall be no smoking, open flames, exposed flame heaters, flare pots or open flame lights within fifty feet of the refueling area or fueling equipment. All entrances to the refueling area shall be posted with "NO SMOKING" signs.

(e) Due to the numerous causes of static electricity, it shall be considered present at all times. Prior to starting refueling operations, the fueling equipment and the helicopter shall be grounded and the fueling nozzle shall be electrically bonded to the helicopter. The use of conductive hose shall not be accepted to accomplish this bonding. All grounding and bonding connections shall be electrically and mechanically firm, to clean unpainted metal parts.

(f) To control spills, fuel shall be pumped either by hand or power. Pouring or gravity flow shall not be permitted. Selfclosing nozzles or deadman controls shall be used and shall not be blocked open. Nozzles shall not be dragged along the ground.

(g) In case of a spill, the fueling operation shall be immediately stopped until such time as the person-in-charge determines that it is safe to resume the refueling operation.

(h) When ambient temperatures have been in the 100 degree F. range for an extended period of time, all refueling of helicopters with the engines running shall be suspended until such time as conditions become suitable to resume refueling with the engines running.

(37) Helicopters with their engines stopped being refueled with aviation gasoline or Jet B (Turbine) type fuel, shall also comply with subsection (36) (a) through (g) of this section.

(38) Hook on persons in logging operations shall wear contrasting colored hard hats, with chinstraps, and high visibility vests or outer

garments to enable the helicopter operator to readily identify their location.

NEW SECTION

WAC 296-54-561 LOG LOADING—GENERAL REQUIREMENTS. (1) Loading operators shall have a clear view of the landing and of the cars or trucks being loaded.

(2) Persons shall not ride logs, tongs, grapples or other loading devices.

(3) The use of plain spiked loading hooks without a bell is prohibited for loading logs.

(4) All limbs or knots that would project beyond the stakes or legal height shall be removed before the log is loaded on the car or truck.

(5) When the loading operator is not able to see the loading operation, signals shall be given by a designated person, who shall have a clear view of the operations and shall be visible to the operator. Hand signals used shall be as illustrated in Figure No. 5, following WAC 296-54-565.

(6) Logs shall not be swung or suspended over occupied equipment by loading machines on landings. Persons shall not stand or walk under suspended logs.

(7) No one shall ride loads while cars or trucks are being spotted or dropped, except those whose duties require them to do so.

(8) Cars and trucks shall not be moved until the head loader or loading machine operator is positive that all persons are in the clear.

(9) When grapples, trip tongs or similar devices are used in the loading operation, they shall be lowered to the ground whenever the machine is unattended. If the device can tip or fall over, it shall be laid on its side on the ground.

(10) While logs are being loaded, no one shall remain on the load, chain deck or behind the cab protector. Any unattached material shall be removed from the top of the cab protector before the truck is moved from the landing.

(11) To control the movement of a log truck being loaded, a positive audible means of communication shall be established between the truck driver and the loading machine operator. The established means of communication shall be familiar to all employees on the landing and shall include a danger signal to warn employees in case of an emergency. If a movable loader is being used, the loader operator shall sound a warning signal before moving the loader. The signals so used shall be easily distinguishable from other whistle or horn signals used in the landing area.

(12) When signals are used at a landing, reload or deck to control the movement of logging trucks in accordance with subsection (11) of this section, the following signals shall be used:

1 short .....	Stop
1 short .....	Ahead
2 shorts .....	Back
2 shorts then 2 shorts .....	Wrapper
3 shorts .....	Check Scales
1 long-repeated .....	Danger
1 long .....	Loader Moving

(13) No person shall be permitted alongside or underneath trucks being loaded or on the load until communication has been established with the loading machine operator and truck driver and assurance has been received that it is safe to be there.

(14) Power saws shall not be operated on top of loaded logging trucks.

(15) Standing underneath a suspended trailer or its reach is prohibited.

(16) The outside bunklogs (bottom tier) shall be loaded tight against the stakes.

(17) Logs shall be loaded in a manner to prevent undue strain on wrappers, binders, bunk stakes and chains or straps.

NOTE: Logs shall be considered to be "within the stakes" when one-half the log diameter is below the top of the stakes.

(18) Logs in any tier or layer unsecured by stakes or chalk blocks shall be well saddled and have their diameter centers inside the diameter centers of the outer logs of the next lower tier or layer.

(19) Bunk and wing logs shall extend not less than twelve inches beyond the front and rear bunks or stakes. On rigid type bunks, they shall extend not less than six inches beyond the front and rear bunks or stakes.

(20) Double ended logs, above the stakes, shall not be loaded on the side of the load from which the binders or wrappers are intended to be released from.

(21) Logs shall be loaded in a manner that will not impair full and free movement of the truck and trailer.

(22) Each log not contained within the stakes shall be secured with at least two wrappers before the truck leaves the immediate landing area.

(23) Loads or logs shall not be moved or shifted while wrappers and binders are being applied or adjusted.

(24) Stable loads. Loads shall be built up or loaded in a manner to be stable without the use of wrappers. Wrappers shall be considered only as precautionary measures to ensure stability of the load.

(25) Loading equipment maintained. All loading machines and equipment shall be maintained in a safe condition. The critical parts of such equipment, such as bolts in base plates, etc., that cannot be inspected while in operation, shall be inspected at reasonable intervals by a qualified person when the machine is shutdown. If indications of failure or weakness is noted or suspected, the parts in question shall be examined by an approved method and if found to be defective, shall be repaired or replaced before the equipment is put back into operation.

(26) Tongs pulling out. Where there is a danger of tongs or hooks pulling out of the log, straps shall be used. Tongs may be used on extra-large logs provided the logs are barked and notched to provide a secure hold.

**NEW SECTION**

**WAC 296-54-563 LOG LOADING—SPECIAL REQUIREMENTS.** (1)(a) Loading machines shall be equipped with an effective parking braking system which is not dependent on the air or hydraulic pressure which is used to stop the machine while traveling.

(b) A braking system shall be installed on the load line and boom supporting equipment which shall be capable of stopping and holding, in any position, the maximum load for which the loading machine is designed. It is recommended the equipment be of such design as to lower the boom with power. Booms not having power down shall be dogged before workers enter the hazardous area around the boom. Workers shall not be under any boom while it is being held by the brake.

(2) A minimum distance of thirty-six-inch clearances shall be maintained between the counterweight of a loading machine and trees, logs, banks, trucks, etc., while the machine is in operation. If this clearance cannot be maintained, suitable barricades with warning signs attached, similar to a standard guardrail, shall be installed to isolate the hazardous area. "DANGER - 36-Inch Clearance" shall be marked in contrasting colors on sides and face of counterweight on shovels, loaders and other swing-type logging equipment.

(3) Persons shall not work under a slack puller. A warning line, of sufficient length to reach the ground at all positions, shall be hung from any slack puller.

(4) Where a backstop of a loading machine is so constructed that it could crush the operator's cab should the heel boom be pulled or pushed too far backward, positive boom stops shall be installed.

**NEW SECTION**

**WAC 296-54-565 LOG LOADING—SELF-LOADING LOG TRUCKS.** (1) A safe means of access and egress shall be provided to the operator's loading work station.

(2) Self-loading log truck operators shall not unload their own load unless a positive means of securing the logs has been provided when binders and wrappers are removed.

(3) New self-loading log trucks purchased and put in operation after January 1, 1980, shall be equipped with:

(a) A check valve installed on the jib boom; and

(b) A seat that is offset from the point of attachment of the boom. The seat and boom structure shall rotate concurrently.

(4) The operator of a self-loading log truck shall not heel the log over his head.

**STANDARD SIGNALS for LOADING LOGS**



Figure No. 5

**NEW SECTION**

**WAC 296-54-567 MOTOR TRUCK LOG TRANSPORTATION—GENERAL REQUIREMENTS.** (1) Prior to use, the operator shall make a complete daily inspection of the truck and trailer with particular attention to steering apparatus, lights and reflectors, brake boosters, brake hoses and connections, reaches, and hitches (couplings). The brakes shall be tested before and after movement of the vehicle. The operator shall submit a written list of necessary repairs to a person designated by the employer.

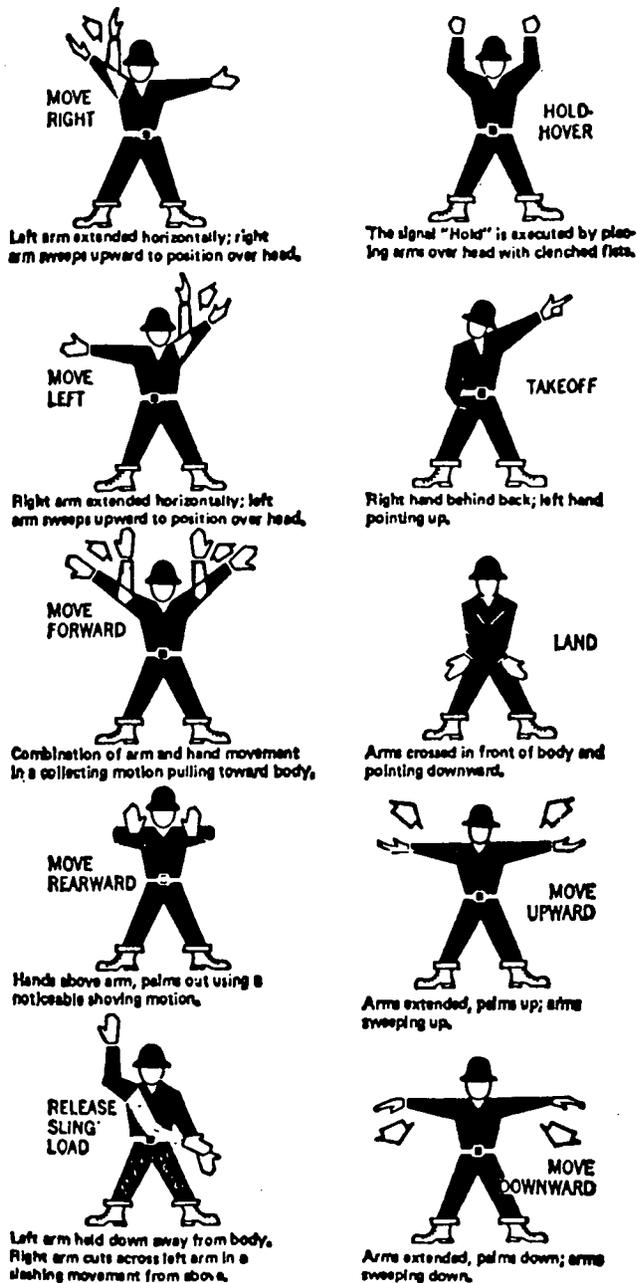


Figure No. 6

HELICOPTER HAND SIGNALS

NOTE: See Figures No. 7-A through 7-P, for Illustrations of Various Types of Cable Logging Systems.

See Figures No. 7-Q through 7-U, for Illustrations of Whistle Signals used on Various Cable Logging Systems.

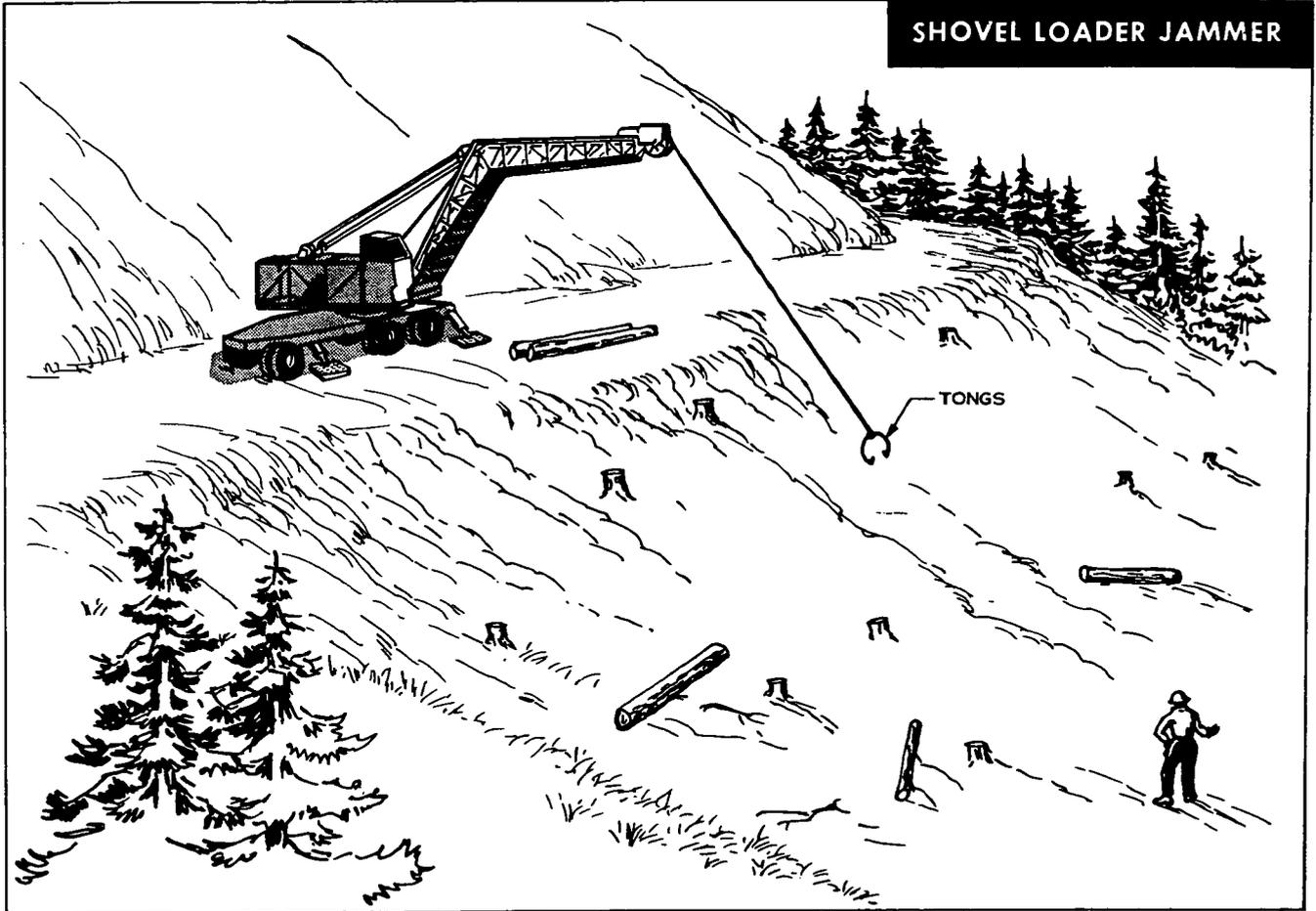


Figure No. 7-A

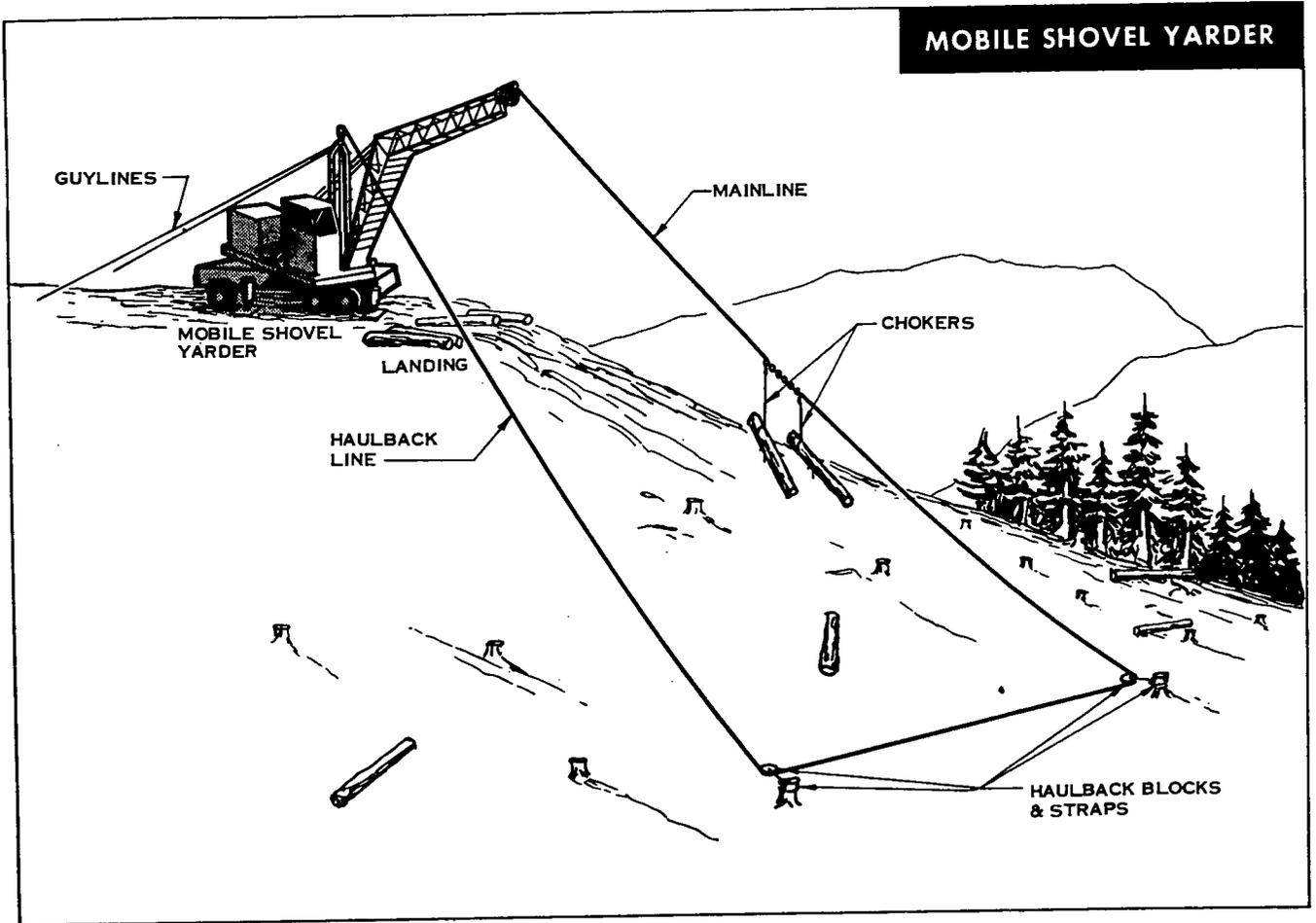


Figure No. 7-B

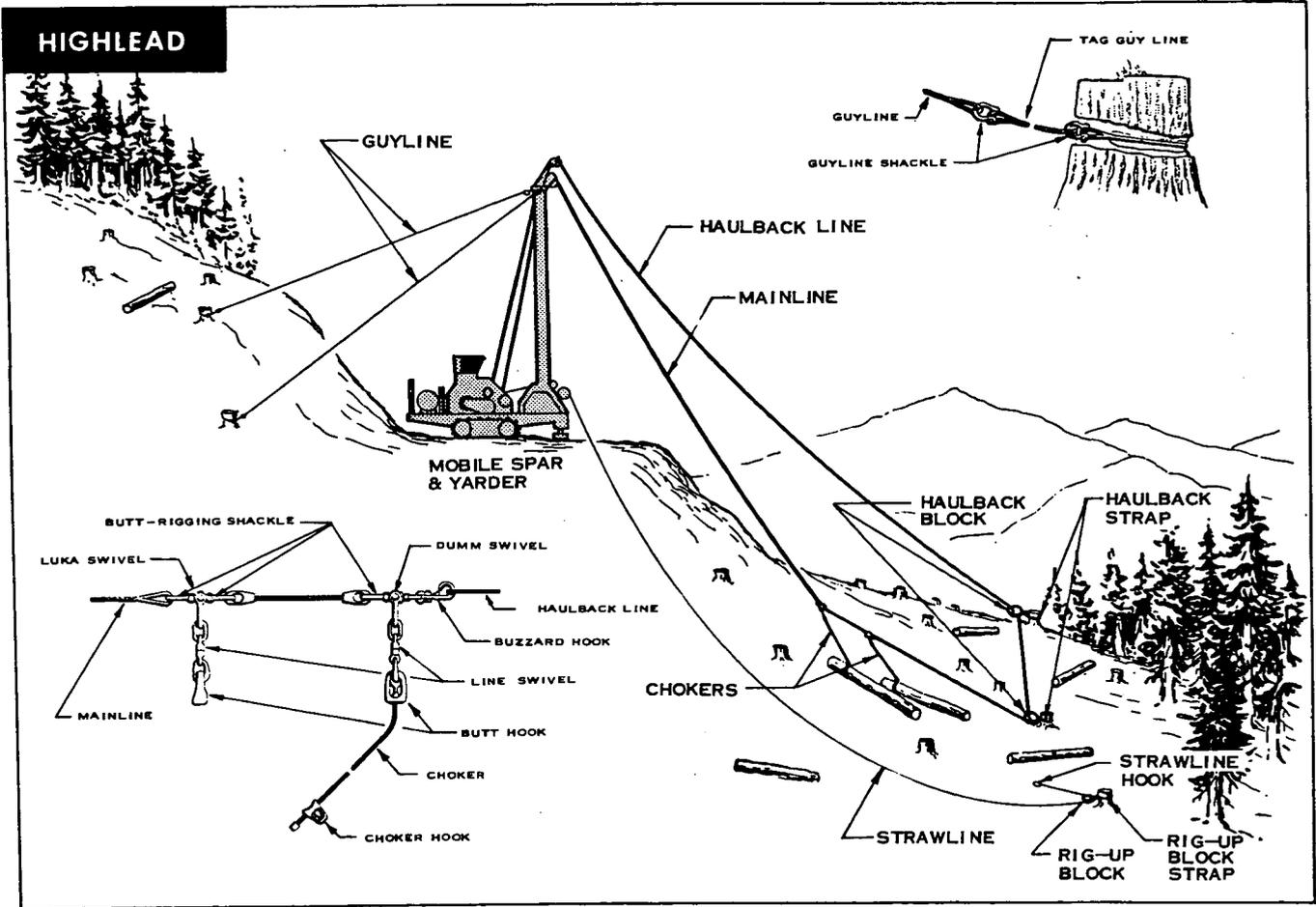


Figure No. 7-C

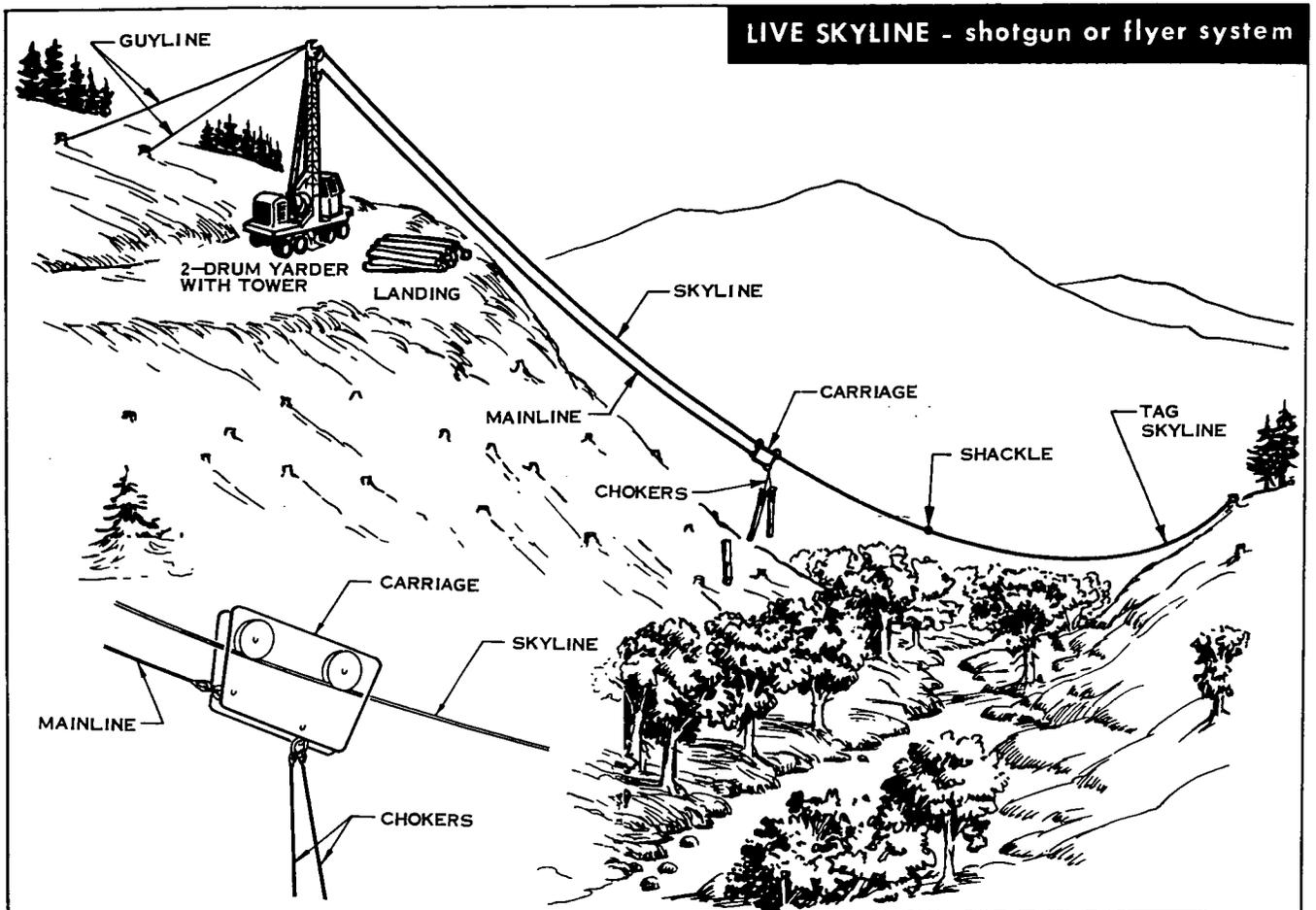


Figure No. 7-D

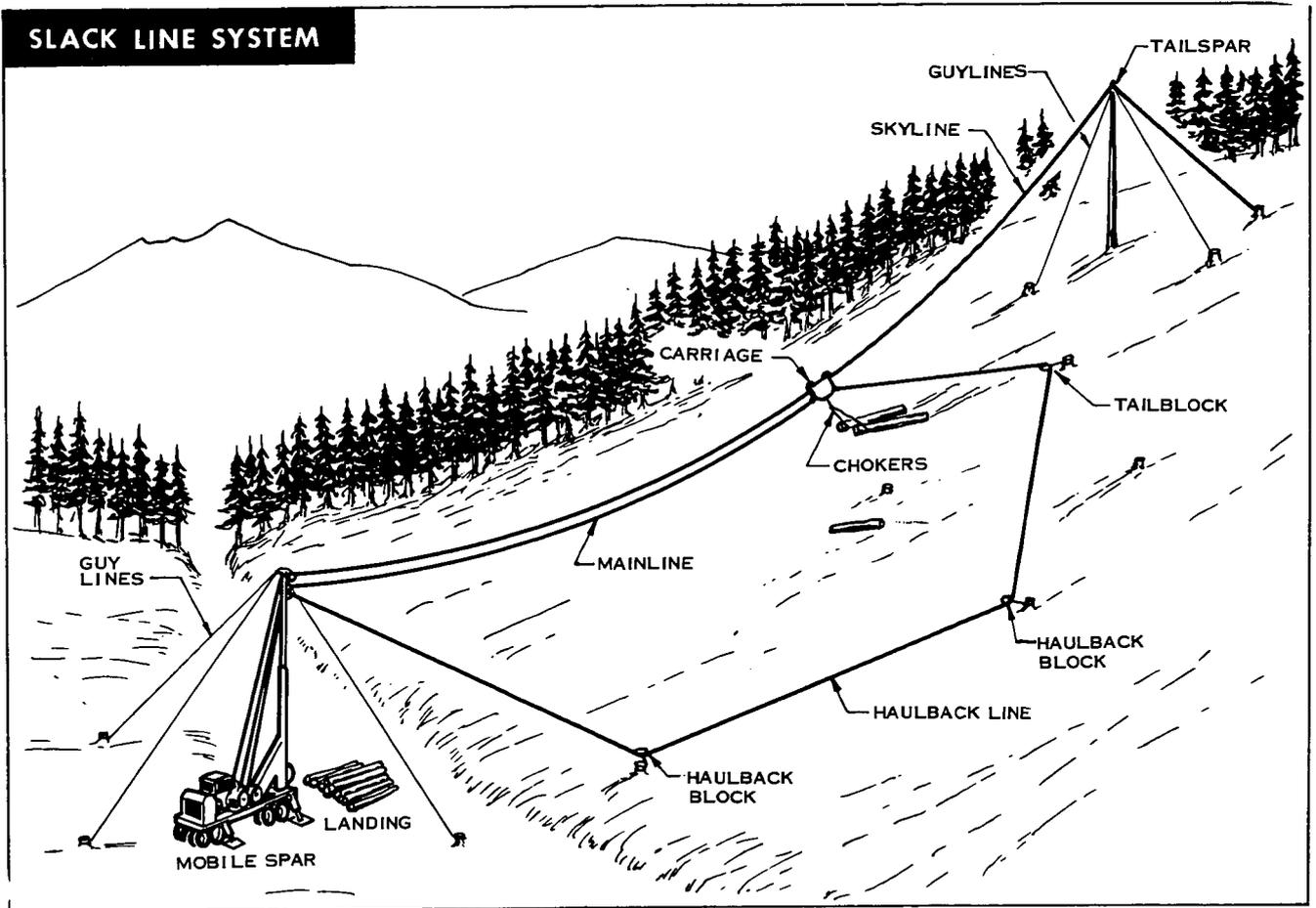


Figure No. 7-E

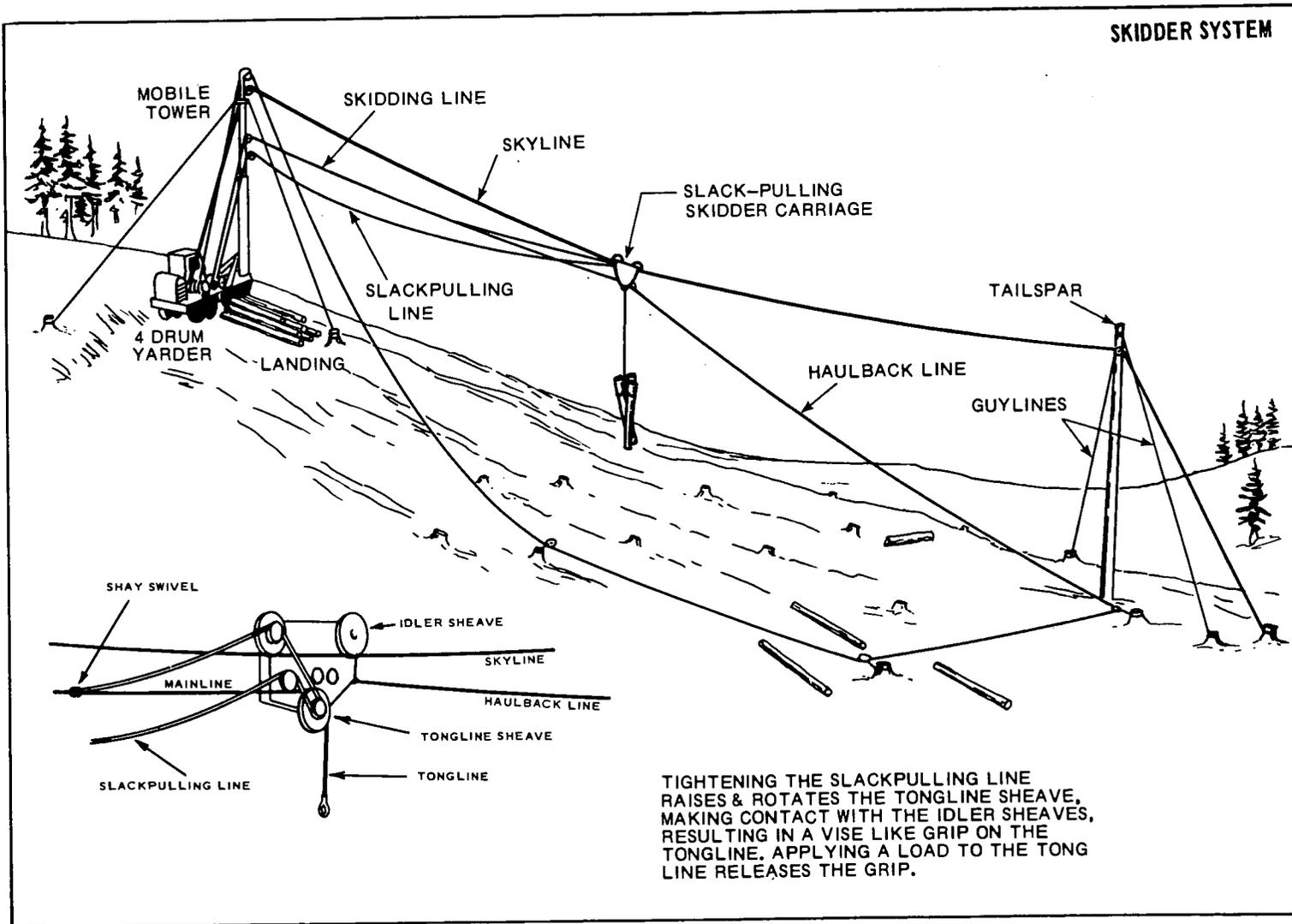


Figure No. 7-F

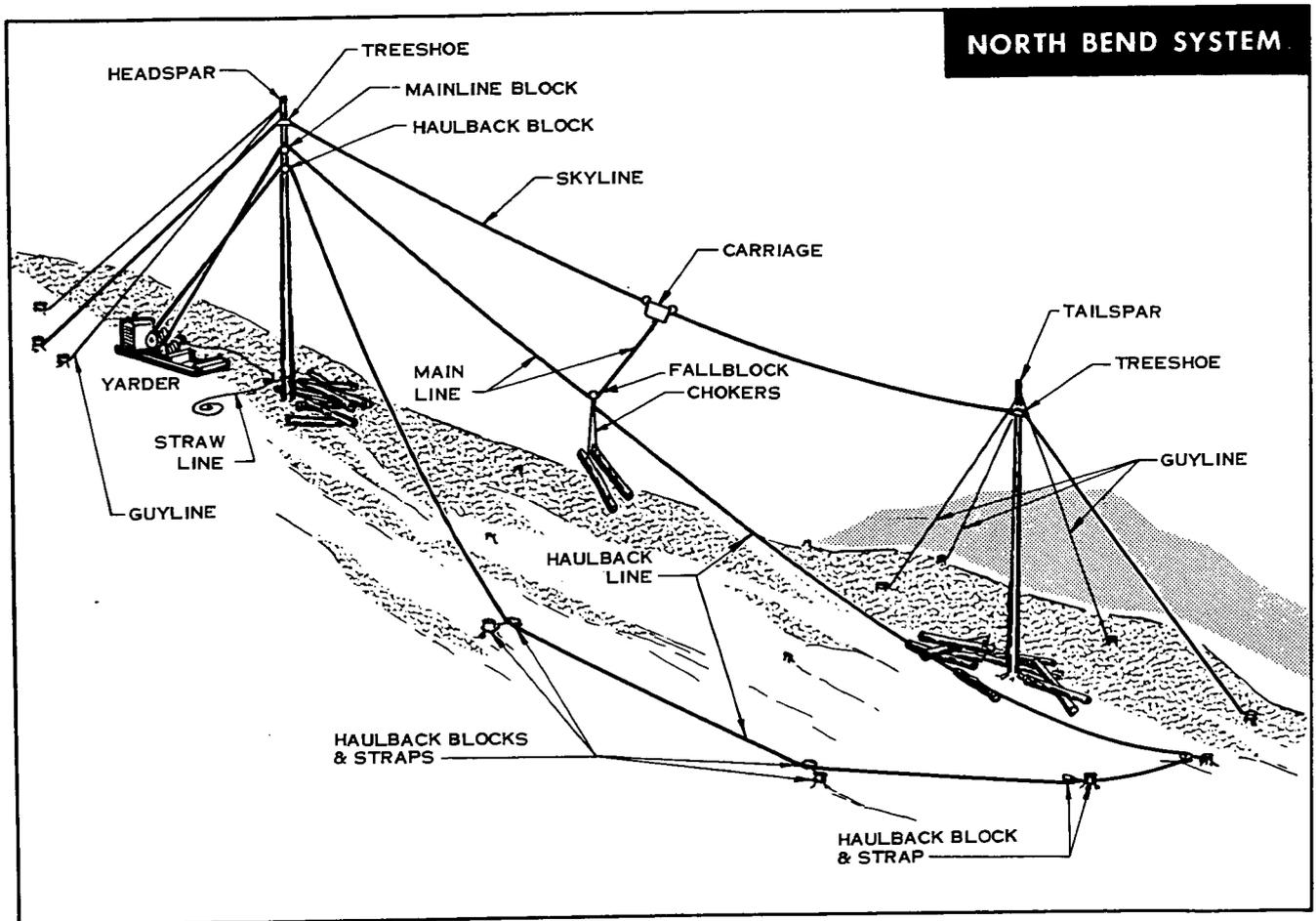


Figure No. 7-G



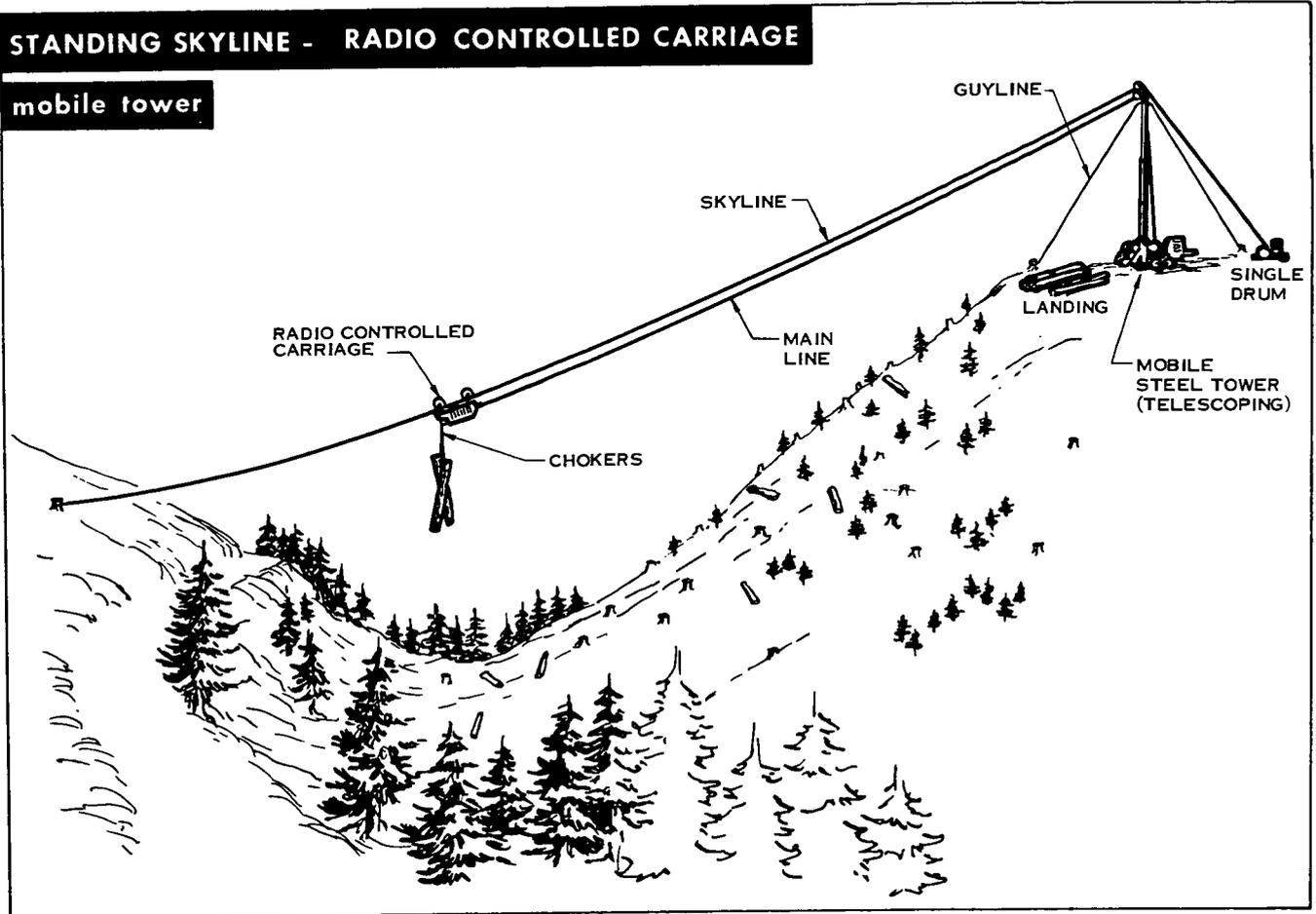


Figure No. 7-I

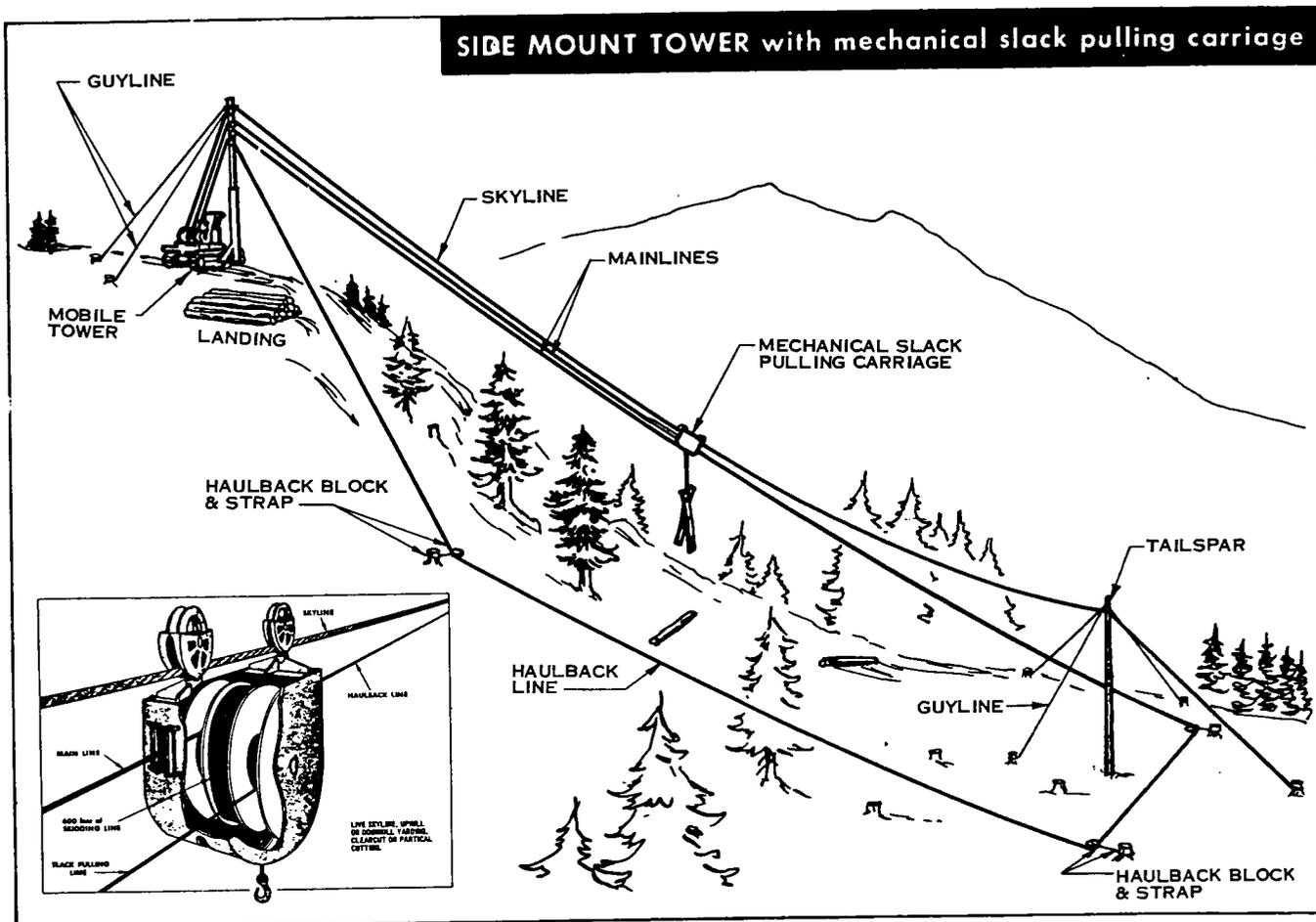


Figure No. 7-J

PARTIAL CUTTING WITH RUNNING SKYLINE

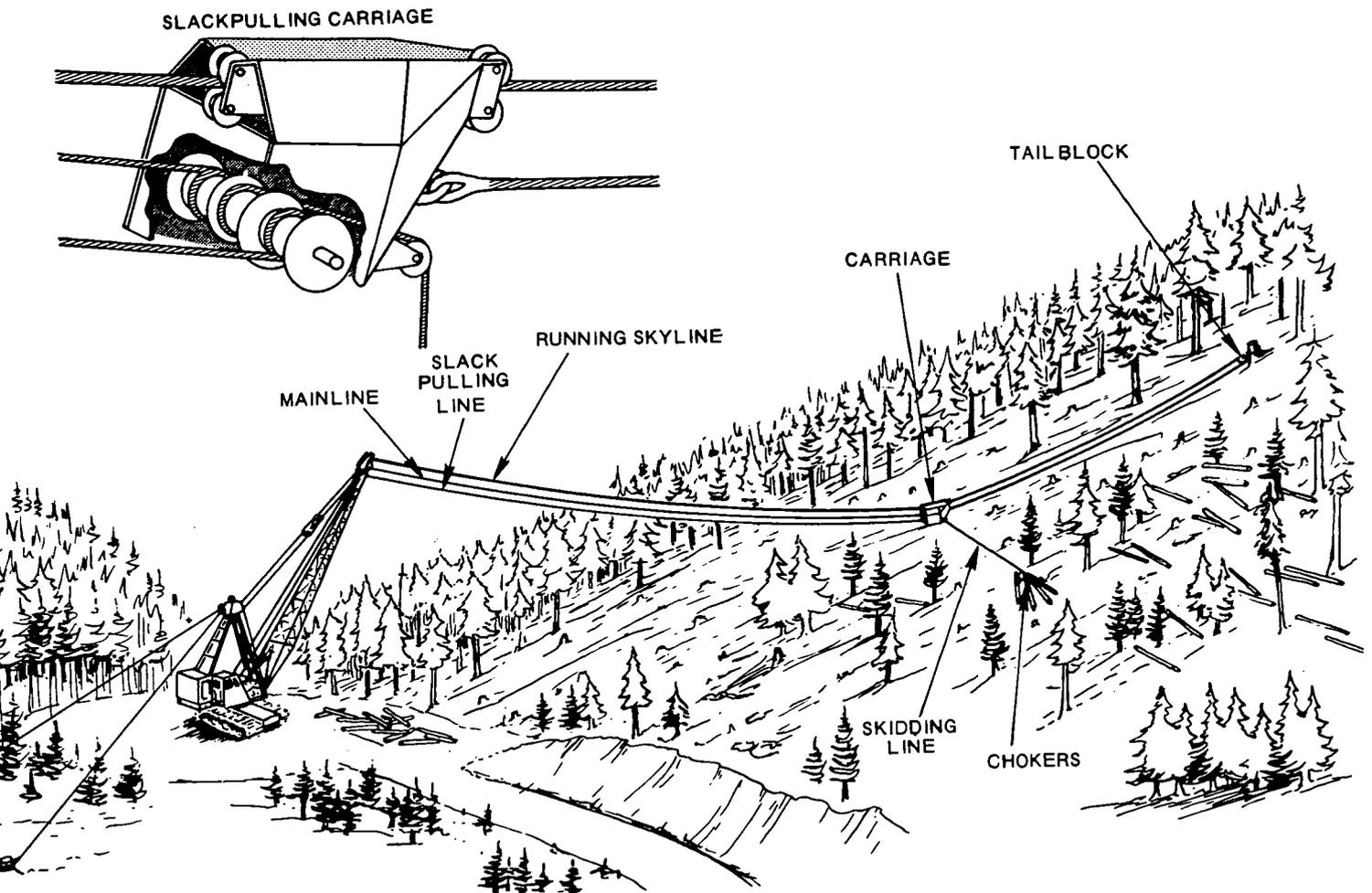


Figure No. 7-K

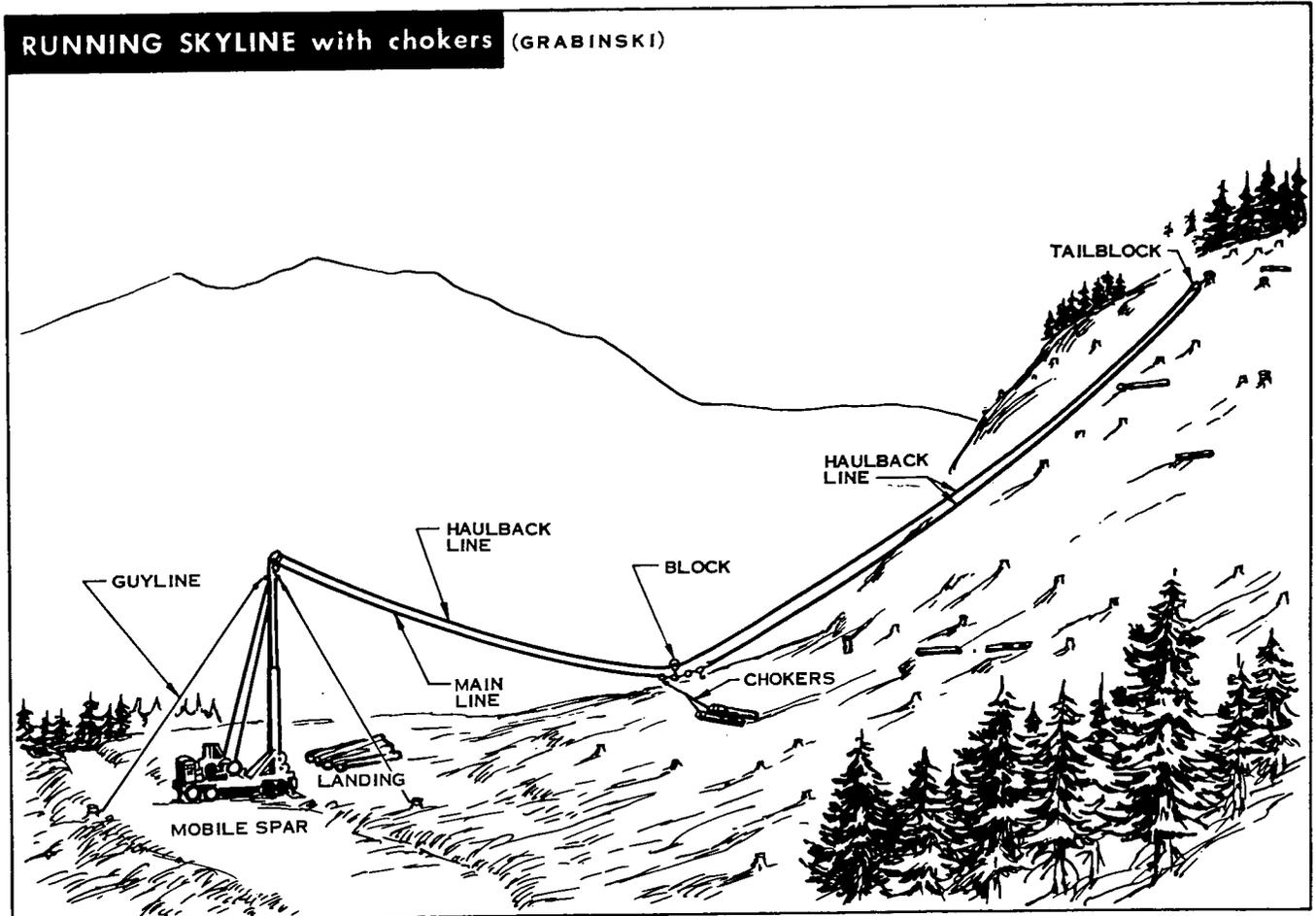


Figure No. 7-L

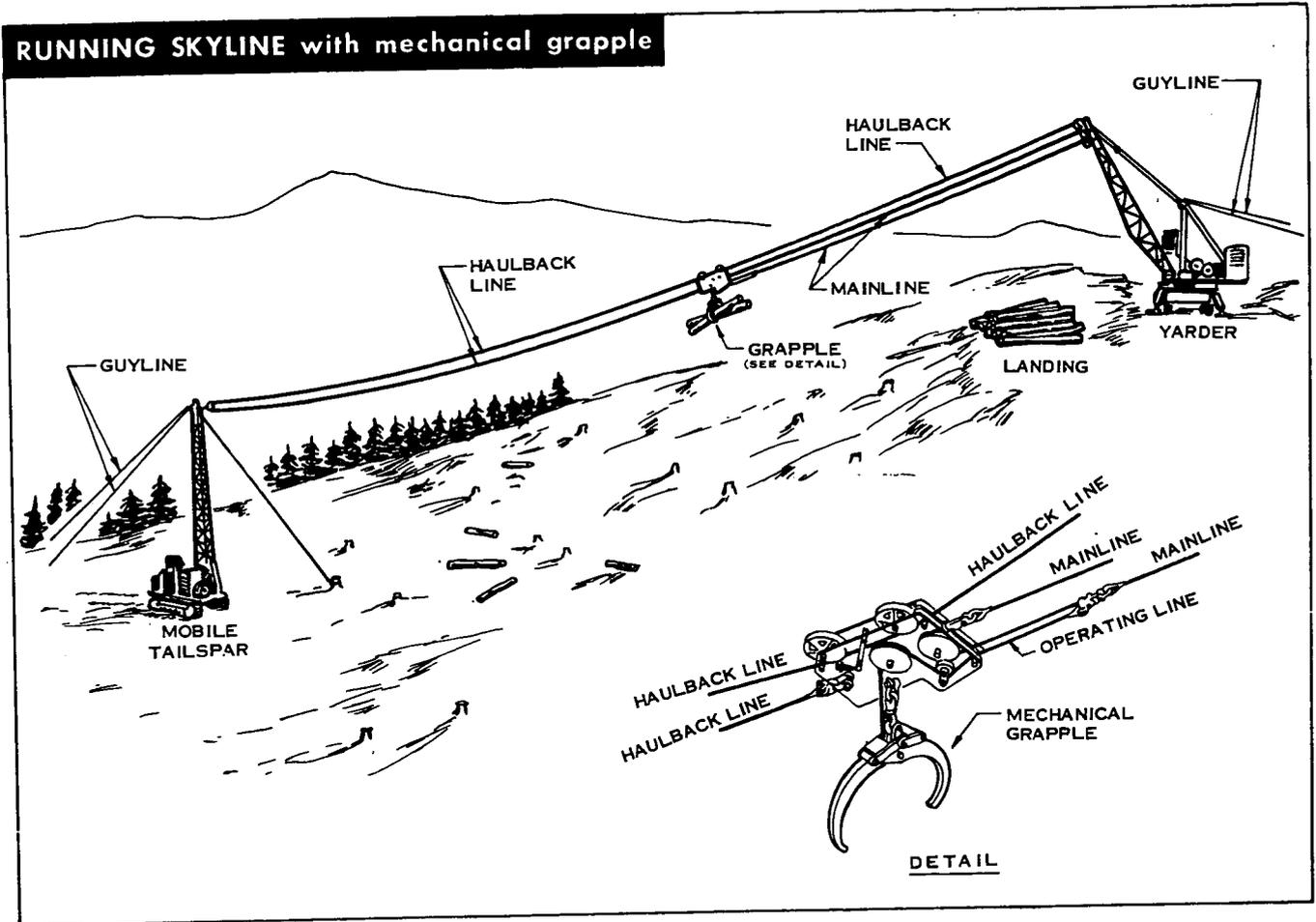


Figure No. 7-M

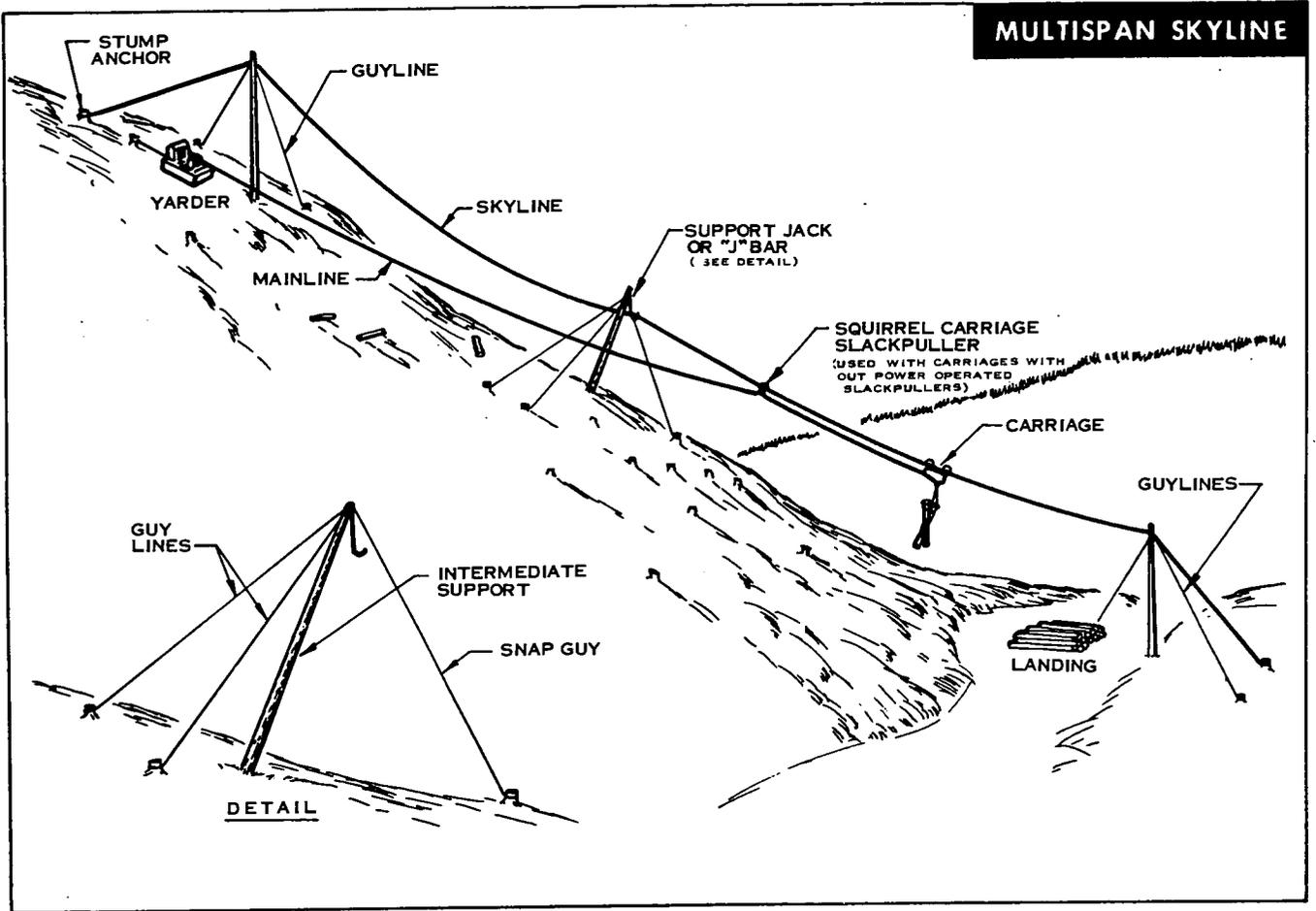


Figure No. 7-N

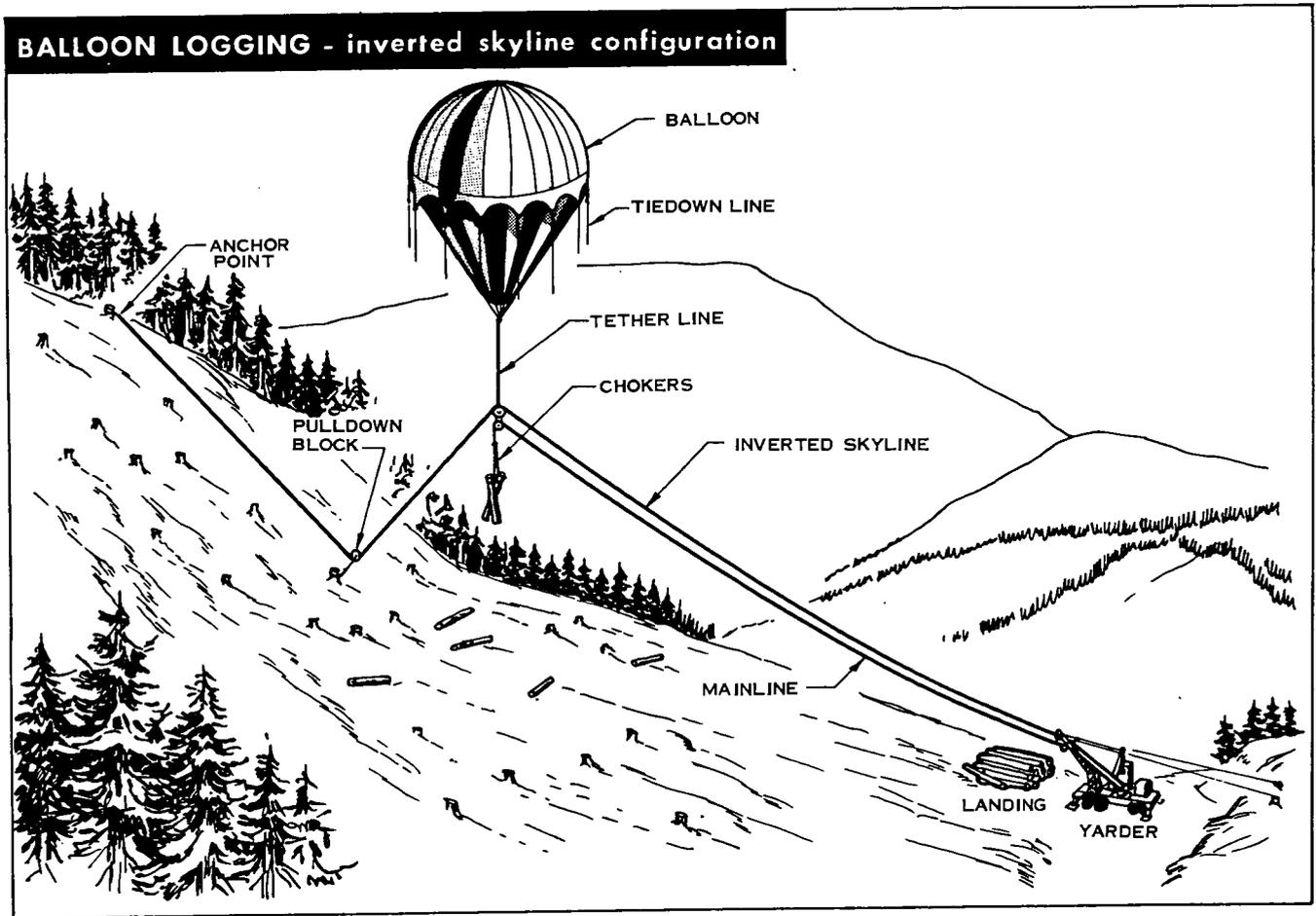


Figure No. 7-0

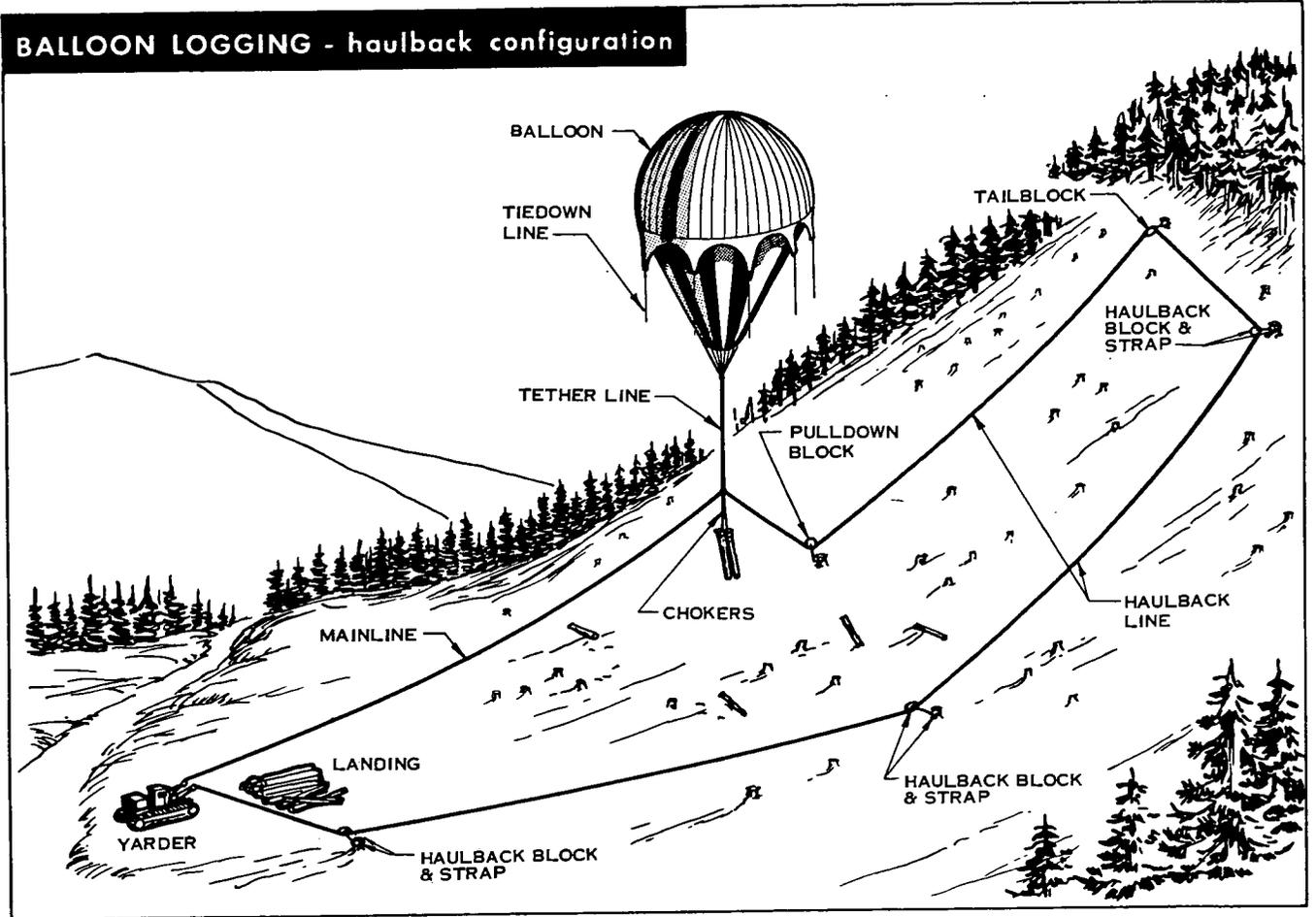


Figure No. 7-P

**HIGH LEAD LOGGING WHISTLE SIGNALS**

—Means longer spacing between signals.

1 short .....	Stop all lines.
3 short-3 short .....	Ahead slow on mainline.
3 short .....	Ahead on mainline.
2 short .....	Ahead on haulback.
2 short-2 short .....	Ahead slow on haulback.
3 short-1 short .....	Ahead on strawline.
3 short-1 short-3 short .....	Ahead slow on strawline.
4 short or more .....	Slack mainline.
2 short-4 short .....	Slack haulback.
3 short-1 short-4 short .....	Slack strawline.
3 short-2 short .....	Standing tight line.
1 short-1 short .....	Tight line while lines are running, or break if running tight.
3 short .....	When rigging is in: strawline back on haulback.
3 short / plus "X" number of shorts .....	When rigging is in: indicates number of sections of strawline back on rigging.
3 short-1 short-2 short .....	Strawline back on rigging.
1 short .....	When rigging is in: Chaser inspect and repair rigging.
2 short .....	When rigging is in: no chokers back.
2 short-1 short / plus "X" number of shorts .....	Number of chokers back.
2 short-4 short .....	When rigging is in: slack haulback—hold all lines until 2 short blown.
3 medium .....	Hooker.
3 medium-4 short .....	Hooker and his crew.
5 long .....	Climber.
4 long .....	Foreman.
1 long-1 short .....	Start or stop work.
7 long-2 short .....	Man injured, call transportation and stretcher.
1 long-1 short repeated .....	Fire.
<b>Grabinski System</b>	
2 short-1 short .....	Slack mainline and haulback together.
2 long .....	Take off or put on rider block.

**SKIDDER WHISTLE SIGNALS**

—Means longer spacing between signals.

1 short .....	Stops moving carriage—Stops or goes ahead on slack puller, as case may be, if carriage is stopped.
2 short .....	Go ahead on skidding line holding carriage.
1 short-2 short .....	Pick up skidding line, easy.
2 short-1 short .....	Shake up carriage to clear choker.
2 short-2 short .....	Ahead on receding line.
3 short .....	Ahead on carriage, holding at present level, using interlock.
3 short-3 short .....	Ahead easy on skidding line.
2 short-2 short-2 short .....	Slack skyline, cable down.
2 short-2 short-2 short-1 short .....	Pick up skyline, cable up.
2 short-2 short-4 short .....	Slack receding line.
2 short-4 short .....	Slack skidding line.
2 short-2 short-1 short .....	Tighten all lines.
1 short-4 short .....	Slack off slack puller.
1 short-2 short .....	Pick up slack puller when slack.
2 short-2 short / plus "X" number of shorts .....	When carriage is in: number of chokers wanted.
2 short-2 short-1 long .....	Bull choker.
1 short .....	When carriage is in: inspect butt rigging.
2 short-4 short / 1 short .....	For each additional ten feet of tong line.
1 long / plus "X" number of shorts .....	Number of coils of strawline wanted.
5 Medium .....	Tail or second rigger.
5 medium-4 short .....	Tail or second rigger and his crew.
2 medium .....	Skidder head rigger.
3 medium-4 short .....	Hooker and his crew.
2 long .....	Ahead on transfer.
2 long-4 short .....	Slack transfer
1 short-3 short .....	Ahead on carriage with slack puller line.
1 long .....	Ahead on strawline.
1 long-4 short .....	Slack strawline.
1 long-3 short .....	Ahead easy on strawline.
5 long .....	Climber.
4 long .....	Foreman.
1 long-1 short .....	Start or stop work.
7 long-2 short .....	Man injured, call transportation and stretcher.
1 long-1 short repeated .....	Fire.

**SLACKLINE WHISTLE SIGNALS**

—Means longer spacing between signals.

2 short-2 short-2 short-1 short .....	First cable up when road has been changed and tail hold made fast.
2 short-2 short-2 short .....	Drop skyline.
1 short .....	Stop any moving line.
1 long .....	When logging, slack skyline.
2 short .....	Ahead on skyline.
1 long-2 short .....	Ahead easy on skyline.
3 short .....	Ahead on skidding line, holding haulback.
3 short-3 short .....	Ahead easy on skidding line with slack haulback.
4 short .....	Slack skidding line.
2 short-2 short / 2 short-2 short .....	Ahead easy on haulback with slack skidding line.
2 short-2 short .....	Ahead on haulback.
2 short-2 short-4 short .....	Slack haulback.
2 short / 3 short .....	Pick up skyline and skid.
2 short / 2 short-2 short .....	Pick up skyline and skin.
3 short-1 short .....	When carriage is in: strawline back on haulback.
3 short-1 short-2 short .....	When carriage is in: strawline back on carriage.
3 short-1 short .....	When strawline is out: ahead on strawline.
3 short-2 short .....	Tight line.
3 short-1 short-4 short .....	Slack strawline.
3 short-1 short-3 short .....	Pull easy on strawline.
2 long .....	Ahead on transfer.
2 long-4 short .....	Slack transfer.
2 long-2 short-2 short .....	When carriage is in: transfer back on carriage.
1 long / plus "X" number of shorts .....	When carriage is in: number of coils.
2 short-2 short-1 short / plus "X" number of shorts .....	When carriage is in: number of chokers.
1 short .....	When carriage is in: inspect rigging, repair and send back.
2 short-2 short-4 short .....	When carriage is in: slack haulback and hold all lines until 1 short is blown—then send back.
3 short-3 short .....	When carriage is in: send back powder.
5 medium .....	Tail rigger.
5 medium-4 short .....	Tail rigger and his crew.
3 medium .....	Head hooker.
3 medium-4 short .....	Second hooker and his crew.
5 long .....	Climber.
4 long .....	Foreman.
1 long-1 short .....	Start or stop work.
7 long-2 short .....	Man injured, call transportation and stretcher.
1 long-1 short repeated .....	Fire.

**RUNNING SKYLINE WHISTLE SIGNALS**

— Means longer spacing between signals

1 short .....	Stop all moving lines
2 short .....	Skin carriage back
2 short — 1 short .....	Slack haulback
2 short — 2 short .....	SKin carriage easy
2 short — 3 short .....	Standing tight line
1 short — 2 short .....	Ahead on drop line
4 short .....	Slack drop line
1 short — 4 short .....	Slack both mainlines
1 short — 1 short .....	Stop drop line going up and move carriage forward
3 short .....	Move carriage forward
3 short — 3 short .....	Move carriage forward easy
3 short — 1 short .....	When strawline is out: Ahead on strawline
3 short — 1 short — 4 short .....	Slack strawline
3 short .....	When carriage is in: Strawline
3 short — X short .....	When carriage is in: Number sections
3 short — 1 short — 2 short .....	When carriage is in: Strawline back on carriage
2 short — X short .....	When carriage is in: Number of chokers
4 short .....	When carriage is in: Inspect rigging, repair and send back
1 short .....	When carriage is in: Hold all lines until 2 shorts, then send back
3 medium .....	Head hooker
3 medium — 4 short .....	Hooker and his crew
4 long .....	Foreman
1 long — 1 short .....	Start or stop work
7 long — 2 short .....	Man injured; call transportation and stretcher
1 long — 1 short (repeated) .....	Fire
3 short — 1 long .....	Acknowledged by engineer to signify hazardous turn

**TENSION SYSTEM SIGNALS**

4 .....	Release tension
1 short .....	Stop carriage and start unspooling tong line
1 short .....	Stop tong line
1 short .....	Resume unspooling tong line
1 short .....	Will stop any moving line or slack tong line when carriage is stopped
2 short - 2 short .....	Go into interlock and go back
2 short - 4 short .....	Slack haulback and let carriage down
After Turn is Set	
2 short .....	Go ahead on tong line
2 short - 3 short .....	Go ahead easy on tong line
3 short .....	Go into interlock and take carriage to landing
3 short - 3 short .....	Ahead on carriage easy
1 short - 2 short .....	Increase tension on tong line when carriage is going in
short - 1 short .....	Decrease tension on tong line when carriage is going in

(2) Any defective parts that would make the vehicle unsafe to operate, shall be replaced or repaired before the vehicle is placed in service.

(3) All motor vehicles operated on public roads shall comply with the rules of the regulatory body having jurisdiction. Motor vehicles used on roads not under the control of the State Department of Transportation, counties or cities shall be equipped with accessories necessary for a safe operation including operable head lamps and at least two tail lamps and brake lamps which shall emit a red light plainly visible from a distance of one thousand feet to the rear and shall also have two reflectors visible at night from three hundred fifty feet when directly in front of properly adjusted motor vehicle head lamps.

(4) Truck tires worn beyond a point of safety or not meeting the safety requirements of the jurisdiction having authority as to tread wear and tire conditions, shall not be used.

(5) The driver shall do everything reasonably possible to keep his truck under control at all times and shall not operate in excess of a speed at which he can stop the truck in one-half the distance between him and the range of unobstructed vision.

(6) The area between the truck frame members, extending from the cab rearward as far as necessary to provide a safe work area, shall be covered with suitable nonslip type material. Log trucks which have logs scaled at stations shall be provided with a platform on each side extending outward from the frame members at least eighteen inches, and shall be eighteen inches long or as near this dimension as the design of the truck will permit. The treading surface of the platforms shall be of nonslip type material and the platform shall be capable of safely supporting a five hundred pound load.

(7) To protect the operator of vehicles from loads, a substantial bulkhead shall be provided behind the cab which shall extend up to the height of the cab.

(8) If logs must be scaled or branded while the loading operation is being carried on, adequate provisions shall be made to assure the scaler or person doing the branding is not subjected to any hazards created by the loading operation.

(9) When at the dump or reload or where logs are scaled or branded on the truck, the logs shall be scaled or branded before the binders are released.

(10) All vehicles, where vision of the operator in the direction of travel is impaired by the load or vehicle, shall be moved only on a signal from a worker who shall have a clear view in the direction in which the vehicle is to be moved.

(11) Where a bridge or other roadway structure is posted with a load limit sign, log truck drivers or operators of other heavy equipment are prohibited from driving a load in excess of the posted limit over such structure.

(12) Persons shall be allowed to ride only when in the cab of the log truck.

(13) All trucks shall keep to the right side of the road except where the road is plainly and adequately posted for left side travel.

(14) A method shall be provided to assure that the trailer will remain mounted on the truck while driving on highways or logging roads.

(15) When trucks are towed on any road, the person guiding the vehicle being towed shall, by prearranged signals, govern the speed of travel. The towing of vehicles shall be done at a reasonable speed and in a prudent manner. A tow cable or chain over fifteen feet in length

shall have a white flag affixed at the approximate center, however, it is recommended that a rigid tow bar be used for this purpose.

(16) All air lines, air chambers and systems shall be free of leaks and be able to maintain air pressure on constant brake application with the motor shut-off for one minute, or air pressure does not drop more than 4 p.s.i. in one minute with the engine running at idling speed and the service brake applied.

(17) All rubber-tired motor vehicles shall be equipped with fenders. Mud flaps may be used in lieu of fenders whenever the motor vehicle is not designed for fenders.

(18) Seat belts and anchorages meeting the requirements of 49 CFR Part 571 (D.O.T. Federal Motor Vehicle Safety Standards) shall be installed and used in all motor vehicles.

(19) All trucks shall be equipped with doors with operable latches, or a safety bar or strap shall be provided in lieu of the door.

(20) All trucks shall be equipped with a means to protect the operator from inclement weather.

**NEW SECTION**

**WAC 296-54-569 MOTOR TRUCK LOG TRANSPORTATION—BRAKE REQUIREMENTS.** (1) Motor logging trucks and trailers shall be equipped with brakes or other control methods which will safely stop and hold the maximum load on the maximum grade. When unattended trucks are parked on a grade, in addition to setting the brakes, the wheels shall be chocked or blocked.

(2) Logging truck tractors having more than two axles need not have brakes on the steering axle wheels.

(3) All trucks equipped with air brakes shall be also equipped with a readily visual or audible low air pressure warning device in good working order.

(4) Engine-type brakes shall be considered as auxiliary controls, not a substitute for the requirement for a service brake system.

(5) Brake drums shall be maintained free of cracks, breaks or defects. Defective brake drums, cans, shoes or air lines shall be immediately repaired or replaced.

**NEW SECTION**

**WAC 296-54-571 MOTOR TRUCK LOG TRANSPORTATION—TRAILER HITCHES AND SAFETY CHAINS.** (1) All log truck and trailer combinations shall be equipped with approved hitches (couplings) which shall:

(a) Be capable of withstanding, in any direction, the potential stresses imposed;

(b) Be of a design which would not be rendered inoperative by dirt and debris and shall be locked securely and positively;

(c) Be attached to the truck frame or extension of the truck frame by means of not less than four machine bolts and nuts (120,000 p.s.i. material or better) 3/4-inch diameter or larger, secured by lock nuts. Other means of attachment furnishing strength equal to or greater than the above may be accepted if of approved design and application; and

(d) Hitches (couplings) or parts that are broken, cracked, excessively worn, or otherwise defective hitches shall be repaired before use.

(2) Each log truck and trailer combination or log truck and independent trailer combination shall be provided with one or more safety chains or cables with a rated breaking strength of not less than the gross weight of the towed vehicle, be capable of holding the trailer in line in case of failure of the hitch assembly, and be as follows:

(a) Be permanently attached to the frame of the truck or an extension of the truck frame;

(b) Form a separate continuous connection between the truck frame or extension of the truck frame and the reach or trailer;

(c) Be attached not more than twelve inches from the eye of the reach or trailer;

(d) Be of a length short enough to prevent the trailer reach or tongue from contacting the ground in the event of disengagement from the truck;

(e) Be of a design to provide a positive connection that cannot be rendered inoperative by any condition of use or exposure.

(3) Safety chains and cables shall be replaced immediately if they contain cut, cracked, or excessively worn links, or frayed, stranded, or otherwise defective wire rope.

(4) Butt welding of safety chain links to reach, truck frame, or extension of truck frame is prohibited.

(5) Cold-shuts may be used in safety chains provided they are welded shut and one size larger than the chain being used.

(6) There shall be no welding or hole drilling in frames on which the manufacturer recommends this not be done.

#### NEW SECTION

**WAC 296-54-573 MOTOR TRUCK LOG TRANSPORTATION—REACHES AND BUNKS.** (1) Log trailers shall be connected to tractors by reaches of a size and strength to withstand all normal imposed stresses. Spliced wooden reaches shall not be used. Proper repair of metal reaches by welding will be permitted if done by a qualified welder.

(2) Hand-holds or other facilities shall be installed on trailer tongues or trailer reaches if workers are required to manually assist in coupling them to their tractors or trucks.

(3) A positive means, other than clamp and in addition to the clamp, shall be installed on the reach of log truck trailers when the trailers are being towed without a load.

(4) Persons shall never enter the area below a suspended load of logs. At dumps where the load must remain suspended above the bunks until the truck is moved away, and when the trailer is the type with a compensating pin in the reach, a method shall be utilized which will allow the trailer to be towed away from the danger area.

(5) The reaches of unloaded trailers being towed shall be provided with and use a minimum one-inch pin near the end or an equally effective means to prevent pulling or stripping through the tunnel.

(6) Reach locks, clamps, or tighteners shall be of the type that will securely lock the reach in the tunnel.

(7) No reach of less than the maximum size usable in the tunnel of a trailer shall be permitted.

(8) Alteration of trailer tunnel to permit reduction of reach size is prohibited.

(9) Every truck or truck and trailer engaged in the transportation of logs loaded lengthwise, shall be equipped with bunks and chock blocks or stakes.

(10) Log bunks or any part of bunk assembly bent enough to cause bunks to bind, shall be straightened. Bunks shall be sufficiently sharp to prevent logs from slipping. Trip type stakes shall be properly secured and locked in a manner which will prevent them from accidentally tripping or falling.

(11) All trucks with swivel type bunks shall have bunk locks or an equivalent system of holding the bunks in place while loading logs.

(12) The bunks or bolsters of any truck or trailer shall be either curved upward or straight. Bunks with ends lower than their centers are prohibited.

(13) Sufficient clearance between the bunk and bunk rider shall be maintained to prevent bunk binding.

(14) Trailer bunks shall be provided with a false or tilt bunk. The channel of the bunk shall be kept reasonably free of debris.

(15) Stakes and stake extensions shall be installed and maintained so that the angle between bunks and stakes (and extensions if used) shall not exceed ninety degrees when loaded.

(16) Frames, reaches, bunks and running gear of log trucks shall be maintained free of cracks, breaks and defects. If defects are found, they shall be immediately repaired or the part replaced.

#### NEW SECTION

**WAC 296-54-575 MOTOR TRUCK LOG TRANSPORTATION—STAKES, STAKE EXTENSIONS AND CHOCK BLOCKS.** (1) Trucks and trailers shall be equipped with bunk stakes or chock blocks of sufficient length, strength and size material to perform their intended function.

(2) Stake extensions shall not be used unless all component parts of the bunking system are of sufficient size and strength to support the added stresses involved. Stake extensions shall be secured by safety chains or other devices to prevent their accidental displacement.

(3) Stakes and chocks which trip shall be constructed in such a manner that the tripping mechanism, which releases the stake or chocks, is activated at the opposite side of the load from the stake being tripped.

(4) The linkage used to support the stakes or chocks must be of adequate size and strength to withstand the maximum imposed impact load. Molles or cold shuts are prohibited in chains or cables used for linkage.

(5) Stake chains or cables shall be equal to or better than "high test" steel chain or "plow steel" wire rope, and shall be of a size necessary to meet the requirements of a safe working load of not less than six thousand six hundred pounds. (3/8-inch alloy chain, 7/16-inch

high test chain of welded link construction, and 5/8 inch improved plow steel cable in 6 x 19 and 6 x 37 construction meet this requirement.)

(6) Bunk chains containing cut, cracked, excessively worn, or otherwise defective links, shall be immediately removed from service. Molles, cold-shuts (welded or otherwise), or bolts are not permitted in bunk chains.

(7) The use of frayed, stranded, or otherwise defective wire rope for chock block cable or stake straps is prohibited.

(8) Only chain links approved for welding (and properly welded) or approved repair links which will develop a strength equivalent to the chain, are permissible for repairs or attachments to stake chains or binder chains.

(9) Chains or cables used to secure stakes or chock blocks shall be secured in a manner which will not necessitate hammering directly on them to release the stakes or blocks. Keyhole slots and similar methods of securing chains are prohibited.

(10) Deformed or defective stakes, stake extensions, stake securing or stake locking devices, or bunks shall be immediately repaired or removed from service.

#### NEW SECTION

**WAC 296-54-577 MOTOR TRUCK LOG TRANSPORTATION—WRAPPERS AND BINDERS.** (1) On log trucks equipped with stakes, the following requirements shall apply:

(a) In the hauling of a one log load, one wrapper chain or cable shall be required and secured to the rear bunk. The log shall be properly blocked or secured in a manner which will prevent it from rolling or shifting. An additional wrapper secured to the front bunk is optional.

(b) In the hauling of two log loads, not less than two wrapper chains or cables shall be used to secure the load. The logs shall be properly blocked to prevent them from rolling or shifting.

(c) On loads consisting of three or four logs not over forty-four feet in length, the load shall be secured by not less than two properly spaced wrapper chains or cables. Ends of short logs not secured by such wrappers shall be secured with extra wrappers. If any log is over forty-four feet in length, the load shall be secured by not less than three properly spaced wrappers.

(d) Loads consisting of five or more logs, when the logs are all seventeen feet or less in length, shall be secured by not less than two properly spaced wrappers. Loads consisting of five or more logs, when any log is over seventeen feet in length, shall be secured by not less than three properly spaced wrappers.

(2) On log trucks equipped with chock blocks, the following requirements shall apply:

(a) In the hauling of a one log load, one wrapper chain or cable shall be required and secured to the rear bunk and the log shall be properly blocked in a manner to prevent it from rolling or shifting.

(b) One additional wrapper chain or cable shall be required on log trucks using chock blocks over and above the requirements in subdivisions (1) (c) and (d) of this section.

(3) In the case of short logs loaded crosswise, the following method of securing the load shall be used if the truck or trailer is not provided with solid ends of a height sufficient to prevent any log in the load from rolling off: Not less than two chock blocks shall be used at each open end of the vehicle and the load shall be held with at least two wrapper chains or cables. The wrappers shall be firmly attached to the end of the truck or trailer. Rigid standards or stakes may be used in lieu of chock blocks but each such standard or stake shall be either rigidly connected to the bed of the truck or trailer or shall be placed in a tight-fitting socket at least 12 inches in depth. Other means furnishing equivalent security may be acceptable.

(4) When two wrappers are required, they shall be applied within six feet of the front and rear bunks. When more than two wrappers are required, the front and back binder shall be applied within six feet of the front and rear bunks.

(5) To properly secure short logs, binders shall be placed near the end, not less than twelve inches from the end of the log.

(6) No log loaded on top or in outside saddles of a load shall be transported unless secured by not less than two wrapper chains or cables, one of which shall be placed near each end of such log.

(7) All wrappers and binders shall be fastened in place prior to tightening to prevent the displacement of logs on the top of the load.

(8) All wrapper chains or cables, except in the case of one log loads, shall entirely surround the load. This does not apply to gut-wrappers.

(9) Gut-wrappers, when used, shall be adjusted so as to be tightened by, but not carry the weight of the logs above them.

(10) A warning shall be given before throwing wrappers over the load and care shall be taken to avoid striking other persons with the wrapper.

(11) Wrappers and binders shall be placed and tightened around the completed load before the truck leaves the immediate loading area.

(12) While moving logs, poles, or log chunks within sorting or mill yards, that could roll or slide off the truck due to snow or ice conditions, or the logs or log chunks do not extend beyond the stakes, at least two wrappers and binders shall be used regardless of the height of the load.

(13) Wrapper chains or cables, binders, fasteners, or attachments thereof, used for any purpose as required by these standards, shall have a minimum breaking strength of not less than fifteen pounds and shall be rigged so that it can be safely released.

NOTE: 3/8-inch Hi-Test steel chain, 7/16-inch improved Plow Steel wire rope of 6x19 or 6x37 construction, or materials having equivalent strength, when in compliance with the requirements herein contained, will be acceptable. (The diameter of the wire rope is immaterial as long as it meets the minimum breaking strength requirements.)

(14) A loaded logging truck required to have wrappers by this section, may be moved within the loading area without wrappers only if such movement does not present a hazard to workers.

(15) For the purposes of this standard, applied bundle straps or banding are not acceptable as wrappers and binders.

(16) All loose ends of wrapper chains or cables shall be securely fastened so as to prevent their swinging free in a manner that will create a hazard.

(17) Trucks and trailers used around sorting yards, etc., which travel at slow speeds, will not be required to use wrappers providing all logs are contained by and lie below the height of the stakes and there are no persons on the ground exposed to such traffic.

(18) Binders for securing wrappers on logging trucks shall be fitted with hooks of proper size and design for the wrapper chain being used.

(19) Wrappers shall be removed from service when any of the following conditions exist:

- (a) Excessively worn links on chains;
- (b) Deformed or stretched chain links;
- (c) Cracked chain links;
- (d) Frayed, stranded, knotted, or otherwise defective wire rope.

(20) Pipe extension handles (swedes) for tightening or securing binders shall be limited to not longer than thirty-six inches. Care shall be taken that a sufficient amount of the pipe extends over the binder handle.

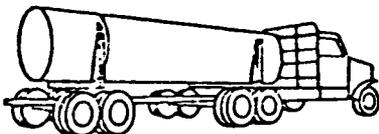
(21) Defective binders shall be immediately removed from service.

NOTE: See Figures 9-A and 9-B for Illustrations of Placement and Number of Wrappers.

**PLACEMENT AND NUMBER OF BINDERS**

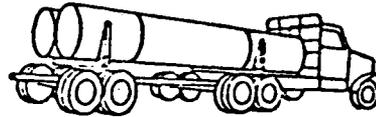
**One Log Load**

One wrapper required which shall be secured to the rear bunk. The Log shall be blocked or secured in a manner to prevent it from rolling or shifting. An additional wrapper secured to the front bunk is optional.



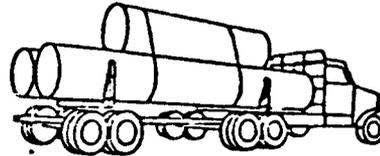
**Two Log Load**

A minimum of two wrappers required. Logs shall be blocked to prevent them from rolling or shifting.



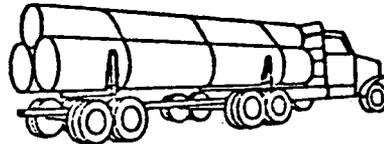
**Three Or Four Log Load 44 Ft. Or Less**

A minimum of two wrappers required.



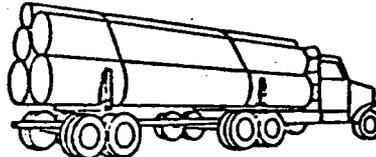
**Three Or Four Log Loads More Than 44 Feet**

A minimum of three wrappers required.



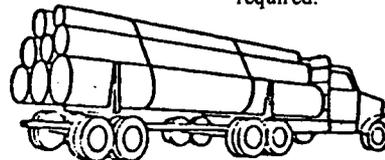
**Five Or Six Log Load All Logs 17 Feet Or Less**

A minimum of two wrappers required.



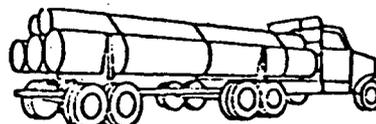
**Seven Or More Log Load All 17 Feet or Less**

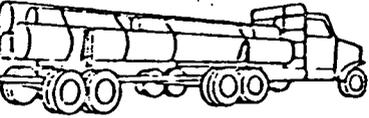
A minimum of two wrappers required.



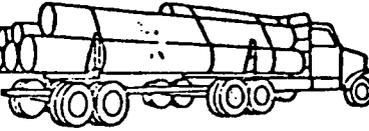
**Five Or More Log Load If Any Logs Are More Than 17 Feet**

A minimum of three wrappers are required.

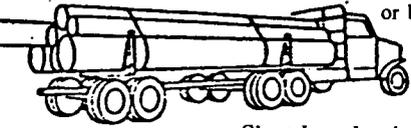


**Outside Logs Or Top Logs**

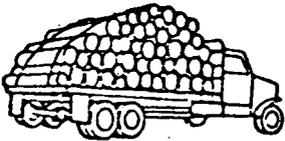
All outside or top logs shall be secured by a wrapper near but not within 12 inches of each end.

**A Wrapper Shall Be Near Each Bunk**

Each load shall be secured by having a wrapper within 6 feet of each bunk except on one log loads.

**Proper Support For Logs**

Not more than approximately one-third the weight of any log shall extend beyond the end of the logs or bunk supporting it.

**Short Logs Loaded Crosswise**

A minimum of two wrappers are required and two chocks or stakes shall be used on the open end of the truck.

**NOTE:** All loads of logs on logging trucks equipped with chock blocks instead of stakes, shall have at least one additional wrapper over and above the requirements for trucks equipped with stakes, excepting on one and two log loads and trucks with short logs loaded crosswise.

**NEW SECTION**

**WAC 296-54-579 MOTOR TRUCK LOG TRANSPORTATION—MISCELLANEOUS REQUIREMENTS.** (1) No truck wheel shall have more than twenty-five percent of the lugs missing or defective.

(2) All truck wheels shall be maintained free of cracks, breaks, or defects.

(3) Windshields on all equipment shall be provided with windshield wipers in good working condition.

(4) Mule train trailers shall have a platform on the trailer tongue at least twelve inches by twenty-four inches made of nonslip material and capable of supporting at least three hundred pounds. The platform shall be of the self-cleaning type.

(5) Logs shall be loaded so that not more than approximately one-third of the weight of any log shall extend beyond the end of the logs or bunk supporting it.

(6) Trailer loading and unloading straps, links, or chains shall be fastened securely to the trailer frame and used in hoisting the trailer. The connections shall be maintained in good condition and shall not be attached to the trailer bunk. The use of molles for this purpose is prohibited.

(7) In unloading trailers from trucks, trailers shall be hoisted clear, the truck driven forward a safe distance, and the trailer lowered to within one foot of the roadway before persons approach the trailer or reach.

(8) Trailer hoisting or unloading straps shall be constructed and installed in a manner enabling the loading or unloading machine to engage the strap without manual personal contact.

(9) All motor vehicles shall be equipped with a horn that is audible above the surrounding noise level. If vision is impaired or restricted to the rear, the horn shall be sounded before operating the vehicle in reverse gear and sounded intermittently during the entire backing operation. The horn shall be maintained in an operative condition.

**NEW SECTION**

**WAC 296-54-581 MOTOR TRUCK LOG TRANSPORTATION—STEERED TRAILERS.** Steered trailers, not controlled from the truck cab, shall be designed, constructed, and operated as follows:

(1) A secure seat with substantial foot rest shall be provided for the operator at the rear of the bunk. Any arrangement that permits the operator to ride in front of the bunk is prohibited unless a false bunk or other adequate protection is provided for the operator.

(2) The seat for the operator shall be so arranged that he has an unobstructed exit from both sides and the rear.

(3) The bunk support shall be so constructed that the operator has a clear view ahead at all times.

(4) Adequate means of communication shall be provided between the operator and the truck driver.

(5) Eye protection and respirator shall be provided for the operator.

(6) The trailer shall be equipped with fenders or splash plates to protect the operator from mud and dust so far as possible.

(7) If used during periods of reduced visibility on roads not under the control of the State Department of Transportation, counties, or cities, the trailer shall be equipped with head, tail, turn and stop lights.

**NEW SECTION**

**WAC 296-54-583 STATIONARY LOG TRUCK TRAILER LOADING.** (1) All loading devices shall be designed, constructed, and maintained in such a manner as to have a five to one safety factor for its rated load capacity.

(2) Loaders shall be constructed of such height and width that they can be safely used to load the maximum-sized trailers they will be expected to handle without hanging up or striking the equipment.

(3) Electric-powered trailer loading devices shall be equipped with a switch or device which will govern the upper direction of travel of the load line to a safe limit.

(4) Electric motors used for hoisting purposes shall be equipped with approved overload switches or breakers.

(5) All electrical switch controls shall not exceed twenty-four volts. All control switches shall be of the momentary contact type which require continuous manual pressure for hoist to operate.

(6) Pendant-type control switches shall be suspended by a chain or other suitable device which will prevent placing a strain on the electrical cable.

(7) Pendants shall be so installed that when retracted the control switch shall not touch the ground.

(8) All electrical equipment shall be weatherproof-type or adequately protected from the weather, and shall meet or exceed the requirements of the National Electrical Code as promulgated by the Director of the Department of Labor and Industries pursuant to RCW 19.28.060.

(9) Trailer loaders, except A-frame type or bridge crane, shall be equipped with reach guides or devices which will keep reach in proper alignment. A tag rope or other safe guidance device shall be used to guide trailers being loaded by use of an A-frame type loader.

(10) Access roads and the area around the trailer loading devices shall be kept free of standing water and debris and maintained in good repair.

(11) The maximum capacity load to be lifted shall be posted in a conspicuous location where it can be easily seen by any person operating the hoist.

(12) Trailer loading equipment shall be periodically inspected at least every thirty days and shall be maintained in good repair. A written report shall be made and signed by the person making the inspection and kept on file by the company for twelve months.

(13) A lifting test shall be conducted annually on each loading device and a written record showing the date, name of person conducting the test, amount of weight lifted and results shall be kept in the office of the employer or at the site. The test weight shall be at least one hundred twenty-five percent of the maximum rated load but not more than one hundred thirty percent of the maximum rated load.

(14) Each drum shall be designed and arranged in such a manner that the line will maintain lead and spool evenly without chafing, crossing or kinking.

(15) A braking system shall be installed which shall have the capability of safely braking and holding one and one-half times weight of the full rated load.

(16) When trailers are to be loaded after dark, sufficient lights shall be provided for a safe operation.

#### NEW SECTION

**WAC 296-54-585 LOG UNLOADING, BOOMS, AND RAFTING GROUNDS—STORAGE AND SORTING AREAS—GENERAL REQUIREMENTS.** (1) At no time shall one person be permitted to work alone.

(2) (a) Employees working on over or along water, where the danger of drowning exists, shall be provided with and shall wear approved personal flotation devices.

(b) Employees are not considered exposed to the danger of drowning when;

(i) The water depth is known to be less than chest deep on the exposed individual;

(ii) When working behind standard height and strength guardrails;

(iii) When working inside operating cabs or stations which eliminate the possibility of accidentally falling into the water.

(iv) When wearing approved safety belts with lifeline attached so as to preclude the possibility of falling into the water.

(c) Prior to and after each use, personal flotation devices shall be inspected for defects which would reduce their designed effectiveness. Defective personal flotation devices shall not be used.

(d) To meet the approved criteria required by subdivision (a), a personal flotation device shall be approved by the United States Coast Guard as a Type I PFD, Type II PFD, Type III PFD, or Type V PFD, or their equivalent, pursuant to 46 CFR 160 (Coast Guard Lifesaving Equipment Specifications) and 33 CFR 175.23 (Coast Guard table of devices equivalent to personal flotation devices). Ski belt or inflatable type personal flotation devices are specifically prohibited.

(3) In operations where regular logging machinery, rigging, etc., is used, the applicable sections of these rules shall apply.

(4) Artificial lights shall be provided and used where work is to be done between the hours of sunset and sunrise. Such lights shall be located in a manner that will be reasonably free of glare and provide uniform distribution of illumination and avoid sharply defined shadows.

(5) On all log dumps, adequate power for the method used for unloading shall be provided. All machines used for hoisting, reloading or lowering purposes shall be of approved design and sufficient power to control or hold the maximum load imposed in mid-air.

(6) Binders shall not be released from any load until an effective safeguard is provided.

(7) All mobile log handling machines shall be equipped with a means or mechanism which will prevent the logs from accidentally leaving the forks, and shall be used.

(8) The operator of the unloading machine shall have an unobstructed view of the unloading area or shall make certain no one is in the area where the logs are to be unloaded. Rearview mirrors shall be installed on mobile log handling equipment to assist the operator in ascertaining that the area behind the machine is clear before backing up.

(9) Unloading lines shall be so arranged that it is not necessary for the workman to attach them on the pond or dump side of the load.

(10) Life rings with a minimum of ninety feet of one-fourth-inch line with a minimum breaking strength of five hundred pounds attached, shall be provided at convenient points adjacent to water which is five feet or more in depth. Life rings shall be a minimum of thirty inches outside diameter and seventeen inches inside diameter and be maintained so as to retain a thirty-two pound positive buoyancy.

#### NEW SECTION

**WAC 296-54-587 WATER DUMPS.** (1) All water dumps shall have brow logs except when logs are lifted from the load. If portable equipment is used, adequate stops shall be provided to prevent equipment from running off the dump.

(2) Where necessary for persons to walk alongside loads and equipment on trestles or fills, a minimum twenty-two inch wide walkway shall be provided, unless otherwise specified.

(3) All decks and plankways on log dumps must be kept in good repair and free from bark and other debris. Roadways shall not be inclined more than one inch to twelve inches across the driving surface.

(4) The use of small bridge-over logs, planking or timbers, between regular foot logs, or walkways, which will not support the weight of at least three persons are prohibited. All regular foot logs shall be barked on upper side.

(5) Electric powered hoists using hand-held cord remote controls in grounded locations, shall be actuated by circuits operating at no more than twenty-four volts. All control switches shall be of the momentary contact type which requires continuous manual pressure for the hoist to operate.

(6) Roadbeds at log dumps shall be hard packed gravel, heavy planking, or equivalent material, and shall be of sufficient width and even surface to insure safe operation of equipment.

(7) Where logs are unloaded on to rollways, sufficient space shall be provided between the top of the skids and the ground to clear the body of a person.

(8) When a brow log is used with a parbuckle system, all persons are prohibited from going between the brow log and the load of logs at any time.

(9) A positive safeguard shall be provided to prevent logs from leaving the loads on the side opposite the dump. Unloading lines, crotch lines or equally effective means shall be arranged and used in a manner to prevent any log from swinging or rolling back.

(10) All persons shall remain in the clear until all moving equipment has come to a complete stop.

(11) Logs shall not be unloaded by peaves or similar manual methods, unless means are provided and used that eliminate the danger from rolling or swinging logs.

#### NEW SECTION

**WAC 296-54-589 BOOM AND RAFTING GROUNDS.** (1) Breaking of log jams by peavy method is prohibited, except in river drive or when jam occurs away from mechanical means or the dump.

(2) Wooden pike poles shall be of continuous, straight-grained No. 1 material. Defective poles, blunt or dull pikes shall not be used. Conductive pike poles shall not be used where there is a possibility of coming in contact with energized electrical conductors.

(3) Stiff booms shall be made by fastening not less than two boom sticks together. The width of a stiff boom shall be not less than thirty-six inches measured outside to outside of the logs. The boom sticks shall be fastened together with not less than 4" x 6" cross ties, or cable lashings notched into the boom sticks may be used when stiff booms are exposed to heavy swells. Stiff booms shall be kept free of loose bark and shall be maintained in good repair.

(4) A walkway with standard hand railing shall be provided from the shore end of stiff boom to shore.

(5) All sorting gaps shall have a substantial stiff boom on each side of gaps. Such stiff booms or walkways shall be planked over.

(6) (a) Boom sticks shall be reasonably straight with no protruding knots or loose bark. They shall be capable of supporting above the water line at either end the weight of one worker and equipment or two hundred fifty pounds.

(b) Foot logs shall be reasonably straight with no protruding knots or loose bark and shall be of sufficient size to support above the water line at either end the weight of two workers and equipment or five hundred pounds.

(7) Boom sticks which have been condemned as unsafe shall be marked by three chopped crosses ten feet from the butt end, and such sticks shall not be used as boom sticks.

(8) Gaps between boom sticks shall not exceed twenty-four inches. All wire shall be removed from boom sticks and boom chains before they are re-used or hung in rafting stalls.

(9) When permanent cable swifters are used they shall be arranged so that they are within easy reach of rafter without rolling boom sticks on which they are fastened. When cables become hazardous to use because of jagers, they shall be discarded.

(10) When floating donkeys or other power-driven machinery is used on boom, it shall be placed on a raft or float with enough buoyancy to keep the deck of such raft or float well above water. Wherever persons walk, the deck of the raft or float shall be planked over with not less than two inch planking, and kept in good repair.

(11) When doglines used in rafting, brailing or stowing logs become hazardous to use because of jagers, they shall be discarded.

(12) Storing, sorting or any boom work, other than boom boat operations, shall require a minimum of two persons.

(13) Sufficient walkways and floats shall be installed and securely anchored, to provide safe passage for workers.

(14) Walkways alongside sorting gaps shall not be less than four feet wide. Other walkways shall be not less than twenty-two inches wide.

#### NEW SECTION

WAC 296-54-591 BOATS AND MECHANICAL DEVICES ON WATERS. (1) Prior to starting the boat motor, any spilled fuel shall be removed and vapors shall be exhausted from any area in which they may accumulate.

(2) The bilge area shall be kept clean and oil, grease, fuel, or highly combustible materials shall not be allowed to accumulate.

(3) Adequate ventilation equipment shall be provided and used for the bilge area to prevent the accumulation of toxic or explosive gases or vapors.

(4) Adequate ventilation equipment shall be provided and used for the cabin area on enclosed-cabin type boats to prevent an accumulation of harmful gases or vapors.

(5) Deck and cabin lighting shall be provided and used where necessary to provide safe levels of illumination aboard boats. Boats operated during the period from sunset to sunrise, or in conditions of restricted visibility, shall display navigation lights as required by the United States Coast Guard. Searchlights or floodlights shall be provided to facilitate safe navigation and to illuminate working or boarding areas adjacent to the craft.

(6) On craft used by workers wearing calked shoes, all areas where the operator or workers must stand or walk shall be made of or be covered with wood or other suitable matting or nonslip material and such covering shall be maintained in good condition.

(7) Each boat shall be provided with a fire extinguisher and life ring with at least fifty feet of one-fourth inch line attached. On log broncs, boomscoters, or other small boomboats where all occupants are required to wear life saving devices and a life ring and fire extinguisher would present a tripping hazard, the life ring and fire extinguisher may be omitted.

(8) (a) Along docks, walkways, or other fixed installations on or adjacent to open water more than five feet deep, approved life rings with at least ninety feet of one-fourth inch line attached, shall be provided. The life rings shall be spaced at intervals not to exceed two hundred feet and shall be kept in easily visible and readily accessible locations.

(b) When employees are assigned work at other casual locations where exposure to drowning exists, at least one approved life ring with at least ninety feet of line attached, shall be provided in the immediate vicinity of the work assigned.

(c) Where work is assigned over water where the vertical drop from an accidental fall would exceed fifty feet, special arrangements shall be made with and approved by the Department of Labor and Industries prior to such assignment.

(d) Lines attached to life rings on fixed installations shall be at least ninety feet in length, at least one-fourth-inch in diameter, and have a minimum breaking strength of five hundred pounds. Similar lines attached to life rings on boats shall be at least fifty feet in length.

(e) Life rings must be United States Coast Guard approved thirty-inch size.

(f) Life rings and attached lines shall be maintained to retain at least seventy-five percent of their designed buoyancy and strength.

(9) Log broncs, boomscoters, and boomboats shall not be loaded with personnel or equipment so as to adversely affect their stability or seaworthiness.

(10) Boats shall not be operated at an excessive speed or handled recklessly.

#### NEW SECTION

WAC 296-54-593 DRY LAND SORTING AND STORAGE.

(1) Unauthorized foot and vehicle traffic shall not be permitted in the sorting or storage area.

(2) Logs shall be stored in a safe and orderly manner. Roadways and traffic lanes shall be kept clear of protruding ends of logs and debris.

(3) Dry deck log storage areas shall be kept orderly and maintained in a condition conducive to safe operation of mobile equipment. Roadways and walkways shall have a smooth hard-packed surface wide enough to permit a safe operation. Bark, mud, and other debris shall not be allowed to accumulate to the extent it constitutes a hazard to the operation.

(4) At log dumps, sorting and storage areas, an effective means shall be provided and used to control dust.

(5) Only an authorized person shall operate or ride any lift truck, log stacker, or log unloader.

(6) Signaling log unloader operators at dry deck areas by throwing bark or chips in the air is prohibited. Hand or horn signals shall be used at all times.

(7) Unnecessary talking to operator while engaged in operating controls of log stacker or log unloader is forbidden.

(8) Lift forks and arms of unloading machines shall be lowered to their lowest position, and all equipment brakes set prior to the operator leaving his machine unattended.

(9) Log unloaders or stackers shall not be moved about the premises for distances greater than absolutely necessary with the lift extended above the drivers head or with loads lifted higher than is necessary for vision.

(10) When truck drivers are out of the cab, they shall be in the clear, and in view of the log unloader before the lift forks are moved under the load and the lift is made.

(11) Where logs are offloaded onto a dry deck by means of unloading lines, a mechanism shall be used which is self-releasing. Employees shall be prohibited from ascending dry decks to release unloading lines.

(12) Persons shall not position themselves in the hazardous area near or under loads of logs being lifted, moved or suspended.

(13) Jackets or vests of fluorescent or other high visibility material shall be worn by persons working on dry land log storages. Hard hats shall be of a contrasting color or shall have high visibility tape affixed thereon.

(14) Log unloaders and log stackers designed in a manner whereby logs being handled may jeopardize the safety of the operator shall be provided with overhead protection and any other safeguards needed to afford adequate protection.

(15) Log unloaders and log stackers shall be equipped with a horn or other audible warning device. If vision is impaired or restricted to the rear, the warning device shall be sounded before operating the vehicle in reverse gear and sounded intermittently during the entire backing operation. The warning device shall be maintained in an operative condition.

(16) Each log-handling machine shall be equipped with a braking system which is capable of stopping and holding the machine with maximum load on any grade on which it may be required to work.

(17) A limit stop, which will prevent the lift arms from over-traveling, shall be installed on electric powered log unloaders.

(18) Shear guards shall be installed on unloading machines and similar types of equipment on which the arms pivot and move alongside the operator creating a pinch point at that location.

(19) All fork-lift type machines shall be equipped with grapple arms and the arms shall be used whenever logs are being moved.

(20) When log trucks are loaded by the use of a log stacker and the lay of any log is higher than the stakes, the log stacker shall remain against the completed load, or other suitable protection provided, to prevent the logs from falling until at least two wrappers and binders have been applied.

(21) All binders and wrappers shall remain on the load until an approved safeguard has been provided to prevent logs from rolling off the side of the truck or trailer when binders are released. A shear log, or equivalent means, shall be provided to ensure the log truck will be stationed close enough to the wrapper rack so that a log cannot fall between the log truck and the wrapper rack when removing binders and wrappers. At least one binder shall remain secured while relocating or tightening other binders. Crotch lines, fork lifts, log stackers, log unloaders, or other effective means shall be used for this purpose.

(22) An extra wrapper or metal band of equal strength shall be placed to hold the logs when it is necessary to remove a wrapper to prevent it from being fouled by the unloading machine.

(23) Machines of the type having arms which block the regular exit when in the up position, shall have an emergency exit installed.

(24) Seat provided. Riding on any part of a log handling machine except under the canopy guard is prohibited.

(25) Identification tags shall not be applied or pulled unless logs are resting in a stationary place, such as bunks, cradles, skids, or sorting tables.

(26) No person shall approach the immediate vicinity of a forklift-type log handling machine without first notifying the operator of his intention and receiving an acknowledgement from the operator.

(27) When fork-lift-type machines are used to load, unload, or handle trailers, a positive means of holding the lifting attachment to the fork shall be installed and used.

(28) When dry land log dumps use unloading methods similar to those of water dumps, the safety standards for water dumps shall apply to dry land dumps.

(29) When logs are handled between the hours of sunset and sunrise or other periods of poor visibility, sufficient illumination shall be provided in such a manner as to minimize shadows and glare.

(30) Air operated stake releases shall be in conformity with the following requirements:

(a) The air supply shall be taken from the "wet" air reservoir or from the accessory air line to a spring loaded, normally closed control valve.

(b) The control valve shall be located in the cab, positioned so that it is accessible only from the operator's position.

(c) The control valve shall be fitted with a spring loaded cover or be otherwise guarded against inadvertent operation.

(d) A separate air line shall extend from the control valve to the tractor and trailer stake release chambers. The air line shall be clearly identified or installed in such a manner as to preclude it from being mistaken for the service or emergency air line.

#### NEW SECTION

**WAC 296-54-595 RAILROAD OPERATIONS.** (1) All persons employed in any service on trains or rail operations, which are not engaged in interstate commerce, are subject to and shall be conversant with all rules and special instructions.

(2) Employees must render every assistance in their power in carrying out these rules and special instructions and must report to the proper official any violation thereof.

(3) Accidents, detention of trains or speeders, failure in supply of fuel or water, defects in track, bridges, or signals, must be properly reported to the supervisor by the quickest possible method.

(4) Any logging railroad may maintain a special set of operating rules applicable to their operation, provided that said rules are acceptable to the Division of Industrial Safety and Health, Department of Labor and Industries.

(5) Each logging railroad operation which has more than one self-propelled engine or speeder must have an efficient operating or dispatching system. All equipment must receive clearance from dispatcher.

(6) Train crew size shall be dependent upon the number of persons needed to safely operate the train under all prevailing conditions; however, when necessary to set hand brakes, two or more persons shall be assigned to set the brakes and give signals.

(7) All locomotives shall be equipped with sanding devices for both rails, front and rear, in proper working order. Clean, dry sand should be used.

(8) Locomotives shall be equipped with power brakes (air or steam) on all driving wheels. Tenders also shall have power brakes.

(9) All locomotives and speeders, operating between sunset and sunrise or other periods of reduced visibility, shall be equipped with and use head lights which shine in the direction of travel. The lights shall be of sufficient candlepower so the train can be stopped within range of the light beam. Cab lights shall be provided and maintained so the operators can see from their required positions the gauges and equipment necessary for operation.

(10) All locomotives shall be equipped with proper grab irons, hand holds, steps, and running boards.

(11) All locomotives shall be equipped with automatic couplers, suitable for low or high draw-bars.

(12) On all rolling stock, wheels which have sharp or badly worn flanges, shall be replaced. Avoid the use of flat wheels.

(13) All locomotives with tender shall have an apron of proper length and width to insure safety and which shall be roughened to insure secure footing.

(14) Handholds and footboards shall be provided on locomotive cranes, except where cab overhangs end of car.

(15) Trains and speeders shall not exceed a safe speed.

(16) A terminal test of air brakes shall be made by trainmen before leaving the terminal. Enginemen shall not proceed until they are satisfied by brake action that brakes are able to control the train.

(17) All of the cars in a train shall have their brakes in good operating condition.

(18) On railroads where joint operations of two or more firms are necessary, trains shall not be dispatched less than fifteen minutes

apart. Red lights shall be displayed on the rear of such trains at night or when visibility is poor.

(19) Whenever cars are left on grades, derailleurs shall be provided. Derail signs shall be placed near derailleurs. In setting out equipment, care shall be used in seeing that proper clearance is provided.

(20) Standard pressure for mountain grades requires a pressure of ninety pounds in train pipe, one hundred ten pounds in main reservoirs (low pressure) and one hundred thirty pounds in high pressure to insure quick releasing of brakes and recharging of auxiliaries. Engineer shall see that his engine carries these pressures and that sanders, both forward and rear, are in working order. On all heavy grades the high pressure retaining valve must be used and before train is started from landing, a test of brakes must be made and piston travel adjusted, if necessary, and retaining valves put up. Engineer shall start train away from landing slowly, giving wheels a chance to roll before applying brakes and, to avoid skidding of wheels, using sand freely. Brakes should then be applied immediately and released, allowing the retaining valves to hold the train while train pipe and auxiliaries are being recharged. Train speed should be held to the required rate by setting and releasing brakes as it is necessary to control train.

(21) When it is necessary to leave loads on pass while switching a side, loads must be left close to derailer, air set and sufficient hand brakes set up, before cutting engine from train.

(22) Enginemen must see car or signalman when making couplings, giving trainmen ample time to align drawheads and open knuckles of coupler, especially on curves, except when using radios.

(23) Drawbars should not be aligned with the foot while cars or engines are in motion. Trainmen shall not climb between cars while in motion. Enginemen shall not drift too close to switches which are to be thrown. Position of switch points should always be observed after throwing switch. Switch lever should be pushed firmly into the notch before leaving the switch. No persons except trainmen, unless authorized, shall ride on engine foot-boards. No object shall be thrown from train or engine while in motion. Bell shall be rung or whistle blown, before moving locomotive.

(24) No equipment shall be pushed ahead of locomotive unless a brakeman is on head car in constant view of engineer or second brakeman in position to intercept and pass signal to engineer.

(25) In addition to air brakes, hand brakes must be provided on all cars and maintained in good working order.

(26) Hand brakes must be easily accessible to brakemen when cars are loaded. When wheels or staff brakes are used they should be placed on the side opposite the brow log at the dump to prevent their damage when cars are unloaded. All switch throws, walkways and cleared areas for brakemen shall be on the hand brake side.

(27) All brake hickies shall be made from three-fourths inch hexagon steel (high grade) and be twenty-four inches with a good claw on one end to fit the wheel and a knob on opposite end to prevent slipping from brakeman's hand.

(28) All railroad trucks and cars, where brakes are set by hand while in motion, shall have good footboards and toeboards on the brake end.

(29) A ten inch bunk block is recommended on all trucks to prevent logs from slipping over block.

(30) All cars other than logging trucks must have hand hold and foot steps to permit persons to get on and off easily and safely.

(31) All cars and trucks regularly operated must have automatic couplers.

(32) Locomotives and cabooses shall carry the following equipment:

- 1 Red Light (Lantern Type)
- 3 Red Flags
- At least 3 fuses

(33) When a train stops between telephones, or where the rear of a train extends beyond yard limits, the rear of the train must be properly protected.

(34) Whistle sign board shall be placed one thousand two hundred feet from each side of highway crossings.

(35) A rail clamp shall be placed to hold cars left on a grade on main line or spurs.

(36) All cars and trucks shall be legibly numbered so that those with defects may be reported and taken out of service. Each locomotive, speeder, or other self-propelled vehicles shall be numbered, or otherwise made readily identifiable.

(37) All cars used for hauling logs shall be equipped with patent stake bunks, or bunks with chock blocks and/or chains, so constructed

that block can be released from opposite end of bunk unless solid stakes are used.

(38) All main line trains of more than ten loaded cars shall have a caboose at the rear of the train.

(39) All operations having both truck roads and railroads, shall post signs at intersections same as public crossings.

Engine whistle signals. The following engine whistle signals are established as standard and are taken from the American Association of Railroads. The signals prescribed are illustrated by "o" for short sounds and "-" for long sounds. Audible whistle shall be sounded when approaching camps, junctions, grade crossings and other prescribed places in conformity with the American Association of Railroads:

- One short..... (o) Stop, apply brakes.
- Two long..... (—) Release brakes.
- Three long..... (—) When running, train parted, to be repeated until answered by hand signal.
- Two short..... (oo) Answer to any signals not otherwise provided for.
- Three short..... (ooo) When train is standing back.
- Four short..... (oooo) Call for signals.
- Two long, two short... (— oo) Approaching highway crossing at grade.
- One long..... (—) Approaching station, rollway, chute, crossing, junctions, and derailleurs. When standing, air leak.
- Six long..... (————) Repeated at intervals, call for section men, train derailed.
- One long, three short. (— ooo) Flagman to go back and protect rear of train.
- Four long..... (————) Foreman.
- Five long..... (————) Flagman to return from any direction.
- Long, short..... (—o—o—o) Repeated four or more times, fire alarm.
- Seven long, two short. (———— oo) Repeated, man hurt.
- One long, one short... (—o) Repeated at intervals, closing down.
- Groups of shorts repeated (ooooooo) Danger of runaway.
- Unnecessary use of whistle is prohibited.

Figure No. 13

**NEW SECTION**

**WAC 296-54-597 RAILROAD MAINTENANCE—LOADING OR UNLOADING.** (1) Track gangs bridge crews, etc., when working on railroads in use shall place a yellow caution flag by day and a yellow lantern by night a sufficient distance both directions from the crew to protect them against approaching equipment. The operator of said equipment shall acknowledge the signal by two short blasts of the whistle or horn and proceed with caution.

When said crews are removing or replacing a rail or are performing any other work that would make it necessary for approaching equipment to come to a stop, they shall place a red flag by day and a red lantern by night in the center of the track a sufficient distance in both directions from the crew to protect them against said equipment. The operator of approaching equipment shall acknowledge the signal by one short blast of the whistle or horn and shall come to a dead stop and remain standing until the signal is removed by the person who placed it, or until investigation proves that the track is safe for passage. If a flagman is used, the above provision need not apply.

(2) Where clearance is scant, warning signs or signals shall be posted.

(3) Switch throws should be kept well oiled and targets and signs in good legible condition.

(4) Standard clearances shall be maintained at all points on the right of way except where necessarily restricted where loading or unloading operations are performed or at water tanks, fuel tanks, etc. Warning signs shall be posted at all such locations.

(5) Whenever workmen are repairing, working on or in railroad equipment, loading or unloading cars or performing other duties where there is danger of the railroad equipment being struck by other moving railroad equipment; proper means, methods or safeguards shall be used to protect such workmen. A derail shall be used to prevent other rail equipment from contacting such cars or equipment or endangering the workmen. After cars are spotted, blue flags shall be placed in the center of the tracks at least fifty feet from the end car during the day and blue lights shall be installed at such locations at night. Flags, lanterns and derails shall be removed only by the person placing them unless they are to remain posted for a longer period of time, in which case

one person on each oncoming shift shall be responsible to ascertain that they are in place and he shall not remove such safeguards until he investigates to make certain all persons are in the clear. Operators of approaching equipment shall not pass or remove a flag or lantern which is properly posted. Cars or other equipment shall not be placed where it will obscure the signal from an operator controlling approaching equipment.

**NEW SECTION**

**WAC 296-54-599 TRUCK AND EQUIPMENT MAINTENANCE SHOPS.** It is recognized that the usual hazards encountered in maintenance shops performing work on logging and related equipment would be very similar to those found in general repair, machine or welding shops; therefore, the rules contained in the General Safety and Health Standards and other applicable safety standards promulgated and administered by the Department of Labor and Industries shall apply to such places of work.

**NEW SECTION**

**WAC 296-54-601 SIGNALS AND SIGNAL SYSTEMS.** (1) Standard hand or whistle signals as described or illustrated herein, shall be used for the movement of rigging, logs, or equipment when using a high lead, slackline, or cable skidder system for yarding. For Hand Signal illustrations, see Figure 4.

(2) Voice communications may be used for yarding under the following conditions:

(a) Voice communications by use of radio frequencies may be used to transmit instructions and directions to the yarder operator when using a grapple type logging system, providing no person is in a hazardous area near live rigging.

(b) Voice communication may be used to instruct the yarder operator when picking up an occasional log with the use of a choker on a grapple system, providing the grapple is on the ground prior to the setting of the choker and that no lines are moved by the operator until the person setting the choker has returned to a safe location away from any running lines. At no time shall chokers be used on the grapple system during the hours of darkness or during periods of reduced visibility to such extent that the yarder operator cannot clearly see the workmen setting the choker. When a number of logs are required to be yarded by using chokers instead of the grapple, the requirements specified for high lead type of logging shall apply.

(c) Voice communications by use of radio frequencies may be used to transmit instructions and directions to the yarder operator when using a balloon system for yarding. The person operating the radio shall ascertain that all crew members are in the clear before transmitting instructions which would cause any line or turn to move. The person giving such instructions shall keep the crew members informed as to which movements will commence. The whistle shall be blown before moving any running line.

(d) The Federal Communications Commission rules require that assigned call letters be used in conjunction with voice communications.

(3) Voice communications on the same radio frequencies used to transmit skyline, highlead, slackline, or skidder whistle signals (154.57 and 154.60 MHz Channels), shall be prohibited.

**NOTE:** If voice is received on 154.57 or 154.60 MHz Channels, it is recommended the Assistant Director, Department of Labor and Industries, Division of Industrial Safety and Health, P.O. Box 207, Olympia, Washington 98504, (Phone 206/753-6500) be contacted as soon as possible to enable the department to ascertain the source of the voice transmission.

(4) If a standard signal is not listed for an unusual or new situation, a hand or whistle signal other than any listed for the type of yarding being done may be used for the specific situation only. Any special signals so developed shall be understood by all persons required to work in the area which may be affected by their use.

(5) A copy of the standard hand and whistle signals shall be posted on the yarder and at places where crews congregate. For tractor logging operations, hand signals shall be posted at places frequented by the crew members such as in crew buses, etc.

(6) Only one workman in any crew shall give signals at the point where chokers are being set. Any person is authorized to give a stop signal when a workman is in danger or other emergency condition is apparent.

(7) Hand signals are permitted only when the signal person is in plain sight of and within three hundred feet of the machine operator and when visibility is such that the signals are discernible. Hand signals may be used at any time as an emergency stop signal.

(8) Throwing of any type of material as a signal is prohibited.

(9) The use of a jerk wire signal system for any type of yarding operation is prohibited.

(10) All persons shall be in the clear before any signal is given to move the rigging, logs, or turns, and movement of rigging, logs, or turns shall not commence until after the proper signals have been given.

(11) Machine operators shall not move any line unless the signal received is clear and distinct. If in doubt, the operator shall repeat the signal as understood and wait for confirmation.

(12) A horn or whistle which is automatically activated by the radio or electric signaling system shall be used on each yarder used for skyline, high lead, skidder or slackline system of yarding, except where hand signals are permissible. The horn or whistle shall emit a sound which will be clearly audible to all persons in the affected area. Such a horn or whistle shall also be required on combination yarding and loading machines and tree pullers. Audible signals are not necessary on grapple or other yarding systems where persons are not exposed to the movement of logs or rigging.

(13) Each unit of the signal or control system in use, shall be tested daily before operations begin. Audible signals used for test purposes shall not include signals used for the movement of lines or materials.

(14) Citizen band (CB) radios shall not be used to activate any signal, machine, or process, either automatically or by voice. This shall not prohibit the use of CB radios for communication between sides, vehicles, work units, or for emergency situations.

(15) When audible whistle signals are being used simultaneously by yarding and loading machines at a landing, signal whistle or horn tones used in connection with machine movements shall be so differentiated as to distinctively identify any intended work movement of either machine.

#### NEW SECTION

**WAC 296-54-603 ELECTRIC SIGNAL SYSTEMS.** (1) Where an electrical signal system is used, all wire and attachments shall be of the weatherproof type and all connections shall be weatherproof.

(2) Electric signal systems shall be properly installed and adjusted. They shall be protected against accidental signaling and shall be maintained in good operating condition at all times. Sufficient signal wire shall be provided to enable good voice contact between the whistle punk and rigging crew at all times.

#### NEW SECTION

**WAC 296-54-605 RADIO SYSTEMS USED FOR VOICE COMMUNICATION, ACTIVATION OF AUDIBLE SIGNALS, OR EQUIPMENT.** (1) Every employer who uses a radio signaling or control system (voice or functions) shall comply with or exceed the minimum requirements specified in this section.

(2) A valid operating permit shall be obtained by the owner from the Division of Industrial Safety and Health, Department of Labor and Industries, prior to putting into use any radio signaling or control system (voice or functions) intended to be used in conjunction with any type of cable logging operation. Permits will be issued only for systems licensed for such use and using those carrier frequencies as authorized by the Federal Communications Commission. In addition, permits will be granted only when tone or function frequencies are compatible with other radio systems in use and when in compliance with all other applicable requirements contained in this safety standard.

(3) The Division of Industrial Safety and Health reserves the right to designate the use of radio frequencies for certain purposes or functions, for example, certain frequencies may be used for voice transmission of instruction, others for tone coded functions, or activation of signaling devices. No single tone sets shall be permitted for logging purposes. The division may also designate which tone frequencies may be used for the activation of a signaling device or for control of equipment on certain federal communication assigned carrier frequencies.

(4) A list of tone frequencies which may be used with any Federal Communications Commission assigned carrier frequencies will be made available by the Division of Industrial Safety and Health to any interested person, firm, or corporation upon request.

(5) The Division of Industrial Safety and Health shall assign the area or areas in which a radio signaling system may be used and shall

so mark on the permit. Radio signaling systems shall not be used in any area other than indicated on the permit. (See Figure 16 for map of areas.)

(6) The person or firm name on the permit shall be the same as the person or firm operating the radio signaling system except for loaner or rental sets. A person or firm using a loaner or rental set shall be responsible for the radio signal system as if they were the owner of the set. The application for a permit to use a radio signaling system shall contain the following information:

(a) Name and address of applicant.

(b) The radio frequencies of the radio signaling device in MHz.

(c) The tone frequency or frequencies of the radio signaling system used to activate a horn, whistle, or control equipment in Hz. The security gate, or pulse tone, shall be shown first.

(d) The name of the manufacturer of the radio signaling system.

(e) The serial number of the receiving unit.

(f) The state assigned area or location in which the unit will operate.

(g) Indicate type of signaling used.

(h) From whom the system was purchased or acquired, and the date of acquisition of the system.

(i) Intended use and function of system.

**NOTE:** See Sample Form No. 157, "Application for Permit to Operate Radio Signal System in Designated Area," Figure 10 following this section.

(7) The permit granted by the department shall be attached to the case of the receiver of the radio signaling system for which it is granted.

**NOTE:** See sample S.F. Form No. 158, "Permit to Operate Multi-Tone Radio Signal System in Designated Area," Figure 11 following this section.

(8) Each radio receiver shall have its radio carrier frequency in MHz and tone frequency(s) in Hz indicated on the outside case of the receiver. The manufacturer's name and serial number shall also be permanently indicated on the outside of the case. When the duration or width of the tone frequencies performs a function, the one duration/width shall also be permanently indicated on the outside of the receiver case. Each transmitter shall be identified with its receiver. Two or more receivers in operation simultaneously on the same tone frequency shall be prohibited.

(9) It shall be the responsibility of the owner of any radio signaling system to notify the Division of Industrial Safety and Health, Department of Labor and Industries, immediately, if the signal system is:

(a) Permanently retired (in what manner and date retired).

(b) Sold (submit name and address of purchaser and date sold).

(c) Removed from the state (name of state to which moved and date moved).

(d) Stolen (date).

(10) Two operable transmitters shall be at the point where chokers are being set at all times when transmitters are being used for tone signaling by persons around the live rigging in the choker setting area. Only one radio transmitter shall be required if in the possession of a signaller who has no other duties and remains in an area where there are no hazards created by moving logs or rigging. If only one person comprises the rigging crew, only one transmitter is required.

(11) When interference, overlap, fadeout, or blackout of radio signals is encountered, the use of the device shall be discontinued immediately. The use of the device shall not be resumed until the source of trouble has been detected and corrected.

(12) All radio signaling systems put into use for the first time after the effective date of these safety standards, shall meet or exceed the minimum performance specifications contained in WAC 296-54-607 of these safety standards, and, when altered or repaired, shall continue to meet such specifications.

(13) At least one make and model of each signaling system shall be tested and certified that it meets or exceeds the minimum requirements for performance as specified in WAC 296-54-607. A copy of such performance report shall be signed by the person or persons who tested the unit or components and shall be sent to the Division of Industrial Safety and Health, Department of Labor and Industries, P.O. Box 207, Olympia, Washington 98504.

(14) Radio equipment shall not be used without displaying a permit as required by this standard. The permit shall be prominently displayed on the outside case of the receiver of the unit or, for radio controlled carriages, on the transmitter in the yarder.

(15) Adjustments, repairs, or alterations of radio signaling devices shall be done only by or under the immediate supervision and responsibility of a person holding a first-class or second-class commercial radio operator's license, either radio-telephone or radio-telegraph, issued by the Federal Communications Commission. Persons who do not possess the technical ability or do not have the proper equipment to cause the signaling systems to function within required tolerances shall not attempt to repair, alter, or adjust such systems.

(16) Radio frequencies assigned to systems for which voice communications may be used to give signals to the yarder operator, shall not

be the same frequencies as those assigned for whistle signals used in skyline, highlead, slackline, or cable skidder systems.

(17) When hazardous interference is created by moving a voice communication system into an area where a system is already in use on the same frequency, use of the newly-moved system shall be immediately discontinued until the problem of interference has been corrected.

(18) Before moving any unit from one assigned geographical area to another (see area map, Figure 12 following this section), a new permit shall be applied for and secured from the Division of Industrial Safety and Health, Department of Labor and Industries, P.O. Box 207, Olympia, Washington 98504.

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STATE OF WASHINGTON  
DEPARTMENT OF LABOR AND INDUSTRIES

DIVISION OF INDUSTRIAL  
SAFETY AND HEALTH

APPLICATION FOR PERMIT  
TO OPERATE RADIO SIGNAL SYSTEM IN DESIGNATED AREA

Radio Carrier Frequency..... Serial No.....  
Tone Coding Frequencies..... Hz..... Name of Manufacturer of  
Signal System.....  
Firm Name..... Address..... By.....  
Intended Function of Unit: Voice communication  Whistle signal  Control Equipment   
Area in which Unit will be Operated:..... 1  ..... 2  ..... 3   
(Area map included in Safety Standards for Logging Operations)  
Type of Tone: Sequential  Simultaneous  If other specify type.....  
System to be Used For: Grapple  Highlead, Slackline, Skidder  Balloon   
System Purchased or Acquired From.....  
Date System Purchased or Acquired: Day..... Month..... Year.....  
Mail Permit to.....  
Date Application Mailed to Division of Safety Day / Mo. / Year

Date Permit Issued	.....	Day / Mo. / Year
DIV. OF SAFETY USE ONLY		

LI-414-9 App. to Operate Radio Signal Sys.



Figure No. 10

STATE OF WASHINGTON  
DEPT. OF LABOR & INDUSTRIES DIV. OF SAFETY  
PERMIT  
TO OPERATE MULTI-TONE RADIO SIGNAL SYSTEM  
IN DESIGNATED AREA.

Model..... Serial.....  
Carrier Frequency ..... MHz  
Tones..... Hz

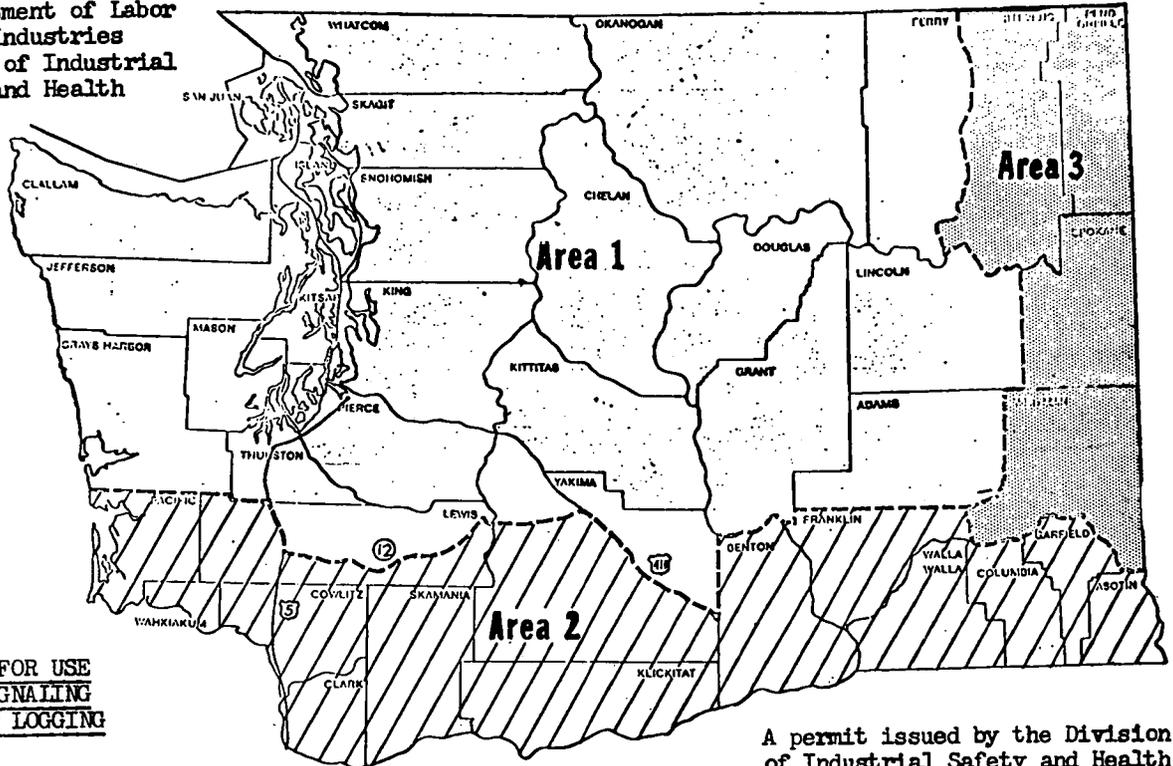
AREA

Firm Name .....  
Issued by .....

S. F. No. 158-12-71-25C. 38416.

Figure No. 11

State of Washington  
 Department of Labor  
 and Industries  
 Division of Industrial  
 Safety and Health



**AREAS FOR USE  
 OF RADIO SIGNALING  
 SYSTEMS FOR LOGGING  
 OPERATIONS**

A permit issued by the Division of Industrial Safety and Health shall be attached to the outside of the receiver, which shall indicate the area in which the radio signaling equipment may be used.

Figure No. 12

**NEW SECTION**

**WAC 296-54-607 RADIO SIGNAL SYSTEMS—SPECIFICATIONS AND TEST PROCEDURES.** (1) All radio-signaling systems put into use for the first time after the effective date of these rules shall meet or exceed the following requirements, specifications, tolerance, and tests and such systems, when altered or repaired, shall meet the same minimum requirements.

(a) Radio-signaling systems used to transmit whistle signals or control functions of equipment associated with skyline, highlead, slackline, or cable skidder systems of logging shall transmit and decode only by the use of authorized multi-tone frequencies. Only sequential tones may be used to transmit signals or control equipment when utilizing carrier frequencies of 154.57 or 154.60 MHz.

(b) The receiver sensitivity shall be capable of attaining .6 microvolt, or greater, for 12 db SINAD ratio for VHF frequencies and .7 microvolt, or greater, for UHF frequencies. Effective January 1, 1984, all radio systems receiver sensitivity shall be capable of attaining .4 microvolt, or greater, for 12 db SIND ratio for VHF frequencies and .5 microvolt, or greater, for UHF frequencies. When interference is a factor, the receiver may be desensitized in the furtherance of safety by a person qualified in accordance with WAC 296-54-605(15).

(c) The receiver spurious attenuation shall be at least 40 db when measured by the 20 db quieting method. On all new radio systems put into service after the effective date of these standards, the receiver spurious attenuation shall be at least 60 db when measured by the 20 db quieting method. Effective January 1, 1984, all new radio signal systems shall be required to have receiver spurious attenuation of at least 70 db when measured by the 20 db quieting method and shall have image response attenuation of 60 db when measured by the 20 db quieting method. Effective January 1, 1989, all radio signal systems shall be required to have receiver spurious attenuation of at least 70 db when measured by the 20 db quieting method and image response attenuation of 60 db when measured by the 20 db quieting method.

**NOTE:** Spurious response attenuation is a measure of the receiver's ability to discriminate between a desired signal to which it is resonant and an undesired signal at any other frequency to which it is also responsive.

(d) The receiver selectivity shall be more than 40 db plus or minus 30 KHz. All new radio signal systems put into service after the effective date of these standards, the receiver selectivity shall be at least 60 db plus or minus 30 KHz. Effective January 1, 1984, all new radio signal systems purchased and used shall have receiver selectivity of at least 80 db plus or minus 30 KHz. Effective January 1, 1989, all radio signal systems shall have receiver selectivity of at least 80 db plus or minus 30 KHz, when measured by the E.\*I.A. SINAD method.

(e) The receiver-decoder tone frequency stability shall not exceed .006 (.6%) above or below the assigned tone frequency.

(f) The drift of a transmitter-encoder tone shall not exceed .006 (.6%) above or below the assigned tone frequency.

(g) Parts of the radio-signaling system affected by moisture, which may be subjected to the entrance of moisture during use, shall be weatherproofed. Transmitters shall be tested within fifteen minutes after being subjected to the following conditions and shall have the ability to continue functioning properly. The transmitter and receiver shall be placed in a humidity chamber for eight hours where the humidity has been maintained at not less than ninety percent and where a 40°C. temperature has been maintained.

(h) Radio-signaling system units shall operate within tolerances specified at any temperature within the range of -30°C. to +60°C.

(i) Switches of transmitters used to send whistle signals or activate equipment associated with high lead, slackline, or cable skidder systems of logging shall be designed in such a manner whereby two buttons, motions or a combination of these shall be required simultaneously to cause activation of the system. Arrangement of the activating switches shall be such that the operator can transmit signals

easily but cannot easily activate a control or command function accidentally.

(j) All receivers intended to be mounted on or in the yarder or similar equipment, and all portable transmitters, shall continue to maintain specified mechanical and electrical performance during and after being subjected to vibration of the magnitude and amplitude as follows:

The equipment shall be vibrated with simple harmonic motion having an amplitude of 0.015" (total excursion 0.03") with the frequency varied uniformly between 10 and 30 Hz and an amplitude of 0.0075" (total excursion 0.015") with the frequency varied uniformly between 30 and 60 Hz. The entire cycle of frequencies for each group (i.e., 10 to 30 cycles and 30 to 60 cycles) shall be accomplished in five minutes and repeated three times. The above motion shall be applied for a total period of thirty minutes in each direction, namely, the directions parallel to both axes of the base and perpendicular to the plane of the base.

(k) All portable transmitters shall continue to maintain specified mechanical and electrical performance after being subjected to a shock test as follows:

The equipment shall be dropped once on each of five surfaces from a height of four feet onto a smooth concrete floor.

(l) Transmitters operating on carrier frequencies of 154.57 MHz and on 154.60 MHz shall be limited on maximum power output not to exceed 500 mW measured at the antenna terminals.

(m) To minimize the possibility of interference with other signaling systems, the input power of transmitters operating in the 450 MHz range should be limited to only the amount needed to transmit to the receiver of the system effectively.

#### REPEALER

The following sections of the Washington Administrative Code are each repealed:

- |                            |   |
|----------------------------|---|
| (1) <u>WAC 296-54-001</u>  | SCOPE AND APPLICATION.  |
| (2) <u>WAC 296-54-003</u>  | WAIVER AND VARIANCE.  |
| (3) <u>WAC 296-54-010</u>  | DEFINITIONS OF TERMS USED IN THE LOGGING STANDARDS FOR THE PURPOSE OF THIS CHAPTER.               |
| (4) <u>WAC 296-54-020</u>  | INTRODUCTION.   |
| (5) <u>WAC 296-54-030</u>  | MANAGEMENT'S RESPONSIBILITY.  |
| (6) <u>WAC 296-54-040</u>  | EMPLOYEE'S RESPONSIBILITY.  |
| (7) <u>WAC 296-54-051</u>  | SAFETY EDUCATIONAL AND FIRST AID REQUIREMENTS.  |
| (8) <u>WAC 296-54-052</u>  | GENERAL REQUIREMENTS.   |
| (9) <u>WAC 296-54-130</u>  | CAMPS.  |
| (10) <u>WAC 296-54-140</u> | RAILROAD AND TRUCK ROAD CONSTRUCTION AND MAINTENANCE—RAILROADS.                                   |
| (11) <u>WAC 296-54-150</u> | TRUCK ROADS.  |
| (12) <u>WAC 296-54-160</u> | TRANSPORTATION OF CREWS—GENERAL REQUIREMENTS.   |
| (13) <u>WAC 296-54-170</u> | TRANSPORTATION OF CREWS BY USE OF SPEEDERS AND TRAILERS.  |
| (14) <u>WAC 296-54-180</u> | TRANSPORTATION OF CREWS BY MOTOR VEHICLES.  |
| (15) <u>WAC 296-54-185</u> | METHODS OF CREW TRANSPORTATION OTHER THAN THOSE SPECIFIED.  |
| (16) <u>WAC 296-54-190</u> | RIGGING.  |
| (17) <u>WAC 296-54-195</u> | ADDITIONAL REQUIREMENTS FOR PORTABLE SPARS AND BOOM TYPE YARDING AND LOADING MACHINES.            |
| (18) <u>WAC 296-54-200</u> | YARDING.  |
| (19) <u>WAC 296-54-210</u> | TRACTOR LOGGING.  |
| (20) <u>WAC 296-54-215</u> | CANOPY GUARDS, BARRICADES, SEAT BELTS, SCREENS AND OTHER ITEMS REQUIRED FOR INDUSTRIAL EQUIPMENT. |
| (21) <u>WAC 296-54-216</u> | ROLL-OVER PROTECTIVE STRUCTURES AND OVERHEAD PROTECTION.  |
| (22) <u>WAC 296-54-217</u> | BRAKING SYSTEMS FOR TRACTORS AND OTHER MOBILE EQUIPMENT.  |
| (23) <u>WAC 296-54-218</u> | EMERGENCY STEERING.   |
| (24) <u>WAC 296-54-220</u> | LOG LOADING.  |
| (25) <u>WAC 296-54-230</u> | LINES, BLOCKS AND SHACKLES.   |
| (26) <u>WAC 296-54-240</u> | YARDING, LOADING AND SKIDDING UNITS   |
| (27) <u>WAC 296-54-260</u> | FALLING-BUCKING.  |

- |                              |  |
|------------------------------|--|
| (28) <u>WAC 296-54-270</u>   | MOVING MACHINES.   |
| (29) <u>WAC 296-54-280</u>   | GENERAL REQUIREMENTS.  |
| (30) <u>WAC 296-54-281</u>   | WATER DUMPS.   |
| (31) <u>WAC 296-54-282</u>   | BOOM AND RAFTING GROUNDS.  |
| (32) <u>WAC 296-54-284</u>   | DRY LAND SORTING AND STORAGE.  |
| (33) <u>WAC 296-54-286</u>   | BOATS AND MECHANICAL DEVICES ON WATER.   |
| (34) <u>WAC 296-54-290</u>   | ELECTRICAL LOGGING EQUIPMENT.  |
| (35) <u>WAC 296-54-300</u>   | EXPLOSIVES.  |
| (36) <u>WAC 296-54-310</u>   | RAILROAD OPERATIONS.   |
| (37) <u>WAC 296-54-320</u>   | RAILROAD MAINTENANCE, LOADING OR UNLOADING.  |
| (38) <u>WAC 296-54-330</u>   | MOTOR TRUCK LOG TRANSPORTATION.  |
| (39) <u>WAC 296-54-335</u>   | STATIONARY LOG TRUCK TRAILER LOADING.  |
| (40) <u>WAC 296-54-340</u>   | MAINTENANCE SHOPS.   |
| (41) <u>WAC 296-54-350</u>   | SIGNALS AND SIGNAL SYSTEMS.  |
| (42) <u>WAC 296-54-360</u>   | SKIDDER WHISTLE SIGNALS.   |
| (43) <u>WAC 296-54-370</u>   | SLACKLINE WHISTLE SIGNALS.   |
| (44) <u>WAC 296-54-380</u>   | HIGH LEAD LOGGING WHISTLE SIGNALS.   |
| (45) <u>WAC 296-54-392</u>   | ELECTRIC SIGNAL SYSTEMS.   |
| (46) <u>WAC 296-54-393</u>   | RADIO SYSTEMS USED FOR VOICE COMMUNICATIONS, ACTIVATION OF AUDIBLE SIGNALS OR EQUIPMENT. |
| (47) <u>WAC 296-54-39301</u> | FORM NO. 157—APPLICATION FOR PERMIT TO OPERATE RADIO SIGNAL SYSTEM IN DESIGNATED AREA.   |
| (48) <u>WAC 296-54-400</u>   | RADIO-SIGNALING SYSTEMS—MINIMUM REQUIREMENTS.  |

**WSR 79-04-101**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed April 4, 1979]

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 nursing home accounting and reimbursement system, amending chapter 388-96 WAC.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Michael Stewart  
 Executive Assistant  
 Department of Social and Health Services  
 Mailstop OB-44 C  
 Olympia, WA 98504;

that such agency will at 2:00 p.m., Wednesday, May 9, 1979, in the Auditorium, State Office Bldg #2, 12th and Jefferson, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, May 23, 1979, in William B. Pope's office, 3-D-14, State Office Bldg #2, 12th and Jefferson, Olympia, WA.

The authority under which these rules are proposed is RCW 74.09.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 9, 1979, and/or orally at 2:00 p.m.,

Wednesday, May 9, 1979, Auditorium, State Office Bldg #2, 12th and Jefferson, Olympia, WA.

Dated: April 4, 1979

By: Glen H. Miller  
Assistant Secretary

AMENDATORY SECTION (Amending Order 1353, filed 10/20/78)

WAC 388-96-719 METHOD OF RATE DETERMINATION

(1) Data used in determining rates will be taken from the most recent complete, desk-reviewed annual cost report and from certified quarterly reports submitted by each contractor. ((If no annual cost report is available, the most recent desk-reviewed semiannual report will be used. Data from reports covering a period of less than six full months will not be used in determining rates, except for such reports which are submitted in accordance with WAC 388-96-101(2). Data from these reports will be combined with data from the report period immediately preceding the abbreviated period for purposes of determining rates:))

(2) Data containing obvious errors, data for facilities which are out of compliance with any standard or condition at any time during the reporting period, and data for facilities with average occupancy ratios of less than eighty-five percent for the report period, will be excluded from the determination of predicted costs and rate ranges under subsections (4) and (6) of this section.

(3) Each contractor's reported cost data except, after December 31, 1978, for depreciation interest and lease costs, will be adjusted for economic trends based on component indices of the consumer price index issued by the United States department of labor, bureau of labor statistics. The national averages for the most recent twelve-month period will be applied in rate computations for the cost areas in subdivisions (a), (b) and (c) of subsection (3):

- (a) Patient care—"health and recreation" index;
- (b) Administration and operations—Average of the "all items less food" and "services less care services" indices;
- (c) Property—"shelter" index; and
- (d) ((Beginning July 1, 1978:)) For the food cost area, the Seattle consumer price index for food at home over the most recent 12-month period will be used.

(4) A predicted cost per patient day (excluding cost data and patient days relating to exceptional care recipients) ((in each of the four cost areas)) in the property cost area will be determined for each facility through multiple regression analysis, which allows the assessment of the joint impact of a set of factors on cost. The formula for the linear multiple regression function is:

$$Y_c = A + B_1X_1 + B_2X_2 + \dots + B_kX_k$$

where:

$Y_c$  is the predicted cost per patient day for an individual facility;  
A is the base cost for a hypothetical facility where the factors all are zero;

$B_1, B_2 \dots B_k$  are the regression coefficients for the factors; and  
 $X_1, X_2 \dots X_k$  are the independent variables or factors measuring the relevant characteristics of a facility.

A and  $B_1, B_2 \dots B_k$  are determined statistically by the method of least squares. In order to be included in a regression formula, factors must show statistical predictability by being significant at the twenty percent level.

(5) After all predicted costs per patient day have been computed, the difference between each facility's reported costs, adjusted to take into account economic trends, and the predicted cost will be computed. The standard deviation of the difference will also be calculated.

(6) To determine an individual contractor's prospective rate, its predicted cost for the ((patient care, food, and administration and operations cost areas is revised using the most current factor values that have been determined for the individual facility and the base cost and weights derived in the regression analysis described above. Beginning July 1, 1978, to determine an individual contractor's prospective rate in the)) property cost area, ((its predicted cost)) is revised using the most current factor values that have been determined for the individual facility and the base cost and weights derived within the last 12-month period in the regression analysis described above. A rate range, defined as this predicted cost plus and minus one standard deviation of the difference calculated, in accordance with subsection (5) of this section, for the ((food, administration and operations, and)) property cost area((s)) will then be determined. ((Beginning July 1, 1978, the rate range for the patient care cost area will be plus 1.75 standard deviations and minus one standard deviation from the predicted cost:)) If

the contractor's reported costs (adjusted for economic trends) are lower than the lower limit of the rate range, the upper limit will be the contractor's reimbursement rate. If these adjusted reported costs are higher than the upper limit of the rate range, the upper limit will be the contractor's reimbursement rate. If these adjusted reported costs fall within the standard rate range, the contractor's reimbursement rate will equal the adjusted reported costs.

(7) Where new standards are imposed, or the department wishes to encourage additional services or otherwise change the program, a cost-related adjustment will be made to the appropriate cost area rates of each contractor affected by the program change. Adjustments will be made until reported costs used in setting rates reflect the new standards or program changes.

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 1349, filed 10/9/78)

WAC 388-96-722 PATIENT CARE COST AREA RATE (1)

The patient care cost area reimbursement rate will be computed to cover the necessary and ordinary costs of providing routine services and supplies to recipients in accordance with WAC 388-88-050 and 388-88-051.

((2) The regression equation used in the patient care cost area will contain weights for the following four factors:

(a) Locality of the facility. This factor adjusts the base cost to provide for local market conditions. Facility location will be considered "urban" if it is in one of the four Standard Metropolitan Statistical Areas (SMSA). It will be considered "rural" if it is not in an SMSA. SMSA areas are those established in the 1970 census for the state of Washington.

(b) Type of facility. This factor adjusts the base cost to provide for the effect institutional requirements have on patient care costs. Facilities such as hospitals and other institutions which are certified providers but not licensed as nursing homes will be distinguished from facilities whose primary mission is the delivery of nursing home care.

(c) Characteristics of patients in the facility, as determined by the department. This factor adjusts the base cost to provide for the effect patient mix has on patient care costs. Beginning July 1, 1978, this factor will be derived using a uniform patient assessment performed by the department. It will consist of the average functional status score of medical care recipients in the facility. Data will cover all recipients assessed in time to be included in the analysis. The most recent assessment data collected on each recipient will be used. The functional status score will be determined using the Katz ADL Scale.

(d) Number of floors of the facility. This factor adjusts the base cost to provide for the effect of physical plant differences on patient care costs. Data will be derived from inspection records in the state fire marshal's office:))

(2) Beginning July 1, 1979, the patient care cost area reimbursement rate will be calculated using staffing data from recent certified quarterly reports provided by the contractor. The department will combine this data with wage rates calculated from the state-wide salary survey conducted pursuant to RCW 41.06.160 which reflects wage levels in private industry. The cost of medical supplies will be taken from the most recent desk reviewed annual cost report and updated using the inflation factors specified in 388-96-719(3).

(3) In addition to its reimbursement rate, each contractor will be assigned a range of nursing service hours which represent the maximum and minimum number of hours the department will purchase. For purposes of this hour range for IMR facilities, nursing services include residential living services. The range will depend on the characteristics of the patients in each facility. From January 1, 1978, through December 31, 1978, it will be computed based on the ratio of the number of SNF, ICF, and IMR patients of each level, respectively, to the total number of patients in the facility, assuming a range of 1-2 hours for ICF patients, 1.75-3 hours for SNF patients, 3.1-6.1 for IMR level A patients, 2.7-5.4 for IMR level B patients, 2.1-3.6 for IMR level C patients, and 1.2-2.4 for IMR level D patients. On and after January 1, 1979, this range will be derived using a uniform patient assessment performed by the department. When the certification of a contractor is changed to add or eliminate a level of care, the range will be adjusted using the ratio of patients in each level of care at the time the new certification becomes effective. When the department requires new standards or makes program changes which require more or

less nursing service, the range will be adjusted as of the effective date of the new standard or program change.

**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 1264, filed 1/9/78)

WAC 388-96-727 FOOD COST AREA RATE. (1) The food cost area rate will be computed to cover the necessary and ordinary costs of procuring food, dietary supplements, and beverages for meals and between-meal nourishment for recipients.

~~((2) The regression equation used in the food cost area will contain weights for the following four factors:~~

- ~~(a) Location of the facility—King county;~~
- ~~(b) Location of the facility—Clark county;~~
- ~~(c) Location of the facility—Spokane county;~~

~~These factors adjust the base cost to provide for local market conditions in these three urban counties.~~

~~(d) Type of facility. This factor adjusts the base cost to provide for the effect institutional requirements have on food costs. Facilities such as hospitals and other institutions which are certified providers but not licensed as nursing homes will be distinguished from those facilities whose primary mission is the delivery of nursing home care.)~~

~~(3) Beginning July 1, 1979, the food cost area rate for all contractors will be calculated using a recent United States Department of Agriculture moderate cost food budget. The department will use sex-age groups which reflect the characteristics of the nursing home population and take into consideration the size of the groups served in nursing homes.~~

**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 1264, filed 1/9/78)

WAC 388-96-735 ADMINISTRATION AND OPERATIONS COST AREA RATE (1) The administration and operations cost area reimbursement rate will be computed to cover the necessary and ordinary costs of overall management of the facility, operation and maintenance of the physical plant, and providing dietary service (other than the cost of food and beverages).

~~((2) The regression equation used in the administration and operations cost area will contain weights for the following six factors:~~

- ~~(a) Location of the facility—Clark county;~~
- ~~(b) Location of the facility—Spokane county;~~

~~These two factors adjust the base cost to provide for local market conditions in the two counties.~~

~~(c) Type of facility. This factor provides for the effect institutional requirements have on administration and operations costs. Facilities such as hospitals and other institutions which are certified providers but not licensed as nursing homes are distinguished from those facilities whose primary mission is the delivery of nursing home care.~~

~~(d) Type of certification of the facility. This factor adjusts the base cost to provide for the effect differences in certification requirements have on administration and operations costs. Facilities with ICF-only certification will be distinguished from those with SNF/ICF (dual) certification.~~

~~(e) Number of floors of the facility.~~

~~(f) Age of the facility. Factors (e) and (f) adjust the base cost to provide for the effect of physical plant differences on administration and operations cost. Data will be derived from inspection records in the state fire marshal's office.)~~

~~(2) Beginning July 1, 1979, the administration and operations cost area reimbursement rate will be calculated as follows:~~

~~(a) Dietary, laundry, housekeeping, and maintenance staff hours will be taken from recent certified quarterly reports provided by the contractor. The department will combine this data with the wage rate used for nurse aides in 388-96-722.~~

~~(b) Other allowable administration and operations costs will be taken from the most recent desk-reviewed annual cost report and updated using the inflation factors specified in 388-96-719(4).~~

(c) Allowable costs for legal fees (as defined on page 33 of the nursing home cost report) and accounting-data processing fees (as defined on page 32 of the nursing home cost report) will be limited to the 85th percentile of reported costs for these services.

**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 388-96-743 PROPERTY COST AREA RATE (1) The property cost area reimbursement rate will be computed to cover the necessary and ordinary costs of depreciation, interest, taxes, insurance, and rent of real and personal property.

(2) The regression equation used in the property cost area will contain weights for the following seven factors:

- (a) Location of the facility—King County.
- (b) Location of the facility—Clark County.
- (c) Location of the facility—Spokane County.

These three factors adjust the base cost to provide for local market conditions in the three counties.

(d) Size of the facility. This factor adjusts the base cost to provide for the effect differences in size (defined as the number of licensed beds) have on property costs.

(e) Age of the facility.

(f) Facility's fire detection protection.

(g) Construction type. Facilities with types 1 and 2 construction will be distinguished from those with type 3, 4, and 5 construction. Factors (e), (f), and (g) adjust the base cost to provide for the effect of physical plant differences on property costs. Data will be derived from inspection records in the state fire marshal's office.

WSR 79-04-102

ADOPTED RULES

DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 1387—Filed April 4, 1979]

I, Michael Stewart, Ex. Asst., of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to nursing home accounting and reimbursement system, amending chapter 388-96 WAC.

This action is taken pursuant to Notice No. WSR 79-02-081 filed with the code reviser on 2/7/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.09.120 and is intended to administratively implement that statute.

The undersigned hereby declares that he 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).

APPROVED AND ADOPTED March 28, 1979.

By Michael S. Stewart  
Executive Assistant

#### AMENDATORY SECTION (Amending Order 1262, filed 12/30/77)

WAC 388-96-125 REPORTING FOR AN ABBREVIATED PERIOD. (1) Reports shall be filed as required by the department when a contractor or nursing

home enters the prospective cost-related reimbursement system.

(2) Reports shall be filed as required by the department when the fiscal year of a contractor is changed. When a fiscal year is changed, the department shall be informed in writing at least thirty days before the effective date of the change.

(3) If the contractor changes during a fiscal year, the old contractor shall submit a final annual report covering the period during which its contract was in effect during the fiscal year. The new contractor shall submit a quarterly report covering the calendar quarter in which its contract becomes effective, and an annual report covering the period during which its contract is in effect during the fiscal year.

(4) A quarterly report covering an abbreviated period shall be submitted within thirty days after the end of the abbreviated period. An annual (~~or semiannual~~) report shall be submitted within sixty days after the end of the abbreviated period.

AMENDATORY SECTION (Amending Order 1300, filed 6/1/78)

WAC 388-96-585 NONALLOWABLE COSTS.

(1) Costs will be nonallowable if they are not documented, necessary, ordinary, and related to the provision of SNF, ICF or IMR services to nursing home patients.

(2) Nonallowable costs include, but are not limited to, the following:

(a) Costs of items or services not covered by the Title XIX program, including costs of unnecessary care. Costs of nonprogram items or services will be nonallowable even if they are indirectly reimbursed by the department as the result of an authorized reduction in patient contribution.

(b) Costs of services and items provided to SNF, ICF or IMR recipients which are covered by the department's medical care program but not included in SNF, ICF or IMR services respectively. Items and services covered by the medical care program are listed in chapter 388-86 WAC.

(c) Costs associated with a capital expenditure subject to Section 1122 approval (part 100, Title 42 C.F.R.) if the department found it was not consistent with applicable standards, criteria or plans. If the department was not given timely notice of a proposed capital expenditure, all associated costs will be nonallowable as of the date they are determined not to be (~~reimbursable~~) reimbursable under applicable federal regulations.

(d) Costs associated with a construction or acquisition project requiring certificate of need approval pursuant to chapter 70.38 RCW if such approval was not obtained.

(e) Costs of outside activities (e.g., costs allocable to the use of a vehicle for personal purposes, or related to the part of a facility leased out for office space).

(f) Salaries or other compensation of officers, directors, stockholders, and others associated with the contractor or home office, except compensation paid for service related to patient care.

(g) Costs in excess of limits or violating principles set forth in this chapter.

(h) Costs resulting from transactions or the application of accounting methods which circumvent the principles of the prospective cost-related reimbursement system.

(i) Costs applicable to services, facilities and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities or supplies purchased elsewhere.

(j) Bad debts.

(k) Charity and courtesy allowances.

(l) Cash or other contributions to charitable organizations or political parties, and costs incurred to improve community relations.

(m) Vending machine expenses.

(n) Expenses for barber or beautician services not included in routine care.

(o) Funeral and burial expenses.

(p) Costs of gift shop operations and inventory.

(q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except those used in patient activity programs or in IMR programs where clothing is a part of routine care.

(r) Fund-raising expenses, except those directly related to the patient activity program.

(s) Penalties and fines.

(t) Expenses related to telephones, televisions, radios and similar appliances in patients' private accommodations.

(u) Federal, state and other income taxes.

(v) Costs of special care services, such as private duty nurses, except where authorized by the department for exceptional care recipients.

(w) Expenses of key-man insurance and other insurance or retirement plans not in fact made available to all employees.

(x) Expenses of profit-sharing plans.

(y) Costs of training programs for nonemployees other than volunteers.

(z) Personal expenses and allowances of owners or relatives, except those allowable as compensation.

(aa) All expenses of maintaining professional licenses or membership in professional organizations not related to operation of the facility.

(bb) Costs related to agreements not to compete.

(cc) Goodwill.

(dd) Organization costs, start-up costs, and construction interest not amortized over at least sixty months after opening.

(ee) Legal and consultant fees in connection with a fair hearing against the department where a decision is rendered in favor of the department or where otherwise the determination of the department stands. Legal and consultant fees in connection with a lawsuit against the department are nonallowable.

(ff) Lease acquisition costs, costs associated with agreements not to compete, and other intangibles not related to patient care.

**WSR 79-04-103**  
**EMERGENCY RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Order 1630—Filed April 4, 1979]

I, Bob J. Mickelson, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to regulations relating to Washington cattle sale requirements, amending WAC 16-86-015.

I, Bob J. Mickelson, find that an emergency exists and that the foregoing 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 such emergency is because of the identification of increased numbers of brucellosis infected cattle, this emergency order is necessary to establish certain restrictions on the movement of cattle within the state of Washington for the immediate protection of the public health and the general health of the cattle population of the state.

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

This rule is promulgated pursuant to chapters 16.36 and 16.40 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 4, 1979.

By Bob J. Mickelson  
 Director

AMENDATORY SECTION (Amending Order 1588, filed 11/29/78)

WAC 16-86-015 WASHINGTON CATTLE SALE REQUIREMENTS. (1) No breeding cattle may be sold in this state unless within the thirty days immediately preceding the change of ownership the animal has been tested for brucellosis and the result of that test is negative. Except the following classes of cattle are exempt from this test requirement:

- (a) Calves under twelve months of age.
- (b) Cattle sold or consigned to a registered quarantine feed lot.
- (c) Cattle sold or consigned to an official slaughter establishment for slaughter within fourteen days.
- (d) Steers and spayed heifers.
- (e) Officially calfhood vaccinated dairy cattle under twenty months of age and officially vaccinated beef cattle under twenty-four months of age from herds not under quarantine.

((+)) (2) After September 1, 1979, no female dairy cattle may be sold or introduced into commercial dairy herds in the state of Washington unless they are properly identified as official brucellosis vaccinates; except the

following classes of cattle are exempt from this requirement:

- (a) Calves under three months of age.
- (i) Female calves under three months acquired by the commercial herd and natural female additions shall be officially brucellosis calfhood vaccinated and identified before the age of six months or removed from the herd.
- (b) Female cattle in Washington herds over ((2)) two years of age.
- (c) After January 1, 1980, female cattle in Washington herds over ((3)) three years of age.
- (d) After January 1, 1981, female cattle in Washington herds over ((4)) four years of age.
- (e) After January 1, 1982, female cattle in Washington herds over ((5)) five years of age.
- (f) After January 1, 1983, female cattle in Washington herds over ((6)) six years of age.

((2)) (3) All Washington cattle shall be individually identified and permanently recorded as to herd of origin prior to being sold or consigned for slaughter. Such identity shall be transferred to the blood sample taken for MCI test purposes. These records shall be made available to the department upon request. Except the following classes of cattle shall be exempt from this requirement:

- (a) Cattle under ((24)) twenty-four months of age. (Not parturient or post parturient.)
- (b) Steers and spayed heifers.

**WSR 79-04-104**  
**NOTICE OF PUBLIC MEETINGS**  
**PLANNING AND**  
**COMMUNITY AFFAIRS AGENCY**  
**(State Head Start Advisory Council)**  
 [Memorandum, Director—April 4, 1979]

State Head Start Advisory Council

The State Head Start Advisory Council will meet on May 3-4, 1979, in the Planning and Community Affairs Agency conference room on the fourth floor of the Capitol Center Building, 410 West 5th Street, Olympia, Washington. The Council will meet from 10:00 a.m. to 4:00 p.m. on May 3 and from 10:00 a.m. to 3:00 p.m. on May 4. For further information contact Art Cantrall, Economic Opportunity Division, Planning and Community Affairs Agency, 400 Capitol Center Building, FN-41, Olympia, Washington 98504, telephone (206) 753-4979.

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16-454-085	REP	79-04-026	82-28-050	AMD	79-04-010	106-136-643	AMD-P	79-03-042
16-454-090	REP-P	79-02-071	82-28-06001	AMD-P	79-01-091	106-136-644	AMD-P	79-03-042
16-454-090	REP	79-04-026	82-28-06001	AMD-P	79-03-022	106-136-670	AMD-P	79-03-042
16-454-095	REP-P	79-02-071	82-28-06001	AMD-P	79-03-040	106-136-680	AMD-P	79-03-042
16-454-095	REP	79-04-026	82-28-06001	AMD	79-04-010	106-136-910	AMD-P	79-03-042
16-494-040	AMD-P	79-03-063	82-28-080	AMD-P	79-01-091	106-136-911	AMD-P	79-03-042
16-495-001	REP-P	79-03-056	82-28-080	AMD-P	79-03-022	106-136-920	AMD-P	79-03-042
16-495-002	REP-P	79-03-056	82-28-080	AMD-P	79-03-040	131-08-005	AMD-P	79-01-086
16-495-003	REP-P	79-03-056	82-28-080	AMD	79-04-010	131-16-011	AMD-P	79-01-087
16-495-005	REP-P	79-03-056	82-28-130	AMD-P	79-01-091	131-16-011	AMD-P	79-04-046
16-495-050	AMD-P	79-03-069	82-28-130	AMD-P	79-03-022	131-16-040	AMD-P	79-01-087
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131-16-062	NEW-P 79-04-046	132G-140-070	AMD-P 79-04-095	173-160-290	AMD 79-02-010
131-16-067	NEW-P 79-01-087	132G-160-500	NEW-P 79-04-095	173-240-010	NEW 79-02-033
131-16-067	NEW-P 79-04-046	132G-168-012	NEW-P 79-04-095	173-240-020	NEW 79-02-033
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132E-128-001	NEW-P 79-04-075	132G-168-016	NEW-P 79-04-095	173-240-040	NEW 79-02-033
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132E-128-010	REP-E 79-03-026	132S-16-040	REP-P 79-04-005	173-240-070	NEW 79-02-033
132E-128-020	AMD-E 79-02-018	132U-60-001	REP-P 79-03-035	173-240-080	NEW 79-02-033
132E-128-020	REP-P 79-04-075	132U-60-002	REP-P 79-03-035	173-240-090	NEW 79-02-033
132E-128-020	REP-E 79-03-026	132U-60-003	REP-P 79-03-035	173-240-100	NEW 79-02-033
132E-128-030	AMD-E 79-02-018	132U-60-004	REP-P 79-03-035	173-240-105	NEW 79-02-033
132E-128-030	REP-P 79-04-075	132U-60-005	REP-P 79-03-035	173-240-110	NEW 79-02-033
132E-128-030	REP-E 79-03-026	132U-60-006	REP-P 79-03-035	173-240-120	NEW 79-02-033
132E-128-040	AMD-E 79-02-018	132U-60-007	REP-P 79-03-035	173-240-130	NEW 79-02-033
132E-128-040	REP-P 79-04-075	132U-60-008	REP-P 79-03-035	173-240-140	NEW 79-02-033
132E-128-040	REP-E 79-03-026	132U-60-009	REP-P 79-03-035	173-240-150	NEW 79-02-033
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132E-128-050	REP-E 79-03-026	132U-60-012	REP-P 79-03-035	173-240-180	NEW 79-02-033
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132E-128-060	REP-P 79-04-075	136-18-020	AMD 79-01-098	173-400	AMD-P 79-01-061
132E-128-060	REP-E 79-03-026	136-18-030	AMD 79-01-098	173-400	AMD-P 79-04-039
132E-128-070	AMD-E 79-02-018	136-18-040	REP 79-01-098	173-490	NEW-P 79-01-052
132E-128-070	REP-P 79-04-075	136-18-050	AMD 79-01-098	173-490	NEW-P 79-01-060
132E-128-070	REP-E 79-03-026	136-18-060	AMD 79-01-098	173-490	NEW-P 79-04-038
132E-128-080	AMD-E 79-02-018	136-18-070	AMD 79-01-098	174-126-010	NEW-P 79-04-089
132E-128-080	REP-P 79-04-075	136-20-010	AMD 79-01-099	174-126-020	NEW-P 79-04-089
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132E-128-090	REP-E 79-02-018	136-20-030	AMD 79-01-099	174-162-320	NEW-P 79-04-089
132E-128-090	REP-P 79-04-075	136-20-040	AMD 79-01-099	180-16-166	NEW-P 79-04-068
132E-128-090	REP-E 79-03-026	136-20-050	AMD 79-01-099	180-16-167	REP 79-02-048
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132E-129-001	NEW-P 79-04-075	136-32-030	AMD 79-01-097	180-30	NEW-P 79-04-040
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132E-129-010	REP-P 79-04-075	173-58-010	NEW 79-04-033	180-56-235	AMD-P 79-04-070
132E-129-020	AMD-E 79-02-018	173-58-020	NEW 79-04-033	180-75-035	AMD-P 79-04-072
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132E-129-030	REP-E 79-03-026	173-58-060	NEW 79-04-033	180-78-050	AMD-P 79-04-069
132E-129-030	REP-P 79-04-075	173-58-070	NEW 79-04-033	180-79-045	AMD-P 79-04-071
132E-129-040	NEW-E 79-02-018	173-58-080	NEW 79-04-033	180-79-065	AMD-P 79-04-071
132E-129-040	REP-E 79-03-026	173-58-090	NEW 79-04-033	180-79-115	AMD-P 79-04-071
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132E-129-050	NEW-E 79-02-018	173-60-030	AMD-P 79-04-093	180-79-125	AMD-P 79-04-071
132E-129-050	REP-E 79-03-026	173-60-040	AMD-P 79-04-093	180-79-230	AMD-P 79-04-071
132E-129-050	REP-P 79-04-075	173-60-050	AMD-P 79-04-093	180-79-245	AMD-P 79-04-071
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132E-129-060	REP-P 79-04-075	173-60-080	AMD-P 79-04-093	180-80-705	AMD-P 79-04-073
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132E-129-070	REP-E 79-03-026	173-60-100	AMD-P 79-04-093	204-36-020	AMD 79-02-085
132E-129-070	REP-P 79-04-075	173-60-110	AMD-P 79-04-093	204-36-030	AMD 79-02-085
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132G-126-050	NEW-P 79-04-095	173-70-040	NEW 79-04-034	204-52-050	NEW 79-02-084
132G-126-060	NEW-P 79-04-095	173-70-050	NEW 79-04-034	204-52-060	NEW 79-02-084
132G-126-070	NEW-P 79-04-095	173-70-060	NEW 79-04-034	204-52-070	NEW 79-02-084
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220-16-050	REP-P	79-01-100	220-52-050	AMD	79-02-053	232-18-025	AMD-P	79-02-009
220-16-050	REP	79-03-014	220-52-053	AMD	79-02-053	232-18-040	AMD-P	79-02-009
220-16-051	NEW-P	79-01-100	220-52-060	AMD	79-02-053	232-18-050	AMD-P	79-02-009
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220-16-060	REP-P	79-01-100	220-52-073	AMD	79-02-053	232-18-100	AMD-P	79-02-009
220-16-060	REP	79-03-014	220-52-074	AMD	79-02-053	232-18-150	AMD-P	79-02-009
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220-28-007F0E	REP-E	79-02-002	220-56-080	AMD	79-02-052	232-18-345	AMD-P	79-02-009
220-28-007G0C	REP-E	79-02-002	220-56-08000G	NEW-E	79-02-051	232-18-350	AMD-P	79-02-009
220-28-010D0G	REP-E	79-02-002	220-56-084	AMD	79-02-052	232-18-355	AMD-P	79-02-009
220-28-013B0G	REP-E	79-02-002	220-56-086	AMD	79-02-052	232-18-360	AMD-P	79-02-009
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220-28-013G0D	NEW-E	79-03-003	220-57-130	AMD	79-02-052	232-18-370	AMD-P	79-02-009
220-32-02200B	NEW-E	79-02-035	220-57-135	AMD	79-02-052	232-18-375	AMD-P	79-02-009
220-32-03000L	NEW-E	79-02-035	220-57-137	NEW	79-02-052	232-18-400	AMD-P	79-02-009
220-32-03000L	REP-E	79-03-073	220-57-145	AMD	79-02-052	232-18-410	AMD-P	79-02-009
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248-18-060	AMD	79-04-004	248-57-700	NEW-P	79-01-083
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248-18-150	AMD-P	79-01-094	248-102-030	REP	79-02-014
248-18-150	AMD	79-04-004	248-102-040	AMD	79-02-014
248-18-155	NEW-P	79-01-094	248-102-050	REP	79-02-014
248-18-155	NEW	79-04-004	248-102-060	REP	79-02-014
248-18-160	AMD-P	79-01-094	250-20-011	AMD-P	79-03-088
248-18-160	AMD-P	79-03-027	250-20-021	AMD-P	79-03-088
248-18-160	AMD	79-04-081	250-20-041	AMD-P	79-03-088
248-18-170	AMD-P	79-01-094	250-20-051	AMD-P	79-03-088
248-18-170	AMD	79-04-004	250-20-061	AMD	79-02-066
248-18-215	AMD-P	79-04-074	250-20-061	AMD-P	79-03-088
248-18-220	AMD-P	79-04-074	250-40-030	AMD-P	79-03-087
248-18-223	NEW-P	79-04-074	250-40-050	AMD-P	79-03-087
248-18-270	AMD-P	79-01-094	250-40-070	AMD	79-02-088
248-18-270	AMD-P	79-03-027	250-50-010	NEW	79-03-086
248-18-270	AMD	79-04-081	250-50-020	NEW	79-03-086
248-18-280	AMD-P	79-01-094	250-50-030	NEW	79-03-086
248-18-280	AMD-P	79-03-027	250-50-040	NEW	79-03-086
248-18-280	AMD	79-04-081	250-50-050	NEW	79-03-086
248-18-315	NEW-P	79-01-094	251-06-050	AMD-P	79-04-087
248-18-315	NEW-P	79-03-027	251-06-060	AMD-P	79-04-087
248-18-315	NEW	79-04-081	251-08-160	NEW-P	79-01-093
248-54-250	REP-P	79-03-089	251-08-160	NEW	79-03-030
248-54-260	REP-P	79-03-089	251-09-020	AMD-P	79-04-087
248-54-270	REP-P	79-03-089	251-09-030	AMD-P	79-04-087
248-54-280	REP-P	79-03-089	251-10-030	AMD-P	79-01-092
248-54-290	REP-P	79-03-089	251-10-030	AMD	79-03-029
248-54-300	REP-P	79-03-089	251-10-030	AMD-E	79-04-053
248-54-310	REP-P	79-03-089	251-10-030	AMD-P	79-04-087
248-54-320	REP-P	79-03-089	251-10-035	AMD-E	79-04-053
248-54-330	REP-P	79-03-089	251-10-035	AMD-P	79-04-087
248-54-340	REP-P	79-03-089	251-12-600	AMD-P	79-01-092
248-54-350	REP-P	79-03-089	251-12-600	AMD	79-03-029
248-54-360	REP-P	79-03-089	251-18-020	AMD-P	79-01-092
248-54-370	REP-P	79-03-089	251-18-020	AMD	79-03-029
248-54-380	REP-P	79-03-089	251-18-200	AMD-P	79-01-092
248-54-385	REP-P	79-03-089	251-18-200	AMD	79-03-029
248-54-390	REP-P	79-03-089	251-18-380	AMD-P	79-01-092
248-54-400	REP-P	79-03-089	251-18-380	AMD	79-03-029
248-54-410	REP-P	79-03-089	251-18-410	AMD-E	79-04-053
248-54-420	REP-P	79-03-089	251-18-410	AMD-P	79-04-087
248-54-430	REP-P	79-03-089	251-18-420	AMD-P	79-01-092
248-54-440	REP-P	79-03-089	251-18-420	AMD	79-03-029
248-54-450	REP-P	79-03-089	251-22-060	AMD-P	79-01-092
248-54-460	REP-P	79-03-089	251-22-060	AMD	79-03-029
248-54-470	REP-P	79-03-089	260-24-470	AMD-P	79-03-008
248-54-480	REP-P	79-03-089	260-84-030	AMD-P	79-03-008
248-54-490	REP-P	79-03-089	260-84-040	REP-P	79-03-008
248-54-500	REP-P	79-03-089	260-84-080	REP-P	79-03-008
248-54-510	REP-P	79-03-089	261-30-040	AMD-P	79-04-067
248-57	NEW-P	79-03-037	261-40-020	AMD-E	79-02-049
248-57	NEW	79-04-007	261-40-020	AMD-P	79-04-067
248-57-010	NEW-P	79-01-083	261-40-140	AMD-P	79-04-067
248-57-010	NEW	79-04-007	261-40-145	AMD-P	79-04-067
248-57-100	NEW-P	79-01-083	261-40-150	AMD-P	79-04-067
248-57-100	NEW	79-04-007	261-40-160	AMD-P	79-04-067
248-57-200	NEW-P	79-01-083	261-40-165	NEW-P	79-04-067
248-57-200	NEW	79-04-007	261-40-240	NEW-P	79-04-067
248-57-300	NEW-P	79-01-083	275-16-030	AMD	79-03-019
248-57-300	NEW	79-04-007	275-32-060	AMD-P	79-04-030
248-57-400	NEW-P	79-01-083	275-32-125	REP-P	79-04-030
275-59-020	AMD	79-03-038	275-59-020	AMD	79-03-038
275-59-030	AMD	79-03-038	275-59-030	AMD	79-03-038
275-59-040	REP	79-03-038	275-59-040	REP	79-03-038
275-59-041	NEW	79-03-038	275-59-041	NEW	79-03-038
275-59-050	AMD	79-03-038	275-59-050	AMD	79-03-038
275-59-060	AMD	79-03-038	275-59-060	AMD	79-03-038
275-59-070	REP	79-03-038	275-59-070	REP	79-03-038
275-59-080	AMD	79-03-038	275-59-080	AMD	79-03-038
296-04-040	AMD	79-03-023	296-04-040	AMD	79-03-023
296-24-23515	AMD-P	79-04-100	296-24-23515	AMD-P	79-04-100
296-24-24005	AMD-P	79-04-100	296-24-24005	AMD-P	79-04-100
296-24-24519	AMD-P	79-04-100	296-24-24519	AMD-P	79-04-100
296-24-29425	AMD-P	79-04-100	296-24-29425	AMD-P	79-04-100
296-24-662	REP-P	79-04-100	296-24-662	REP-P	79-04-100
296-24-66201	REP-P	79-04-100	296-24-66201	REP-P	79-04-100
296-24-66203	REP-P	79-04-100	296-24-66203	REP-P	79-04-100
296-24-66205	REP-P	79-04-100	296-24-66205	REP-P	79-04-100
296-24-66207	REP-P	79-04-100	296-24-66207	REP-P	79-04-100
296-24-66209	REP-P	79-04-100	296-24-66209	REP-P	79-04-100
296-24-66211	REP-P	79-04-100	296-24-66211	REP-P	79-04-100
296-24-66213	REP-P	79-04-100	296-24-66213	REP-P	79-04-100
296-24-66215	REP-P	79-04-100	296-24-66215	REP-P	79-04-100
296-24-66217	REP-P	79-04-100	296-24-66217	REP-P	79-04-100
296-24-66219	REP-P	79-04-100	296-24-66219	REP-P	79-04-100
296-24-66221	REP-P	79-04-100	296-24-66221	REP-P	79-04-100
296-24-66223	REP-P	79-04-100	296-24-66223	REP-P	79-04-100
296-24-66225	REP-P	79-04-100	296-24-66225	REP-P	79-04-100
296-24-663	NEW-P	79-04-100	296-24-663	NEW-P	79-04-100
296-24-66301	NEW-P	79-04-100	296-24-66301	NEW-P	79-04-100
296-24-66303	NEW-P	79-04-100	296-24-66303	NEW-P	79-04-100
296-24-66305	NEW-P	79-04-100	296-24-66305	NEW-P	79-04-100
296-24-66307	NEW-P	79-04-100	296-24-66307	NEW-P	79-04-100
296-24-66309	NEW-P	79-04-100	296-24-66309	NEW-P	79-04-100
296-24-66311	NEW-P	79-04-100	296-24-66311	NEW-P	79-04-100
296-24-66313	NEW-P	79-04-100	296-24-66313	NEW-P	79-04-100
296-24-66315	NEW-P	79-04-100	296-24-66315	NEW-P	79-04-100
296-24-66317	NEW-P	79-04-100	296-24-66317	NEW-P	79-04-100
296-24-66319	NEW-P	79-04-100	296-24-66319	NEW-P	79-04-100
296-24-66321	NEW-P	79-04-100	296-24-66321	NEW-P	79-04-100
296-24-73507	AMD-P	79-04-100	296-24-73507	AMD-P	79-04-100
296-24-75011	AMD-P	79-04-100	296-24-75011	AMD-P	79-04-100
296-24-78009	AMD-P	79-04-100	296-24-78009	AMD-P	79-04-100
296-24-82507	AMD-P	79-04-100	296-24-82507	AMD-P	79-04-100
296-24-82509	AMD-P	79-04-100	296-24-82509	AMD-P	79-04-100
296-24-82515	AMD-P	79-04-100	296-24-82515	AMD-P	79-04-100
296-24-82517	AMD-P	79-04-100	296-24-82517	AMD-P	79-04-100
296-24-82521	AMD-P	79-04-100	296-24-82521	AMD-P	79-04-100
296-24-82523	AMD-P	79-04-100	296-24-82523	AMD-P	79-04-100
296-24-82527	AMD-P	79-04-100	296-24-82527	AMD-P	79-04-100
296-24-82529	AMD-P	79-04-100	296-24-82529	AMD-P	79-04-100
296-24-82531	AMD-P	79-04-100	296-24-82531	AMD-P	79-04-100
296-24-82533	AMD-P	79-04-100	296-24-82533	AMD-P	79-04-100
296-24-84003	AMD-P	79-04-100	296-24-84003	AMD-P	79-04-100
296-24-85503	AMD-P	79-04-100	296-24-85503	AMD-P	79-04-100
296-27-030	AMD-P	79-04-100	296-27-030	AMD-P	79-04-100
296-27-040	AMD-P	79-04-100	296-27-040	AMD-P	79-04-100
296-27-050	AMD-P	79-04-100	296-27-050	AMD-P	79-04-100
296-27-070	AMD-P	79-04-100	296-27-070	AMD-P	79-04-100
296-27-080	AMD-P	79-04-100	296-27-080	AMD-P	79-04-100
296-27-130	AMD-P	79-04-100	296-27-130	AMD-P	79-04-100
296-54-001	REP-P	79-04-100	296-54-001	REP-P	79-04-100
296-54-003	REP-P	79-04-100	296-54-003	REP-P	79-04-100
296-54-010	REP-P	79-04-100	296-54-010	REP-P	79-04-100
296-54-020	REP-P	79-04-100	296-54-020	REP-P	79-04-100
296-54-030	REP-P	79-04-100	296-54-030	REP-P	79-04-100
296-54-040	REP-P	79-04-100	296-54-040	REP-P	79-04-100
296-54-051	REP-P	79-04-100	296-54-051	REP-P	79-04-100
296-54-052	REP-P	79-04-100	296-54-052	REP-P	79-04-100
296-54-130	REP-P	79-04-100	296-54-130	REP-P	79-04-100
296-54-140	REP-P	79-04-100	296-54-140	REP-P	79-04-100
296-54-150	REP-P	79-04-100	296-54-150	REP-P	79-04-100
296-54-160	REP-P	79-04-100	296-54-160	REP-P	79-04-100
296-54-170	REP-P	79-04-100	296-54-170	REP-P	79-04-100
296-54-180	REP-P	79-04-100	296-54-180	REP-P	79-04-100

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-54-185	REP-P	79-04-100	296-54-581	NEW-P	79-04-100	320-18-010	NEW	79-02-044
296-54-190	REP-P	79-04-100	296-54-583	NEW-P	79-04-100	332-17-010	NEW	79-02-001
296-54-195	REP-P	79-04-100	296-54-585	NEW-P	79-04-100	332-17-020	NEW	79-02-001
296-54-200	REP-P	79-04-100	296-54-587	NEW-P	79-04-100	332-17-030	NEW	79-02-001
296-54-210	REP-P	79-04-100	296-54-589	NEW-P	79-04-100	332-17-100	NEW	79-02-001
296-54-215	REP-P	79-04-100	296-54-591	NEW-P	79-04-100	332-17-110	NEW	79-02-001
296-54-216	REP-P	79-04-100	296-54-593	NEW-P	79-04-100	332-17-120	NEW	79-02-001
296-54-217	REP-P	79-04-100	296-54-595	NEW-P	79-04-100	332-17-130	NEW	79-02-001
296-54-218	REP-P	79-04-100	296-54-597	NEW-P	79-04-100	332-17-140	NEW	79-02-001
296-54-220	REP-P	79-04-100	296-54-599	NEW-P	79-04-100	332-17-150	NEW	79-02-001
296-54-230	REP-P	79-04-100	296-54-601	NEW-P	79-04-100	332-17-160	NEW	79-02-001
296-54-240	REP-P	79-04-100	296-54-603	NEW-P	79-04-100	332-17-165	NEW	79-02-001
296-54-260	REP-P	79-04-100	296-54-605	NEW-P	79-04-100	332-17-200	NEW	79-02-001
296-54-270	REP-P	79-04-100	296-54-607	NEW-P	79-04-100	332-17-300	NEW	79-02-001
296-54-280	REP-P	79-04-100	296-62-07335	AMD-E	79-02-038	332-17-310	NEW	79-02-001
296-54-281	REP-P	79-04-100	296-62-07335	AMD-P	79-04-100	332-17-320	NEW	79-02-001
296-54-282	REP-P	79-04-100	296-62-07347	NEW	79-02-037	332-17-340	NEW	79-02-001
296-54-284	REP-P	79-04-100	296-62-07347	AMD-P	79-04-100	332-17-400	NEW	79-02-001
296-54-286	REP-P	79-04-100	296-62-07515	AMD-P	79-04-100	332-17-410	NEW	79-02-001
296-54-290	REP-P	79-04-100	296-62-14531	NEW	79-02-037	332-17-420	NEW	79-02-001
296-54-300	REP-P	79-04-100	296-104-200	AMD-P	79-02-007	332-17-430	NEW	79-02-001
296-54-310	REP-P	79-04-100	296-116-080	AMD-P	79-03-072	332-17-440	NEW	79-02-001
296-54-320	REP-P	79-04-100	296-116-081	AMD-P	79-03-072	332-17-450	NEW	79-02-001
296-54-330	REP-P	79-04-100	296-116-200	AMD-P	79-03-072	332-17-460	NEW	79-02-001
296-54-335	REP-P	79-04-100	296-116-351	AMD	79-02-030	332-24-090	AMD-E	79-04-009
296-54-340	REP-P	79-04-100	296-116-351	AMD-P	79-03-072	332-52-010	AMD-P	79-03-084
296-54-350	REP-P	79-04-100	296-155-330	AMD-P	79-04-100	332-52-055	NEW-P	79-03-084
296-54-360	REP-P	79-04-100	296-155-480	AMD-P	79-04-100	352-32-250	AMD	79-02-032
296-54-370	REP-P	79-04-100	296-155-485	AMD-P	79-04-100	352-32-250	AMD-P	79-04-058
296-54-380	REP-P	79-04-100	296-306-010	AMD-P	79-04-100	356-10-030	AMD-P	79-02-016
296-54-392	REP-P	79-04-100	296-306-025	AMD-P	79-04-100	356-10-030	AMD	79-03-010
296-54-393	REP-P	79-04-100	308-12-311	NEW-E	79-02-043	356-10-050	AMD-P	79-02-016
296-54-39301	REP-P	79-04-100	308-12-311	NEW-P	79-02-067	356-10-050	AMD	79-03-010
296-54-400	REP-P	79-04-100	308-12-311	NEW	79-04-024	356-10-060	AMD-P	79-02-016
296-54-501	NEW-P	79-04-100	308-24-335	NEW	79-02-012	356-10-060	AMD	79-03-010
296-54-503	NEW-P	79-04-100	308-29-050	NEW-P	79-04-080	356-18-060	AMD-P	79-02-016
296-54-505	NEW-P	79-04-100	308-29-060	NEW-P	79-04-080	356-18-060	AMD	79-03-010
296-54-507	NEW-P	79-04-100	308-40-100	REP	79-04-011	356-18-060	AMD-P	79-04-091
296-54-509	NEW-P	79-04-100	308-40-101	NEW	79-04-011	356-26-060	AMD-P	79-01-101
296-54-511	NEW-P	79-04-100	308-40-102	NEW	79-04-011	356-30-075	NEW-P	79-03-044
296-54-513	NEW-P	79-04-100	308-40-111	NEW	79-04-011	356-35-020	NEW-P	79-03-044
296-54-515	NEW-P	79-04-100	308-42-035	AMD-P	79-03-092	360-11-010	AMD-P	79-02-068
296-54-517	NEW-P	79-04-100	308-42-040	AMD-P	79-03-092	360-11-010	AMD	79-04-048
296-54-519	NEW-P	79-04-100	308-42-110	NEW-P	79-03-092	360-12-015	NEW-P	79-02-068
296-54-521	NEW-P	79-04-100	308-52-130	REP-P	79-03-091	360-12-015	NEW	79-04-048
296-54-523	NEW-P	79-04-100	308-52-260	AMD-P	79-03-093	360-12-050	AMD-P	79-02-068
296-54-525	NEW-P	79-04-100	308-52-405	AMD-P	79-03-093	360-12-050	AMD	79-04-048
296-54-527	NEW-P	79-04-100	308-52-500	NEW-P	79-03-091	360-12-065	AMD-P	79-02-068
296-54-529	NEW-P	79-04-100	308-52-510	NEW-P	79-03-091	360-12-065	AMD	79-04-048
296-54-531	NEW-P	79-04-100	308-52-520	NEW-P	79-03-091	360-12-130	AMD-P	79-02-068
296-54-533	NEW-P	79-04-100	308-52-530	NEW-P	79-03-091	360-12-130	AMD	79-04-048
296-54-535	NEW-P	79-04-100	308-52-540	NEW-P	79-03-091	360-16-240	AMD	79-02-060
296-54-537	NEW-P	79-04-100	308-52-550	NEW-P	79-03-091	360-36-110	AMD	79-02-060
296-54-539	NEW-P	79-04-100	308-52-560	NEW-P	79-03-091	360-36-120	AMD	79-02-060
296-54-541	NEW-P	79-04-100	308-52-570	NEW-P	79-03-091	360-36-130	AMD-P	79-02-068
296-54-543	NEW-P	79-04-100	308-52-580	NEW-P	79-03-091	360-36-130	AMD	79-04-048
296-54-545	NEW-P	79-04-100	308-120-186	NEW-P	79-04-057	360-36-130	AMD	79-02-060
296-54-547	NEW-P	79-04-100	308-122-220	AMD-P	79-02-075	360-36-140	AMD	79-02-060
296-54-549	NEW-P	79-04-100	308-122-220	AMD-P	79-03-041	360-36-150	REP	79-02-060
296-54-551	NEW-P	79-04-100	308-122-230	AMD-P	79-02-075	360-36-160	REP	79-02-060
296-54-553	NEW-P	79-04-100	308-122-230	AMD-P	79-03-041	360-36-170	REP	79-02-060
296-54-555	NEW-P	79-04-100	308-122-410	AMD-P	79-02-075	360-52-060	AMD-P	79-02-068
296-54-557	NEW-P	79-04-100	308-122-410	AMD-P	79-03-041	360-52-060	AMD	79-04-048
296-54-559	NEW-P	79-04-100	308-138-100	NEW	79-02-011	360-54-010	NEW	79-02-061
296-54-561	NEW-P	79-04-100	308-138-110	NEW	79-02-011	360-54-020	NEW	79-02-061
296-54-563	NEW-P	79-04-100	308-138-120	NEW	79-02-011	360-54-030	NEW	79-02-061
296-54-565	NEW-P	79-04-100	308-138-130	NEW	79-02-011	360-54-040	NEW	79-02-061
296-54-567	NEW-P	79-04-100	308-138-140	NEW	79-02-011	360-54-050	NEW	79-02-061
296-54-569	NEW-P	79-04-100	308-138-150	NEW	79-02-011	365-60-010	NEW-P	79-01-074
296-54-571	NEW-P	79-04-100	308-138-160	NEW	79-02-011	365-60-010	NEW-E	79-01-075
296-54-573	NEW-P	79-04-100	308-138-170	NEW	79-02-011	365-60-010	NEW	79-03-004
296-54-575	NEW-P	79-04-100	308-138-180	NEW	79-02-011	365-60-020	NEW-P	79-01-074
296-54-577	NEW-P	79-04-100	308-300-030	AMD	79-01-088	365-60-020	NEW-E	79-01-075
296-54-579	NEW-P	79-04-100	308-300-110	AMD	79-01-088	365-60-020	NEW	79-03-004



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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-54-735	NEW	79-03-033	388-86-032	AMD-P	79-04-028	446-10-040	NEW-P	79-02-023
388-54-740	NEW-E	79-03-032	388-86-050	AMD-P	79-04-027	446-10-040	NEW-E	79-02-024
388-54-740	NEW	79-03-033	388-86-067	AMD-P	79-04-028	446-10-040	NEW	79-04-037
388-54-745	NEW-E	79-03-032	388-86-075	AMD-P	79-04-028	446-10-050	NEW-P	79-02-023
388-54-745	NEW	79-03-033	388-86-085	AMD-P	79-04-028	446-10-050	NEW-E	79-02-024
388-54-750	NEW-E	79-03-032	388-86-115	AMD-P	79-04-028	446-10-050	NEW	79-04-037
388-54-750	NEW	79-03-033	388-86-120	AMD-P	79-04-028	446-10-060	NEW-P	79-02-023
388-54-755	NEW-E	79-03-032	388-87-010	AMD-P	79-04-028	446-10-060	NEW-E	79-02-024
388-54-755	NEW	79-03-033	388-87-025	AMD-P	79-04-028	446-10-060	NEW	79-04-037
388-54-760	NEW-E	79-03-032	388-87-050	AMD-P	79-04-028	446-10-070	NEW-P	79-02-023
388-54-760	NEW	79-03-033	388-87-077	AMD-P	79-04-028	446-10-070	NEW-E	79-02-024
388-54-765	NEW-E	79-03-032	388-88-117	NEW	79-01-084	446-10-070	NEW	79-04-037
388-54-765	NEW	79-03-033	388-91-010	AMD-P	79-04-028	446-10-080	NEW-P	79-02-023
388-54-770	NEW-E	79-03-032	388-91-013	AMD-P	79-04-028	446-10-080	NEW-E	79-02-024
388-54-770	NEW	79-03-033	388-91-016	AMD-P	79-04-028	446-10-080	NEW	79-04-037
388-54-775	NEW-E	79-03-032	388-91-020	AMD-P	79-04-028	446-10-090	NEW-P	79-02-023
388-54-775	NEW	79-03-033	388-91-030	AMD-P	79-04-028	446-10-090	NEW-E	79-02-024
388-54-780	NEW-E	79-03-032	388-91-035	AMD-P	79-04-028	446-10-090	NEW	79-04-037
388-54-780	NEW	79-03-033	388-91-040	AMD-P	79-04-028	446-10-100	NEW-P	79-02-023
388-54-785	NEW-E	79-03-032	388-92-005	AMD-P	79-04-028	446-10-100	NEW-E	79-02-024
388-54-785	NEW	79-03-033	388-92-025	AMD-P	79-04-028	446-10-100	NEW	79-04-037
388-54-790	NEW-E	79-03-032	388-93-070	AMD-P	79-04-028	446-10-110	NEW-P	79-02-023
388-54-790	NEW	79-03-033	388-96-010	AMD-P	79-02-058	446-10-110	NEW-E	79-02-024
388-54-795	NEW-E	79-03-032	388-96-010	AMD	79-04-061	446-10-110	NEW	79-04-037
388-54-795	NEW	79-03-033	388-96-101	AMD	79-03-021	446-10-120	NEW-P	79-02-023
388-54-800	NEW-E	79-03-032	388-96-104	AMD	79-03-021	446-10-120	NEW-E	79-02-024
388-54-800	NEW	79-03-033	388-96-122	AMD	79-03-021	446-10-120	NEW	79-04-037
388-54-805	NEW-E	79-03-032	388-96-125	AMD-P	79-02-081	446-10-130	NEW-P	79-02-023
388-54-805	NEW	79-03-033	388-96-125	AMD	79-04-102	446-10-130	NEW-E	79-02-024
388-54-810	NEW-E	79-03-032	388-96-222	AMD-P	79-02-039	446-10-130	NEW	79-04-037
388-54-810	NEW	79-03-033	388-96-222	AMD	79-04-059	446-10-140	NEW-P	79-02-023
388-54-815	NEW-E	79-03-032	388-96-535	AMD	79-03-020	446-10-140	NEW-E	79-02-024
388-54-815	NEW	79-03-033	388-96-585	AMD-P	79-02-081	446-10-140	NEW	79-04-037
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388-54-820	NEW	79-03-033	388-96-719	AMD-P	79-02-081	446-10-150	NEW-E	79-02-024
388-54-825	NEW-E	79-03-032	388-96-719	AMD-P	79-04-101	446-10-150	NEW	79-04-037
388-54-825	NEW	79-03-033	388-96-722	AMD-P	79-04-101	458-20-237	AMD-P	79-04-094
388-54-830	NEW-E	79-03-032	388-96-727	AMD-P	79-02-081	468-42-002	AMD-P	79-02-064
388-54-830	NEW	79-03-033	388-96-727	AMD-P	79-04-101	468-42-002	AMD	79-04-019
388-54-835	NEW-E	79-03-032	388-96-735	AMD-P	79-04-101	468-42-004	AMD-P	79-02-063
388-54-835	NEW	79-03-033	388-96-743	NEW-P	79-04-101	468-42-004	AMD	79-04-021
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388-54-840	NEW	79-03-033	388-96-750	NEW	79-04-061	468-42-012	AMD	79-04-020
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388-57-025	AMD	79-03-013	390-05-273	NEW	79-02-056	468-42-308	NEW-P	79-02-062
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388-59-020	AMD-P	79-01-089	419-36-050	NEW-P	79-04-022	468-300-010	AMD	79-04-047
388-59-020	AMD	79-04-036	419-36-060	NEW-P	79-04-022	468-300-020	AMD-P	79-02-050
388-59-030	AMD-P	79-01-089	419-36-070	NEW-P	79-04-022	468-300-020	AMD	79-04-047
388-59-030	AMD	79-04-036	419-36-080	NEW-P	79-04-022	468-300-030	AMD-P	79-02-050
388-59-040	AMD-P	79-01-089	434-81-010	NEW-P	79-03-094	468-300-030	AMD	79-04-047
388-59-040	AMD	79-04-036	434-81-020	NEW-P	79-03-094	468-300-040	AMD-P	79-02-050
388-59-045	NEW-P	79-01-089	434-81-030	NEW-P	79-03-094	468-300-040	AMD	79-04-047
388-59-045	NEW	79-04-036	434-81-040	NEW-P	79-03-094	468-300-050	AMD-P	79-02-050
388-59-048	NEW-P	79-01-089	434-81-050	NEW-P	79-03-094	468-300-050	AMD	79-04-047
388-59-048	NEW	79-04-036	434-81-060	NEW-P	79-03-094	468-300-060	REP-P	79-02-050
388-59-050	AMD-P	79-01-089	434-81-070	NEW-P	79-03-094	468-300-060	REP	79-04-047
388-59-050	AMD	79-04-036	434-81-080	NEW-P	79-03-094	478-116-060	AMD-P	79-04-084
388-59-060	AMD-P	79-01-089	434-81-090	NEW-P	79-03-094	478-116-230	AMD-P	79-04-084
388-59-060	AMD	79-04-036	434-81-100	NEW-P	79-03-094	478-116-290	AMD-P	79-04-084
388-59-090	AMD-P	79-01-089	446-10-010	NEW-P	79-02-023	478-116-340	AMD-P	79-04-084
388-59-090	AMD	79-04-036	446-10-010	NEW-E	79-02-024	478-116-360	AMD-P	79-04-084
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388-82-020	AMD-P	79-04-028	446-10-020	NEW-E	79-02-024	478-116-600	AMD-P	79-02-090
388-83-028	AMD-P	79-04-028	446-10-020	NEW	79-04-037	478-116-600	AMD-P	79-04-084
388-83-065	AMD-P	79-04-028	446-10-030	NEW-P	79-02-023	478-116-601	NEW-P	79-04-084
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478-140-070	NEW-P	79-02-080	490-40A-030	REP	79-02-019	516-20-160	AMD-P	79-03-018
478-156-017	AMD-P	79-02-089	490-40A-040	AMD	79-02-019	516-20-165	AMD-P	79-03-018
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480-12-190	AMD	79-04-049	490-40A-060	REP	79-02-019	516-20-172	NEW-P	79-03-018
480-12-990	AMD-P	79-04-012	490-40A-070	REP	79-02-019	516-20-175	AMD-P	79-03-018
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480-120-088	NEW	79-03-031	490-44A-010	REP	79-02-019	516-20-195	AMD-P	79-03-018
490-02-010	NEW	79-02-019	490-44A-020	REP	79-02-019	516-20-200	AMD-P	79-03-018
490-03-010	NEW	79-02-019	490-44A-030	REP	79-02-019	516-20-205	REP-P	79-03-018
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