

# Washington State Register

**JUNE 17, 1992**

**OLYMPIA, WASHINGTON**

**ISSUE 92-12**



## **IN THIS ISSUE**

Agriculture, Department of  
Attorney General, Office of the  
Basic Health Plan  
Bates Technical College  
Building Code Council  
Business Assistance Center  
Chiropractic Board of Examiners  
Chiropractic Disciplinary Board  
Clover Park Technical College  
Community and Technical Colleges, State Board  
for  
Community Development, Department of  
County Road Administration Board  
Ecology, Department of  
Edmonds Community College  
Engineers and Land Surveyors, Board of  
Registration for Professional  
Fisheries, Department of  
Forest Practices Board  
General Administration, Department of  
Growth Planning Hearings Boards  
Health, Department of  
Horse Racing Commission

Human Rights Commission  
Investment Board, State  
Labor and Industries, Department of  
Lake Washington Technical College  
Licensing, Department of  
Lottery Commission  
Marine Safety, Office of  
Medical Examiners, Board of  
Natural Resources, Department of  
Outdoor Recreation, Interagency Committee for  
Parks and Recreation Commission  
Personnel Board  
Pilotage Commissioners, Board of  
Public Disclosure Commission  
Retirement Systems, Department of  
Secretary of State  
Social and Health Services, Department of  
Trade and Economic Development, Department  
of  
Transportation Commission  
Transportation Improvement Board  
University of Washington  
Wildlife Commission  
Wildlife, Department of

(Subject/Agency index at back of issue)  
This issue contains documents officially  
filed not later than June 3, 1992

## CITATION

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

## PUBLIC INSPECTION OF DOCUMENTS

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## REPUBLICATION OF OFFICIAL DOCUMENTS

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## CERTIFICATE

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

DENNIS W. COOPER  
Code Reviser

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

The maximum allowable interest rate applicable for the month of June 1992 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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

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# WASHINGTON STATE REGISTER

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

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## STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

### 1. ARRANGEMENT OF THE REGISTER

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 34.05 RCW) may be distinguished by the size and style of type in which they appear.

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

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

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

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

### 6. EDITORIAL CORRECTIONS

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

### 7. INDEX AND TABLES

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

1991 – 1992

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates <sup>1</sup>			Distribution Date	First Agency Hearing Date <sup>3</sup>
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS <sup>2</sup> or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing on or after
91-16	Jul 10	Jul 24	Aug 7	Aug 21	Sep 10
91-17	Jul 24	Aug 7	Aug 21	Sep 4	Sep 24
91-18	Aug 7	Aug 21	Sep 4	Sep 18	Oct 8
91-19	Aug 21	Sep 4	Sep 18	Oct 2	Oct 22
91-20	Sep 4	Sep 18	Oct 2	Oct 16	Nov 5
91-21	Sep 25	Oct 9	Oct 23	Nov 6	Nov 26
91-22	Oct 9	Oct 23	Nov 6	Nov 20	Dec 10
91-23	Oct 23	Nov 6	Nov 20	Dec 4	Dec 24
91-24	Nov 6	Nov 20	Dec 4	Dec 18	Jan 7, 1992
92-01	Nov 21	Dec 5	Dec 19, 1991	Jan 2, 1992	Jan 22
92-02	Dec 5	Dec 19, 1991	Jan 2, 1992	Jan 15	Feb 4
92-03	Dec 26, 1991	Jan 8, 1992	Jan 22	Feb 5	Feb 25
92-04	Jan 8	Jan 22	Feb 5	Feb 19	Mar 10
92-05	Jan 22	Feb 5	Feb 19	Mar 4	Mar 24
92-06	Feb 5	Feb 19	Mar 4	Mar 18	Apr 7
92-07	Feb 19	Mar 4	Mar 18	Apr 1	Apr 21
92-08	Mar 4	Mar 18	Apr 1	Apr 15	May 5
92-09	Mar 25	Apr 8	Apr 22	May 6	May 26
92-10	Apr 8	Apr 22	May 6	May 20	Jun 9
92-11	Apr 22	May 6	May 20	Jun 3	Jun 23
92-12	May 6	May 20	Jun 3	Jun 17	Jul 7
92-13	May 20	Jun 3	Jun 17	Jul 1	Jul 21
92-14	Jun 3	Jun 17	Jul 1	Jul 15	Aug 4
92-15	Jun 24	Jul 8	Jul 22	Aug 5	Aug 25
92-16	Jul 8	Jul 22	Aug 5	Aug 19	Sep 8
92-17	Jul 22	Aug 5	Aug 19	Sep 2	Sep 22
92-18	Aug 5	Aug 19	Sep 2	Sep 16	Oct 6
92-19	Aug 26	Sep 9	Sep 23	Oct 7	Oct 27
92-20	Sep 9	Sep 23	Oct 7	Oct 21	Nov 10
92-21	Sep 23	Oct 7	Oct 21	Nov 4	Nov 24
92-22	Oct 7	Oct 21	Nov 4	Nov 18	Dec 8
92-23	Oct 21	Nov 4	Nov 18	Dec 2	Dec 22
92-24	Nov 4	Nov 18	Dec 2	Dec 16	Jan 5, 1993

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

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

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

**WSR 92-12-001**  
**NOTICE OF PUBLIC MEETINGS**  
**EDMONDS COMMUNITY COLLEGE**  
 [Memorandum—May 20, 1992]

Board of Trustees  
 Thursday, May 21, 1992  
 Lynnwood Hall, Room 424  
 12:00 – 5:40

The facilities for this meeting are free of mobility barriers and interpreters for deaf individuals and brailled or taped information for blind individuals will be provided upon request when adequate notice is given.

**WSR 92-12-002**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 92-35—Filed May 20, 1992, 3:43 p.m., effective May 21, 1992, 12:01 a.m.]

Date of Adoption: May 20, 1992.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:  
 Repealing WAC 220-56-24500K and 220-56-25500L.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: By reducing the halibut bag limit in Catch Areas 3 and 4 west of the Bonilla Tatoosh Line this will allow the fishery to remain open through May 25, 1992.

Effective Date of Rule: May 21, 1992, 12:01 a.m.

May 20, 1992  
 Nancy L. Nelson  
 for Joseph R. Blum  
 Director

NEW SECTION

**WAC 220-56-24500L HALIBUT—BAG AND POSSESSION LIMITS.** Notwithstanding the provisions of WAC 220-56-245, effective 12:01 a.m. May 21, 1992 until further notice it is unlawful to take, fish for or possess more than:

(1) 1 halibut taken from those waters of Catch Areas 1 and 2.

(2) 1 halibut taken from Catch Areas 3 and that portion of area 4 west of the Bonilla Tatoosh Line.

(3) 2 halibut taken from Catch Area 4 east of the Bonilla Tatoosh line and Catch Areas 5 through 13.

(4) The possession limit shall not exceed one daily bag limit of fresh halibut.

NEW SECTION

**WAC 220-56-25500M HALIBUT—SEASONS.** Notwithstanding the provisions of WAC 220-56-255,

effective immediately until further notice it is unlawful to take, fish for or possess halibut taken for personal use except as follows:

(1) Those waters of Catch Areas 1, and 2, are open May 1, 1992 seven days a week.

(2) Those waters of Catch Areas 3 and 4 west of the Bonilla Tatoosh Line are open until 11:59 p.m. May 25, 1992.

(3) Those waters of Catch Area 4 east of the Bonilla Tatoosh Line and Catch Areas 5 through 13 are open May 9, 1992 seven days a week.

REPEALERS

The following sections of the Washington Administrative Code are repealed:

**WAC 220-56-24500K HALIBUT—BAG AND POSSESSION LIMITS. (92-26)**

**WAC 220-56-25500L HALIBUT—SEASONS. (92-26)**

**WSR 92-12-003**  
**PERMANENT RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed May 21, 1992, 2:21 p.m.]

Date of Adoption: May 21, 1992.

Purpose: To provide for at least two board members per district, based on acreage; add three more producers to the board to improve representation; change nomination and election schedule to later in the year; authorize board members to participate in proceedings concerning agricultural chemicals; and give more flexibility to board meeting schedule.

Citation of Existing Rules Affected by this Order:  
 Amending WAC 16-561-020.

Statutory Authority for Adoption: Chapter 15.65 RCW.

Pursuant to notice filed as WSR 92-05-070 on February 18, 1992.

Effective Date of Rule: Thirty-one days after filing.

May 21, 1992  
 C. Alan Pettibone  
 Director

AMENDATORY SECTION (Amending Order 1888, filed 6/6/86)

**WAC 16-561-020 RED RASPBERRY COMMODITY BOARD.** (1) ADMINISTRATION. The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) BOARD MEMBERSHIP.

(a) The board shall consist of ((eight)) eleven members. ((Seven)) Ten members shall be affected producers elected as provided in this section. The director shall appoint one member who is neither an affected producer nor a handler to represent the department and the public.

There shall be a minimum of two producer board members per district, with additional producer board members added based on acreage; using two thousand acres as the baseline, every one thousand acres, or increment thereof, would entitle a district to another board member, so long as no single district had an over-all majority of representatives.

(b) For the purpose of nomination and election of producer members of the board, the affected area shall be that portion of the state of Washington located west of the summit of the Cascade Mountains and shall be divided into four representative districts as follows:

(i) District I shall have ~~((three))~~ four board members, being positions 2, 3, 4, and ~~((6))~~ 8, and shall be Whatcom County.

(ii) District II shall have two board members, being positions 1, and 7, and shall include the counties of Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Mason, Pierce, and Thurston.

(iii) District III shall have ~~((one))~~ two board members, being positions 5 and 9, and shall include the counties of Clark, Cowlitz, Lewis, Pacific, Skamania, and Wahkiakum.

(iv) District IV shall have ~~((one))~~ two members, being positions ~~((4))~~ 6 and 10, and shall include the counties of San Juan, Skagit, and Snohomish.

(3) BOARD MEMBERSHIP QUALIFICATIONS. The affected producer members of the board shall be practical producers of raspberries and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing raspberries within the state of Washington for a period of five years and has, during that time, derived a substantial portion of his income therefrom. Producer-handlers shall be considered to be acting only as producers for purpose of election and membership on a commodity board. The qualifications of members of the board as herein set forth must continue during the terms of office.

(4) TERM OF OFFICE.

(a) The term of office, for members of the board shall be three years, and one-third of the membership as nearly as possible shall be elected each year. These terms shall expire on November 30.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through ~~((seven))~~ ten and the member appointed by the director, position ~~((eight))~~ eleven.

(c) The term of office for the initial board members shall be as follows:

Positions one and two - one year;

Positions three, four, ~~((and))~~ five, and nine - two years;

Positions six, seven, ~~((and))~~ eight, ten, and eleven - three years.

(d) No elected member of the board may serve more than two full consecutive three-year terms.

(5) NOMINATION AND ELECTION OF BOARD MEMBERS. Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be

published in a newspaper of general circulation within the affected area not less than ten days in advance of the date of such meeting; and, in addition, written notice of every such meeting shall be given to all affected producers within the affected area according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at such nomination meeting. Nominations may also be made within five days after any such meeting by written petition filed with the director, signed by not less than five affected producers. At the inception of this order, nominations may be made at the issuance hearing.

(6) ELECTION OF BOARD MEMBERS.

(a) Members of the board shall be elected by secret mail ballot within the month of ~~((June))~~ October under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers within the affected area. Each affected producer within the affected area shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the affected area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears on the list of such affected producers within the affected area maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board members.

(7) VACANCIES PRIOR TO ELECTION. In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(8) QUORUM. A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) BOARD COMPENSATION. No member of the board shall receive any salary or other compensation, but each member shall receive \$35.00 for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board, together with travel expenses at the rates allowed state employees.

(10) POWERS AND DUTIES OF THE BOARD. The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel as the board determines necessary and proper

to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay only from monies collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the order. Such expenses and costs may be paid by check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited with the director in order to defray the costs of formulating the order.

(f) To establish a "raspberry board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, shall be deposited as often as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter ((34.04)) 34.05 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the act or the order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders.

(o) To authorize the members of a commodity board, or their agents or designees, to participate in federal or state hearings or other proceedings concerning regulation of the manufacture, distribution, sale, or use of any pesticide as defined by RCW 15.38.030(1) or any agricultural chemical which is of use or potential use in producing the affected commodity, and may authorize the expenditure of commission funds for this purpose.

(p) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) PROCEDURES FOR BOARD.

(a) The board shall hold regular meetings, at least ((quarterly)) four times annually, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act).

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by regular news service.

(c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members: PROVIDED, That the notice of any special meeting may be waived by a waiver thereof by each member of the board.

**WSR 92-12-004**

**EMERGENCY RULES**

**DEPARTMENT OF AGRICULTURE**

[Filed May 21, 1992, 2:28 p.m.]

Date of Adoption: May 21, 1992.

Purpose: To delete board member term limitations; and to increase the assessments.

Citation of Existing Rules Affected by this Order: Amending WAC 16-555-020 and 16-555-040.

Statutory Authority for Adoption: RCW 15.65.050.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: To effectuate the assessment at the beginning of the crop year.

Effective Date of Rule: Immediately.

May 21, 1992

C. Alan Pettibone  
Director

**AMENDATORY SECTION** (Amending Order 1856, filed 5/14/85)

**WAC 16-555-020 STRAWBERRY COMMODITY BOARD.** (1) **ADMINISTRATION.** The provisions of this marketing order and the applicable provisions of the

act shall be administered and enforced by the board as the designee of the director.

(2) BOARD MEMBERSHIP.

(a) The board shall consist of six members. Five members shall be affected producers elected as provided in this section. The director shall appoint one member who is neither an affected producer nor a handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area shall be that portion of the state of Washington located west of the summit of the Cascade Mountains and shall be divided into three representative districts as follows:

(i) District I shall have two board members, being Positions 1 and 2, and shall include the counties of Island, San Juan, Skagit, and Whatcom.

(ii) District II shall have two board members, being Positions 3 and 4, and shall include the counties of King, Clallam, Jefferson, Kitsap, Pierce, and Snohomish.

(iii) District III shall have one board member, being Position 5, and shall include the counties of Clark, Cowlitz, Lewis, Pacific, Skamania, Wahkiakum, Grays Harbor, Mason, and Thurston.

(3) BOARD MEMBERSHIP QUALIFICATIONS. The affected producer members of the board shall be practical producers of strawberries and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing strawberries within the state of Washington for a period of five years and has, during that time, derived a substantial portion of his/her income therefrom. Producer-handlers shall be considered to be acting only as producers for purpose of election and membership on a commodity board. The qualifications of members of the board as herein set forth must continue during the terms of office.

(4) TERM OF OFFICE.

(a) The term of office, for members of the board shall be three years, and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically, affected producers shall have positions one through five and the member appointed by the director, position six.

(c) The term of office for the initial board members shall be as follows:

Position one - shall terminate on August 31, 1986;

Positions three and five - shall terminate on August 31, 1987;

Positions two and four - shall terminate on August 31, 1988.

~~((d) No elected member of the board may serve more than two full consecutive three-year terms.))~~

(5) NOMINATION AND ELECTION OF BOARD MEMBERS.

Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such meeting; and, in addition, written notice

of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at such nomination meeting. Nominations may also be made within five days after any such meeting by written petition filed with the director, signed by not less than five affected producers. At the inception of this marketing order, nominations may be made at the issuance hearing.

When only one nominee is nominated for any position on the board, the director shall deem that said nominee satisfies the requirements of the position and then it shall be deemed that said nominee has been duly elected.

(6) ELECTION OF BOARD MEMBERS.

(a) Members of the board shall be elected by secret mail ballot within the month of May under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers. Each affected producer shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears on the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his/her qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board members.

(7) VACANCIES PRIOR TO ELECTION. In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(8) QUORUM. A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) BOARD COMPENSATION. No member of the board shall receive any salary or other compensation, but each member may be compensated for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board, together with travel expenses at the rates allowed state employees.

(10) POWERS AND DUTIES OF THE BOARD. The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel as the board determines necessary and proper

to carry out the purpose of the marketing order and effectuate the declared policies of the act.

(d) To pay from moneys collected as assessments, contributions, or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the marketing order. Such expenses and costs may be paid by check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited with the director in marketing order to defray the costs of formulating the marketing order.

(f) To establish a "strawberry board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, shall be deposited each day or as often as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each calendar year. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each calendar year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter (~~34.04~~) 34.05 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the marketing order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the act or the marketing order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders.

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) PROCEDURES FOR BOARD.

(a) The board shall hold regular meetings, at least semiannually, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act).

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by regular news services.

(c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members: PROVIDED, That the notice of any special meeting may be waived by a waiver thereof by each member of the board.

AMENDATORY SECTION (Amending Order 1856, filed 5/14/85)

WAC 16-555-040 ASSESSMENTS AND COLLECTIONS. (1) Assessments.

(a) The annual assessment on all varieties of strawberries shall be (~~one-fourth~~) one-half cent per affected unit (pound).

(b) For the purpose of collecting assessments, the board may:

(i) Require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or

(ii) Require the person subject to the assessment to give adequate assurance or security for its payment.

(c) Subsequent to the first sale, no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued. The foregoing shall include all affected units shipped or sold, both inside and outside the state.

(2) Collections. Any moneys collected or received by the board pursuant to the provisions of the marketing order during or with respect to any season or year, may be refunded on a prorata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of this marketing order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding season, year, or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) Penalties. Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the

*marketing order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to, add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.*

**WSR 92-12-005**  
**WITHDRAWAL OF PROPOSED RULES**  
**COUNTY ROAD**  
**ADMINISTRATION BOARD**  
 [Filed May 21, 1992, 2:31 p.m.]

The County Road Administration Board hereby withdraws amendments to chapter 136-210 WAC filed with your office on March 30, 1992, as part of WSR 92-08-072.

Vern E. Wagar  
 Executive Director

**WSR 92-12-006**  
**PERMANENT RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed May 21, 1992, 2:36 p.m.]

Date of Adoption: May 21, 1992.

Purpose: To delete board member term limitations; and to increase the assessments.

Citation of Existing Rules Affected by this Order: Amending WAC 16-555-020 and 16-555-040.

Statutory Authority for Adoption: RCW 15.65.050.

Pursuant to notice filed as WSR 92-05-071 on February 18, 1992.

Effective Date of Rule: Thirty-one days after filing.

May 21, 1992  
 C. Alan Pettibone  
 Director

**AMENDATORY SECTION** (Amending Order 1856, filed 5/14/85)

**WAC 16-555-020 STRAWBERRY COMMODITY BOARD.** (1) **ADMINISTRATION.** The provisions of this marketing order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) **BOARD MEMBERSHIP.**

(a) The board shall consist of six members. Five members shall be affected producers elected as provided in this section. The director shall appoint one member who is neither an affected producer nor a handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area shall be that portion of the state of Washington located west of the summit of the Cascade Mountains and shall be divided into three representative districts as follows:

(i) District I shall have two board members, being Positions 1 and 2, and shall include the counties of Island, San Juan, Skagit, and Whatcom.

(ii) District II shall have two board members, being Positions 3 and 4, and shall include the counties of King, Clallam, Jefferson, Kitsap, Pierce, and Snohomish.

(iii) District III shall have one board member, being Position 5, and shall include the counties of Clark, Cowlitz, Lewis, Pacific, Skamania, Wahkiakum, Grays Harbor, Mason, and Thurston.

(3) **BOARD MEMBERSHIP QUALIFICATIONS.** The affected producer members of the board shall be practical producers of strawberries and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing strawberries within the state of Washington for a period of five years and has, during that time, derived a substantial portion of his/her income therefrom. Producer-handlers shall be considered to be acting only as producers for purpose of election and membership on a commodity board. The qualifications of members of the board as herein set forth must continue during the terms of office.

(4) **TERM OF OFFICE.**

(a) The term of office, for members of the board shall be three years, and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through five and the member appointed by the director, position six.

(c) The term of office for the initial board members shall be as follows:

Position one - shall terminate on August 31, 1986;

Positions three and five - shall terminate on August 31, 1987;

Positions two and four - shall terminate on August 31, 1988.

~~((d) No elected member of the board may serve more than two full consecutive three-year terms:))~~

(5) **NOMINATION AND ELECTION OF BOARD MEMBERS.** Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such meeting; and, in addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the

proceedings at such nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at such nomination meeting. Nominations may also be made within five days after any such meeting by written petition filed with the director, signed by not less than five affected producers. At the inception of this marketing order, nominations may be made at the issuance hearing.

When only one nominee is nominated for any position on the board, the director shall deem that said nominee satisfies the requirements of the position and then it shall be deemed that said nominee has been duly elected.

(6) ELECTION OF BOARD MEMBERS.

(a) Members of the board shall be elected by secret mail ballot within the month of May under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers. Each affected producer shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears on the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his/her qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board members.

(7) VACANCIES PRIOR TO ELECTION. In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(8) QUORUM. A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) BOARD COMPENSATION. No member of the board shall receive any salary or other compensation, but each member may be compensated for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board, together with travel expenses at the rates allowed state employees.

(10) POWERS AND DUTIES OF THE BOARD. The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel as the board determines necessary and proper to carry out the purpose of the marketing order and effectuate the declared policies of the act.

(d) To pay from moneys collected as assessments, contributions, or advances thereon the costs arising in

connection with the formulation, issuance, administration, and enforcement of the marketing order. Such expenses and costs may be paid by check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited with the director in marketing order to defray the costs of formulating the marketing order.

(f) To establish a "strawberry board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, shall be deposited each day or as often as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each calendar year. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each calendar year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter (~~(34.04)~~) 34.05 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the marketing order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the act or the marketing order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders.

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) PROCEDURES FOR BOARD.

(a) The board shall hold regular meetings, at least semiannually, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act).

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by regular news services.

(c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members: PROVIDED, That the notice of any special meeting may be waived by a waiver thereof by each member of the board.

AMENDATORY SECTION (Amending Order 1856, filed 5/14/85)

WAC 16-555-040 ASSESSMENTS AND COLLECTIONS. (1) Assessments.

(a) The annual assessment on all varieties of strawberries shall be (~~one-fourth~~) one-half cent per affected unit (pound).

(b) For the purpose of collecting assessments, the board may:

(i) Require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or

(ii) Require the person subject to the assessment to give adequate assurance or security for its payment.

(c) Subsequent to the first sale, no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued. The foregoing shall include all affected units shipped or sold, both inside and outside the state.

(2) Collections. Any moneys collected or received by the board pursuant to the provisions of the marketing order during or with respect to any season or year, may be refunded on a prorata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of this marketing order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding season, year, or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) Penalties. Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the marketing order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment

or such other sum on or before the date due, the board may, and is hereby authorized to, add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

**WSR 92-12-007**

**RESCISSION OF EMERGENCY RULES  
DEPARTMENT OF HEALTH  
(Chiropractic Disciplinary Board)**

[Order 272B—Filed May 21, 1992, 2:43 p.m.]

Date of Adoption: May 21, 1992.

Purpose: To rescind WSR 92-09-080 filed April 15, 1992, WAC 246-807-300.

Citation of Existing Rules Affected by this Order: Amending WAC 246-807-300.

Statutory Authority for Adoption: RCW 18.26.110.

Effective Date of Rule: Immediately.

May 21, 1992  
Connie M. Glasgow  
Program Manager

**WSR 92-12-008**

**EMERGENCY RULES  
DEPARTMENT OF HEALTH  
(Chiropractic Disciplinary Board)**

[Order 271B—Filed May 21, 1992, 2:46 p.m., effective June 11, 1992]

Date of Adoption: May 19, 1992.

Purpose: This will clarify ESB 6054 and add to existing WAC 246-807-300(2).

Citation of Existing Rules Affected by this Order: Amending WAC 246-807-300.

Statutory Authority for Adoption: RCW 18.26.110.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding:

April 3, 1992

To the Honorable, the Senate  
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 5, Engrossed Senate Bill No. 6054 entitled:

**"AN ACT Relating to Chiropractic."**

Section 5 of Engrossed Senate Bill No. 6054 implements this bill immediately. The language in the bill is ambiguous concerning the ability of chiropractors to treat problems originating in the extremities. The proponents of the bill assure me that the expansion in the scope of practice does not include disorders that originate in the extremities. I have asked the Chiropractic Disciplinary Board to clarify this issue in rule.

For these reasons, I have vetoed section 5 of Engrossed Senate Bill No. 6054.

With the exception of section 5, Engrossed Senate Bill No. 6054 is approved.

Respectfully submitted,

Booth Gardner  
Governor

Effective Date of Rule: June 11, 1992.

May 19, 1992  
John W. Day, D.C.  
Chairman

**AMENDATORY SECTION (Amending Order 110B, filed 2/20/91, effective 3/23/91)**

**WAC 246-807-300 SCOPE OF PRACTICE—REVOCATION OR SUSPENSION OF LICENSE AUTHORIZED FOR PRACTICE OUTSIDE SCOPE.**

(1) The chiropractic disciplinary board finds that over the past few years there has been an increasing number of persons licensed as chiropractors who have been practicing other healing arts while holding themselves out to the public as chiropractors to the detriment of the public health and welfare of the state of Washington and contrary to the legislative directive contained in RCW 18.26.010(5). The board further finds and deems it necessary to carry out the provisions of chapter 18.26 RCW that this rule be adopted to give guidance to members of the profession, and the public, in interpreting for purposes of application by the disciplinary board of RCW 18.26.030, the scope of health care which comes within the definition of chiropractic in RCW 18.25.005 and which is authorized under a license to practice chiropractic in the state of Washington.

(2) RCW 18.25.005 defines the term "chiropractic" for purposes of chapters 18.25 and 18.26 RCW, as that practice of health care which deals with the detection of subluxations, which shall be defined as any alteration of the biomechanical and physiological dynamics of contiguous spinal structures which can cause neuronal disturbances, the chiropractic procedure preparatory to, and complementary to the correction thereof, by adjustment or manipulation of the articulations of the vertebral column and its immediate articulations for the restoration and maintenance of health; it includes the normal regimen and rehabilitation of the patient, physical examination to determine the necessity for chiropractic care, the use of x-ray and other analytical instruments generally used in the practice of chiropractic: PROVIDED, That

no chiropractor shall prescribe or dispense any medicine or drug nor practice obstetrics or surgery nor use x-rays for therapeutic purposes nor treat disorders originating in the extremities: PROVIDED, HOWEVER, That the term "chiropractic" as defined in this act shall not prohibit a practitioner licensed under chapter 18.71 RCW from performing accepted medical procedures, except such procedures shall not include the adjustment by hand of any articulation of the spine: AND PROVIDED FURTHER, That nothing herein shall be construed to prohibit the rendering of dietary advice.

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

(a) The use of x-rays or other forms of radiation for any other reason than to x-ray the human skeleton.

(b) The use of any form of electrocardiogram.

(c) The testing and reduction to mathematical formulae of sputum and/or urine (commonly known as "Reams" testing).

(d) Hair analysis.

(e) The use of a vasculizer or plethysonograph (commonly known as plethysmography) except for research purposes.

(f) The use of iridology.

(g) The taking of blood samples.

(h) Female breast examinations.

~~((i)) The use of any form of electromyography except for research purposes, and provided no fee is charged until proper protocol is established and approved by the chiropractic disciplinary board.))~~

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

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

(a) Ultrasound, diathermy, high voltage galvanic therapy and x-rays or other radiation.

(b) Colonic irrigation.

(c) ~~((Extremity adjusting-~~

~~(d))) Electrotherapy.~~

~~((e))) (d) The use of a transcutaneous electrical nerve stimulator (TENS).~~

~~((f))) (e) The use of the endonasal technique.~~

~~((g))) (f) The use of any type of casting other than light body casting.~~

~~((h))) (g) The use of meridian therapy, whether known as "acupressure," or the same type of therapy under any other names.~~

~~((i))) (h) The use of hypnosis for any other than relaxation purposes.~~

~~((j))) (i) The use of clinical herbology.~~

The above list is not to be considered exhaustive or to limit the board in any way from finding under the statutory definition in RCW 18.25.005 that any other treatment modalities are outside the scope of chiropractic practice.

(5) The use by a chiropractor of diagnostic techniques or procedures or treatment modalities which are outside the definition of chiropractic in RCW 18.25.005, whether or not listed in this rule, or the use by a chiropractor of any of the diagnostic techniques and procedures listed in subsection (3) of this section or the use by a chiropractor of any of the treatment modalities listed in subsection (4) of this section shall constitute unprofessional conduct under RCW 18.130.180(12) which shall be good and sufficient cause for revocation or suspension of that chiropractor's license to practice chiropractic in Washington.

**WSR 92-12-009**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed May 22, 1992, 10:02 a.m.]

**Original Notice.**

Title of Rule: Chapter 388-73 WAC, Child care agencies—Adult family homes minimum licensing certification requirements.

Purpose: To correct typographical errors and delete sections related to family day care homes and day care centers, which are now in different chapters. The substance of these revisions were heard at public hearing December 27, 1991.

Statutory Authority for Adoption: RCW 74.15.030.

Statute Being Implemented: RCW 74.15.030.

Summary: Corrects typographical errors in WAC 388-73-01950, 388-73-060, 388-73-102, 388-73-108, 388-73-210, 388-73-212, 388-73-216, 388-73-400, 388-73-901, 388-73-069, and 388-73-118. Repealed sections are WAC 388-73-420, 388-73-422, 388-73-423, 388-73-424, 388-73-426, 388-73-428, 388-73-450, 388-73-452, 388-73-454, 388-73-458, and 388-73-460.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barry Fibel, Division of Children and Family Services, 753-0204.

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

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

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

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on July 7, 1992, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, TELEFAX 664-0118 or SCAN 366-0118, by July 7, 1992.

Date of Intended Adoption: July 9, 1992.

May 22, 1992

Leslie F. James, Director  
Administrative Services

**AMENDATORY SECTION** (Amending Order 1933, filed 1/5/83)

WAC 388-73-01950 FIRE STANDARDS. All group care facilities, (~~day care centers;~~) mini-day care centers, and maternity centers shall conform to the rules and regulations adopted by the Washington state fire marshal's office establishing minimum standards for the prevention of fire and for the protection of life and property against fire. The Washington state fire marshal's standards are found in chapter 212-55 WAC.

**AMENDATORY SECTION** (Amending WSR 92-08-056, filed 3/26/92, effective 4/26/92)

WAC 388-73-060 WORK ASSIGNMENTS. Agencies shall not use persons under care to carry the responsibility for basic maintenance of the facility and equipment.

(1) Persons under (~~call {care}}~~) care may perform household tasks insofar as appropriate to the program and as part of a planned learning experience.

(2) For a person under care, work assignments shall be appropriate to the age and physical condition of the person under care.

(3) For persons under care, work assignments other than household tasks which are part of the treatment plan may be performed insofar as appropriate to the age and physical condition of the person under care and adequate monetary compensation shall be provided.

**AMENDATORY SECTION** (Amending Order 2445, filed 12/2/86)

WAC 388-73-069 CONSUMPTION OF ALCOHOLIC BEVERAGES. Except for family foster homes, (~~foster and day care;~~) licensees and staff may not consume or have in their possession or on their person alcoholic beverages on the premises while children are in care. (~~Persons providing direct care to children in family day care homes may not consume alcoholic beverages while providing care;~~)

**AMENDATORY SECTION** (Amending WSR 92-08-056, filed 3/26/92, effective 4/26/92)

WAC 388-73-102 EQUIPMENT, SAFETY, AND MAINTENANCE. (1) In facilities operated by licensed agencies:

(a) The physical plant, premises, and equipment shall be maintained in a clean and sanitary condition, free of hazards, and in good repair;

(b) Steps shall be provided with handrails as determined necessary by the department. Emergency lighting devices, such as flashlights, in operational condition shall be available; and

(c) All flaking or deteriorating lead-based paint on exterior and interior surfaces and equipment and toys accessible to preschool-age children shall be refinished with lead-free paint or other nontoxic material.

(2) Except in foster family homes, the facility's toilet rooms, kitchens, and other rooms subject to moisture shall have washable, moisture impervious floors; except that in the facility's kitchens, washable short-pile carpeting that is kept clean and sanitary may be approved by the department.

(3) Except in foster family homes, facilities caring for preschool children shall equip child accessible outlets with (~~non-removable~~) nonremovable safety devices or covers preventing electrical injury.

(4) There shall be provision for staff members to gain rapid access to any bedroom, toilet room, shower room, bathroom, or other room occupied by children should an emergency need arise.

**AMENDATORY SECTION** (Amending WSR 92-08-056, filed 3/26/92, effective 4/26/92)

**WAC 388-73-108 BEDROOMS.** In full-time care facilities operated by licensed agencies:

- (1)(a) Hallways, kitchens, living rooms, dining rooms, and unfinished basements shall not be used as bedrooms;
- (b) Every bedroom shall be an outside room permitting entrance of natural light;
- (c) Separate sleeping quarters shall be furnished for each sex for children over six years of age;
- (d) Multiple occupancy bedrooms shall provide not less than fifty square feet per occupant of floor area exclusive of closets;
- (e) There shall be not less than thirty inches laterally between beds;
- (f) In group-care facilities and maternity homes, single occupancy bedrooms shall provide at least eighty square feet of floor space;
- (g) Each person in care shall have a bed of his or her own;
- (h) There shall be no more than four persons to a bedroom except in facilities licensed for more prior to the adoption of these rules;
- (i) For facilities licensed after December 31, 1986, sleeping rooms shall have a minimum ceiling height of 7.5 feet and shall have a window area, permitting the direct entrance of natural light, of not less than one-tenth of the required floor space.
- (2) For each person in care, there shall be a bed at least thirty inches wide with a clean, firm mattress, pillow, sheets, blankets, and pillowcases. Each person's pillow shall be covered with waterproof material or be of a washable type. The agency shall provide waterproof mattress covers for incontinent persons.
- (3) The agency shall not permit the upper bunk of double-deck beds for use by persons who may be endangered by the use of an upper bunk. When mother and infant sleep in the same room, the room shall contain at least eighty square feet of usable floor space. The agency shall provide an infant a crib or bassinet with a clean, firm mattress covered with a waterproof material. The agency shall allow only one mother and her newborn infant or infants to occupy a bedroom.
- (4) Bedding shall be clean; sheets and pillowcases shall be laundered weekly.
- (5) The agency shall not allow a child over one year of age (~~shall not~~) to share a bedroom with foster parents or agency staff. An adult shall be on the same floor or within easy hearing distance and accessibility to where children under six years of age are sleeping.
- (6) See WAC 388-73-146(7) for requirements for cribs used by infants in care.
- (7) The agency shall allow only rooms having unrestricted direct access to hallways, corridors, living rooms, day rooms, or such common use area for use as bedrooms for persons in care.

**AMENDATORY SECTION** (Amending WSR 92-08-056, filed 3/26/92, effective 4/26/92)

**WAC 388-73-118 TOILETS, HANDWASHING SINKS, AND BATHING FACILITIES.** Licensees shall provide sanitary facilities and equipment according to the following configuration:

(1) There shall be at least one indoor flush-type toilet and one nearby handwashing sink with hot and cold or tempered running water. The following ratios of persons normally on the premises to facilities shall apply:

	Toilets	Handwashing Sinks	Bathing Facilities
Day Treatment Programs	*2 minimum and 1:15 or major fraction	2 minimum and 1:15 or major fraction	None Required
Mini-Day Care Programs	1 minimum	1 minimum	None Required
Group Care Facilities Maternity Homes	2 minimum and 1:8 or major fraction	2 minimum and 1:8 or major fraction	1 minimum and 1:8 or major fraction
Foster Family Home	1 minimum	1 minimum	1 minimum

\*A minimum of one is acceptable provided no more than fifteen persons capable of using a flush-type toilet are on the premises.

- (2) The licensee shall assure that toilet facilities comply with the following standards:
  - (a) Toilet and bathing facilities shall provide for privacy for persons of the opposite sex six years of age or older;

- (b) Toilet, urinals, and handwashing sinks shall be of appropriate height for the children served or be provided with a safe and easily cleanable platform impervious to moisture;

- (c) Except in foster family homes, handwashing and bathing facilities shall be provided with hot and cold or tempered running water not exceeding one hundred twenty degrees Fahrenheit or warm running water in the range of (~~eighty-five~~) eighty-five to one hundred twenty degrees Fahrenheit maximum;

- (d) All bathing facilities shall have a conveniently located grab bar unless other safety measures, such as nonskid pads, are approved by the department as described under subdivision (2)(g) of this subsection. Preschool children and severely and multiply-handicapped children shall not be left unattended in a bathtub or shower;

- (e) Equipment for toileting and toilet training of toddlers shall be provided, maintained in a sanitary condition and located on a moisture impervious surface at all times. Children less than eighteen months of age and/or using toilet training equipment need not be included when determining the number of flush-type toilets required;

- (f) Whenever urinals are provided, the number of urinals shall not replace more than one-third of the total required toilets;

- (g) In maternity homes, bathing facilities shall have adequate grab bars in convenient places. All sleeping areas shall have at least one toilet and handwashing sink on the same floor;

- (h) Soap and individual towels or disposable towels or other approved hand drying devices shall be provided.

**AMENDATORY SECTION** (Amending WSR 92-08-056, filed 3/26/92, effective 4/26/92)

**WAC 388-73-210 FOSTER CARE LICENSEES.** (1) As a minimum, child-placing agencies shall utilize application and home study forms and procedures prescribed or approved by the department. See also WAC 388-73-024 and 388-73-302.

(2) A child-placing agency requesting licensure of a (~~non-traditional~~) nontraditional home, which may be of community concern, shall first submit the application, home study, and other documents to the department for review.

**AMENDATORY SECTION** (Amending WSR 92-08-056, filed 3/26/92, effective 4/26/92)

**WAC 388-73-212 FOSTER CARE PLACEMENTS.** (1) The agency shall, in planning for children, give due consideration to:

- (a) A child's basic right to his or her own home and family;
- (b) The importance of skillful professional service to parents to help them meet the child's needs in his or her own home whenever possible;
- (c) The child's individual needs, ethnic background, religious background, family situation, and the wishes and participation of the child's parent; and

- (d) The selection of a foster home that will provide for maximum development of the child's capacities and meet the child's individual needs. See WAC 388-73-044 for recruitment involving placement of American Indian children. The agency shall notify the DCFS licensor before placement of a child into a (~~non-traditional~~) nontraditional home which may be of community concern.

(2) The agency shall use a written intake study for each child and expectant mother as the basis for acceptance for foster care and related services.

(3) Every acceptance for care by an agency shall be based on well-planned, individual preparation of the child and the child's family and the expectant mother other than in emergent situations.

(4) Except in an emergency, a child shall be placed in foster care only with the written consent of the child's parents or under order of a court of competent jurisdiction. Such consent or order shall include authorization for medical care or emergency surgery.

(5) All foster homes and group care facilities used by child-placing agencies shall be licensed prior to placing any children therein.

(6) An agency will give sufficient information about the child (especially behavioral and emotional problems) and the child's family to foster parents to enable them to make an informed decision regarding whether or not to accept a child in their home. The agency shall inform the foster parents that this information is confidential and may not be shared. The agency shall document the provision of this information in the child's file at the time of placement.

(7) The frequency of the caseworker's contacts with a foster child, the foster child's foster family, or with an expectant mother shall be determined by a casework plan reflecting their needs, but shall not be

less frequent than one in-home visit every ninety days. Each foster child and one or both foster parents shall be seen at each visit.

(8) The the agency in preparing a child for discharge from placement shall follow the same basic steps as preparation for placement, but a child shall be released only to parents, adoptive parents, guardians or other persons or agencies holding legal custody, or to a court of competent jurisdiction.

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

**AMENDATORY SECTION** (Amending WSR 92-08-056, filed 3/26/92, effective 4/26/92)

WAC 388-73-216 **ADOPTIVE PLACEMENTS.** (1)(a) The agency shall protect the child from unnecessary separation from the child's birth parents when the birth parents are capable of and willing to successfully fulfill their parental role or can be helped to do so.

(b) The agency's adoptive placement of a child shall be made only when the child is freed for adoption by action of a court of competent jurisdiction giving the agency authority to place such child for adoption and to consent to the child's adoption as provided by chapter 26-.33 RCW.

(2)(a) The agency shall evaluate potential adoptive parents for a child in relation to the adoptive parents':

(i) Capacity and readiness for parenthood;

(ii) Emotional and physical health; and

(iii) Ability to meet the physical, social, emotional, educational, and cultural needs of the child.

(b) An agency placing a child for whom it feels that continued contact with the child's birth family is in the child's best interest shall evaluate the adoptive family's willingness to have the child maintain contact with members of the child's birth family;

(c) The agency shall file preplacement reports with the court as required by RCW 26.33.180 through 26.33.230.

(3) Child-placing agencies shall consider the racial, ethnic, and cultural heritage needs of the child being placed. At the same time, the agency shall prevent discrimination on the basis of race, color, or national origin against any of its clients.

(4) Agencies shall ensure that the child's best interest are met by requiring that a number of factors are taken into consideration when making adoptive placement decisions:

(a) When making a child adoptive placement decision, the agency shall emphasize the best interests of the child, taking into account the particular child, parents and circumstances. The agency shall take into consideration the following factors:

(i) Relationship of family to child;

(ii) Sibling placement status;

(iii) Physical and emotional needs of child;

(iv) Age;

(v) Sex;

(vi) Racial;

(vii) Ethnic and cultural identity;

(viii) Placement background;

(ix) Availability of placement resources for timely placement; and

(x) Continuity and stability of the ~~((childs))~~ child's foster care placement and child's psychological attachment to foster family.

(b) The agency shall make all child adoptive placement decisions on a case-by-case basis to take into account the particular child, adoptive parents, and circumstances.

(c) Although a child's racial, ethnic, and cultural identity should be considered when making an adoptive placement decision, the agency may not make the decision based upon such factors unless it is in the best interest of the child to be placed, taking into account the particular child, parents, and circumstances. See WAC 388-73-044 for placement involving an American Indian child.

(5) The agency shall transmit to the adoptive parent or parents at time of the child's placement a report containing all available medical, social, and psychological information about the child and the child's birth parents. The agency's report shall not contain information which might identify the birth parents. The adoptive parent or parents shall sign one copy of the report, signifying receipt of the information. The agency shall retain this signed copy in the child's permanent record.

(6) The agency shall visit the adoptive home of all adoptive placements at least once in the first thirty days and an additional face-to-face visit each sixty days thereafter until the adoption is finalized.

Upon filing of the petition for adoption, the agency shall make recommendation to the court on the advisability of finalizing the adoption.

(7) The agency shall be available for consultation with the adoptive family after finalization of the adoption.

(8) The agency shall maintain a permanent sealed record of each person for whom it has accepted permanent custody. This record shall contain all available identifying legal, medical, and social information. Access to the identifying information shall not be given without a court order if the person has been adopted. In the event the agency closes, the agency shall make arrangements for the permanent retention of these records and will inform the division of children and family services adoption program manager.

**AMENDATORY SECTION** (Amending Order 1336, filed 9/8/78)

WAC 388-73-400 **DAY CARE PROVIDERS.** The rules in WAC 388-73-400 through 388-73-490 apply exclusively to licensing of ~~((family day care homes;))~~ mini-day care programs ~~((and day care centers))~~.

**AMENDATORY SECTION** (Amending WSR 92-08-056, filed 3/26/92, effective 4/26/92)

WAC 388-73-901 **MULTIDISCIPLINARY CARE PLAN FOR SEVERELY AND MULTIPLY-HANDICAPPED CHILDREN.** (1) For each severely and multiply-handicapped child, the licensee shall have a multidisciplinary plan of care addressing the social service, medical, nutritional, rehabilitative, and educational needs of each child.

(2) The licensee's care plan shall indicate:

(a) Care to be given and goals to be accomplished; and

(b) Which professional service is responsible for each element of care.

~~((to be accomplished and which professional service is responsible for each element of care.))~~

(3) The licensee's care plan shall be reviewed, evaluated, and updated as necessary by all professional personnel involved in the care of the child.

(4) Professional personnel shall meet at least annually to re-evaluate each child's current condition, progress, prognosis, and need for ongoing care and additional services.

(5) The licensee or staff shall record quarterly progress reports in the child's record.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 388-73-420 Orientation and training—Family day care home.

WAC 388-73-422 Capacity—Family day care home.

WAC 388-73-423 Staffing—Family day care.

WAC 388-73-424 Family day care—Program and equipment.

WAC 388-73-426 Family day care—Fire safety.

WAC 388-73-428 Family day care—Health inspection.

WAC 388-73-450 Required personnel—Day care centers.

WAC 388-73-452 Program—Day care centers.

WAC 388-73-454 Toddlers and preschool children—Day care centers.

WAC 388-73-458 Furnishings and equipment—Day care centers.

WAC 388-73-460 Play areas—Day care centers.

**WSR 92-12-010**  
**RULES COORDINATOR**  
**DEPARTMENT OF**  
**COMMUNITY DEVELOPMENT**  
**(Building Code Council)**

[Filed May 22, 1992, 10:04 a.m.]

This letter is to formally notify you that John LaRocque has replaced Linda Burton-Ramsey as the rule coordinator for the State Building Code Council. Following is John's address and phone number: John LaRocque, Unit

Manager, State Building Code Council, Department of Community Development, P.O. Box 48300, Olympia, WA 98504-8300, (206) 586-2182.

Meg VanSchoor  
Assistant Director

**WSR 92-12-011**  
**PERMANENT RULES**  
**UNIVERSITY OF WASHINGTON**  
[Filed May 22, 1992, 10:55 a.m.]

Date of Adoption: May 15, 1992.

Purpose: To implement a new section, WAC 478-160-271, on registration eligibility and to update other sections of chapter 478-160 WAC. Several sections are being repealed because they are no longer applicable or they are covered in other rules or statutes.

Citation of Existing Rules Affected by this Order: Repealing WAC 478-160-090, 478-160-155, 478-160-200, 478-160-205, 478-160-215, 478-160-216, 478-160-220, 478-160-225 and 478-160-232; and amending WAC 478-160-020, 478-160-025, 478-160-030, 478-160-035, 478-160-040, 478-160-045, 478-160-050, 478-160-055, 478-160-060, 478-160-065, 478-160-085, 478-160-105, 478-160-115, 478-160-120, 478-160-130, 478-160-140, 478-160-150, 478-160-160, 478-160-210, 478-160-230, 478-160-231, 478-160-240, 478-160-246, 478-160-256, 478-160-260, 478-160-265, 478-160-270, 478-160-275, 478-160-280, 478-160-285, 478-160-290, 478-160-295, 478-160-305, 478-160-310 and 478-160-320; and new section WAC 478-160-271.

Statutory Authority for Adoption: RCW 28B.20.130.

Pursuant to notice filed as WSR 92-08-065 on March 30, 1992.

Effective Date of Rule: Thirty-one days after filing.

May 19, 1992

Melody Tereski

Administrative Procedures Officer

**AMENDATORY SECTION** (Amending Order 74-1, filed 3/4/74)

WAC 478-160-020 UNDERGRADUATE ADMISSION POLICY. The University of Washington's board of admissions, scholastic standards and graduation, appointed by the president of the university, is responsible for the interpretation and administration of the regulations governing the admission of undergraduate students.

The office of admissions has been assigned the responsibility of distributing and processing applications for admission with undergraduate standing at the University of Washington.

Application closing dates are established for all admission classifications for all quarters. Applications are generally not accepted after closing dates except for summer quarter when they will be accepted routinely

through ~~((the official change of))~~ Registration Period III. Summer quarter applications will be accepted after the closing date only from students returning to the university in the classification under which they last attended or students new to the university as "Summer only nonmatriculated" students. ((Applications accepted after the closing date will be subject to a late application fee.))

**AMENDATORY SECTION** (Amending Order 72-5, filed 11/6/72)

WAC 478-160-025 UNDERGRADUATE STUDENT CLASSIFICATIONS. A person may apply as an entering freshman, a transfer student, or a ~~((fifth-year))~~ post-baccalaureate student depending on his or her academic background and present educational goal.

(1) Entering freshmen have completed their secondary school education and intend to engage in a program of study leading to a bachelor's degree.

(2) Transfer students have completed some academic work after leaving high school at another collegiate institution and intend to engage in a program of study leading to a bachelor's degree.

(3) ~~((Fifth-year))~~ Post-baccalaureate students have previously earned at least one bachelor's degree and intend to engage in a program of study leading to an additional bachelor's degree and/or a professional certificate or prepare for a professional program.

**AMENDATORY SECTION** (Amending Order 72-5, filed 11/6/72)

WAC 478-160-030 EARLY APPLICATION GUIDELINES. In order to be assured of consideration, prospective freshmen should submit applications for the autumn quarter of any given year during the preceding December. Applicants for winter and spring quarters and transfer and ~~((fifth-year))~~ post-baccalaureate applicants for autumn quarter should submit applications at least six months in advance of their proposed date of entry. Applicants for summer quarter should submit applications at least three months in advance of the beginning of summer quarter.

**AMENDATORY SECTION** (Amending Order 72-5, filed 11/6/72)

WAC 478-160-035 APPLICATION FORMS FOR UNDERGRADUATE STANDING. To apply for freshman, transfer or ~~((fifth-year))~~ post-baccalaureate status, either an "Application for admission to an undergraduate college or school" or an "Application for admission to four-year colleges and universities in the state of Washington" must be submitted to the Office of Admissions, ~~((1400 N.E. Campus Parkway, Room 348))~~ PC-30, 320 Schmitz Hall, University of Washington, Seattle, Washington 98195. An application form with complete instructions will be provided to prospective applicants upon request.

AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

WAC 478-160-040 ADMISSION OF UNDERGRADUATE STUDENTS THROUGH THE EDUCATIONAL OPPORTUNITY PROGRAM. In recognition of the numerous factors which may have interfered with the earlier education of students from certain ethnic minorities and/or poverty environments, the university offers an educational opportunity program.

Minority and disadvantaged students are encouraged, regardless of their previous academic records, to apply for admission to the university through this program.

Prospective applicants may obtain undergraduate application forms and additional information by contacting the Office of Minority Affairs, ~~((1400 N.E. Campus Parkway, Room 394))~~ PC-45, 375 Schmitz Hall, University of Washington, Seattle, WA 98195.

AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

WAC 478-160-045 ADMISSION OF INTERNATIONAL STUDENTS ~~((FROM FOREIGN COUNTRIES))~~. Virtually no ~~((foreign))~~ international students who are in need of financial assistance from the university can be accepted at the undergraduate level.

AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

WAC 478-160-050 APPLICATION FORMS FOR ~~((FOREIGN))~~ INTERNATIONAL STUDENTS. ~~((Foreign))~~ International students who have sufficient financial support, ~~((foreign))~~ international students who intend to transfer to the university from another United States school, and ~~((foreign))~~ international students who wish to attend summer quarter only must submit an "~~((Application for))~~ undergraduate international admission ~~((to an undergraduate college or school))~~ application" to the Office of Admissions, ~~((1400 N.E. Campus Parkway, Room 348))~~ PC-30, 320 Schmitz Hall, University of Washington, Seattle, WA 98195. The application form with complete instructions will be provided to prospective applicants upon request.

AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

WAC 478-160-055 ADMISSION TO SPECIFIC MAJOR DEGREE PROGRAMS. Undergraduate and ~~((fifth-year))~~ post-baccalaureate applicants who are qualified for admission to the university are required to enter one of the university's colleges or schools. ~~((At the time an application is completed, applicants are asked which of the university's schools or colleges they wish to enter. In addition,))~~ Applicants may indicate, at the time they make application, the major degree program of their choice. However, all applicants who are qualified for admission to the university cannot always be accommodated in the college, school or degree program of their choice because of space limitations or because some prerequisites for the program have not yet been fulfilled. In such cases, applicants may be offered admission to

the university in the college of arts and sciences as pre-majors.

In order to be considered for admission in the degree program of their choice, at a later date, such students may be required to submit a supplemental application and present additional information to the appropriate academic department or unit.

Examples of the information which might be considered may include but are not necessarily limited to the following: Achievement of at least sophomore or junior standing, grade point average, successful completion of elementary courses in the field, an audition, samples of previous accomplishments, recommendations, and test scores.

Although criteria for acceptance may vary from department to department, they are binding if all of the following conditions have been met:

(1) They are the result of action by the faculty of the department concerned and have been approved by the dean of that school or college, the faculty council on academic standards, and the president of the university.

(2) They apply to all students seeking admission to the degree program at a particular time.

(3) They have been announced through printed statements available in the office of admissions and in the advising office of the department sponsoring the program no later than the first day of the quarter (excluding summer quarter) preceding the quarter in which they are to become effective.

AMENDATORY SECTION (Amending Order 80-2, filed 10/21/80)

WAC 478-160-060 REQUESTS FOR RECONSIDERATION OF ADMISSION DECISION. Applicants who are denied admission may request further consideration by presenting a written petition and additional information in support of their application. Such requests should be addressed to the Committee on Admissions and Academic Standards, Office of Admissions, ~~((1400 N.E. Campus Parkway))~~ PC-30, 320 Schmitz Hall, University of Washington, Seattle, WA 98195.

AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

WAC 478-160-065 ADMISSION OF FORMER STUDENTS. Former undergraduate students who wish to resume study in the degree or certificate program for which they were last registered and graduate students who are officially on leave and who wish to return to the university must submit a "Returning student reenrollment application" form to the registration office ~~((of the registrar))~~.

Applications may be obtained by ~~((contracting))~~ contacting the ~~((Registrar's))~~ Registration Office, ~~((1400 N.E. Campus Parkway, Room))~~ PD-10, 225 Schmitz Hall, University of Washington, Seattle, WA 98195.

Returning former students are advised to file such an application at least four months in advance of the quarter they intend to return.

Former students who completed a degree or certificate program at the time they were last enrolled and former

graduate students must apply as new students if they wish to return to the university.

AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

WAC 478-160-085 APPLICATION FORMS. Prospective applicants to the graduate school may obtain an "Application for admission to the graduate school" by writing to the graduate program adviser of the department in which the applicant expects to engage in a program of study or by writing to the Office of Graduate Admissions, (~~University of Washington~~) AD-10, 98 Administration Building, University of Washington, Seattle, WA 98195.

An application form with instructions will be provided to prospective graduate or visiting graduate applicants upon request.

AMENDATORY SECTION (Amending Order 80-2, filed 10/21/80)

WAC 478-160-105 ADMISSION TO THE SCHOOL OF DENTISTRY—APPLICATION FORMS. Application forms may be obtained by writing to the School of Dentistry, SC-62, D-322 Health Sciences Building, Seattle, WA 98195. The deadline for filing an application is determined by the University of Washington school of dentistry and can be obtained from the Office of the Dean, SC-62, D-322 Health Sciences Building, Seattle, Washington 98195.

AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

WAC 478-160-115 ADMISSION TO THE SCHOOL OF LAW WITH ADVANCED STANDING. Students in good academic standing at a school approved by the Association of American Law Schools may apply for admission with advanced standing.

AMENDATORY SECTION (Amending Order 80-2, filed 10/21/80)

WAC 478-160-120 ADMISSION TO THE SCHOOL OF LAW WITH ADVANCED STANDING—APPLICATION FORMS. Application for admission with advanced standing may be obtained from the School of Law, Condon Hall, Seattle, WA 98195. The deadline for filing an application is determined by the University of Washington school of law and can be obtained from the Director of Admissions, School of Law, Condon Hall, JB-20, Seattle, Washington 98195.

AMENDATORY SECTION (Amending Order 78-4, filed 6/15/78)

WAC 478-160-130 FIRST-YEAR ADMISSION TO THE SCHOOL OF MEDICINE—APPLICATION FORMS. The school of medicine is a participant in the american medical college application service program (AMCAS). Application forms may be obtained by writing to AMCAS, Suite 301, 1776 Massachusetts N.W., Washington, D.C. 20036. Deadline for filing an application is determined by the University of

Washington school of medicine and can be obtained from the Committee on Admissions, Office of the Dean SC-64, A-320 Health Sciences Building, University of Washington School of Medicine, Seattle, Washington 98195, (206) 543-7212. Applicants are encouraged to file applications twelve months prior to desired date of entry.

AMENDATORY SECTION (Amending Order 78-4, filed 6/15/78)

WAC 478-160-140 APPLICATION FOR TRANSFER TO THE SCHOOL OF MEDICINE. Application(~~(f)~~) for transfer to the school of medicine may be obtained by writing to the Committee on Admissions, Office of the Dean SC-64, A-320 Health Sciences Building, University of Washington School of Medicine, Seattle, Washington 98195. Deadline for filing an application is determined by the University of Washington school of medicine and can be obtained from the Committee on Admissions, Office of the Dean SC-64, A-320 Health Sciences Building, University of Washington School of Medicine, Seattle, Washington 98195, (206) 543-7212.

AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

WAC 478-160-150 DEFINITION OF NON-MATRICULATED STATUS. Nonmatriculated status is a special classification for students with a limited educational objective which does not include a University of Washington degree or a professional certificate.

Nonmatriculated students (~~(accepted)~~) are not generally admitted for (~~(enrollment)~~) autumn, winter, or spring quarters (~~(register for classes after matriculated students have had an opportunity to register, and are permitted to register only to the extent that the assigned capacity of individual classes has not been met. During summer quarter nonmatriculated students register for classes with the same priority as matriculated students)~~), however, enrollment opportunities are available through university extension. Summer quarter enrollment is generally available to qualified nonmatriculated applicants.

Prospective students who wish to audit classes only must apply for nonmatriculated status.

AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

WAC 478-160-160 APPLICATIONS FOR HOUSING AND FINANCIAL AID. An application for admission does not constitute an application for either housing accommodations or financial aid, nor does an application for housing or an award of financial aid constitute an application for admission. Information and applications for housing may be obtained from the Office of Housing and Food Services, (~~(1400 N.E. Campus Parkway)~~) PC-50, 301 Schmitz Hall, University of Washington, Seattle, WA 98195. Information and applications for financial aid may be obtained from the Office of Financial Aid, (~~(1400 N.E. Campus Parkway)~~) PE-20, 105 Schmitz Hall, University of Washington, Seattle, WA 98195.

AMENDATORY SECTION (Amending Order 80-2, filed 10/21/80)

WAC 478-160-210 CHANGE OF RESIDENCE APPLICATION FORMS. Nonresident students who desire to apply for a change in resident status must complete and submit a Washington institutions of higher education "residency questionnaire" to the ~~((Office of))~~ Residence Classification ~~((, 1400 N.E. Campus Parkway))~~ Office, PD-10, 209 Schmitz Hall, University of Washington, Seattle, ~~((WA))~~ Washington 98195. A residency questionnaire (including a section in which the student may explain his or her view of the matter) and complete instructions will be mailed to students upon request. The residence classification office shall provide to the student a written statement of the reasons for any decision it makes within ten days of taking action on the "residency questionnaire." This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, governing brief adjudicatory proceedings, the provisions of which are hereby adopted.

AMENDATORY SECTION (Amending Order 74-2, filed 3/4/74)

WAC 478-160-230 APPEAL OF CHANGE OF RESIDENCE DETERMINATION. Any student wishing to appeal ~~((a determination))~~ an action of the residence classification office may request ~~((reconsideration))~~ administrative review through the Residence Classification Review Committee, ~~((1400 N.E. Campus Parkway, Room 320))~~ PD-10, 209 Schmitz Hall, University Washington, Seattle, Washington 98195. Appeals must be ~~((made))~~ requested orally or in writing within ~~((one year))~~ twenty-one days from the date ~~((the original determination was rendered by the residence classification office. Decisions of the residence classification review committee shall be final))~~ of student receipt of the written response required by WAC 478-160-210. Decisions of the residence classification review committee shall be rendered within twenty days of receipt of the request for review. The residence classification review committee shall issue the institution's final decision.

Forms appropriate for this purpose may be obtained from the ~~((Office of))~~ Residence Classification ~~((, 1400 N.E. Campus Parkway, Room 320))~~ Office, PD-10, 209 Schmitz Hall, University of Washington, Seattle, Washington 98195.

AMENDATORY SECTION (Amending Order 80-2, filed 10/21/80)

WAC 478-160-231 RESIDENCE CLASSIFICATION REVIEW COMMITTEE. The residence classification review committee shall be composed of four persons appointed by the ~~((provost))~~ vice-president for student affairs, each for a term of one academic year.

AMENDATORY SECTION (Amending Order 74-1, filed 3/4/74)

WAC 478-160-240 DEFINITIONS. For the purpose of these regulations the following definitions shall apply:

(1) An ~~((admissible))~~ admitted person" is one who has applied for and been offered an opportunity to enroll at the University of Washington for a given quarter.

(2) An "enrolled student" is one who is admissible to the university for a given quarter and has given a firm commitment, usually by means of an advance payment on tuition and fees, of his or her intention to attend the university. (The advance fee payment is not required summer quarter.)

(3) A "registered student" is one who has enrolled and has been assigned by the university registrar to one or more courses in a given quarter.

(4) A "new student" is either one who has not previously registered for residence credit courses at the university or one who will be in his or her first quarter in a status different from that in which he or she last attended.

(5) A "returning student" is one who has formerly attended the university ~~((as a matriculated student who did not complete the degree or professional certificate program for which he was last registered, or as a non-matriculated student, or as a graduate student who is in his first quarter of attendance following his return from official on-leave status))~~ and is returning after an absence of one or more quarters in the same classification.

(6) "Continuing student" is either one who was registered in the same status the preceding quarter or one who is registered autumn quarter in the same status he or she was registered the preceding spring quarter.

(7) "On-leave graduate student" is a graduate student in good standing who plans to be away from the university and who has applied for and been granted on-leave status.

(8) "Residence credit" is that academic credit associated with those courses which are offered by the university within the regular academic curriculum. Credit earned through the satisfactory completion of such courses is applicable toward a university degree or professional certificate to the extent it satisfies specific school or college degree requirements.

(9) "Matriculated student" is one who has been accepted into one of the university's schools or colleges to pursue a program of study which normally leads to a degree or professional certificate.

(10) "Nonmatriculated student" is one who will be permitted to register for courses on a space-available basis but whose educational objective does not include a University of Washington degree or professional certificate.

(11) "Summer only nonmatriculated" student is one who attends the university only during the summer quarter and who is not engaged in a degree or certificate program at the university. Such a student must apply for admission as a new student should he or she wish to attend any quarter other than summer quarter.

(12) The first 4-1/2 weeks of the summer quarter constitute "a" term. Some classes are offered during "a" term only.

(13) The second 4-1/2 weeks of the summer quarter constitute "b" term. Some classes are offered during "b" term only.

AMENDATORY SECTION (Amending Order 73-9, filed 11/30/73)

~~WAC 478-160-246 ((~~\$50.00~~)) ENROLLMENT ((~~SERVICE FEE~~)) CONFIRMATION DEPOSIT FOR NEW AND RETURNING STUDENTS ((~~ONLY~~)) FOR AUTUMN, WINTER AND SPRING QUARTERS. ((~~A \$50.00~~)) An enrollment ((~~service fee will be~~)) confirmation deposit is required of new students and of returning students in autumn, winter and spring quarters. ((~~Payments of the fee will be requested at the time the student is offered admission. This prepaid \$50.00 will apply toward the first quarter's tuition if the student accepts the offer of admission and if spaces remain available in the appropriate student category at the time the payment is received.~~)) If space is not available when the payment is received, the ((~~\$50.00~~)) payment will be returned. The fee is only refundable pursuant to WAC 478-160-256.~~

~~((The enrollment service fee is not applicable to continuing students.)) Further information about the enrollment ((~~service fee~~)) confirmation deposit may be obtained from the ((~~Registrar, 1400 N.E. Campus Parkway, Room 225~~)) Registration Office, PD-10, 225 Schmitz Hall, University of Washington, Seattle, Washington 98195.~~

AMENDATORY SECTION (Amending Order 73-9, filed 11/30/73)

~~WAC 478-160-256 REFUND OF THE ENROLLMENT ((~~SERVICE FEE~~)) CONFIRMATION DEPOSIT. The enrollment ((~~service fee~~)) confirmation deposit is refundable under the following conditions:~~

~~(1) New and returning ((~~nonmatriculated~~)) matriculated students who ((~~cannot be scheduled for the courses they request during registration and who do not enroll or attend other~~)) are unable to obtain courses required for completion of their degree or certificate program or courses which are determined by an appropriate academic adviser to be acceptable alternate courses, will be refunded their ((~~\$50.00~~)) enrollment ((~~service fee upon written request to the registrar~~)) confirmation deposit. A written verification from the appropriate academic adviser must be attached to this petition. Such requests for refund must be submitted by Friday of the second week of the quarter ((~~to which they are applicable~~)).~~

~~(2) New and returning matriculated students who ((~~are unable to obtain courses required for completion of their degree or certificate program or courses which are determined by~~)), after meeting with an appropriate academic adviser ((~~to be acceptable alternate courses, and who do not enroll in or attend other courses~~)), determine that the program for which admission was granted differs substantially from what the student was led to expect based upon earlier available information, will be refunded the ((~~\$50.00~~)) enrollment ((~~service fee upon written request to the registrar. Such requests~~)) confirmation deposit. This petition for refund((s)) must be submitted ((~~by Friday of the second week of the quarter~~)) before the student registers for courses and in no~~

case later than the first day of the quarter for which admission has been granted. A written verification from the appropriate academic adviser must be included.

~~(3) New and returning students who apply by the prescribed deadline for financial aid administered by the university's financial aid office, and who cannot be awarded financial aid adequate to their needs as determined by that office, and who are therefore unable to attend the university, will be refunded the ((~~\$50.00~~)) enrollment ((~~service fee upon application to the registrar~~)) confirmation deposit. This petition and a copy of the notice of award and acceptance must be submitted no later than two weeks after receipt of notice of the financial aid award.~~

~~(4) New and returning students who are unable to attend the university because of pregnancy, disability or death or because they are called involuntarily into the military service of the United States or into civil duty ((~~with~~)) may be refunded the ((~~amount, if any, by which the enrollment service fee exceeds the amount of tuition and fees assessed at the time of withdrawal. Requests for refund must be submitted in writing to the university comptroller by the last day of the quarter for which the student was determined admissible and for which the enrollment service fee has been paid~~)) enrollment confirmation deposit. Documentation is required.~~

AMENDATORY SECTION (Amending Order 72-8, filed 11/30/72)

~~WAC 478-160-260 ((~~FOREIGN~~)) INTERNATIONAL STUDENTS—ACCIDENT INSURANCE REQUIREMENT. All foreign students on temporary visas are required to have accidental injury and illness insurance while attending ((~~school at~~)) the University of Washington.~~

AMENDATORY SECTION (Amending Order 72-8, filed 11/30/72)

~~WAC 478-160-265 REGISTRATION FOR RESIDENCE CREDIT COURSES. No person, other than a faculty member attending informally with the approval of the instructor, may attend a university residence credit course in which he or she has not been registered.~~

AMENDATORY SECTION (Amending Order 72-8, filed 11/30/72)

~~WAC 478-160-270 REGISTRATION PERIODS. There are ((~~two~~)) four official registration periods: ((~~(1) Preregistration and (2) registration~~)) Periods I - IV. Specific dates, criteria for eligibility and procedural steps for each of the registration periods are published in ((~~the University Daily, the University Calendar, and~~)) the quarterly Time Schedule ((~~and are posted about the campus by the university registrar before either of the registration periods begins~~)).~~

NEW SECTION

~~WAC 478-160-271 REGISTRATION ELIGIBILITY. (1) All students. Guaranteed Registration Eligibility. All students at the university who remain in good~~

standing and in compliance with other rules and regulations, with no outstanding financial obligations, are guaranteed the opportunity to register each quarter as long as they maintain continuous enrollment (summer quarter excepted).

(2) Undergraduate and professional students.

(a) Quarter-off eligibility. Subject to college, school, and departmental enrollment policies, undergraduate and professional students who have completed a quarter at the University of Washington may take the following quarter off and remain eligible to register in Registration Period I for the subsequent quarter without reapplication as returning students. Any quarter from which a student has completely withdrawn, or from which he or she is cancelled, does not constitute a completed quarter. Summer quarter enrollment is not required to maintain continuous registration eligibility.

(b) Newly admitted or returning former students. Newly admitted or returning former students are eligible to register the following quarter, beginning with Registration Period I, as long as they were enrolled for a least one day of the quarter.

(3) Graduate students. Graduate students who do not maintain continuous enrollment (summer quarter excepted) must file an on-leave application with the graduate school. On-leave graduate students returning to the university on or before the termination of the on-leave period must reapply as former students returning through the registration office. The quarter-off eligibility is not available to graduate students.

AMENDATORY SECTION (Amending Order 72-8, filed 11/30/72)

WAC 478-160-275 LATE REGISTRATION OR COURSE ADDS-REGISTRATION PERIOD III. Any student who registers after ~~((both of the official registration periods have passed))~~ registration periods I and II will be charged a late registration service fee.

No student shall be permitted to register or add a course after the ~~((first seven))~~ twelfth calendar day(s) of autumn, or winter, or spring quarter ~~((except with the written consent of the dean of his college and the written approval of the instructors whose classes the student wishes to enter))~~.

No student shall be permitted to register or add a course for "a" term courses and full quarter courses after the ~~((first two calendar days of summer quarter, for full-quarter courses after the first five calendar days of summer))~~ twelfth calendar day of "a" term or the full quarter, or for "b" term courses after the ~~((first two))~~ seventh calendar day(s) of "b" term ~~((except with the written consent of the dean of his college and the written approval of the instructors whose classes the student wishes to enter))~~. Instructor and department chair endorsed petitions for late registration shall be submitted to the office of the registrar for review and final decision.

AMENDATORY SECTION (Amending Order 72-8, filed 11/30/72)

WAC 478-160-280 ((CHANGE-OF)) REGISTRATION ((PERIODS)) CHANGE. ~~((There are two~~

~~official change of registration periods.))~~ Specific dates for ~~((change of))~~ registration ~~((periods))~~ changes are published in ~~((the University Calendar, the University Daily, and))~~ the quarterly Time Schedule ~~((and are posted about the campus by the university registrar before either change of registration period begins))~~.

A student who has once registered for a ~~((schedule of))~~ course or courses may drop courses ~~((from this schedule until the last day of instruction))~~ through the end of the seventh week of the quarter.

No grade will be entered on a student's permanent record for a course dropped during the first ~~((fifteen))~~ fourteen calendar days of autumn, or winter, or spring quarter.

No grade will be entered on a student's permanent record for an "a" term course dropped during the first ~~((five))~~ seven calendar days of summer quarter, for a full-quarter course dropped during the first ~~((twelve))~~ fourteen calendar days of summer quarter, or for a "b" term course dropped during the first seven calendar days of term "b."

~~((No change of registration involving entrance to a course shall be permitted after the first seven calendar days of autumn, or winter, or spring quarter except with the written consent of the dean of the school or college concerned and of the instructor whose class the student wishes to enter.~~

~~No change of registration involving entrance to an "a" term course after the first two calendar days of summer quarter, to a full-quarter course after the first five calendar days of summer quarter, or to a "b" term course after the first two calendar days of "b" term shall be permitted except with the written consent of the dean of the school or college concerned and of the instructor whose class the student wishes to enter.))~~

AMENDATORY SECTION (Amending Order 72-8, filed 11/30/72)

WAC 478-160-285 CHANGE OF REGISTRATION SERVICE FEE. A service fee will be assessed when a student changes his or her registration ~~((after both of the official change of registration periods have passed))~~ beginning the eighth calendar day of the quarter or term.

AMENDATORY SECTION (Amending Order 72-8, filed 11/30/72)

WAC 478-160-290 WITHDRAWAL FROM THE UNIVERSITY. Withdrawal from the university is official when ~~((a withdrawal form))~~ written notification has been ~~((signed by the student's academic adviser and))~~ filed with the ~~((university registrar))~~ Registration Office, PD-10, 225 Schmitz Hall, University of Washington, Seattle, Washington 98195.

Students who officially withdraw may be entitled by law to a refund of all or a portion of the tuition and fees for a given quarter depending on the time of the quarter the withdrawal is completed.

An official withdrawal during the first ~~((fifteen))~~ fourteen calendar days of autumn, or winter, or spring

quarter shall result in the student's permanent record showing only the date of withdrawal.

During summer quarter official withdrawals shall be entered on the student's permanent record as follows:

(1) For full-quarter courses, during the first ~~((twelve))~~ fourteen calendar days of the quarter only the date of withdrawal shall be entered.

(2) For "a" term courses, during the first ~~((five))~~ seven calendar days of the quarter only the date of withdrawal shall be entered.

(3) For "b" term courses, during the first seven calendar days of "b" term only the date of withdrawal shall be entered.

AMENDATORY SECTION (Amending Order 72-8, filed 11/30/72)

WAC 478-160-295 MILITARY WITHDRAWALS. ~~((If a student is inducted or enlists in the armed forces, he may be entitled to some academic credit and/or a refund of some of the tuition and fees depending on the time of the quarter he officially withdraws. A withdrawal form must be signed by the student's academic adviser and filed with the registrar's office. A copy of the student's military orders must also be submitted. Complete information is available from the Registrar's Office, 1400 N.E. Campus Parkway, Room 225, Seattle, WA 98195.))~~ (1) If a student is conscripted into the armed forces or is called to active military duty, he or she may be entitled to a full refund or academic credit depending on the time of the quarter the student officially withdraws. Official withdrawals must be in writing, signed by the student, and accompanied by a copy of the military orders.

(2) A student who withdraws may receive credit for courses or a full refund, under the following schedule:

(a) Students who withdraw through the seventh week of the academic quarter receive a full refund of fees. No academic credit is awarded.

(b) Students who withdraw after the seventh week of the academic quarter may choose to receive academic credit or a full refund of fees.

(3) Complete information is available from the Registration Office, PD-10, 225 Schmitz Hall, University of Washington, Seattle, Washington 98195.

AMENDATORY SECTION (Amending Order 72-8, filed 11/30/72)

WAC 478-160-305 ON-LEAVE STATUS FOR GRADUATE STUDENTS. If a graduate student in good standing plans to be away from the university and out of contact with the university faculty and facilities for a period of time, not to exceed four successive quarters except in the case of absence for military reasons, he or she may apply for on-leave status. Forms for this purpose and further information may be obtained from the departmental graduate program adviser.

A graduate student who is either registered or officially on leave for a given spring quarter and who does

not register for the immediately following summer quarter is automatically on leave for that summer quarter.

AMENDATORY SECTION (Amending Order 72-8, filed 11/30/72)

WAC 478-160-310 CHANGE OF SCHOOL OR COLLEGE. An undergraduate student desiring to transfer from one school or college within the university to another must obtain approval from the deans or the deans' designees of the two schools or colleges concerned. Change of college forms may be obtained from and must be submitted to the ~~((Registrar, 1400 N.E. Campus Parkway, Room 225))~~ Registration Office, PD-10, 225 Schmitz Hall, University of Washington, Seattle, ((WA)) Washington 98195.

AMENDATORY SECTION (Amending Order 72-8, filed 11/30/72)

WAC 478-160-320 SPECIAL INSTRUCTIONAL PROGRAMS OFFERED SUMMER QUARTER. In recognition of the special needs of students who can attend the university only in the summer, a number of institutes, workshops, and special programs are offered each summer quarter. Because the nature and content of the programs vary from year to year, interested persons are invited to contact the Summer Quarter Office, ~~((Lewis Hall))~~ 5001 25th Ave NE, GH-26, Seattle, WA 98195 to obtain a copy of the Summer Quarter Bulletin and Time Schedule.

#### REPEALER

The following sections of the Washington Administrative Code are Repealed:

WAC 478-160-090 THE JOINT CENTER FOR GRADUATE STUDY—ADMISSION CLASSIFICATIONS AND APPLICATION FORMS.

WAC 478-160-155 APPLICATION FORMS FOR NONMATRICULATED STATUS.

WAC 478-160-200 RESIDENCE CLASSIFICATION PROCEDURES—STATEMENT OF PURPOSE.

WAC 478-160-205 DEFINITION OF RESIDENT STUDENT.

WAC 478-160-215 NONRESIDENTS WHO ARE ENTITLED TO PAY RESIDENT TUITION AND FEES.

WAC 478-160-216 NONCITIZENS OF THE UNITED STATES WHO ARE ENTITLED TO PAY RESIDENT TUITION AND FEES.

WAC 478-160-220 VERIFICATION OF CLASSIFICATION.

WAC 478-160-225 SOUTHEAST ASIA VETERANS.

WAC 478-160-232 APPEALS PROCEDURES—BRIEF ADJUDICATORY PROCEEDINGS.

**WSR 92-12-012**  
**PROPOSED RULES**  
**PARKS AND RECREATION**  
**COMMISSION**

[Filed May 22, 1992, 3:30 p.m.]

**Original Notice.**

Title of Rule: Sno-park permit clarified in WAC 352-32-260 to stop abusing parking privileges in sno-parks.

Purpose: Requires Washington residents vehicles to display Washington state sno-park permit decals.

Statutory Authority for Adoption: RCW 43.51.040(1), 43.51.050(3), and 43.51.290(2).

Statute Being Implemented: Chapter 39.34 RCW and RCW 43.51.300.

Summary: Clarifies that Washington residents must have a Washington sno-park permit to park in winter recreation parking areas and may not obtain and use out-of-state winter recreation parking permits to avoid obtaining a Washington permit.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Colleen Maguire, State Parks, 7150 Cleanwater Lane, Olympia, 586-0185.

Name of Proponent: Washington State Parks and Recreation Commission, governmental.

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

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

Proposal Changes the Following Existing Rules: Adds a proviso that Washington vehicles shall be required to display a Washington state winter recreation area parking permit.

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

Hearing Location: Rosario Resort, Eastsound, Washington 98245, on July 17, 1992, at 9:00 a.m.

Submit Written Comments to: Colleen Maguire, State Parks, 7150 Cleanwater Lane, Olympia, by July 1, 1992.

Date of Intended Adoption: July 17, 1992.

May 22, 1992

Nina Carter

Executive Assistant

**AMENDATORY SECTION** (Amending Order 38, filed 1/17/78)

WAC 352-32-260 SNO-PARK PERMIT. Only those vehicles properly displaying a valid winter recreational area parking permit issued by the state of Washington or by another state or nation which honors a Washington state winter recreational area parking permit shall park in designated winter recreational parking areas: PROVIDED, That Washington licensed vehicles shall be required to display a Washington state winter recreational area parking permit. Those vehicles in violation of this rule shall be subject to the application of RCW 46.61.587.

**WSR 92-12-013**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 92-36—Filed May 22, 1992, 4:16 p.m.]

Date of Adoption: May 22, 1992.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-19000S.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A limited number of chinook salmon are available for harvest. Coho protection needs dictate release of coho salmon. This rule is adopted at the recommendation of the Pacific Fisheries Management Council.

Effective Date of Rule: Immediately.

May 22, 1992

Nancy L. Nelson

for Joseph R. Blum

Director

**NEW SECTION**

**WAC 220-56-19000T SALTWATER SEASON AND BAG LIMITS.** *Notwithstanding the provisions of WAC 220-56-190, effective immediately until further notice it is unlawful to fish for or possess salmon taken for personal use from those waters of the Strait of Juan de Fuca west of the mouth of the Sekiu River, coastal waters, Pacific Ocean waters or waters at the mouth of the Columbia River west of the Buoy 10 Line except as provided for in this section:*

*(1) Waters of the Strait of Juan de Fuca west of the mouth of the Sekiu River and east of the Bonilla-Tatoosh Line are open immediately through May 31. Bag Limit F except that all coho salmon must be released immediately, and there is no maximum size limit for chinook salmon.*

**REPEALER**

*The following section of the Washington Administrative Code is repealed:*

**WAC 220-56-19000S SALTWATER SEASON AND BAG LIMITS. (92-25)**

**WSR 92-12-014**  
**PERMANENT RULES**  
**TRANSPORTATION IMPROVEMENT BOARD**  
 [Filed May 26, 1992, 10:31 a.m.]

Date of Adoption: May 22, 1992.

Purpose: To revise the monthly board meeting date to minimize conflicts with the Transportation Commission monthly meetings.

Citation of Existing Rules Affected by this Order: Amending WAC 479-01-020 Time and place of meetings.

Statutory Authority for Adoption: Chapter 47.26 RCW.

Pursuant to notice filed as WSR 92-08-095 on April 1, 1992.

Effective Date of Rule: Thirty-one days after filing.

May 26, 1992

Jerry M. Fay

Executive Director

**AMENDATORY SECTION** (Amending 90-11-035, filed 5/10/90, effective 6/10/90)

WAC 479-01-020 TIME AND PLACE OF MEETINGS. Regular public meetings of the board shall be held beginning on the ((third)) fourth Friday of every month or the ((fourth)) third Friday ((thereafter)) if that Friday is a holiday. Each such regular meeting shall be held at the offices of the board in Olympia, Washington, and begin at the hour of 9:(3)00 a.m. or at such time and place as designated by the board.

A special meeting of the board may be called by the chairperson or by a majority of the members of the board, by delivering personally or by mail written notice to all other members of the board at least twenty-four hours before the time of such meeting as specified in the notice. The notice calling a special meeting shall state the purpose for which the meeting is called and the date, hour, and place of such meeting and all provisions of chapter 42.30 RCW shall apply.

**WSR 92-12-015**

**PERMANENT RULES**

**DEPARTMENT OF HEALTH**

[Order 274—Filed May 26, 1992, 1:24 p.m.]

Date of Adoption: May 22, 1992.

Purpose: New certificate of need review criteria for open heart surgery and nonemergent interventional cardiology.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-310-250.

Statutory Authority for Adoption: RCW 70.38.135(3).

Pursuant to notice filed as WSR 91-23-075 on November 19, 1991.

Changes Other than Editing from Proposed to Adopted Version: The review standard allowing approval of a new service in the absence of need on a regional basis has been adjusted to require at least 80% of a qualifying hospital's existing service volume to be referred more than 75 miles away for care. Proposed rules had a factor of at least 90%. The minimum volume standard for new open heart surgery services is being increased from 200 to 250 procedures a year in order to improve quality of care and efficiency. Research studies indicate outcomes of care improve with the volume of services provided, and increasing the number of procedures required promotes more efficient use of staff and other needed resources.

Effective Date of Rule: Thirty-one days after filing.

May 22, 1992

Kristine M. Gebbie  
Secretary

**NEW SECTION**

WAC 246-310-261 OPEN HEART SURGERY STANDARDS AND NEED FORECASTING METHOD. (1) Open heart surgery means a specialized surgical procedure (excluding organ transplantation) which utilizes a heart-lung bypass machine and is intended to correct congenital and acquired cardiac and coronary artery disease.

(2) Open heart surgery is a tertiary service as listed in WAC 246-310-020. To be granted a certificate of need, an open heart surgery program shall meet the standards in this section in addition to applicable review criteria in WAC 246-310-210, 246-310-220, 246-310-230, and 246-310-240.

(3) Standards.

(a) A minimum of two hundred fifty open heart surgery procedures per year shall be performed at institutions with an open heart surgery program.

(b) Hospitals applying for a certificate of need shall demonstrate that they can meet one hundred ten percent of the minimum volume standard. To do so, the applicant hospital must provide written documentation, which is verifiable, of open heart surgeries performed on patients referred by active medical staff of the hospital. The volume of surgeries counted must be appropriate for the proposed program (i.e., pediatric and recognized complicated cases would be excluded).

(c) No new program shall be established which will reduce an existing program below the minimum volume standard.

(d) Open heart surgery programs shall have at least two board certified cardiac surgeons, one of whom shall be available for emergency surgery twenty-four hours a day. The practice of these surgeons shall be concentrated in a single institution and arranged so that each surgeon performs a minimum of one hundred twenty-five open heart surgery procedures per year at that institution.

(e) Institutions with open heart surgery programs shall have plans for facilitating emergency access to open heart surgery services at all times for the population they serve. These plans should, at minimum, include arrangements for addressing peak volume periods (such as joint agreements with other programs, the capacity to temporarily increase staffing, etc.), and the maintenance of or affiliation with emergency transportation services (including contingency plans for poor weather and known traffic congestion problems).

(f) In the event two or more hospitals are competing to meet the same forecasted net need, the department shall consider the following factors when determining which proposal best meets forecasted need:

(i) The most appropriate improvement in geographic access;

(ii) The most cost efficient service;

(iii) Minimizing impact on existing programs;

(iv) Providing the greatest breadth and depth of cardiovascular and support services; and

(v) Facilitating emergency access to care.

(g) Hospitals granted a certificate of need have three years from the date the program is initiated to establish the program and meet these standards.

(h) These standards should be reevaluated in at least three years.

(4) Steps in the need forecasting method. The department will develop a forecast of need for open heart surgery every year using the following procedures.

(a) Step 1. Based upon the most recent three years volumes reported for the hospitals within each planning area, compute the planning area's current capacity and the percent of out-of-state use of the area's hospitals. In those planning areas where a new program is being established, the assumed volume of that institution will be the greater of either the minimum volume standard or the estimated volume described in the approved application and adjusted by the department in the course of review and approval.

(b) Step 2. Patient origin adjust the three years of open heart surgery data, and compute each planning area's age-specific use rates and market shares.

(c) Step 3. Multiply the planning area's age-specific use rates by the area's corresponding forecast year population. The sum of these figures equals the forecasted number of surgeries expected to be performed on the residents of each planning area.

(d) Step 4. Apportion the forecasted surgeries among the planning areas in accordance with each area's average market share for the last three years of the four planning areas. This figure equals the forecasted number of state residents' surgeries expected to occur within the hospitals in each planning area. In those areas where a newly approved program is being established, an adjustment will be made to reflect anticipated market share shifts consistent with the approved application.

(e) Step 5. Increase the number of surgeries expected to occur within the hospitals in each planning area in accordance with the percent of surgeries calculated as occurring in those hospitals on out-of-state residents, based on the average of the last three years. This figure equals the total forecasted number of surgeries expected to occur within the hospitals in each planning area.

(f) Step 6. Calculate the net need for additional open heart surgery services by subtracting the current capacity from the total forecasted surgeries.

(g) Step 7. If the net need is less than the minimum volume standard, no new programs shall be assumed to be needed in the planning area. However, hospitals may be granted certificate of need approval even if the forecasted need is less than the minimum volume standard, provided:

(i) The applying hospital can meet all the other certificate of need criteria for an open heart surgery program (including documented evidence of capability of achieving the minimum volume standard); and

(ii) There is documented evidence that at least eighty percent of the patients referred for open heart surgery by the medical staff of the applying hospital are referred to institutions more than seventy-five miles away.

(5) For the purposes of the forecasting method in this section, the following terms have the following specific meanings:

(a) Age-specific categories. The categories used in computing age-specific values will be fifteen to forty-four year olds, forty-five to sixty-four year olds, sixty-

five to seventy-four year olds, and seventy-five and older.

(b) Current capacity. A planning area's current capacity for open heart surgeries equals the sum of the highest reported annual volume for each hospital within the planning area during the most recent available three years data.

(c) Forecast year. Open heart surgery service needs shall be based on forecasts for the fourth year after the certificate of need open heart surgery concurrent review process. The 1992 reviews will be based on forecasts for 1996.

(d) Market share. The market share of a planning area represents the percent of a planning area's total patient origin adjusted surgeries that were performed in hospitals located in that planning area. The most recent available three years data will be used to compute the age-specific market shares for each planning area.

(e) Open heart surgeries. Open heart surgeries are defined as DRGs 104 through 108, inclusive. All pediatric surgeries (ages fourteen and under) are excluded.

(f) Out-of-state use of planning area hospitals. The percent of out-of-state use of hospitals within a planning area will equal the percent of total surgeries occurring within the planning area's hospitals that were performed on patients from out-of-state (or on patients whose reported zip codes are invalid). The most recent available three years data will be used to compute out-of-state use of planning area hospitals.

(g) Patient origin adjustment. A patient origin adjustment of open heart surgeries provides a count of surgeries performed on the residents of a planning area regardless of which planning area the surgeries were performed in. (Surgeries can be patient origin adjusted by using the patient's zip code reported in the CHARS data base.)

(h) Planning areas. Four regional health service areas will be used as planning areas for forecasting open heart surgery service needs.

(i) Health service area "one" includes the following counties: Clallam, Island, Jefferson, King, Kitsap, Pierce, San Juan, Snohomish, Skagit, and Whatcom.

(ii) Health service area "two" includes the following counties: Cowlitz, Clark, Grays Harbor, Klickitat, Lewis, Mason, Pacific, Skamania, Thurston, and Wahkiakum.

(iii) Health service area "three" includes the following counties: Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Okanogan, and Yakima.

(iv) Health service area "four" includes Adams, Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Stevens, Spokane, Walla Walla, and Whitman.

(v) Use rate. The open heart surgery use rate equals the number of surgeries performed on the residents of a planning area divided by the population of that planning area. The most recent available three years data is used to compute an averaged annual age-specific use rate for the residents of each of the four planning areas.

(6) The data source for open heart surgeries is the comprehensive hospital abstract reporting system (CHARS), office of hospital and patient data, department of health.

(7) The data source for population estimates and forecasts is the office of financial management population trends reports.

#### NEW SECTION

WAC 246-310-262 NONEMERGENT INTERVENTIONAL CARDIOLOGY STANDARD. All nonemergent percutaneous transluminal coronary angioplasty (PTCA) procedures and all other nonemergent interventional cardiology procedures are tertiary services as defined in WAC 246-310-021 and shall be performed in institutions which have an established on-site open heart surgery program capable of performing emergency open heart surgery.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-310-250 OPEN HEART SURGERY.

#### **WSR 92-12-016**

ATTORNEY GENERAL OPINION

Cite as: AGO 1992 No. 6

[May 20, 1992]

**CORONER—DEATH—ISSUANCE OF PRESUMPTIVE DEATH CERTIFICATE WHEN THERE IS A SUICIDE NOTE AND NO BODY HAS BEEN FOUND**

RCW 70.58.390 authorizes the issuance of a presumptive death certificate if there is sufficient circumstantial evidence to indicate that a person has died as a result of an accident or natural disaster. A presumptive death certificate could not issue pursuant to RCW 70.58.390 if the only evidence is a suicide note and a missing body.

Requested by:

Honorable Arthur D. Curtis  
Clark County Prosecuting Attorney  
Post Office Box 5000  
Vancouver, Washington 98668

#### **WSR 92-12-017**

PERMANENT RULES

**BATES TECHNICAL COLLEGE**

[Filed May 26, 1992, 3:23 p.m.]

Date of Adoption: May 20, 1992.

Purpose: Adoption of new rules for administration and operation of a legislatively created new technical college of the state.

Statutory Authority for Adoption: RCW 28B.10.140 and chapter 34.05 RCW.

Other Authority: RCW 42.30.075, chapter 238, Laws of 1991 (ESB 5184).

Pursuant to notice filed as WSR 92-07-101 on March 18, 1992.

Changes Other than Editing from Proposed to Adopted Version: WAC 495A-104-010, meeting time changed from 3:00 p.m. to 2:00 p.m.; WAC 495A-104-020, item placed on agenda received ten business days before meeting instead of five; WAC 495A-108-080, WAC reference changed from WAC 495A-108-010 to WAC 495A-108-070; WAC 495A-120-010(7), titles changed from dean of student services to director of student services and vice-president for instruction to senior vice-president; WAC 495A-120-080 (2)(b), title changed from associate dean of student affairs to director of student affairs; and WAC 495A-120-140, title changed from dean of student services to director of student services.

Effective Date of Rule: Thirty-one days after filing.

May 21, 1992

William P. Mohler  
President

Chapter 495A-104 WAC  
BOARD OF TRUSTEES

#### NEW SECTION

WAC 495A-104-010 TIME AND PLACE OF BOARD MEETINGS. The board of trustees shall hold one regular meeting on the third Wednesday of each month except for the month of August at 2:00 p.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 Bates Technical College, Downtown Campus, 1101 South Yakima Avenue, Tacoma, WA 98405, unless scheduled elsewhere, and are open to the general public, except for lawful executive sessions.

No official business may be conducted by the board of trustees except during a regular or special meeting.

#### NEW SECTION

WAC 495A-104-020 REQUEST FOR ITEMS TO BE PLACED ON BOARD AGENDA. Anyone, other than a board member or a representative of the president's office wishing an item placed on the agenda of a board meeting, must have a written request in the office of the board secretary no later than twelve o'clock noon ten business days before the next scheduled meeting of the board. The secretary will relate the request to the college president and the chairman of the board as soon as feasible. The chairman will determine whether the item is to be placed on the agenda. The chairman or a designee will notify the individual initiating the request as to whether or not the item will be placed on the agenda.

#### NEW SECTION

WAC 495A-104-030 DELEGATION TO COLLEGE PRESIDENT. The board of trustees delegates to the college president its authority and responsibility to administer Bates Technical College in accordance with laws, policies, and rules approved or sanctioned by the board of trustees. At the operational level, the president

has final administrative authority over all matters affecting the college district.

Chapter 495A-108 WAC  
PRACTICE AND PROCEDURE

NEW SECTION

WAC 495A-108-010 ADOPTION OF MODEL RULES OF PROCEDURE. The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250 are adopted for use at this college. Those rules may be found in chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules previously adopted by this college, the model rules prevail.

NEW SECTION

WAC 495A-108-020 APPOINTMENT OF PRESIDING OFFICERS. The president or president's designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington State Bar Association, a panel of individuals, the president or his or her designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, the president or president's designee shall designate one person to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

NEW SECTION

WAC 495A-108-030 METHOD OF RECORDING. Proceedings shall be recorded by a method determined by the presiding officer, among those available under the model rules of procedure.

NEW SECTION

WAC 495A-108-040 APPLICATION FOR ADJUDICATIVE PROCEEDING. An application for adjudicative proceeding shall be in writing. Application forms are available at the following address: Bates Technical College, Downtown Campus, 1101 South Yakima Avenue, Tacoma, WA 98405-4895.

Written application for an adjudicative proceeding should be submitted to the above address within twenty days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

NEW SECTION

WAC 495A-108-050 BRIEF ADJUDICATIVE PROCEDURES. This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are adopted by reference. Brief adjudicative procedures shall be used in all matters related to:

- (1) Residency determinations;
- (2) Challenges to contents of education records;
- (3) Student conduct proceedings;
- (4) Parking violations;

- (5) Outstanding debts owed by students or employees;
- (6) Loss of eligibility for participation in college-sponsored athletic events.

NEW SECTION

WAC 495A-108-060 DISCOVERY. Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall refer to the civil rules of procedure. The presiding officer may control the frequency and nature of discovery permitted, and order discovery conferences to discuss discovery issues.

NEW SECTION

WAC 495A-108-070 PROCEDURE FOR CLOSING PARTS OF THE HEARINGS. Any party may apply for a protective order to close part of a hearing. The party making the request shall state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within ten days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons in writing within twenty days of receiving the request.

NEW SECTION

WAC 495A-108-080 RECORDING DEVICES. No cameras or recording devices are allowed in those parts of proceedings that the presiding officer has determined shall be closed under WAC 495A-108-070, except for the method of official recording selected by the college.

Chapter 495A-120 WAC  
STUDENT CONDUCT CODE

NEW SECTION

WAC 495A-120-010 DEFINITIONS. The definitions set forth in this section apply throughout this chapter.

- (1) "Board" means the board of trustees of Bates Technical College District No. 28.
- (2) "College" means Bates Technical College.
- (3) "Liquor" means the definition of liquor as contained within RCW 66.04.010.
- (4) "Drugs" means a narcotic drug as defined in RCW 69.50.101, a controlled substance as defined in RCW 69.50.201 through 69.50.212, or a legend drug as defined in RCW 69.41.010.
- (5) "College facilities" means the real property controlled or operated by the college and includes all buildings and appurtenances affixed thereon or attached thereto.
- (6) "President" means the chief executive officer of the college appointed by the board of trustees.
- (7) "Disciplinary officials" means the hearing committee as denominated in WAC 495A-120-170, the director of student services, the senior vice-president, and the president.

(8) "Student" means a person who is regularly enrolled at the college.

(9) "Disciplinary action" means the warning, probation, expulsion, suspension, or reprimand of a student under WAC 495A-120-120 for the violation of a rule adopted in this chapter.

#### NEW SECTION

WAC 495A-120-020 STATEMENT OF PURPOSE. (1) Bates Technical College is maintained by the state of Washington for the provision of programs of instruction in higher education and related community services. Like any other institution having its own special purposes, the college must maintain conditions conducive to the effective performance of its functions. Consequently, it has special expectations regarding the conduct of the various participants in the college community.

(2) Admission to the college carries with it the prescription that the student will conduct himself or herself as a responsible member of the college community. This includes an expectation that the student will obey appropriate laws, will comply with the rules of the college and its departments, and will maintain a high standard of integrity and honesty.

(3) Sanctions for violations of college rules or conduct that interferes with the operation of college affairs will be dealt with by the college, and the college may impose sanctions independently of any action taken by civil or criminal authorities. In the case of minors, misconduct may be referred to parents or legal guardians.

#### NEW SECTION

WAC 495A-120-030 JURISDICTION. All rules in this chapter concerning student conduct and discipline apply to every student enrolled at the college whenever the student is engaged in or present at a college-related activity whether occurring on or off college facilities.

#### NEW SECTION

WAC 495A-120-040 STUDENT MISCONDUCT. Disciplinary action may be taken for a violation of any provision of this student code, for a violation of other college rules which may from time to time be properly adopted, or for any of the following types of misconduct:

(1) Smoking is prohibited in all classrooms, shop areas, and the library and other areas so posted by college officials;

(2) The possession, use, sale, or distribution of any alcoholic beverage or illegal drug on the college campus is prohibited. The use of illegal drugs by any student attending a college-sponsored event is also prohibited, even though the event does not take place at the college. The use of alcohol by any student attending such events on noncollege property shall conform to state law;

(3) Engaging in lewd, indecent, or obscene behavior;

(4) Where the student presents an imminent danger to college property or to himself or herself or other students or persons in college facilities on or off campus, or to the education process of the college;

(5) Academic dishonesty, including cheating, plagiarism, or knowingly furnishing false information to the college;

(6) The intentional making of false statements or filing of false charges against the college and members of the college community;

(7) Forgery, alteration, or misuse of college documents, records, funds, or instruments of identification with the intent to defraud;

(8) Theft from or damage to college premises or property, or theft of or damage to property of a member of the college community or college premises;

(9) Failure to comply with the direction of college officials acting in the legitimate performance of their duties.

#### NEW SECTION

WAC 495A-120-045 LOSS OF ELIGIBILITY—STUDENT ATHLETIC PARTICIPATION. Any student found to have violated chapter 69.41 RCW, legend drugs, by virtue of a criminal conviction or by final decision of the college president shall, in lieu of or in addition to any other disciplinary action which may be imposed, be disqualified from participation in any school-sponsored athletic events or activities.

#### NEW SECTION

WAC 495A-120-050 CIVIL DISTURBANCES. In accordance with provisions contained in RCW 28B.10.571 and 28B.10.572:

(1) It shall be unlawful for any person, singly or in concert with others, to interfere by force or violence with any administrator, faculty member or student of the college who is in the peaceful discharge or conduct of his duties or studies.

(2) It shall be unlawful for any person, singly or in concert with others, to intimidate by threat of force or violence any administrator, faculty member or student of the college who is in the peaceful discharge of his duties or studies.

(3) The crimes described in RCW 28B.10.571 and 28B.10.572 shall not apply to any administrator or faculty member who is engaged in the reasonable exercise of their disciplinary authority.

(4) Any person or persons who violate the provisions of subparagraphs (1) and (2) above will be subject to disciplinary action and referred to the authorities for prosecution.

#### NEW SECTION

WAC 495A-120-060 FREE MOVEMENT ON CAMPUS. The president is authorized in the instance of any event that he or she deems impedes the movement of persons or vehicles or which he or she deems to disrupt the ingress or egress of persons from the college facilities, to prohibit the entry of, or withdraw the license of, or privileges of a person or persons or any group of persons to enter onto or remain upon any portion of the college facility. The president may act through the director of student services or any other person he may designate.

NEW SECTION

WAC 495A-120-070 RIGHT TO DEMAND IDENTIFICATION. For the purpose of determining whether probable cause exists for the application of any section of this code to any behavior by any person on a college facility, any college personnel or other authorized personnel may demand that any person on college facilities produce evidence of student enrollment at the college by tender of that person's student identification card.

NEW SECTION

WAC 495A-120-080 PERFORMANCE DISHONESTY/CLASSROOM CONDUCT. (1) Performance dishonesty: Honest assessment of student performance is of crucial importance to all members of the college community. Acts of dishonesty are serious breaches of honor and shall be dealt with in the following manner:

(a) It is the responsibility of the college administration and teaching faculty to provide reasonable and prudent security measures designed to minimize opportunities for acts of performance dishonesty which occur at the college.

(b) Any student who, for the purpose of fulfilling any assignment or task required by a faculty member as part of the student's program of instruction, shall knowingly tender any work product that the student fraudulently represents to the faculty member as the student's work product, shall be deemed to have committed an act of performance dishonesty. Acts of performance dishonesty shall be cause for disciplinary action.

(c) Any student who aids or abets the accomplishment of an act of performance dishonesty, as described in subparagraph (b) above, shall be subject to disciplinary action.

(d) This section shall not be construed as preventing an instructor from taking immediate disciplinary action when the instructor is required to act upon such breach of performance dishonesty in order to preserve order and prevent disruptive conduct in the classroom. This section shall also not be construed as preventing an instructor from adjusting the student's grade on a particular project, paper, test, or class grade for performance dishonesty.

(2) Classroom conduct: Instructors have the authority to take whatever summary actions may be necessary to maintain order and proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the objectives of the course.

(a) Any student who, by any act of misconduct, substantially disrupts any college class by engaging in conduct that renders it difficult or impossible to maintain the decorum of the faculty member's class shall be subject to disciplinary action.

(b) The instructor of each course offered by the college is authorized to take such steps as may be necessary to preserve order and to maintain the effective cooperation of the class in fulfilling the objectives of the course; provided that; a student shall have the right to appeal such disciplinary action to the director of student affairs.

NEW SECTION

WAC 495A-120-090 CAMPUS SPEAKERS. (1) Student organizations officially recognized by the college may invite speakers to the campus to address their own membership and other interested students and faculty if suitable space is available and there is no interference with the regularly scheduled program of the college. Although properly allowed by the college, the appearance of such speakers on the campus implies neither approval nor disapproval of them or their viewpoints. In case of speakers who are candidates for political office, equal opportunities shall be available to opposing candidates if desired by them. Speakers are subject to the normal considerations for law and order and to the specific limitations imposed by the state constitution which prohibits religious worship, exercise or instruction on state property.

(2) In order to insure an atmosphere of open exchange and to insure that the educational objectives of the college are not obscured, the president, in a case attended by strong emotional feeling, may prescribe conditions for the conduct of the meeting, such as requiring a designated member of the faculty as chairman, or requiring permission for comments and questions from the floor. Likewise, the president may encourage the appearance of one or more additional speakers at any meeting or at a subsequent meeting so that other points of view may be expressed. The president may designate representatives to recommend conditions such as time, manner, and place for the conduct of particular meetings.

NEW SECTION

WAC 495A-120-100 DISTRIBUTION OF INFORMATION. (1) Handbills, leaflets, newspapers and similar materials may be sold or distributed free of charge by any student or students, or by members of recognized student organizations, or by college employees on or in college facilities at locations specifically designated by the director of student services; provided such distribution or sale does not interfere with the ingress or egress of persons or interfere with the free flow of vehicular or pedestrian traffic.

(2) Such handbills, leaflets, newspapers and related matter must bear identification as to the publishing agency and distributing organization or individual.

(3) All nonstudents shall register with the director of student services prior to the distribution of any handbill, leaflet, newspaper or related matter. Such distribution or sale must not interfere with the free flow of vehicular or pedestrian traffic.

(4) Any person or persons who violate provisions of subparagraphs (1) and (2) above will be subject to disciplinary action.

NEW SECTION

WAC 495A-120-110 COMMERCIAL ACTIVITIES. (1) College facilities will not be used for a commercial solicitation, advertising or promotional activities except when such activities clearly serve educational objectives, including but not limited to display of books of

interest to the college community or the display or demonstration of technical or research equipment, and when such commercial activities relate to educational objectives and are conducted under the sponsorship or at the request of the college, or the office of the associated students of the college if such solicitation does not interfere with or operate to the detriment of the conduct of college affairs or the free flow of vehicular or pedestrian traffic.

(2) For the purpose of this regulation, the term "commercial activities" does not include handbills, leaflets, newspapers and similarly related materials as regulated in WAC 495A-120-100.

#### NEW SECTION

WAC 495A-120-120 DISCIPLINARY PROCESS. (1) Any infractions of college rules may be referred by any college faculty or staff member to the director of student services or in his or her absence the senior vice-president. That official shall then follow the appropriate procedures for any disciplinary action which he or she deems necessary relative to the alleged misconduct. In addition, a student may appeal disciplinary action taken by an instructor or faculty member pursuant to the provisions in WAC 495A-120-180.

(2) The disciplinary official may take whatever action deemed appropriate within the framework of these rules. If the student concludes that any sanctions imposed are inappropriate, the student may appeal to the student/faculty disciplinary committee.

(3) If a referral or an appeal is made to the student/faculty disciplinary committee, the committee shall hold a hearing, reach conclusions and may impose sanctions. If the student concludes that the action of the disciplinary committee is inappropriate, the student may appeal the matter to the president of the college.

(4) The president of the college, after reviewing the case, may reverse, sustain or modify any sanctions which may have been imposed by the student/faculty disciplinary committee. The decision of the president is final.

#### NEW SECTION

WAC 495A-120-130 DISCIPLINARY TERMS. The definitions set forth in this section apply throughout WAC 495A-120-200.

(1) Disciplinary warning means oral notice of violation of college rules.

(2) Reprimand means formal action after censuring a student for violation of college rules for failure to satisfy the college's expectations regarding conduct. Reprimands are made in writing to the student by the disciplinary official. A reprimand indicates to the student that continuation or repetition of the specific conduct involved or other misconduct will result in one or more serious disciplinary actions described below.

(3) Disciplinary probation means formal action placing conditions upon the student's continued attendance because of violation of college rules or failure to satisfy the college's expectations regarding conduct. The disciplinary official placing the student on probation will

specify, in writing, the period of probation and the conditions, such as limiting the student's participation in extra-curricular activities. Disciplinary probation warns the student that any further misconduct will automatically raise the question of dismissal from the college. Disciplinary probation may be for a specified term or for an indefinite period which may extend to completion or other termination of the student's enrollment in the college.

(4) Summary suspension means temporary dismissal from the college and temporary termination of a student's status for a period of time not to exceed ten days which occurs prior to invocation of the formal hearing procedures specified in these rules due to a necessity to take immediate disciplinary action, where a student presents an imminent danger to the college property, or to himself or herself or other students or persons in college facilities on or off campus, or to the educational process of the college.

(5) Suspension means temporary dismissal from the college and temporary termination of student status for violation of college rules or for failure to meet college standards of conduct.

(6) Expulsion means dismissal from the college and termination of student status for violation of college rules or for failure to meet the college standards of conduct for an indefinite period of time or permanently.

#### NEW SECTION

WAC 495A-120-135 REFUNDS AND ACCESS. (1) Refund of fees for the quarter in which disciplinary action is taken shall be in accordance with the college's refund policy.

(2) A student suspended on the basis of conduct which disrupted the orderly operation of the campus or any facility of the district, may be denied access to all or any part of the campus or other facility.

#### NEW SECTION

WAC 495A-120-140 READMISSION AFTER SUSPENSION OR EXPULSION. Any student suspended from the college for disciplinary reasons will normally be readmitted upon expiration of the time period for which the suspension was issued. If the student has been expelled or feels that circumstances warrant reconsideration of a temporary suspension prior to its expiration, or if the student was suspended with conditions imposed for readmission, the student may be readmitted following approval of a written petition submitted to the director of student services. Such petition must state reasons which support a reconsideration of the matter. Before readmission may be granted, such petition must be reviewed and approved by the college president or designee.

#### NEW SECTION

WAC 495A-120-150 REESTABLISHMENT OF PERFORMANCE STANDING. Students who have been suspended pursuant to disciplinary procedures set forth in WAC 495A-120-120 and 495A-120-130 and

whose suspension upon appeal is found to have been unwarranted shall be provided the opportunity to reestablish their performance and student standing to the extent possible within the abilities of the college, including an opportunity to retake examinations or otherwise complete course offerings missed by reason of such action.

#### NEW SECTION

**WAC 495A-120-160 DISCIPLINARY AUTHORITY OF THE DIRECTOR OF STUDENT SERVICES AND SENIOR VICE-PRESIDENT.** (1) The director of student services or, in his or her absence, the senior vice-president of the college is responsible for initiating disciplinary proceedings for infractions of rules. The director of student services or, in his or her absence, the senior vice-president, may delegate this responsibility to members of their staff and they may also establish committees or other hearing bodies to advise or act for them in disciplinary matters.

(2) In order that any informality in disciplinary proceedings not mislead a student as to the seriousness of the matter under consideration, the student involved shall be informed at the initial conference or hearing of the several sanctions that may be involved for the misconduct.

(3) After considering the evidence in a case and interviewing the student or students involved, the director of student services, or in his absence, the senior vice-president, may take any of the following actions:

(a) Terminate the proceeding, exonerating the student or students;

(b) Dismiss the case after whatever counseling and advice may be appropriate;

(c) Impose disciplinary sanctions directly, subject to the student's right of appeal as described in this chapter. The student shall be notified in writing of the action taken except that disciplinary warnings may be given verbally;

(d) Refer the matter to the student/faculty disciplinary committee for appropriate action. The student shall be notified in writing that the matter has been referred to the committee.

(4) This section shall not be construed as preventing the appropriate official from summarily suspending a student. In the event of summary suspension, the student will be given oral or written notice of the charges, an explanation of the evidence, and an informal opportunity to present his or her side of the matter. The student will also be given an opportunity to invoke the formal hearing process set forth in this chapter.

#### NEW SECTION

**WAC 495A-120-170 STUDENT/FACULTY DISCIPLINARY COMMITTEE.** (1) The student/faculty disciplinary committee, convened for that purpose, will hear, de novo, and make recommendations on all disciplinary cases referred to it by the appropriate authority or appealed to it by students. The committee will be composed of the following persons:

(a) A member appointed by the president of the college;

(b) Two members of the faculty, appointed by the president of the faculty association;

(c) Two representatives from the student council, appointed by the student body president.

(2) None of the above-named persons shall sit on any case in which he or she has a complainant or witness, in which he or she has a direct or personal interest, or in which he or she has acted previously in an advisory or official capacity. Decisions in this regard, including the selection of alternates, shall be made by the disciplinary committee as a whole. The disciplinary committee chairperson will be elected by the members of the disciplinary committee.

(3) The committee may decide that the student involved:

(a) Be given a disciplinary warning;

(b) Be given a reprimand;

(c) Be placed on disciplinary probation;

(d) Be given a suspension;

(e) Be expelled;

(f) Be exonerated with all proceedings terminated and with no sanctions imposed;

(g) Be disqualified from participation in any school-sponsored athletic events or activities.

#### NEW SECTION

**WAC 495A-120-180 PROCEDURAL GUIDELINES.** (1) The student, if he wishes to appeal, has a right to a fair and impartial hearing before the committee on any charge of misconduct. The failure of a student to cooperate with the hearing procedures, however, shall not preclude the committee from making its findings of fact, reaching conclusions and imposing sanctions. Failure of the student to cooperate may be taken into consideration by the committee in recommending penalties.

(2) The student shall be given notice of the date, time and place of the hearing, the charges, a list of witnesses who will appear, and a description of any documentary or other physical evidence that will be presented at the hearing. This notice shall be given to the student in writing and shall be provided in sufficient time to permit him to prepare a defense. The notice may be amended at any time prior to the hearing, but if such amendment is prejudicial to the student's case, the hearing shall be rescheduled to a later date if so requested in writing by the student.

(3) The student or his representative shall be entitled to hear and examine the evidence against him or her and be informed of the identity of its sources; and shall be entitled to present evidence in his or her own behalf and question witnesses as to factual matters. The student shall have all authority which is possessed by the college to obtain information or to request the presence of witnesses or the production of other evidence relevant to the issues at the hearing.

(4) Only those matters presented at the hearing, in the presence of the student involved, will be considered in determining whether the student is guilty of the misconduct charged but the student's past record of conduct may be taken into account in formulating the committee's recommendation for disciplinary action.

(5) The student may be represented by counsel and/or accompanied by an advisor of his choice.

(6) Hearings conducted by the committee may be held in closed session at the discretion of the committee, the only exception being when the student involved invites particular persons or requests an open hearing. If at any time during the conduct of the hearing invited persons are disruptive of the proceedings, the chairperson of the committee may exclude such persons from the hearing room.

(7) A majority of the committee shall set the time, place and available seating capacity for a hearing.

(8) All proceedings of the committee will be conducted with reasonable dispatch and terminated as soon as fairness to all parties involved permits.

(9) An adequate summary of the proceedings will be kept. As a minimum, such summary would include a tape recording of testimony. Such record will be available for inspection and copying in the office of student services during regular business hours.

(10) The student will be provided with a copy of the findings of fact and the conclusions of the committee. The student will also be advised of his right to present, within ten calendar days, a written statement of appeal to the president of the college before action is taken on the decision of the committee. In the case of an unmarried student under eighteen years of age, written notice of any action involving dismissal or disciplinary probation is sent to the parents or guardian of the student.

(11) The committee chairman shall establish general rules of procedures for conducting hearings consistent with these procedural guidelines.

(12) The president of the college or his designated representative, after reviewing the case, including the report of the committee and any statement filed by the student, shall either indicate his approval of the conclusions of the committee by sustaining its decision, shall give directions as to what other disciplinary action shall be taken by modifying its decision, or shall nullify previous sanctions imposed by reversing its decision. He shall then notify the official who initiated the proceedings, the student and the committee chairperson.

#### NEW SECTION

WAC 495A-120-190 APPEALS. Any disciplinary action may be appealed as described below. Notice of an appeal by a student shall be made in writing and addressed to the director of student services within ten calendar days of the college's giving of the notice of the disciplinary action.

(1) Disciplinary action by a faculty member or other college staff member may be appealed to, and shall be reviewed by, the director of student services, or in his absence, the senior vice-president.

(2) Disciplinary action by the appropriate disciplinary official may be appealed to, and shall be reviewed by, the student/faculty disciplinary committee.

(3) Disciplinary action by the student/faculty disciplinary committee may be appealed to, and shall be reviewed by, the college president or his designee.

(4) Disciplinary action by the president shall either indicate approval of the conclusions by sustaining the

decision or shall give directions as to what other disciplinary action shall be taken by modifying the decision, or shall nullify previous sanctions imposed by reversing its decision. All appeals to the president shall be final.

#### NEW SECTION

WAC 495A-120-200 REPORTING, RECORDING AND MAINTAINING RECORDS. Records of all disciplinary cases shall be kept by the disciplinary official taking or initiating the action. Except in proceedings where the student is exonerated, all documentary or other physical evidence produced or considered in disciplinary proceedings and all recorded testimony shall be preserved, insofar as possible, for not more than five years. No other records of proceedings wherein the student is exonerated, other than the fact of exoneration, shall be maintained in the student's file or other college repository after the date of the student's graduation or not more than five years.

#### Chapter 495A-122 WAC WITHHOLDING SERVICES FOR OUTSTANDING DEBTS

#### NEW SECTION

WAC 495A-122-010 POLICY. If any person, including any faculty, staff, student, or former student, is indebted to the institution for an outstanding overdue debt, the college need not provide any further services of any kind to such individual, including but not limited to transmitting files, records, transcripts or other services which have been requested by such person.

#### NEW SECTION

WAC 495A-122-020 NOTIFICATION. (1) Upon receiving a request for services where there is an outstanding debt due to the college from the requesting person, the college shall notify the person by registered mail that the services will not be provided since there is an outstanding debt due. The person shall be told that until the debt is satisfied, requested services will not be provided.

(2) The letter of notification shall also state that the person has a right to a brief adjudicative proceeding before a person designated by the president of the college. The proceeding must be requested within twenty days of the date of mailing notification of refusal to provide services.

#### NEW SECTION

WAC 495A-122-030 PROCEDURE FOR BRIEF ADJUDICATIVE PROCEEDING. Upon receipt of a timely request for a hearing, the person designated by the president shall have the records and files of the college available for review and shall hold an informal hearing concerning whether the individual in fact owes any outstanding debts to the college. The hearing must be conducted within ten days of the request for a hearing. After the informal hearing, a decision shall be rendered by the president's designee indicating whether in fact the college is correct in withholding services for the

outstanding debt. If the outstanding debt is owed by the individual involved, no further services shall be provided. Notification of this decision shall be sent by registered mail to the individual within five days after the hearing. This hearing shall constitute a brief adjudicative proceeding established by the Administrative Procedure Act at RCW 34.05.482 through 34.05.494.

Chapter 495A-130 WAC  
TUITION AND FEE SCHEDULES

NEW SECTION

WAC 495A-130-020 LOCATION OF SCHEDULES. Additional and detailed information and specific amounts to be charged for each category of students will be found in the college catalog and in the following locations on the Bates Technical College campus:

- (1) The office of admissions;
- (2) The registration and records office.

Chapter 495A-131 WAC  
SCHOLARSHIPS

NEW SECTION

WAC 495A-131-010 SCHOLARSHIPS. Detailed information concerning the criteria, eligibility, procedures for application, and other information regarding scholarships at Bates Technical College is located in the office of student services on the downtown college campus.

Chapter 495A-132 WAC  
FINANCIAL AID

NEW SECTION

WAC 495A-132-010 FINANCIAL AID. Federal, state, and private financial aid applications and information may be obtained at the following address:

Office of Financial Aid  
Bates Technical College  
1101 South Yakima Avenue  
Tacoma, WA 98405

Award of federal and state aid will be made in accordance with applicable federal and state laws and regulations.

Chapter 495A-133 WAC  
ORGANIZATION

NEW SECTION

WAC 495A-133-020 ORGANIZATION—OPERATION—INFORMATION. (1) Organization. Bates Technical College is established in Title 28B RCW as a public institution of higher education. The college is governed by a five-member board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the college. The president establishes the structure of the administration.

(2) Operation. The administrative office is located at the following address:

1101 South Yakima Avenue  
Tacoma, WA 98405

The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. Educational operations are also located at the following addresses:

South Campus  
2201 South 78th Street  
Tacoma, WA 98409

Home and Family Life Center  
5214 North Shirley Street  
Tacoma, WA 98407

Business and Management Center  
7030 Tacoma Mall Boulevard  
Tacoma, WA 98409

(3) Information. Additional and detailed information concerning the educational offerings of the college may be obtained from the catalog, copies of which are available at the following address:

1101 South Yakima Avenue  
Tacoma, WA 98405

Chapter 495A-134 WAC  
DESIGNATION OF RULES COORDINATOR

NEW SECTION

WAC 495A-134-010 RULES COORDINATOR. The rules coordinator for Bates Technical College as designated by the president is:

Jon G. Thorpe  
Senior Vice-President  
1101 South Yakima Avenue  
Tacoma, WA 98405

Chapter 495A-140 WAC  
USE OF COLLEGE FACILITIES

NEW SECTION

WAC 495A-140-010 USE OF COLLEGE FACILITIES. Bates Technical College serves Pierce and other counties by providing continued educational opportunity for its citizens. In keeping with this general purpose, the college believes that facilities should be available for a variety of uses which are of benefit to the general public if such general uses do not interfere with the educational mission of the college. However, a state agency is under no obligation to make its public facilities available to the community for private purposes.

NEW SECTION

WAC 495A-140-020 LIMITATION OF USE TO SCHOOL ACTIVITIES. (1) When allocating use of college facilities, the highest priority is always given to activities specifically related to the college's mission. No arrangements will be made that may interfere with or operate to the detriment of, the college's own teaching,

research, or public service programs. In particular, college buildings, properties, and facilities, including those assigned to student programs, are used primarily for:

(a) The regularly established teaching, research, or public service activities of the college and its departments;

(b) Cultural, educational, or recreational activities of the students, faculty, or staff;

(c) Short courses, conferences, seminars, or similar events, conducted either in the public service or for the advancement of specific departmental professional interests, when arranged under the sponsorship of the college or its departments.

(d) Public events of a cultural or professional nature brought to the campus at the request of college departments or committees and presented with their active sponsorship and active participation;

(e) Activities or programs sponsored by educational institutions, by state or federal agencies, by charitable agencies or civic or community organizations whose activities are of widespread public service and of a character appropriate to the college.

(2) College facilities shall be assigned to student organizations for regular business meetings, social functions and for programs open to the public. Any recognized campus student organization may invite speakers from outside the college community. The appearance of an invited speaker on campus does not represent an endorsement by the college, its students, faculty, administration, or the board of trustees, implicitly or explicitly, of the speaker's views.

(3) Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of space assigned, time of use, and to insure the proper maintenance of the facilities. Subject to the same limitations, college facilities shall be made available for assignment to individuals or groups within the college community. Arrangements by both organizations and individuals must be made through the designated administrative officer. Allocation of space shall be made in accordance with college rules and on the basis of time, space, priority of request and the demonstrated needs of the applicant.

(4) The college may restrict an individual's or a group's use of college facilities if that person or group has, in the past, physically abused college facilities. Charges may be imposed for damage or for any unusual costs for the use of facilities. The individual, group or organization requesting space will be required to state in advance the general purpose of any meeting.

#### NEW SECTION

WAC 495A-140-030 STATEMENT OF INTENTIONS. The college neither intends nor desires to compete with any local agency or private enterprise in making its facilities available to the community. Privately operated facilities exist which are well qualified to best meet many community needs. The college encourages the community to patronize local businesses or agencies. With this approach, the college will work cooperatively with local private enterprise to the mutual benefit of all concerned.

#### NEW SECTION

WAC 495A-140-040 GENERAL POLICIES LIMITING USE. (1) College facilities may not be used for purposes of political campaigning by or for candidates who have filed for public office except for student-sponsored activities or forums.

(2) Religious groups shall not, under any circumstances, use the college facilities as a permanent meeting place. Use may be intermittent only.

(3) The college reserves the right to prohibit the use of college facilities by groups which restrict membership or participation in a manner inconsistent with the college's commitment to nondiscrimination as set forth in its written policies and rules.

(4) Activities of a political or commercial nature will not be approved if they involve the use of promotional signs or posters on buildings, trees, walls, or bulletin boards, or the distribution of samples outside the rooms or facilities to which access has been granted.

(5) These rules shall apply to recognized student groups using college facilities.

(6) Handbills, leaflets, and similar materials except those which are commercial, obscene, or unlawful may be distributed only in designated areas on the campus where, and at times when, such distribution will not interfere with the orderly administration of the college affairs or the free flow of traffic. Any distribution of materials as authorized by the designated administrative officer shall not be construed as support or approval of the content by the college community or the board of trustees.

(7) Use of audio amplifying equipment is permitted only in locations and at times which will not interfere with the normal conduct of college affairs as determined by the appropriate administrative officer.

(8) No person or group may use or enter onto college facilities having in their possession firearms, even if licensed to do so, except commissioned police officers as prescribed by law.

(9) The right of peaceful dissent within the college community will be preserved. The college retains the right to take steps to insure the safety of individuals, the continuity of the educational process, and the protection of property. While peaceful dissent is acceptable, violence or disruptive behavior is not a legitimate means of dissent. Should any person, group or organization attempt to resolve differences by means of violence, the college and its officials need not negotiate while such methods are employed.

(10) Orderly picketing and other forms of peaceful dissent are protected activities on and about the college premises. However, interference with free passage through areas where members of the college community have a right to be, interference with ingress and egress to college facilities, interruption of classes, injury to persons, or damage to property exceeds permissible limits.

(11) Where college space is used for an authorized function (such as a class or a public or private meeting under approved sponsorship, administrative functions or service related activities), groups must obey or comply

with directions of the designated administrative officer or individual in charge of the meeting.

(12) If a college facility abuts a public area or street, and if student activity, although on public property, unreasonably interferes with ingress and egress to college buildings, the college may choose to impose its own sanctions although remedies might also be available through local law enforcement agencies.

#### NEW SECTION

**WAC 495A-140-050 ADMINISTRATIVE CONTROL.** The board hereby delegates to the president authority to set up administrative procedures for the use of college facilities; and to establish rental schedules where appropriate.

#### NEW SECTION

**WAC 495A-140-060 TRESPASS.** (1) Individuals who are not students or members of the faculty or staff and who violate these rules will be advised of the specific nature of the violation, and if they persist in the violation, they will be requested by the president, or his or her designee, to leave the college property. Such a request prohibits the entry of and withdraws the license or privilege to enter onto or remain upon any portion of the college facilities by the person or group of persons requested to leave. Such persons shall be subject to arrest under the provisions of chapter 9A.52 RCW.

(2) Members of the college community (students, faculty, and staff) who do not comply with these regulations will be reported to the appropriate college office or agency for action in accordance with these rules.

#### NEW SECTION

**WAC 495A-140-070 PROHIBITED CONDUCT AT COLLEGE FACILITIES.** (1) The use or possession of unlawful drugs or narcotics, not medically prescribed, or of intoxicants on college property or at college functions, is prohibited. Students obviously under the influence of intoxicants, unlawful drugs or narcotics while in college facilities are subject to disciplinary action.

(2) The use of tobacco is prohibited in accordance with health regulations.

(3) Destruction of property is also prohibited by state law in reference to public institutions.

#### NEW SECTION

**WAC 495A-140-080 CONTROL OF PETS IN COLLEGE FACILITIES.** Pets are not permitted in campus buildings or on the grounds except guide or service dogs for the visually or hearing impaired.

#### NEW SECTION

**WAC 495A-140-090 BASIS OF FEE ASSESSMENT.** (1) The basis for establishing and charging use fees reflects the college's assessment of the present market, the cost of operations, and an evaluation of the intended purpose and its relationship to the purposes of this college. The board of trustees has determined that

groups or organizations affiliated with the college should be permitted access to facilities at the lowest charge on the fee schedule which may include complimentary use. A current fee schedule is available to interested persons from the office of director of college operations.

(2) The college does not wish to compete with private enterprise. Therefore, the college reserves the right to deny applications for facility use when the administration and/or the board of trustees feels a commercial facility should be patronized. At no time will facility use be granted for a commercial activity at a rental rate, or upon terms, less than the full and fair rental value of premises used.

#### NEW SECTION

**WAC 495A-140-100 APPLICATION PROCEDURES.** (1) At least seven working days prior to date of intended use of any college facility, an authorized representative of the requesting organization must submit proper and complete written application which may be obtained through the college's office of director of college operations. A single application may be sufficient for a series of meetings by an organization unless those meetings vary significantly in some substantive way; if so, separate applications will be required.

(2) Upon approval of the application, an authorized representative of the using organization shall sign the rental agreement. By affixing a signature as representing the using organization, the signatory specifies he or she has authority to enter into agreement on behalf of the organization and if the organization fails to pay the amount due, the signatory becomes responsible for all charges which may include interest payment for overdue accounts as specified on the rental form but not less than one percent per month.

(3) Large events, events requiring expenditures on the part of the college, or where significant areas are blocked out for the renter, a minimum of up to fifty percent advance deposit may be required at the time of application.

(4) The college reserves the right to make pricing changes without prior written notice.

(5) Use of a facility is limited to the facilities specified on the agreement.

(6) The priorities for facility use place primary emphasis on regular college events and activities. The president and the board of trustees reserve the right to cancel any permit and refund any payments for use of college facilities and equipment when they deem such action advisable and in the college's best interests.

(7) In the event of a cancellation of a facility use permit by the applicant, that organization is liable for all college costs and expenses in preparing the facility for its use.

(8) Any admission charge is to be specified and approved by the college.

(9) Organizations using Bates Technical College's facilities shall conduct all activities in accordance with applicable local, state, and federal laws including all rules adopted by the board of trustees.

NEW SECTION

WAC 495A-140-110 SUPERVISION DURING ACTIVITY. (1) Signatories of the rental agreement as well as adult organization leaders are responsible for group conduct and are expected to remain with their group during activities. When the use of special facilities makes it necessary that supervision be provided, the trustees reserve the right to require a staff member represent the college at any activity on college facilities. Such service shall be paid at the current rate, by the organization requesting use of the facility, and does not relieve the organization from safeguarding the college's property.

(2) The security staff or some other authority of the college will open and lock all rented facilities. Keys to buildings or facilities will not be issued or loaned on any occasion to any using organization with the exception of keys to designated off-campus locations.

Chapter 495A-276 WAC  
ACCESS TO PUBLIC RECORDS

NEW SECTION

WAC 495A-276-010 PURPOSE. The purpose of this chapter is to ensure that Bates Technical College complies with the provisions of chapter 42.17 RCW and in particular with those sections of that chapter dealing with public records.

NEW SECTION

WAC 495A-276-020 DEFINITIONS. (1) "Public record" includes any writing containing information relating to the conduct of government 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 or symbols, combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, disks, drums and other documents.

(3) "Bates Technical College" is an agency organized by statute pursuant to RCW 28B.50.040. Bates Technical College shall hereafter be referred to as the "district." Where appropriate, the term "district" also refers to the staff and employees of the district.

NEW SECTION

WAC 495A-276-030 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION OF TECHNICAL COLLEGE DISTRICT NO. 28. (1) Bates Technical College is a state agency established and organized under the authority of chapter 28B.50 RCW for the purpose of implementing the educational goals established by the legislature in RCW 28B.50.020. The administrative office of the district is located on the downtown campus within the city of Tacoma, Washington. The downtown campus likewise comprises

the central headquarters for all operations of the district. Field activities for the south campus, home and family life center, and business and management center branches of the district are administered by personnel located at those branches in Tacoma, Washington; all other field activities of the district are directed and administered by personnel located on the campus at 1101 South Yakima Avenue, Tacoma, WA 98405.

(2) The district is operated under the supervision and control of a board of trustees. The board of trustees consists of five members appointed by the governor. The board of trustees normally meets at least once each month, as provided in WAC 495A-104-010. The board of trustees employs a president, an administrative staff, members of the faculty and other employees. The board of trustees takes such actions and promulgates such rules, and policies in harmony with the rules established by the state board for community and technical colleges, as are necessary to the administration and operation of the district.

(3) The president of the district is responsible to the board of trustees for the operation and administration of the district. A detailed description of the administrative organization of the district is contained within the Policies and Procedures Manual for Bates Technical College, a current copy of which is available for inspection at the administrative office of the district.

NEW SECTION

WAC 495A-276-040 OPERATIONS AND PROCEDURES. (1) Formal decision-making procedures are established by the board of trustees through rules promulgated in accordance with the requirements of chapter 34.05 RCW, the Administrative Procedure Act.

(2) Informal decision-making procedures at the college, as established by the board of trustees, are set forth in the Policies and Procedures Manual of Bates Technical College, a current copy of which is available for inspection at the administrative office of the district.

NEW SECTION

WAC 495A-276-050 PUBLIC RECORDS AVAILABLE. All public records of the district, as defined in this chapter, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 or other statutes.

NEW SECTION

WAC 495A-276-060 PUBLIC RECORDS OFFICER. The district's public records shall be in the charge of the public records officer designated by the chief administrative officer of the district. The person so designated shall be located in the district administrative office. The public records officer shall be responsible for the following: Implementation of the district's rules regarding release of public records, coordinating district employees in this regard, and generally ensuring compliance by district employees with the public records disclosure requirements in chapter 42.17 RCW.

NEW SECTION

WAC 495A-276-070 OFFICE HOURS. Public records shall be available for inspection and copying during the customary office hours of the district. For purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays and holidays established by the college calendar.

NEW SECTION

WAC 495A-276-080 REQUESTS FOR PUBLIC RECORDS. In accordance with the requirements of RCW 42.17.290 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 are only obtainable by members of the public when those members of the public comply with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the district which shall be available at the district administrative office. The form shall be presented to the public records officer or, if the public records officer is not available, to any member of the district's staff at the district administrative office during customary office hours. The request shall include the following information:

- (a) The name 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 public 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 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 person to whom the request is made, to assist the member of the public in succinctly identifying the public record requested.

NEW SECTION

WAC 495A-276-090 COPYING. No fee shall be charged for the inspection of public records. The district may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records and such charges shall not exceed the amount necessary to reimburse the district for its actual costs incident to such copying. No person shall be released a record so copied until and unless the person requesting the copied public record has tendered payment for such copying to the appropriate district official. All charges must be paid by money order, cashier's check, or cash in advance.

NEW SECTION

WAC 495A-276-100 DETERMINATION REGARDING EXEMPT RECORDS. (1) The district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 495A-276-080 is exempt pursuant to the provisions set forth in RCW 42.17.310 or other statute. Such determination may be made in consultation with the public records officer, president of the college district, or an assistant attorney general assigned to the district.

(2) Pursuant to RCW 42.17.260, the district reserves the right to delete identifying details when it makes available or publishes any public record when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy or impair a vital governmental interest: PROVIDED, HOWEVER, In each case, the justification for the deletion shall be explained fully in writing.

(3) Response to requests for a public record must be made promptly. For the purposes of this section, a prompt response occurs if the person requesting the public record is notified within two business days as to whether his request for a public record will be honored.

(4) All denials of request for public records must be accompanied by a written statement, signed by the public records officer or his/her designee, specifying the reason for the denial, a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the public record withheld.

NEW SECTION

WAC 495A-276-110 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 which constituted or accompanied the denial.

(2) The written request by a person demanding prompt review of a decision denying a public record shall be submitted to the president of the district, or his or her designee.

(3) Within two business days after receiving the written request by a person petitioning for a prompt review of a decision denying a public record, the president of the district, or his or her designee, shall complete such review.

(4) During the course of the review the president or his or her designee shall consider the obligations of the district to comply with the intent of chapter 42.17 RCW insofar as it requires providing full public access to official records, but shall also consider the exemptions provided in RCW 42.17.310 or other pertinent statutes, and the provisions of the statute which require the district to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and prevent any unreasonable invasion of personal privacy by deleting identifying details.



(c) Information concerning payment of fees as maintained by the registrar.

(d) Financial aid information as collected by the financial aid office.

(e) Information regarding students participating in student government that is maintained by the student programs office.

(3) "Directory Information" means the student's name, address, telephone number, date and place of birth, major field of study, eligibility for and participation in officially recognized activities, organizations, and sports, weight and height of members of athletic teams, dates of attendance, honor roll, degrees and awards received, and the most recent previous educational agency or institution attended by the student. Directory information may be disclosed at the discretion of the college and without the consent of the student unless he or she elects to prevent disclosure as provided for in WAC 495A-280-070.

(4) "Written consent" means a written authorization for disclosure of student education records which is:

- (a) Signed;
- (b) Dated;
- (c) Which specifies the records to be disclosed; and
- (d) Which specifies to whom disclosure is authorized.

(5) "Personally identifiable" means data or information which includes: the name of the student, the student's parent(s), or other family members; a personal identifier such as the student's social security number or student number; or a list of personal characteristics which would make the student's identity easily traceable.

#### NEW SECTION

WAC 495A-280-020 ANNUAL NOTIFICATION OF RIGHTS. Bates Technical College will notify students of their rights under the Family Educational Rights and Privacy Act of 1974 by publication in the college catalog and new students during the registration process. The college shall make available upon request a copy of the policy governing release of student records. In addition, the college shall post at conspicuous places on the campus information regarding the existence of this policy and of the availability of copies.

#### NEW SECTION

WAC 495A-280-030 PROCEDURE TO INSPECT EDUCATION RECORDS. (1) Students may inspect and review their education records upon request to the appropriate college official as designated in WAC 495A-280-110.

(2) Students must submit to the appropriate college official a written request which identifies as precisely as possible the record or records he or she wishes to inspect.

(3) The appropriate college official will make the needed arrangements for access as promptly as possible and notify the student of the time and place where the records may be inspected. Access must be given in 45 days or less from the receipt of the request.

#### NEW SECTION

WAC 495A-280-040 DISCLOSURE OF EDUCATION RECORDS. (1) Disclosure of education records. In addition to "directory information" the college may, at its discretion, make disclosures from education records of students to the following listed parties:

(a) College officials including college administrative and clerical staff, faculty, and students officially elected or appointed to the associated students of Bates Technical College senate or employed by the college. Access or release of records to the above is permissible only when the information is required for advisement, counseling, recordkeeping, reporting, or other legitimate educational interest consistent with their specific duties and responsibilities;

(b) To officials of another school in which the student seeks or intends to enroll;

(c) To authorized federal, state, or local officials as required by law;

(d) In connection with financial aid for which the student has applied or received;

(e) To appropriate parties in a health or safety emergency;

(f) To accrediting organizations to carry out their functions;

(g) To parents of an eligible student who claim the student as a dependent for income tax purposes; and

(h) To comply with a judicial order or a lawfully issued subpoena.

(2) The college shall not permit access to or the release of education records or personally-identifiable information contained therein, other than "directory information," without the written consent of the student, to any party other than the above.

(3) Education records released to third parties shall be accompanied by a statement indicating that the information cannot be subsequently released in a personally identifiable form to other parties without obtaining the consent of the student. The college is not precluded from permitting third party disclosure to other parties listed in (a) through (h) of this subsection.

#### NEW SECTION

WAC 495A-280-050 LIMITS ON RIGHTS TO REVIEW AND INSPECT AND OBTAIN COPIES OF EDUCATION RECORDS. (1) When a record contains information about more than one student, the student may inspect and review only the records which relate to him or her.

(2) Bates Technical College reserves the right to refuse to permit a student to inspect the following records:

(a) The financial statement of the student's parents;

(b) Letters and statements of recommendation for which the student has waived his or her right of access, or which were placed in file before January 1, 1975;

(c) Records connected with an application to attend Bates Technical College if that application was denied; and

(d) Those records which are excluded from the Federal Rights and Privacy Act definition of education records.

(3) Bates Technical College reserves the right to deny transcripts or copies of records not required to be made available by the Federal Educational Rights and Privacy Act in any of the following situations:

(a) The student has an unpaid financial obligation to the college;

(b) There is an unresolved disciplinary action against the student.

#### NEW SECTION

**WAC 495A-280-060 RECORD OF REQUEST AND DISCLOSURES.** (1) The college shall maintain a record of requests for and disclosures of personally identifiable information in the education records of each student. The record maintained under this section shall be available for inspection and review as provided in WAC 495A-280-050.

(2) The college shall maintain the record with the education records of the student as long as the records are maintained.

(3) The record must include:

(a) The names of parties who have received personally-identifiable information;

(b) The interest the parties had in requesting or obtaining the information; and

(c) The names and interests of additional parties to which the reviewing educational agency or institution may disclose or redisclose the information.

(4) The following parties may inspect the record of requests and disclosures relating to a student:

(a) The student;

(b) The college officials who are responsible for the custody of the records; and

(c) Persons authorized to audit the record keeping procedures of the college.

(5) The college is not required to maintain a record if the request was from, or the disclosure was to:

(a) The student;

(b) A school official;

(c) A party with written consent from the student; or

(d) A party seeking directory information.

#### NEW SECTION

**WAC 495A-280-070 DISCLOSURE OF DIRECTORY INFORMATION.** Directory information may be disclosed at the discretion of the college and without the consent of the student unless the student elects to prevent disclosure by filing a written request with the registrar to prevent disclosure. The request continues in effect according to its terms unless revoked in writing by the student.

#### NEW SECTION

**WAC 495A-280-080 REQUESTS FOR CORRECTIONS, HEARINGS, ADDING STATEMENTS TO EDUCATION RECORDS.** Students have the right to request to have records corrected that they believe are inaccurate, misleading, or in violation of their privacy

rights. Following are the procedures for the correction of records:

(1) A student must submit a written request to amend his or her education record to the appropriate college official responsible for the custody of the record as designated in WAC 495A-280-110. The request must identify the part of the record he/she wants changed and specify why the record is believed to be inaccurate, misleading or in violation of his or her privacy or other rights.

(2) A student whose request for amendment of his or her education record has been denied may request a hearing by submitting a written request to the director of student services within ten days following the denial. The written request must be signed by the student and shall indicate the reasons why the records should be amended. The director of student services shall notify the student of the hearing within thirty days after receipt of a properly filed request. In no case will the notification be less than ten days in advance of the date, time and place of the hearing.

(3) The hearing shall be a brief adjudicative proceeding as provided in RCW 34.05.482 and 34.05.485 through 34.05.494 and shall be conducted by the student services or other appropriate committee (the chair of the committee shall be an official of the college who does not have a direct interest in the outcome of the hearing). At the hearing, the student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The student may be assisted by one or more individuals, including an attorney, at the student's expense.

(4) The student services or other appropriate committee will prepare a written decision, within thirty days after the conclusion of the hearing, based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision. A copy of the decision shall be made available to the student.

(5) If the student services or other appropriate committee decides the information is inaccurate, misleading, or in violation of the student's right of privacy, the custodian of the record will amend the record and notify the student, in writing, that the record has been amended.

(6) If the student services or other appropriate committee decides that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, the committee will notify the student in writing that the student has a right to place in the record a rebuttal statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision.

(7) The student's rebuttal statement will be maintained as part of the student's education records as long as the contested portion is maintained. If the contested portion of the education record is disclosed, the statement will also be disclosed.

#### NEW SECTION

**WAC 495A-280-090 FEES FOR COPIES.** Copies of student records shall be made at the expense of the

requesting party at actual cost for copying as posted at the admissions/records office.

#### NEW SECTION

**WAC 495A-280-100 WAIVER.** A student may waive any of his or her rights under this chapter by submitting a written, signed, and dated waiver to the office of the registrar. Such a waiver shall be specific as to the records and persons or institutions covered. A waiver continues in effect according to its terms unless revoked in writing which is signed and dated.

#### NEW SECTION

#### **WAC 495A-280-110 TYPE AND LOCATION OF EDUCATION RECORDS.**

Types	Location	Custodian
Admission Records, Cumulative Academic Records, Testing Records, Registration and Payment of Tuition Records	Archives	Student Records Clerk
Student Government Participation Records	Archives	Student Records Clerk
Financial Aid Records, Student Employment Records	Archives	Financial Aid Office

#### NEW SECTION

**WAC 495A-280-120 REMEDY FOR STUDENTS PROTECTED BY THIS ACT.** A student may file a written complaint with the U.S. Department of Education regarding an alleged violation of the Federal Education Rights and Privacy Act. The address is:

Family Policy and Regulations Office  
U.S. Department of Education  
Washington, D.C. 20202

#### Chapter 495A-300 WAC GRIEVANCE RULES—TITLE IX

#### NEW SECTION

**WAC 495A-300-010 PREAMBLE.** Bates Technical College is covered by Title IX of the Civil Rights Act of 1964 prohibiting sex discrimination in education. Any applicant for admission, enrolled student, applicant for employment or employee of Bates Technical College who believes she/he has been discriminated against on the basis of sex may lodge an institutional grievance by following the procedures below.

#### NEW SECTION

**WAC 495A-300-020 INFORMAL PROCEDURE.** All employees and students should feel free to discuss perceived discrimination with the individual immediately in charge, such as the first-line supervisor or instructor, to see if the situation can be resolved informally. Employees and students may also consult directly with the college affirmative action officer without making a formal written complaint, and this consultation will be considered confidential. Employees and students are not

required to use the informal process and may go directly to the formal procedure.

Any college official receiving a discrimination complaint shall contact the affirmative action officer or designee as soon as reasonably convenient. The college official shall arrange for the complainant to receive a copy of the complaint procedure.

#### NEW SECTION

**WAC 495A-300-030 FORMAL PROCEDURE.** Step one: Employees and students must make a written complaint concerning discriminatory behavior to the affirmative action officer or designee.

(1) Complaints will be held in confidence. No action against the person accused will be taken on behalf of the complainant unless the complainant consents to be identified to the one accused in connection with the investigation.

(2) The complainant may bring a person of his or her choice to the initial or subsequent complaint meetings.

(3) The affirmative action officer or designee shall give a copy of these regulations and any applicable board policy to the person making the formal complaint and to the accused.

(4) The result of that consultation and any investigation made will be communicated to the complainant before any further action is taken.

(5) An informal hearing may be substituted for investigation if the complainant and the accused agree. The affirmative action officer or designee will be responsible for investigating the complaint and discussing the complaint with the accused. The affirmative action officer will make a written recommendation to the president within a reasonable time following the close of the investigation or hearing.

(6) Appropriate corrective measures will be decided by the president of the college upon consultation with the affirmative action officer and the appropriate administrators or supervisors involved. If an accused employee or student disagrees with the determination or appropriateness of the corrective measures, that individual may contest those measures through the formal faculty or classified grievance procedures, if they are covered by an agreement, or the student disciplinary code.

(7) Information will be entered in the personnel or student file only to the extent that a formal reprimand or other disciplinary action has been taken. If no disciplinary action is taken, the affirmative action officer will keep a record of the investigation accessible to the president, the complainant and the accused for a period of three years and then that record will be destroyed. If a formal complaint is filed with an outside state or federal agency, files will be maintained until the complaint is resolved. When such files are used, written notice will be placed in the file indicating the person using the file and the date used.

#### NEW SECTION

**WAC 495A-300-040 OTHER REMEDIES.** These procedures outlined in WAC 495A-300-010 through 495A-300-030, are internal college procedures and, as

such, serve to resolve complaints within the college's administrative framework. These procedures do not replace an individual's timely complaint with an external agency such as the Office of Civil Rights, Equal Employment Opportunity Commission, or the Washington state human rights commission.

Chapter 495A-310 WAC  
GRIEVANCE PROCEDURES—HANDICAPPED

NEW SECTION

WAC 495A-310-010 PREAMBLE. Bates Technical College is covered by section 504 of the Rehabilitation Act of 1973 prohibiting discrimination on the basis of handicap in education. Any applicant for admission, enrolled student, applicant for employment or employee of Bates Technical College who believes she/he has been discriminated against on the basis of handicap may lodge an institutional grievance by following the procedures below.

NEW SECTION

WAC 495A-310-020 INFORMAL PROCEDURE. All employees and students should feel free to discuss perceived discrimination with the individual immediately in charge, such as the first-line supervisor or instructor, to see if the situation can be resolved informally. Employees and students may also consult directly with the college affirmative action officer or coordinator for disabled student services without making a formal written complaint, and this consultation will be considered confidential. Employees and students are not required to use the informal process and may go directly to the formal procedure.

Any college official receiving a discrimination complaint shall contact the affirmative action officer or designee as soon as reasonably convenient. The college official shall arrange for the complainant to receive a copy of the grievance procedure.

NEW SECTION

WAC 495A-310-030 FORMAL PROCEDURE. Step one: Employees and students must make a written complaint concerning discriminatory behavior to the affirmative action officer or designee.

(1) Complaints will be held in confidence. No action against the person accused will be taken on behalf of the complainant unless the complainant consents to be identified to the one accused in connection with the investigation.

(2) The complainant may bring a person of his or her choice to the initial or subsequent complaint meetings.

(3) The affirmative action officer or designee shall give a copy of these regulations and any applicable board policy to the person making the formal complaint and to the accused.

(4) The result of that consultation and any investigation made will be communicated to the complainant before any further action is taken.

(5) An informal hearing may be substituted for investigation if the complainant and the accused agree. The

affirmative action officer or designee will be responsible for investigating the complaint and discussing the complaint with the accused. The affirmative action officer will make a written recommendation to the president within a reasonable time following the close of the investigation or hearing.

(6) Appropriate corrective measures will be decided by the president of the college upon consultation with the affirmative action officer and the appropriate administrators or supervisors involved. If an accused employee or student disagrees with the determination or appropriateness of the corrective measures, that individual may contest those measures through the formal faculty or classified grievance procedures, if they are covered by an agreement, or the student disciplinary code.

(7) Information will be entered in the personnel or student file only to the extent that a formal reprimand or other disciplinary action has been taken. If no disciplinary action is taken, the affirmative action officer will keep a record of the investigation accessible to the president, the complainant and the accused for a period of three years and then that record will be destroyed. If a formal complaint is filed with an outside state or federal agency, files will be maintained until the complaint is resolved. When such files are used, written notice will be placed in the file indicating the person using the file and the date used.

NEW SECTION

WAC 495A-310-040 OTHER REMEDIES. These procedures, outlined in WAC 495A-310-010 through 495A-310-030, are internal college procedures and, as such, serve to resolve complaints within the college's administrative framework. These procedures do not replace an individual's timely complaint with an external agency such as the Office of Civil Rights, Equal Employment Opportunity Commission, or the Washington state human rights commission.

Chapter 495A-325 WAC  
STATE ENVIRONMENTAL POLICY ACT RULES

NEW SECTION

WAC 495A-325-010 IMPLEMENTATION OF STATE ENVIRONMENTAL POLICY ACT. (1) It shall be the policy of Bates Technical College that all actions taken by the district shall comply with the provisions of chapter 43.21C RCW (the State Environmental Policy Act), chapters 197-11 and 132-24 WAC.

(2) The president of the district or his or her designee shall be responsible for administering and implementing this policy.

WSR 92-12-018

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 92-37—Filed May 26, 1992, 4:34 p.m., effective May 27, 1992, 12:01 a.m.]

Date of Adoption: May 26, 1992.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-44-05000V; and amending WAC 220-44-050.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The unrestricted sablefish fishery has taken the available quota, and restricting the nontrawl sablefish fishery is required for conservation and maintaining the economic well-being of the sablefish fishery. This rule is adopted at the recommendation of the Pacific Fisheries Management Council.

Effective Date of Rule: May 27, 1992, 12:01 a.m.

May 26, 1992

Nancy L. Nelson  
for Joseph R. Blum  
Director

### NEW SECTION

**WAC 220-44-05000W COASTAL BOTTOM-FISH CATCH LIMITS.** Notwithstanding the provisions of WAC 220-44-050, effective 12:01 a.m. May 27, 1992, until further notice it is unlawful to possess, transport through the waters of the state or land in any Washington State port bottomfish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 29, 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the following species:

(1) The following definitions apply to this section:

(a) Fixed two-week fishing period. Each of the following is defined as a fixed, two-week fishing period (hours given are on a 24-hour basis):

0001 hours May 20 to 2400 hours June 2;  
0001 hours June 3 to 2400 hours June 16;  
0001 hours June 17 to 2400 hours June 30;  
0001 hours July 1 to 2400 hours July 14;  
0001 hours July 15 to 2400 hours July 28;  
0001 hours July 29 to 2400 hours August 11;  
0001 hours August 12 to 2400 hours August 25;  
0001 hours August 26 to 2400 hours September 8;  
0001 hours September 9 to 2400 hours September 22;  
0001 hours September 23 to 2400 hours October 6;  
0001 hours October 7 to 2400 hours October 20;  
0001 hours October 21 to 2400 hours November 3;  
0001 hours November 4 to 2400 hours November 17;  
0001 hours November 18 to 2400 hours December 1;  
0001 hours December 2 to 2400 hours December 15;  
0001 hours December 16 to 2400 hours December 31;

(b) Fixed four-week periods. Each of the following is defined as a fixed, four-week fishing period (hours given are on a 24-hour basis):

0001 hours May 20 to 2400 hours June 16;  
0001 hours June 17 to 2400 hours July 14;  
0001 hours July 15 to 2400 hours August 11;  
0001 hours August 12 to 2400 hours September 8;

0001 hours September 9 to 2400 hours October 6;  
0001 hours October 7 to 2400 hours November 3;  
0001 hours November 4 to 2400 hours December 1;  
0001 hours December 2 to 2400 hours December 31;

(c) Cumulative trip limit – A cumulative trip limit is the maximum amount of fish that may be taken and retained, possessed or landed per vessel in a specified period of time, without a limit on the number of landings or trips.

(d) Vessel trip – A vessel trip is defined as having occurred upon the initiation of transfer of catch from a fishing vessel.

(e) Vessel trip limit – The amount of fish that may not be exceeded per vessel trip. All fish aboard a fishing vessel upon the initiation of transfer of catch are to be counted towards the vessel trip limit.

(f) Daily trip limit – The maximum amount of fish that may be taken and retained, possessed or landed per vessel from a single fishing trip in 24 consecutive hours, starting at 0001 hours local time.

(g) Week – Wednesday through the following Tuesday.

(2) Widow rockfish – cumulative trip limit of 30,000 pounds in a fixed four-week period. No minimum size. Unless the fishery for widow rockfish is closed, a vessel which has landed its four-week, cumulative trip limit may begin to fish on the limit for the next four-week period so long as the fish are not landed until the next four-week period.

(3) Shortbelly rockfish – No maximum poundage per two-week or four-week fishing period. No minimum size.

(4) Pacific ocean perch – No limit on the number of vessel trips landings less than 1,000 pounds per vessel trip. Landings greater than 1,000 pounds but not to exceed 3,000 pounds allowed only if Pacific ocean perch represent 20 percent or less of fish aboard per vessel trip. No landings of more than 3,000 pounds per vessel trip. No minimum size.

(5) Sebastes complex – All other species of rockfish except widow, shortbelly, Pacific ocean perch and thornyhead or idiot rockfish (*Sebastolobus* spp.) – Cumulative trip limit of 50,000 pounds per fixed two-week period. No more than 8,000 pounds of this amount may be yellowtail rockfish. No minimum size. Unless the fishery for the Sebastes complex or yellowtail rockfish is closed, a vessel which has landed its two-week, cumulative trip limit may begin to fish on the limit for the next two-week period so long as the fish are not landed until the next two-week period.

(6) Deepwater complex – Sablefish, Dover sole, and thornyhead rockfish – Cumulative trip limit of 55,000 pounds per fixed two-week period. No more than 25,000 pounds of this amount may be thornyheads. No minimum size on Dover sole or thornyheads. Unless the fishery for the deepwater complex is closed, a vessel which has landed its two-week, cumulative trip limit may begin to fish on the limit for the next two-week period so long as the fish are not landed until the next two-week period.

The following limits apply to sablefish taken under this subsection:

(a) *Trawl vessels – Landings above 1,000 pounds of sablefish are allowed only if sablefish represent 25 percent or less of the total combined weight of the deepwater complex onboard. No more than 5,000 pounds of sablefish may be smaller than 22 inches in length in any landing. Minimum size for dressed sablefish is 15.5 inches from the anterior insertion of the first dorsal fin to the tip of the tail. To convert from dressed weight to round weight, multiply the dressed weight by 1.6.*

(b) *Non-trawl vessels – 250 pound (round weight) trip limit. To convert round weight from dressed weight, multiply the dressed weight by 1.6.*

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

(8) *The fisher's copy of all fish receiving tickets showing landings of species provided for in this section shall be retained aboard the landing vessel for 90 days after landing.*

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

#### REPEALER

*The following section of the Washington Administration Code is repealed effective 12:01 a.m. May 27, 1992:*

**WAC 220-44-05000V COASTAL BOTTOMFISH CATCH LIMITS. (92-32)**

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

#### **WSR 92-12-019**

##### **EMERGENCY RULES**

#### **WILDLIFE COMMISSION**

[Order 553—Filed May 26, 1992, 4:44 p.m.]

Date of Adoption: May 26, 1992.

Purpose: To close Bow Area 831 to the taking of antlerless elk during the late archery elk season.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The Wildlife Commission adopted the 1992-93, 1993-94 Elk hunting seasons and regulations, WAC 232-28-277, on April 10, 1992. The commission heard considerable testimony noting concern for the health of the population of the Nooksack elk herd. The agency staff proposal was to end all sports hunting of antlerless elk in the herd, with the exception of some damage control permits in Muzzleloader Area 940. However, the reference to Bow Area 831 in the

Wildlife Commission notebook inadvertently read that antlerless elk were legal game in that unit. This reference is in error and, if allowed to stand, would result in an unacceptably high removal of antlerless animals from the Nooksack elk herd.

Effective Date of Rule: Immediately.

May 26, 1992

Ray Ryan

Deputy Director  
for Dean A. Lydig  
Chair

#### NEW SECTION

**WAC 232-28-22701 1991-92, 1992-93, 1993-94 ELK HUNTING SEASONS AND REGULATIONS – 1992 LATE ARCHERY ELK SEASONS.** Notwithstanding the provisions of WAC 232-28-227, the Late Archery Elk Season in Bow Area 831 is restricted to 3-pt. min as a legal elk. All other applicable regulations remain in effect and unchanged.

#### **WSR 92-12-020**

##### **EMERGENCY RULES**

#### **WILDLIFE COMMISSION**

[Order 554—Filed May 26, 1992, 4:45 p.m.]

Date of Adoption: May 26, 1992.

Purpose: Emergency change to the 1992 fishing regulations for Deep Creek, Region 6.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A large landslide and logjam have occurred in Deep Creek, an independent drainage into the Strait of Juan de Fuca. The spawning and rearing habitat downstream have been negatively impacted. It will be very important to allow as many wild gamefish to spawn in the creek as possible to have the greatest chance of maintaining these wild populations. Low survival of eggs and fry from wild gamefish spawned in Deep Creek is anticipated because of habitat degradation. Closure to harvest of the wild gamefish is needed to assure as high a number of these fish to spawn. It should remain closed until habitat is improved. This regulation will take effect June 1, 1992.

Effective Date of Rule: Immediately.

May 26, 1992

Curt Smitch

Director  
for Dean A. Lydig  
Chair

#### NEW SECTION

**WAC 232-28-61909 1992-94 WASHINGTON GAMEFISH SEASONS AND CATCH LIMITS –**

*DEEP CREEK: Notwithstanding the provisions of WAC 232-28-619, the gamefish seasons for Deep Creek are as follows:*

*DEEP CREEK: CLOSED to fishing for gamefish.*

**WSR 92-12-021**  
**RULES COORDINATOR**  
**DEPARTMENT OF WILDLIFE**  
 [Filed May 26, 1992, 4:46 p.m.]

Pursuant to the provisions of RCW 34.05.310(3), I hereby designate Daniel W. Wyckoff as the Department of Wildlife's official rules coordinator. Mr. Wyckoff's mailing address is 600 Capitol Way North, Olympia, WA 98501-1091, Mailstop 3200. Mr. Wyckoff's telephone number is (206) 664-9289 or scan 366-9289.

Curt Smitch  
 Director

**WSR 92-12-022**  
**RULES COORDINATOR**  
**GROWTH PLANNING**  
**HEARINGS BOARDS**  
 [Filed May 27, 1992, 9:52 a.m.]

Pursuant to RCW 34.05.310(3), the Growth Planning Hearings Boards designate Richard Thompson as rules coordinator for all three boards (the Central Puget Sound, Eastern Washington and Western Washington Growth Planning Hearings Boards). The nine members of the three boards were recently appointed by Governor Gardner pursuant to RCW 36.70A.260 and will be meeting to develop rules for practice and procedure. Mr. Thompson is a member of the Western Washington board. Until permanent office space has been obtained, he can be contacted via the following address: Richard Thompson, Rules Coordinator, Growth Planning Hearings Boards, c/o Office of Financial Management, 1210 Eastside Street, Olympia, WA 98504-3123.

M. Peter Phillely  
 Member

**WSR 92-12-023**  
**PREPROPOSAL COMMENTS**  
**GROWTH PLANNING**  
**HEARINGS BOARDS**  
 [Filed May 27, 1992, 9:53 a.m.]

Subject of Possible Rule Making: Interim emergency rules governing practice and procedure for the three growth planning hearings boards until permanent rules can be adopted.

Persons may comment on this subject in writing, Richard Thompson, Rules Coordinator, Growth Planning Hearings Boards, c/o Office of Financial Management, 1210 Eastside Street, Olympia, WA 98504-3123, on or before June 11, 1992.

Other Information or Comments by Agency at this Time, if any: The Growth Planning Hearings Boards were established pursuant to RCW 36.70A.250- [36.70A].270. RCW 36.70A.270(6) requires the boards to establish joint administrative rules of practice and procedure. The boards became operative on May 15, 1992. By that time, several appeals to the boards were already pending. In order to promptly process these appeals, the boards must initially adopt emergency rules and ultimately permanent rules. Any written comments received will be reviewed and considered for either emergency or permanent rule adoption.

May 26, 1992  
 M. Peter Phillely  
 Member

**WSR 92-12-024**  
**NOTICE OF PUBLIC MEETINGS**  
**BASIC HEALTH PLAN**  
 [Memorandum—May 26, 1992]

Olympia, the Basic Health Plan Advisory Council will meet in the SeaTac area June 18 to discuss administrative matters and develop a strategy for the 1993 legislative session.

The eleven-member advisory council will meet at 1:30 p.m. at the Holiday Inn, 17338 Pacific Highway South in the SeaTac Room, 12th Floor. Members of the public are invited to attend.

Since January 1989, the Basic Health Plan has offered low-cost health insurance to low income individuals in selected areas of the state. It was created as a demonstration project by the 1987 legislature, and was the first program of its kind in the nation.

To date basic health has provided affordable health insurance coverage to more than 30,000 people. It currently serves 22,536 individuals. The Basic Health Plan must be reauthorized by the legislature or it will "sunset" (cease to exist) on June 30, 1993.

Those who enroll in basic health pay reduced monthly premiums based on their family size and income level. Everyone who participates pays part of the cost of their coverage. Plan benefits include doctor visits, preventive care, hospital treatment, emergency room visits and other medical services.

The plan is currently available in all or parts of 17 counties; in most areas, available enrollment slots have been filled and there is a waiting list of people wishing to enroll. To request an application or to be placed on the waiting list, call 1-800-826-2444.

**WSR 92-12-025**  
**PERMANENT RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Order 2092—Filed May 27, 1992, 3:00 p.m., effective May 27, 1992]

Date of Adoption: May 27, 1992.

Purpose: To avoid conflicting language and to establish bean seed quarantine sections dealing specifically with seedborne viral diseases.

Citation of Existing Rules Affected by this Order: Amending chapters 16-316 and 16-494 WAC.

Statutory Authority for Adoption: Chapter 15.49 RCW.

Pursuant to notice filed as WSR 92-09-075 on April 15, 1992.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: A May 27, 1992, effective date would avoid any break between the expiration date of emergency orders (WSR 92-06-050, WSR 92-06-048, and WSR 92-06-049) and the starting date of this rule. This would allow industry to continue to comply with this rule and maintain adequate supplies of disease-tested bean seed.

Effective Date of Rule: May 27, 1992.

May 27, 1992
Michael V. Schwisow
Deputy Director
for C. Alan Pettibone
Director

NEW SECTION

WAC 16-316-266 DEFINITIONS. The following definitions apply to the entire chapter.

- (1) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent, or employee thereof.
(2) "Department" means the Washington state department of agriculture.
(3) "Director" means the director of the department of agriculture or the director's duly authorized representative.
(4) "Common bean" means Phaseolus vulgaris L.
(5) "Adzuki bean" means Vigna angularis.
(6) "Bean" means common beans and adzuki beans.
(7) "Origin" means the county within the state of Washington, or the state, territory, or country where a specific seed lot was grown.
(8) "Approved trial grounds" means a specific parcel of land approved by the director for experimental or limited production or increase of bean seed.
(9) "University" means the Washington State University, college of agriculture and home economics.
(10) "Dominant I-gene cultivar" means a cultivar which has resistance to all known strains of bean common mosaic virus (B.C.M.V.) due to the presence of the dominant I-gene. Dominant I-gene cultivars will not show mosaic mottle symptoms or transmit the virus through seed when inoculated with any strain of B.C.M.V.
(11) "Recessive I-gene cultivar" means a cultivar which may be susceptible to some strains of bean common mosaic virus and may show mosaic mottle symptoms.
(12) "Diseases" means those viral, fungal, and bacterial diseases of beans enumerated in WAC 16-494-013 and any new variations or strains of these identified in the future.

(13) "Serology" means precipitation, agglutination, immunodiffusion, or labeled antibody test methods (such as ELISA) that use the specificity of antigen-antibody reactions to detect and identify antigenic substances and the organisms such as viruses and bacteria that carry them.

(14) "Official certificate" means a document issued by an official testing agency including but not limited to seed certification tags, bulk seed certification certificates, phytosanitary certificates, laboratory sanitary certificates, and other letters, tags, stamps, or similar documents certifying seed quality or condition.

(15) "Seedborne viral diseases" includes bean common mosaic virus, adzuki common mosaic virus, and other similar viral diseases causing mosaic mottle and other symptoms similar to those of bean common mosaic virus.

AMENDATORY SECTION (Amending Order 2005, filed 5/22/89)

WAC 16-316-270 BEAN SEED CERTIFICATION FEES.

- (1) Applications: Due July 1, however, may be accepted after due date at the discretion of the certifying agency.
(a) Application fee:
Per variety, per grower ..... \$15.00
(b) Acreage fee:
(i) One inspection: (per acre) ..... \$ 1.75
One inspection is required for certification of Great Northern, Red Mexican, pinto, pink, and small white beans.
(ii) Two inspections: (per acre) ..... \$ 3.50
Includes windrow inspection which is required for: Certification of snap beans, kidney beans, and eligibility for shipment into Idaho. For phytosanitary certification see WAC 16-316-327.
(iii) Acreage fee is refundable if acreage is withdrawn before inspection.
(c) Late application penalty fee: ..... \$30.00
This additional fee shall be charged per grower for applications received after July 1.
(2) Reinspection: (each field) ..... \$40.00
If a field is rejected for reasons other than ((bacterial)) seedborne diseases at the first inspection, the grower may apply for reinspection after the cause for rejection has been corrected. Only two reinspections are permitted for each field each year.
(3) Production fee includes sampling and tagging per cwt.: ..... \$ 0.40
The production fees shall be billed at the completion of tests.
(4) Purity and germination tests: ..... Fees as established by the director of agriculture.
(5) Fees for retagging or services not listed in this rule shall be the most applicable fee established by the director of agriculture.
(6) Bean seed entered into the certification program shall comply with bean seed quarantine rules. See WAC 16-494-001 through ((16-494-062)) 16-494-170.

**AMENDATORY SECTION** (Amending Order 2078, filed 3/27/91, effective 4/27/91)

WAC 16-316-280 **FIELD TOLERANCES.** Field tolerances shall be as follows:

(1)

	Field Producing		
	Found- ation	Regis- tered	Certi- fied
Other varieties or off-type plants	none found	0.1%	0.2%
Other crops	none found	0.1%	0.1%
Total seed-borne diseases	none found	<del>((0.5%</del> <del>1.5%))</del>	<del>none found</del>
<del>((Bacterial bean blights and wilt</del>	<del>none</del>	<del>none</del>	<del>none</del>
<del>Anthracnose</del>	<del>none</del>	<del>none</del>	<del>none</del>
<del>Mosaic seed-borne</del>	<del>none</del>	<del>0.5%</del>	<del>0.5%))</del>

Except as noted in subsection (6) of this section

(2) Snap beans and kidney beans grown under sprinkler irrigation will not be eligible for certification. Further snap and kidney beans shall be isolated by 1320 feet from known bacterial blight.

(3) Fields must be rogued of weeds, off-type plants, volunteer plants, and plants showing symptoms of seed-borne diseases. Excessive night-shade shall be a cause for rejection.

(4) A field to be eligible for certification must have clean, cultivated boundaries at least ten feet wide.

(5) Excessive weeds, poor stands, lack of vigor, or any other condition which is apt to make inspection inaccurate may be cause for rejection of the field.

(6) Bean fields, including those planted with a dominant I-gene cultivar, showing virus-like mosaic symptoms will not be accepted as free of ((~~bean common mosaic virus~~)) seedborne virus diseases until ((~~plant~~)) seed samples are tested serologically, or with serology and a grow out test and found to be free of ((~~bean common mosaic virus~~)) seedborne virus diseases.

**AMENDATORY SECTION** (Amending Order 2078, filed 3/27/91, effective 4/27/91)

WAC 16-316-285 **INSPECTION REQUIREMENTS.** Inspection requirements shall be as follows:

(1) When factors affecting certification are most evident. The 2nd inspection, when required, shall be a windrow inspection.

(2) A ((~~greenhouse~~)) grow out test to verify presence of seedborne diseases may be required if the certifying agency deems it necessary.

(3) A serology (ELISA) test or serology plus a grow out test for ((~~bean common mosaic virus or adzuki mosaic virus disease~~)) seedborne diseases is required to certify seed.

(4) The combined results of field inspections, laboratory test, and ((~~greenhouse~~)) grow out test, when required, will determine final certification.

**AMENDATORY SECTION** (Amending Order 2078, filed 3/27/91, effective 4/27/91)

WAC 16-316-290 **SEED STANDARDS.** Seed standards shall be as follows:

(1)

Purity		Found- ation	Regis- tered	Blue Tag
				Certi- fied
Pure seed	(Min.)	98%	98%	98%
Other crops & varieties	(Max.)	none found	none found	2/100 lbs.
Badly damaged seed	(Max.)		2%	2%
Inert matter	(Max.)		2%	2%
Splits & cracks	(Max.)		2%	2%
Weed seed	(Max.)		none found	none found
<u>((<del>Bean common mosaic virus disease or adzuki mosaic virus disease</del>))</u>				
<u>Seedborne virus diseases (based on an ELISA or ELISA and a grow out test)</u>				
	(Max.)	none found	none found	<del>((0.0%))</del> none found
Germination (minimum)			85%	85%

(2) Total inert matter, splits and cracks, and badly damaged seed shall not exceed 2% except for foundation class.

(3) Test reports will show percent of discolored beans for information only.

(4) Rough handling of bean seed in the combine or cleaning plant reduces germination materially. Precautions must be taken against such treatment and the seed safeguarded against high drops.

**AMENDATORY SECTION** (Amending Order 2078, filed 3/27/91, effective 4/27/91)

WAC 16-494-010 **DEFINITIONS.** The following definitions apply to the entire chapter.

(1) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof.

(2) "Department" means the Washington state department of agriculture.

(3) "Director" means the director of the department of agriculture or the director's duly authorized representative.

(4) "Common bean" means *Phaseolus vulgaris* L.

(5) "Adzuki bean" means *Vigna angularis*.

(6) "Bean" means common beans and adzuki beans.

(7) "Origin" means the county within the state of Washington, or the state, territory or country where a specific seed lot was grown.

(8) "Approved trial grounds" means a specific parcel of land approved by the director for experimental or limited production or increase of bean seed.

(9) "University" means the Washington State University, college of agriculture and home economics.

(10) "Dominant I-gene cultivar" means a cultivar which has resistance to all known strains of bean common mosaic virus (B.C.M.V.) due to the presence of the dominant I-gene. Dominant I-gene cultivars will not show mosaic mottle symptoms or transmit the virus through seed when inoculated with any strain of B.C.M.V.

(11) "Recessive I-gene cultivar" means a cultivar which may be susceptible to some strains of bean common mosaic virus and may show mosaic mottle symptoms.

(12) "Diseases" means those viral, fungal and bacterial diseases of beans enumerated in WAC 16-494-013 and any new variations or strains of these identified in the future.

(13) "Serology" means precipitation, agglutination, immunodiffusion, or labeled antibody test methods (such as ELISA) that use the specificity of antigen-antibody reactions to detect and identify antigenic substances and the organisms such as viruses and bacteria that carry them.

(14) "Official certificate" means a document issued by an official testing agency including but not limited to seed certification tags, bulk seed certification certificates, phyto-sanitary certificates, laboratory sanitary certificates, and other letters, tags, stamps or similar documents certifying seed quality or condition.

(15) "Quarantine Area I" means all areas west of the Continental Divide except those counties within the state of Washington subject to internal quarantine and the states of Alaska and Hawaii.

(16) "Quarantine Area II" means areas east of the Continental Divide, the counties in the state of Washington subject to internal quarantine, the states of Alaska and Hawaii and foreign countries.

(17) "Seedborne viral diseases" includes bean common mosaic virus, adzuki mosaic virus, and other similar viral diseases causing mosaic mottle and other symptoms similar to those of bean common mosaic virus.

AMENDATORY SECTION (Amending Order 2078, filed 3/27/91, effective 4/27/91)

WAC 16-494-013 REGULATED DISEASES. The following viral, bacterial and fungal diseases of beans, and any new strains or variations of these identified in the future, of beans are regulated under the provisions of this chapter:

~~((Bean common mosaic virus  
Adzuki mosaic virus))~~

Halo blight (*Pseudomonas Syringae* pv. *phaseolicola* (Young et. al.))

Common bean blight (*Xanthomonas Campestris* pv. *phaseoli* (Smith) Dye)

Fuscous blight (*Xanthomonas phaseoli* var. *fuscans* (Burk.))

Bean anthracnose disease (*Colletotrichum lindemuthianum* (Sacc. & Magn.) Scrib.)

Brown spot disease (*Pseudomonas syringae* pv. *syringae* (Van Hall)) strains virulently pathogenic to *Phaseolus*

Bean bacterial wilt (*Corynebacterium flaccumfaciens* ssp. *flaccumfaciens* (Hedges) Dows.)

AMENDATORY SECTION (Amending Order 2078, filed 3/27/91, effective 4/27/91)

WAC 16-494-046 QUARANTINE—EXCEPTIONS AND EXEMPTIONS. (1) Bean seed planted for harvest as green beans for cannery or freezing, otherwise in compliance with this quarantine, is not required to be entered into an inspection program: PROVIDED, That the department reserves the right to request complete listing and location of all the plantings and other information the department may deem necessary. Further, if at any time prior to harvest, the grower decides that the plantings are not to be harvested as green beans, the department shall be notified and the plantings placed under an inspection program.

~~(2) ((Bean varieties (cultivars) from a quarantine area that are known to be uniform for the dominant I-gene are exempt from the serology testing requirement for bean common mosaic virus. Documentation or evidence of uniformity must accompany the seed shipment.~~

~~Undocumented cultivars are subject to a serology test to determine freedom from seedborne bean common mosaic virus based on a one-pound, untreated bean seed sample for each fifty thousand pounds of bean seed or fraction thereof.~~

~~(3))~~ This quarantine shall not apply to the shipment, movement, or transportation of beans prepackaged in packages of eight ounces or less for home garden use in the regulated area if the beans are free of diseases.

AMENDATORY SECTION (Amending Order 2078, filed 3/27/91, effective 4/27/91)

WAC 16-494-064 PENALTIES. In addition to actions specified in WAC 16-494-062, any grower violating the terms of this ((quarantine)) chapter, shall be subject to civil and/or criminal penalties provided in law.

#### BEAN SEEDBORNE VIRAL DISEASE QUARANTINE

##### NEW SECTION

WAC 16-494-100 BEAN SEEDBORNE VIRAL DISEASE QUARANTINE—ESTABLISHING THE QUARANTINE. The production of dry edible beans and bean seed is an important industry in the state of Washington. The economic well being of that industry is threatened by the introduction of bean seed infected with bean seedborne viral diseases. The director has determined that a quarantine is needed to protect the Washington dry bean industry and to provide the bean growers of this state a source of bean seed for planting purposes that is tested for the presence of these diseases and that bean seedborne viral diseases cannot be effectively regulated under the terms of the existing bean seed quarantine.

##### NEW SECTION

WAC 16-494-110 BEAN SEEDBORNE VIRAL DISEASE QUARANTINE—REGULATED ARTICLES. Seeds of common beans intended for planting

purposes, bean plants and parts of plants, and crop residue from the harvest of beans are regulated under the terms of the bean seedborne viral disease quarantine.

#### NEW SECTION

WAC 16-494-120 BEAN SEEDBORNE VIRAL DISEASE QUARANTINE—REGULATED DISEASE. Seedborne viral diseases of beans, such as but not limited to bean common mosaic virus, and adzuki mosaic virus are regulated under the terms of the bean seedborne viral disease quarantine.

#### NEW SECTION

WAC 16-494-130 BEAN SEEDBORNE VIRAL DISEASE QUARANTINE—QUARANTINED AREA. The entire counties of Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom in the state of Washington and all areas outside the state of Washington are established as a quarantine area for the bean seedborne viral disease.

#### NEW SECTION

WAC 16-494-140 BEAN SEEDBORNE VIRAL DISEASE QUARANTINE—REGULATED AREA. The entire counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Walla Walla, Whitman, and Yakima are established as a protected area for bean seedborne viral diseases in Washington.

#### NEW SECTION

WAC 16-494-150 BEAN SEEDBORNE VIRAL DISEASE QUARANTINE—REQUIREMENTS FOR PLANTING BEAN SEED IN THE REGULATED AREA. No bean seed shall be planted, or sold, shipped, or transported for seed purposes, or knowingly received, into the regulated area which are known to be contaminated with bean seedborne viral diseases and which do not comply with the requirements of the bean seed quarantine in WAC 16-494-001 through 16-494-064.

Bean seed, that otherwise qualifies, may be received for planting purposes, planted, sold, shipped, or transported if that seed meets one of the following criteria:

(1) The bean variety (cultivar) is known to be uniform for the dominant I-gene. Documentation of evidence of uniformity must accompany the seed shipment. Undocumented cultivars are subject to serology and/or grow out testing to determine freedom from bean seedborne viral diseases.

(2) The bean seed has been tested by the serology method (ELISA) and has been found to be free from bean seedborne viral diseases.

(3) The bean seed has been tested by the serology method and has been found to be positive for seedborne

viral diseases and on a subsequent grow out test, the sample is found free from bean seedborne viral diseases.

(4) All serology tests shall be based on an official one pound sample of untreated bean seed for each fifty thousand pounds of bean seed or fraction thereof.

(5) All bean seed from outside the regulated area shall be accompanied by an official certificate documenting compliance with this section.

#### NEW SECTION

WAC 16-494-160 BEAN SEEDBORNE VIRAL DISEASE QUARANTINE—IDENTIFICATION AND DISPOSITION OF DISEASED BEAN SEED.

All bean seed that is determined to be contaminated by bean seedborne viral diseases and which does not meet the requirements of WAC 16-494-150 shall be destroyed or diverted to dry edible or other nonseed purposes. For seed that is diverted to dry edible or other nonseed purposes, documentation of disposition of the seed shall be provided to the department of agriculture upon request.

(1) Seed fields entered in the Washington state bean seed phyto-sanitary certificate inspection program or the Washington state seed certification inspection program as provided in WAC 16-316-270 and 16-316-327 that display symptoms of bean seedborne viral diseases during the growing season shall be subject to testing provided in WAC 16-494-150 (3) and (4) to determine final disposition.

(2) When the director determines that it is probable, based on visual symptoms and serological analysis, that a seed field may be infected with bean seedborne viral diseases and determines that a threat of infection of other fields exists, the director may prescribe aphid control or other requirements, through a notice of destruction as provided in WAC 16-494-063, deemed necessary to prevent infection of adjacent properties.

(3) The true identity of bean seedborne viral diseases shall be based on testing methods recommended by the university results of which, when positive, will be evidence to identify the disease as being subject to the department's requirements. The owner of the seed, at owner's expense, may request verification of pathogenicity. Such verification shall be made using accepted scientific and professional techniques.

#### NEW SECTION

WAC 16-494-170 BEAN SEEDBORNE VIRAL DISEASE QUARANTINE—PENALTIES. (1) Any bean field planted with seed in violation of the requirements of this quarantine shall be subject to destruction, in full or in part, or quarantined, as determined necessary by the director, to prevent the spread of bean seedborne viral diseases, at the option and the expense of the grower or their responsible agent.

(2) Any grower violating the terms of this quarantine, shall be subject to the criminal and/or civil penalties provided in chapter 17.24 RCW.

**WSR 92-12-026****PROPOSED RULES****DEPARTMENT OF ECOLOGY**

[Order 91-57—Filed May 28, 1992, 8:50 a.m.]

## Original Notice.

Title of Rule: Chapter 173-425 WAC, Open burning.

Purpose: The purpose of the chapter is to reduce emissions from open burning in areas either known or expected to exceed health-based standards through the use of reasonable alternatives and burn bans.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: RCW 70.94.650 - 70.94.785.

Summary: This rule updates the open burning chapter to the Washington Administrative Code. The Clean Air Washington Act of 1991 requires phasing out open burning in areas that exceed or threaten to exceed health-based standards, urban growth areas, and cities with a population of 10,000 or more. Additionally, it requires a one-permit system be established.

Reasons Supporting Proposal: To support the use of reasonable alternatives to open burning and prevent further degradation.

Name of Agency Personnel Responsible for Drafting: Melissa McEachron, P.O. Box 47600, Olympia, WA 98504-7600, (206) 459-6998; Implementation and Enforcement: Joseph Williams, P.O. Box 47600, Olympia, WA 98504-7600, (206) 459-6255.

Name of Proponent: Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of the proposed rule is to reduce emissions from open burning of yard and garden debris and land-clearing debris by using reasonable alternatives to open burning. The proposed chapter establishes phase-out factors and defines reasonable alternatives. It identifies a minimum permitting program acceptable to the Department of Ecology and who will respond to nuisance calls.

Proposal Changes the Following Existing Rules: In addition to the changes listed above, the open burning

section separates out agricultural from open burning provisions.

## Small Business Economic Impact Statement

## INTRODUCTION AND SUMMARY OF FINDINGS

This proposed rule implements RCW 70.94.743 through 70.94.780. Analysis of the impacts of the rule on small versus large businesses demonstrated no disproportionate impacts in the industries examined.

## OVERVIEW OF FINDINGS

Analysis of the impacts of the proposed rule focused on assessing the costs of nonburning methods of disposing of land clearing and construction residues in construction and related industries; specifically building construction (standard industrial classifications (SIC) 152, 153 and 154), other heavy construction (SIC 161 and 162), and land subdivision and development (SIC 655). Agricultural and silvicultural open burning have been exempted from the scope of the proposed rule. It was judged that impacts of the proposed rule upon other businesses and industries would be minor in comparison to those experienced by the sectors listed above.

Data and information was collected on the financial structure of small versus large firms in the industries examined, the amount and value of newly developed land in Washington in 1990 (the latest year with complete information) and the per acre costs of nonburning alternatives (landfill disposal and recycling via chipping for compost, mulch or groundcover) for disposal of land clearing and construction residues under varying vegetative conditions. This was used to develop estimates, shown in the following table, of the overall, statewide, average impact of the proposed rule on small versus large businesses in the hypothetical event that open burning were to be prohibited statewide ("state"), a sensitivity-test analysis for an urbanized, rapidly growing county ("rapid gr."), and a sensitivity-test analysis for a less urbanized county with relatively low landfill rates ("low l.f."). The estimates are followed by a brief discussion of some important considerations and qualifications that need to be kept in mind as they are reviewed.

ESTIMATED IMPACTS ON SMALL VERSUS LARGE BUSINESSES  
(percent of per-acre costs of doing business)

Small Businesses

	<u>Landfill Disposal</u>			<u>Recycling</u>		
	<u>Heavily Wooded</u>	<u>Moderately Wooded</u>	<u>Brushy</u>	<u>Heavily Wooded</u>	<u>Moderately Wooded</u>	<u>Brushy</u>
SIC 15						
state	9.5%	4.7%	2.4%	7.2%	3.6%	1.8%
rapid gr.	1.8	0.9	0.4	1.3	0.7	0.3
low l.f.	2.4	1.2	0.6	N/A	N/A	N/A
SIC 16						
state	6.2	3.1	1.5	4.7	2.3	1.2
rapid gr.	1.2	0.6	0.3	0.9	0.4	0.2
low l.f.	1.6	0.8	0.4	N/A	N/A	N/A
SIC 655						
state	90.5	45.3	22.6	68.8	34.4	17.2
rapid gr.	24.4	12.2	6.1	18.5	9.3	4.6
low l.f.	20.7	10.3	5.2	N/A	N/A	N/A

Large Businesses

	<u>Landfill Disposal</u>			<u>Recycling</u>		
	<u>Heavily Wooded</u>	<u>Moderately Wooded</u>	<u>Brushy</u>	<u>Heavily Wooded</u>	<u>Moderately Wooded</u>	<u>Brushy</u>
SIC 15						
state	9.2%	4.6%	2.3%	7.0%	3.5%	1.8%
rapid gr.	1.7	0.9	0.4	1.3	0.7	0.3
low l.f.	2.4	1.2	0.6	N/A	N/A	N/A
SIC 16						
state	6.1	3.0	1.5	4.6	2.3	1.2
rapid gr.	1.1	0.6	0.3	0.9	0.4	0.2
low l.f.	1.6	0.8	0.4	N/A	N/A	N/A
SIC 655						
state	87.0	43.5	21.8	66.1	33.1	16.5
rapid gr.	23.4	11.7	5.9	17.8	8.9	4.5
low l.f.	19.9	9.9	5.0	N/A	N/A	N/A

DISCUSSION

The following comments and qualifications should be kept in mind as these results are reviewed.

1. Nonburning alternatives do not have a significantly greater impact upon small versus large businesses in the standard industrial classifications examined here.

2. The greater impacts upon SIC 655 (land subdivision and development) reflect the fact that, in the standard industrial classification system, these businesses are engaged in only the first steps (preparation of raw land for further construction activity) of the overall "development" process. It is here that the costs of nonburning alternatives will most directly bear. Since this is also the

stage at which the smallest amount of value is added to raw land, these costs will represent a significant share of per acre operating costs. (Offsetting proceeds from sale of merchantable timber have not been taken into account.)

These costs are typically passed forward (or carried forward) as structures or other improvements are put in place. As this happens, more value is added to the land and the proportionate burden of nonburning alternatives diminishes, as indicated by the estimates for SIC 15 and

SIC 16. These estimated impacts likely represent a better picture of effects upon ultimate consumers (purchasers, renters or lessees) of the overall development process.

3. Since the base ("state") estimates are on an overall, statewide basis, they are dominated by that geographically large part of Washington that is not subject to urbanization and rapid growth, and where values of developable land are relatively low. They also do not reflect the fact that, in many cases, nonburning disposal costs (especially landfilling) are likely to be lower in non-urban areas than the overall averages upon which this analysis is based. In such cases and in higher land-value areas, the costs of nonburning alternatives (if required) would tend to represent much lower proportions of per acre costs and, hence, much lower relative burdens upon businesses and consumers of the development process. This is illustrated by examining the impact ratios for the two test cases ("rapid gr." and "low l.f.") included in the above table.

4. It is, of course, not the case that open burning will be immediately and totally prohibited everywhere in Washington. Thus, impacts of the proposed rule will differ by area, depending on the conditions that now prevail or that will prevail when it takes effect.

Existing regulatory language prohibits open burning in nonattainment areas for total suspended particulates. The proposed rule prohibits open burning in nonattainment areas for fine particulates or carbon monoxide. To the extent that these areas turn out to be the same, the proposed rule will have no additional impacts—nonburning disposal costs are already built into the costs of doing business. However, to the extent that these areas are not the same, additional requirements and costs may be implied. The proposed rule provides a mechanism for aiding in the transition in such cases (discussed below).

Open burning will continue to be permitted (through the end of the year 2000) in urban growth areas and cities of 10,000 or greater population if "reasonable alternatives" are not available. The proposed rule defines "reasonable alternatives" as nonburning disposal methods costing less than \$8.50 per cubic yard. When this amount is translated into per ton and per acre costs, it turns out to be less than the average current costs of nonburning disposal upon which the estimates shown above are based. Hence, unless alternatives at the lower end of the cost spectrum are available and until further development in the market for such services reduces costs, open burning will continue to be allowed in many of these areas during the near-term future. This will aid affected businesses and individuals during the transition to ultimate burning prohibitions.

Finally, open burning will continue to be allowed in the rest of the state, subject to usual restrictions during periods of impaired air quality. All such burning will require a permit (with the exception discussed below), to be issued by the Department of Ecology, local air quality

authorities, or local governments or agencies. Permit-issuing entities are authorized to charge fees sufficient to cover the costs of permitting and enforcement programs. Since permitting programs and fees are not yet fully established, it is not possible to assess their impacts upon businesses and individuals. However, these would not be expected to be large.

#### MITIGATION

The statutory language that the proposed rule seeks to implement is quite specific and provides little scope for mitigation. Within that framework, certain elements of the rule attempt to provide assistance to affected regions of the state, businesses, and individuals as transition to the new requirements occurs. Aside from the "reasonable alternatives" provisions discussed above, these include:

1. Nonattainment areas phase-in: It is recognized that new or expanded nonattainment areas under the proposed rule may include regions where solid waste management plans or systems for handling land clearing or construction residues are not yet fully developed or where recycling services are not yet readily available. In these cases, the proposed rule provides for a phasing in of nonburning requirements over a period that may extend through 1995, if certain conditions are fulfilled. During such periods, open burning would continue to be allowed and the costs of nonburning alternatives would be deferred.

2. General rule burns: The proposed rule provides for "general rule burns" in areas of the state where open burning will continue to be allowed. These are limited periods of time during each year (to be established by permitting authorities) when small open fires may be burned without going through [through] the entire permitting process, subject to conditions stated in the rule and normal restrictions due to impaired air quality. These may aid some businesses, but are expected to be of most help to individuals wishing to dispose of yard or garden debris.

A more complete and detailed description of this analysis may be obtained from the Department of Ecology.

Hearing Location: On July 7, at 7:00 – 9:00 p.m., Clark College, Foster Auditorium, off Ft. Vancouver Way, Vancouver, Washington; on July 8, at 7:00 – 9:00 p.m., Olympia Timberland Library, East 8th and South Franklin, Olympia, Washington; on July 14, at 7:00 – 9:00 p.m., Yakima County Courthouse, Room 232, 128 North 2nd, Yakima, WA; and on July 16, at 7:00 – 9:00 p.m., Spokane County Public Health District Auditorium, Room 140, 1101 West College, Spokane, WA.

Submit Written Comments to: Melissa McEachron, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, by July 22, 1992.

Date of Intended Adoption: September 15, 1992.

May 18, 1992

Fred Olson  
Deputy Director

Chapter 173-425 WAC  
OPEN BURNING

**AMENDATORY SECTION** (Amending Order 90-10, filed 9/17/90, effective 10/18/90)

WAC 173-425-010 PURPOSE. This chapter, promulgated under Chapter 70.94 RCW, the Washington Clean Air Act, authorizes the department of ecology ((ecology)) to implement the provisions of that act. This rule establishes controls for open burning in the state in order to:

- (1) ~~((Minimize the impact of emissions from open burning;~~
- (2) ~~Establish rules and)) Reduce open burning to the greatest extent practical by eliminating it in (a) areas that exceed or threaten to exceed ambient air quality standards for PM-10 and/or carbon monoxide; and (b) urban growth areas or cities with a population of 10,000 or more by December 31, 2000;~~
- (2) For areas where open burning is allowed, establish a limited burning program, including procedures by which open burning may be conducted;
- (3) Encourage the development and ~~((specify the))~~ use of alternate methods of ~~debris disposal ((of combustible waste materials)).~~

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

**AMENDATORY SECTION** (Amending Order 90-10, filed 9/17/90, effective 10/18/90)

WAC 173-425-020 APPLICABILITY. ~~((This chapter applies to open burning in all of the state, except to:~~

- (1) ~~Burning of field and turf grasses grown for seed (governed by chapter 173-430 WAC).~~
- (2) ~~Open burning within the boundaries of any activated air pollution control authority, where that authority is enforcing its own controls for open burning. Those controls shall not be less stringent than the requirements in this chapter.~~
- (3) ~~Open burning for activities subject to the permit issuing authority of the department of natural resources, as established in RCW 70-94.660.)~~ (1) No outdoor burning shall occur during a declared period of impaired air quality.
- (2) Except as described in 173-425-020(1) and in 173-425-050, this chapter applies to all forms of outdoor burning in the state except:
  - (a) Silvicultural burning (governed by chapter 332-24 WAC).
  - (b) Agricultural Burning (governed by chapter 173-430 WAC).
  - (c) Recreational Fires - as defined in 173-425-030(11).
  - (d) Ceremonial fires - as defined in 173-425-030(2).
  - (e) Burning to improve and maintain fire department ecosystems (pursuant to chapter 332-24 WAC).
- (3) A local air authority, fire protection authority, county, or conservation district may enforce its own controls that are stricter than those set forth in this chapter.

**AMENDATORY SECTION** (Amending Order 90-10, filed 9/17/90, effective 10/18/90)

WAC 173-425-030 DEFINITIONS. The definitions of terms contained in chapter 173-400 WAC are incorporated by reference. Unless a different meaning is clearly required by context, words and phrases used in this chapter shall have the following meanings:

- (1) "Agricultural ((open)) burning" means ~~((open))~~ burning ~~((conducted as part of any agricultural operation, including field fires over one-half acre but not including noncommercial yard and gardening activities connected with a residence.~~
- (2) "Commercial open burning" means open burning conducted as part of any "nonagricultural" commercial or business operation, including land clearing when the land is cleared to change the use of the cleared land.
- (3) "Episode" means a period when a forecast, alert, warning, or emergency air pollution stage is declared, as defined in chapter 173-435 WAC.
- (4) "Forced air pit destructor" means a unit consisting of a combustion pit and air blower designed to establish a curtain of high velocity air above the fire, so that the products of combustion are controlled by the air curtain before being emitted to the atmosphere.
- (5) "Impaired air quality" means a condition declared by ecology or an authority whenever:

~~((a) Meteorological conditions are conducive to an accumulation of air contamination concurrent with:~~

- (i) Total suspended particulate at an ambient level of one hundred twenty-five micrograms per cubic meter measured on a twenty-four-hour average; or
- (ii) Particulate that is ten micron and smaller in diameter (PM10) at an ambient level of ninety micrograms per cubic meter measured on a twenty-four-hour average; or
- (iii) Carbon monoxide at an ambient level of eight parts of contaminant per million parts of air by volume (ppm) measured on an eight-hour average; or
- (b) Air quality reaches other limits established by ecology or an authority.
- (5) "Land clearing" means removing structures, trees, shrubbery, or other natural vegetation from a plot of land.
- (6) "No burn area" means an area designated by ecology as an area exceeding or threatening to exceed a state ambient air quality standard.
- (7) "Open burning" means the combustion of material in an open fire or in any outdoor device which is not approved as an incinerator. Open burning means the same as open fire or outdoor burning.
- (8) "Small fire" means a fire not more than four feet in diameter or more than three feet high.

~~((9) "Silvicultural operation" means the growing of trees for commercial or recreational use, including preparing the land, planting, growing, and harvesting of trees.~~

~~((10) "Treated wood" means wood of any species that has been chemically impregnated, coated, painted, or similarly modified.~~

~~((11) "Wood waste residue" means residue of a natural character such as trees, stumps, shrubbery, or other natural vegetation arising from land clearing projects (RCW 70.94.750(2))) of vegetative debris from an agricultural operation necessary for disease or pest control, necessary for crop propagation and/or crop rotation, or where identified as a best management practice by the agricultural burning practices and research task force established in RCW 70.94.650 or other authoritative source on agricultural practices.~~

- (2) "Ceremonial fire" means a fire associated with a Native American ceremony or ritual.
- (3) "Department" means department of ecology.
- (4) "Episode" means a period when a forecast, alert, warning, or emergency air pollution stage is declared, as stated in Chapter 173-435 WAC.

~~((5) "Impaired air quality" means a condition declared by the department or an air authority in accordance with the following criteria:~~

- (a) Meteorological conditions are conducive to an accumulation of air contamination concurrent with:
  - (i) Particulate that is ten microns and smaller in diameter (PM-10) at or above an ambient level of seventy-five micrograms per cubic meter; or
  - (ii) Carbon monoxide at an ambient level of eight parts of contaminant per million parts of air by volume (ppm).
- (b) Air quality that threatens to exceed other limits established by the department or an air authority.

~~((6) "Nonattainment area" means a clearly delineated geographic area which has been designated by the Environmental Protection Agency and promulgated as exceeding a national ambient air quality standard or standards for one or more of the criteria pollutants, which includes carbon monoxide, fine particulate matter (PM-10), sulfur dioxide, ozone, and nitrogen dioxide.~~

~~((7) "Nuisance" means an emission of smoke or other emissions from any open fire that unreasonably interferes with the use and enjoyment of the property deposited on.~~

~~((8) "Open burning" means all forms of outdoor burning except those listed as exempt in 173-425-020.~~

~~((9) "Outdoor burning" means the combustion of material of any type in an open fire or in an outdoor container without providing for the control of combustion and/or the control of emissions from the combustion.~~

~~((10) "Reasonable alternatives" means disposal alternatives to open burning that cost less than \$8.50 per cubic yard. After July 1993, this amount shall be adjusted periodically by department policy.~~

~~((11) "Recreational fire" means barbecues and campfires using charcoal, natural gas, propane, or natural wood which occur in designated areas or on private property. Fires used for debris disposal purposes are not considered recreational fires.~~

(12) "Silvicultural burning" means burning on any land the department of natural resources protects per RCW 70.94.030(13), RCW 70.94.660, RCW 70.94.690, and pursuant to Chapter 76.04 RCW.

(13) "Urban growth area" means an area defined by RCW 36.70A.030.

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

#### NEW SECTION

WAC 173-425-040 PROHIBITED MATERIALS. (1) Except as provided in 173-425-040(2), the following materials shall not be burned in any outdoor fire: garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, construction debris, metal or any substance (other than natural vegetation) which when burned releases toxic emissions, dense smoke, or odors.

(2) Prohibited materials may be burned in certain circumstances:

(a) Diseased animals and infested material. When ordered by a duly authorized health officer and authorized by the department or local air authority, diseased animals and other infested material may be burned, as required, to keep the infestation from spreading.

(b) Dangerous material. When ordered by a fire protection authority and when authorized by the department or local air authority, fires to dispose of materials presenting a danger to life, property, or public welfare may be burned, if no approved practical alternate method of disposal is available.

#### NEW SECTION

WAC 173-425-050 CURTAILMENT DURING EPISODES OR IMPAIRED AIR QUALITY. (1) No outdoor fire shall be ignited:

(a) Whenever the department declares an air pollution episode for the geographical area pursuant to Chapter 173-435 WAC; or

(b) Whenever the department or an air authority declares impaired air quality for the geographical area.

(2) A person responsible for an outdoor fire at the time an episode or impaired air quality is declared shall extinguish that fire. Outdoor burning conducted under the auspices of the department of natural resources for the purpose of burning forest slash pursuant to RCW 70.94.660 through 70.94.670 shall be extinguished by withholding new fuel and allowing the fire to burn down.

(3) Smoke visible from all types of outdoor burning, except silvicultural burning, after a time period of three hours has elapsed from the time of declaration of the episode or impaired air quality, shall constitute prima facie evidence of unlawful outdoor burning.

(4) For the department of natural resources silvicultural burning, smoke visible after a time period of ten hours has elapsed from the time of declaration of the episode or impaired air quality shall constitute prima facie evidence of unlawful outdoor burning.

#### NEW SECTION

WAC 173-425-060 OPEN BURNING PROGRAM FOR THE STATE. (1) General requirements:

(a) All burning requires a permit as covered in 173-425-070.

(b) Permits shall not be issued, and thus open burning is not allowed, in areas where reasonable alternatives are available.

(c) No open burning shall be allowed in areas that exceed federal or state ambient air quality standards. Such areas shall be defined as the entire carbon monoxide and/or PM-10 nonattainment area, unless otherwise determined pursuant to 173-425-060 (2)(a).

(d) A fire protection authority may declare a fire hazard. If open burning is determined the most appropriate manner to abate the fire hazard, the request must be reviewed and permitted by the local air authority. Permits issued under this section shall provide that:

(i) Prohibited materials shall not be burned in any fire.

(ii) No open burning shall be done during a declared period of impaired air quality.

(iii) No reasonable alternative is available.

(2) Additional requirements for nonattainment areas.

(a) Phase-in approach. A local air authority may petition the department to use a phase-in approach in portions of a federally designated nonattainment area for carbon monoxide and/or PM-10. The phase-in approach will focus on how to achieve the Clean Air

Washington goals and eliminate burning in areas that exceed the standards. The department will review and determine if the petition should be approved. The department may partially approve petitions or approve petitions with conditions based on consideration of the following factors:

(i) Population and population density.

(ii) The ability of the air quality in the region to support open burning based upon geographical and meteorological conditions.

(iii) The presence of a permitting program.

(iv) The extent to which reasonable alternatives to open burning are being developed through solid waste management plans and the schedule for the availability of such reasonable alternatives.

(v) Other factors deemed appropriate by the local air authorities.

(b) Petition evaluation. The petition to use a phase-in approach is due to the department no later than one month after the effective date of this rule. A ban is not effective in areas identified in the petition until after the department makes a ruling on the petition. Upon receiving the petition, the department shall review and make a determination within 30 days. For all federally designated nonattainment areas, open burning shall be banned by the applicable attainment date.

(c) Permits. The department or local air authority may issue permits in banned areas for the following activities:

(i) Fire fighting instruction. Local air authorities or the department may issue permits for fire training fires, pursuant to guidelines and rules of the department of ecology. The department of natural resources may issue permits, following DNR guidelines and rules, for forest fire training purposes on lands it protects.

(ii) Specific forms. The department or the local air authorities may permit, with conditions, fires set as part of a defined research project, weed abatement, and smoke training that is part of a military training exercise.

(d) Responding to open burning calls. Each affected county shall identify a fire marshal or other appropriate county official for field response and to document open burning complaints or violations using appropriate field notices.

(3) Additional requirements for urban growth areas and cities with a population of 10,000 or more.

(a) Open burning will be banned when reasonable alternatives are available, no later than the end of the year 2000.

(b) Until open burning is banned, it is allowed subject to the permitting provisions of this chapter.

(c) When open burning is banned, the provisions in 173-425-060(2) apply.

#### NEW SECTION

WAC 173-425-070 OPEN BURNING PERMIT REQUIREMENTS. (1) Permit program. For areas where burning is allowed, the department, local air authorities, fire protection authorities, conservation districts, or counties may issue permits. Those issuing permits are responsible for field response to open burning complaints.

(2) Permit program development and assistance.

(a) The department shall provide assistance for implementing a permitting program.

(b) The department shall develop a model permit program and provide guidance on starting and implementing permit programs.

(c) In selecting a permit program, communities may use options ranging from the minimum - a general rule burn, as described in 173-425-070(5) - to a written permit. A permit program must be in place eight months after this regulation is effective. If at that time no agreement is reached, the area becomes a no-burn area and falls under the restrictions of 173-425-060(2).

(d) The department or the local air authorities shall coordinate with the agencies listed in 173-425-070(1) to determine the type of permitting program appropriate for the area.

(3) Fees. The department or the local air authority may issue permits and charge a fee. Fire districts, counties, and conservation districts issuing open burning permits may collect a fee to cover administrative costs. (RCW 70.94.780)

(4) Additional restrictions. The local air authorities and the department may restrict conditions for burning under this section. Burning conditions may include, but are not limited to, restricting burning in sensitive areas per Chapter 173-440 WAC, restricting the time period for burning, restricting permissible hours of burning, imposing requirements for good combustion practice, and restricting burning to specific weather conditions.

(5) General rule burn permits. For areas of the state where burning is allowed, agencies listed in 173-425-070(1) may use a general permit

by rule. This section provides a minimum (general rule burn) permit. Persons not able to meet all of the requirements of subsections 173-425-070 (5)(a)-(i) must apply for and receive a written permit. General rule burn permits under this section may be used for the following number of days per year: 1992-1995 - 21 days/year; 1995-1998 - 14 days/year; 1998-2000 - 7 days/year; after 2000 - 7 days/year. Failure to comply with all the requirements of subsections 173-425-070 (5)(a)-(i) voids the general rule burn permit and the person burning is subject to the penalty provisions of WAC 173-425-100. A person burning under this section must follow these requirements and any additional restrictions, including those established by cities, counties, or fire protection authorities:

- (a) The fire must not include prohibited materials listed in WAC 173-425-040, except what paper is necessary to start the fire.
- (b) A person capable of extinguishing the fire must attend it at all times and the fire must be extinguished before leaving it.
- (c) No fires are to be within fifty feet of structures.
- (d) The pile must not be larger than four feet by four feet by three feet.
- (e) Only one pile at a time may be burned, and each pile must be extinguished before lighting another.
- (f) No outdoor fire is permitted in or within five hundred feet of forest slash without a written burning permit.
- (g) Either the designated permitting authority must be called to confirm burning conditions for each day or current information on burning conditions must be obtained from another designated source.
- (h) If the fire creates a nuisance, it must be extinguished.
- (i) Permission from a landowner, or owner's designated representative, must be obtained before starting an open fire.

#### NEW SECTION

WAC 173-425-080 VIOLATIONS. (1) The local air authority or department may issue a notice of violation to the person responsible for the fire under any of the following:

- (a) Conditions of a permit issued under this chapter are violated.
- (b) Any open fire is ignited where, under this chapter, such fires are prohibited or where a permit is required and has not been obtained.
- (c) Prohibited materials are burned in an open fire.
- (d) Any open fire is ignited when a condition of impaired air quality or air pollution episode stage is declared.
- (e) Any ignited open fire that is not extinguished when a condition of impaired air quality or air pollution episode is declared.
- (f) The fire causes emissions detrimental to health.
- (g) The fire causes emissions that unreasonably interfere with property use and enjoyment.
- (2) A fire protection authority called to respond to, control, or extinguish an illegal or out-of-control fire may charge and recover from the person responsible for the fire the costs of its response and control action.

#### NEW SECTION

WAC 173-425-090 LOCAL AIR AUTHORITY MAY ISSUE A VARIANCE. Local air authorities may adopt variance procedures in their rules. Variance procedures properly adopted comply with this regulation and satisfy department review required by RCW 70.94.181. The department, at its discretion, may review variance petitions.

AMENDATORY SECTION (Amending Order 90-10, filed 9/17/90, effective 10/18/90)

WAC 173-425-100 ((~~DELEGATION OF AGRICULTURAL OPEN-BURNING PROGRAM~~)) PENALTIES. ((~~When ecology finds that any county, which is outside the jurisdictional boundaries of an activated air pollution control authority, is capable of administering the permit program of WAC 173-425-085 and desires to do so, ecology may delegate the administration and authority of the program to the county.~~

~~(2) This delegation may be withdrawn if ecology finds that the county is not effectively administering and enforcing the permit program. Before withdrawing delegation, ecology shall give the county a chance to correct permit program deficiencies.)) Any violation of this chapter may be subject to any penalty or other remedy authorized in Chapter 70.94 RCW.~~

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

#### NEW SECTION

WAC 173-425-100 SEVERABILITY. The provisions of this regulation are severable. If any provision is held invalid, the application of such provisions to other circumstances and the remainder of the regulation shall not be affected.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 173-425-036	Curtailed during episodes or impaired air quality.
WAC 173-425-045	Prohibited materials.
WAC 173-425-055	Exceptions.
WAC 173-425-065	Residential open burning.
WAC 173-425-075	Commercial open burning.
WAC 173-425-085	Agricultural open burning.
WAC 173-425-095	No burn area designation.
WAC 173-425-115	Land clearing projects.
WAC 173-425-120	Department of Natural Resources—Smoke management plan.
WAC 173-425-130	Notice of violation.
WAC 173-425-140	Remedies.

#### **WSR 92-12-027**

#### **PERMANENT RULES**

#### **DEPARTMENT OF HEALTH**

[Order 275—Filed May 28, 1992, 9:26 a.m.]

Date of Adoption: May 27, 1992.

Purpose: To establish continuing education for renewal of certification of sex offender treatment providers; increase extension fee in lieu of renewal; and add extension fee for affiliate providers.

Citation of Existing Rules Affected by this Order: Amending chapter 246-930 WAC.

Statutory Authority for Adoption: RCW 18.155.040.

Pursuant to notice filed as WSR 92-07-079 on March 17, 1992.

Changes Other than Editing from Proposed to Adopted Version: Extension fee increased to incorporate regular pro rata expenses, in lieu of a renewal fee, plus additional cost of implementing an extension. Extension fee established for affiliates in similar fashion. All extensions are discretionary with the department and inure to the benefit of licensees who would otherwise lose certification as of June 30, 1992.

Effective Date of Rule: Thirty-one days after filing.

May 27, 1992

Kristine M. Gebbie  
Secretary

AMENDATORY SECTION (Amending Order 212, filed 11/19/91, effective 12/20/91)

WAC 246-930-010 GENERAL DEFINITIONS. Whenever used in these rules, unless expressly otherwise stated, or unless the context or subject matter requires a different meaning, the following terms shall have the following meanings:

(1) "Department" means the department of health, professional licensing services division.

(2) "Secretary" means the secretary of the department of health, or designee.

(3) "Provider" means sex offender treatment provider.

(4) "Affiliate" means affiliate sex offender treatment provider.

(5) "Committee" means the sex offender treatment providers advisory committee.

(6) "Credential" or its derivative means the process of licensing, registration, certification~~((f))~~ or the equivalent through which a person is legally recognized by a state agency as lawfully authorized to practice a health profession.

~~((f))~~ For purposes of determining eligibility for certification, "evaluation" is defined as the direct provision of comprehensive evaluation and assessment services to persons who have been investigated by law enforcement or child protective services for commission of a sex offense, or who have been adjudicated or convicted of a sex offense. Such evaluation shall have had direct relevance to a client's offending behavior. Such services ~~((must))~~ shall have resulted in preparation of a formal written report. To qualify, the individual ~~((must))~~ shall have had primary responsibility for interviewing the offender and ~~((must))~~ shall have completed the written report. Only face-to-face contact with a client may be counted for evaluation credit. Evaluation hours performed by affiliate providers under the supervision of fully certified providers count toward certification under this definition. Note that limited assessments for the purpose of institution classification, treatment monitoring, and reporting do not qualify for evaluation credit under this definition. ~~((f))~~ Standards for evaluation by certified providers are set forth in WAC 246-930-320. Standards for evaluation by certified providers are set forth in WAC 246-930-320.

~~((f))~~ For purposes of determining eligibility for certification, "treatment" is defined as the direct provision of face-to-face individual, group, or family therapy with persons who have been investigated by law enforcement or child protective services for commission of a sex offense, or who have been adjudicated or convicted of a sex offense. The professional ~~((must))~~ shall have had formal responsibility for provision of primary treatment services, and such services ~~((must))~~ shall have had direct relevance to a client's offending behavior. Treatment hours performed by affiliate providers under the supervision of fully certified providers count toward certification under this definition. "Co-therapy hours" are defined as the actual number of hours the applicant spent facilitating a group session. Co-therapists may both claim credit for therapy hours as long as both persons have formal responsibility for the group sessions. Time spent in maintaining collateral contacts and written case/progress notes can not be counted under this definition.

(9) A "fully certified sex offender treatment provider" is an applicant who has met the educational, experience and training requirements as specified for full certification, has satisfactorily passed the examination, and has

been issued a certification to evaluate and treat sex offenders pursuant to chapter 18.155 RCW.

(10) An "affiliate sex offender treatment provider" is an applicant who has met the educational, experience and training requirements as specified for affiliate certification applicants, and has satisfactorily passed the examination. An affiliate sex offender treatment provider evaluates and treats sex offenders pursuant to chapter 18.155 RCW under the supervision of a fully certified sex offender treatment provider in accordance with the supervision requirements set forth in WAC 246-930-075.

(11) "SSOSA" is special sex offender sentencing alternative.

(12) "SSODA~~((f))~~" is special sex offender disposition alternative.

~~((f))~~ "Supervising officer" means the designated representative of the agency having oversight responsibility for a client sentenced under SSOSA or SSODA, under the sentence or disposition order, e.g., community correction officer.

~~((f))~~ "Evaluation treatment plan" the plan set forth in the evaluation detailing how the treatment needs of the client might be met and the community protected during the course of treatment.

~~((f))~~ "Provider-client contract" the document specifying the treatment rules and requirements the client has agreed to follow in order to maximize community safety. (13) "Supervising officer" means the designated representative of the agency having oversight responsibility for a client sentenced under SSOSA or SSODA, under the sentence or disposition order, e.g., community correction officer.

(14) "Evaluation treatment plan" means the plan set forth in the evaluation detailing how the treatment needs of the client might be met and the community protected during the course of treatment.

(15) "Provider-client contract" means the document specifying the treatment rules and requirements the client has agreed to follow in order to maximize community safety.

**AMENDATORY SECTION** (Amending Order 168, filed 5/16/91, effective 6/16/91)

WAC 246-930-020 REQUIREMENT FOR UNDERLYING CREDENTIAL AS A HEALTH PROFESSIONAL. (1) Under RCW 18.155.020(1), only credentialed health professionals may be certified as providers.

(2) A person who is credentialed as a health professional in a state or jurisdiction other than Washington ~~((must))~~ shall satisfy this requirement by submitting the following:

(a) A copy of the current nonexpired credential issued by the credentialing state;

(b) A copy of the statute, administrative regulation, or other official document of the issuing state which sets forth the minimum requirements for the credential;

(c) A statement from the issuing authority:

(i) That the credential is in good standing;

(ii) That there is no disciplinary action currently pending; and

(iii) Listing any formal discipline actions taken by the issuing authority with regard to the credential;

(d) A statement signed by the applicant, on a form provided by the department, submitting to the jurisdiction of the Washington state courts for the purpose of any litigation involving his or her practice as a sex offender treatment provider;

(e) A statement signed by the applicant, on a form provided by the department, that the applicant does not intend to practice the health profession for which he or she is credentialed by another state within the state of Washington without first obtaining an appropriate credential to do so from the state of Washington, except as may be authorized by Washington state law; and

(f) Evidence to show compliance with the AIDS education requirement:

(i) Education and training shall be consistent with the model curriculum available from the office on AIDS within the department of health pursuant to chapter 70.24 RCW. Such education and training shall be a minimum of four clock hours and shall include, but not be limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(ii) Documentation. The applicant shall:

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

(B) Keep records for two years documenting attendance and description of the learning; and

(C) Be prepared to validate, through submission of these records, that attendance has taken place.

(3) Underlying registration, certification, or licensure ~~((must))~~ shall be maintained in good standing. If underlying registration, certification, or licensure is not renewed or is revoked, certification as a sex offender treatment provider, affiliate sex offender treatment provider, or temporary or provisional treatment provider ~~((will))~~ shall be immediately revoked.

**AMENDATORY SECTION** (Amending Order 168, filed 5/16/91, effective 6/16/91)

WAC 246-930-030 EDUCATION REQUIREMENT FOR FULL CERTIFICATION APPLICANTS. (1) An applicant((s)) for full certification ~~((must))~~ shall have completed:

(a) A master's or doctoral degree in social work, psychology, counseling, or educational psychology from a fully accredited college or university; or

(b) A medical doctor or doctor of osteopathy degree if the individual is a board certified/eligible psychiatrist; or

(c) A master's or doctoral degree in a closely related field when there is documentation of thirty graduate semester hours or forty-five graduate quarter hours in approved subject content. Approved subject content includes at least five graduate semester hours or seven graduate quarter hours in (c)(i) and (ii) of this subsection and five graduate semester hours or seven graduate quarter hours in at least two additional content areas from the entire list:

(i) Counseling and psychotherapy.

(ii) Personality theory.

(iii) Research.

(iv) Psychopathology/personality disorders.

(v) Assessment/tests and measurement.

(vi) Group therapy/family therapy.

(vii) Human growth and development/sexuality.

(viii) Corrections/criminal justice.

(2) Transcripts of all graduate work ~~((must))~~ shall be submitted directly to the department from the college or university where earned.

**AMENDATORY SECTION** (Amending Order 168, filed 5/16/91, effective 6/16/91)

WAC 246-930-040 PROFESSIONAL EXPERIENCE REQUIREMENT FOR FULL CERTIFICATION APPLICANTS. (1) In order to qualify for examination, the applicant shall have at least two thousand hours of direct treatment and evaluation experience, as defined in WAC 246-930-010. These two thousand hours shall include at least two hundred fifty ~~((of these))~~ hours ~~((must be))~~ of evaluation experience and at least five hundred ~~((of these))~~ hours ~~((must be))~~ of treatment experience.

(2) All of the prerequisite experience ~~((must))~~ shall have been within the seven-year period preceding application for certification as a provider.

**AMENDATORY SECTION** (Amending Order 168, filed 5/16/91, effective 6/16/91)

WAC 246-930-050 EDUCATION REQUIREMENT FOR AFFILIATE CERTIFICATION APPLICANTS. (1) An applicant((s)) for affiliate certification ~~((must))~~ shall have completed:

(a) A bachelor's, master's, or doctorate degree in social work, psychology, counseling, or educational psychology from a fully accredited institution of higher education; or

(b) A medical doctor or doctor of osteopathy degree if the individual is a board certified/eligible psychiatrist; or

(c) A bachelor's, master's, or doctorate degree in a closely related field when there is documentation of thirty semester hours or forty-five quarter hours in approved subject content. Approved subject content includes at least five semester hours or seven quarter hours in (c)(i) and (ii) of this subsection and five semester hours or seven quarter hours in at least two additional content areas from the entire list:

(i) Counseling and psychotherapy.

(ii) Personality theory.

(iii) Research.

(iv) Psychopathology/personality disorders.

(v) Assessment/tests and measurement.

(vi) Group therapy/family therapy.

(vii) Human growth and development/sexuality.

(viii) Corrections/criminal justice.

(2) Transcripts of all academic work ~~((must))~~ shall be submitted directly to the department from the college or university where earned.

AMENDATORY SECTION (Amending Order 168, filed 5/16/91, effective 6/16/91)

WAC 246-930-060 PROFESSIONAL EXPERIENCE REQUIREMENT FOR AFFILIATE CERTIFICATION APPLICANTS. (1) An applicant((s)) meeting only the minimal academic requirements for affiliate status (bachelor's degree), ~~((must))~~ shall have a total of two thousand hours of experience in evaluation and/or treatment as defined in WAC 246-930-010. No specific minimum number of hours in either category is required for an affiliate applicant((s)).

(2) All of the prerequisite experience ~~((must))~~ shall have been within the seven-year period preceding application for certification as a provider.

(3) If the applicant for affiliate status meets the academic requirements for full certification, post-graduate degree as outlined in WAC 246-930-030, no experience requirement applies.

AMENDATORY SECTION (Amending Order 201, filed 10/10/91, effective 11/10/91)

WAC 246-930-075 SUPERVISION OF AFFILIATES. Supervision of affiliates is considerably different than consultation. Consultation is solely advisory; ~~((the))~~ consultants ~~((does))~~ do not assume responsibility for those individuals to whom they consult. Supervision of affiliates requires that the provider take full ethical and legal responsibility for the professional work and for the quality of work of the affiliate. The following rules apply to providers and affiliates when service is being provided to SSOSA and SSODA clients:

(1) Whether providing training, consultation, or supervision, sex offender treatment providers shall avoid presenting themselves as having qualifications in areas where they do not have expertise.

(2) The supervisor shall provide sufficient training and supervision to the affiliate to insure the health and safety of the client and community. The supervisor shall have the expertise and knowledge to directly supervise the work of the affiliate.

(3) The supervisor shall insure that any person he or she supervises has sufficient education, background, and preparation for the work they will be doing.

(4) Supervision of an affiliate shall require that the supervisor and supervisee enter into a formal written contract defining the parameters of the professional relationship. This supervision contract shall be submitted to the department for approval and ~~((with))~~ shall be renewed on a yearly basis. This document shall include, but is not limited to:

(a) The areas of professional activity for which supervision will occur~~((:))~~;

(b) The amount of supervision time and frequency of supervisory meetings to be provided. This information ~~((can))~~ may be presented as a ratio of supervisory time to clinical work conducted by the affiliate~~((:))~~;

(c) The supervisory fees and business arrangements, when applicable~~((:))~~;

(d) The nature of the supervisory relationship and the anticipated process of supervision~~((:))~~;

(e) The manner in which clinical cases will be selected and reviewed~~((:))~~;

(f) The methodology for recordkeeping, evaluation of the affiliate, and feedback~~((:))~~; and

(g) The manner in which the affiliate shall be represented to the public.

(5) Supervision of affiliates shall involve regular, direct, on-site supervision. Supervision shall include a reasonable degree of direct observation by means of the supervisor sitting in sessions, audio tape recording, videotape, etc. However, it is recognized that certain geographic locales do not have sufficient resources to enable immediate, direct supervision of affiliates. In these cases special flexible supervision arrangements which deviate from the standard are encouraged; these special supervision contracts shall be submitted to the department for approval.

(6) The level of supervision provided shall insure the affiliate's preparedness to conduct his or her professional work and provide adequate oversight. There shall be a minimum of one hour of supervision time for every ten hours of supervised professional work. Supervision meetings shall regularly occur at least every other week.

(7) A certified sex offender provider shall undertake no supervision which exceeds the provider's ability to comply with supervision standards. A supervisor shall not supervise more than thirty hours of SSOSA and SSODA case clinical work each week.

(8) Generally, a supervisor shall not provide supervision for more than two affiliates. However, the special needs of certain locales, particularly rural areas, are recognized. Where appropriate, deviation from the standards for amount of supervision time, frequency of supervision, and limitations on supervision by a supervisor are encouraged if quality of supervision can be maintained. Special supervisory arrangements shall be submitted for approval as part of the supervision contract to the department. As necessary, a supervisor ~~((can))~~ may adjust a supervision plan, but shall notify the department of the amendment to the contract.

(9) The status of the affiliate's relationship to the supervisor is to be accurately communicated to the public, other professionals, and to all clients served.

(10) An affiliate sex offender treatment provider shall represent ~~((themselves))~~ himself or herself as an affiliate only when ~~((they are))~~ doing clinical work supervised by ~~((their))~~ the contracted sex offender treatment provider. If the affiliate is providing unsupervised clinical services to clients who are not SSOSA or SSODA cases, the individual shall not utilize the title "affiliate" in that context.

(11) All written reports and correspondence conducted by the affiliate under SSOSA or SSODA shall be cosigned by the supervisor, indicating the supervisory relationship. The work ~~((with))~~ shall be represented as conducted by the affiliate and with oversight provided by the supervisor.

(12) All work relating to SSOSA and SSODA clients, conducted by the affiliate, ~~((with))~~ shall be the responsibility of the supervisor. The supervisor ~~((with))~~ shall have full authority over the practice of the affiliate involving SSOSA and SSODA clients.

(13) Supervision ((with)) shall include, but is not limited to:

- (a) Discussion of services provided by the affiliate((-));
- (b) Case selection, service plan, and review of each case or work unit of the affiliate((-);
- (c) Discussions regarding theory and practice regarding the work being conducted((-);
- (d) Review of Washington statutes, rules, and criminal justice procedures relevant to the work being conducted((-);
- (e) Discussion of the standards of practice for providers as adopted by the department and the ethical issues involved in providing professional services for sex offenders((-);
- (f) Discussion regarding coordination of work with other professionals((-);
- (g) Discussion of relevant professional literature and research((-); and
- (h) Periodic review of the supervision itself.

(14) Both the supervisor and affiliate shall maintain full documentation of the work done and supervision provided.

(15) Timely evaluation of the affiliate's work and professional progress shall be provided by the supervisor.

(16) If the work of the supervisee does not meet sufficient standards to protect the best interests of the clients and the community, it is the responsibility of the supervisor to ((remediate)) remedy the problems or terminate the supervision contract. If a supervision contract is terminated, the supervisor shall notify the department and provide the department with a letter of explanation.

(17) Supervision is a power relationship and the supervisee-supervisor relationship is not to be exploited. This standard in no way precludes reasonable compensation for supervisory services.

(18) It is the responsibility of the supervisor to provide, on request, accurate and objective letters of reference and work documentation regarding the affiliate, when requested by affiliate.

(19) If a supervisee is in the employ of a provider it is the responsibility of the supervisor to provide:

- (a) Appropriate working conditions((-);
- (b) Opportunities to further ((their)) the supervisee's skills and professional development((-); and
- (c) Consultation in all areas of professional practice appropriate to ((their)) the supervisee's employment.

(20) All records of both affiliate and supervisor shall be subject to audit to determine compliance with appropriate statutes and rules.

#### AMENDATORY SECTION (Amending Order 168, filed 5/16/91, effective 6/16/91)

WAC 246-930-200 APPLICATION AND EXAMINATION. (1) In order to be certified to practice under this chapter as a provider or affiliate provider in the state of Washington all applicants ((must)) shall pass an examination approved by the secretary.

(2) An applicant ((must)) shall meet all education, experience, and training requirements and be a health care provider before being allowed to sit for the examination.

(3) Examinations ((with)) shall be given twice annually at a time and place determined by the secretary.

(4) A completed application with the appropriate fee for certification ((must)) shall be received in the office of the department, no later than sixty days prior to the examination administration. All supporting documentation ((must)) shall be received no later than twenty days prior to the scheduled examination date.

(5) Any applicant who fails to follow written or oral instructions relative to the conduct of the examination, is observed talking or attempting to give or receive information, or attempting to remove materials from the examination or using or attempting to use unauthorized materials during any portion of the examination ((with)) shall be terminated from the examination and not permitted to complete it.

(6) The department shall approve the method of grading each examination, and shall apply such method uniformly to all applicants taking the examination.

(7) An applicant ((with)) shall be notified in writing of his or her examination score.

(8) An applicant's examination score shall not be disclosed to anyone other than the applicant, unless requested to do so in writing by the applicant.

(9) An applicant who fails to make the required grade in the first examination is entitled to take up to two additional examinations upon the payment of a reexamination fee for each subsequent examination determined by the secretary. Upon failure of three examinations, the secretary may require remedial education before admission to future examinations.

#### AMENDATORY SECTION (Amending Order 168, filed 5/16/91, effective 6/16/91)

WAC 246-930-210 EXAMINATION APPEAL PROCEDURES. (1) Any candidate who takes and does not pass the sex offender treatment provider examination((-)) may request review of the results of the examination.

(a) The examination results ((with)) shall not be modified unless the candidate presents clear and convincing evidence of error in the examination content or procedure, or bias, prejudice, or discrimination in the examination process.

(b) Any challenges to examination scores ((with)) shall not be considered unless the total of the potentially revised score would result in issuance of a certificate.

(2) The procedure for requesting an informal review of examination results is as follows: The request ((must)) shall be in writing and ((must)) shall be received by the department within thirty days of the date on the letter of notification of examination results sent to the candidate.

~~((The request must be in writing and must be received by the department within thirty days of the date on the letter of notification of examination results sent to the candidate.))~~

(3) The advisory committee ((with)) shall schedule a closed session meeting to review the failed examination questions and forms completed by the candidate. The candidate ((with)) shall be notified in writing of the decision.

(a) The candidate (~~(with)~~) shall be identified only by candidate number for the purpose of this review.

(b) Letters of referral or requests for special consideration (~~(with)~~) shall not be read or considered.

(4) Any candidate not satisfied with the results of the informal examination review may request a formal hearing before the secretary to challenge the informal review decision. The procedures for requesting a formal hearing are as follows:

(a) The candidate (~~(must)~~) shall complete the informal review process before requesting a formal hearing.

(b) The request for formal hearing (~~(must)~~) shall be received by the department within twenty days of the date on the notice of the results of the informal review.

(c) The written request (~~(must)~~) shall specifically identify the challenged portion(s) of the examination and (~~(must)~~) shall state the specific reason(s) why the candidate believes the examination results should be modified.

(5) Before the hearing is scheduled the parties shall attempt by informal means to resolve the following:

(a) The simplification of issues;

(b) Amendments to the candidate's notice identifying the challenged portion(s) of the examination and the statement of the specific reason(s) why the candidate feels the results of the examination should be changed;

(c) The possibility of obtaining stipulations, admission of facts, and documents;

(d) The limitation of the number of expert witnesses;

(e) A schedule for completion of all discovery; and

(f) Such other matters as may aid in the disposition of the proceeding.

If the parties are unable to resolve any of these issues informally, either party may request a prehearing conference to be held before an administrative law judge.

(6) In the event there is a prehearing conference, the administrative law judge shall enter an order which sets forth the actions taken at the conference, the amendments allowed to the pleading, and the agreements made by the parties of their qualified representatives as to any of the matters considered, including the settlement or simplification of issues. The prehearing order limits the issues for hearing to those not disposed of by admissions or agreements. Such order shall control the subsequent course of the proceeding unless modified for good cause by subsequent prehearing order.

(7) Candidates (~~(with)~~) shall receive at least twenty days' notice of the time and place of the formal hearing.

(8) The hearing (~~(with)~~) shall be restricted to the specific portion(s) of the examination the candidate had identified in the request for formal hearing.

(9) The formal hearing (~~(with)~~) shall be conducted pursuant to the Administrative Procedure Act, chapter 34.05 RCW.

**AMENDATORY SECTION** (Amending Order 168, filed 5/16/91, effective 6/16/91)

WAC 246-930-220 REEXAMINATION. (1) An applicant for certification who has been previously certified shall retake the examination and achieve a passing score before recertification under any of the following circumstances:

(a) The applicant has been uncertified voluntarily for more than thirty-six calendar months; or

(b) The applicant's certificate has been revoked or suspended by reason of a disciplinary action by the secretary (~~(of the department of health)~~).

(2) The secretary may require reexamination in any disciplinary order as a condition of reissuing a certificate or confirming certification.

(3) Whenever reexamination is required, the applicant shall pay the appropriate fees set forth in WAC 246-930-990.

**AMENDATORY SECTION** (Amending Order 168, filed 5/16/91, effective 6/16/91)

WAC 246-930-300 MANDATORY REPORTING. (1) Pursuant to RCW 18.130.070, the persons designated in subsection (2) of this section are required to report to the department:

(a) Any conviction, determination, or finding of which they have personal knowledge that any person certified as a provider or affiliate provider has committed an act which constitutes unprofessional conduct under RCW 18.130.180; (~~(or)~~) and

(b) Any information of which they have personal knowledge which indicates that any person certified as a provider or affiliate provider may not be able to practice with reasonable skill and safety to the public as a result of a mental or physical condition.

(2) The following persons are required to report the information identified in subsection (1) of this section:

(a) Persons certified as providers or affiliate providers;

(b) The president, chief executive officer, or designated official of any professional association or society whose members are certified providers or affiliate providers;

(c) Prosecuting attorneys and deputy prosecuting attorneys;

(d) Community corrections officers employed by the department of corrections;

(e) Juvenile probation or parole counselors who provide counseling or supervision to juveniles;

(f) The president, chief executive officer, or designated official of any public or private agency which employs certified providers or affiliate providers;

(g) The president, chief executive officer, or designated official of any credentialing agency for health professionals.

(3) Reports under this section (~~(must)~~) shall be made in writing, and must include the name, address, and telephone number of the person making the report, the name and address of the person about whom the report is made, and complete information about the circumstances giving rise to the report.

**AMENDATORY SECTION** (Amending Order 212, filed 11/19/91, effective 12/20/91)

WAC 246-930-301 PURPOSE—PROFESSIONAL STANDARDS AND ETHICS. (1) The (~~(following)~~) standards set forth in WAC 246-930-301 through 246-930-340 apply to sex offender treatment

providers (SOTP) while evaluating or treating SSOSA or SSODA clients.

(2) Sex offender treatment providers (~~((SOTP must))~~) shall be otherwise credentialed health professionals, and are subject to the standards of practice of their primary field of practice. However, standards of practice vary from profession to profession, and sex offender evaluation and treatment represents significant differences in practice from general mental health interventions.

(3) Given the uniqueness of this area of practice, the degree of control that a provider exercises over the lives of clients, and the community protection issues inherent in this work, standards of practice specific to this area of specialization are necessary.

(4) The purpose of these rules is to establish standards of practice for sex offender treatment providers (~~((SOTP))~~). Failure to comply with these standards in providing evaluation (~~((of or))~~) and/or treatment to clients sentenced under SSOSA or SSODA may constitute unprofessional conduct pursuant to RCW 18.130.180(7).

(5) When there is a conflict between the terms or conditions of a court order in a specific case and these standards, the provider shall comply with the court order.

AMENDATORY SECTION (Amending Order 212, filed 11/19/91, effective 12/20/91)

WAC 246-930-310 STANDARDS FOR PROFESSIONAL CONDUCT AND CLIENT RELATIONSHIPS. (1) General considerations. Sex offender treatment providers (~~((SOTP/provider))~~) shall:

(a) (~~((Protect the public and))~~) Report to the department (~~((of health))~~) any unethical(;) or incompetent ((and dishonorable)) practices by other sex offender treatment providers(;) that jeopardize public safety or cause a risk of harm to clients;

(b) Not discriminate against clients with regard to race, religion, gender or disability(;) and

(c) Treat clients with dignity and respect, regardless of the nature of their crimes or offenses.

(2) Competence in practice. Providers shall:

(a) Be fully aware of the standards of their area of credentialing as ~~((a))~~ health professionals and adhere to those standards(;) and

(b) Be knowledgeable of statutes and scientific data relevant to this area of specialized practice(;) and

(c) Be familiar with the ~~((general))~~ statutory requirements for assessments, treatment plans and reports for the court for ~~((sex offender sentencing alternative f))~~SSOSA(;) and ~~((special sex offender disposition alternative f))~~SSODA(;) and

(d) Perform professional duties with the highest level of integrity, maintaining confidentiality within the scope of statutory responsibilities(;) and

(e) Be committed to community protection and safety(;) and

(f) Not make claims regarding the efficacy of treatment that exceed what can be reasonably expected(;) and

(g) Make appropriate referrals when they are not qualified or are otherwise unable to offer services to a client(;) and

(h) Exercise due prudence and care in making referral to other professionals.

(3) Confidentiality. Providers shall:

(a) Insure that the client fully understands the scope and limits of confidentiality, and the relevance to the client's particular situation. The provider shall inform the client of the provider's method of reporting disclosures ~~((of))~~ made by the client and to whom disclosures are made, before evaluation and treatment commence((s, and update periodically, thereafter.));

(b) Inform clients of any circumstances which may trigger an exception to the agreed upon confidentiality(;) and

(c) Not require or seek waivers of privacy or confidentiality beyond the requirements of treatment, training, or community safety. Providers ~~((with))~~ shall evaluate the impact of authorizations for release of information upon their clients(;) and

(d) Understand and explain to their juvenile clients the rights of their parents and/or guardians to obtain information relating to the client.

(4) Conflict of interest. Providers shall:

(a) Refrain from using professional relationships to further their personal, religious, political, or economic interest other than accepting customary fees(;) and

(b) Avoid relationships with clients which may constitute a conflict of interest, impair professional judgment and risk exploitation. (For example, bartering, service for service, and/or treating individuals where a social, business, or personal relationship exists(;) and

(c) ~~((Refrain from))~~ Have no sexual relationships with a client.

(5) Fee-setting and client interaction. Providers shall:

(a) Prior to commencing service, fully inform the client of the scope of professional services to be provided and the fees associated with the services(;) and

(b) Review any changes in financial arrangements and requirements with the client pursuant to the rules initially specified(;) and

(c) Neither offer nor accept payment for referral.

(6) Termination or alteration of therapist/client relationship. Providers shall:

(a) Not unreasonably withdraw services to clients ~~((in a precipitous manner))~~, and shall take care to minimize possible adverse effects on the client and the community(;) and

(b) Notify clients promptly when termination or disruptions of services are anticipated, and provide for a transfer, referral ~~((r))~~, or continuation of service consistent with client needs and preferences, when appropriate(;) and

(c) Refrain from knowingly providing treatment services to a client who is in mental health treatment with another ~~((health care))~~ professional without ~~((initial))~~ consultation with the current provider.

(7) The department neither requires nor prohibits the use of ~~((plethysmographs))~~ plethysmographs or polygraphs. The ~~((choice))~~ use of these and other treatment and evaluation techniques is at the discretion of the provider, subject to the terms of the court order in a particular case. The following standards apply when such techniques are used.

(a) Use of plethysmography(~~(-PLETHYSMOGRAPHY)~~): The use of physiological assessment measures, such as penile plethysmography, can yield valuable information regarding the sexual arousal patterns of sex offenders. This data can be useful in assessing therapy progress and in monitoring for community safety. When obtained, physiological assessment data shall not be used as the sole basis for offender risk assessment and shall not be used to determine if an individual has committed a specific sexually deviant act. Providers who utilize this data shall be aware of the limitations of ~~((the))~~ plethysmography and shall recognize that ~~((plethysmography))~~ plethysmographic data is only meaningful within the context of a comprehensive evaluation and/or treatment process. Sex offender treatment providers shall insure that physiologic assessment data is interpreted only by sex offender treatment providers who possess the necessary training and experience. Sex offender treatment providers shall insure that particular care is taken when performing physiological assessment with juvenile offenders and other special populations, due to concerns about exposure to deviant materials. Given the intrusiveness of this procedure, care shall be given to the dignity of the client.

~~((b))~~ (b) Use of polygraph(~~(-POLYGRAPH)~~): The use of the polygraph examination may enhance the treatment and monitoring process by encouraging disclosure of information relevant and necessary to understanding the extent of present risk and compliance with treatment and court requirements. When obtained, the polygraph data achieved through periodic examinations is an important asset in monitoring the sex offender client in the community. Other alternative sources of verification may also be utilized. Sex offender treatment providers shall be knowledgeable of the limitations of the polygraph and shall take into account its appropriateness with each individual client and special client populations. Examinations shall be given in accordance with the treatment plan ~~((and the needs shown in the evaluation))~~. Sex offender treatment providers shall not base ~~((treatment plan))~~ decisions solely on the results of the polygraph examination.

#### AMENDATORY SECTION (Amending Order 212, filed 11/19/91, effective 12/20/91)

WAC 246-930-320 STANDARDS FOR SSOSA AND SSODA ASSESSMENT AND EVALUATION REPORTS. (1) General considerations in evaluating ~~((SSOSA and SSODA))~~ clients. Providers shall:

(a) Be ~~((thoroughly familiar with))~~ knowledgeable of assessment procedures~~((:))~~ utilized;

(b) Be aware of the strengths and limitations of self-report and make reasonable efforts to verify information provided by the offender~~((:))~~;

~~((c))~~ (c) Be ~~((completely familiar with))~~ knowledgeable of the client's legal status. Have a full understanding of the SSOSA and SSODA process and be knowledgeable of relevant criminal and legal considerations~~((:))~~;

~~((d))~~ (d) Be impartial; provide an objective and accurate base of data~~((:))~~;

~~((e))~~ (e) Avoid addressing or responding to referral questions which exceed the present level of knowledge in the field or the expertise of the evaluator~~((:))~~;

~~((f))~~ (f) Assure that their written reports are accurate, comprehensive and address all of the issues necessary for court disposition~~((:))~~;

~~((g))~~ (g) Assure that their written reports present all knowledge relevant to the matters at hand in a clear and organized manner~~((:))~~;

~~((h))~~ (h) Assure that their written reports include the referral sources, the conditions surrounding the referral and the referral questions addressed~~((:))~~; and

~~((i))~~ (i) Assure that their written reports state the sources of information utilized in the evaluation.

(2) Scope of assessment data.

(a) Comprehensive evaluations shall include a compilation of data from as many sources as reasonable ~~((and))~~ appropriate ~~((When available the following data should be considered in forming opinions and making recommendations))~~, and available. These sources may include:

(i) Collateral information (i.e. police reports, CPS information, criminal correctional history and victim statements)~~((:))~~;

(ii) Psychological testing information~~((:))~~;

(iii) ~~((Physiologic))~~ Physiological testing information~~((:))~~;

(iv) Interviews with the offender~~((:))~~;

(v) Previous assessments conducted (i.e. medical, substance abuse, psychological, sexual deviancy)~~((:))~~; and

(vi) Interviews with significant others.

(b) The written report shall reflect the information considered including:

(i) A description of the current offense(s) including, but not limited to, the evaluator's conclusion about the reasons for any discrepancies between the official and offender's versions of the offenses~~((:))~~;

(ii) A sexual history, sexual offense history and patterns of sexual arousal/preference/interest~~((:))~~;

(iii) Prior attempts to remediate and control offense behavior including prior treatment~~((:))~~;

(iv) Perceptions of significant others, when appropriate, including their ability and/or willingness to support treatment efforts~~((:))~~;

(v) Potentiators of offending behavior to include alcohol and drug abuse, stress, mood, sexual patterns, use of pornography, and social and environmental influences~~((:))~~;

(vi) A personal history to include medical, marital/relationships, employment, education and military~~((:))~~;

(vii) A family history~~((:))~~;

(viii) History of violence and/or criminal behavior~~((:))~~;

(ix) Mental health functioning to include coping abilities, adaptational styles, intellectual functioning and personality attributes~~((:))~~; and

(x) The overall findings of psychological/~~((physiologic))~~ physiological/medical assessment when such assessments have been conducted.

(3) Conclusions and recommendations. The conclusions and recommendations shall flow from the data presented in the body of the report and include:

(a) The evaluator's conclusions regarding the appropriateness of community treatment((-));

(b) A summary of the clinician's diagnostic impressions((-));

(c) A specific assessment of risk factors, including the extent of the offender's dangerousness in the community at large((-);

(d) The client's amenability to outpatient treatment and conditions of treatment necessary to maintain a safe treatment environment.

(4) ((Evaluation)) Proposed treatment plan. The plan shall be described with sufficient detail and clarity and include:

(a) Anticipated length of treatment, frequency and type of contact with providers, and supplemental or adjunctive treatment((-);

(b) The specific issues to be addressed in treatment and a description of planned treatment interventions including involvement of significant others in treatment and ancillary treatment activities((-);

(c) Recommendations for specific ((treatment)) behavioral prohibitions, requirements and restrictions on lifestyle that are necessary to the treatment process and community safety((-);

(d) Proposed methods for monitoring and verifying compliance with the conditions and prohibitions of the treatment program((-); and

(e) If the evaluator will not be providing the ensuing treatment, a specific certified provider should be ((presented)) identified to the court. Such provider shall adopt the proposed treatment plan or submit an alternative treatment plan for approval by the court, to include each of the foregoing elements.

(f) Such provider shall submit to the court and the parties a statement that the provider is either adopting the proposed treatment plan or submitting an alternate plan. The plan and the statement shall be provided to the court before sentencing.

AMENDATORY SECTION (Amending Order 212, filed 11/19/91, effective 12/20/91)

WAC 246-930-330 STANDARDS FOR TREATMENT. Introduction-SSOSA/SSODA offender treatment: It is recognized that effective sexual deviancy treatment will involve a broad set of planned therapeutic experiences and interventions designed to ultimately reduce the risk of a client engaging in criminal sexual behavior. Such treatment shall be consistent with current professional literature and practices and shall maximize community safety.

(1) General considerations.

(a) Clients shall generally be seen a minimum of once per week for at least ((45)) forty-five minutes by a certified or affiliate sex offender treatment provider.

(b) Circumstances may make a temporary reduction in duration or frequency of contacts appropriate and shall be determined on an individual case basis.

(c) Any reduction in frequency or duration of ((therapy sessions or changes in treatment plans shall not unduly compromise treatment effectiveness or public safety and shall be reported to the supervising officer)) contacts which constitutes a change in the treatment plan shall be

reported to the supervising officer, the prosecutor, and the court.

(d) The treatment methods employed by the provider shall:

(i) Be supportable by the professional literature and practice((-);

(ii) Reflect concern for the well being of clients, victims and the safety of potential victims((-);

(iii) Take into account the legal/civil rights of clients, including the right to refuse therapy and return to court for review((-); and

(iv) Be individualized to meet the unique needs of each client.

(2) Planning and interventions. The treatment plan and the interventions used by the provider to achieve the goals of the plan shall:

(a) Be based on the needs detailed in the evaluation((-);

(b) Include provisions for the protection for victims and potential victims((-);

(c) Prioritize those therapy events most necessary to avoid sexual reoffense((-); and

(d) Take reasonable care to not cause victims to have unsafe, or unwanted contact with their offenders((-);

(3) Provider-client contract ((be presented to the client and to the supervising officer within 90 days of the start of treatment and include treatment expectations and all of the rules of treatment agreed to by the offender and the provider)). The provider-client contract shall:

(a) Include treatment requirements and rules that are directly related to community safety;

(b) Be signed by the client and acknowledge the contract, treatment requirements, and rules; and

(c) Be provided to the supervising officer after sentencing and within ninety days of the start of treatment.

(4) Treatment((-) methods. The methods used by the provider shall:

(a) Address clients' deviant sexual urges and recurrent deviant sexual fantasies ((as necessary to prevent sexual reoffense));

(b) Attempt to educate clients and the individuals who are part of their support systems about the ((objective risk of)) potential for reoffense, and risk factors;

(c) Attempt to teach clients to utilize self control methods to avoid sexual ((reoffending where applicable;)) reoffense;

(d) Consider the effects of trauma and past victimization as factors in reoffense potential where applicable((-);

(e) Address clients' thought processes which facilitate sexual reoffense and other victimizing or assaultive behaviors((-);

(f) Attempt to modify client thinking errors and cognitive distortions ((where possible;));

(g) Attempt to enhance clients appropriate adaptive/legal sexual functioning((-);

(h) Attempt to insure that clients have accurate knowledge about the effect of sexual offending upon victims, their families, and the community((-);

(i) Assist clients to develop a sensitivity to the effects of sexual abuse upon victims((-);

(j) Address clients' personality traits and personality deficits which are related to increased reoffense potential(;;);

(k) Address clients' deficits in coping skills in present life circumstances where applicable(;;);

(l) Include and integrate ((a client's family)) clients' families, guardians, and residential program staff into the therapy process when appropriate(;;); and

(m) Attempt to maintain communication with ((clients' spouse and families where appropriate)) other significant persons in the client's support system, when deemed appropriate by the provider to assist in meeting treatment goals.

(5) Monitoring of treatment and sentence requirements. The monitoring of the client's compliance with treatment and sentence requirements by the provider shall:

(a) Recognize the reoffense potential of the sex offender client, the damage that may be caused by sexual reoffense or attempted reoffense, and the limits of self report by the sex offender client(;;);

(b) Employ multiple sources of input regarding the client's out of office behavior when possible and utilize methods which are objective in nature(;;);

(c) As a general principle, increase monitoring during those times of increased risk and notify the supervising officer:

(i) When a client is in crisis(;;);

(ii) When visits with victims or potential victims are authorized(;;); and

(iii) When clients are in high risk environments(;;);

(d) Work in collaboration with the supervising officer in the independent verification of a client's:

(i) Compliance with sentence requirements and treatment directives;

(ii) Cessation of sexually deviant behaviors;

(iii) Reduction in those behaviors most likely to be related to sexual reoffense; and

(iv) ((Reports of)) Living, work and social environments to insure that these environments have sufficient protection against ((clients')) the client's reoffense potential.

(6) Contacts with victims/vulnerable children. When ((the)) sex offender clients ((has)) have any contact with the victims or children, the provider shall recognize that supervision during contact with children is critical for those offenders who have had crimes against children, or have the potential to abuse children. Providers shall:

(a) Consider victims' wishes about contact and ensure that all contact is safe and in accordance with any court directives(;;);

(b) Limit child molester decision-making authority over vulnerable children(;;);

(c) Collaborate with other relevant professionals and solicit their input regarding contact with victims, rather than make isolated decisions(;;);

(d) Consult with parents, custodial parents, or guardians prior to authorizing any contact between offenders and children(;;);

(e) ((Recognize that supervision during contact with children is critical for those offenders who have had

crimes against children, or have the potential to abuse children;

(f)) Include educational experiences for chaperones/supervisors of ((child—molester)) SSOSA/SSODA clients(;;); and

((g)) (f) Establish ((a)) plans/protocols for reuniting or returning ((child molester)) SSOSA/SSODA clients to homes where children reside that ((insures)) emphasizes child safety ((under this new situation when such a return home is appropriate)).

(7) Documentation of treatment. Providers shall maintain client files in accordance with the professional standards of their individual disciplines and with Washington state law regarding health care records and shall:

(a) Document the goals of treatment, the methods used and the observed progress of clients towards reaching the goals(;;);

(b) Insure that the client files accurately reflect treatment progress, sessions attended and treatment plan change information necessary for completion of the required SSOSA/SSODA reports(;;); and

(c) Safeguard the confidentiality of client files in recognition of the sensitive nature of the contents(;;).

(8) Completion of court ordered treatment. ((SOTF)) The sex offender treatment provider shall make treatment completion decisions that logically follow the evaluation, treatment plan, course of treatment sequence. In addition to fulfilling the SSOSA/SSODA requirements for the end of court ordered treatment hearing, the treatment provider shall:

(a) Assess actual changes in a client's reoffense potential prior to recommending treatment termination(;;);

(b) Attempt to repeat, where appropriate, those assessments which might show client change(;;);

(c) Document how the goals of the treatment plan have been met, what actual changes in the client's reoffense potential have been accomplished, what risk factors remain(;;);

((e)) (d) Seek input from others knowledgeable about a client's progress as part of the treatment completion/termination decision process(;;);

((f)) Recommend any further treatment and monitoring necessary to the court, and to the client;

(g)) (e) Report to the court ((if the client is no longer amenable to treatment at the end of the court ordered treatment term)) regarding the client's compliance with treatment and monitoring requirements and make a recommendation regarding modification of conditions of community supervision, and either termination of treatment or extension of treatment for up to the remaining period of community supervision.

(f) When appropriate, inform the client regarding the end of court ordered treatment recommendation.

AMENDATORY SECTION (Amending Order 212, filed 11/19/91, effective 12/20/91)

WAC 246-930-340 STANDARDS FOR COMMUNICATION WITH OTHER PROFESSIONALS.

(1) Professional relationships with corrections/probation officers and other supervising agencies.

(a) The provider shall establish a cooperative and collaborative relationship with the supervising officer and/or responsible agency for purposes of the effective supervision and monitoring of an offender's behavior in the community.

(b) All violations of the provider client contract shall be reported immediately to the supervising officer.

(c) Quarterly progress reports documenting attendance, treatment activities and duration, changes in the treatment plan, and treatment progress shall be made in a timely manner to the ~~((supervising officer))~~ court and parties. Providers shall provide additional information regarding treatment progress when requested by the ~~((supervising officer))~~ court or a party, to include:

(i) Changes in treatment plan;

(ii) Dates of attendance;

(iii) Client compliance with requirements;

(iv) Treatment activities;

(v) Client's relative progress in treatment; and

(vi) Any other material as specified by the court at sentencing.

(d) Specific plans for any and all contact with the victim, potential victims and plans for family reunification or return (where appropriate) should be reviewed with the supervising officer.

(e) The provider shall ~~((collaborate))~~ communicate with the supervising officer when approving chaperones and knowledgeable supervisors for offender contact with children.

(2) Communication with the department of social and health services or other agencies responsible for the care or supervision of the client. When appropriate, the provider shall seek an authorization for release of information from the client to communicate with ~~((the department of social and health services))~~ such agencies for treatment or monitoring purposes.

(3) Communication with others. Where appropriate and consistent with the offender's informed consent, the provider((s)) shall ((collaborate)) communicate with the victim's therapist, guardian ad litem, custodial parent, guardian, caseworker, or other involved professional in making decisions regarding family reunification or return, or victim contact with the offender.

(4) Reporting of additional victims.

(a) Providers are expected to comply with the mandatory reporting law, RCW 26.44.030.

(b) All clients shall be notified of the limits of confidentiality imposed on therapists by the mandatory reporting law (RCW 26.44.030).

AMENDATORY SECTION (Amending Order 168, filed 5/16/91, effective 6/16/91)

WAC 246-930-400 ISSUANCE AND RENEWAL OF CERTIFICATION. (1) Individuals receiving an initial provider or affiliate provider certificate ~~((with))~~ shall be issued a certificate to expire on June 30th of the next calendar year.

(2) Individuals shall renew their certificate annually on or before June 30th. Failure to renew shall invalidate the certificate to practice as a provider. Any person practicing with an expired certificate shall be deemed to be engaging in uncertified practice.

(3) An individual ~~((with))~~ shall be considered to have made timely renewal application if the appropriate renewal fee and required accompanying documentation is received by the department on or before the expiration date.

#### NEW SECTION

WAC 246-930-410 CONTINUING EDUCATION REQUIREMENTS. (1) Purpose and scope. The aim of continuing education for sex offender treatment providers is to ensure that professionals practicing in this specialty field are knowledgeable of current scientific and practice principles that affect the supervision and treatment of sex offenders in community-based treatment. Since the treatment of sex offenders in communities raises significant public safety concerns, continuing education is required to help sex offender treatment providers deliver the highest quality of professional service by being familiar with current developments in a rapidly changing profession. Certified sex offender treatment providers, regardless of certification status (e.g., full, affiliate, or provisional), shall meet the continuing education requirements set forth in this section as a prerequisite to license renewal.

(2) General requirements. Certified sex offender treatment providers shall complete forty credit hours of continuing sexual deviancy education (hereafter referred to as CSDE) every two years. One clock hour of acceptable CSDE activity equals one credit hour. The number of creditable hours will be determined by counting the actual contact hours of instruction or, in the case of workshops or conferences, the formal hours of the workshop or conference. All certified sex offender treatment providers will have two years in which to accrue the required CSDE credit, and renewals of sex offender treatment provider certificates on alternate years will require documentation of forty credit hours of CSDE. This requirement will be implemented with the 1993 renewal year.

(3) Specific requirements.

(a) A minimum of thirty hours of the CSDE shall be earned through attendance at courses, workshops, institutes, and/or formal conference presentations with direct, specific relevance to the assessment and treatment of sex offenders.

(i) Consultative or supervisory training obtained from other certified sex offender treatment providers is not creditable under this CSDE definition.

(ii) Independent study of audio or video tapes of seminar presentations not actually attended are creditable under this definition, up to a maximum of ten hours in any two-year period. Credit for independent study will only be granted if accompanied by documentation of the learning activity, such as a written summary of the independent study activity.

(iii) CSDE credit for sexual deviancy training courses presented to other professionals may be claimed by the certified provider who provides the training one time only (usually the first time it is taught, unless there is substantial revision), up to a maximum of ten hours in any two-year period.

(iv) Courses specifically oriented toward assessment or treatment of sex offenders may be claimed as CSDE. The following are examples of subjects that qualify under this definition:

- (A) Ethics and professional standards;
- (B) Relapse prevention with sex offenders;
- (C) Plethysmographic assessment;
- (D) Sexual arousal assessment and reconditioning;
- (E) Risk assessment with sex offenders;
- (F) Psychopharmacological therapy with sex offenders;
- (G) Family therapy with sex offenders;
- (H) Research concerning sexual deviancy;
- (I) Sexual addiction; and
- (J) Therapy/clinical methods specific to sex offenders.

(b) In addition to the thirty hours of CSDE with direct, specific relevance to the assessment and treatment of sex offenders, ten hours of the total requirement may be earned through participation in training courses with indirect relevance to the assessment and treatment of sex offenders. The following subjects qualify under this definition:

- (i) Victimology/victim therapy;
- (ii) General counseling methods;
- (iii) Psychological test interpretation;
- (iv) Addiction/substance abuse;
- (v) Family therapy;
- (vi) Group therapy; and
- (vii) Legal issues.

(4) Program or course approval. The department shall accept any CSDE that reasonably falls within the above categories and requirements. The department relies upon each individual provider's integrity with the intent and spirit of the CSDE requirements.

(5) Enforcement. Failure to meet the CSDE requirements within each two-year time period will result in nonrenewal of the certificate.

(6) Exemptions. In the event a provider fails to meet requirements because of illness, retirement (with no further provision of sex offender treatment provider services to clients), failure to renew, or other extenuating circumstances, the department may grant a time extension. The department shall review each case on an individual basis.

(7) Proof of compliance. Every two years the sex offender treatment provider shall submit an affidavit and proof of compliance with the CSDE requirement with the annual renewal application. Documentation to prove compliance includes, but is not limited to, course or program certificates of training, transcripts, course or workshop brochure descriptions. It is the responsibility of the sex offender treatment provider to maintain such documentation. Year of collection is determined by year of birth, i.e., a provider born in an odd-numbered year shall submit proof of compliance each odd-numbered year; a provider born in an even-numbered year shall submit proof of compliance each even-numbered year.

**AMENDATORY SECTION** (Amending Order 168, filed 5/16/91, effective 6/16/91)

WAC 246-930-499 TEMPORARY AND PROVISIONAL CERTIFICATE DURING INITIAL IMPLEMENTATION OF CERTIFICATION PROGRAM. In order to provide adequate time for applicants to prepare for initial examination and to avoid disruption of current service provision, a system of temporary and provisional certification as described below ~~((with))~~ shall be in effect for applicants whose applications are received by the department before September 1, 1991.

(1) Temporary full certification. An applicant who is a credentialed health professional and who meets all education, experience, and training prerequisites for full certification at the time of application ~~((with))~~ shall be issued temporary full certification in order to allow practice to continue pending satisfactory passage of the examination. The temporary full certification ~~((with))~~ shall expire on issuance of an initial certificate, or on June 30, 1992, whichever comes first. Temporary full certification ~~((with))~~ shall not be renewed.

(2) Temporary affiliate certification. An applicant who is a credentialed health professional and who meets all education, experience, and training prerequisites for affiliate certification at the time of application ~~((with))~~ shall be issued temporary affiliate certification in order to allow practice to continue pending satisfactory passage of the examination. The temporary affiliate certification ~~((with))~~ shall expire on issuance of an initial affiliate or full certificate, or on June 30, 1992, whichever comes first. Temporary affiliate certification ~~((with))~~ shall not be renewed.

(3) Provisional ~~((full))~~ certification.

(a) An applicant who is a credentialed health professional and who has at least one thousand hours of experience in treatment and/or evaluation accrued over the seven years immediately preceding application, and who has the equivalent of one year of graduate school credit toward satisfaction of the education requirements of WAC 246-930-030(1) may submit a plan to the department ~~((at application))~~ documenting how he/she plans to meet all remaining experience, education, or training requirements and pass the examination by June 30, 1992. If the plan is approved by the department, the applicant ~~((with))~~ shall be granted provisional full certification.

(b) An applicant who is a credentialed health professional and who otherwise meets all education and training prerequisites for full certification at the time of application and who has the requisite experience except that his or her experience has been primarily in the area of evaluation, or primarily in the area of treatment of offenders, may submit a plan documenting how he/she plans to obtain sufficient experience in evaluation or treatment necessary to qualify ~~((him or her))~~ for full certification no later than June 30, 1993. If the plan is approved by the department, the applicant ~~((with))~~ shall be granted a provisional full certification.

(c) Plans submitted under this subsection which call for obtaining additional experience in a practice area in

which the applicant does not have the required minimum hours shall include an appropriate supervision component with a certified sex offender treatment provider.

(d) Providers practicing with provisional full certification status may not supervise affiliate providers.

(e) The provisional (~~full~~) certification (~~with~~) shall expire upon issuance of initial full or affiliate certification or on June 30, 1992, whichever comes first, except that if a provider who holds provisional certification pursuant to (a) and (b) of this subsection or subsection (4) of this section has passed the examination, demonstrated substantial progress in accordance with his or her approved plan, and paid the extension fee required by WAC 246-930-990, the termination date may be extended to June 30, 1993. Provisional full certification status (~~with~~) shall not be renewed.

(4) Provisional affiliate certification. An applicant who is a credentialed health professional, who meets the minimum educational requirements for affiliate certification set forth in WAC 246-930-050, and who has at least one thousand seven hundred hours of experience in treatment and/or evaluation accrued over the seven years immediately preceding application, may submit a plan to the department documenting how she/he plans to meet all remaining experience requirements and/or the training requirements set forth in WAC 246-930-070 and pass the examination by June 30, 1992. If the plan is approved by the department, the applicant (~~with~~) shall be granted provisional affiliate certification. Provisional affiliate certification (~~with~~) shall expire on issuance of an initial full or affiliate certificate, or June 30, 1992, whichever comes first. Provisional affiliate certification (~~with~~) shall not be renewed.

(5) The temporary and provisional certification system (~~with~~) shall be in effect from July 1, 1991, through June 30, 1992. On June 30, 1992, all provisional and temporary certificates expire, and only full certification or affiliate status certification (~~with~~) shall be issued, except that the approved provisional certificate may be extended to no later than June 30, 1993, in accordance with subsection (3)(~~b~~) (~~e~~) of this section.

(6) Any temporary or provisional certification issued pursuant to this section shall be subject to disciplinary action pursuant to chapter 18.130 RCW.

**AMENDATORY SECTION** (Amending Order 168, filed 5/16/91, effective 6/16/91)

WAC 246-930-990 SEX OFFENDER TREATMENT PROVIDER FEES. The following fees shall be charged by the professional licensing services division of the department of health:

Title of Fee	Fee
Sex offender treatment provider:	
Application and examination	\$ 650.00
Reexamination	325.00
Initial certification	100.00
Renewal	1,175.00

Title of Fee	Fee
Late renewal penalty	200.00
Duplicate certificate	15.00
Extension fee	<del>((1,000.00))</del> 1,475.00
Affiliate treatment provider:	
Application and examination	300.00
Reexamination	150.00
Initial certification	50.00
Renewal	600.00
Late renewal penalty	200.00
Duplicate certificate	15.00
Extension fee	850.00

**WSR 92-12-028**  
**PERMANENT RULES**  
**DEPARTMENT OF HEALTH**  
 [Order 273—Filed May 28, 1992, 9:29 a.m.]

Date of Adoption: May 27, 1992.

Purpose: Amend fee schedules for hospitals, private psychiatric hospitals, private alcoholism hospitals and alcoholism treatment facilities.

Citation of Existing Rules Affected by this Order: Amending WAC 246-318-990, 246-322-990, 246-322-991, and 246-326-990.

Statutory Authority for Adoption: RCW 43.70.250.

Pursuant to notice filed as WSR 92-07-097 on March 18, 1992.

Effective Date of Rule: Thirty-one days after filing.  
 May 27, 1992  
 Kristine M. Gebbie  
 Secretary

**AMENDATORY SECTION** (Amending Order 122, filed 12/27/90, effective 1/31/91)

WAC 246-318-990 FEES. Hospitals licensed under chapter 70.41 RCW shall:

- (1) Submit an annual license fee of (~~nineteen~~) forty-five dollars for each bed space within the licensed bed capacity of the hospital to the department;
- (2) Include all bed spaces in rooms complying with physical plant and movable equipment requirements of this chapter for twenty-four-hour assigned patient rooms;
- (3) Include neonatal intensive care bassinet spaces;
- (4) Include bed spaces assigned for less than twenty-four-hour patient use as part of the licensed bed capacity when:
  - (a) Physical plant requirements of this chapter are met without movable equipment; and
  - (b) The hospital currently possesses the required movable equipment and certifies this fact to the department;
- (5) Exclude all normal infant bassinets;
- (6) Limit licensed bed spaces as required under chapter 70.38 RCW;
- (7) Submit an application for bed additions to the department for review and approval under chapter 70.38

RCW subsequent to department establishment of the hospital licensed bed capacity; and

(8) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

**AMENDATORY SECTION** (Amending Order 122, filed 12/27/90, effective 1/31/91)

**WAC 246-322-990 PRIVATE PSYCHIATRIC HOSPITAL FEES.** Private psychiatric hospitals licensed under chapter 71.12 RCW shall:

(1) Submit an annual fee of (~~((twenty-seven))~~) forty-five dollars for each bed space within the licensed bed capacity of the hospital to the department;

(2) Include all bed spaces and rooms complying with physical plant and movable equipment requirements of this chapter for twenty-four-hour assigned patient rooms;

(3) Include bed spaces assigned for less than twenty-four-hour patient use as part of the licensed bed capacity when:

(a) Physical plant requirements of this chapter are met without movable equipment; and

(b) The private psychiatric hospital currently possesses the required movable equipment and certifies this fact to the department;

(4) Limit licensed bed spaces as required under chapter 70.38 RCW;

(5) Submit applications for bed additions to the department for review and approval under chapter 70.38 RCW subsequent to department establishment of the private psychiatric hospital's licensed bed capacity; and

(6) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

**AMENDATORY SECTION** (Amending Order 122, filed 12/27/90, effective 1/31/91)

**WAC 246-322-991 ALCOHOLISM HOSPITAL FEES.** Alcoholism hospitals licensed under chapter 71.12 RCW shall:

(1) Submit an annual fee of (~~((twenty))~~) forty-five dollars for each bed space within the licensed bed capacity of the alcoholism hospital to the department;

(2) Include all bed spaces in rooms complying with physical plant and movable equipment requirements of this chapter for twenty-four-hour assigned patient rooms;

(3) Include bed spaces assigned for less than twenty-four-hour patient use as part of the licensed bed capacity when:

(a) Physical plant requirements of this chapter are met without movable equipment; and

(b) The alcoholism hospital currently possesses the required movable equipment and certifies this fact to the department;

(4) Limit licensed bed spaces as required under chapter 70.38 RCW;

(5) Submit an application for bed additions to the department for review and approval under chapter 70.38

RCW subsequent to the department establishment of the alcoholism hospital's licensed bed capacity; and

(6) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

**AMENDATORY SECTION** (Amending Order 122, filed 12/27/90, effective 1/31/91)

**WAC 246-326-990 FEES.** Alcoholism treatment facilities licensed under chapter 71.12 RCW shall:

(1) Submit an annual fee of (~~((fifteen))~~) forty-five dollars for each bed space within the licensed bed capacity of the alcoholism treatment facility to the department;

(2) Include all bed spaces in rooms complying with physical plant and movable equipment requirements for twenty-four-hour assigned patient rooms; and

(3) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

**WSR 92-12-029**

**PROPOSED RULES**

**PERSONNEL BOARD**

[Filed May 28, 1992, 11:24 a.m.]

Continuance of WSR 92-10-012 and 92-06-090.

Title of Rule: WAC 356-15-060 Shift premium provisions and compensation.

Purpose: This rule describes varied work schedules and determines which shifts are entitled to additional compensation and how the rates are established.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Hearing Location: Department of Personnel, 521 Capitol Way South, Board Room, Olympia, WA, on June 11, 1992, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by June 9, 1992.

Date of Intended Adoption: June 11, 1992.

May 22, 1992

Dee W. Henderson

Secretary

**WSR 92-12-030**

**PROPOSED RULES**

**PERSONNEL BOARD**

[Filed May 28, 1992, 11:25 a.m.]

Continuance of WSR 92-10-011 and 92-06-089.

Title of Rule: WAC 356-06-055 Exempt—Classified service—Movement between.

Purpose: This rule determines the rights of employees who are moving between exempt and classified service.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Hearing Location: Department of Personnel, 521 Capitol Way South, Board Room, Olympia, WA, on June 11, 1992, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by June 9, 1992.

Date of Intended Adoption: June 11, 1992.

May 22, 1992  
Dee W. Henderson  
Secretary

**WSR 92-12-031**  
**PROPOSED RULES**  
**PERSONNEL BOARD**

[Filed May 28, 1992, 11:26 a.m.]

Continuance of WSR 92-08-092.

Title of Rule: WAC 356-15-063 Supplemental shift premium for registered nurses.

Purpose: This rule specifies the shift premium rates for registered nurses and under what conditions shift premium is authorized.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Hearing Location: Department of Personnel, 521 Capitol Way South, Board Room, Olympia, WA, on June 11, 1992, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by June 9, 1992.

Date of Intended Adoption: June 11, 1992.

May 22, 1992  
Dee W. Henderson  
Secretary

**WSR 92-12-032**  
**WITHDRAWAL OF PROPOSED RULES**  
**PERSONNEL BOARD**

[Filed May 28, 1992, 11:27 a.m.]

The State Personnel Board is withdrawing the notice to amend WAC 356-34-010 Disciplinary actions—Causes for demotion—Suspension—Reduction in salary—Dismissal.

The original notice was WSR 92-08-096 filed on April 1, 1992.

Dee W. Henderson  
Director

**WSR 92-12-033**  
**PERMANENT RULES**  
**PERSONNEL BOARD**

[Order 403—Filed May 28, 1992, 11:28 a.m., effective July 1, 1992]

Date of Adoption: May 14, 1992.

Purpose: This rule describes the effects of leave without pay on anniversary dates and periodic increment dates.

Citation of Existing Rules Affected by this Order: Amending WAC 356-18-220 Leave without pay—Effect on anniversary date, periodic increment date, and seniority.

Statutory Authority for Adoption: RCW 41.06.040 and 41.06.150.

Pursuant to notice filed as WSR 92-08-091 on March 31, 1992.

Effective Date of Rule: July 1, 1992.

May 22, 1992  
Dee W. Henderson  
Secretary

**AMENDATORY SECTION** (Amending Order 327, filed 7/25/89, effective 9/1/89)

WAC 356-18-220 LEAVE WITHOUT PAY—EFFECT ON ANNIVERSARY DATE, PERIODIC INCREMENT DATE, AND SENIORITY. (1) Leave without pay of fifteen consecutive calendar days or less will not affect an employee's anniversary date or periodic increment date.

(2) When an employee is on leave without pay for more than fifteen consecutive days, the employee's seniority anniversary date and periodic increment date will not be affected when the absence is due to any of the following reasons:

- (a) Military or United States Public Health Service;
- (b) Government service and leave to enter the Peace Corps, not to exceed two years and one month, which had the director of personnel's approval;
- (c) Leave taken by employees receiving time loss compensation due to injuries sustained while performing the employee's state job;
- (d) Educational leave in accordance with the provisions of WAC 356-39-120;
- (e) Leave without pay taken voluntarily under the provisions of WAC 356-30-335 to reduce the effect of an agency reduction in force.

(3) When an employee is on leave without pay for more than fifteen consecutive calendar days and the absence is not due to one of the reasons listed in subsection (2) of this section, the employee's anniversary date and periodic increment date shall be moved forward in an amount equal to the duration of the leave of absence.

(4) When an employee's position is assigned to a program or facility whose primary purpose is academic and/or vocational education, and the program or facility follows the customary public school practice of less than a twelve-month school year, the employing agency may place the employee on leave without pay while the program or facility is closed for customary school vacations without adjusting the employee's anniversary and periodic increment dates.

(5) Leave without pay taken for any of the reasons listed in subsection (2) of this section shall not affect an employee's seniority.

**WSR 92-12-034**

**NOTICE OF PUBLIC MEETINGS  
TRANSPORTATION COMMISSION**

[Memorandum—May 27, 1992]

The June 1992 Washington State Transportation Commission meeting will be held on Thursday, June 18, 1992, at 9:00 a.m. in the Transportation Commission Room (1D2), Transportation Building, Olympia, Washington. There will be subcommittee meetings on Wednesday, June 17.

The July 1992 Washington State Transportation Commission meeting will be held on Thursday, July 16, 1992, at 9:00 a.m. in the Scandia Room of the Nordic Inn, 1700 South Boone, Aberdeen, Washington. There will be subcommittee meetings on Wednesday, July 15, in the board and conference rooms of the Polynesian Hotel in Ocean Shores.

**WSR 92-12-035**

**PERMANENT RULES**

**DEPARTMENT OF HEALTH**

[Order 277B—Filed May 28, 1992, 2:32 p.m.]

Date of Adoption: May 19, 1992.

Purpose: To update WAC and RCW references and delete obsolete material and to change record retention requirements from five to two years in compliance with federal recordkeeping requirements.

Citation of Existing Rules Affected by this Order: Amending WAC 246-857-020, 246-857-180, 246-857-320, 246-857-330, 246-857-340, 246-858-020, 246-858-030, 246-858-040, 246-858-060, 246-858-070, 246-863-060, 246-863-070, 246-863-080, 246-863-090, 246-863-110, 246-865-030, 246-865-060, 246-865-070, 246-867-010, 246-867-060, 246-869-020, 246-869-050, 246-869-070, 246-869-100, 246-869-120, 246-869-190, 246-869-210, 246-869-220, 246-871-040, 246-873-060, 246-873-080, 246-875-020, 246-875-060, 246-875-070, 246-875-080, 246-883-040, 246-886-020, 246-886-030, 246-886-060, 246-887-050, 246-887-060, 246-887-070, 246-887-200, 246-889-020, 246-889-030, 246-889-040, 246-893-020, 246-893-030, 246-893-040, 246-893-090, 246-893-120, 246-893-130, 246-893-998, 246-895-020, 246-895-040, 246-895-080, 246-895-100, 246-895-120, 246-895-130, 246-895-140, 246-895-160, 246-895-170, 246-897-040, 246-897-050, 246-897-150, 246-899-040, 246-899-050, 246-901-020 and 246-903-010; and repealing WAC 246-875-090.

Statutory Authority for Adoption: Chapters 246-858, 246-863, 246-865, 246-869, 246-871, 246-873, 246-875, 246-895, and 246-903 WAC is RCW 18.64.005; chapter 246-857 WAC is RCW 18.64.005 and 34.05-.220, except for WAC 246-857-340 which is chapter 43.21C RCW; chapter 246-867 WAC is RCW 18.64.005 and 18.130.050; chapter 246-883 WAC is RCW 18.64.005 and 69.41.075; chapter 246-886 WAC is RCW 69.41.080; chapter 246-887 WAC is chapter 69-.50 RCW and RCW 18.64.005; chapter 246-889 WAC

is RCW 69.43.050; chapter 246-893 WAC is RCW 42-.17.250; chapter 246-897 WAC is RCW 18.64.005 and 69.41.075; chapter 246-899 WAC is RCW 69.41.180; and chapter 246-901 WAC is RCW 18.64A.020 and 18.64A.030.

Pursuant to notice filed as WSR 92-07-098 on March 18, 1992.

Changes Other than Editing from Proposed to Adopted Version: WAC 246-879-020, 246-879-030, 246-879-040, 246-879-070, and 246-879-080 were withdrawn due to substantive changes which were proposed for those sections.

Effective Date of Rule: Thirty-one days after filing.

May 19, 1992

Donald Hobbs

Board Chair

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-857-020 PRACTICE AND PROCEDURE (~~CROSS~~)—ADOPTION BY REFERENCE. ((In order to conform the board's practice and procedure rules to the uniform procedural rules for the conduct of contested cases, the board has repealed certain practice and procedure rules. The following cross reference will assist in locating the superseding uniform procedural rule:)) The board adopts the following sections of chapter 10-08 WAC, Model Rules of Procedure, by reference:

((Repeated Board Rule — Uniform Procedural Rule

<del>WAC 360-08-070</del>	WAC 10-08-080
<del>WAC 360-08-080</del>	WAC 10-08-040
<del>WAC 360-08-090</del>	WAC 10-08-110
<del>WAC 360-08-100</del>	WAC 10-08-110
<del>WAC 360-08-110</del>	WAC 10-08-110
<del>WAC 360-08-120</del>	WAC 10-08-110
<del>WAC 360-08-130</del>	WAC 10-08-110
<del>WAC 360-08-140</del>	WAC 10-08-110
<del>WAC 360-08-410</del>	WAC 10-08-210
<del>WAC 360-08-430</del>	WAC 10-08-130
<del>WAC 360-08-440</del>	WAC 10-08-130
<del>WAC 360-08-450</del>	WAC 10-08-140
<del>WAC 360-08-460</del>	WAC 10-08-140
<del>WAC 360-08-510</del>	WAC 10-08-090

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-857-180 DEPOSITIONS UPON INTERROGATORIES—INTERROGATION. Where the interrogatories are forwarded to an officer authorized to administer oaths as provided in WAC ((360-08-250)) 246-857-090 the officer taking the same after duly swearing the deponent, shall read to him seriatim, one interrogatory at a time and cause the same and the answer thereto to be recorded before the succeeding interrogatory is asked. No one except the deponent, the officer and the court reporter or stenographer recording and transcribing it shall be present during the interrogation.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-857-320 DECLARATORY RULINGS. As prescribed by RCW (~~(34.04.080)~~) 34.05.240, any interested person may petition the board for a declaratory ruling. The board shall consider the petition and within a reasonable time the board shall:

- (1) Issue a nonbinding declaratory ruling; or
- (2) Notify the person that no declaratory ruling is to be issued; or
- (3) Set a reasonable time and place for hearing argument upon the matter, and give reasonable notification to the person of the time and place for such hearing and of the issues involved.

If a hearing as provided in subsection (3) is conducted, the board shall within a reasonable time:

- (1) Issue a binding declaratory rule; or
- (2) Issue a nonbinding declaratory ruling; or
- (3) Notify the person that no declaratory ruling is to be issued.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-857-330 FORMS. Any interested person petitioning the board for a declaratory ruling pursuant to RCW (~~(34.04.080)~~) 34.05.240, shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "Before the board of pharmacy." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for a declaratory ruling." Opposite the foregoing caption shall appear the word "petition."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set out the state of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraphs shall contain the prayer of the petitioner. The petition shall be subscribed and verified in the manner prescribed for verification of complaints in the superior courts of this state.

The original and two legible copies shall be filed with the board. Petitions shall be on white paper either 8 1/2" x 11" or 8 1/2" x 13" in size.

Any interested person petitioning the board requesting the promulgation, amendment or repeal of any rules shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "Before the board of pharmacy." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for (state whether promulgation, amendment or repeal) of rule (or rules)." Opposite the foregoing caption shall appear the word "petition."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and

address of the petitioning party and whether petitioner seeks the promulgation of new rule or rules, or amendment or repeal of existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for amendment, the new matter shall be underscored and the matter proposed to be deleted shall appear in double parentheses. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by board rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.

Petitions shall be dated and signed by the person or entity named in the first paragraph or by his attorney. The original and two legible copies of the petition shall be filed with the board. Petitions shall be on white paper, either 8 1/2" x 11" or 8 1/2" x 13" in size.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-857-340 SEPA EXEMPTION. The board of pharmacy has reviewed its authorized activities and has found them to be exempt pursuant to WAC (~~(197-10-040(2), 197-10-150 through 197-10-190)~~) 197-11-800 and the State Environmental Policy Act, chapter 43.21C RCW.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-858-020 GENERAL REQUIREMENTS. (1) RCW 18.64.080(~~((5))~~) (3) states: "Any person enrolled as a student of pharmacy in an accredited college may file with the (~~(state board of pharmacy)~~) department an application for registration as a pharmacy intern——." A student of pharmacy shall be defined as any person enrolled in a college or school of pharmacy accredited by the board of pharmacy or any graduate of any accredited college or school of pharmacy.

(2) As provided for in RCW 18.64.080(~~((4))~~) (3) the board of pharmacy hereby establishes fifteen hundred hours for the internship requirement.

(a) For graduates prior to July 1, 1991, credit may be allowed:

(i) Up to seven hundred hours for experiential classes as part of the curriculum of an accredited college or school of pharmacy commonly referred to as externship/ clerkship;

(ii) Up to five hundred hours of credit for the internship shall be granted to graduates of board approved schools or colleges of pharmacy;

(iii) Seven hundred hours or more for experience obtained after completing the first quarter/semester of pharmacy education, and including any breaks or vacations.

(b) For graduates after July 1, 1991, credit may be allowed:

(i) Up to seven hundred hours of experiential classes as part of the curriculum of an accredited college or school of pharmacy commonly referred to as externship/clerkship;

(ii) Eight hundred or more hours for experience obtained after completing the first quarter/semester of pharmacy education, and including any breaks or vacations of which at least two hundred hours must be gained within the last twelve months prior to licensure.

(c) The board will document hours in excess of these requirements for students qualifying for out-of-state licensure.

(3) An applicant for licensure as a pharmacist who has completed seven hundred internship hours will be permitted to take the state board examination for licensure; however, no pharmacist license will be issued to the applicant until the fifteen hundred internship hours have been completed.

(4) To retain a certificate as a pharmacy intern, the intern must make continuing satisfactory progress in completing the pharmacy course.

(5) Experience must be obtained under the guidance of a preceptor who has met certification requirements prescribed in WAC (~~(360-10-050)~~) 246-858-060 and has a certificate except as hereinafter provided for experience gained outside the state of Washington.

(6) Experience obtained in another state may be accepted toward the fulfillment of the fifteen hundred hour requirement provided that a letter is received from the board of pharmacy of that state in which the experience is gained and such letter indicates the experience gained would have been acceptable internship experience to the board of pharmacy in that state.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-858-030 REGISTRATION OF INTERNS. (~~In order to be registered~~) To register as a pharmacy intern, (~~the~~) an applicant (~~must~~) shall file with the (~~board of pharmacy~~) department an application for registration as a pharmacy intern as provided for in RCW 18.64.080. The application shall be accompanied by a fee as specified in WAC (~~(360-18-020)~~) 246-907-030. Prior to engaging in the practice of pharmacy as an intern or extern, under the supervision of a preceptor, the applicant must be registered by the board as a pharmacy intern.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-858-040 RULES FOR THE PHARMACY INTERN. (1) The intern shall send notification to the board of pharmacy on or before the intern's first day of (~~beginning of his/her~~) training. Such notification shall consist of the date, the name of the pharmacy, and the name of the preceptor where the intern expects to begin his/her internship. The board of pharmacy shall promptly notify the intern of the acceptability of the

preceptor under whom the intern expects to gain experience. Internship credit will not be accepted until the preceptor has been certified.

(2) The pharmacy intern shall engage in the practice of pharmacy, and the selling of items restricted to sale under the supervision of a licensed pharmacist, only while (~~he/she~~) the intern is under the direct and personal supervision of a certified preceptor or a licensed pharmacist designated by the preceptor to supervise that intern during the preceptor's absence from the site. Provided, that hours of experience gained while the certified preceptor is absent from the site shall not be counted toward fulfilling any internship requirement.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-858-060 REQUIREMENTS FOR PRECEPTOR CERTIFICATION. (1) A pharmacist who is licensed and actively engaged in practice in a Class A pharmacy in the state of Washington, and who has met certification requirements prescribed in this section of the regulation and who has completed a board approved training program within the last five years, and who has been certified by the board of pharmacy shall be known as "pharmacist preceptor." The requirement for completion of an approved training program becomes effective June 30, 1991.

(2) The pharmacist preceptor must have completed twelve months as a licensed pharmacist engaged in the practice of pharmacy as defined in RCW 18.64.011(11).

(3) Any preceptor or preceptor applicant who has been found guilty of a drug or narcotic violation or whose pharmacist license has been revoked, suspended, or placed on probation by the state board of pharmacy shall not be eligible for certification as a preceptor, until completion of the probationary period, and a showing of good cause for certification as a pharmacist preceptor.

(4) The preceptor shall be responsible for the quality of the internship training under his/her supervision and he/she shall assure that the intern actually engages in pharmaceutical activities during that training period.

(5) The board of pharmacy shall withdraw a preceptor's certification upon proof that the preceptor failed to meet or maintain the requirements as stated in this section.

(6) In considering the approval of special internship programs pursuant to WAC (~~(360-10-080)~~) 246-858-080, the board may approve alternative qualification requirements for the preceptors of such programs.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-858-070 RULES FOR PRECEPTORS. (1) The pharmacist preceptor, or his or her designee in accordance with WAC (~~(360-10-030)~~) 246-858-040(2), shall supervise the pharmacy intern and shall be responsible for the sale of restricted items, and the compounding and dispensing of pharmaceuticals dispensed by an intern.

(2) The pharmacist preceptor must use the board (~~approval~~) approved plan of instruction for interns.

(3) Upon completion of the intern's experience at each site, the preceptor under whom this experience was obtained shall file a report with the board. Such report shall briefly describe the type of professional experience received under the preceptor's supervision and the preceptor's evaluation of the intern's ability to practice pharmacy at that stage of internship.

(4) The board of pharmacy shall provide the necessary affidavit forms to certify hours of experience under the personal supervision of a preceptor. Affidavits must be certified and recorded in the office of the board not later than thirty days after the completion of any site intern experience; provided that any experience necessary for eligibility to take the licensing examination must be in the board office no later than thirty days prior to the examination.

(5) The pharmacist preceptor may supervise more than one intern during a given time period; however, two interns may not dispense concurrently under the direct supervision of the same preceptor.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-863-060 LICENSED PHARMACISTS—EMPLOYED AS RESPONSIBLE MANAGERS—DUTY TO NOTIFY BOARD. Licensed pharmacists employed as responsible managers for a pharmacy shall at once notify the state board of pharmacy of such employment and shall comply with such instructions as may be received. A pharmacist shall also at once notify the state board of pharmacy of termination of employment as a responsible manager. Please refer to WAC ~~((360-16-050))~~ 246-869-070 for additional information.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-863-070 INACTIVE PHARMACIST LICENSE. Any pharmacist who desires to leave the active practice of pharmacy in the state of Washington may request an inactive license from the board. The request for an inactive license ~~((must))~~ shall be submitted on a form provided by the ~~((board))~~ department. It must be renewed in the same manner as an active license upon payment of a fee as specified by the ~~((board))~~ secretary.

The holder of an inactive license shall not practice pharmacy in the state of Washington. The holder of an inactive license need not comply with the continuing education requirements contained in chapter ~~((360-11))~~ 246-861 WAC.

In order to reactivate an inactive license, the holder of the inactive license ~~((must))~~ shall comply with the provisions of WAC ~~((360-12-130))~~ 246-863-090.

AMENDATORY SECTION (Amending Order 194, filed 9/10/91, effective 10/11/91)

WAC 246-863-080 RETIRED PHARMACIST LICENSE. (1) Any pharmacist who has been licensed in the state for twenty-five consecutive years, who wishes to retire from the practice of pharmacy, may apply ~~((to the board of pharmacy))~~ for a retired pharmacist

license ~~((The fee for the original retired pharmacist license shall be twenty dollars))~~ by submitting to the board:

(a) An application on a form provided by the department; and

(b) A fee as specified in WAC 246-907-030.

(2) The holder of a retired pharmacist license shall not be authorized to practice pharmacy and need not comply with the continuing education requirements of chapter ~~((360-11))~~ 246-861 WAC.

(3) A retired pharmacist license shall be granted to any qualified applicant and shall entitle such person to receive mailings from the board of pharmacy: PROVIDED, That lawbook updates shall not be mailed without charge.

(4) In order to reactivate a retired pharmacist license, the holder must comply with the provision of WAC ~~((360-12-130))~~ 246-863-090.

(5) The annual renewal fee for a retired pharmacist license ~~((shall be twenty-five dollars))~~ is set by the secretary in WAC 246-907-030.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-863-090 PHARMACISTS—REINSTATEMENT OR REACTIVATION OF LICENSE.

(1) A pharmacist who desires to reinstate or reactivate his or her license after having been out of the active practice of pharmacy ~~((must))~~ shall 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 or the holder of an inactive license for three years or less, ~~((he or she must))~~ the pharmacist shall take and pass the jurisprudence examination given by the ~~((board))~~ department.

(b) If the pharmacist has been unlicensed or the holder of an inactive license for between three and five years, ~~((he or she must))~~ the pharmacist shall take and pass the jurisprudence examination given by the ~~((board))~~ department 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 or the holder of an inactive license for over five years, ~~((he or she must))~~ the pharmacist shall take and pass the full board examination and serve an internship of 300 hours.

(2) A pharmacist desiring to reinstate or reactivate his or her license ~~((must))~~ shall complete such continuing education credits as the board may specify in each individual case.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-863-110 MONITORING OF DRUG THERAPY BY PHARMACISTS. The term "monitoring of drug therapy" used in RCW 18.64.011(11) shall mean a review of the drug therapy regimen of patients by a pharmacist for the purpose of evaluating and rendering advice to the prescribing practitioner regarding

adjustment of the regimen. Monitoring of drug therapy shall include, but not be limited to:

(1) Collecting and reviewing patient drug use histories;

(2) Measuring and reviewing routine patient vital signs including, but not limited to, pulse, temperature, blood pressure and respiration; and

(3) Ordering and evaluating the results of laboratory tests relating to drug therapy including, but not limited to, blood chemistries and cell counts, drug levels in blood, urine, tissue or other body fluids, and culture and sensitivity tests when performed in accordance with policies and procedures or protocols applicable to the practice setting, which have been developed by the pharmacist and prescribing practitioners and which include appropriate mechanisms for reporting to the prescriber monitoring activities and results.

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

**WAC 246-865-030 EMERGENCY KIT.** (1) The contents and quantity of drugs and supplies in the emergency kit shall be determined by the pharmaceutical services committee as defined in WAC ((360-13-045)) 246-865-010(9) which shall consider the number of residents to be served and their potential need for emergency medications.

(2) A copy of the approved list of contents shall be conspicuously posted on or near the kit.

(3) The emergency kit shall be used only for bona fide emergencies and only when medications cannot be obtained from a pharmacy in a timely manner.

(4) Records documenting the receipt and removal of drugs in the emergency kit shall be maintained by the nursing home and the supplying pharmacy.

(5) The pharmaceutical services committee shall be responsible for ensuring proper storage, security and accountability of the emergency kit

(a) The emergency kit shall be stored in a locked area or be locked itself;

(b) Emergency kit drugs shall be accessible only to licensed nurses as defined in WAC ((360-13-045)) 246-865-010(6).

(6) The contents of the emergency kit, the approved list of contents, and all related records shall be made freely available and open for inspection to representatives of the board of pharmacy and the department.

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

**WAC 246-865-060 PHARMACEUTICAL SERVICES.** (1) Administration of pharmaceutical services.

(a) There shall be provision for timely delivery of drugs and biologicals from a pharmacy so a practitioner's orders for drug therapy can be implemented without undue delay.

(b) Unless the nursing home operates a licensed pharmacy and employs a director of pharmaceutical services, the nursing home shall have a written agreement with one or more licensed pharmacists who provide for pharmaceutical consultant services. The staff pharmacist or

consultant pharmacist supervises the entire spectrum of pharmaceutical services in the nursing home.

(c) There shall be a pharmaceutical services committee whose membership includes at least a staff or consultant pharmacist, a physician, the director of nursing or his/her designee, and the administrator or his/her designee. The pharmaceutical services committee develops and maintains written policies and procedures for safe and effective drug therapy, distribution, control, and use which are current and followed in practice.

(d) Reference material regarding the use of medication, adverse reactions, toxicology, and poison control center information shall be available to facility staff.

(e) There shall be procedures established for the reporting and recording of medication errors and adverse drug reactions.

(2) A staff pharmacist of consultant pharmacist shall be responsible for coordinating pharmaceutical services which include:

(a) Provision of pharmaceutical services evaluations and recommendations to the administrative staff.

(b) On-site reviews to ensure that drug handling and utilization procedures are carried out in conformance with recognized standards of practice.

(c) Regularly reviewing each resident's therapy to screen for potential or existing drug therapy problems and documenting recommendations.

(d) Provision of drug information to the nursing home staff and physicians as needed.

(e) Planning and participating in the nursing home staff development program.

(f) Consultation regarding resident care services with other departments.

(3) Security and storage of drugs.

(a) The nursing home shall store drugs under proper conditions of sanitation, temperature, light, moisture, ventilation, segregation, and security as defined by regulation and accepted standards of practice.

(b) All drugs shall be stored in locked cabinets, rooms, or carts, and shall be accessible only to personnel licensed to administer or dispense drugs.

(c) Schedule III controlled substances shall be stored apart from other drugs on a separate shelf or in a separate compartment or cabinet, provided, however, Schedule III controlled substances may be stored with Schedule II controlled substances. Schedule III controlled substances can be stored with other drugs when distributed in a unit dose drug distribution system.

(d) Drugs for external use shall be stored apart from drugs for internal use, on a separate shelf or in a separate compartment or cabinet. Any shelf, compartment, or separate cabinet used for storage of external drugs shall be clearly labeled to indicate it is to be used for external drugs only.

(e) At all times, all keys to drug boxes, cabinets, and rooms shall be carried by persons legally authorized to administer drugs and on duty on the premises.

(f) If a supplemental dose kit within a unit dose drug distribution system is provided it must comply with WAC ((360-13-030)) 246-865-040.

(g) If an emergency kit is provided, it shall comply with Washington state board of pharmacy regulations

WAC ((~~360-13-010~~ and ~~360-13-020~~) 246-865-020 and 246-865-030.)

(4) Labeling of drugs.

(a) The label for each legend drug which is not dispensed in a unit dose shall have the name and address of the pharmacy from which the drug was dispensed; the prescription number; the physician's name; the resident's full name; the date of issue; the initials of the dispensing pharmacist; the name and strength of the drug; a controlled substances schedule, if any; the amount (e.g., number of tablets or cc's) of the drug dispensed, and the expiration date. In the case of a compounded drug which contains Schedule II or III controlled substances, the quantity of each controlled substance per cc or teaspoonful shall be shown on the label.

(b) In a unit dose drug distribution system, a clear, legible label shall be printed or affixed securely to each unit dose package. Each unit dose drug label shall include: the name, strength and, for each unit dose package, the dosage amount of the drug; the expiration date for any time-dated drug; the lot or control number; and controlled substances schedule number, if any. Each individual drug compartment shall be labeled with the full name of the resident whose drug the compartment contains and the name of the resident's physician.

(c) Nonlegend drugs shall be clearly labeled with at least the patient's name, date of receipt by the facility, as well as display a manufacturer's original label or a pharmacy label if repackaged by the pharmacist. Nonlegend drugs supplied by the extended care facility pursuant to WAC 388-88-050 need not be labeled with the patient's name.

(d) A label on a container of drugs shall not be altered or replaced except by the pharmacist. Drug containers having soiled, damaged, incomplete, or makeshift labels shall be returned to the pharmacy for relabeling or disposal. Drugs in containers having no labels or illegible labels shall be destroyed.

(5) Control and accountability.

(a) The nursing home shall maintain and follow written procedures which provide for the accurate control and accountability of all drugs in the nursing home.

(b) No drugs may be returned from the nursing home to a pharmacy except as provided in paragraph (4)(d) or if the drug is returned in unopened unit dose packages.

(c) Drugs shall be released to a resident upon discharge only on specific written authorization of the attending physician. A receipt containing information sufficient to document the drug's destination, the person who received the drug, and the name and quantity of drugs released shall be entered in the resident's health record.

(d) All of an individual resident's drugs including Schedule III, IV and V controlled substances, that are discontinued by the physician and remain unused, shall be destroyed by a licensed nurse employee of the nursing home in the presence of a witness within 90 days after having been discontinued, and accurate records of destruction maintained except from drugs which are sealed in unit dose packages.

(e) Outdated, unapproved, contaminated, deteriorated, adulterated, or recalled drugs shall not be available for use in the nursing home.

(f) Except in the case of Schedule II controlled substances and drugs which are sealed in unit dose packages, drugs which remain in the nursing home after the patient has died or been discharged, and drugs in containers with illegible or missing labels, shall be immediately and irretrievably disposed of by a licensed nurse employee in the presence of a witness and proper records maintained of such disposal. Destruction of Schedule II drugs shall be handled in accordance with (6)(g). Unit dose packages may be returned to the pharmacy.

(6) Special requirements for controlled substances.

(a) All Schedule II controlled substances shall be stored in separately keyed and locked secure storage within a drug facility.

(b) Schedule III controlled substances shall be stored apart from other drugs and may be stored on a separate shelf, drawer, or compartment with Schedule II controlled substances.

(c) There shall be a record book for Schedule II and Schedule III controlled substances which shall be a bound book with consecutively numbered pages in which complete records of receipt and withdrawal of Schedule II and III controlled substances are maintained.

(d) At least once each 24 hours, the amount of all Schedule II controlled substances stored in the facility shall be counted by at least two persons who are legally authorized to administer drugs. A similar count shall be made of all Schedule III controlled substances at least weekly. Records of counts shall be entered in the Schedule II and III controlled substances book(s).

(e) When a resident is discharged, a record of release for any Schedule II or III controlled substances released shall be entered on the appropriate page for the given drug in the controlled substances record book.

(f) Any discrepancy in actual count of Schedule II or III controlled substances and the record shall be documented in the Schedule II or III controlled substances books and reported immediately to the responsible supervisor who shall investigate the discrepancy. Any discrepancy which has not been corrected within seven calendar days shall be reported to the consultant pharmacist and the Washington state board of pharmacy.

(g) Discontinued Schedule II controlled substances and all Schedule II controlled substances which remain after the discharge or death of residents shall:

(i) Be destroyed at the nursing home within 30 days by a registered pharmacist and the director or nursing or a registered nurse designee with appropriate documentation maintained, or

(ii) Be destroyed at the nursing home by a representative of the Washington state board of pharmacy if so requested by the board or the nursing home.

(h) A nursing home may establish procedures which vary from those paragraphs (6)(a)(g) if they are using a unit dose drug distribution system and if that system provides for the accurate accounting, by the nursing home and the supplying pharmacy, of the receipt and disposition of all Schedule II and III controlled substances.

## (7) Drug administration.

(a) Staff shall follow written procedures which provide for the safe handling and administration of drugs to residents.

(i) Drugs shall be administered only by persons licensed to administer drugs.

(ii) The resident shall be identified prior to administration.

(b) All drugs shall be identified up to the point of administration.

(c) Drugs shall be prepared immediately prior to administration and administered by the same person who prepares them except under a unit dose system.

(d) Drug administration shall be documented as soon as possible after the act of administration, and shall include:

(i) Verification of administration

(ii) Reasons for ordered doses not taken

(iii) Reasons for administration of, and response to drugs given on and as needed basis (PRN).

(e) Drug orders shall be received only by a licensed nurse and administered only on the written or verbal order of a practitioner. Verbal orders shall be signed by the prescribing practitioner in a timely manner.

(f) The self-administration of medication program shall provide evidence of:

(i) Assessment of the resident's capabilities

(ii) Instructions for administration

(iii) Monitoring of progress and compliance with orders

(iv) Safe storage of drugs.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-865-070 PROVISION FOR CONTINUITY OF DRUG THERAPY FOR RESIDENTS. When a resident of a long term care facility has the opportunity for an unscheduled therapeutic leave that would be precluded by the lack of an available pharmacist to dispense drugs prescribed by an authorized practitioner, a registered nurse designated by the facility and its consultant or staff pharmacist and who agrees to such designation, may provide the resident or a responsible person with up to a 72-hour supply of a prescribed drug or drugs for use during that leave from the resident's previously dispensed package of such drugs. The drugs shall only be provided in accordance with protocols developed by the pharmaceutical services committee and the protocols shall be available for inspection. These protocols shall include the following:

(1) Criteria as to what constitutes an unscheduled therapeutic leave requiring the provision of drugs by the registered nurse;

(2) Procedures for repackaging and labeling the limited supply of previously dispensed drugs by the designated registered nurse that comply with all state and federal laws concerning the packaging and labeling of drugs;

(3) Provision to assure that none of the medication provided to the resident or responsible person may be returned to the resident's previously dispensed package of such drug or to the facility's stock.

(4) A record-keeping mechanism that will provide for the maintenance of a permanent log that includes the following information:

(a) The name of the person to whom the drug was provided;

(b) The drug and quantity provided;

(c) The date and time that the request for the drug was made;

(d) The date and time that the drug was provided;

(e) The name of the registered nurse that provided the drug;

(f) The conditions or circumstances that precluded a pharmacist from providing the drug.

Refer to WAC ((~~308-120-270~~)) 246-839-810 for related regulations on this practice.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-867-010 DEFINITIONS. For the purpose of this chapter:

(1) "Chemical dependence - Substance abuse" means a chronic progressive illness which involves the use of alcohol and/or other drugs to a degree that it interferes in the functional life of the registrant/licensee, as manifested by health, family, job (professional services), legal, financial, or emotional problems.

(2) "Board" means the Washington state board of pharmacy.

(3) "Diversion" means illicit dispensing, distribution, or administration of a scheduled controlled substance or other legend drug not in the normal course of professional practice.

(4) "Drug" means a chemical substance alone or in combination, including alcohol.

(5) "Impaired pharmacist" means a pharmacist who is unable to practice pharmacy with judgment, skill, competence, or safety to the public due to chemical dependence, mental illness, the aging process, loss of motor skills, or any other mental or physical condition.

(6) "Approved substance abuse monitoring program" means a pharmacy recovery assistance program or program which the board has determined meets the requirement of the law and the criteria established by the board in WAC ((~~360-15-050~~)) 246-867-040 which enters into a contract with pharmacists who have substance abuse problems regarding the required components of the pharmacists recovery activity and oversees the pharmacist's compliance with these requirements. Substance abuse monitoring programs do not provide evaluation or treatment to participating pharmacists.

(7) "Contract" means a comprehensive, structured agreement between the recovering pharmacist and the approved monitoring program stipulating the pharmacist's consent to comply with the monitoring program and its required components of the pharmacist's recovery program.

(8) "Approved treatment ((facility)) program" means a facility approved by the bureau of alcohol and substance abuse, department of social and health services according to RCW 70.96A.020(3) to provide concentrated alcoholism or drug addiction treatment if located within Washington state. Drug and alcohol addiction

treatment programs located out-of-state must be equivalent to the standards required for approval under RCW 70.96A.020(3).

(9) "Aftercare" means that period of time after intensive treatment that provides the pharmacist and the pharmacist's family with group, or individualized counseling sessions, discussions with other families, ongoing contact and participation in self-help groups, and ongoing continued support of treatment program staff.

(10) "Twelve-step groups" means groups such as Alcoholics Anonymous, Narcotics Anonymous, Cocaine Anonymous, and related organizations based on a philosophy of anonymity, peer group associations, self-help belief in a power outside of oneself which offer support to the recovering individual to maintain a chemically free lifestyle.

(11) "Random drug screens" are laboratory tests to detect the presence of drugs of abuse in body fluids which are performed at irregular intervals not known in advance by the person to be tested. The collection of the body fluid must be observed by a treatment or health care professional or other board or monitoring program-approved observer.

(12) "Recovering" means that a chemically dependent pharmacist is in compliance with a treatment plan of rehabilitation in accordance with criteria established by an approved treatment facility and an approved substance abuse monitoring program.

(13) "Rehabilitation" means the process of restoring a chemically dependent pharmacist to a level of professional performance consistent with public health and safety.

(14) "Reinstatement" means the process whereby a recovering pharmacist is permitted to resume the practice of pharmacy.

(15) "Pharmacist support group" means a group of pharmacists meeting regularly to support the recovery of its members. The group provides a confidential setting with a trained and experienced pharmacist facilitator in which pharmacists may safely discuss drug diversion, licensure issues, return to work, and other issues related to recovery.

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

**WAC 246-867-060 CONFIDENTIALITY.** (1) The treatment and pretreatment records of license holders referred to or voluntarily participating in approved monitoring programs shall be confidential, shall be exempt from RCW 42.17.250 through 42.17.450 and shall not be subject to discovery by subpoena or admissible as evidence except for monitoring records reported to the disciplinary authority for cause as defined in WAC ((360-15-060)) 246-867-050 (1) and (2). Records held by the board under this section shall be exempt from RCW 42.17.250 through 42.17.450 and shall not be subject to discovery by subpoena except by the license holder.

(2) Notwithstanding subsection (1) of this section, board orders shall be subject to RCW 42.17.250 through 42.17.450.

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

**WAC 246-869-020 PHARMACIES AND DIFFERENTIAL HOURS.** (1) A pharmacy must provide adequate security for its drug supplies and records and in the absence of a pharmacist the pharmacy must be closed and access limited to persons authorized by the pharmacist; for example, janitorial services, inventory services, etc. If a pharmacy is located within a larger mercantile establishment which is open to the public for business at times when a pharmacist is not present then the pharmacy must be enclosed by solid partitions at least seven feet in height, from the floor, which are sufficient to provide adequate security for the pharmacy. In the absence of a pharmacist such pharmacies must be locked and secured so that only persons authorized by the pharmacist can gain access, provided however that employees of the mercantile establishment cannot be authorized to enter the closed pharmacy during those hours that the mercantile establishment is open to the public for business.

(2) All equipment and records referred to in WAC ((360-16-230)) 246-869-180 and all drugs, devices, poisons and other items or products which are restricted to sale either by or under the personal supervision of a pharmacist must be kept in the pharmacy area.

(3) Written prescription orders and refill request can be delivered to a pharmacy at any time. But if no pharmacist is present then the prescription orders must be deposited, by the patient or his agent delivering the prescription order or refill request to the establishment, into a "mail slot" or "drop box" such that the prescription order is stored in the pharmacy area. The times that the pharmacy is open for business must be so displayed that they are prominently visible to the person depositing the prescription orders.

(4) Prescriptions shall be stored in the pharmacy and cannot be removed from the pharmacy unless the pharmacist is present and the removal is for the immediate delivery to the patient, person picking up the prescription for the patient, or person delivering the prescription to the patient at his residence or similar place.

(5) No drugs, devices, poisons and other items or products which are restricted to sale either by or under the personal supervision of a pharmacist can be sold or delivered without a pharmacist being present in the pharmacy.

(6) Any pharmacy having hours differing from the remainder of an establishment shall have a separate and distinct telephone number from that business establishment. The phone shall not be answerable in the remainder if the establishment unless all conversations, when the pharmacist is absent, are recorded and played back by the pharmacist.

(7) Oral prescriptions cannot be taken if a pharmacist is not present unless it is taken on a recording which must inform the caller as to the times the pharmacy is open.

(8) A pharmacy must prominently display in a permanent manner on or adjacent to its entrance the times that it is open for business. If a pharmacy is located

within a larger mercantile establishment having hours of operation different from the pharmacy then the pharmacy times of being open for business shall be prominently displayed in a permanent manner at the pharmacy area and on or adjacent to the entrance to the mercantile establishment.

(9) Any advertising by the mercantile establishment which makes reference to the pharmacy or those products which are sold only in the pharmacy which in such advertising sets forth the days and hours that the mercantile establishment is open to the public for business must also indicate the days and hours that the pharmacy is open to the public for business.

(10) Any person desiring to operate a pharmacy within an establishment having hours of business differing from the pharmacy must notify the board of pharmacy at least thirty days prior to commencing such differential hours. In order to constitute notification the applicant must complete the file forms provided by the board providing the required information. Board inspection and approval must be completed prior to the commencing of such differential hours. Such inspection and approval or disapproval shall be within 10 days of receiving notification that the premises are ready for inspection. Approval or disapproval shall be predicated upon compliance with this rule and pharmacy standards under chapter ((360-+6)) 246-869 WAC.

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

**WAC 246-869-050 PHARMACY LICENSE RENEWAL.** The state board of pharmacy will not renew any pharmacy license unless the following are submitted:

- (1) A complete renewal application form; and
- (2) The fee as established by WAC ((360-18-020)) 246-907-030.

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

**WAC 246-869-070 RESPONSIBLE MANAGER—APPOINTMENT.** Every nonlicensed proprietor of one or more pharmacies shall place in charge of each pharmacy a licensed pharmacist who shall be known as the "responsible manager." The nonlicensed proprietor shall immediately report to the state board of pharmacy the name of the "responsible manager," who shall ensure that the pharmacy complies with all the laws, rules and regulations pertaining to the practice of pharmacy. Every portion of the establishment coming under the jurisdiction of the pharmacy laws shall be under the full and complete control of such responsible manager. A nonlicensed proprietor shall at once notify the board of pharmacy of the termination of employment of a responsible manager. Please refer to WAC ((360-12-+20)) 246-863-060 for additional information.

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

**WAC 246-869-100 PRESCRIPTION RECORD REQUIREMENTS.** (1) Records for the original prescription and refill records shall be maintained on the

filled prescription or in a separate record book or patient medication record. Such records must be maintained for a period of at least two years and shall be made available for inspection to representatives of the board of pharmacy.

(2) The pharmacist shall be required to insure that the following information be recorded:

(a) Original prescription—At the time of dispensing, a serial number, date of dispensing, and the initials of the responsible pharmacist shall be placed on the face of the prescription. The patient's address must be readily available to the pharmacist, either from the face of the prescription, a record book, patient medication record, or hospital or clinic record.

(b) Refill prescription authorization—Refills for prescription for legend drugs must be authorized by the prescriber prior to the dispensing of the refill prescription.

(c) Refill prescription—At the time of dispensing, the date of refilling, quantity of the drug (if other than original), the name of authorizing person (if other than original), and the initials of the responsible pharmacist shall be recorded on the back side of the prescription, or in a separate record book or patient medication record.

(d) Prescription refill limitations—No prescription may be refilled for a period longer than one year from the date of the original prescription. "PRN" prescriptions shall expire at the end of one year. Expired prescriptions require authorization before filling. If granted a new prescription shall be written and placed in the files.

(e) Prescription copies—Prescription copies and prescription labels presented for filling must be considered as informational only, and may not be used as the sole document. The prescriber shall be contacted for complete information and authorization. If granted, a new prescription shall be written and placed on file. Copies of prescriptions must be clearly identified as such on the face of the prescription. The transfer of original prescription information is permitted if the provisions of WAC ((360-16-094)) 246-869-090 are met.

(f) Emergency refills—If the prescriber is not available and in the professional judgment of the pharmacist an emergency need for the medication has been demonstrated, the pharmacist may dispense enough medication to last until a prescriber can be contacted – but not to exceed 72 hours' supply. The prescriber shall be promptly notified of the emergency refill.

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

**WAC 246-869-120 MECHANICAL DEVICES IN HOSPITALS.** Mechanical devices for storage of floor stock, shall be limited to hospitals and shall comply with all the following provisions:

(1) All drugs and medicines to be stocked in the device shall be prepared for use in the device by or under the direct supervision of a registered pharmacist in the employ of the hospital and shall be prepared in the hospital from the hospital stock in which the drug is to be

administered. "Hospital" shall mean any hospital licensed by the state department of health or under the direct supervision of the state department of institutions.

(2) Such device shall be stocked with drugs and medicines only by a registered pharmacist in the employ of the hospital.

(3) A registered pharmacist in the employ of the hospital shall be personally responsible for the inventory and stocking of drugs and medicines in the device and he shall be personally responsible for the condition of the drugs and medicines stored in the device.

(4) A registered pharmacist in the employ of the hospital shall be the only person having access to that portion, section, or part of the device in which the drugs or medicines are stored.

(5) All containers of drugs or medicines to be stored in the device shall be correctly labeled to include: Name, strength, route of administration and if applicable, the expiration date.

(6) At the time the removal of any drug or medicine from the device, the device shall automatically make a written record showing the name, strength, and quantity of the drug or medicine removed, the name of the patient for whom the drug or medicine was ordered, and the identification of the nurse removing the drug or medicine from the device. The record must be maintained for ((five)) two years by the hospital and shall be accessible to the pharmacist.

(7) Medical practitioners authorized to prescribe, pharmacists authorized to dispense, or nurses authorized to administer such drugs shall be the only persons authorized to remove any drug or medicine from the device and such removal by a nurse or medical practitioner shall be made only pursuant to a chart order. An identification mechanism, required to operate the device shall be issued permanently to each operator while the operator is on the staff of, or employed by the hospital. Such mechanism must imprint the operator's name or number if it permits the device to operate.

(8) The device shall be used only for the furnishing of drugs or medicines for administration in the hospital to registered in-patients or emergency patients in the hospital.

(9) Every hospital seeking approval to use any device shall, prior to installation of the device, register with the board by filing an application. Such application shall contain: The name and address of the hospital; the name of the registered pharmacist who is to be responsible for stocking the device; the manufacturer's name and model, description, and the proposed location of each device in the hospital.

(10) No such device shall be used until approval has been granted by the board, and no change in the location of the device or in the registered pharmacist responsible for stocking the device shall be made without prior written notice to the board. No such device shall be removed from the licensed premises without prior approval of the board.

(11) As used in this section, a "pharmacist in the employ of the hospital" shall not include any pharmacist who is, or is employed by, a manufacturer, wholesaler, distributor, or itinerant vendor of drugs or medicines.

(12) Each and every device approved by the board shall be issued a certificate of location. Such certificate must be conspicuously displayed on the device and contain the following:

(a) Name and address of the hospital

(b) Name of the registered pharmacist who is to be responsible for stocking the device

(c) Location of the device in the hospital

(d) Manufacturer's name of the device and the serial number of the device.

(13) Upon any malfunction the device shall not be used until the malfunction has been corrected.

(14) A copy of this regulation shall be attached to each and every device certified by the board of pharmacy.

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

**WAC 246-869-190 PHARMACY INSPECTIONS.** (1) All pharmacies shall be subject to periodic inspections to determine compliance with the laws regulating the practice of pharmacy.

(2) Each inspected pharmacy shall receive a classification rating which will depend upon the extent of that pharmacy's compliance with the inspection standards.

(3) There shall be three rating classifications:

(a) "Class A" - for inspection scores of 90 to 100;

(b) "Conditional" - for inspection scores of 80 to 89; and,

(c) "Unsatisfactory" - for inspection scores below 80.

(4) Any pharmacy receiving a conditional rating shall have sixty days to raise its inspection score rating to 90 or better. If upon reinspection after sixty days, the pharmacy fails to receive a rating of 90 or better, then the pharmacy will be subject to disciplinary action.

(5) Any pharmacy receiving an unsatisfactory rating shall have fourteen days to raise its inspection score rating to 90 or better. If upon reinspection after fourteen days, the pharmacy fails to receive a rating of 90 or better, then the pharmacy will be subject to disciplinary action.

(6) The certificate of inspection must be posted in conspicuous view of the general public and shall not be removed or defaced.

(7) Noncompliance with the provisions of chapter 18-.64A RCW (Pharmacy assistants) and, chapter ((360-52)) 246-901 WAC (Pharmacy assistants) resulting in a deduction of at least five points shall result in an automatic unsatisfactory rating regardless of the total point score.

(8) Pharmacies receiving an unsatisfactory rating which represent a clear and present danger to the public health, safety and welfare will be subject to summary suspension of the pharmacy license.

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

**WAC 246-869-210 PRESCRIPTION LABELING.** To every prescription container, there shall be fixed a label or labels bearing the following information:

(1) All information as required by RCW 18.64.246, provided that in determining an appropriate period of time for which a prescription drug may be retained by a patient after its dispensing, the dispenser shall take the following factors into account:

- (a) The nature of the drug;
- (b) The container in which it was packaged by the manufacturer and the expiration date thereon;
- (c) The characteristics of the patient's container, if the drug is repackaged for dispensing;
- (d) The expected conditions to which the article may be exposed;
- (e) The expected length of time of the course of therapy; and
- (f) Any other relevant factors.

The dispenser shall, on taking into account the foregoing, place on the label of a multiple unit container a suitable beyond-use date or discard by date to limit the patient's use of the drug. In no case may this date be later than the original expiration date determined by the manufacturer.

(2) The quantity of drug dispensed, for example the volume or number of dosage units.

(3) The following statement, "Warning: State or federal law prohibits transfer of this drug to any person other than the person for whom it was prescribed."

(4) The information contained on the label shall be supplemented by oral or written information as required by WAC ((360-16-250)) 246-869-220.

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

**WAC 246-869-220 PATIENT INFORMATION REQUIRED.** Except in those cases when the prescriber has advised that the patient is not to receive specified information regarding the medication:

(1) In order to assure the proper utilization of the medication or device prescribed, with each new prescription dispensed by the pharmacist, in addition to labeling the prescription in accordance with the requirements of RCW 18.64.245 and WAC ((360-16-255)) 246-869-210, the pharmacist must:

(a) Orally explain to the patient or the patient's agent the directions for use and any additional information, in writing if necessary, for those prescriptions delivered inside the confines of the pharmacy; or

(b) Explain by telephone or in writing for those prescriptions delivered outside the confines of the pharmacy.

(2) In those instances where it is appropriate, when dispensing refill prescriptions, the pharmacist shall communicate with the patient or the patient's agent, by the procedure outlined in subsection (1)(a) or (b) of this section or the patient's physician regarding adverse effects, over or under utilization, or drug interaction with respect to the use of medications.

(3) Subsections (1) and (2) of this section shall not apply to those prescriptions for inpatients in hospitals or institutions where the medication is to be administered by a nurse or other individual authorized to administer medications.

(4) In the place of written statements regarding medications, the pharmacist may use abstracts of the Patient USP DI 1988 edition, or comparable information.

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

**WAC 246-871-040 PERSONNEL.** (1) Pharmacist-in-charge. Each pharmacy shall be managed on site by a pharmacist who is licensed to practice pharmacy in this state and who has been trained in the specialized functions of preparing and dispensing compounded parenteral products, including the principles of aseptic technique and quality assurance. This training may be obtained through residency training programs, continuing education programs, or experience in an IV admixture facility. The pharmacist-in-charge shall be responsible for the purchasing, storage, compounding, repackaging, dispensing, and distribution of all parenteral products. He/she shall also be responsible for the development and continuing review of all policies and procedures, training manuals, and the quality assurance programs. The pharmacist-in-charge may be assisted by additional pharmacists trained in this area of practice.

(2) Supportive personnel. The pharmacist-in-charge may be assisted by a level A pharmacy assistant. The level A pharmacy assistant shall have specialized training in this field and shall work under the immediate supervision of a pharmacist. The training provided to these personnel shall be described in writing in a training manual pursuant to chapter ((360-52)) 246-901 WAC and chapter 18.64A RCW. The duties and responsibilities of the level A pharmacy assistant must be consistent with his/her training and experience.

(3) Staffing. A pharmacist shall be accessible twenty-four hours per day for each pharmacy to respond to patient's and other health professionals' questions and needs.

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

**WAC 246-873-060 EMERGENCY OUTPATIENT MEDICATIONS.** The director of pharmacy of a hospital shall, in concert with the appropriate committee of the hospital medical staff, develop policies and procedures, which shall be implemented, to provide emergency pharmaceuticals to outpatients during hours when normal community or hospital pharmacy services are not available. The delivery of a single dose for immediate administration to the patient shall not be subject to this regulation. Such policies shall allow the designated registered nurse(s) to deliver medications other than controlled substances, pursuant to the policies and procedures which shall require that:

(1) An order of a practitioner authorized to prescribe a drug is presented. Oral or electronically transmitted orders must be verified by the prescriber in writing within 72 hours.

(2) The medication is prepackaged by a pharmacist and has a label that contains:

(a) Name, address, and telephone number of the hospital.

(b) The name of the drug (as required by chapter ((360-49)) 246-899 WAC), strength and number of units.

(c) Cautionary information as required for patient safety and information.

(d) An expiration date after which the patient should not use the medication.

(3) No more than a 24-hour supply is provided to the patient except when the pharmacist has informed appropriate hospital personnel that normal services will not be available within 24 hours.

(4) The container is labeled by the designated registered nurse(s) before presenting to the patient and shows the following:

- (a) Name of patient;
  - (b) Directions for use by the patient;
  - (c) Date;
  - (d) Identifying number;
  - (e) Name of prescribing practitioner;
  - (f) Initials of the registered nurse;
- (5) The original or a direct copy of the order by the prescriber is retained for verification by the pharmacist after completion by the designated registered nurse(s) and shall bear:

- (a) Name and address of patient;
  - (b) Date of issuance;
  - (c) Units issued;
  - (d) Initials of designated registered nurse.
- (6) The medications to be delivered as emergency pharmaceuticals shall be kept in a secure place in or near the emergency room in such a manner as to preclude the necessity for entry into the pharmacy.

(7) The procedures outlined in this rule may not be used for controlled substances except at the following rural hospitals which met all three of the rural access project criteria on May 17, 1989:

Hospital	City
1. Lake Chelan Community Hospital	Chelan
2. St. Joseph's Hospital	Chewelah
3. Whitman Community Hospital	Colfax
4. Lincoln Hospital	Davenport
5. Dayton General Hospital	Dayton
6. Ocean Beach Hospital	Ilwaco
7. Newport Community Hospital	Newport
8. Jefferson General Hospital	Port Townsend
9. Ritzville Memorial Hospital	Ritzville
10. Willapa Harbor Hospital	South Bend

**AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)**

**WAC 246-873-080 DRUG PROCUREMENT, DISTRIBUTION AND CONTROL.** (1) General. Pharmaceutical service shall include:

- (a) Procurement, preparation, storage, distribution and control of all drugs throughout the hospital.
- (b) A monthly inspection of all nursing care units or other areas of the hospital where medications are dispensed, administered or stored. Inspection reports shall be maintained for one year.
- (c) Monitoring the drug therapy.
- (d) Provisions for drug information to patients, physicians and others.

(e) Surveillance and reporting of adverse drug reactions and drug product defect(s).

- (2) Additional pharmaceutical services should include:
  - (a) Obtaining and recording comprehensive drug histories and participation in discharge planning in order to affect appropriate drug use.
  - (b) Preparation of all sterile products (e.g., IV admixtures, piggybacks, irrigation solutions), except in emergencies.
  - (c) Distribution and control of all radiopharmaceuticals.
  - (d) Administration of drugs.
  - (e) Prescribing.

(3) The director shall be responsible for establishing specifications for procurement, distribution and the maintenance of a system of accountability for drugs, IV solutions, chemicals, and biologicals related to the practice of pharmacy.

(4) The director shall establish, annually review and update when necessary comprehensive written policies and procedures governing the responsibilities and functions of the pharmaceutical service. Policies affecting patient care and treatment involving drug use shall be established by the director of pharmacy with the cooperation and input of the medical staff, nursing service and the administration.

(5) Labeling:
 

- (a) Inpatient. All drug containers in the hospital shall be labeled clearly, legibly and adequately to show the drug's name (generic and/or trade) and strength when applicable. Accessory or cautionary statements and the expiration date shall be applied to containers as appropriate.
- (b) Outpatients. Labels on medications used for outpatients, emergency room, and discharge drug orders shall meet the requirements of RCW 18.64.246.

(c) Parenteral and irrigation solutions. When drugs are added to intravenous solutions, a suitable label shall be affixed to the container. As a minimum the label shall indicate name and location of the patient, name and amount of drug(s) added, appropriate dating, initials of the personnel who prepared and checked the solution.

(6) Medication orders. Drugs are to be dispensed and administered only upon orders of authorized practitioners. A pharmacist shall review the original order or direct copy thereof, prior to dispensing any drug, except for emergency use or as authorized in WAC ((360-17-050)) 246-873-050.

(7) Controlled substance accountability. The director of pharmacy shall establish effective procedures and maintain adequate records regarding use and accountability of controlled substances, and such other drugs as appropriate, in compliance with state and federal laws and regulations.

(a) Complete, accurate, and current records shall be kept of receipt of all controlled substances and in addition, a Schedule II perpetual inventory shall be maintained.

(b) The pharmacy shall maintain records of Schedule II drugs issued from the pharmacy to other hospital units which include:
 

- (i) Date

- (ii) Name of the drug
- (iii) Amount of drug issued
- (iv) Name and/or initials of the pharmacist who issued the drug
- (v) Name of the patient and/or unit to which the drug was issued.
- (c) Records shall be maintained by any unit of the hospital which utilizes Schedule II drugs indicating:
  - (i) Date
  - (ii) Time of administration
  - (iii) Name of the drug (if not already indicated on the records)
  - (iv) Dosage of the drug which was used which shall include both the amount administered and any amount destroyed.
  - (v) Name of the patient to whom the drug was administered
  - (vi) Name of the practitioner who authorized the drug
  - (vii) Signature of the licensed individual who administered the drug.
- (d) When it is necessary to destroy small amounts of controlled substances following the administration of a dose by a nurse, the destruction shall be witnessed by a second nurse who shall countersign the records of destruction.
- (e) The director of the pharmacy shall develop written procedures for the proper destruction of controlled substances not covered by (d) above conforming with federal and state statutes. A copy of the procedures shall be forwarded to the Drug Enforcement Administration (DEA) and the state board of pharmacy. As a minimum, procedures shall include the following:
  - (i) All destructions shall render the drugs unrecoverable.
  - (ii) Destruction shall be accomplished by the pharmacist and one other licensed health professional.
  - (iii) Records of all destructions shall be maintained by the pharmacy. Quarterly summary reports shall be mailed to the DEA with copies to the state board of pharmacy.
  - (iv) A copy of the destruction record shall be maintained in the pharmacy for ~~((five))~~ two years.
  - (f) Periodic monitoring of controlled substances records shall be performed by a nurse or a pharmacist to determine whether the drugs recorded on usage records have also been recorded on the patient's chart.
  - (g) Use of multiple dose vials of controlled substances shall be discouraged.
  - (h) Controlled substances, Schedule II and III, which are floor stocked, in any hospital patient or nursing service area shall be checked by actual count at the change of each shift by two authorized persons licensed to administer drugs.
    - (i) All controlled substance records shall be kept for ~~((five))~~ two years.
    - (j) Hospitals wishing to use record systems other than that described above shall make application and receive written approval from the board of pharmacy prior to implementation.
    - (k) Significant losses or disappearances of controlled substances and the facts surrounding the discrepancy shall be reported to the board of pharmacy, the drug

enforcement agency, the chief executive officer of the hospital and other appropriate authorities.

(8) Drug recall. The director shall develop and implement a recall procedure to assure that potential harm to patients within the hospital is prevented and that all drugs included on the recall are returned to the pharmacy for proper disposition.

(9) All medications administered to inpatients shall be recorded in the patient's medical record.

(10) Adverse drug reactions. All adverse drug reactions shall be appropriately recorded in the patient's record and reported to the prescribing practitioner and to the pharmacy.

(11) Drug errors. All drug errors shall upon discovery be recorded in an incident report and reported to the prescribing practitioner and to the pharmacy.

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-875-020 MINIMUM REQUIRED INFORMATION IN AN AUTOMATED PATIENT MEDICATION RECORD SYSTEM. An automated patient medication record system is an electronic system that must have the capability of capturing any data removed on a hard copy of microfiche copy. The hard copy of the original prescription and all documents in the audit trail shall be considered a part of this system.

(1) All automated patient medication record systems must maintain the following information with regard to ambulatory patients:

- (a) Patient's full name and address.
- (b) A serial number assigned to each new prescription.
- (c) The date of all instances of dispensing a drug.
- (d) The identification of the dispenser who filled the prescription.
- (e) The name, strength, dosage form and quantity of the drug dispensed.
- (f) Any refill instructions by the prescriber.
- (g) The prescriber's name, address, and DEA number where required.
- (h) The complete directions for use of the drug. The term "as directed" is prohibited pursuant to RCW 18.64.246 and 69.41.050.

(i) Any patient allergies, idiosyncrasies, or chronic condition which may relate to drug utilization. If there is no patient allergy data the pharmacist should indicate none or "NKA" (no known allergy) on the patient medication record.

(j) Authorization for other than child-resistant containers pursuant to WAC ~~((360-16-270))~~ 246-869-230, if applicable.

(2) All automated patient medication record systems must maintain the following information with regard to institutional patients:

- (a) Patient's full name.
- (b) Unique patient identifier.
- (c) Any patient allergies, idiosyncrasies, or chronic conditions which may relate to drug utilization. If there is no patient allergy data the pharmacist should indicate none or "NKA" (no known allergy) on the patient medication record.

- (d) Patient location.
- (e) Patient status, for example, active, discharge, or on-pass.
- (f) Prescriber's name, address, and DEA number where required.
- (g) Minimum prescription data elements:
- (i) Drug name, dose, route, form, directions for use, prescriber.
- (ii) Start date and time when appropriate.
- (iii) Stop date and time when appropriate.
- (iv) Amount dispensed when appropriate.
- (h) The system shall indicate any special medication status for an individual prescription, for example, on hold, discontinued, self-administration medication, investigational drugs, patient's own medications, special administration times, restrictions, controlled substances.
- (i) The system shall indicate on the labeling, and in the system, (for the pharmacist, nursing and/or physician alert) any special cautionary alerts or notations deemed necessary by the dispenser for the patient safety.

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-875-060 RETRIEVAL OF INFORMATION FROM AN AUTOMATED SYSTEM. All automated patient medication record systems must provide within 72 hours, via CRT or hard copy printout, the information required by WAC ((360-19-030)) 246-875-020 and by 21 CFR § 1306.22(b) as amended July 1, 1980. Any data purged from an automated patient medication record system must be available within 72 hours.

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-875-070 CONFIDENTIALITY AND SECURITY OF DATA. (1) Information contained in patient medication record systems shall be considered to be a part of prescription records maintained in accordance with RCW 18.64.245 and shall be maintained for a period of at least ((five)) two years in the same manner as provided for all prescription records (see WAC ((360-16-096)) 246-869-100).

(2) The information in the patient medication record system which identifies the patient shall be deemed confidential and may be released to persons other than the patient or a pharmacist, or a practitioner authorized to prescribe only on written release of the patient. If in the judgment of the dispenser, the prescription presented for dispensing is determined to cause a potentially harmful drug interaction or other problem due to a drug previously prescribed by another practitioner, the dispenser may communicate this information to the prescribers.

(3) Security codes or systems must be established on automated medication record systems to prevent unauthorized modification of data.

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-875-080 EXTENSION OF TIME FOR COMPLIANCE. The rules regarding patient medication record systems contained in chapter ((360-19)) 246-875 WAC shall apply to all pharmacists practicing pharmacy in the state of Washington upon the effective date of the chapter unless an extension is granted by the board pursuant to this rule. In order to seek an extension that will allow compliance with this chapter to be delayed, good cause for granting such extension must be shown. The board shall consider requests for extensions and if, in the board's judgment good cause is shown, the board may grant an extension for a period of time, specifying those portions of the rules with respect to which an extension is being granted.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 246-875-090 EFFECTIVE DATE.

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-883-040 REGULATED STEROIDS. The board finds that the following drugs shall be classified as steroids for the purposes of ((section 1, chapter 369, Laws of 1989)) RCW 69.41.310. The drugs designated shall include the following and any synthetic derivatives or any isomer, ester, salt, or derivative of the following that act in the same manner on the human body from the attached list:

- (1) Anabolicum
- (2) Anadrol
- (3) Anatrofin
- (4) Anavar
- (5) Androxon
- (6) Andriol
- (7) Android
- (8) bolandiol
- (9) bolasterone
- (10) boldenone
- (11) boldenone undecylenate
- (12) bolenol
- (13) Bolfortan
- (14) bolmantalate
- (15) Cheque
- (16) chlorotestosterone
- (17) clostebol
- (18) Deca Durabolin
- (19) dehydrochlormethyl-testosterone
- (20) Delatestyl
- (21) Dianabol
- (22) Dihydrolone
- (23) dihydrotestosterone
- (24) dimethazine
- (25) Drive
- (26) Drolban
- (27) drostanolone
- (28) Durabolin

(29) Durateston  
 (30) Equipoise  
 (31) Esiclene  
 (32) ethylestrenol  
 (33) Exoboline  
 (34) Finaject  
 (35) Fluoxymesterone  
 (36) formebolone  
 (37) Halotestin  
 (38) Halostein  
 (39) Hombreol  
 (40) Iontanyl  
 (41) Laurabolin  
 (42) Lipodex  
 (43) Maxibolin  
 (44) mesterolone  
 (45) metanabol  
 (46) methenolone acetate  
 (47) methenolone enanthate  
 (48) methandienone  
 (49) methandranone  
 (50) methandriol  
 (51) methandrosthenolone  
 (52) methyltestosterone  
 (53) mibolerone  
 (54) Myagen  
 (55) Nandrolin  
 (56) nandrolone  
 (57) nandrolone decanoate  
 (58) nandrolone cyclotate  
 (59) nandrolone phenpropionate  
 (60) Nelavar  
 (61) Nerobol  
 (62) Nilevar  
 (63) nisterime acetate  
 (64) Norbolethone  
 (65) Nor-Diethylin  
 (66) norethandrolone  
 (67) Normethazine  
 (68) Omnifin  
 (69) oxandrolone  
 (70) oxymesterone  
 (71) oxymetholone  
 (72) Parabolan  
 (73) Permastril  
 (74) pizotyline  
 (75) Primobolone/Primobolan depot  
 (76) Primotestin/Primotestin depot  
 (77) Proviron  
 (78) Quinalone  
 (79) Quinbolone  
 (80) Restandol  
 (81) silandrone  
 (82) Sostanon  
 (83) Spectriol  
 (84) stanolone  
 (85) stanozolol  
 (86) stenbolone acetate  
 (87) Stromba  
 (88) Sustanon  
 (89) Tes-10  
 (90) Tes-20

(91) Tes-30  
 (92) Teslac  
 (93) testolactone  
 (94) testosterone  
 (95) testosterone cypionate  
 (96) testosterone enanthate  
 (97) testosterone ketolaurate  
 (98) testosterone phenylacetate  
 (99) testosterone propionate  
 (100) testosterone undecanoate  
 (101) Thiomucase  
 (102) tibolone  
 (103) trenbolone  
 (104) trenbolone acetate  
 (105) trestolone acetate  
 (106) Trophobolene  
 (107) Winstrol

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-886-020 REGISTRATION. Humane societies and animal control agencies registered with the board under RCW 69.50.310 and WAC ((360-36-210)) 246-887-050 to purchase, possess, and administer sodium pentobarbital as provided therein may also, under that registration, purchase, possess, and administer approved legend drugs as provided in RCW 69.41.080 and herein.

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-886-030 APPROVED LEGEND DRUGS. (1) The following legend drugs are hereby designated as "approved legend drugs" for use by registered humane societies or animal control agencies for limited purposes:

- (a) Acetylpromazine.
- (b) Ketamine.
- (c) Xylazine.

(2) A humane society or animal control agency shall not be permitted to purchase, possess, or administer approved legend drugs unless that society or agency:

(a) Is registered with the board under RCW 69.50.310 and WAC ((360-36-210)) 246-887-050 to purchase, possess, and administer sodium pentobarbital;

(b) Submits to the board written policies and procedures ensuring that only those of its agents and employees who have completed a board-approved training program will possess or administer approved legend drugs; and

(c) Has on its staff at least one individual who has completed a board-approved training program.

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-886-060 RESPONSIBLE INDIVIDUALS. (1) Each agency or society registered in accordance with WAC ((360-36-210)) 246-887-050 shall name a designated individual as the person who shall be responsible for maintaining all records and submitting

all reports required by applicable federal or state law or regulation, including chapter ((360-36)) 246-887 WAC.

(2) This designated individual shall also be responsible for the ordering, possession, safe storage, and utilization of the sodium pentobarbital and approved legend drugs.

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-887-050 SODIUM PENTOBARBITAL FOR ANIMAL EUTHANASIA. (1) Registration eligibility. Any humane society or animal control agency who designates a responsible individual under WAC ((360-36-260)) 246-887-070 may apply to the Washington state board of pharmacy for a limited registration under chapter 69.50 RCW (Controlled Substances Act) to purchase, possess and administer sodium pentobarbital. The sodium pentobarbital will be used only to euthanize injured, sick, homeless or unwanted domestic pets and domestic or wild animals.

(2) Sodium pentobarbital restrictions. Sodium pentobarbital obtained under this limited registration shall be labeled "For veterinary use only." The board will make available a list of approved products.

(3) Sodium pentobarbital storage. The registered location supply of sodium pentobarbital shall be kept or stored in a safe or a substantial well-built double-locked drawer or cabinet.

(a) Registrants may designate only the following agents to possess and administer sodium pentobarbital at locations other than the registered location:

- (i) Humane officer;
- (ii) Animal control enforcement officer;
- (iii) Animal control authority;
- (iv) Peace officer authorized by police chief, sheriff or county commissioners.

(b) Specially designated agents of the registrant may possess a supply of sodium pentobarbital for emergency field use. Such emergency supply shall be stored in a locked metal box securely attached to the vehicle. The designated agent shall be responsible to insure that the sodium pentobarbital is present at the beginning and is present or accounted for at the end of each shift. A log book shall be kept in which all receipts and use of sodium pentobarbital from the emergency supply shall be recorded.

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-887-060 SODIUM PENTOBARBITAL ADMINISTRATION. All agencies registered under WAC ((360-36-210)) 246-887-050 will establish written policies and procedures to insure that any of their agents or personnel which administer sodium pentobarbital for animal euthanasia have received sufficient training in its handling and administration, and have demonstrated adequate knowledge of the potentials and hazards, and proper techniques to be used in administering the drug. A copy of the written policies and procedures shall be filed with the board at the time of initial application for registration. The board shall be notified

in writing of any individuals who have qualified to administer sodium pentobarbital or of any amendments or deletions to the policies and procedures.

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-887-070 SODIUM PENTOBARBITAL RECORDS AND REPORTS. (1) Each agency or society registered in accordance with WAC ((360-36-210)) 246-887-050 shall designate an individual as the registrant who shall be responsible for maintaining all records and submitting all reports required by applicable federal or state law or regulation, including chapter ((360-36)) 246-887 WAC.

(2) This designated individual shall also be responsible for the ordering, possession, safe storage and utilization of the sodium pentobarbital.

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-887-200 OTHER CONTROLLED SUBSTANCE REGISTRANTS—REQUIREMENTS.

(1) All persons and firms, except persons exempt from registration, shall register with the board in order legally to possess or use controlled substances.

(2) Persons or firms which are not classified as pharmacies, wholesalers, manufacturers, or researchers shall be classified as other controlled substance registrants. Examples of persons or firms in this classification include analytical laboratories, dog handlers/trainers who use dogs for drug detection purposes, school laboratories and other agencies which have a legitimate need to use precursor chemicals as defined in WAC ((360-36-425)) 246-887-150.

(3) The applicant for a controlled substance registration shall complete and return an application form supplied by the board. Either on the form or on an addendum, the applicant shall list the controlled substances to be used, the purpose for such use, and the names of the persons authorized to access the controlled substances.

(4) All controlled substances shall be stored in a substantially constructed locked cabinet. The registrant shall maintain records in sufficient detail in order to account for the receipt, use, and disposition of all controlled substances. An inventory of all controlled substances in the possession of the registrant shall be completed every two years on the anniversary of the issuance of the registration and shall be maintained for two years. Unwanted, outdated, or unusable controlled substances shall be returned to the source from which obtained or surrendered to the Federal Drug Enforcement Administration.

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-889-020 PRECURSOR SUBSTANCE DEFINED. (1) For the purpose of this chapter a precursor substance is any of the following substances or their salts or isomers:

- (a) Anthranilic acid;
- (b) Barbituric acid;

- (c) Chlorephedrine;
- (d) Diethyl malonate;
- (e) D-lysergic acid;
- (f) Ephedrine;
- (g) Ergotamine tartrate;
- (h) Ethylamine;
- (i) Ethyl malonate;
- (j) Ethylephedrine;
- (k) Lead acetate;
- (l) Malonic acid;
- (m) Methylamine;
- (n) Methylformamide;
- (o) Methylephedrine;
- (p) Methylpseudoephedrine;
- (q) N-acetylanthranilic acid;
- (r) Norpseudoephedrine;
- (s) Phenylacetic acid;
- (t) Phenylpropanolamine;
- (u) Piperidine;
- (v) Pseudoephedrine; and
- (w) Pyrrolidine.

Provided; that this definition shall not include any drug that contains ephedrine, phenylpropanolamine, or pseudoephedrine or any cosmetic if that drug or cosmetic can be lawfully sold, transferred, or furnished over-the-counter without a prescription or by a prescription under chapter 69.04 or 69.41 RCW.

(2) The board finds that the reference to methylformamide in ((~~section 1, chapter 147, Laws of 1988;~~) RCW 69.43.010) was intended to refer to methylformamide and corrects that reference by deleting "methylformamide" and adding "methylformamide." This change is based upon the finding that this revision conforms to the tests set forth in ((~~section 1(2), chapter 147, Laws of 1988;~~) RCW 69.43.010(2)).

(3) Registrants should be aware that precursor substances in subsection (1)(a), (f), (k), (m), (n), (s), and (v) of this section are also regulated as schedule II immediate precursors pursuant to WAC ((~~360-36-425~~) 246-887-150) and all applicable rules and laws governing the distribution of schedule II controlled substances must also be complied with.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-889-030 **REPORTS OF PRECURSOR RECEIPT.** (1) Any manufacturer, wholesaler, retailer, or any other person who receives from any source outside the state of Washington any precursor substance listed in WAC ((~~360-38-010~~) 246-889-020) shall submit a report of such transaction within fourteen days of the receipt of that substance.

(2) The report shall contain the following information:

- (a) Name of substance;
- (b) Quantity received;
- (c) Date received;
- (d) Name and address of firm or person receiving substance; and
- (e) Name and address of the source selling, transferring, or furnishing the substance.

(3) The report shall be on a form approved by the board: **PROVIDED**, That in lieu of an approved form

the board will accept a copy of an invoice, packing list, or other shipping document which contains the information set forth in subsection (2) of this section. Under this option purchase price information appearing on the document can be deleted.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-889-040 **MONTHLY REPORTING OPTION.** (1) Permit holders who regularly transfer the same precursor substance to the same recipient can apply to the board for authorization to submit the report of said transactions on a monthly basis. Requests for monthly reporting authorization must be received at the board office at least thirty days prior to the board meeting at which the request will be considered. The board will review each request to determine if the requirements of ((~~section 1(5), chapter 147, Laws of 1988~~) RCW 69.43.010(5)), are met and will notify the permit holder of its decision and the reporting format that will be authorized.

(2) Permit holders may also petition the board to accept the monthly report on a computer-generated basis. The report can be furnished in hard copy, on board-approved data storage methods or by computer interface with a board-operated computer. The permit holder will be responsible for the accuracy of the report and the prompt correction of any data entry or transmission errors.

(3) The authorization to use monthly reports or computer-generated monthly reports can be rescinded at the board's discretion and with thirty days notice.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-893-020 **DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION OF THE BOARD.** The board is a drug control agency. The administrative office of the board and its staff are located at ((~~319 East 7th Avenue~~) 1300 SE Quince, PO BOX 47863, Olympia, Washington 98504-7863).

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-893-030 **OPERATIONS AND PROCEDURES.** (1) The board of pharmacy consists of seven members, one of whom is designated as a chairperson. The members are appointed by the governor for staggered four year terms.

(2) The board meets approximately once a month in various places throughout the state. The time and place of the meeting can be learned by writing or calling the administrative office of the board.

(3) The executive ((~~secretary~~) director) is the board's chief executive. The executive ((~~secretary~~) director) is responsible for carrying out the board's directions and for directing the board's staff.

(4) It is the board's duty to administer the law in chapters 18.64, 18.64A, 69.04, 69.38, 69.40, 69.41, 69.43, 69.45, 69.50, 69.51, 69.60, and 70.54 RCW.

(a) Chapter 18.64 RCW – Pharmacy Act – creation of board of pharmacy, definition of terms used in pharmacy act, examination and licensing of pharmacists, interns, wholesalers, shopkeepers and vendors, grounds for license suspension or revocation, unlawful practices, prescription labels and records.

(b) Chapter 18.64A RCW – Pharmacy Assistants Law – creation of pharmacy assistants, definition of terms, regulation of classifications and services, limitations on practice, grounds for certificate suspension or revocation, applications, fees, employment of pharmacy assistants, and pharmacists liability and responsibility.

(c) Chapter 69.04 RCW – Food, Drug and Cosmetic Act. Board has joint responsibility with director of department of agriculture. Board regulates only the drug and devices portion of the act. DMSO sales and use provisions are contained in this law.

(d) Chapter 69.38 RCW – Poisons—Sales and Manufacturing Act – defines poisons, provides for exemptions, requires a poison register with the identification of purchasers, provides for the inspection of poison registers and penalties for failure to maintain a register or for giving false information and provides for licensing poison manufacturers and sellers.

(e) Chapter 69.40 RCW – Poison Act – labeling of drugs incorrectly and selling poisons without labeling.

(f) Chapter 69.41 RCW – Legend Drug Act – definition of terms, prohibited acts, regulation of sale, delivery, or possession of legend drugs, requirements for prescriptions and labels, search and seizure procedures. Penalties for violations are created and rules regarding legend drugs are authorized. The procedures and requirements for substitution of legend drugs, manufacturing standards and liability of pharmacists are outlined. Requirements for identification and labeling marking of legend drugs are created.

(g) Chapter 69.43 RCW – Precursor Drugs Act – requires certain transactions concerning certain described substances to be reported to the board, provides for the reports of out-of-state receipts, creates exemptions, a reporting form, authorizes the board to adopt rules, requires the report of theft or loss of regulated substances, creates penalties and provides for the issuance of a permit and the refusal, suspension, or revocation of permits.

(h) Chapter 69.45 RCW – Drug Samples Act – defines terms, provides for the registration of drug sample manufacturers and the maintenance of records, the storage and transportation of drug samples, the manner of distribution, the disposal of surplus, outdated or damaged samples, registration fees, penalty for violations and the confidentiality of reports.

(i) Chapter 69.50 RCW – Controlled Substances Act – places all narcotics, barbiturates, amphetamines, hallucinogenics and marijuana into five schedules. Sets standards and definitions for the five schedules. Regulates the manufacture, distribution and dispensing of controlled substances. Sets forth offenses, penalties and prohibited acts. Enforcement and administrative provisions include administrative and criminal search warrants.

(j) Chapter 69.51 RCW – Controlled Substance Therapeutic Research Act – defines terms and provides

for the board's regulation of controlled substance research programs.

(k) Chapter 69.60 RCW – Over-the-counter medications – requires over-the-counter medication to be imprinted with identifying information and gives the board enforcement authority.

(l) Chapter 70.54 RCW – Laetrile – board given authority to sample and test laetrile and promulgate rules regarding it.

(5) Information concerning all licenses or registrations issued by the board may be obtained by writing or calling the administrative office of the board.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-893-040 PUBLIC RECORDS AVAILABLE. All public records of the board, as defined in WAC ((360-44-020)) 246-893-010 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.255, 42.17.310, WAC ((360-44-100)) 246-893-090, or any other duty to withhold information as imposed by other state or federal law.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-893-090 EXEMPTIONS. (1) The board reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC ((360-44-080)) 246-893-070 is exempt under provisions of RCW 42.17.310.

(2) In addition, the board 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 disclosure of such details would be an invasion of personal privacy protected by RCW 42.17.255. 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.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-893-120 INDEX OF PUBLIC RECORDS AVAILABLE. (1) The board has available to all persons:

(a) A current index which provides identifying information concerning all licenses issued by the board;

(b) A current index to all rules and regulations adopted by the board.

(2) Final orders in the adjudication of cases are filed in the investigative file of the subject licensee.

(3) Correspondence and materials referred to therein by and with the board relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is about to determine or opine upon, the rights of the state,

the public, a subdivision of state government, or of any private party is filed chronologically, with one copy also filed in a licensee's file, if applicable.

(4) The board has determined that it would be unduly burdensome to maintain an index, except as set forth herein, due to fiscal and personnel limitations and to the general nature and large volume of correspondence of the board.

(5) The board shall not give, sell or provide access to lists of individuals requested for commercial purposes except as authorized by RCW 42.17.260((5)) (6).

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-893-130 ADDRESS WHERE REQUESTS TO BE DIRECTED. All communications with the board including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 42.17 RCW and these rules; requests for copies of the board's decisions and other matters, shall be addressed as follows: Washington State Board of Pharmacy, c/o Public Records Officer, ((319 East 7th Avenue)) 1300 SE Quince, PO BOX 47863, Olympia, Washington 98504-7863.

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-893-998 APPENDIX A—FORM.

WASHINGTON STATE BOARD OF PHARMACY  
((319 East Seventh Avenue — WEA Bldg.))  
1300 SE Quince, PO BOX 47863  
Olympia, Washington 98504-7863

REQUEST FOR PUBLIC RECORDS

1. Name  
.....  
Street City State Zip
2. .... day of .... 19.. at .... O'clock ....  
Date and Time of Request
3. Nature of Request:  
.....  
.....  
.....
4. Current Index Reference .....
5. Record Description if not Indexed .....
6. Signature of Requestor .....

FOR AGENCY USE ONLY

Received by ..... Staff Time Expended .....  
Request: Time Completed .....  
No. Pages Copied ..... @ 10¢ a copy — Total .....

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-895-020 FINISHED PHARMACEUTICALS—MANUFACTURING PRACTICE. (1) The criteria in WAC ((360-46-040 through 360-46-150)) 246-895-040 through 246-895-160, inclusive, shall apply in determining whether the methods used in, or the facilities or controls used for, the manufacture, processing, packing, or holding of a drug conform to or are operated or administered in conformity with current good manufacturing practice to assure that a drug meets the requirements of the act as to safety and has the identity and strength and meets the quality and purity characteristics which it purports or is represented to possess as required by the act.

(2) The regulations in this chapter permit the use of precision automatic, mechanical, or electronic equipment in the production and control of drugs when written inspection and checking policies and procedures are used to assure proper performance.

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-895-040 BUILDINGS OR FACILITIES. Buildings shall be maintained in a clean and orderly manner and shall be of suitable size, construction, and location to facilitate adequate cleaning, maintenance, and proper operations in the manufacturing, processing, packing, repacking, labeling, or holding of a drug. The buildings shall:

- (1) Provide adequate space for:
  - (a) Orderly placement of equipment and materials to minimize any risk of mixups between different drugs, drug components, drug products, in-process materials, packaging materials, or labeling, and to minimize the possibility of contamination.
  - (b) The receipt, storage, and withholding from use of components pending sampling, identification, and testing prior to release by the quality control unit for manufacturing or packaging.
  - (c) The holding of rejected components prior to disposition to preclude the possibility of their use in manufacturing or packaging procedures for which they are unsuitable.
  - (d) The storage of components, containers, packaging materials, and labeling.
  - (e) Any manufacturing and processing operations performed.
  - (f) Any packaging or labeling operations.
  - (g) Storage of finished products.
  - (h) Control and production-laboratory operations.

(2) Provide adequate lighting, ventilation, and screening and, when necessary for the intended production or control purposes, provide facilities for adequate air-pressure, microbiological, dust humidity, and temperature controls to:

(a) Minimize contamination of products by extraneous adulterants, including cross-contamination of one product by dust or particles of ingredients arising from the manufacture, storage, or handling of another product.

(b) Minimize dissemination of micro-organisms from one area to another.

(c) Provide suitable storage conditions for drug components, in-process materials, and finished drugs in conformance with stability information as derived under WAC ((~~360-46-100~~)) 246-895-110.

(3) Provide adequate locker facilities and hot and cold water washing facilities, including soap or detergent, air drier or single service towels, and clean toilet facilities near working areas.

(4) Provide an adequate supply of potable water under continuous positive pressure in a plumbing system free of defects that could cause or contribute to contamination of any drug. Drains shall be of adequate size and, where connected directly to a sewer, shall be equipped with traps to prevent back-siphonage.

(5) Provide suitable housing and space for the care of all laboratory animals.

(6) Provide for safe and sanitary disposal of sewage, trash, and other refuse within and from the buildings and immediate premises.

(7) Be maintained in a clean, orderly, and sanitary condition. There shall be written procedures assigning responsibility for sanitation and describing the cleaning schedule and methods.

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-895-080 COMPONENT AND DRUG PRODUCT CONTAINERS AND CLOSURES. (1) Component and drug product containers and closures shall:

(a) Not be reactive, additive, or absorptive so as to alter the safety, identity, strength, quantity, or purity of the product or its components beyond the official or established requirements;

(b) Provide adequate protection against foreseeable external factors in storage and use that can cause deterioration or contamination of the drug product; and

(c) Be clean and, where indicated by the nature of the drug, sterilized and processed to remove pyrogenic properties to assure that they are suitable for their intended use.

Containers and their components for parenterals shall be cleansed with water which has been filtered through a nonfiber-releasing filter.

(2) Standards or specifications, methods of testing, and, where indicated, processing to remove pyrogenic properties shall be written and followed for component and drug product containers and closures.

(3) Except as provided for in WAC ((~~360-46-082~~)) 246-895-090, drug product containers and closures shall not be reused for component or drug product packaging.

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-895-100 LABORATORY CONTROLS. Laboratory controls shall include the establishment of scientifically sound and appropriate written specifications, standards, and test procedures to assure that components, in-processed drugs, and finished products conform to appropriate standards of identity, strength, quality and purity. Laboratory controls shall include:

(1) The establishment of master records containing appropriate specifications for the acceptance of each lot of drug components, product containers, and their components used in drug production and packaging and a description of the sampling and testing procedures used for them. Said samples shall be representative and adequately identified. Such records shall also provide for appropriate retesting of drug components, product containers, and their components subject to deterioration.

(2) A reserve sample of all active ingredients as required by WAC ((~~360-46-070(2)~~)) 246-895-070.

(3) The establishment of master records, when needed, containing specifications and a description of sampling and testing procedures for in-process drug preparations. Such samples shall be adequately representative and properly identified.

(4) The establishment of master records containing a description of sampling procedures and appropriate specifications for finished drug products. Such samples shall be adequately representative and properly identified.

(5) Adequate provisions for checking the identity and strength of drug products for all active ingredients and for assuring:

(a) Sterility of drugs purported to be sterile and freedom from objectionable microorganisms for those drugs which should be so by virtue of their intended use.

(b) The absence of pyrogens for those drugs purporting to be pyrogen-free.

(c) Minimal contamination of ophthalmic ointments by foreign particles and harsh or abrasive substances.

(d) That the drug release pattern of sustained release products is tested by laboratory methods to assure conformance to the release specifications.

(6) Adequate provision for auditing the reliability, accuracy, precision, and performance of laboratory test procedures and laboratory instruments used.

(7) A properly identified reserve sample of the finished product (stored in the same immediate container-closure system in which the drug is marketed) consisting of at least twice the quantity necessary to perform all the required tests, except those for sterility and determination of the absence of pyrogens, and stored under conditions consistent with product labeling shall be retained for at least two years after the drug distribution has been completed or one year after the drug's expiration date, whichever is longer.

(8) Provision for retaining complete records of all laboratory data relating to each batch or lot of drug to which they apply. Such records shall be retained for at least two years after distribution has been completed or

one year after the drug's expiration date, whichever is longer.

(9) Provision that animals shall be maintained and controlled in a manner that assures suitability for their intended use. They shall be identified and appropriate records maintained to determine the history of use.

(10) Provision that firms which manufacture nonpenicillin products (including certifiable antibiotic products) on the same premises or use the same equipment as that used for manufacturing penicillin products, or that operate under any circumstances that may reasonably be regarded as conducive to contamination of other drugs by penicillin, shall test such nonpenicillin products to determine whether any have become cross-contaminated by penicillin. Such products shall not be marketed if intended for use in humans and the product is contaminated with an amount of penicillin equivalent to 0.5 unit or more of penicillin G per maximum single dose recommended in the labeling of a drug intended for parenteral administration, or an amount of penicillin equivalent to 0.5 unit or more of penicillin G per maximum single dose recommended in the labeling of a drug intended for oral use.

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

**WAC 246-895-120 EXPIRATION DATING.** To assure that drug products liable to deterioration meet appropriate standards of identity, strength, quality, and purity at the time of use, the label of all such drugs shall have suitable expiration dates which relate to stability tests performed on the product.

(1) Expiration dates appearing on the drug labeling shall be justified by readily available data from stability studies such as described in WAC ((~~360-46-100~~)) 246-895-110.

(2) Expiration dates shall be related to appropriate storage conditions stated on the labeling wherever the expiration date appears.

(3) When the drug is marketed in the dry state for use in preparing a liquid product, the labeling shall bear expiration information for the reconstituted product as well as an expiration date for the dry product.

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

**WAC 246-895-130 PACKAGING AND LABELING.** Packaging and labeling operations shall be adequately controlled: To assure that only those drug products that have met the standards and specifications established in their master production and control records shall be distributed; to prevent mixups between drugs during filling, packaging, and labeling operations; to assure that correct labels and labeling are employed for the drug; and to identify the finished product with a lot or control number that permits determination of the history of the manufacture and control of the batch. An hour, day, or shift code is appropriate as a lot or control number for drug products manufactured or processed in

continuous production equipment. Packaging and labeling operations shall:

(1) Be separated (physically or spatially) from operations on other drugs in a manner adequate to avoid mixups and minimize cross-contamination. Two or more packaging or labeling operations having drugs, containers, or labeling similar in appearance shall not be in process simultaneously on adjacent or nearby lines unless these operations are separated either physically or spatially.

(2) Provide for an inspection of the facilities prior to use to assure that all drugs and previously used packaging and labeling materials have been removed.

(3) Include the following labeling controls:

(a) The holding of labels and package labeling upon receipt pending review and proofing against an approved final copy by a competent and responsible individual to assure that they are accurate regarding identity, content, and conformity with the approved copy before release to inventory.

(b) The maintenance and storage of each type of label and package labeling representing different products, strength, dosage forms, or quantity of contents in such a manner as to prevent mixups and provide proper identification.

(c) A suitable system for assuring that only current labels and package labeling are retained and that stocks of obsolete labels and package labeling are destroyed.

(d) Restriction of access to labels and package labeling to authorized personnel.

(e) Avoidance of gang printing of cut labels, cartons, or inserts when the labels, cartons, or inserts are for different products or different strengths of the same products or are of the same size and have identical or similar format and/or color schemes. If gang printing is employed, packaging and labeling operations shall provide for added control procedures. These added controls should consider sheet layout, stacking, cutting, and handling during and after printing.

(4) Provide strict control of the package labeling issued for use with the drug. Such issue shall be carefully checked by a competent and responsible person for identity and conformity to the labeling specified in the batch production record. Said record shall identify the labeling and the quantities issued and used and shall reasonably reconcile any discrepancy between the quantity of drug finished and the quantities of labeling issued. All excess package labeling bearing lot or control numbers shall be destroyed. In event of any significant unexplained discrepancy, an investigation should be carried out according to WAC ((~~360-46-060~~)) 246-895-060(9).

(5) Provide for adequate examination or laboratory testing of representative samples of finished products after packaging and labeling to safeguard against any errors in the finishing operations and to prevent distribution of any batch until all specified tests have been met.

(6) Provide for compliance with the Poison Prevention Packaging Act, (16 CFR Part 1700).

(7) Provide for compliance with WAC ((~~360-46-080~~)) 246-895-080(2).

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

**WAC 246-895-140 MASTER PRODUCTION AND CONTROL RECORDS—BATCH PRODUCTION AND CONTROL RECORDS.** (1) To assure uniformity from batch to batch, a master production and control record for each drug product and each batch size of drug product shall be prepared, dated, and signed or initialed by a competent and responsible individual and shall be independently checked, reconciled, dated, and signed or initialed by a second competent and responsible individual. The master production and control record shall include:

(a) The name of the product, description of the dosage form, and a specimen or copy of each label and all other labeling associated with the retail or bulk unit, including copies of such labeling signed or initialed and dated by the person or persons responsible for approval of such labeling.

(b) The name and weight or measure of each active ingredient per dosage unit or per unit of weight or measure of the finished drug and a statement of the total weight or measure of any dosage unit.

(c) A complete list of ingredients designated by names or codes sufficiently specific to indicate any special quality characteristic; and accurate statement of the weight or measure of each ingredient regardless of whether it appears in the finished product, except that reasonable variations may be permitted in the amount of components necessary in the preparation in dosage form provided that provisions for such variations are included in the master production and control record; an appropriate statement concerning any calculated excess of an ingredient; an appropriate statement of theoretical weight or measure at various stages of processing; and a statement of the theoretical yield.

(d) A description of the containers, closures, and packaging and finishing materials.

(e) Manufacturing and control instructions, procedures, specifications special notations, and precautions to be followed.

(2) The batch production and control record shall be prepared for each batch of drug produced and shall include complete information relating to the production and control of each batch. These records shall be retained for at least two years after the batch distribution is complete or at least one year after the batch expiration date, whichever is longer. These records shall identify the specific labeling and lot or control numbers used on the batch and shall be readily available during such retention period. The batch record shall include:

(a) An accurate reproduction of the appropriate master formula record checked, dated, and signed or initialed by a competent and responsible individual.

(b) A record of each significant step in the manufacturing, processing, packaging, labeling testing, and controlling of the batch, including: Dates; individual major equipment and lines employed; specific identification of each batch of components used; weights and measures of

components and products used in the course of processing; in-process and laboratory control results; and identifications of the individual(s) actively performing and the individual(s) directly supervising or checking each significant step in the operation.

(c) A batch number that identifies all the production and control documents relating to the history of the batch and all lot or control numbers associated with the batch.

(d) A record of any investigation made according to WAC ((360-46-060)) 246-895-060(9).

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

**WAC 246-895-160 COMPLAINT FILES.** Records shall be maintained of all written and oral complaints regarding each product. An investigation of each complaint shall be made in accordance with WAC ((360-46-060)) 246-895-060(8). The record of each investigation shall be maintained for at least two years after distribution of the drug has been completed or one year after the expiration date of the drug, whichever is longer.

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

**WAC 246-895-170 VARIANCE AND PROCEDURE.** Licensees may request that the board issue a variance from specific requirements of WAC ((360-46-040 through 360-46-150)) 246-895-040 through 246-895-160. The request must be in writing and must explain why the criteria should not apply and how the public's safety would be protected. Issuance of a variance shall be based on the information supplied by the manufacturer requesting the variance, as well as any other information available as a result of any investigation by the board and/or any other relevant information available. After due consideration of all the information, the board may issue or deny the requested variance. Any variance granted shall be limited to the particular case described in the request and shall be posted at the manufacturing location during the time it is in effect. Variances will be reviewed at least every three years. Variances shall be subject to withdrawal or modification at any time if the board finds the variance has resulted in actual or potential harm to the public.

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

**WAC 246-897-040 LICENSE APPLICATION.** Applications for the production of amygdalin (laetrile) for use pursuant to ((chapter 122, Laws of 1977, 1st session,)) RCW 70.54.130 through 70.54.150 shall be filed with the board of pharmacy. Such applications shall include:

(1) A full list of the articles used as components of such drug;

(2) A full statement of the composition of such drug;

(3) A full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drug;

(4) Such samples of such drug and of the articles used as components thereof as the board may require; and

(5) Specimen of the labeling proposed to be used for such drug. Labels must include the name of the drug (amygdalin or laetrile), its strength per unit, manufacturer's name and address, lot number, and expiration date, if any.

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-897-050 GOOD MANUFACTURING PRACTICES. Manufacturers of amygdalin (laetrile) shall conform to the standards for good manufacturing practices of finished pharmaceuticals, as provided in WAC ((~~360-46-010 through 360-46-150~~)) 246-895-010 through 246-895-160.

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-897-150 GOOD MANUFACTURING PRACTICES. Manufacturers of DMSO shall conform to the standards for good manufacturing practices of finished pharmaceuticals, as provided in WAC ((~~360-46-010 through 360-46-150~~)) 246-895-010 through 246-895-160. Further, manufacturers shall comply with the state Food, Drug, and Cosmetic Act, chapter 69.04 RCW.

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-899-040 MANUFACTURERS, WHOLESALE, DISTRIBUTORS, PHARMACY LOCATION, REQUIREMENT THAT DRUG PRODUCTS OFFERED FOR SALE COMPLY WITH 21 USC 355—IMMEDIATE SUSPENSION AND SUBSEQUENT REVOCATION OF LICENSES AUTHORIZED FOR VIOLATION. (1) In order to provide for enforcement of RCW 69.41.100 through 69.41.180 and to protect the public health and safety when generic drugs are substituted for brand name drugs pursuant to ((~~chapter 110, Laws of 1979~~)) RCW 69.41.110 through 69.41.180 drug products which are offered for sale by, or stored at the premises of, any manufacturer, distributor, wholesaler or pharmacy location must have an approved new drug application (NDA) or abbreviated new drug application (ANDA) designation by the Federal Food and Drug Administration pursuant to 21 USC 355 unless they are exempt from the requirements for such a designation.

(2) In order to provide for enforcement of RCW 69.41.100 through 69.41.180 and to protect the public health and safety drug products offered for sale by, or stored at the premises of, a manufacturer, wholesaler, distributor or pharmacy location which do not have the required NDA or ANDA, or exemption therefrom referenced in subsection (1) of this section, are hereby declared to be contraband and subject to surrender to and destruction by the Washington state board of pharmacy. This surrender and destruction shall take place as specified below.

(3) The board shall publish in its newsletter the source from which the current list compiled by the Federal Food and Drug Administration of generic drugs which do not have an NDA or ANDA and are not exempt from such a requirement and are therefore contraband as provided in subsection (2) of this section may be obtained. The board shall also respond to both written and telephone inquiries from any source regarding the status of any generic drug.

(4) Whenever it is made to appear to the board that a manufacturer, wholesaler, distributor or pharmacy location within the state of Washington is in possession of a stock of drugs which are contraband as defined in subsection (2) of this section, a representative of the board shall confirm with the Federal Food and Drug Administration, by telephone, that the particular drug or drugs involved do not have the required NDA or ANDA and that they are not exempt from this requirement. Upon receipt of this confirmation, the board shall direct such of its investigative personnel as it deem necessary to proceed to the premises of the manufacturer, wholesaler, distributor or pharmacy location and to then inform the owner, or person in charge, of the contraband status of the drugs in question.

(5) The pharmacy board investigative personnel shall offer the owner, or person in charge, of the premises at which the drug products are being kept the opportunity to immediately voluntarily surrender to the board all stocks of the drug products whether kept at the premises of the manufacturer, wholesaler, distributor, or pharmacy location, or at any separate storage facility under the control of the manufacturer, wholesaler, distributor or retailer, which are contraband under subsection (2) of this section. A receipt shall be given to the owner, or person in charge, for all drug products voluntarily surrendered.

(6) All drug products voluntarily surrendered pursuant to subsection (5) of this section shall be destroyed by the board of pharmacy unless they are ordered returned to the manufacturer, wholesaler, distributor or pharmacy location by order of a court of competent jurisdiction. No destruction of any drug products surrendered will be accomplished until thirty days after the date of their surrender to the board.

(7) Retention, dispensing, promotion or advertisement, of any drug products by a manufacturer, wholesaler, distributor or pharmacy location, either at their business premises or at any separate storage facility after notification of their contraband status under subsection (2) of this section shall constitute a direct and immediate danger to the public health and safety and will be good and sufficient cause for the immediate summary suspension and subsequent revocation of any license issued by the board of pharmacy to the manufacturer, wholesaler, distributor or pharmacy location and will also constitute good and sufficient cause for revocation of any license issued by the board of pharmacy to the owner of any manufacturer, wholesaler, distributor or pharmacy location or any person in charge thereof who knowingly retains, dispenses, promotes or advertises, any drug products which are contraband under subsection (2) of this section after notification of their status.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-899-050 OUT-OF-STATE PRESCRIPTIONS. (1) When dispensing a prescription issued by a practitioner licensed in a state other than Washington, and recognized in RCW 69.41.030, the pharmacist must honor the instructions of the practitioner regarding substitution. These instructions may be on a prescription blank different than that required for Washington practitioners by RCW 69.41.120 and may include the use of the words "dispense as written," words of similar meaning, a checkoff box, or some other indication ((or)) of intent.

(2) If the practitioner has not clearly provided instructions regarding substitution, a pharmacist may substitute a therapeutically equivalent generic drug only if the pharmacist has determined substitution is permitted by one of the following means:

(a) The pharmacist has personal knowledge and is familiar with the laws and rules regarding substitution in the state of origin; or

(b) The pharmacist obtains oral or written authorization from the practitioner; or

(c) The pharmacist obtains current information regarding the manner in which an out-of-state practitioner provides instruction from:

(i) The Washington state board of pharmacy; or

(ii) The board of pharmacy in the state, other than Washington, in which the practitioner practices; or

(iii) Some other professional source.

(3) Drug product selection shall be based on Washington law and rule as set forth in WAC ((~~360-49-020~~)) 246-899-030.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-901-020 LEVEL A PHARMACY ASSISTANTS UTILIZATION. (1) Level A pharmacy assistants may assist in performing, under the immediate supervision and control of a licensed pharmacist, manipulative, nondiscretionary functions associated with the practice of pharmacy.

(2) Immediate supervision shall include visual and/or physical proximity that will insure adequate safety controls, except that the board of pharmacy may apply the standards of the joint commission on accreditation of hospitals for facilities licensed pursuant to chapters 70.41 or 71.12 RCW.

(3) The following shall not be considered to be manipulative and nondiscretionary functions associated with the practice of pharmacy:

(a) Consultation with the prescriber regarding the patient and his prescription.

(b) Receipt of a verbal prescription other than refill approval or denial from a prescriber.

(c) Consultation with the patient regarding the prescription, both prior to and after the prescription filling and/or regarding any information contained in a patient medication record system.

(d) Interpretation and identification of the contents of the prescription document.

(e) Determination of the product required for the prescription.

(f) Extemporaneous compounding of the prescription, except in accordance with written policies and procedures in accordance with WAC ((~~360-52-090~~)) 246-901-100(2), whereby the accuracy, correct procedure and preparation, and safety of pharmaceutical constituents can be verified by the pharmacist.

(g) Interpretation of data in a patient medication record system.

(h) Final check on all aspects of the completed prescription and assumption of the responsibility for the filled prescription, including but not limited to accuracy of drug, strength, labeling, and proper container.

(i) Dispense prescriptions to patient with proper patient information as required by WAC ((~~360-16-250~~)) 246-869-220.

(j) Any duty required by law, rule or regulation to be performed only by a registered pharmacist.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-903-010 DEFINITIONS. (1) A "nuclear pharmacy" is a class A pharmacy providing radiopharmaceutical services.

(2) "Nuclear pharmacist" means a licensed pharmacist who has submitted evidence to the board of pharmacy that he or she meets the requirements of WAC ((~~360-54-040~~)) 246-903-030 of these regulations regarding training, education, and experience, and who has received notification by letter from the board of pharmacy that, based on the evidence submitted, he or she is recognized by the board of pharmacy as qualified to provide radiopharmaceutical services.

(3) "Radiopharmaceutical service" shall mean, but shall not be limited to, the compounding, dispensing, labeling and delivery of radiopharmaceuticals; the participation in radiopharmaceutical selection and radiopharmaceutical utilization reviews; the proper and safe storage and distribution of radiopharmaceuticals; the maintenance of radiopharmaceutical quality assurance; the responsibility for advising, where necessary or where regulated, of therapeutic values, hazards and use of radiopharmaceuticals; and the offering or performing of those acts, services, operations or transactions necessary in the conduct, operation management and control of a nuclear pharmacy.

(4) A "radiopharmaceutical" is any substance defined as a drug in section 201(g)(1) of the Federal Food, Drug and Cosmetic Act which exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons and includes any such drug which is intended to be made radioactive. This definition includes nonradioactive reagent kits and nuclide generators which are intended to be used in the preparation of any such substance but does not include drugs such as carbon-containing compounds or potassium-containing compounds or potassium-containing salts which contain trace quantities of naturally occurring radionuclides.

(5) "Radiopharmaceutical quality assurance" means, but is not limited to, the performance of appropriate

chemical, biological and physical tests on radiopharmaceuticals and the interpretation of the resulting data to determine their suitability for use in humans and animals, including internal test assessment authentication of product history and the keeping of proper records.

(6) "Internal test assessment" means, but is not limited to, conducting those tests of quality assurance necessary to insure the integrity of the test.

(7) "Authentication of product history" means, but is not limited to, identifying the purchasing source, the ultimate fate, and intermediate handling of any component of a radiopharmaceutical.

(8) "Authorized practitioner" means a practitioner duly authorized by law to possess, use, and administer radiopharmaceuticals.

**WSR 92-12-036**

**PERMANENT RULES**

**DEPARTMENT OF LICENSING**

[Filed May 29, 1992, 8:10 a.m., effective July 1, 1992]

Date of Adoption: May 29, 1992.

Purpose: To make technical corrections reflecting current procedures and to add a fee schedule for issuing permits and certificates.

Citation of Existing Rules Affected by this Order: Amending WAC 308-89-020, 308-89-040, and 308-89-050.

Statutory Authority for Adoption: ESSB 6460 and RCW 46.72.120.

Pursuant to notice filed as WSR 92-09-145 on April 22, 1992.

Effective Date of Rule: July 1, 1992.

May 29, 1992

Tobias W. Washington, Jr.  
Assistant Director

**AMENDATORY SECTION** (Amending Order TL-RG-18, filed 10/11/85)

WAC 308-89-020 DEFINITIONS—FOR HIRE VEHICLE. "For hire vehicle" as defined in RCW 46.72.010(1) shall include but not be limited to:

~~((a))~~ (1) Cabulance: Cabulance transportation is appropriate for persons confined to wheelchairs or persons otherwise physically restricted such that they cannot be safely transported by public mass transportation vehicles, taxicabs, or automobiles. Persons transported by cabulance must be stable, must not be incapacitated from medications, nor in need of oxygen or medical attention enroute;

~~((b) limousine: a vehicle with a driver hired for an event or period of time; (c))~~ (2) Taxicab: As defined by RCW 46.90.178;

~~((d))~~ (3) Such other vehicles used for the purpose of transporting passengers for compensation and not excluded by RCW, WAC or departmental policy.

**AMENDATORY SECTION** (Amending Order TL-RG-15, filed 8/6/85)

WAC 308-89-040 FOR HIRE VEHICLE REGISTRATION. A for hire operator shall file an application for vehicle license for each vehicle intended to be operated as a for hire vehicle. In addition to the licensing requirements of motor vehicles, the following shall apply on for hire vehicles:

~~((a))~~ (1) The name of the owner of the vehicle shall be displayed on the vehicle registration in the same name as recorded on the bond or insurance policy, the for hire permit, and the for hire certificates;

~~((b))~~ (2) The purpose for which the vehicle is to be used shall be recorded as either "CAB" or "F/H" ~~((c) an annual license expiration of June 30)).~~

**AMENDATORY SECTION** (Amending Order TL-RG-15, filed 8/6/85)

WAC 308-89-050 PERMITS. ~~((Each for hire owner/operator may operate under only one dba (doing business as) name per each permit issued. No company may have numerous dba's or operating names under one permit.))~~

Each permit will be issued in the operating name of the for hire company(ies) as recorded on the bond or insurance policy.

**NEW SECTION**

WAC 308-89-060 FEES. (1) The department shall charge and collect:

(a) Twenty dollars for each initial operator permit as required by RCW 46.72.020;

(b) Twenty dollars for each certificate as required by RCW 46.72.070;

(c) Twenty dollars for each nonresident permit as required by RCW 46.72.130.

(2) All fees remitted to the department under this chapter shall be deposited with the state treasurer to the highway safety fund.

(3) No refund of less than five dollars shall be made except upon written request by the registrant.

**WSR 92-12-037**

**PERMANENT RULES**

**PUBLIC DISCLOSURE COMMISSION**

[Filed May 29, 1992, 8:54 a.m.]

Date of Adoption: May 26, 1992.

Purpose: Amending WAC 390-18-040 to replace references to position sought with office, and speak to use of certain words in political advertisements by incumbents affected by district boundary changes.

Citation of Existing Rules Affected by this Order: Amending WAC 390-18-040.

Statutory Authority for Adoption: RCW 42.17.370.

Pursuant to notice filed as WSR 92-08-104 on April 1, 1992.

Effective Date of Rule: Thirty-one days after filing.

May 27, 1992

Graham E. Johnson  
Executive Director

**AMENDATORY SECTION** (Amending Order 88-02, filed 7/1/88)

WAC 390-18-040 USE OF THE TERMS "RE-ELECT", "RETAIN", AND "RETURN." (1) The term "re-elect" when used in a political advertisement represents that the candidate is presently holding the office being sought, ((and)) was elected to it, and is seeking another term in that same ((position)) office in the same district or political subdivision.

(2) The term "re-elect" may be used in a political advertisement by a non-incumbent candidate who has previously been elected to the ((position)) office being sought provided that in the same advertisement it is clearly stated that the candidate is not the incumbent.

(3) The term "retain" in a political advertisement represents that the candidate is the incumbent but does not imply that the candidate attained the ((position)) office by election.

(4) The term "return" in a political advertisement represents that the candidate now holds, or has previously held, the ((position)) office being sought, but does not represent that the ((position)) office was attained by election.

(5) Whenever the boundaries of a district or political subdivision are officially altered through redistricting, consolidation or other official procedures, the candidate holding an office in the affected district or political subdivision may, in a political advertisement, use the term "re-elect," "retain" or "return," as appropriate, if the candidate is seeking the same office in the revised district or political subdivision.

(6) Stating the office sought (e.g., "mayor") by a candidate in a political advertisement without expressly stating the candidate is seeking election to the ((position)) office (e.g., "for mayor"; "Elect Smith Mayor") represents that the candidate presently holds that office.

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

### WSR 92-12-038

#### EMERGENCY RULES

#### FOREST PRACTICES BOARD

[Filed May 29, 1992, 8:56 a.m., effective June 18, 1992]

Date of Adoption: May 13, 1992.

Purpose: Classify those forest practices subject to environmental review under SEPA and SEPA rules.

Citation of Existing Rules Affected by this Order: Amending WAC 222-16-010 and 222-16-050.

Statutory Authority for Adoption: RCW 76.09.040, 76.09.050, and 34.05.350.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: On October 25, 1990, the Snohomish County Superior Court issued a final judgment declaring WAC 222-16-050(1) invalid as it existed on that date. *Snohomish County v. DNR*, No. 89-2-06923-5 (Snohomish Cy. Super. Ct.). On November 14, 1990, the Forest Practices Board adopted an emergency rule to replace the one declared invalid, and adopted a second emergency rule directing the Department of Natural Resources to develop a watershed screening and analysis process (WSR 90-23-041). A revision of that rule was adopted on March 13, 1991, (WSR 91-07-034). On March 15, 1991, the Forest Practices Board filed a request for preproposal comments on permanent rule changes to WAC 222-16-050(1) (WSR 91-07-030). The board established three task forces to develop recommendations for new permanent rule language relating to pesticide use, aesthetics, and wildlife. At its June 25, 1991, meeting, the Forest Practices Board adopted new emergency rules incorporating recommendations of the task forces (WSR 91-14-102). A change to the emergency rule on watershed analysis was adopted at a Forest Practices Board meeting on August 15, 1991. The task forces have now completed a change proposal for WAC 222-16-050(1). At its October 9, 1991, meeting, the Forest Practices Board: Sent the proposed change to counties and the Departments of Fisheries and Wildlife for review and comment, as required by the Forest Practices Act (RCW 76.09.040), before starting the rule-making process required by the Administrative Procedure Act (chapter 34.05 RCW); initiated a public input process to receive comments on preliminary draft rules for cumulative effects and wetlands before completing a rule proposal; and adopted again the emergency rule for WAC 222-16-050(1) as it was adopted on June 25, 1991. The Forest Practices Board, at a meeting on February 11, 1992, again adopted the emergency rule for WAC 222-16-050(1). At the same meeting the Forest Practices Board sent proposed rule changes for cumulative effects, wetlands, and definition of forest practices subject to review under SEPA and SEPA rules to counties and the Departments of Fisheries and Wildlife for review and comment, as required by the Forest Practices Act (RCW 76.09.940 [76.09.040]). On March 18, 1992, the Forest Practices Board filed notice of intent to adopt permanent rules, including a revised definition of Class IV-Special forest practices (WSR 92-07-093). Ten hearings were held on the proposed rules during April 21-25, 1992. The proposal was revised at a meeting of the Forest Practices Board on May 13, 1992. The revised proposal was filed with the code reviser on May 20, 1992, (WSR 92-11-069). Hearings are scheduled for June 25, 1992. Intended date of adoption is June 25, 1992. In the meantime, at a meeting on May 13, 1992, the Forest Practices Board

again adopted the emergency rule for WAC 222-16-050(1).

Effective Date of Rule: June 18, 1992.

May 26, 1992

Brian Boyle

Commissioner of Public Lands

**AMENDATORY SECTION** [(Amending WSR 92-03-028, filed 1/8/92, effective 2/8/92)]

**WAC 222-16-010 GENERAL DEFINITIONS.\***

Unless otherwise required by context, as used in these regulations:

"Act" means the Forest Practices Act, chapter 76.09 RCW.

"Affected Indian tribe" means any federally recognized Indian tribe that requests in writing from the department information on forest practices applications and notification filed on specified areas.

"Appeals board" means the forest practices appeals board established in the act.

"Board" means the forest practices board established by the act.

"Borrow pit" shall mean an excavation site outside the limits of construction to provide material necessary to that construction, such as fill material for the embankments.

"Chemicals" means substances applied to forest lands or timber to accomplish specific purposes and includes pesticides, ((~~insecticides, rodenticides,~~) plant-growth regulators, ((~~fungicides, fertilizers,~~) desiccants, fire retardants when used in controlled burning, repellents, oil, dust-control agents (other than water), salt and other materials that may present hazards to the environment.

"Commercial tree species" means any species which is capable of producing a merchantable stand of timber on the particular site, or which is being grown as part of a Christmas tree or ornamental tree-growing operation.

"Completion of harvest" means the latest of:

Completion of removal of timber from the portions of forest lands harvested in the smallest logical unit that will not be disturbed by continued logging or an approved slash disposal plan for adjacent areas; or

Scheduled completion of any slash disposal operations where the department and the applicant agree within 6 months of completion of yarding that slash disposal is necessary or desirable to facilitate reforestation and agree to a time schedule for such slash disposal; or

Scheduled completion of any site preparation or rehabilitation of adjoining lands approved at the time of approval of the application or receipt of a notification: **PROVIDED**, That delay of reforestation under this paragraph is permitted only to the extent reforestation would prevent or unreasonably hinder such site preparation or rehabilitation of adjoining lands.

"Contamination" means the introducing into the atmosphere, soil, or water, sufficient quantities of substances as may be injurious to public health, safety or welfare, or to domestic, commercial, industrial, agriculture or recreational uses, or to livestock, wildlife, fish or other aquatic life.

"Conversion option harvest plan" means a voluntary plan developed by the landowner and approved by the

local government entity indicating the limits of harvest areas, road locations, and open space.

"Conversion to a use other than commercial timber operation" shall mean a bona fide conversion to an active use which is incompatible with timber growing.

"Critical wildlife habitat" means the habitat of any threatened or endangered species, as such habitat is established by the board in the forest practices board manual, or other situations as identified by the board, after consultation with the department of wildlife, where specific management practices are needed to prevent critical wildlife habitat destruction.

"Cultural resources" means archaeological and historic sites and artifacts and traditional religious, ceremonial and social uses and activities of affected Indian tribes.

"Debris" means woody vegetative residue less than 3 cubic feet in size resulting from forest practice activities which would reasonably be expected to cause significant damage to a public resource.

"Department" means the department of natural resources.

"End hauling" means the removal and transportation of excavated material, pit or quarry overburden, or landing or road cut material from the excavation site to a deposit site not adjacent to the point of removal.

"Erodible soils" means those soils exposed or displaced by a forest practice operation, that would be readily moved by water.

"Fertilizers" means any substance or any combination or mixture of substances used principally as a source of plant food or soil amendment.

"Flood level - 50 year." For purposes of field interpretation of these regulations, the 50-year flood level shall be considered to refer to a vertical elevation measured from the ordinary high-water mark which is 1.25 times the vertical distance between the average stream bed and the ordinary high-water mark, and in horizontal extent shall not exceed 2 times the channel width measured on either side from the ordinary high-water mark, unless a different area is specified by the department based on identifiable topographic or vegetative features or based on an engineering computation of flood magnitude that has a 2 percent chance of occurring in any given year. The 50-year flood level shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state.

"Forest land" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing.

"Forest land owner" shall mean any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner: **PROVIDED**, That any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest land owner" unless such lessee or other person has the right to sell or

otherwise dispose of any or all of the timber located on such forest land.

"Forest practice" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

- Road and trail construction;
- Harvesting, final and intermediate;
- Precommercial thinning;
- Reforestation;
- Fertilization;
- Prevention and suppression of diseases and insects;
- Salvage of trees; and
- Brush control.

"Forest practice" shall not include: Preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.

"Forest trees" excludes trees cultivated by agricultural methods in growing cycles shorter than ten years: Provided, That Christmas trees are forest trees and: Provided further, That this exclusion applies only to trees planted on land that was not in forest use immediately before the trees were planted and before the land was prepared for planting the trees.

"Herbicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any tree, bush, weed or algae and other aquatic weeds.

"Historic site" includes:

Sites, areas and structures or other evidence of human activities illustrative of the origins, evolution and development of the nation, state or locality; or

Places associated with a personality important in history; or

Places where significant historical events are known to have occurred even though no physical evidence of the event remains.

"Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect, other arthropods or mollusk pests.

"Interdisciplinary team" (ID Team) means a group of varying size comprised of individuals having specialized expertise, assembled by the department to respond to technical questions associated with a proposed forest practice activity.

"Limits of construction" means the area occupied by the completed roadway or landing, including the cut bank, fill slope, and the area cleared for the purpose of constructing the roadway or landing.

"Load bearing portion" means that part of the road, landing, etc., which is supportive soil, earth, rock or other material directly below the working surface and only the associated earth structure necessary for support.

"Local government entity" means the governments of counties and the governments of cities and towns as defined in chapter 35.01 RCW.

"Merchantable stand of timber" means a stand of trees that will yield logs and/or fiber:

Suitable in size and quality for the production of lumber, plywood, pulp or other forest products.

Of sufficient value at least to cover all the costs of harvest and transportation to available markets.

"Notice to comply" means a notice issued by the department pursuant to RCW 76.09.090 of the act and may require initiation and/or completion of action necessary to prevent, correct and/or compensate for material damage to public resources which resulted from forest practices.

"Operator" shall mean any person engaging in forest practices except an employee with wages as his sole compensation.

"Ordinary high-water mark" means the mark on the shores of all waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation: PROVIDED, That in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high-water.

"Park" means any park included on the parks register maintained by the department pursuant to WAC 222-20-100(2). Developed park recreation area means any park area developed for high density outdoor recreation use.

"Partial cutting" means the removal of a portion of the merchantable volume in a stand of timber so as to leave an uneven-aged stand of well-distributed residual, healthy trees that will reasonably utilize the productivity of the soil. Partial cutting does not include seedtree or shelterwood or other types of regeneration cutting.

"Pesticide" means any insecticide, herbicide, fungicide or rodenticide but does not include nontoxic repellents or other chemicals.

"Plantable area" is an area capable of supporting a commercial stand of timber excluding lands devoted to permanent roads, utility rights-of-way, that portion of riparian management zones where scarification is not permitted, and any other area devoted to a use incompatible with commercial timber growing.

"Power equipment" means all machinery operated with fuel burning or electrical motors, including heavy machinery, chain saws, portable generators, pumps, and powered backpack devices.

"Public resources" means water, fish, and wildlife and in addition shall mean capital improvements of the state or its political subdivisions.

"Rehabilitation" means the act of renewing, or making usable and reforesting forest land which was poorly stocked or previously nonstocked with commercial species.

"Relief culvert" means a structure to relieve surface runoff from roadside ditches to prevent excessive buildup in water volume and velocity.

"Riparian management zone" means a specified area alongside Type 1, 2 and 3 Waters where specific measures are taken to protect water quality and fish and wildlife habitat.

"Rodenticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents or any other vertebrate animal which the director of the state department of agriculture may declare by regulation to be a pest.

"Salvage" means the removal of snags, down logs, windthrow, or dead and dying material.

"Scarification" means loosening the topsoil and/or disrupting the forest floor in preparation for regeneration.

"Side casting" means the act of moving excavated material to the side and depositing such material within the limits of construction or dumping over the side and outside the limits of construction.

"Shorelines of the state" shall have the same meaning as in RCW 90.58.030 (Shoreline Management Act).

"Skid trail" means a route used by tracked or wheeled skidders to move logs to a landing or road.

"Slash" means pieces of woody material containing more than 3 cubic feet resulting from forest practice activities.

"Spoil" means excess material removed as overburden or generated during road or landing construction which is not used within limits of construction.

"Stop work order" means the "stop work order" defined in RCW 76.09.080 of the act and may be issued by the department to stop violations of the forest practices chapter or to prevent damage and/or to correct and/or compensate for damages to public resources resulting from forest practices.

"Threatened or endangered species" applies to all species of wildlife listed as "threatened" or "endangered" by the United States Fish and Wildlife Service, except any species which the Washington department of wildlife determines does not require special protection under the Forest Practices Act because conservation of the species is reasonably assured through a recovery and enhancement program or existence of an adequate population on lands where commercial forestry and land development are prohibited, or through other means. For this purpose, "wildlife" means all members of the animal kingdom except insects and benthic organisms.

"Timber" shall mean forest trees, standing or down, of a commercial species, including Christmas trees.

"Water bar" means a diversion ditch and/or hump in a trail or road for the purpose of carrying surface water runoff into the vegetation duff, ditch, or other dispersion area so that it does not gain the volume and velocity which causes soil movement and erosion.

"Weed" is any plant which tends to overgrow or choke out more desirable vegetation.

"Windthrow" means a natural process by which trees are uprooted or sustain severe trunk damage by the wind.

**Reviser's note:** The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION [(Amending WSR 91-23-052, filed 11/15/91, effective 12/16/91)]

WAC 222-16-050 CLASSES OF FOREST PRACTICES. There are 4 classes of forest practices created by the act. ~~((These classes are listed below in the order most convenient for the applicant's use in determining into which class his operations fall.))~~ All forest practices (including those in Classes I and II) must be conducted in accordance with the forest practices regulations.

(1) "Class IV - special." Application to conduct forest practices involving the following circumstances requires an environmental checklist in compliance with the State Environmental Policy Act (SEPA), and SEPA guidelines, as they have been determined to have potential for a substantial impact on the environment. It may be determined that additional information or a detailed environmental statement is required before these forest practices may be conducted.

~~\* (a) ((Aerial application of pesticides to an "area of water supply interest" as determined according to WAC 222-38-020 (5)(i).)) Aerial application of pesticides in a manner identified as having the potential for a substantial impact on the environment under WAC 222-16-070.~~

(b) Harvesting, road construction, site preparation or aerial application of pesticides:

(i) On lands known to contain a breeding pair or the nest or breeding grounds of any threatened or endangered species; or

(ii) Within the critical habitat designated for such species by the United States Fish and Wildlife Service.

~~(c) ((Widespread use of DDT or a similar persistent insecticide.~~

~~(d))~~ Harvesting, road construction, aerial application of pesticides and site preparation on all lands within the boundaries of any national park, state park, or any park of a local governmental entity, except harvest of less than 5 MBF within any developed park recreation area and park managed salvage of merchantable forest products.

~~\*(((e)))~~ (d) Construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on slide prone areas as defined in WAC 222-24-020(6) and field verified by the department, when such slide prone areas occur on an uninterrupted slope above ((a Type 1, 2, 3 or 4)) any Water Type or capital improvement of the state or its political subdivisions where there is potential for a substantial debris flow or mass failure to cause significant impact to public resources.

\* (e) Timber harvest on slide prone areas, field verified by the department, where soils, geologic structure and local hydrology indicate that canopy removal has the potential for increasing slope instability, when such areas occur on an uninterrupted slope above any Water Type or a capital improvement of the state or its political subdivisions where there is a potential for a substantial debris flow or mass failure to cause significant impact to public resources.

(f) Timber harvest, construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal

areas on snow avalanche slopes within those areas designated by the department, in consultation with department of transportation, as high avalanche hazard.

(g) Timber harvest, construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on archaeological or historic sites registered with the Washington state office of archaeology and historic preservation, or on sites containing evidence of Native American cairns, graves or glyptic records, as provided for in chapters 27.44 and 27.53 RCW. The department shall consult with affected Indian Tribes in identifying such sites.

(2) "Class IV - general." Applications involving the following circumstances are "Class IV - general" forest practices unless they are listed in "Class IV - special." Upon receipt of an application, the department will determine the lead agency for purposes of compliance with the State Environmental Policy Act pursuant to WAC 197-11-924 and 197-11-938(4) and RCW 43.21C.037(2). Such applications are subject to a 30-day period for approval unless the lead agency determines a detailed statement under RCW 43.21C.030(2)(c) is required. Upon receipt, if the department determines the application is for a proposal that will require a license from a county/city acting under the powers enumerated in RCW 76.09.240, the department shall notify the applicable county/city under WAC 197-11-924 that the department has determined according to WAC 197-11-938(4) that the county/city is the lead agency for purposes of compliance with State Environmental Policy Act.

(a) Forest practices (other than those in Class I) on lands platted after January 1, 1960, or on lands being converted to another use.

(b) Forest practices which would otherwise be Class III, but which are taking place on lands which are not to be reforested because of likelihood of future conversion to urban development. (See WAC 222-16-060 and 222-34-050.)

(3) "Class I." Those operations that have been determined to have no direct potential for damaging a public resource are Class I forest practices. When the conditions listed in "Class IV - Special" are not present, these operations may be commenced without notification or application.

(a) Culture and harvest of Christmas trees and seedlings.

(b) Road maintenance except: (i) Replacement of bridges and culverts across Type 1, 2, 3 or flowing Type 4 Waters; or (ii) movement of material that has a direct potential for entering Type 1, 2, 3 or flowing Type 4 Waters.

(c) Construction of landings less than 1 acre in size, if not within a shoreline area of a Type 1 Water, the riparian management zone of a Type 2 or 3 Water, or the ordinary high-water mark of a Type 4 Water.

(d) Construction of less than 600 feet of road on a sideslope of 40 percent or less if the limits of construction are not within the shoreline area of a Type 1 Water, the riparian management zone of a Type 2 or Type 3 Water, or the ordinary high-water mark of a Type 4 Water.

(e) Installation or removal of a portable water crossing structure where such installation does not take place within the shoreline area of a Type 1 Water and does not involve disturbance of the beds or banks of any waters.

(f) Initial installation and replacement of relief culverts and other drainage control facilities not requiring a hydraulic permit.

(g) Rocking an existing road.

(h) Loading and hauling timber from landings or decks.

(i) Precommercial thinning and pruning.

(j) Tree planting and seeding.

(k) Cutting and/or removal of less than 5,000 board feet of timber (including live, dead and down material) for personal use (i.e., firewood, fence posts, etc.) in any 12-month period.

(l) Emergency fire control and suppression.

(m) Slash burning pursuant to a burning permit (RCW 76.04.205).

(n) Other slash control and site preparation not involving either off-road use of tractors on slopes exceeding 40 percent or off-road use of tractors within the shorelines of a Type 1 Water, the riparian management zone of any Type 2 or 3 Water, or the ordinary high-water mark of a Type 4 Water.

(o) Ground application of chemicals. (See WAC 222-38-020.)

(p) Aerial application of chemicals (except insecticides) when applied to not more than 40 contiguous acres if the application is part of a combined or cooperative project with another landowner and where the application does not take place within 100 feet of lands used for farming, or within 200 feet of a residence, unless such farmland or residence is owned by the forest landowner. Provisions of chapter 222-38 WAC shall apply.

(q) Forestry research studies and evaluation tests by an established research organization.

(r) Any of the following if none of the operation or limits of construction takes place within the shoreline area of a Type 1 Water or the riparian management zone of a Type 2 or 3 Water, or within the ordinary high water mark of a Type 4 Water or flowing Type 5 Water, and the operation does not involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent:

(i) Any forest practices within the boundaries of existing golf courses.

(ii) Any forest practices within the boundaries of existing cemeteries which are approved by the cemetery board.

(iii) Any forest practices involving a single landowner where contiguous ownership is less than two acres in size.

(4) "Class II." Certain forest practices have been determined to have a less than ordinary potential to damage a public resource and may be conducted as Class II forest practices: PROVIDED, That no forest practice enumerated below may be conducted as a Class II forest practice if the operation requires a hydraulic project approval (RCW 75.20.100) or is within a "shorelines of

the state," or involves a bond in lieu of landowners signature (other than renewals). Such forest practices require an application. No forest practice enumerated below may be conducted as a "Class II" forest practice if it takes place on lands platted after January 1, 1960, or on lands being converted to another use. Such forest practices require a Class IV application. Class II forest practices are the following:

- (a) Renewal of a prior Class II notification.
- (b) Renewal of a previously approved Class III or IV forest practice application where:
  - (i) No modification of the uncompleted operation is proposed;
  - (ii) No notices to comply, stop work orders or other enforcement actions are outstanding with respect to the prior application; and
  - (iii) No change in the nature and extent of the forest practice is required under rules effective at the time of renewal.
- (c) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type 2 or 3 Water, or within the ordinary highwater mark of a Type 4 Water:
  - (i) Construction of advance fire trails.
  - (ii) Opening a new pit of, or extending an existing pit by, less than 1 acre.
- (d) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type 2 or 3 Water, or within the ordinary high water mark of a Type 4 Water; and if none of the operations involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent:

Salvage of logging residue.

- (e) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type 2 or 3 Water, or within the ordinary high water mark of a Type 4 Water and if none of the operations involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent, and if none of the operations are located on lands with a likelihood of future conversion (see WAC 222-16-060):
  - (i) West of the Cascade summit, partial cutting of 40 percent or less of the live timber volume.
  - (ii) East of the Cascade summit, partial cutting of 5,000 board feet per acre or less.
  - (iii) Salvage of dead, down, or dying timber if less than 40 percent of the total timber volume is removed in any 12-month period.
  - (iv) Any harvest on less than 40 acres.
  - (v) Construction of 600 or more feet of road, provided that the department shall be notified at least 2 business days before commencement of the construction.
- (5) "Class III" forest practices not listed under Classes IV, I or II above are "Class III" forest practices. Among Class III forest practices are the following:
  - (a) Those requiring hydraulic project approval (RCW 75.20.100).
  - (b) Those within the shorelines of the state other than those in a Class I forest practice.

(c) Aerial application of insecticides, except where classified as a Class IV forest practice.

(d) Aerial application of chemicals (except insecticides), except where classified as Class I or IV forest practices.

(e) Harvest or salvage of timber except where classed as Class I, II or IV forest practices.

(f) All road construction and reconstruction except as listed in Classes I, II and IV forest practices.

(g) Opening of new pits or extensions of existing pits over 1 acre.

(h) Road maintenance involving:

(i) Replacement of bridges or culverts across Type 1, 2, 3, or flowing Type 4 Waters; or

(ii) Movement of material that has a direct potential for entering Type 1, 2, 3 or flowing Type 4 Waters.

(i) Operations involving an applicant's bond in lieu of a landowner's signature.

(j) Site preparation or slash abatement not listed in Classes I or IV forest practices.

(k) Harvesting, road construction, site preparation or aerial application of pesticides on lands which contain cultural, historic or archaeological resources which, at the time the application or notification is filed, are:

(i) On or are eligible for listing on the National Register of Historic Places; or

(ii) Have been identified to the department as being of interest to an affected Indian tribe.

(l) Harvesting exceeding 19 acres in a designated difficult regeneration area.

(m) Utilization of an alternate plan. See WAC 222-12-040.

**Reviser's note:** The bracketed material preceding the section above was supplied by the code reviser's office.

## NEW SECTION

WAC 222-16-070 PESTICIDE USES WITH THE POTENTIAL FOR A SUBSTANTIAL IMPACT ON THE ENVIRONMENT. To identify forest practices involving pesticide uses that have the potential for a substantial impact on the environment, the department shall apply the process prescribed in this section.

(1) Pesticide list – The department shall maintain a list of all pesticides registered under chapter 15.58 RCW for use in forest practices. The list shall be developed through consultation with the departments of ecology, health, agriculture, and wildlife. The department shall conduct an annual review of the list for the purpose of including new pesticides and/or removing those pesticides which have been prohibited from use. The list shall be available to the public at each of the department's offices. A list of the department's offices and their addresses appears at WAC 332-10-030. In preparing the pesticide list, the department shall include information on the following characteristics:

(a) active ingredients, name brand or trade mark, labeled uses, pesticide type, EPA-registration number;

(b) toxicity of the pesticide based on the Environmental Protection Agency (EPA) label warning under 40 C.F.R. 156.10 (h)(1), listed as "caution", "warning", "danger", or "danger – poison";

(c) mobility based on the pesticide being a state restricted use pesticide for the protection of groundwater under WAC 16-228-164(1).

(2) Key for evaluation applications. To determine whether aerial application of a pesticide has the potential for a substantial impact on the environment, the department shall apply the following analysis:

**KEY FOR EVALUATION OF SITE SPECIFIC USE OF AERIALY APPLIED CHEMICALS  
EMERGENCY RULES**

Question	Question	Resp	Action
1	Is the pesticide or has the pesticide been registered for sale in Washington State per Chapter 15.58 RCW?	Yes No	go to 2 Class IV 5p
2	Is the toxicity rating for the pesticide to be used "Danger - Poison" as designated in the pesticide list (WAC 222-16-070(1)(b))?	Yes No	Class IV 5p go to 3 (a)
3 (a)	Is Bacillus thuringiensis (BT) the only pesticide being used on this application?	Yes No	go to 6 (b) go to 4 (a)
4 (a)	Is this operation occurring over groundwater with a high susceptibility to contamination as specified in EPA 910/9-87-189 or in documentation provided by the department of ecology?	Yes No	go to 4 (b) go to 5 (a)
4 (b)	Is this pesticide a state restricted use pesticide for the protection of groundwater under WAC 16-228-164 (1)?	Yes No	Class IV 5p go to 5 (a)
5 (a)	Is the operation adjacent (within 100 ft.) of surface water?	Yes No	go to 5 (b) go to 5 (e)
5 (b)	Determine the toxicity rating: * Is the toxicity rating "Caution" or "Warning"? * Is the toxicity rating "Danger"?	Yes Yes	go to 5 (c) go to 5 (d)
5 (c)	Is there a Group A or B water surface water system (WAC 246-290-020) intake OR a fish hatchery intake within 2 miles downstream of the operation?	Yes No	Class IV 5p go to 5 (e)
5 (d)	Is there a Group A or B water surface system intake OR a fish hatchery intake within 3 miles downstream of the operation?	Yes No	Class IV 5p go to 5 (e)
5 (e)	Is the operation within 200 feet of the intake of a Group A or B spring water system?	Yes No	Class IV 5p Go to 6
6 (a)	Does any portion of the planned operation cover 240 or more contiguous acres? Pesticide treatment units will be considered contiguous if they are separated by less than 300 feet or treatment dates of adjacent units are less than 90 days apart.	Yes No	Class IV 5p go to 6(b)
6 (b)	Does the FPA call for application of this pesticide to lands known to contain a breeding pair or nest or breeding grounds of any threatened or endangered species?	Yes No	Class IV 5p Class III

**WSR 92-12-039**

**ATTORNEY GENERAL OPINION**

**Cite as: AGO 1992 No. 7**

[May 26, 1992]

**UTILITIES AND TRANSPORTATION COMMISSION—VESSELS—COMMON CARRIERS—REGULATION OF LAUNCH SERVICES**

1. A launch service which only transports freight between the dock and ships at anchor is not required to obtain a certificate of public convenience and necessity from the Utilities and Transportation Commission pursuant to RCW 81.84.010.
2. A launch service which only transports freight between the dock and ships at anchor is a common carrier and is subject to regulation by the Utilities and Transportation Commission as a common carrier.

Requested by:

Honorable Paul Conner  
State Senator, District 24  
401-D Legislative Building  
Olympia, Washington 98504-0424

**WSR 92-12-040**

**NOTICE OF PUBLIC MEETINGS**

**DEPARTMENT OF**

**TRADE AND ECONOMIC DEVELOPMENT**

**(Business Assistance Center)**

[Memorandum—May 26, 1992]

The scheduled June 24, 1992, CCFF meeting has been cancelled. The next regularly scheduled meeting is July 17, 1992.

**WSR 92-12-041**

**PROPOSED RULES**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

**(Public Assistance)**

[Filed May 29, 1992, 11:57 a.m.]

Original Notice.

Title of Rule: WAC 388-49-560 Issuances.

Purpose: This rule amendment clarifies that a household that does not transact its FCA during the issuance's validity period shall lose its entitlement to the benefits.

Statutory Authority for Adoption: RCW 74.04.050.

Statute Being Implemented: RCW 74.04.050.

Summary: This rule amendment clarifies that an FCA not transacted during its validity period is not to be restored to the household.

Reasons Supporting Proposal: A new subsection (4) is added to comply with CFR 274.3 (e)(1). CFR requires a household to transact its food coupon authorization (FCA) card during the issuance's validity period.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Make Arnaud, Division of Income Assistance, 438-8322.

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

Rule is necessary because of federal law, CFR 274.3 (e)(1).

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

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on July 7, 1992, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, TELEFAX 664-0118 or SCAN 366-0118, by July 7, 1992.

Date of Intended Adoption: July 9, 1992.

May 29, 1992

Leslie F. James, Director  
Administrative Services

**AMENDATORY SECTION** (Amending Order 3022, filed 6/1/90, effective 7/2/90)

WAC 388-49-560 ISSUANCE. (1) The department shall issue food coupons through a:

(a) Food coupon authorization (FCA) system staggered through the tenth of the month((:)); or

(b) Direct coupon mail out system staggered through the tenth of the month.

(2) For FCAs issued after the twentieth of the month, the department shall issue a valid FCA:

(a) Until the end of the month and issue a valid replacement FCA if the household is unable to transact the FCA before the expiration date((:)); or

(b) For the current month's benefits valid in the following month.

(3) For eligible households applying on the sixteenth of the month or after, the department shall issue the prorated allotment for the initial month and the allotment for the first full month at the same time, except for households:

(a) ((Households)) Eligible for expedited services for which missing or postponed verification have not been provided; and

(b) ((Households)) Ineligible for the initial month, or the second month.

(4) The department shall not transact or restore an FCA with an expired validity date, except as specified under WAC 388-49-560(2).

(5) The department shall maintain issuance records for a period of three years from the month of origin.

**WSR 92-12-042**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 3395—Filed May 29, 1992, 11:59 a.m., effective July 1, 1992]

Date of Adoption: May 29, 1992.

Purpose: The Department of Social and Health Services (DSHS) is revising the Washington Administrative Code to comply with final rules enacted in the Code of Federal Regulations as published in the December 4, 1991, Federal Register (7 CFR 273.21 (k)(2)(ii), (m)(2)(iv), (p)(2)(i) and (iii)). The rule change requires the department to notify mandatory monthly reporting households what must be done for the household to continue to receive benefits if termination is solely for non-receipt of a monthly report. It also requires the department to issue continued benefits pending a fair hearing once a household returns a completed monthly report by the end of the issuance month when termination is due to nonreceipt of the monthly report and the household indicates the monthly report had been returned.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-590 Monthly reporting and 388-49-700 Fair hearings—Continuation of benefits pending.

Statutory Authority for Adoption: RCW 74.04.510.

Pursuant to notice filed as WSR 92-09-066 on April 14, 1992.

Effective Date of Rule: July 1, 1992.

May 29, 1992  
Leslie F. James, Director  
Administrative Services

**AMENDATORY SECTION** (Amending Order 3098, filed 11/20/90, effective 12/21/90)

WAC 388-49-590 MONTHLY REPORTING. (1) The department shall require the following households to return a completed monthly report by the fifth day of

the process month describing the household circumstances during the budget month:

(a) A household with earned income or with a recent work history except a:

(i) Migrant or seasonal farm worker household; or

(ii) Household in which all members are homeless individuals; or

(iii) Household with a recent work history in which all adult members are elderly or disabled.

(b) An AFDC household subject to monthly reporting.

(2) A household with a recent work history shall report for two months:

(a) Beginning the month following the month of opening at initial application((:)); or

(b) After the last month of earnings during the certification period.

(3) The department shall require a household reporting monthly to verify the factors specified in WAC 388-49-110(5).

(4) The department shall notify a household if:

(a) Its monthly report is late((:));

(b) Its monthly report is incomplete((:)); or

(c) Additional information is needed.

(5) If the household furnishes a completed report to the department by the end of the process month, the department shall:

(a) Accept the monthly report((:)); and

(b) Continue benefits if the household remains eligible.

(6) The department shall:

(a) Terminate a household failing to return a completed report by the end of the process month, unless the household indicates it had returned a completed monthly report.

(b) Notify the household claiming to have filed a monthly report that it must return a completed monthly report by the last day of the issuance month to receive continued benefits.

(7) The department shall not require a household that reports monthly to report changes before reporting on the monthly report.

**AMENDATORY SECTION** (Amending order 2893, filed 11/1/89, effective 12/2/89)

WAC 388-49-700 FAIR HEARINGS—CONTINUATION OF BENEFITS PENDING. (1) The department shall continue benefits at the contested or previous level pending a fair hearing if:

(a) The client requests a hearing within the period specified by the notice of adverse action;

(b) The certification period is not expired;

(c) The household does not waive continuation of benefits; and

(d) Households subject to monthly reporting submit a completed monthly report timely for each month of continued benefits.

(2) The department shall reduce or terminate benefits if a hearing request is not made within the period specified in the notice, unless failure to make the request is for good cause.

(3) Once continued or reinstated, the department shall not reduce or terminate benefits before receipt of the hearing decision unless:

- (a) The certification period expires;
- (b) The administrative law judge issues a preliminary determination, in writing, stating:
  - (i) The sole issue is one of federal law or regulations; and
  - (ii) The household's claim the department improperly computed benefits or misapplied such law or regulation is invalid.

(c) The household fails to request a new hearing after receiving a notice of adverse action on a change occurring pending the hearing decision;

(d) A mass change occurs while the hearing decision is pending; or

(e) A household whose certification period expired has made a timely application for a new certification period pending receipt of a hearing decision.

(4) For households subject to monthly reporting, the department shall continue benefits within five working days from the day the:

(a) Request for continued benefits is received for an issue other than nonreceipt of a monthly report; or

(b) Completed monthly report is returned when termination is solely for failure to submit a monthly report, provided:

(i) The household indicates it had returned the monthly report; and

(ii) The completed monthly report is submitted by the last day of the issuance month.

(5) The department shall act on reported changes without regard to the matter at issue in the hearing:

(a) During the certification period((:));

(b) When a monthly report is received((:)); or

(c) When a timely application is made for a new certification period pending receipt of a hearing decision.

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

(7) The department shall establish a claim for all overissuances if the department's action is upheld by the hearing decision.

**WSR 92-12-043**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 3396—Filed May 29, 1992, 12:01 p.m., effective July 1, 1992]

Date of Adoption: May 29, 1992.

Purpose: Conform with Public Law 102-237 (H.R. 3029), Section 911. Increase cost-effectiveness of collection activity.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-640 Overissuances.

Statutory Authority for Adoption: RCW 74.04.510.

Pursuant to notice filed as WSR 92-09-037 on April 9, 1992.

Effective Date of Rule: July 1, 1992.

May 29, 1992  
 Leslie F. James, Director  
 Administrative Services

**AMENDATORY SECTION** (Amending Order 3278, filed 10/31/91, effective 12/1/91)

WAC 388-49-640 OVERISSUANCES. (1) The department shall establish claims and take collection action against households and household members for administrative error, inadvertent household error, or intentional program violation resulting in overissuances except as provided in subsections (3), (10), and (11) of this section.

(2) The department shall establish an overissuance claim against any household:

(a) Receiving more food stamp benefits than it was entitled to receive; or

(b) Containing an adult member who was an adult member of another household receiving more benefits than it was entitled to receive.

(3) The department shall not establish an administrative error claim or an inadvertent household error claim if an overissuance occurred because:

(a) The department failed to ensure the household:

(i) Signed the application form;

(ii) Completed a current work registration form; or

(iii) Was certified in the correct project area.

(b) The household transacted an expired food coupon authorization (FCA) unless the household had altered the FCA.

(4) The department shall hold all persons who were adult members of the household at the time of the overissuance jointly and severally liable for the overissuance.

(a) The department shall establish an overissuance claim and pursue collection action against any or all of these persons.

(b) If the household composition changes, the department may establish an overissuance claim and pursue collection action against any household containing a person who was an adult member of the household receiving the overissuance.

(5) The department shall not collect more than the amount of the overissuance.

(6) The department shall ~~((calculate the allotment the household should have been authorized when the department discovers))~~ not establish an:

(a) Administrative error ((or inadvertent household error occurred in the prior twenty-four months; or)) overissuance unless the department has:

(i) Discovered the overissuance within twelve months of its occurrence; and

(ii) Calculated the overissuance and mailed the household a demand letter within twenty-four months of the overissuance discovery date.

(b) Inadvertent household error overissuance unless the department has:

(i) Discovered the overissuance within twenty-four months of its occurrence; and

(ii) Calculated the overissuance and mailed the household a demand letter within twenty-four months of the overissuance discovery date.

(c) Intentional program violation (~~in the prior~~) overissuance unless the department has:

(i) Discovered the overissuance within seventy-two months of its occurrence; and

(ii) Calculated the overissuance and mailed the household a demand letter within twenty-four months of the overissuance discovery date.

(7) Except as provided in subsection (8) of this section, the amount of the overissuance shall be the difference between:

(a) The monthly allotment actually authorized(;;); and

(b) The monthly allotment the household should have been authorized.

(8) When determining the monthly allotment the household should have been authorized, the department shall not apply the twenty percent earned income deduction:

(a) To that portion of earned income which the household intentionally failed to report;

(b) When the department has determined that the household committed an intentional program violation.

(9) The amount of the household's and/or household member's liability for an overissuance shall be the difference between:

(a) The amount of the overissuance; and

(b) Any lost benefits not previously restored or used as an offset.

(10) The department shall initiate collection action on all inadvertent household or administrative error claims unless:

(a) The claim is collected through offset;

(b) The total amount of the claim is less than thirty-five dollars and the (~~claim cannot be recovered by reducing the household's allotment~~) total amount of all claims for which collection action has not been initiated is less than thirty-five dollars;

(c) The department cannot locate the liable household; or

(d) The department determines collection action will prejudice an inadvertent household error claim case (~~being~~) referred for possible prosecution or administrative disqualification.

(11) The department shall initiate collection action against the liable household whose member is found to have committed an intentional program violation unless:

(a) The household has repaid the overissuance;

(b) The department cannot locate the household; or

(c) The department determines collection action will prejudice the case against a household member referred for prosecution.

(12) The department shall initiate collection action by providing the household a demand letter.

(13) A household or household member may repay an overissuance except as provided in subsections (14) through (18) of this section by:

(a) A lump sum;

(b) Regular installments under a payment schedule agreed to by the household or household member and the department; and/or

(c) Allotment reductions.

(14) When the allotment reduction is the method of collection, the department shall reduce a currently participating household's allotment to repay an:

(a) Inadvertent household error overissuance by the greater of:

(i) Ten percent of the household's monthly allotment; or

(ii) Ten dollars per month.

(b) Intentional program violation overissuance by the greater of:

(i) Twenty percent of the household's monthly entitlement; or

(ii) Ten dollars per month.

(c) Administrative error overissuance by the amount agreed to by the household.

(15) A household member and/or the department may request the payment schedule be renegotiated.

(16) The department shall ensure the negotiated monthly installment amount is not less than the amount which could be recovered through allotment reduction when:

(a) A current participating household is liable for an inadvertent household error or an intentional program violation; and

(b) An installment payment schedule is the method of collection.

(17) The department shall reduce the allotment to repay an inadvertent household error or an intentional program violation overissuance without additional notice if, after notification of failure to make payment in accordance with a repayment schedule, the household member fails to:

(a) Make the overdue payments; or

(b) Request renegotiation of the payment schedule.

(18) The department shall reduce the household's allotment if:

(a) The household member fails to respond to the demand letter:

(i) Within (~~thirty~~) ten days of the date the inadvertent household error overissuance notice is mailed; or

(ii) Upon receipt of the intentional program violation overissuance notice or the next business day if received on a nonbusiness day.

(b) The household is liable for an inadvertent household error or an intentional program violation claim.

(19) The department shall suspend collection action when:

(a) Collection action has not been initiated as provided in subsection (10) of this section;

(b) A liable household member cannot be located; or

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

(20) The department may accept offers of compromise for overissuances when:

(a) The department has already established the account receivable for the overissuance and taken steps to recover the overissuance; and

(b) The amount offered approximates the net amount expected to be collected prior to the expiration of the collection period allowed by statute.

(21) The department shall write-off amounts from its account receivable records and release any applicable

liens prior to the expiration of the collection period allowed by statute when there is:

- (a) No further possibility of collection;
- (b) An account receivable balance after payment of an accepted offer of compromise; or
- (c) An account receivable balance after a claim has been in suspense for three consecutive years, as provided in subsection (19) of this section.

**WSR 92-12-044**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 3397—Filed May 29, 1992, 12:02 p.m., effective July 1, 1992]

Date of Adoption: May 29, 1992.

Purpose: Increase cost effectiveness of disqualifications by not referring suspected intentional program violation overissuances under \$450 for an administrative disqualification hearing.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-660 Intentional program violation.

Statutory Authority for Adoption: RCW 74.04.510.

Pursuant to notice filed as WSR 92-09-028 on April 7, 1992.

Effective Date of Rule: July 1, 1992.

May 29, 1992  
 Leslie F. James, Director  
 Administrative Services

**AMENDATORY SECTION** (Amending Order 2900, filed 11/17/89, effective 1/1/90)

**WAC 388-49-660 INTENTIONAL PROGRAM VIOLATIONS—ADMINISTRATIVE DISQUALIFICATION HEARINGS.** Administrative disqualification hearings are governed by chapter 388-08 WAC and this section. If a provision in this section conflicts with a provision in chapter 388-08 WAC, the provision in this section controls.

(1) The department shall refer an individual who has no prior intentional program violation but who is suspected of committing an intentional program violation for an administrative disqualification hearing when:

(a) The overissuance caused by the suspected intentional program violation is ~~((two))~~ four hundred fifty dollars or more; and

(b) At the time of referral, the individual resides:

- (i) In Washington state; or
- (ii) Outside Washington but within one hour's reasonable drive to a community services office; and
- (c) The department determines that administrative proceedings will not jeopardize criminal prosecution.

(2) The department shall refer an individual who has committed one or more intentional program violations and who is suspected of committing another intentional program violation when:

(a) The act of suspected intentional program violation occurred:

(i) After the department mailed the administrative decision disqualifying the individual for the most recent intentional program violation; or

(ii) After entry of the order in criminal proceedings that caused the individual to be disqualified for the most recent intentional program violation; and

(b) At the time of referral, the individual resides:

- (i) In Washington state; or
- (ii) Outside Washington but within one hour's reasonable drive to a community services office; and

(c) The department determines that administrative proceedings will not jeopardize criminal prosecution.

(3) The department shall:

(a) Give thirty days or more advance notice of the hearing date to the person alleged to have committed an intentional program violation as defined in WAC 388-49-020((:)); and

(b) Obtain proof of receipt of the notice.

(4) The notice of hearing shall comply with WAC 10-08-040 and contain the following information:

- (a) The allegations;
- (b) A summary of the department's evidence;
- (c) A statement of how and where interested parties may examine the evidence;

(d) A statement that if the person or a representative fails without good cause to appear at the hearing, the administrative law judge and the review judge will make a decision based solely on the evidence and argument the department presents; ~~((and))~~

(e) A statement that the person has ten days from the date of the scheduled hearing to file a request with the administrative law judge:

- (i) Showing good cause for failure to appear((:)); and
- (ii) Seeking a new hearing; and
- (f) A statement that if a telephone hearing is scheduled, the person may request an in-person hearing by filing a request with the administrative law judge one week or more prior to the date of the hearing.

(5) The person or a representative shall have the right to one continuance of up to thirty days provided a request is filed ten days or more prior to the hearing date.

(6) The department shall conduct the hearing without the person or a representative if either person fails to appear at the hearing without good cause.

(a) The administrative law judge and the review judge shall base the decision solely on the evidence and argument the department presents.

(b) The person has ten days from the date of the scheduled hearing to file a request with the administrative law judge:

- (i) Showing good cause for failure to appear((:)); and
- (ii) Requesting the hearing be reinstated.

(7) The administrative law judge shall grant a request to change a scheduled telephone hearing to an in-person hearing if the person or representative:

(a) Files the request one week or more before the date the hearing is scheduled((:)); or

(b) Files the request one week or less before the date the hearing is scheduled if the person shows good cause for having the hearing conducted in person.

(8) The administrative law judge shall advise the person or representative they may refuse to answer questions during the hearing.

(9) The department shall bear the burden of proof for demonstrating intentional program violation with clear and convincing evidence.

(10) The department shall follow the decision-rendering in WAC 388-08-406.

(11) The department shall make a final decision and notify the household member of the decision within ninety days of the date the individual receives the notice of hearing.

(12) The department may combine an overissuance fair hearing and an administrative disqualification hearing into a single hearing when the facts alleged for each arise out of the same or related circumstances. When combined:

(a) The hearing procedures and time frames shall be those applicable to an administrative disqualification hearing((:));

(b) The household loses its right to a subsequent fair hearing on the overissuance((:)); and

(c) The department shall give prior notice to:

(i) The person alleged to have committed the intentional program violation((:)); and

(ii) The person alleged to be liable for the overissuance.

**WSR 92-12-045**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 3398—Filed May 29, 1992, 12:03 p.m., effective July 1, 1992]

Date of Adoption: May 29, 1992.

Purpose: This amendment enables the targeting of JOBS education and components funding in order to ensure enhanced federal funding.

Citation of Existing Rules Affected by this Order: Amending WAC 388-47-115 Funding approval of education and JOBS components.

Statutory Authority for Adoption: RCW 74.04.050.

Pursuant to notice filed as WSR 92-09-081 on April 16, 1992.

Effective Date of Rule: July 1, 1992.

May 29, 1992  
Leslie F. James, Director  
Administrative Services

**AMENDATORY SECTION** (Amending Order 3129, filed 12/31/90, effective 1/31/91)

WAC 388-47-115 FUNDING APPROVAL OF EDUCATION AND JOBS COMPONENTS. (1) For the purpose of plan approval initial approving authority begins with the employment security department. The department of social and health services shall:

(a) Review approved plans within 30 calendar days of initial approval.

(b) Review disapproved plans within ten calendar days of denial.

(c) Review if the plan clearly violates department policy or whether the department has information which clearly indicates a concern with the plan.

(d) Joint agency administrative review will be conducted at the local level of any initial approval with which the department does not concur.

(2) The contractor shall fund approvable JOBS plan components in accordance with the following priorities:

(a) First priority shall be given to participants in an approved educational, training or employment plan whose JOBS or FIP plan is in process and is being re-authorized;

(b) Second priority shall be given to volunteers included in the target groups specified under WAC 388-47-070(1);

(c) Third priority shall be given to participants volunteering for basic education and job ready participants volunteering for intensive job search, on-the-job training or the work supplementation program;

(d) Fourth priority shall be given to all other recipients.

(3) Separate allocation may be established for each priority group.

(4) The contractor shall limit plan approval subject to the availability of funds and to a specific component.

~~((3))~~ (5) Funding approval for child care participants in a tribal JOBS program shall be subject to the provisions of this section.

~~((4) The contractor shall fund approvable JOBS plan components in accordance with the following priorities:~~

~~(a) First priority shall be given to participants in an approved educational, training or employment plan whose OPPORTUNITIES or JOBS plan is in process and is being reauthorized;~~

~~(b) Second priority shall be given to volunteers included in the target groups specified under WAC 388-47-070(1);~~

~~(c) Third priority shall be given to job ready participants volunteering for intensive job search, on-the-job training or the work supplementation program, if such participation will provide a direct path to employment;~~

~~(d) Fourth priority shall be given to all other recipients.~~

~~(5))~~ (6) The contractor shall create a local obligational register ((and)). When funds have been exhausted for a priority group, a local waiting list ((for the JOBS program. The waiting list shall be ranked by priority)) shall be established. Ranking within each priority shall be on a first come first served basis using the date of request for participation in JOBS.

~~((6))~~ (7) If the funds appropriated for JOBS are available, the contractor shall approve the plan for the highest ranked person on the waiting list and obligate sufficient funds from the obligational register to cover the cost of:

(a) Training or education, component costs, child care, and support services necessary to complete the approved plan; or

(b) For participants in a tribal JOBS program, the cost of child care necessary to complete the approved plan.

~~((7))~~ (8) The contractor shall limit plan approval through the end of the state biennium. In obligating funds, the contractor shall obligate funds through the completion of the plan or the end of the biennium, whichever is earlier. Priority for subsequent years is established in subsection ~~((4))~~ (2) of this section.

~~((8))~~ (9) The contractor's approval of a plan shall be by specific components. Requests to change to another component shall be subject to the availability of funds and other applicable criteria for component approval. If the contractor does not approve a change in components because of lack of funds, the contractor shall place the person on a waiting list.

~~((9))~~ (10) For self-initiated training that is approvable, the contractor will place the person on ~~((the))~~ a local waiting list and if funds are available provide necessary child care and support services as provided in the approved plan. The contractor shall not pay for tuition, books, or other fees.

~~((10))~~ (11) A participant may choose to participate in training without child care and support services. For such persons, the contractor shall:

(a) Place the person on ~~((the))~~ a local waiting list;

(b) Approve the plan subject to review of child care and support service needs when partial funds are available; and

(c) At such time as funds are available to fund the remainder of the plan ~~((;))~~ offer support services ~~((will be offered))~~.

~~((11))~~ (12) Participants shall utilize other funding sources such as Pell grants before JOBS funds are used. Plan approval shall be pended until grant or aid resources have been determined.

~~((12))~~ (13) Total JOBS costs shall not exceed the maximum of four thousand five hundred dollars per participant excluding child care.

**WSR 92-12-046**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 3399—Filed May 29, 1992, 12:04 p.m., effective May 31, 1992, 12:01 a.m.]

Date of Adoption: May 29, 1992.

Purpose: To ensure consistency between federal and state rules concerning the treatment of income and resources of spouses separated for any reason.

Citation of Existing Rules Affected by this Order: Amending WAC 388-92-025 Financial responsibility of relatives.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: To ensure consistency between federal and state rules concerning the treatment of income and resources of spouses separated due to institutionalization or for any other reason.

Effective Date of Rule: May 31, 1992, 12:01 a.m.

May 29, 1992  
Leslie F. James, Director  
Administrative Services

**AMENDATORY SECTION** (Amending Order 2907, filed 12/1/89, effective 1/1/90)

**WAC 388-92-025 FINANCIAL RESPONSIBILITY OF RELATIVES.** (1) In determining SSI-related eligibility, the department shall consider income and resources jointly for:

(a) Spouses who reside in the same household; and

(b) The blind or disabled child or children who reside with their parent or parents.

(2) When computing available income ~~((for a family of three or more, the department shall apply the relative responsibility requirement of the appropriate cash assistance program.))~~ the department shall limit relative responsibility to one spouse for the other spouse and the parent or parents for the minor child or children.

(3) The department shall consider the financial responsibility of spouses as follows:

(a) When ~~((the))~~ a spouse in the same household of an SSI-related applicant is ineligible or does not apply, the department shall apply the exclusions under WAC ~~((388-92-035))~~ 388-92-036 (1) and (3) to the spouse's income in determining the amount to be deemed to the applicant. ~~((If))~~ When the remaining income of the ineligible spouse exceeds the monthly ~~((state supplement benefit standard))~~ categorically needy income level (CNIL), the department shall deem the remaining income to the applicant; ~~((and))~~

(b) ~~((If))~~ When both spouses apply or are eligible as aged, blind, or disabled and cease to reside in the same household, the department shall consider the spouses' income and resources available to each other ~~((for the time periods specified. After the appropriate time period, the department shall consider available only the income and resources one spouse contributes to the other spouse. (i) If))~~ through the month in which they cease to reside in the same household;

(c) When spouses cease to reside in the same household because of the institutionalization of one spouse or for any other reason, the department shall consider:

~~((A))~~ (i) The institutionalized spouse's income and resources under chapter 388-95 WAC; and

~~((B))~~ (ii) The community spouse's ~~((;))~~ income and resources as available to each other through the month in which they cease to reside in the same household. The department shall consider the income and resources of each spouse as separate beginning the first of the month after the ~~((spouse is institutionalized;~~

~~((If))~~ Resources as available to each other for the month the spouses cease to reside in the same household and for six months following that month.

(ii) If spouses cease to reside in the same household for any reason other than institutionalization of one

~~spouse, the department shall consider the spouses' income and resources available to each other for the month the spouses cease to reside in the same household and for six months following that month)) spouses separate.~~

~~(d) If the mutual consideration of both spouses' income and resources causes the spouses to lose eligibility as a couple, the department shall determine if either spouse is eligible in accordance with subsection (3)(c) of this section(:~~

~~(c) If the spouses cease to reside in the same household, and only one spouse in a couple applies or is eligible, or both spouses apply and are not eligible as a couple,);~~

~~(e) The department shall consider only the income and resources the ineligible spouse contributes to the eligible spouse beginning the month after the spouses separate;~~

~~((f)) (f) When both spouses are eligible and institutionalized, the department shall consider income and resources separately even if the spouses share the same room; and~~

~~((g)) (g) When only one spouse is eligible and both are institutionalized, the department shall consider only the income and resources the ineligible spouse contributes to the eligible spouse, even if they share the same room.~~

~~((4) The department shall consider the financial responsibility of the parent or parents as follows:~~

~~(a) For SSI-related individuals, eighteen to twenty-one years of age, the department shall not consider the parent or parents' income available unless contributed; and~~

~~(b) For SSI-related individuals seventeen years of age and under, the department shall consider the parent or parents' income available when the individual resides in the same household.~~

~~(5) The department shall determine income for FIP or AFDC-related assistance unit according to FIP or AFDC grant regulations, where more than one assistance unit exists, limiting relative responsibility to subsection (2) of this section.))~~

**WSR 92-12-047**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 3400—Filed May 29, 1992, 12:05 p.m., effective May 31, 1992, 12:01 a.m.]

Date of Adoption: May 29, 1992.

Purpose: Clarification of existing language to ensure the department determines the cost standard correctly for CCF, adult family home, adult residential treatment facility and group home clients.

Citation of Existing Rules Affected by this Order: Amending WAC 388-83-036 Monthly maintenance standard—Client not in own home.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: To ensure the department determines appropriate cost standard for CCF, adult family home, adult residential treatment facilities, and group home clients. To clarify existing language.

Effective Date of Rule: May 31, 1992, 12:01 a.m.

May 29, 1992

Leslie F. James, Director  
 Administrative Services

**AMENDATORY SECTION** (Amending Order 2672, filed 8/17/88)

**WAC 388-83-036 MONTHLY MAINTENANCE STANDARD—CLIENT NOT IN OWN HOME.** (1) The monthly standard for a SSI/SSP related client or ((GA=U)) general assistance recipient living in a CCF, adult family home, adult residential treatment facility (ARTF), adult residential rehabilitation center (ARRC), or DDD group home shall be the department cost standard of the facility plus a specified CPI.

(2) See either WAC 388-15-555, 388-15-568, 38829-130, or 388-29-280 for the definitions of "department cost standard". This monthly standard shall not exceed three hundred percent of the current SSI federal benefit level.

~~((2) The AFDC or FIP recipient receiving intensive (thirty days or less) alcohol treatment may be granted GA=U funds within the maximum which are paid to the facility for the cost of care.))~~

(3) See chapter 388-92 WAC for computation of available income and resources for ((the)) SSI((/SSP)) related person ((with income, all earned and unearned exemptions allowed by SSI may be retained for personal needs)).

(4) See chapter 388-28 WAC for computation of available income and resources for the ((GA=U)) general assistance client ((is subject to GA=U income and resource standards.

~~(4) If income available to the client is less than the CPI standard, the department shall authorize a state payment to the client to meet his or her personal needs.~~

~~(5) The department shall make payment to the facility for the difference between income available for payment on care and the cost standard of the facility)).~~

**WSR 92-12-048**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**  
 [Filed May 29, 1992, 1:08 p.m.]

Original Notice.

Title of Rule: Determination of additional administrative fee.

Purpose: To amend the procedure for determining the administrative fee, amending WAC 415-115-080 and repealing WAC 415-115-110.

Statutory Authority for Adoption: RCW 41.50.050 and 41.50.110(3).

Statute Being Implemented: RCW 41.50.110(3).

Summary: Proposed amendment removes the requirement that the additional administrative fee be recalculated every six months. Proposal allows more time for employers to pay additional administrative fee.

Reasons Supporting Proposal: Makes amount of fee assessment more predictable for employers. Allows employers more time to pay assessment because some employers are unable to make payments within the current time frame.

Name of Agency Personnel Responsible for Drafting: Paul Neal, 1025 East Union Avenue, Olympia, WA 98504, 586-3368; Implementation and Enforcement: Greg Squires, 402 Legion Way, Olympia, WA 98504, 753-2220.

Name of Proponent: Department of Retirement Systems, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Proposed amendment to WAC 415-115-080 allows the department to retain the same administrative fee over a period of time. It also grants the department more discretion in charging the fee. The amendment also allows employers more time to pay the assessed fee. The purpose and anticipated effect of the change will be to make the fee assessment more predictable for employers and make the time limitations for paying the fee more consistent with the constraints on some employers for processing billings.

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: House Office Building, Hearing Room B, Capitol Campus, Olympia, Washington, on July 9, 1992, at 10 a.m. to 1 p.m.; and at DSHS, 1002 North 16th Avenue, Conference Room 5, 2nd Floor, Yakima, WA, on July 10, 1992, at 10 a.m. to 1 p.m.

Submit Written Comments to: Paul Neal, Manager Legislative/Legal Affairs, Department of Retirement Systems, 1025 East Union, Olympia, WA 98504, by June 26, 1992.

Date of Intended Adoption: July 29, 1992.

May 27, 1992

Paul Neal

Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 91-13-030, filed 6/12/91, effective 7/13/91)

WAC 415-115-080 DETERMINATION OF ADDITIONAL ADMINISTRATIVE FEE. ~~((Every six months;))~~ The department will determine the additional administrative fee that may be assessed to employers who have submitted untimely or inaccurate reports. This fee will be determined as follows:

(1) The department will ~~((determine the total increased))~~ base the additional administrative fee on costs incurred for processing late or inaccurate reports ~~((during the preceding six-month period))~~. Costs

related to processing deficient data may include, but are not limited to, costs of personnel, equipment, services and facilities.

(2) The department will determine the total number of deficiencies reported by all employers during each six-month period.

(3) ~~((The department will determine the unit cost for processing each deficiency in reporting for each six-month period. The unit cost is determined by dividing the total cost incurred by the department for processing late or inaccurate reports by the total number of deficiencies in reporting.))~~ Based upon the costs identified in subsection (1) of this section, the department will determine the additional administrative fee to be charged per deficiency.

(4) The department will determine the additional administrative fee to charge each employer ~~((for each six-month period))~~. The total fee shall be an amount equal to the ((unit cost for processing each deficiency in reporting)) per deficiency fee determined under subsection (3) of this section multiplied by the ((total number of)) deficiencies reported by an employer.

(5) From time to time, the department may review and adjust the charge calculated under subsection (3) of this section.

(6) Additional administrative fees are due and payable the 15th day of the calendar month following the month that the statement is dated.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 415-115-110 BILLING OF THE ADDITIONAL ADMINISTRATIVE FEE.

**WSR 92-12-049**  
**PROPOSED RULES**  
**LAKE WASHINGTON**  
**TECHNICAL COLLEGE**  
[Filed May 29, 1992, 2:33 p.m.]

Original Notice.

Title of Rule: Title 495D WAC, Community colleges—Lake Washington.

Purpose: To set forth policies governing College District 26 and Lake Washington Technical College.

Statutory Authority for Adoption: RCW 28B.50.140.

Statute Being Implemented: RCW 28B.50.140.

Summary: See Explanation of Rule below.

Reasons Supporting Proposal: See individual chapters.

Name of Agency Personnel Responsible for Drafting and Implementation: Gary Cohn, Lake Washington Technical College, 11605 132nd Avenue N.E., Kirkland, WA 98034-8506, (206) 828-5608; and Enforcement: Donald Fowler, Lake Washington Technical College, 11605 132nd Avenue N.E., Kirkland, WA 98034-8506, (206) 828-5601.

Name of Proponent: Lake Washington Technical College, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of these rules is to provide a set of board policies for the effective and efficient governance of Lake Washington Technical College, as recommended by the Office of the Attorney General of the state of Washington. The short title of each chapter of this title is set forth below with its corresponding number: Chapter 495D-104 WAC, Board of trustees; chapter 495D-108 WAC, Practice and procedure; chapter 495D-116 WAC, Parking and traffic; chapter 495D-120 WAC,

Student conduct code; chapter 495D-122 WAC, Withholding service for outstanding debts; chapter 495D-130 WAC, Tuition and fee schedule; chapter 495D-131 WAC, Scholarship; chapter 495D-132 WAC, Financial aid; chapter 495D-133 WAC, Organization; chapter 495D-134 WAC, Designation of rules coordinator; chapter 495D-140 WAC, Use of college facilities; chapter 495D-168 WAC, Use of library—Fines; chapter 495D-276 WAC, Access to public records; chapter 495D-280 WAC, Family Education and Privacy Act; chapter 495D-300 WAC, Grievance policies and procedures—Discrimination; and chapter 495D-325 WAC, State Environmental Policy Act rules.

Proposal does not change existing rules.

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

Hearing Location: Lake Washington Technical College, 11605 132nd Avenue N.E., Room E501, Kirkland, WA 98034-8506, on July 8, 1992, at 8:30 a.m.

Submit Written Comments to: Gary Cohn, Lake Washington Technical College, 11605 132nd Avenue N.E., Kirkland, WA 98034, by June 30, 1992.

Date of Intended Adoption: July 8, 1992.

May 19, 1992  
Donald W. Fowler  
President

Chapter 495D-104 WAC  
BOARD OF TRUSTEES

#### NEW SECTION

WAC 495D-104-010 TIME AND PLACE OF BOARD MEETINGS. The board of trustees shall hold one regular meeting on the second Wednesday of each month at 7:30 am and such special meetings as may be requested by the chair 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 Lake Washington Technical College, unless scheduled elsewhere, and are open to the general public, except for lawful executive sessions. No official business may be conducted by the board of trustees except during a regular or special meeting.

#### NEW SECTION

WAC 495D-104-020 REQUEST FOR ITEMS TO BE PLACED ON BOARD AGENDA. The president or his or her designee shall designate items for the board's meeting agenda, subject to modification by the board. Anyone other than a board member or a representative of the president's office wishing an item placed on the agenda of a board meeting must have a written request in the office of the board secretary at least two weeks in advance of the next scheduled meeting of the board. The board will adopt such bylaws as are necessary to facilitate the bringing of such matters before the board. Petitioners may request such bylaws from the secretary to the board who shall provide them in a timely fashion.

#### NEW SECTION

WAC 495D-104-030 DELEGATION TO COLLEGE PRESIDENT. The board of trustees delegates to the college president its authority and responsibility to administer College District 26 in accordance with laws, policies, and rules approved or sanctioned by the board of trustees. At the operational level, the president has final administrative authority over all matters affecting the college district.

#### Chapter 495D-108 WAC PRACTICE AND PROCEDURE

#### NEW SECTION

WAC 495D-108-010 ADOPTION OF MODEL RULES OF PROCEDURE. The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250 are adopted for use at this college. Those rules may be found in chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules adopted by this college, the college rules prevail.

#### NEW SECTION

WAC 495D-108-020 APPOINTMENT OF PRESIDING OFFICERS. The president or president's designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington State Bar Association, a panel of individuals, the president or his or her designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, the president or president's designee shall designate one person to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

#### NEW SECTION

WAC 495D-108-030 METHOD OF RECORDING. Proceedings shall be recorded by a method determined by the presiding officer, among those available under the model rules of procedure.

#### NEW SECTION

WAC 495D-108-040 APPLICATION FOR ADJUDICATIVE PROCEEDING. An application for adjudicative proceeding shall be in writing. Application forms are available at the following address: Lake Washington Technical College, Affirmative Action Officer, 11605 132nd Avenue Northeast, Kirkland, Washington, 98034-5608.

Written application for an adjudicative proceeding must be submitted to the above address within twenty days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

#### NEW SECTION

WAC 495D-108-050 BRIEF ADJUDICATIVE PROCEDURES. This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are adopted by reference. Brief adjudicative procedures shall be used in all matters related to:

- (1) Residency determinations;
- (2) Challenges to contents of education records;
- (3) Student conduct proceedings, except as provided in another rule;
- (4) Parking and traffic violations;
- (5) Outstanding debts owed by students or employees;
- (6) Loss of eligibility for participation in college-sponsored activities;
- (7) Denials of requests for public records.

#### NEW SECTION

WAC 495D-108-060 DISCOVERY. Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall refer to the civil rules of procedure. The presiding officer may control the frequency and nature of discovery permitted, and order discovery conferences to discuss discovery issues.

#### NEW SECTION

WAC 495D-108-070 PROCEDURE FOR CLOSING PARTS OF THE HEARINGS. Any party may apply for a protective order to close part of a hearing. The party making the request shall state the reasons for making the application to the presiding officer, and serve copies on all other parties. If another party opposes the request, a written response to the request shall be made within ten days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons in writing within twenty days of receiving the request.

NEW SECTION

WAC 495D-108-080 RECORDING DEVICES. No cameras or recording devices are allowed in those parts of proceedings that the presiding officer has determined shall be closed under WAC 495D-108-070, except for the method of official recording selected by the college.

Chapter 495D-116 WAC  
PARKING AND TRAFFIC

NEW SECTION

WAC 495D-116-010 PURPOSE FOR ADOPTING PARKING AND TRAFFIC RULES. Under the authority granted by RCW 28B.50.140(10), the board of trustees of College District 26 is granted authority to adopt rules for pedestrian and vehicular traffic upon public lands devoted to, operated by, or maintained by the college. The objectives of these rules are to:

- (1) Protect and control pedestrian and vehicular traffic;
- (2) Assure access at all times for emergency traffic;
- (3) Minimize traffic disturbances during class hours;
- (4) Facilitate the work of the college by assuring access to its vehicles and by assigning limited parking space for the most efficient use by all;
- (5) Regulate the use of parking spaces;
- (6) Protect state-owned property;
- (7) Assure access to the facility by handicapped persons.

NEW SECTION

WAC 495D-116-020 APPLICABLE PARKING AND TRAFFIC RULES. (1) All rules in this chapter and all motor vehicle and other traffic laws of the state of Washington apply on the campus.

(2) The traffic code of the city of Kirkland applies upon all lands located within the city of Kirkland.

(3) The traffic code of the city of Redmond applies upon all lands located within the city of Redmond.

NEW SECTION

WAC 495D-116-030 DEFINITIONS. The definitions set forth in this section apply throughout this chapter 495D-116 WAC.

- (1) "Annual permits" mean permits that are valid from the date of issue until the first day of the following academic year.
- (2) "Board" means the board of trustees of College District 26.
- (3) "Campus" means all lands and buildings devoted to, operated by, or maintained by College District 26.
- (4) "Campus security officer" means an employee of the college designated by and who is responsible to the vice-president of administration.
- (5) "College" means Lake Washington Technical College.
- (6) "Continuing permits" mean permits issued to full-time employees for an indefinite period of time.
- (7) "Employee" means an individual appointed to the faculty, staff, or administration of the college.
- (8) "Guests or visitors" mean persons who come upon the campus as guests or persons who lawfully visit the campus.
- (9) "Safety and security supervisor" means the college's safety and security supervisor as designated by and responsible to the vice-president of administration.
- (10) "Temporary permits" mean permits that are valid for a specific period designated on the permit.
- (11) "Vehicle" means an automobile, truck, motor-driven cycle, scooter, or any vehicle powered by a motor.

NEW SECTION

WAC 495D-116-040 AUTHORIZATION FOR ISSUANCE OF PERMITS. (1) The safety and security supervisor or a designee may issue parking permits to students, employees, and guests upon the following condition:

- (a) When the vehicle is properly registered with the college;
  - (b) When a permanent or special parking permit is necessary to enhance the business or operation of the college; and
  - (c) When a parking permit fee is paid as applicable and designated on the college's schedule of fees.
- (2) Additional permits are available at the current fee schedule to individuals who may be registered to drive any one of several vehicles.

Only one vehicle registered to an individual under one permit fee is permitted to park on campus at any one time.

NEW SECTION

WAC 495D-116-050 VEHICLE PARKING PERMITS. (1) All employees and students of the college shall obtain and display a currently valid parking permit on all vehicles parked or left standing unattended in parking areas which are posted as requiring permits.

(2) All persons parking in parking areas which are posted as requiring permits shall secure and display a currently valid parking permit upon approval of need for a special permit or within five days from their date of registration or from their first day of employment.

NEW SECTION

WAC 495D-116-060 VISITOR PERMITS. (1) All guests or visitors (including salespersons and maintenance or service personnel) will park in appropriate parking areas, and in parking areas requiring permits only after obtaining a temporary permit from the safety and security supervisor or a designee.

(2) Vehicle repair customers who have scheduled service or repairs with one of the motor vehicle technology courses operating an abatement program may obtain a twenty-four hour visitor permit a vehicle after repair or service.

NEW SECTION

WAC 495D-116-070 RESPONSIBILITY OF PERSON TO WHOM PERMIT IS ISSUED. The person to whom a parking permit is issued is responsible for all violations of college rules involving the vehicle; however, that responsibility does not relieve the driver of the responsibility for violations of the rules established by this chapter. If a vehicle in violation is not registered with the college, the current registered owner will be responsible for the violations of the campus rules.

NEW SECTION

WAC 495D-116-080 DISPLAY OF PERMITS. (1) An annual parking permit issued by the college pursuant to WAC 495D-116-040 through 495D-116-060 must be visibly affixed on the inside of the rear window of the vehicle for which the permit is issued, on the lower left-hand corner of the window as viewed from the rear of the vehicle. If the vehicle is a convertible or has no rear window, the annual permit must be affixed to the driver side rear bumper or driver side windshield lower corner. Motorcycle permits must be affixed in a conspicuous place.

(2) A temporary parking permit issued by the college pursuant to WAC 495D-116-040 through 495D-116-060 must be visibly placed on the inside of the rear window deck of the vehicle for which the permit is issued, on the left-hand side of the window deck as viewed from the rear of the vehicle. If the vehicle has no window deck, the permit may be taped to the window. If the vehicle is a convertible or has no rear window, the temporary permit must be placed on the driver side of the instrument cowling. Motorcycle permits must be affixed in a conspicuous place.

NEW SECTION

WAC 495D-116-090 TRANSFER OF PERMITS. Parking permits are not transferable. If a vehicle is sold or traded, any replacement vehicle must be registered with the safety and security supervisor or designee and the permit will be reissued at no additional charge.

NEW SECTION

WAC 495D-116-100 PERMIT REVOCATION. Permits are licenses and are the property of the college, and may be revoked for any of the following reasons:

- (1) When the purpose for which the permit was issued changes or no longer exists;
- (2) When a permit is used on an unregistered vehicle or by an unauthorized person;
- (3) Falsification on a vehicle registration application;
- (4) More than two violations of parking and traffic rules;
- (5) Counterfeiting or altering of permits;
- (6) Commission of a theft or other crime in a vehicle parking area.

**NEW SECTION**

WAC 495D-116-110 **RIGHT TO REFUSE PERMIT.** The college vice-president of administration or a designee reserves the right to refuse the issuance of a parking permit to anyone who has had a previous permit revoked, or whose driving or parking record indicates a disregard for the rights or safety of others.

**NEW SECTION**

WAC 495D-116-120 **APPEAL OF PERMIT REVOCATION OR REFUSAL.** When a parking permit has been revoked under WAC 495D-116-100 or has been refused in accordance with WAC 495D-116-110 or when a fine or penalty has been levied for a purported violation of this chapter, that action by the vice-president of administration or a designee may be appealed in accordance with WAC 495D-116-180.

**NEW SECTION**

WAC 495D-116-130 **DELEGATION OF AUTHORITY.** The authority and powers conferred upon the vice-president of administration by this chapter are subject to delegation to that individual's subordinates.

**NEW SECTION**

WAC 495D-116-140 **ENFORCEMENT.** (1) Parking and traffic rules will be enforced at all times.

(2) The vice-president of administration or a designee is responsible for the enforcement of this chapter.

**NEW SECTION**

WAC 495D-116-150 **VIOLATION OF PARKING AND TRAFFIC RULES.** (1) Operators of illegally operated or parked vehicles shall be warned or cited through an appropriate written means that they are in violation of this chapter. All fines are payable at the cashier's office.

(2) In instances where a vehicle has more than two violations, the vice-president of administration or a designee, with appropriate documented evidence, may order the vehicle impounded.

**NEW SECTION**

WAC 495D-116-160 **ISSUANCE OF TRAFFIC TICKETS OR SUMMONS.** (1) The safety and security supervisor or a designee may issue a warning or citation for a violation of these regulations. The warning or citation must set forth the date, the approximate time, permit number if any, license information, and the nature of violation.

(2) The warning or citation may be served by attaching or affixing a copy in some prominent place outside the vehicle or by personally serving the operator.

**NEW SECTION**

WAC 495D-116-170 **FINES AND PENALTIES.** (1) The safety and security supervisor or a designee may impose fines and penalties for violation of this chapter: The vice-president of administration shall establish a schedule of fines. The college shall publish the current schedule annually in the schedule of courses and on the traffic parking citation form.

(2) Fines will be assessed in accordance with the schedule for the following violations:

- (a) No valid permit displayed;
- (b) Visitor parking violations;
- (c) Occupying more than one parking space;
- (d) Occupying a space or area not designated for parking;
- (e) Handicapped parking violation;
- (f) Parking in an area not authorized by a permit;
- (g) Parking in reserved staff space without authorization;
- (h) Blocking or obstructing traffic;
- (i) Parking adjacent to a fire hydrant;
- (j) Parking in a fire lane;
- (k) Parking in a zone or area marked no parking;
- (l) Other violations of college parking traffic rules.

(3) At the discretion of the vice-president of administration or a designee, an accumulation of citations by a staff, administrator, or faculty member may be turned over to a private collection agency for

the collection of past due fines. Other appropriate collection procedures may be initiated as deemed necessary.

(4) If a student fails or refuses to pay an uncontested fine that has been outstanding in excess of five days, the vice-president of administration or a designee may initiate the following actions:

(a) The student may be refused a transcript of credits, hours, or courses, a record of training, and other student records until all fines are paid;

(b) The student may not receive a certificate, diploma, or degree until all fines are paid;

(c) The student will not be able to register for subsequent terms until all fines are paid.

(d) The student's accumulation of fines may be turned over to a private collection agency for the collection of past due fines.

(5) Vehicles parking in a manner so as to create a safety hazard or obstruct traffic, including access to and from parking spaces and areas, may be subject to a fine and may be impounded and taken to a place for storage selected by the safety and security supervisor or a designee. The expenses of the impounding and storage are the responsibility of the registered owner or driver of the vehicle.

(6) Vehicles impounded by means of an immobilizing device shall be charged a service fee according to the current fee schedule.

(7) The college is not liable for loss or damage of any kind resulting from impounding and storage of vehicles.

(8) Persons may appeal the issuance of a citation according to WAC 495D-116-180.

**NEW SECTION**

WAC 495D-116-180 **APPEAL OF CITATIONS AND PENALTIES.** (1) Appeals must be made in writing, giving full particulars, including a list of witnesses and evidence expected to be presented, etc.

(2) Appeals must be submitted to the safety and security supervisor within five days from the date of citation. The appeal shall be handled as a brief adjudicative proceeding.

(3) The supervisor's decision shall be final unless an appeal is filed with the vice-president of administrative services within twenty-one days. Any decision of the vice-president shall be final.

**NEW SECTION**

WAC 495D-116-200 **DISCLAIMER OF LIABILITY BY COLLEGE.** The college assumes no liability under any circumstances for theft or damage occurring to vehicles, bicycles, or their contents. No bailment of any sort is created by the purchase or issuance of a parking permit.

**NEW SECTION**

WAC 495D-116-210 **DESIGNATION OF PARKING.** (1) The parking spaces available on campus may be allocated and designated by the vice-president of administration in such a manner as will best achieve the objectives of this chapter.

(2) Special provisions shall be made for physically disabled employees, visitors, students, or their designees. Physically disabled individuals using handicapped parking spaces must display in that vehicle a valid state-issued disabled parking permit or license plate. The safety and security supervisor shall issue temporary permits for temporarily handicapped persons. In addition to the disabled permit, valid college parking permits must be purchased and displayed on the vehicle in parking areas requiring permits.

(3) Spaces specifically designated as "visitor" are to be used only by visitors driving vehicles without continuing or annual permits, for a maximum time period of forty-eight hours. A temporary permit is not required. Visitors requiring parking for longer than forty-eight hours may obtain a temporary permit from the safety and security supervisor, and will park in normal undesignated spaces.

(4) The vice-president of administration may designate parking spaces for special purposes as deemed necessary.

**NEW SECTION**

WAC 495D-116-220 **PARKING WITHIN DESIGNATED SPACES.** (1) No vehicle may be parked on the campus except in those areas set aside and designated for parking.

(2) No vehicle may be parked so as to occupy any portion of more than one parking space or stall, except that a vehicle which is larger than one space may also occupy so much of an adjoining space(s) as is (are) necessary and as limited elsewhere in this chapter. Repeated

parking on campus of oversize vehicles is discouraged in order to permit maximum utilization of limited parking spaces.

#### NEW SECTION

WAC 495D-116-230 REGULATORY SIGNS, MARKINGS, BARRICADES, ETC. The vice-president of administration or a designee may make and erect signs, barricades, and other structures and paint marks and other directions upon the streets, entrances, exits, and roadways for the regulation of traffic and parking upon the various public lands operated or maintained by the college. Drivers or vehicles shall observe and obey all the signs, barricades, structures, markings, and directions given them by the campus safety and security supervisor or designee in the control and regulation of traffic and parking.

#### NEW SECTION

WAC 495D-116-240 SPEED LIMIT. No vehicle may be operated on the campus at a speed in excess of the speed limit posted on campus property, or such slower speed as is reasonable and prudent to the circumstances.

#### NEW SECTION

WAC 495D-116-250 PEDESTRIAN RIGHT OF WAY. (1) The operator of a vehicle shall yield the right of way to any pedestrian. A pedestrian shall not leave a curb or other place of safety and walk or run into the path of an oncoming vehicle.

(2) When a sidewalk or crosswalk is provided, pedestrians shall proceed upon the sidewalk or crosswalk.

(3) Handicapped pedestrians using motorized or manually propelled wheelchairs or like equipment shall not be required to use curbs or sidewalks where there are none. Motor vehicle operators shall yield the right of way to wheelchair bound persons in any event.

#### NEW SECTION

WAC 495D-116-260 TWO-WHEELED MOTORCYCLES OR BICYCLES. (1) All two-wheeled vehicles powered by an engine shall park in areas designated for motorcycles only and will not use spaces assigned to automobiles or bicycles.

(2) Bicycles and other nonengine powered cycles must be parked in bicycle racks where provided. No person may park a bicycle inside a building or in such a manner as to block or obstruct the normal flow of pedestrian traffic.

#### NEW SECTION

WAC 495D-116-270 REPORT OF ACCIDENTS. (1) The operator of a vehicle involved in an accident on campus resulting in injury or death of a person or claimed damage to either or both vehicles exceeding five hundred dollars shall immediately report the accident to the safety and security supervisor. Accidents occurring after the close of business must be reported the next working day. Within twenty-four hours after the accident, the operator shall file a state of Washington motor vehicle accident report.

(2) Other minor accidents may be reported to the safety and security supervisor for insurance record purposes.

#### NEW SECTION

WAC 495D-116-280 DISABLED OR INOPERATIVE VEHICLES—IMPOUNDING. (1) No vehicle shall be parked on the campus for a consecutive period exceeding seventy-two hours, without authorization from the vice-president of administration or a designee.

(2) Vehicles parked over seventy-two consecutive hours without authorization may be impounded and stored at the expense of either or both the owner and operator of the vehicle.

(3) Notice of intent to impound will be posted on the vehicle at least twenty-four hours before it will be impounded.

#### Chapter 495D-120 WAC STUDENT CONDUCT CODE

#### NEW SECTION

WAC 495D-120-010 DEFINITIONS. The definitions set forth in this section apply throughout this chapter.

(1) "Board" means the board of trustees of College District 26.

(2) "College" means Lake Washington Technical College.

(3) "Liquor" means the definition of liquor as contained within RCW 66.04.010.

(4) "Drugs" means a narcotic drug as defined in RCW 69.50.101, a controlled substance as defined in RCW 69.50.201 through 69.50.212, or a legend drug as defined in RCW 69.41.010.

(5) "College facilities" means the real property controlled or operated by the college and includes all buildings and appurtenances affixed thereon or attached thereto.

(6) "President" means the chief executive officer of the college appointed by the board of trustees.

(7) "Disciplinary official" means the instructor or administrator who takes disciplinary action as authorized in this chapter.

(8) "Student" means a person who is enrolled at the college.

(9) "Disciplinary action" means one or more of the actions described in WAC 495D-120-120.

#### NEW SECTION

WAC 495D-120-020 STATEMENT OF PURPOSE. (1) Lake Washington Technical College is maintained by the state of Washington for the provision of programs of instruction in higher education and related community services. Like any other institution having its own special purposes, the college must maintain conditions conducive to the effective performance of its functions. Consequently, it has special expectations regarding the conduct of the various participants in the college community.

(2) Admission to the college carries with it the prescription that the student will conduct himself or herself as a responsible member of the college community. This includes an expectation that the student will obey appropriate laws, will comply with the rules of the college and its departments, and will maintain a high standard of integrity and honesty.

(3) Sanctions for violations of college rules or conduct that interferes with the operation of college affairs will be dealt with by the college, and the college may impose sanctions independently of any action taken by civil or criminal authorities. In the case of minors, misconduct may be referred to parents or legal guardians.

#### NEW SECTION

WAC 495D-120-030 JURISDICTION. All rules in this chapter concerning student conduct and discipline apply to every student enrolled at the college whenever the student is engaged in or present at a college-related activity whether occurring on or off college facilities.

#### NEW SECTION

WAC 495D-120-040 STUDENT MISCONDUCT. Disciplinary action may be taken for a violation of any provision of this student code, for a violation of other college rules which may from time to time be properly adopted, or for any of the following types of misconduct:

(1) Smoking is prohibited in all enclosed college facilities and other areas so posted by college officials;

(2) The possession, use, sale, or distribution of any alcoholic beverage or illegal drug on the college campus is prohibited, except as specifically provided for by board policy. The use of illegal drugs by any student attending a college-sponsored event is also prohibited, even though the event does not take place at the college. The use of alcohol by any student attending such events on noncollege property shall conform to state law;

(3) Engaging in lewd, indecent, or obscene behavior;

(4) Where the student presents an imminent danger to college property or to himself or herself or other students or persons in college facilities on or off campus, or to the education process of the college;

(5) Academic dishonesty, including cheating, plagiarism, or knowingly furnishing false information to the college;

(6) The intentional making of false statements or filing of false charges against the college and members of the college community;

(7) Forgery, alteration, or misuse of college documents, records, funds, or instruments of identification with the intent to defraud;

(8) Theft from or damage to college premises or property, or theft of or damage to property of a member of the college community or college premises;

(9) Failure to comply with the direction of college officials acting in the legitimate performance of their duties;

(10) Possession of firearms, licensed or unlicensed, except where possessed by commissioned police officers as prescribed by law;

(11) Failure to comply with a college rule;

(12) Failure to comply with college attendance policy as published in the current edition of the Student Handbook;

(13) Retaliation upon witnesses or accusers under this chapter.

#### NEW SECTION

**WAC 495D-120-045 LOSS OF ELIGIBILITY—STUDENT ACTIVITY PARTICIPATION.** Any student found to have violated chapter 69.41 RCW, legend drugs, by virtue of a criminal conviction or by final decision of the college president shall, in lieu of or in addition to any other disciplinary action which may be imposed, be disqualified from participation in any school-sponsored student events or activities.

#### NEW SECTION

**WAC 495D-120-050 CIVIL DISTURBANCES.** In accordance with provisions contained in RCW 28B.10.571 and 28B.10.572:

(1) It shall be unlawful for any person, singly or in concert with others, to interfere by force or violence with any administrator, faculty member, or student of the college who is in the peaceful discharge or conduct of his or her duties or studies.

(2) It shall be unlawful for any person, singly or in concert with others, to intimidate by threat of force or violence any administrator, faculty member, or student of the college who is in the peaceful discharge of his or her duties or studies.

(3) The crimes described in RCW 28B.10.571 and 28B.10.572 shall not apply to any administrator or faculty member who is engaged in the reasonable exercise of their disciplinary authority.

(4) Any person or persons who violate the provisions of subsections (1) and (2) of this section will be subject to disciplinary action and referred to the authorities for prosecution.

#### NEW SECTION

**WAC 495D-120-060 FREE MOVEMENT ON CAMPUS.** The president or designee is authorized in the instance of any event that he or she deems impedes the movement of persons or vehicles or which he or she deems to disrupt the ingress or egress of persons from the college facilities, to prohibit the entry of, or withdraw the license of, or privileges of a person or persons or any group of persons to enter onto or remain upon any portion of the college facility. The president may act through the vice-president administrative services or any other person he or she may designate.

#### NEW SECTION

**WAC 495D-120-070 RIGHT TO DEMAND IDENTIFICATION.** For the purpose of determining whether probable cause exists for the application of any section of this code to any behavior by any person on a college facility, any college personnel or other authorized personnel may demand that any person on college facilities produce evidence of student enrollment at the college by tender of that person's student identification card, registration schedule, and/or receipt for payment of fees for a current course.

#### NEW SECTION

**WAC 495D-120-080 ACADEMIC DISHONESTY/AND CLASSROOM/LAB/CLINIC CONDUCT.** (1) Honest assessment of student performance is of crucial importance to all members of the academic community. Acts of dishonesty are serious breaches of honor and shall be dealt with in the following manner:

(a) It is the responsibility of the college administration and teaching faculty to provide reasonable and prudent security measures designed to minimize opportunities for acts of academic dishonesty which occur at the college.

(b) Any student who, for the purpose of fulfilling any assignment or task required by a faculty member as part of the student's program of instruction, shall knowingly tender any work product that the student fraudulently represents to the faculty member as the student's work product, shall be deemed to have committed an act of academic dishonesty. Acts of academic dishonesty shall be cause for disciplinary action.

(c) Any student who aids or abets the accomplishment of an act of academic dishonesty, as described in (b) of this subsection, shall be subject to disciplinary action.

(d) An instructor may adjust the student's grade on a particular project, paper, test, or class for academic dishonesty. This section shall not be construed as preventing an instructor from taking immediate disciplinary action when the instructor is required to act upon such breach of academic dishonesty in order to preserve order and prevent disruptive conduct in the classroom.

(2) Instructors have the authority to take whatever summary actions may be necessary to maintain order and proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the objectives of the course.

(a) Any student who, by any act of misconduct, substantially disrupts any college class by engaging in conduct that renders it difficult or impossible to maintain the decorum of the faculty member's class shall be subject to disciplinary action.

(b) The instructor of each course offered by the college is authorized to take such steps as may be necessary to preserve order and to maintain the effective cooperation of the class in fulfilling the objectives of the course; provided that; a student shall have the right to appeal such disciplinary action to the supervisor of the instructor imposing disciplinary action.

#### NEW SECTION

**WAC 495D-120-090 CAMPUS SPEAKERS.** (1) Student organizations officially recognized by the college may invite speakers to the campus to address their own membership and other interested students and faculty if suitable space is available and there is no interference with the regularly scheduled program of the college. Although properly allowed by the college, the appearance of such speakers on the campus implies neither approval nor disapproval of them or their viewpoints. In case of speakers who are candidates for political office, equal opportunities shall be available to opposing candidates if desired by them. Speakers are subject to the normal considerations for law and order and to the specific limitations imposed by the state constitution which prohibits religious worship, exercise or instruction on state property.

(2) In order to insure an atmosphere of open exchange and to insure that the educational objectives of the college are not obscured, the president or designee, in a case attended by strong emotional feeling, may prescribe conditions for the conduct of the meeting, such as requiring a designated member of the faculty as chair, or requiring permission for comments and questions from the floor. Likewise, the president or designee may encourage the appearance of one or more additional speakers at any meeting or at a subsequent meeting so that other points of view may be expressed. The president may designate representatives to recommend conditions such as time, manner, and place for the conduct of particular meetings.

#### NEW SECTION

**WAC 495D-120-100 DISTRIBUTION OF INFORMATION.** (1) Handbills, leaflets, newspapers, and similar materials may be sold or distributed free of charge by any student or students, or by members of recognized student organizations, or by college employees on or in college facilities at locations specifically designated by the appropriate administrator; provided such distribution or sale does not interfere with the ingress or egress of persons or interfere with the free flow of vehicular or pedestrian traffic.

(2) Such handbills, leaflets, newspapers, and related matter must bear identification as to the publishing agency and distributing organization or individual.

(3) All nonstudents shall register with the director of campus services prior to the distribution of any handbill, leaflet, newspaper, or related matter. Such distribution or sale must not interfere with the free flow of vehicular or pedestrian traffic.

(4) Any person or persons who violate provisions of subsections (1) and (2) of this section will be subject to disciplinary action.

#### NEW SECTION

**WAC 495D-120-110 COMMERCIAL ACTIVITIES.** (1) College facilities will not be used for a commercial solicitation, advertising, or promotional activities except when such activities:

(a) Clearly serve educational objectives, including but not limited to display of books of interest to the academic community or the display or demonstration of technical or research equipment; and

(b) Are conducted under the sponsorship or at the request of the college, or the office of the associated students of the college if such solicitation does not interfere with or operate to the detriment of the conduct of college affairs or the free flow of vehicular or pedestrian traffic.

(2) College facilities, equipment, and supplies may not be used by students for personal commercial gain.

(3) For the purpose of this regulation, the term "commercial activities" does not include handbills, leaflets, newspapers, and similarly related materials as regulated in WAC 495D-120-100.

#### NEW SECTION

WAC 495D-120-120 DISCIPLINARY TERMS. The definitions set forth in this section apply throughout this chapter.

(1) Verbal warning means oral notice of violation of college rules.

(2) A written warning is a reprimand which indicates to the student that continuation or repetition of the specific conduct involved or other misconduct will result in one or more serious disciplinary actions described below.

(3) Probation means formal action placing conditions upon the student's continued attendance because of violation of college rules or failure to satisfy the college's expectations regarding conduct. The disciplinary official placing the student on probation will specify, in writing, the period of probation and the conditions, such as not missing any class sessions or turning in on time all work assigned. Probation warns the student that any further misconduct will automatically raise the question of termination of enrollment at the college. Probation may be for a specified term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.

(4) Summary suspension means temporary dismissal from the college and temporary termination of a student's status for a period of time not to exceed ten days which occurs prior to invocation of the formal hearing procedures specified in these rules due to a necessity to take immediate disciplinary action, where a student presents an imminent danger to the college property, or to himself or herself or other students or persons in college facilities on or off campus, or to the educational process of the college.

(5) Suspension means dismissal from the college and termination of a student's status, other than a summary suspension, for a specified period of time not exceeding one term.

(6) Termination means dismissal from the college and termination of student status for violation of college rules or for failure to meet the college standards of conduct for an indefinite period of time or permanently.

(7) Monetary fine or restitution: A written order, alone or combined with another disciplinary action, requiring the student to pay, within a stated time limit, appropriate restitution for a financial loss caused by the student's misconduct and/or monetary fine not exceeding one quarter's tuition. Failure to pay shall be cause for further disciplinary action and/or cancelling and barring the student's registration.

#### NEW SECTION

WAC 495D-120-130 INITIATION OF DISCIPLINE. (1) Any college instructor or administrator, except the president and the vice-president who would hear any appeal, may take any of the disciplinary actions defined in WAC 495D-120-120, except that only an administrator or vice-president may suspend or terminate a student from the college for more than ten days. Before taking the action, the disciplining official ordinarily should notify his/her supervisor and meet or attempt to meet with the student to explain the seriousness of the matter and hear any explanation by the student.

(2) The student should be given written notice of any disciplinary action except a verbal warning. Such written notice shall be either delivered personally or mailed by first-class mail to the student's last known address. The notice or warning should advise the student of his/her right to appeal under these rules.

#### NEW SECTION

WAC 495D-120-140 APPEAL OF DISCIPLINARY ACTION. (1) A student may appeal a disciplinary action by filing, within twenty days after the earlier of personal delivery or mailing of notice of the

disciplinary action, a written application for a brief or formal adjudicative proceeding. This application may, but need not, explain the student's position and/or be on a form provided under WAC 495D-108-040. The application shall be filed with either the vice-president for instructional services or vice-president for administrative services, but should not be filed with a vice-president who has primary managerial responsibility for the disciplining official.

(2) The vice-president receiving the application for an adjudicative proceeding may refer it for initial review by a supervisor of the disciplining official within a time deadline not exceeding twenty days set by the vice-president. In that optional review, the supervisor should meet or attempt to meet with the student, the disciplining official, and anyone else deemed to have information necessary for the supervisor's review. The supervisor should file with the vice-president and serve on the student, within the established deadline, a written report.

(3) Unless the discipline is rescinded or the student confirms in writing his/her withdrawal of the application for an adjudication, the vice-president shall conduct an adjudicative proceeding, and shall be its presiding officer. This shall be a brief adjudicative proceeding unless:

(a) The vice-president decides to convert the case to a formal adjudicative hearing; or

(b) The discipline includes some form of dismissal from the college and the student in his/her request for an adjudication specified a formal adjudicative hearing.

(4) If for any reason the vice-president cannot serve as presiding officer, the president or president's designee shall designate the replacement presiding officer. Disqualification of a presiding officer shall be as provided in RCW 34.05.425.

(5) The matter shall be heard by the presiding officer de novo.

(6) Failure to participate or cooperate in the proceeding may be taken into consideration by the presiding officer and shall not preclude the presiding officer from making a decision. This shall not limit the possibility of a default under RCW 34.05.440.

(7) No attorney representative of any party may participate in a meeting or hearing unless he/she has filed with the presiding officer and served on all other parties, at least five days previously, a notice of appearance. In the event of such notice, any other party may also have counsel.

(8) The presiding officer may exclude from a meeting or hearing any person whose conduct is disruptive.

(9) The presiding officer and, subsequently, a reviewing officer, may affirm, modify, or reverse the disciplinary action.

#### NEW SECTION

WAC 495D-120-150 DISCIPLINE—BRIEF ADJUDICATIVE PROCEEDINGS. In a brief adjudicative proceeding:

(1) RCW 34.05.485 through 34.05.494 and WAC 10-08-080 shall govern, unless otherwise provided in these rules.

(2) The presiding officer shall serve on the parties and provide to the president an initial order, a brief written statement of the reasons for the decision, within ten days in accordance with RCW 34.05.485. That statement shall describe the available administrative review procedures specified in the following subparagraph.

(3) The initial order shall become the final order, without further action, unless within twenty-one days of service of the initial order:

(a) The president or president's designee, upon his/her own motion, determines that the initial order should be reviewed; or

(b) A party to the proceedings files with the president a written petition for administrative review of the initial order.

The president or president's designee shall be the reviewing officer and RCW 34.05.491 shall apply to any such determination or petition.

#### NEW SECTION

WAC 495D-120-160 DISCIPLINE REVIEW—FORMAL ADJUDICATIVE PROCEEDINGS. In a formal adjudicative proceeding:

(1) RCW 34.05.413 through 34.05.479 and chapters 10.08 and 495D-108 WAC shall govern, unless otherwise provided in these rules.

(2) The presiding officer may designate a recordkeeping clerk and/or other staff as appropriate. Hearings shall be recorded, in accordance with WAC 10-08-170. If any part of a hearing is closed in accordance with WAC 495D-108-070, the recording of that closed part shall be kept separate and confidential.

(3) The presiding officer may conduct prehearing conference(s) in accordance with RCW 34.05.431 and WAC 10-08-130.

(4) The presiding officer may permit or conduct discovery as provided in RCW 34.05.446, WAC 10-08-120, and 495D-108-060.

(5) The presiding officer shall give not less than seven days advance written notice of a hearing to all parties and all intervenors, except where such notice is waived, in accordance with RCW 34.05.434, WAC 10-08-040, or other applicable law.

(6) The burden of proof shall be on the party seeking to uphold the discipline to establish good cause by a preponderance of the evidence.

(7) Within the ninety days specified in RCW 34.05.461, and preferably within twenty days, the presiding officer shall serve on the parties and provide to the president an initial order, together with any relevant comments on the demeanor of witnesses. At the same time, a full and complete record of the proceedings shall also be transmitted to the president. The initial order shall include a statement of findings and conclusions and otherwise comply with RCW 34.05.461 and WAC 10-08-210. The initial order also shall describe the available administrative review procedures specified in the following subsection.

(8) The initial order shall become the final order, without further action, unless within twenty-one days of service of the initial order:

(a) The president or president's designee upon his/her own motion, determines that the initial order should be reviewed; or

(b) A party to the proceedings files with the president a written petition for administrative review of the initial order.

The president or president's designee shall be the reviewing officer and RCW 34.05.464 and WAC 10-08-211 shall apply to any such determination or petition.

#### NEW SECTION

WAC 495D-120-170 REFUNDS AND ACCESS. (1) Refund of fees for the quarter in which disciplinary action is taken shall be in accordance with the college's refund policy.

(2) A student suspended on the basis of misconduct which disrupted the orderly operation of the campus or any facility of the district, may be denied access to all or any part of the campus or other facility.

#### NEW SECTION

WAC 495D-120-180 READMISSION AFTER SUSPENSION OR TERMINATION. Any student suspended from the college for disciplinary reasons will normally be readmitted upon expiration of the time period for which the suspension was issued. If the student has been terminated or feels that circumstances warrant reconsideration of a suspension prior to its expiration, or if the student was suspended with conditions imposed for readmission, the student may be readmitted following approval of a written petition submitted to the administrator who imposed such suspension or such other administrator as may be designated by the executive vice-president for instruction. Such petition must state reasons which support a reconsideration of the matter. Before readmission may be granted in any case, a petition must be submitted, reviewed by a conference between a counselor, instructor, and administrator, and approved by the administrator.

#### NEW SECTION

WAC 495D-120-190 REESTABLISHMENT OF ACADEMIC STANDING. Students who have been suspended or terminated pursuant to disciplinary procedures set forth in WAC 495D-120-120 and 495D-120-130 and whose suspension or termination upon appeal is found to have been unwarranted shall be provided the opportunity to reestablish their academic and student standing to the extent possible within the abilities of the college, including an opportunity to retake examinations or otherwise complete course offerings missed by reason of such action.

#### NEW SECTION

WAC 495D-120-200 REPORTING, RECORDING, AND MAINTAINING RECORDS. Records of all disciplinary cases shall be kept by the disciplinary official taking or initiating the action. Except in proceedings where the student is exonerated, all documentary or other physical evidence produced or considered in disciplinary proceedings and all recorded testimony shall be preserved, insofar as possible, for not less than six years. No other records of proceedings wherein the student is exonerated, other than the fact of exoneration, shall be maintained in the student's discipline file or other college repository.

### Chapter 495D-122 WAC WITHHOLDING SERVICES FOR OUTSTANDING DEBTS

#### NEW SECTION

WAC 495D-122-010 POLICY. If any person, including any faculty, staff, student, or former student, is indebted to the institution for an outstanding overdue debt, the college need not provide any further services of any kind to such individual, including but not limited to transmitting files, records, transcripts, or other services which have been requested by such person.

#### NEW SECTION

WAC 495D-122-020 NOTIFICATION. (1) Upon receiving a request for services where there is an outstanding debt due to the college from the requesting person, the college shall notify the person initially in person or by first-class mail that the services will not be provided since there is an outstanding debt due. Any initial in-person notification should be followed by written notification by first class mail, except where the debt is cleared upon in-person notification. The person shall be told that until the debt is satisfied, requested services will not be provided.

(2) A letter of notification shall state that the person has a right to a brief adjudicative proceeding before a person designated by the president of the college. The proceeding must be requested within twenty days of the date of mailing notification of refusal to provide services.

#### NEW SECTION

WAC 495D-122-030 PROCEDURE FOR BRIEF ADJUDICATIVE PROCEEDING. (1) Upon receipt of a timely request for a hearing, the person designated by the president shall have the records and files of the college available for review and shall hold an informal hearing concerning whether the individual in fact owes any outstanding debts to the college. The hearing must be conducted within ten days of the request for a hearing.

(2) After the informal hearing, a decision shall be rendered by the president's designee indicating whether in fact the college is correct in withholding services for the outstanding debt. If the outstanding debt is owed by the individual involved, no further services shall be provided. Notification of this decision shall be sent to the individual within five days after the hearing.

(3) This hearing shall constitute a brief adjudicative proceeding established by the Administrative Procedure Act at RCW 34.05.482 through 34.05.494. The designee's decision shall be final unless the person within twenty-one days requests review by the president.

### Chapter 495D-130 WAC TUITION AND FEE SCHEDULES

#### NEW SECTION

WAC 495D-130-010 TUITION AND FEE SCHEDULES. Chapter 28B.15 RCW and RCW 28B.50.327 set the parameters for tuition and fee levels at state community and technical colleges. Based on this legislation, the specific amounts to be charged are recommended by the administration and adopted by the board of trustees of Lake Washington Technical College.

#### NEW SECTION

WAC 495D-130-015 TUITION AND FEE WAIVERS. Chapter 28B.15 RCW and RCW 28B.50.327 set the parameters for tuition and fee waivers at state community and technical colleges. Based on this legislation, the specific types of tuition and fee waivers are established by the administration and adopted by the board of trustees of Lake Washington Technical College.

#### NEW SECTION

WAC 495D-130-020 LOCATION OF SCHEDULES. Additional and detailed information and specific amounts to be charged for each category of students and courses will be found in the college catalog, schedule of courses, and in the following locations on the Lake Washington Technical College campus:

- (1) The office of admissions;
- (2) The registration office;
- (3) The office of the administrator of financial services;

- (4) The financial aid office; and  
 (5) The college relations office.

Chapter 495D-131 WAC  
 SCHOLARSHIPS

NEW SECTION

WAC 495D-131-010 SCHOLARSHIPS. Detailed information concerning the criteria, eligibility, procedures for application, and other information regarding scholarships at Lake Washington Technical College is located in the office of financial aid on the Lake Washington Technical College campus.

Chapter 495D-132 WAC  
 FINANCIAL AID

NEW SECTION

WAC 495D-132-010 FINANCIAL AID. Federal, state, and private financial aid applications and information may be obtained at the following address:

Office of Financial Aid  
 Lake Washington Technical College  
 11605 132nd Avenue Northeast  
 Kirkland, Washington 98034-5608

Award of federal and state aid will be made in accordance with applicable federal and state laws and regulations.

Chapter 495D-133 WAC  
 ORGANIZATION

NEW SECTION

WAC 495D-133-020 ORGANIZATION—OPERATION—INFORMATION. (1) Organization. Lake Washington Technical College is established in Title 28B RCW as a public institution of higher education. The college is governed by a five-member board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the college. The president establishes the structure of the administration.

(2) Operation. The administrative office is located at the following address:

11605 132nd Avenue Northeast  
 Kirkland, WA 98034-8506

The office hours are 7:30 a.m. to 4:30 p.m., Monday through Friday, except legal holidays. Educational operations are also located at the following address:

Marymoor Annex  
 6505 176th Avenue Northeast  
 Redmond, WA 98052-4943

(3) Information. Additional and detailed information concerning the educational offerings of the college may be obtained from the catalog, copies of which are available at the following address:

11605 132nd Avenue Northeast  
 Kirkland, WA 98034-8506

Chapter 495D-134 WAC  
 DESIGNATION OF RULES COORDINATOR

NEW SECTION

WAC 495D-134-010 RULES COORDINATOR. The rules coordinator for Lake Washington Technical College as designated by the president is:

Vice-President  
 Administrative Services  
 Lake Washington Technical College  
 11605 132nd Avenue Northeast  
 Kirkland, WA 98034-8506

Chapter 495D-140 WAC  
 USE OF COLLEGE FACILITIES

NEW SECTION

WAC 495D-140-010 USE OF COLLEGE FACILITIES. Lake Washington Technical College serves King and Snohomish counties by providing continued educational opportunity for its citizens. In keeping with this general purpose, and consistent with RCW 28B.50.140(7) and 28B.50.140(9), the board of trustees believes that facilities should be available for a variety of uses which are of benefit to the general public if such general uses substantially relate to and do not interfere with the educational mission of the college. However, a state agency is under no obligation to make its public facilities available to the community for private purposes.

NEW SECTION

WAC 495D-140-020 LIMITATION OF USE TO SCHOOL ACTIVITIES. (1) When allocating use of college facilities, the highest priority is always given to activities specifically related to the college's mission. No arrangements will be made that may interfere with or operate to the detriment of the college's own teaching or public service programs. In particular, college buildings, properties, and facilities, including those assigned to student programs, are used primarily for:

(a) The regularly established teaching or public service activities of the college and its departments;

(b) Training, educational, cultural, or recreational activities of the students, faculty, or staff;

(c) Short courses, inservices, seminars, or similar events, conducted either in the public service or for the advancement of specific college interests, when arranged under the sponsorship of the college;

(d) Public events of a professional or cultural nature brought to the campus at the request of college departments or committees and presented with their active sponsorship and active participation;

(e) Activities or programs sponsored by educational institutions, by state or federal agencies, by charitable agencies or civic or community organizations whose activities are of widespread public service and of a character appropriate to the college.

(2) College facilities may be used by student organizations for regular business meetings, social functions, and for programs open to the public. Any recognized campus student organization may invite speakers from outside the college community. The appearance of an invited speaker on campus does not represent an endorsement by the college, its students, faculty, administration, or the board of trustees, implicitly or explicitly, of the speaker's views.

(3) Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of space assigned, time of use, and to insure the proper maintenance of the facilities. Subject to the same limitations, college facilities shall be made available for use by individuals or groups within the college community. Arrangements by both organizations and individuals must be made through the vice-president of administrative services. Allocation of space shall be made by such officer in accordance with these rules, board of trustees policy, college administration policy and procedure, and on the basis of time, space, priority of request, and the demonstrated needs of the applicant.

(4) In determining whether to accept a request for the use of college facilities the administration shall use the following priorities: First, activities of a nature that qualify for state FTE support; second, activities that are operated under a contract with the college; third, activities that are operated under the college's community service program; and fourth, activities that constitute rental of the facility that is related to training.

(5) The college may restrict an individual's or a group's use of college facilities if that person or group has, in the past, physically abused college facilities or is delinquent in payment of charges imposed for prior use of college facilities or equipment or supplies associated with such use. Charges may be imposed for damage or for any costs for the use of facilities or equipment or supplies associated with facility use. The individual, group, or organization requesting space will be required to state in writing in advance the general purpose of any meeting.

NEW SECTION

WAC 495D-140-030 STATEMENT OF INTENTIONS. The college neither intends nor desires to compete with any local agency or private enterprise in making its facilities available to the community.

Privately operated facilities exist which are well qualified to best meet many community needs. The college encourages the community to patronize local businesses or agencies. With this approach, the college will work cooperatively with local private enterprise to the mutual benefit of all concerned.

#### NEW SECTION

##### WAC 495D-140-040 GENERAL POLICIES LIMITING USE.

(1) College facilities may not be used for purposes of political campaigning by or for candidates who have filed for public office except for student-sponsored activities or forums.

(2) Religious groups or groups of persons meeting for religious purposes shall not, under any circumstances, use the college facilities as a permanent meeting place. Use may be intermittent only.

(3) The college reserves the right to prohibit the use of college facilities by groups which restrict membership or participation in a manner inconsistent with the college's commitment to nondiscrimination.

(4) No one may post promotional signs or posters on buildings, trees, walls, or bulletin boards, or distribute of samples outside the rooms or facilities to which access has been granted.

(5) These rules shall apply to recognized student groups using college facilities.

(6) Handbills, leaflets, and similar materials, except those which are commercial, obscene, or unlawful, may be distributed by nonstudents in designated areas on the campus where, and at times when, such distribution will not interfere with the orderly administration of the college affairs or the free flow of traffic. Any distribution of materials must be authorized in advance by the vice-president of administrative services and shall not be construed as support or approval of the content by the college community or the board of trustees.

(7) Use of audio amplifying equipment is permitted only in locations and at times which will not interfere with the normal conduct of college affairs as determined by the vice-president of administrative services.

(8) No person or group may use or enter onto college facilities having in their possession firearms or other dangerous weapons, even if licensed to do so, except commissioned police officers as prescribed by law.

(9) The right of peaceful dissent within the college community will be preserved. The college retains the right to take steps to insure the safety of individuals, the continuity of the educational process, and the protection of property. While peaceful dissent is acceptable, violence or disruptive behavior is not a legitimate means of dissent. Should any person, group, or organization attempt to resolve differences by means of violence, the college and its officials need not negotiate while such methods are employed.

(10) Orderly picketing and other forms of peaceful dissent are protected activities on and about the college premises. However, interference with free passage through areas where members of the college community have a right to be, interference with ingress and egress to college facilities, interruption of classes, injury to persons, or damage to property exceeds permissible limits.

(11) Where college space is used for an authorized function (such as a class or a public or private meeting under approved sponsorship, administrative functions, or service related activities), groups must obey or comply with directions of the designated administrative officer or individual in charge of the meeting.

(12) If a college facility abuts a public area or street, and if student activity, although on such public property, unreasonably interferes with ingress and egress to college buildings, the college may choose to impose its own sanctions although remedies might also be available through local law enforcement agencies.

#### NEW SECTION

WAC 495D-140-050 ADMINISTRATIVE CONTROL. The board hereby delegates to the president authority to set up administrative procedures for the use of college facilities; and to establish rental schedules, and fees for equipment and supplies associated with such rental, where appropriate.

#### NEW SECTION

WAC 495D-140-060 TRESPASS. (1) Individuals who are not students or members of the faculty or staff and who violate these rules will be advised of the specific nature of the violation, and if they persist

in the violation, they will be requested by any appropriate administrator, to leave the college property. Such a request prohibits the entry of and withdraws the license or privilege to enter onto or remain upon any portion of the college facilities by the person or group of persons requested to leave. Such persons shall be subject to arrest under the provisions of chapter 9A.52 RCW.

(2) Members of the college community (students, faculty, and staff) who do not comply with these regulations will be reported to the appropriate college office or agency for action in accordance with these rules.

#### NEW SECTION

##### WAC 495D-140-070 PROHIBITED CONDUCT AT COLLEGE FACILITIES.

(1) The use or possession of unlawful drugs or narcotics, not medically prescribed, or of intoxicants, except as specifically permitted by board of trustees policy as determined by the president or executive vice-president on college property or at college functions, is prohibited. Students under the influence of intoxicants, unlawful drugs, or narcotics while on college property are subject to disciplinary action.

(2) The use of tobacco, whether smoked, chewed, or otherwise used, is prohibited in accordance with state laws and health regulations. Smoking is permitted only where specifically designated by official signs posted on campus.

(3) Destruction of public property is also prohibited.

#### NEW SECTION

##### WAC 495D-140-080 CONTROL OF PETS IN COLLEGE FACILITIES.

Pets are not permitted in campus buildings or on the grounds except guide or service dogs for the visually or hearing impaired. Exceptions to this rule may be granted by the director of campus services for good cause.

#### NEW SECTION

##### WAC 495D-140-090 BASIS OF FEE ASSESSMENT.

(1) Use fees reflect the college's assessment of the present market, the cost of operations, and an evaluation of the intended purpose and its relationship to the purposes of this college. A current fee schedule is available to interested persons from the inservice coordinator.

(2) The college does not wish to compete with private enterprise. Therefore, the college reserves the right to deny applications for facility use when the administration feels a commercial facility should be patronized. Facility use will not be granted for a commercial activity at a rental rate, or upon terms, less than the full and fair rental value of premises used, except where such use is in support of the educational program of the college.

#### NEW SECTION

##### WAC 495D-140-100 APPLICATION PROCEDURES.

(1) At least ten days prior to date of intended use of any college facility, or such lesser period as is approved by the vice-president of administrative services, an authorized representative of the requesting organization must submit proper and complete written application for use of college facilities which may be obtained through the college's inservice coordinator. A single application may be sufficient for a series of meetings by an organization unless those meetings vary significantly in some substantive way; if so, separate applications will be required.

(2) An authorized representative of the using organization shall sign the application, which upon approval by the vice-president of administrative services or designee shall serve as an agreement. By affixing a signature as representing the using organization, the signatory certifies that he or she has authority to enter into agreement on behalf of the organization and if the organization fails to pay the amount due, the signatory becomes responsible for all charges. These charges may include interest on overdue accounts, as specified on the facility use form but not less than one percent per month.

(3) For large events, events requiring expenditures on the part of the college, or events where significant areas are blocked out for the user, up to fifty percent advance deposit may be required at the time of application.

(4) The college reserves the right to make pricing changes without prior written notice, except that such price changes shall not apply to facility use agreements already approved by the administration.

(5) Use of a facility is limited to the facility specified on the agreement.

(6) The priorities for facility use place primary emphasis on regular college events and activities. The college reserves the right to cancel any agreement and refund any payments for use of college facilities and equipment when he or she deems such action advisable and in the college's best interests.

(7) In the event of a cancellation of a facility use permit by the applicant, that applicant and organization are liable for all college costs and expenses in preparing the facility for its use.

(8) Any admission charge is to be specified by the applicant and approved by the college in advance.

(9) Organizations using Lake Washington Technical College's facilities shall conduct all activities in accordance with applicable local, state, and federal laws including all policies adopted by the board of directors of college district 26.

#### NEW SECTION

##### WAC 495D-140-110 SUPERVISION DURING ACTIVITY.

(1) Signatories to the facility use agreement as well as organization leaders are responsible for group conduct and are expected to remain with their group during activities. When the use of certain facilities makes it advisable, the college reserves the right to require that a staff member monitor the activity. Such service shall be paid at the current rate, by the organization requesting use of the facility, and does not relieve the organization from safeguarding the college's property.

(2) The security staff or some other authority of the college will open and lock all facilities used by signatories or organizations. Keys to buildings or facilities will not be issued or loaned to any using organization with the exception of keys to designated off-campus locations or by approval of the designated administrative officer.

#### Chapter 495D-168 WAC USE OF LIBRARY—FINES

#### NEW SECTION

WAC 495D-168-010 TITLE. WAC 495D-168-010 through 495D-168-040 will be known as the library-media center code of Lake Washington Technical College.

#### NEW SECTION

WAC 495D-168-020 LOANS. Materials from the college library media center are checked out only to the following groups:

- (1) All currently registered students of the college;
- (2) All current faculty and administrative staff members;
- (3) All persons currently employed in classified staff positions;
- (4) All holders of currently valid courtesy cards. This latter group includes members of the board of trustees, community educators whose work might necessitate usage of library-media materials, and other individuals who show a particular need for specialized items in the library-media collections which are not available elsewhere;
- (5) Students from other institutions with which the college library-media center has a reciprocal lending agreement through a "shared use plan." This group may use materials on a loan basis at the discretion of the circulation supervisor who will determine lending priorities based upon the current usage of individual items by Lake Washington Technical College students;

(6) Persons in charge of groups using college facilities under the terms of the facility use agreement; and

(7) Lake Washington School District No. 414 staff under terms of interlibrary loan agreements as may be approved by the college president or his or her designee.

#### NEW SECTION

WAC 495D-168-030 FINES. In cases where damage or loss of library material is evident, the offending patron will be assessed the replacement cost. In other instances where library-media materials are retained by the borrower beyond the designated due date, fines will be levied. When materials are not returned, or fines not paid, holds are placed on the transcript records of those involved in accordance with chapter 495D-122 WAC, or the matter may be referred for collection. In extreme cases, when expensive or valuable items are involved, the provisions of RCW 27.12.340 may be invoked.

#### NEW SECTION

WAC 495D-168-040 STUDENT HANDBOOK. Additional administrative policy and procedure governing the operation of the library-media center and the rules for loaning books, other print materials and nonprint materials may be developed by the administration and published in the college policy and procedure manual and in the student handbook of Lake Washington Technical College.

#### NEW SECTION

WAC 495D-168-050 INSPECTION. The library shall have the right to inspect packages, brief cases, containers, articles, and materials leaving the library premises to prevent the unauthorized removal of library resources. The inspection may be done by persons or devices designed to detect unauthorized removals.

#### NEW SECTION

WAC 495D-168-060 PROHIBITED ENTRY. Food and beverages, animals, or other things detrimental to the library purpose are prohibited in the library, except as permitted by the librarian.

#### Chapter 495D-276 WAC ACCESS TO PUBLIC RECORDS

#### NEW SECTION

WAC 495D-276-010 PURPOSE. The purpose of this chapter is to ensure that College District 26 complies with the provisions of chapter 42.17 RCW and in particular with those sections of that chapter dealing with public records.

#### NEW SECTION

WAC 495D-276-020 DEFINITIONS. (1) "Public record" includes any writing containing information relating to the conduct of government 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, but not limited to, letters, words, pictures, sounds or symbols, combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, disks, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

(3) "College District 26" is an agency organized by statute pursuant to RCW 28B.50.040. College District 26 shall hereafter be referred to as the "district." Where appropriate, the term "district" also refers to the staff and employees of the district.

#### NEW SECTION

WAC 495D-276-030 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION OF COLLEGE DISTRICT 26. (1) College District 26 is a state agency established and organized under the authority of chapter 28B.50 RCW for the purpose of implementing the educational goals established by the legislature in RCW 28B.50.020. The administrative office of the district is located on the Lake Washington Technical College campus within the city of Kirkland, Washington. The Lake Washington Technical College campus likewise comprises the central headquarters for all operations of the district.

(2) The district is operated under the supervision and control of a board of trustees. The board of trustees consists of five members appointed by the governor. The board of trustees normally meets at least once each month, as provided in WAC 495D-104-010. The board of trustees employs a president, an administrative staff, members of the faculty, and other employees. The board of trustees takes such actions and promulgates such rules and policies in harmony with the rules established by the state board for community and technical colleges, as are necessary to the administration and operation of the district.

(3) The president of the district is responsible to the board of trustees for the operation and administration of the district. A detailed description of the administrative organization of the district is contained

within the policies and procedures manual for Lake Washington Technical College, a current copy of which is available for inspection at the administrative office of the district.

#### NEW SECTION

**WAC 495D-276-040 OPERATIONS AND PROCEDURES.** (1) Formal decision-making procedures are established by the board of trustees through rules promulgated in accordance with the requirements of chapter 34.05 RCW, the Administrative Procedure Act.

(2) Informal decision-making procedures at the college, as established by the board of trustees, are set forth in the policies and procedures manual of Lake Washington Technical College, a current copy of which is available for inspection at the administrative office of the district.

#### NEW SECTION

**WAC 495D-276-050 PUBLIC RECORDS AVAILABLE.** All public records of the district, as defined in this chapter, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 or other statutes.

#### NEW SECTION

**WAC 495D-276-060 PUBLIC RECORDS OFFICER.** The district's public records shall be in the charge of the public records officer designated by the president. The person so designated shall be located in the district administrative office. The public records officer shall be responsible for the following: Implementation of the district's rules regarding release of public records, coordinating district employees in this regard, and generally ensuring compliance by district employees with the public records disclosure requirements in chapter 42.17 RCW.

#### NEW SECTION

**WAC 495D-276-070 OFFICE HOURS.** Public records shall be available for inspection and copying during the customary office hours of the district. For purposes of this chapter, the customary office hours shall be from 7:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays and holidays established by the college calendar.

#### NEW SECTION

**WAC 495D-276-080 REQUESTS FOR PUBLIC RECORDS.** In accordance with the requirements of RCW 42.17.290 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 are only obtainable by members of the public when those members of the public comply with the following procedures:

(1) A request shall be made in writing. A form prescribed by the district shall be available at the district administrative office. The completed form shall be presented to the public records officer or, if the public records officer is not available, to any member of the district's staff at the district administrative office during customary office hours. The request shall include the following information:

(a) The name 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 public 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 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 person to whom the request is made, to assist the member of the public in identifying the public record requested.

#### NEW SECTION

**WAC 495D-276-090 COPYING.** No fee shall be charged for the inspection of public records. The district may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records but such charges shall not exceed the amount necessary to reimburse the district for its actual costs incident to such copying. No person shall be released a

record so copied until and unless the person requesting the copied public record has tendered payment for such copying to the appropriate district employee. All charges must be paid by money order, cashier's check, or cash in advance.

#### NEW SECTION

**WAC 495D-276-100 DETERMINATION REGARDING EXEMPT RECORDS.** (1) The district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 495D-276-080 is exempt pursuant to RCW 42.17.310 or other statute. Such determination may be made in consultation with an assistant attorney general assigned to the district.

(2) Pursuant to RCW 42.17.260, the district reserves the right to delete identifying details when it makes available or publishes any public record when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy or impair a vital governmental interest: PROVIDED, HOWEVER, In each case, the justification for the deletion shall be explained fully in writing.

(3) Responses to requests for public records must be made promptly. For the purposes of this section, a prompt response occurs if the person requesting the public record is notified within five business days as to whether his request for a public record will be honored.

(4) Every denial of a request for public records must be accompanied by a written statement, signed by the public records officer or his/her designee, specifying the reason for the denial, a statement of the specific exemption authorizing the withholding of the record, and a brief explanation of how the exemption applies to the public record withheld.

#### NEW SECTION

**WAC 495D-276-110 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 a brief adjudicative proceeding. The written request shall specifically refer to the written statement which constituted or accompanied the denial.

(2) The written request by a person demanding prompt review of a decision denying a public record shall be submitted to the vice-president of administrative services, or his or her designee.

(3) Within two business days after receiving the written request by a person petitioning for a prompt review of a decision denying a public record, the vice-president, or his or her designee, shall complete such review.

(4) During the course of the review the vice-president or his or her designee shall consider the obligations of the district to comply with the intent of chapter 42.17 RCW insofar as it requires providing full public access to official records, but shall also consider the exemptions provided in RCW 42.17.310 or other pertinent statutes, and the provisions of the statute which require the district to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and prevent any unreasonable invasion of personal privacy by deleting identifying details.

(5) The vice-president or designee's decision shall be final unless the requisition files a written appeal with the president under RCW 34.05.491.

#### NEW SECTION

**WAC 495D-276-120 PROTECTION OF PUBLIC RECORDS.** Public records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the place designated. Copies of such records may be arranged according to the provisions of WAC 495D-276-090.

#### NEW SECTION

**WAC 495D-276-130 RECORDS INDEX.** (1) The district has available for the use of all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated by the district after September 1, 1991:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute, and the constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or any private party.

(2) The current index maintained by the district shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

#### NEW SECTION

WAC 495D-276-140 ADOPTION OF FORM. The district shall adopt an appropriate form for use by all persons requesting inspection and/or copying or copies of its records.

#### Chapter 495D-280 WAC FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

#### NEW SECTION

WAC 495D-280-010 GENERAL POLICY. Lake Washington Technical College implements the policy contained in this chapter in compliance with the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) and its implementing regulation (34 C.F.R. § 99). Briefly, Lake Washington Technical College is required to provide students with access to their own education records, to permit students to challenge their records on the grounds that they are inaccurate, misleading, or otherwise in violation of the student's privacy or other right, to obtain written consent before releasing certain information and to notify students of these rights.

#### NEW SECTION

WAC 495D-280-015 DEFINITIONS. For the purposes of this policy, the following definitions of terms apply:

(1) "Student" means any individual who is or has been in attendance at Lake Washington Technical College and for whom the college maintains education records.

(2) "Education records" are defined as those records, files, and documents (in handwriting, print, tapes, film, microfiche, or other medium) maintained by Lake Washington Technical College which contain information directly related to the individual student. Education records include only the following:

(a) Records pertaining to admission, advisement, registration, grading, and progress toward a certificate or degree that are maintained by the registrar.

(b) Testing information used for advisement purposes by the counseling center.

(c) Information concerning payment of fees as maintained by the registrar.

(d) Financial aid information as collected by the financial aid office.

(e) Information regarding students' participating in student government that is maintained by the student government office.

(3) "Directory Information" means the student's name, address, telephone number, date and place of birth, major field of study, eligibility for and participation in officially recognized activities and organizations, dates of attendance, degrees, certificates, and awards received, and the most recent previous educational agency or institution attended by the student. Directory information may be disclosed at the discretion of the college and without the consent of the student unless he or she elects to prevent disclosure as provided for in WAC 495D-280-070.

(4) "Written consent" means a written authorization for disclosure of student education records which is:

(a) Signed;

(b) Dated;

(c) Which specifies the records to be disclosed; and

(d) Which specifies to whom disclosure is authorized.

(5) "Personally identifiable" means data or information which includes: The name of the student, the student's parent(s), or other family members; a personal identifier such as the student's Social Security

number or student number; or a list of personal characteristics which would make the student's identity easily traceable.

#### NEW SECTION

WAC 495D-280-020 ANNUAL NOTIFICATION OF RIGHTS. Lake Washington Technical College will notify students of their rights under the Family Educational Rights and Privacy Act of 1974 by publication in the college catalog and quarterly schedule of courses. The college shall make available upon request a copy of the policy governing release of student records. In addition, the college shall post at conspicuous places on the campus information regarding the existence of this policy and of the availability of copies.

#### NEW SECTION

WAC 495D-280-030 PROCEDURE TO INSPECT EDUCATION RECORDS. (1) Students may inspect and review their education records upon request to the appropriate college official as designated in WAC 495D-280-110.

(2) Students must submit to the appropriate college official a written request which identifies as precisely as possible the record or records he or she wishes to inspect.

(3) The appropriate college official will make the needed arrangements for access as promptly as possible and notify the student of the time and place where the records may be inspected. Access must be given in forty-five days or less from the receipt of the request.

#### NEW SECTION

WAC 495D-280-040 DISCLOSURE OF EDUCATION RECORDS. (1) Disclosure of education records. In addition to "directory information" the college may, at its discretion, make disclosures from education records of students to the following listed parties:

(a) College officials including college administrative and clerical staff, faculty, and students officially elected or appointed to the associated students of Lake Washington Technical College or employed by the college. Access or release of records to the above is permissible only when the information is required for advisement, counseling, recordkeeping, reporting, or other legitimate educational interest consistent with their specific duties and responsibilities;

(b) To officials of another school in which the student seeks or intends to enroll;

(c) To authorized federal, state, or local officials as required by law;

(d) In connection with financial aid for which the student has applied or received;

(e) To appropriate parties in a health or safety emergency;

(f) To accrediting organizations to carry out their functions;

(g) To parents of an eligible student who claim the student as a dependent for income tax purposes; and

(h) To comply with a judicial order or a lawfully issued subpoena.

(2) The college shall not permit access to or the release of education records or personally-identifiable information contained therein, other than "directory information," without the written consent of the student, to any party other than the above.

(3) Education records released to third parties shall be accompanied by a statement indicating that the information cannot be subsequently released in a personally identifiable form to other parties without obtaining the consent of the student. The college is not precluded from permitting third party disclosure to other parties listed in (a) through (h) of this subsection.

#### NEW SECTION

WAC 495D-280-050 LIMITS ON RIGHTS TO REVIEW AND INSPECT AND OBTAIN COPIES OF EDUCATION RECORDS. (1) When a record contains information about more than one student, the student may inspect and review only the records which relate to him or her.

(2) Lake Washington Technical College reserves the right to refuse to permit a student to inspect the following records:

(a) The financial statement of the student's parents;

(b) Letters and statements of recommendation for which the student has waived his or her right of access, or which were placed in file before January 1, 1975;

(c) Records connected with an application to attend Lake Washington Technical College if that application was denied; and

(d) Those records which are excluded from the Federal Rights and Privacy Act definition of education records.

(3) Lake Washington Technical College reserves the right to deny transcripts or copies of records not required to be made available by the Federal Educational Rights and Privacy Act in any of the following situations:

- (a) The student has an unpaid financial obligation to the college;
- (b) There is an unresolved disciplinary action against the student.

**NEW SECTION**

**WAC 495D-280-060 RECORD OF REQUEST AND DISCLOSURES.** (1) The college shall maintain a record of requests for and disclosures of personally-identifiable information in the education records of each student. The record maintained under this section shall be available for inspection and review as provided in WAC 495D-280-050.

(2) The college shall maintain the record with the education records of the student as long as the records are maintained.

(3) The record must include:

- (a) The names of parties who have received personally-identifiable information;
- (b) The interest the parties had in requesting or obtaining the information; and
- (c) The names and interests of additional parties to which the reviewing educational agency or institution may disclose or redisclose the information.

(4) The following parties may inspect the record of requests and disclosures relating to a student:

- (a) The student;
- (b) The college officials who are responsible for the custody of the records; and
- (c) Persons authorized to audit the record keeping procedures of the college.

(5) The college is not required to maintain a record if the request was from, or the disclosure was to:

- (a) The student;
- (b) A school official;
- (c) A party with written consent from the student; or
- (d) A party seeking directory information.

**NEW SECTION**

**WAC 495D-280-070 DISCLOSURE OF DIRECTORY INFORMATION.** Directory information may be disclosed at the discretion of the college and without the consent of the student unless the student elects to prevent disclosure by filing a written request with the registrar to prevent disclosure. The request continues in effect according to its terms unless revoked in writing by the student.

**NEW SECTION**

**WAC 495D-280-080 REQUESTS FOR CORRECTIONS, HEARINGS, ADDING STATEMENTS TO EDUCATION RECORDS.** Students have the right to request to have records corrected that they believe are inaccurate, misleading, or in violation of their privacy rights. Following are the procedures for the correction of records:

(1) A student must submit a written request to amend his or her education record to the appropriate college official responsible for the custody of the record as designated in WAC 495D-280-110. The request must identify the part of the record he/she wants changed and specify why the record is believed to be inaccurate, misleading or in violation of his or her privacy or other rights.

(2) A student whose request for amendment of his or her education record has been denied may request a hearing by submitting a written request to the administrator of student services within ten days following the denial. The written request must be signed by the student and shall indicate the reasons why the records should be amended. The administrator of student services shall notify the student of the hearing within thirty days after receipt of a properly filed request. In no case will the notification be less than ten days in advance of the date, time, and place of the hearing.

(3) The hearing shall be a brief adjudicative proceeding as provided in RCW 34.05.482 and 34.05.485 through 34.05.494 and shall be conducted by the administrator of student services or other appropriate administrator. At the hearing, the student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The student may be assisted by one or more individuals, including an attorney.

(4) The administrator of student services or other appropriate administrator will prepare a written decision, within thirty days after the conclusion of the hearing, based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision. A copy of the decision shall be made available to the student.

(5) If the administrator of student services or other appropriate administrator decides the information is inaccurate, misleading, or in violation of the student's right of privacy, the custodian of the record will amend the record and notify the student, in writing, that the record has been amended.

(6) If the administrator of student services or other appropriate administrator decides that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, the committee will notify the student in writing that the student has a right to place in the record a rebuttal statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision.

(7) The student's rebuttal statement will be maintained as part of the student's education records as long as the contested portion is maintained. If the contested portion of the education record is disclosed, the statement will also be disclosed.

**NEW SECTION**

**WAC 495D-280-090 FEES FOR COPIES.** Copies of student records shall be made at the expense of the requesting party at actual cost for copying as posted at the registration office.

**NEW SECTION**

**WAC 495D-280-100 WAIVER.** A student may waive any of his or her rights under this chapter by submitting a written, signed, and dated waiver to the office of the registrar. Such a waiver shall be specific as to the records and persons or institutions covered. A waiver continues in effect according to its terms unless revoked in writing which is signed and dated.

**NEW SECTION**

**WAC 495D-280-110 TYPE AND LOCATION OF EDUCATION RECORDS.**

Types	Location	Custodian
Admission, Testing Records	Admissions Office	Administrator of Student Services
Cumulative Academic, Registration Records	Registration Office	Assistant Registrar
Payment of Tuition Records	Accounting Office	Director of Accounting Services
Student Government Participation Records	SAC Office	Secretary
Financial Aid, Student Employment Records	Financial Aid Office	Supervisor

**NEW SECTION**

**WAC 495D-280-120 REMEDY FOR STUDENTS PROTECTED BY THIS ACT.** A student may file a written complaint with the United States Department of Education regarding an alleged violation of the Federal Education Rights and Privacy Act. The address is:

Family Policy and Regulations Office  
 U.S. Department of Education  
 Washington, D.C. 20202

Chapter 495D-300 WAC  
**GRIEVANCE POLICIES AND PROCEDURES—DISCRIMINATION**

**NEW SECTION**

**WAC 495D-300-010 PREAMBLE.** Lake Washington Technical College is covered by the Age Discrimination in Employment Act, Titles VII and IX of the Civil Rights Act of 1964, by section 504 of the Rehabilitation Act of 1974, Chapter 49.60 RCW, and the Americans With Disabilities Act. The college prohibits discrimination on the basis of race, color, religion, marital status, age, handicap/disability, national origin, sex, sexual orientation, sexual harassment, or any other

unlawful basis. Any applicant for admission, enrolled student, applicant for employment, or employee of Lake Washington Technical College who believes she/he has been discriminated against may lodge an institutional grievance by following the procedures below.

#### NEW SECTION

**WAC 495D-300-015 POLICY STATEMENT ON DISABILITIES.** Students with documented disabilities as defined in PL 101-336 who meet admission qualifications will be provided reasonable accommodation. Accommodations may be made in the style of instructional delivery, method of evaluation, or curricular aides. The college will not lower the standard measurement of competency for the certificate of merit or the standards for a degree.

Specific support services and auxiliary aids will be determined prior to registration. State vocational rehabilitation agencies or common school districts charged with providing support to handicapped students will retain primacy of responsibility for necessary auxiliary aids.

Lake Washington Technical College encourages all students to achieve the highest level of skill development possible, as well as to achieve the ability to function independently in the workplace. Therefore, accommodations will be provided on a decreasing basis to the extent that the student's reasonable requirements diminish as the student becomes increasingly successful in training and nears job placement.

#### NEW SECTION

**WAC 495D-300-020 INFORMAL PROCEDURE.** All employees and students should feel free to discuss perceived discrimination with the individual immediately in charge, such as the first-line supervisor or instructor, to see if the situation can be resolved informally. Employees and students may also consult directly with the college affirmative action officer, or coordinator for disabled student services for grievances related to handicap/disability, without making a formal written complaint, and this consultation will be considered confidential. Employees and students are not required to use the informal process and may go directly to the formal procedure.

Any college official receiving a discrimination complaint shall contact the affirmative action officer or designee as soon as reasonably convenient. The college official shall arrange for the complainant to receive a copy of the grievance procedure.

#### NEW SECTION

**WAC 495D-300-030 FORMAL PROCEDURE.** Employees and students must make a written complaint concerning discriminatory behavior to the affirmative action officer or designee.

(1) Complaints will be held in confidence. No action against the person accused will ordinarily be taken on behalf of the complainant unless the complainant consents to be identified to the one accused in connection with the investigation, although the college reserves all rights to take appropriate corrective measures regardless of actions of the complainant.

(2) The complainant may bring a person of his or her choice to the initial or subsequent complaint meetings.

(3) The affirmative action officer or designee shall give a copy of these regulations and any applicable board policy to the person making the formal complaint and to the accused.

(4) The result of that consultation and any investigation made will be communicated to the complainant before any further action is taken. The affirmative action officer or designee will be responsible for investigating the complaint and discussing the complaint with the complainant and the accused.

(5) The affirmative action officer will make a written report and/or recommendation to the appointing authority or appropriate disciplinary authority within a reasonable time following the close of the investigation or meeting. An informal meeting may be substituted for investigation if the complainant and the accused agree.

(6) Appropriate corrective measures, if any, will be decided by the appointing disciplinary authority upon consultation with the affirmative action officer and the appropriate administrators and consistent with applicable bargained agreement provisions and state statutes. If an accused employee or student disagrees with the determination or appropriateness of the corrective measures, that individual may contest those measures through any available faculty or classified grievance procedures, if they are covered by a bargained agreement, or the student disciplinary code.

(7) In the absence of an applicable grievance procedure under a collective bargaining agreement, the accused employee or student may, within thirty days of the corrective measure(s), file with the executive vice-president for instruction or vice-president for administrative services a written request for adjudication. That vice-president shall meet with the employee or student to determine whether the matter should be heard as a regular or brief adjudicative proceeding. That vice-president shall be the presiding officer for the proceeding.

(8) The presiding officer may affirm, modify, or reverse the corrective measure(s).

(9) The decision of the presiding officer shall be final unless, within twenty-one days after it is served, a party files with the president a written request for administrative review or the president or designee decides to conduct such review.

(10) Information will be entered in the personnel or student file only to the extent that a formal reprimand or other disciplinary action has been taken. If no disciplinary action is taken, the affirmative action officer will keep a record of the investigation accessible to the president, the complainant and the accused for a period of three years and then that record will be destroyed. If a formal complaint is filed with an outside state or federal agency, files will be maintained until the complaint is resolved. When such files are used, written notice will be placed in the file indicating the person using the file and the date used.

#### NEW SECTION

**WAC 495D-300-040 OTHER REMEDIES.** These procedures outlined in WAC 495D-300-010 through 495D-300-030, are internal college procedures and, as such, serve to resolve complaints within the college's administrative framework. These procedures do not replace an individual's timely complaint with an external agency such as the Office of Civil Rights, Equal Employment Opportunity Commission, or the Washington state human rights commission.

#### Chapter 495D-325 WAC STATE ENVIRONMENTAL POLICY ACT RULES

#### NEW SECTION

**WAC 495D-325-010 IMPLEMENTATION OF STATE ENVIRONMENTAL POLICY ACT.** (1) It shall be the policy of Lake Washington Technical College District 26 that all actions taken by the district shall comply with the provisions of chapter 43.21C RCW (the State Environmental Policy Act), chapters 197-11 and 132-24 WAC.

(2) The president of the district or his or her designee shall be responsible for administering and implementing this policy.

#### **WSR 92-12-050 PROPOSED RULES CLOVER PARK TECHNICAL COLLEGE [Filed May 29, 1992, 2:41 p.m.]**

#### Original Notice.

Title of Rule: Regular board meetings, board agenda items, delegation of authority, practice and procedure, parking and traffic, student conduct code, withholding services, tuition and fees, scholarships, financial aid, organization, rules coordinator, facilities use, library use, public records access, FERPA rights, Title IX and handicapped grievances, SEPA policy.

Purpose: To adopt a comprehensive set of rules for this new technical college.

Statutory Authority for Adoption: RCW 28B.10.140, 42.30.075, and chapter 34.05 RCW.

Statute Being Implemented: Chapter 238, Laws of 1991.

Summary: Adoption of a basic set of rules as required for a technical college.

Reasons Supporting Proposal: The technical college currently has no rules in effect.

Name of Agency Personnel Responsible for Drafting: G. James Capelli, Senior Vice-President, Clover Park Technical College, (206) 589-5552; Implementation and Enforcement: Alson E. Green Jr., President, Clover Park Technical College, (206) 589-5500.

Name of Proponent: Clover Park Technical College, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To adopt a basic set of rules for a newly created technical college: Regular meeting, board agenda items, delegation of authority, practice and procedure, student conduct code, withholding services, tuition and fees, scholarships, financial aid, organization, rules coordinator, use of activities, access to public records, Family Educational Rights and Privacy Act, grievance rules for Title IX and handicapped, SEPA.

Proposal does not change existing rules.

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

Hearing Location: F. V. Miner Resource Center, Building 15, Clover Park Technical College, 4500 Steilacoom Boulevard, Tacoma, WA 98499-4098, on July 21, 1992, at 3:00 p.m.

Submit Written Comments to: G. James Capelli, Senior Vice-President, 4500 Steilacoom Boulevard, Tacoma, WA 98499-4098, by July 20, 1992.

Date of Intended Adoption: September 15, 1992.

May 19, 1992

Alson E. Green Jr.  
President

Chapter 495C-104 WAC  
BOARD OF TRUSTEES

#### NEW SECTION

WAC 495C-104-010 TIME AND PLACE OF BOARD MEETINGS. The board of trustees shall hold one regular meeting on the third Tuesday of each month at the F.V. Miner Resource Center, Building 15 on the main college campus 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 4500 Steilacoom Boulevard Southwest, Tacoma, WA 98499-4098, unless scheduled elsewhere, and are open to the general public, except for lawful executive sessions.

No official business may be conducted by the board of trustees except during a regular or special meeting.

#### NEW SECTION

WAC 495C-104-020 REQUEST FOR ITEMS TO BE PLACED ON BOARD AGENDA. Anyone, other than a board member or a representative of the president's office wishing an item placed on the agenda of a board meeting, must have a written request in the office of the board secretary no later than twelve o'clock noon fourteen business days before the next scheduled meeting of the board. The secretary will relate the request to the chair of the board as soon as feasible. The chair will determine whether the item is to be placed on the agenda. The chair or designee will notify the individual initiating the request as to whether or not the item will be placed on the agenda.

#### NEW SECTION

WAC 495C-104-030 DELEGATION TO COLLEGE PRESIDENT. The board of trustees delegates to the college president its authority and responsibility to administer Clover Park Technical College District Twenty-Nine in accordance with laws, policies, and rules approved by the board of trustees. At the operational level, the president has final administrative authority over all matters affecting the college district.

Chapter 495C-108 WAC  
PRACTICE AND PROCEDURE

#### NEW SECTION

WAC 495C-108-010 ADOPTION OF MODEL RULES OF PROCEDURE. The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250 are adopted for use at this college. Those rules may be found in chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules previously adopted by this college, the model rules prevail.

#### NEW SECTION

WAC 495C-108-020 APPOINTMENT OF PRESIDING OFFICERS. The president or designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington State Bar Association, a panel of individuals, the president or designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, the president or designee shall designate one person to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

#### NEW SECTION

WAC 495C-108-030 METHOD OF RECORDING. Proceedings shall be recorded by a method determined by the presiding officer, among those available under the model rules of procedure.

#### NEW SECTION

WAC 495C-108-040 APPLICATION FOR ADJUDICATIVE PROCEEDING. An application for adjudicative proceeding shall be in writing. Application forms are available at the following address: 4500 Steilacoom Boulevard Southwest, Tacoma, WA 98499-4098.

Written application for an adjudicative proceeding should be submitted to the above address within twenty calendar days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

#### NEW SECTION

WAC 495C-108-050 BRIEF ADJUDICATIVE PROCEDURES. This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are adopted by reference. Brief adjudicative procedures shall be used in all matters related to:

- (1) Residency determinations;
- (2) Challenges to contents of education records;
- (3) Student conduct proceedings;
- (4) Parking violations;
- (5) Outstanding debts owed by students or employees;
- (6) Loss of eligibility for participation in college-sponsored events.

#### NEW SECTION

WAC 495C-108-060 DISCOVERY. Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall refer to the civil rules of procedure. The presiding officer may control the frequency and nature of discovery permitted, and order discovery conferences to discuss discovery issues.

#### NEW SECTION

WAC 495C-108-070 PROCEDURE FOR CLOSING PARTS OF THE HEARINGS. Any party may apply for a protective order to close part of a hearing. The party making the request shall state the

reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within ten working days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons in writing within twenty working days of receiving the request.

#### NEW SECTION

WAC 495C-108-080 RECORDING DEVICES. No cameras or recording devices are allowed in those parts of proceedings that the presiding officer has determined shall be closed under WAC 495C-108-070, except for the method of official recording selected by the college.

#### Chapter 495C-116 WAC PARKING AND TRAFFIC

#### NEW SECTION

WAC 495C-116-010 PURPOSE FOR ADOPTING PARKING AND TRAFFIC RULES. Under the authority granted RCW 28B.50.140(10), the board of trustees of Clover Park Technical College is granted authority to adopt rules for pedestrian and vehicular traffic upon public lands devoted to, operated by, or maintained by the college. The objectives of these rules are to:

- (1) Protect and control pedestrian and vehicular traffic;
- (2) Assure access at all times for emergency traffic;
- (3) Minimize traffic disturbances during class hours;
- (4) Facilitate the work of the college by assuring access to its vehicles and by assigning limited parking space for the most efficient use by all;
- (5) Regulate the use of parking spaces;
- (6) Protect state-owned property.

#### NEW SECTION

WAC 495C-116-020 APPLICABLE PARKING AND TRAFFIC RULES. (1) All rules in this chapter and all motor vehicle and other traffic laws of the state of Washington apply on the campus.

(2) The traffic code of the county of Pierce applies upon all lands located within the county of Pierce.

#### NEW SECTION

WAC 495C-116-030 DEFINITIONS. The definitions set forth in this section apply throughout this chapter.

(1) "Board" means the board of trustees of Clover Park Technical College.

(2) "Campus" means all lands and buildings devoted to, operated by, or maintained by Clover Park Technical College.

(3) "Campus security officer" means an employee of the college who is responsible for campus traffic control, parking, security, and safety.

(4) "College" means Clover Park Technical College.

(5) "Safety and security supervisor" means the college's safety and security supervisor.

(6) "Employee" means an individual appointed to the staff or administration of the college.

(7) "Guests or visitors" mean persons who come upon the campus as guests or persons who lawfully visit the campus.

(8) "Continuing permits" mean permits issued to full-time employees for an indefinite period of time.

(9) "Annual permits" mean permits that are valid from the date of issue until the first day of the following fall quarter.

(10) "Temporary permits" mean permits that are valid for a specific period designated on the permit.

(11) "Vehicle" means an automobile, truck, motor-driven cycle, scooter, or any vehicle otherwise powered.

#### NEW SECTION

WAC 495C-116-040 AUTHORIZATION FOR ISSUANCE OF PERMITS. (1) The campus security officer or a designee may issue parking permits to students, employees, and guests upon the following:

- (a) When the vehicle is properly registered with the college;
- (b) When a permanent or special parking permit is necessary to enhance the business or operation of the college.

(2) Additional permits are available at the current fee schedule to individuals who may be registered to drive any one of several vehicles. Only one vehicle registered to an individual under one permit fee is permitted to park on campus at any one time.

#### NEW SECTION

WAC 495C-116-050 VEHICLE PARKING PERMITS. (1) All full-time and part-time employees and students of the college except evening trade extension employees and students shall obtain and display a currently valid parking permit on all vehicles parked or left standing unattended upon the college campus for either day or night classes, in accordance with WAC 495C-116-040.

(2) All persons parking on the campus shall, as required, secure and display a currently valid parking permit within five days from their date of registration or from their first day of employment.

#### NEW SECTION

WAC 495C-116-060 VISITOR PERMITS. All guests or visitors (including salespersons and maintenance or service personnel) will park in designated parking areas after obtaining a temporary permit.

#### NEW SECTION

WAC 495C-116-070 RESPONSIBILITY OF PERSON TO WHOM PERMIT IS ISSUED. The person to whom a parking permit is issued is responsible for all violations of rules involving the vehicle; however, that responsibility does not relieve the driver of the responsibility for violations of the rules established by this chapter. If a vehicle in violation is not registered with the college, the current registered owner will be responsible for the violations of the campus rules.

#### NEW SECTION

WAC 495C-116-080 DISPLAY OF PERMITS. The parking permit issued by the college must be visibly affixed on the outside of the rear window of the vehicle for which the permit is issued, on the lower left-hand corner of the window as viewed from the rear of the vehicle or be suspended from the rearview mirror with the special hanger provided. Motorcycle permits must be affixed in a conspicuous place.

#### NEW SECTION

WAC 495C-116-090 TRANSFER OF PERMITS. Parking permits are not transferable. If a vehicle is sold or traded, the permit is voided and the replacement vehicle must be registered and a permit will be reissued.

#### NEW SECTION

WAC 495C-116-100 PERMIT REVOCATION. Permits are licenses and are the property of the college, and may be revoked for any of the following reasons:

- (1) When the purpose for which the permit was issued changes or no longer exists;
- (2) When a permit is used on an unregistered vehicle or by an unauthorized person;
- (3) Falsification on a vehicle registration application;
- (4) Continued violations of parking and traffic rules;
- (5) Counterfeiting or altering of permits;
- (6) Failure to comply with the Washington State Financial Responsibility Act;
- (7) Unpaid fines.

#### NEW SECTION

WAC 495C-116-110 RIGHT TO REFUSE PERMIT. The college vice-president for auxiliary services or designee reserves the right to refuse the issuance of a parking permit to anyone who has had a previous permit revoked, or whose driving or parking record indicates a disregard for the rights or safety of others.

#### NEW SECTION

WAC 495C-116-120 APPEAL OF PERMIT REVOCATION OR REFUSAL. When a parking permit has been revoked under WAC 495C-116-100 or has been refused in accordance with WAC

495C-116-110 or when a fine or penalty has been levied against a violator of this chapter, that action by the vice-president for auxiliary services or designee may be appealed in accordance with WAC 495C-116-180.

#### NEW SECTION

**WAC 495C-116-130 DELEGATION OF AUTHORITY.** The authority and powers conferred upon the president by this chapter are subject to delegation to subordinates.

#### NEW SECTION

**WAC 495C-116-140 ENFORCEMENT.** (1) Parking and traffic rules will be enforced at all times.

(2) The vice-president for auxiliary services or designee is responsible for the enforcement of this chapter.

#### NEW SECTION

**WAC 495C-116-150 VIOLATION OF PARKING AND TRAFFIC RULES.** (1) Operators of illegally operated or parked vehicles shall be warned or cited through an appropriate means that they are in violation of this chapter. All fines are payable at the cashier's office.

(2) In instances where violations are flagrant or repeated, and in the judgment of the campus security officer or designee, with appropriate documented evidence, the vehicle may be impounded.

#### NEW SECTION

**WAC 495C-116-160 ISSUANCE OF TRAFFIC TICKETS OR SUMMONS.** (1) The campus security officer or designee may issue a warning or citation for a violation of these regulations. The warning or citation must set forth the date, the approximate time, permit number, license information, and the nature of violation.

(2) The warning or citation may be served by attaching or affixing a copy in some prominent place outside the vehicle or by personally serving the operator.

#### NEW SECTION

**WAC 495C-116-170 FINES AND PENALTIES.** The vice-president for auxiliary services or designee may impose the following fines and penalties for violation of this chapter:

(1) The college shall publish the schedule in the College Handbook and on the traffic parking citation form.

(2) Fines will be assessed in accordance with the schedule for the following violations:

- (a) No valid permit displayed;
- (b) Visitor parking violations;
- (c) Occupying more than one parking space;
- (d) Occupying a space or area not designated for parking;
- (e) Handicapped parking violation;
- (f) Parking in an area not authorized by a permit;
- (g) Parking in reserved staff space without authorization;
- (h) Blocking or obstructing traffic (may be towed if creating a safety hazard);
- (i) Parking adjacent to a fire hydrant (may be towed if creating a safety hazard);
- (j) Parking in a fire lane (may be towed if creating a safety hazard);
- (k) Parking in a zone or area marked no parking;
- (l) Other violations of college parking traffic rules.

(3) At the discretion of the vice-president for auxiliary services or designee, an administrator or staff member who has an accumulation of citations may be subject to disciplinary action or have the matter turned over to a private collection agency for the collection of past due fines. Other appropriate collection procedures may be initiated as deemed necessary.

(4) If a student fails or refuses to pay an uncontested fine that has been outstanding in excess of five working days, the vice-president for auxiliary services or designee may initiate the following actions:

- (a) The student may not be able to obtain college records until all fines are paid;
- (b) The student will not be able to register for subsequent quarters until all fines are paid.

(5) Vehicles parking in a manner so as to obstruct traffic, including access to and from parking spaces and areas, may be subject to a fine and may be impounded and taken to a place for storage selected by the

campus security officer or designee. The expenses of the impounding and storage are the responsibility of the registered owner or driver of the vehicle.

(6) Vehicles impounded by means of an immobilizing device shall be charged a service fee according to the current fee schedule.

(7) The college is not liable for loss or damage of any kind resulting from impounding and storage of vehicles.

(8) Persons may appeal the issuance of a citation according to WAC 495C-116-180.

#### NEW SECTION

**WAC 495C-116-180 APPEAL OF CITATIONS AND PENALTIES.** (1) Appeals must be made in writing, giving full particulars, including a list of witnesses and evidence expected to be presented, etc.

(2) Appeals must be submitted to the vice-president for auxiliary services or designee within five working days from the date of citation.

(3) If an appeal is not resolved to the satisfaction of the alleged violator, he or she has five additional working days from the receipt of the decision of the vice-president for auxiliary services or designee to appeal.

#### NEW SECTION

**WAC 495C-116-190 DISCLAIMER OF LIABILITY BY COLLEGE.** The college assumes no liability under any circumstances for theft or damage occurring to motor vehicles, bicycles, or their contents. No bailment of any sort is created by the purchase of a parking permit.

#### NEW SECTION

**WAC 495C-116-200 DESIGNATION OF PARKING.** The parking spaces available on campus may be allocated and designated by the vice-president for auxiliary services in such a manner as will best achieve the objectives of this chapter.

(1) Special provisions shall be made for physically disabled employees, visitors, students, or their designees. Physically disabled individuals using handicapped parking spaces must display on that vehicle a valid state-issued disabled parking permit or license plate. The campus security officer or designee shall issue permits for temporarily handicapped persons and for those with state handicapped parking permits pending. In addition to the disabled permit, valid college parking permits must be displayed on the vehicle.

(2) Spaces specifically designated as "visitor" are to be used only by visitors driving vehicles without continuing or annual permits as specified by the posted signs.

(3) The vice-president for auxiliary services or designee may designate parking spaces for special purposes as deemed necessary.

#### NEW SECTION

**WAC 495C-116-210 PARKING WITHIN DESIGNATED SPACES.** (1) No vehicle may be parked on the campus except in those areas set aside and designated for parking.

(2) No vehicle may be parked so as to occupy any portion of more than one parking space or stall.

#### NEW SECTION

**WAC 495C-116-220 REGULATORY SIGNS, MARKINGS, BARRICADES, ETC.** The vice-president for auxiliary services or designee may make and erect signs, barricades, and other structures and paint marks and other directions upon the streets, entrances, exits, and roadways for the regulation of traffic and parking upon the various public lands devoted to, operated by, or maintained by the college. Drivers of vehicles shall observe and obey all the signs, barricades, structures, markings, and directions.

#### NEW SECTION

**WAC 495C-116-230 SPEED LIMIT.** No vehicle may be operated on the campus at a speed in excess of that posted, or such slower speed as is reasonable and prudent to the circumstances.

#### NEW SECTION

**WAC 495C-116-240 PEDESTRIAN RIGHT OF WAY.** (1) The operator of a vehicle shall yield the right of way to any pedestrian.

A pedestrian shall not leave a curb or other place of safety and walk or run into the path of an oncoming vehicle.

(2) When a sidewalk or crosswalk is provided, pedestrians shall proceed upon the sidewalk or crosswalk.

#### NEW SECTION

WAC 495C-116-250 TWO-WHEELED MOTORCYCLES OR BICYCLES. All vehicles and bicycles shall park in designated areas only.

#### NEW SECTION

WAC 495C-116-260 REPORT OF ACCIDENTS. (1) The operator of a vehicle involved in an accident on campus resulting in injury or death of a person or claimed damage to either or both vehicles exceeding five hundred dollars shall immediately report the accident to the campus security office. Accidents occurring after the close of business must be reported the next working day.

(2) Other minor accidents may be reported to the campus security office for insurance record purposes.

#### NEW SECTION

WAC 495C-116-270 DISABLED OR INOPERATIVE VEHICLES—IMPOUNDING. (1) Disabled or inoperative vehicles shall not be parked on the campus for a period exceeding seventy-two hours, without authorization from the vice-president for auxiliary services or designee.

(2) Vehicles parked over seventy-two hours without authorization may be impounded and stored at the expense of either or both the owner and operator of the vehicle.

(3) Notice of intent to impound will be posted on the vehicle and sent by registered mail to the legal owner at least forty-eight hours before impounding.

#### NEW SECTION

WAC 495C-116-280 AUTHORITY TO ESTABLISH PARKING FEE. The president or designee shall set and review as necessary parking permit fees in accordance with WAC 495C-116-290 and a schedule of fines and penalties in accordance with WAC 495C-116-170.

#### NEW SECTION

WAC 495C-116-290 PARKING PERMIT FEES. Fees shall be levied in accordance with the current published fee schedule.

### Chapter 495C-120 WAC STUDENT CONDUCT CODE

#### NEW SECTION

WAC 495C-120-010 DEFINITIONS. The definitions set forth in this section apply throughout this chapter.

(1) "Board" means the board of trustees of Clover Park Technical College.

(2) "College" means Clover Park Technical College.

(3) "Liquor" means the definition of liquor as contained within RCW 66.04.010.

(4) "Drugs" means a narcotic drug as defined in RCW 69.50.101, a controlled substance as defined in RCW 69.50.201 through 69.50.212, or a legend drug as defined in RCW 69.41.010.

(5) "College facilities" means the real property controlled or operated by the college and includes all buildings and appurtenances affixed thereon or attached thereto.

(6) "President" means the chief executive officer of the college appointed by the board of trustees.

(7) "Disciplinary officials" means the president or designee, including but not limited to, vice-presidents and program directors.

(8) "Student" means a person who is regularly enrolled at the college.

(9) "Disciplinary action" means the warning, probation, expulsion, suspension, or reprimand of a student under WAC 495C-120-120 for the violation of a rule adopted in this chapter.

#### NEW SECTION

WAC 495C-120-020 STATEMENT OF PURPOSE. (1) Clover Park Technical College is maintained by the state of Washington for the provision of programs of vocational instruction for high school students and adults, including necessary related instruction and community services. Like any other institution having its own special purposes, the college must maintain conditions conducive to the effective performance of its functions. Consequently, it has special expectations regarding the conduct of the various participants in the college community.

(2) Admission to the college carries with it the prescription that students will conduct themselves as responsible members of the college community. This includes an expectation that the student will obey appropriate laws, will comply with the rules of the college and its departments, and will maintain a high standard of integrity and honesty.

(3) Sanctions for violations of college rules or conduct that interferes with the operation of college affairs will be dealt with by the college, and the college may impose sanctions independently of any action taken by civil or criminal authorities. In the case of minors, misconduct may be referred to parents or legal guardians.

#### NEW SECTION

WAC 495C-120-030 JURISDICTION. All rules in this chapter concerning student conduct and discipline apply to every student enrolled at the college whenever the student is engaged in or present at a college-related activity, whether occurring on or off college facilities.

#### NEW SECTION

WAC 495C-120-040 STUDENT MISCONDUCT. Disciplinary action may be taken for a violation of any provision of this student code, for a violation of other college rules which may from time to time be properly adopted, or for any of the following types of misconduct:

(1) Clover Park Technical College facilities are smoke free. Smoking is approved at designated sites;

(2) The possession, use, sale, or distribution of any illegal drug on the college campus is prohibited. The use of illegal drugs by any student attending a college-sponsored event is also prohibited, even though the event does not take place at the college. The use of alcohol by any student attending such events on college or noncollege property shall conform to state law;

(3) Engaging in lewd, indecent, or obscene behavior;

(4) Where the student presents an imminent danger to college property or to himself or herself or other students or persons in college facilities on or off campus, or to the education process of the college;

(5) Dishonesty, including cheating, plagiarism, or knowingly furnishing false information to the college;

(6) The intentional making of false statements or filing of false charges against the college and members of the college community;

(7) Forgery, alteration, or misuse of college documents, records, funds, or instruments of identification with the intent to defraud;

(8) Theft from or damage to college premises or property, or theft of or damage to property of a member of the college community or college premises;

(9) Failure to comply with the direction of college officials acting in the legitimate performance of their duties;

(10) Possession of firearms, except where approved by state statute.

#### NEW SECTION

WAC 495C-120-045 LOSS OF ELIGIBILITY—STUDENT PARTICIPATION. Any student found to have violated chapter 69.41 RCW, legend drugs, by virtue of a criminal conviction or by final decision of the college president shall, in lieu of or in addition to any other disciplinary action which may be imposed, be disqualified from participation in any school-sponsored events or activities.

#### NEW SECTION

WAC 495C-120-050 CIVIL DISTURBANCES. In accordance with provisions contained in RCW 28B.10.571 and 28B.10.572:

(1) It shall be unlawful for any person, singly or in concert with others, to interfere by force or violence with any employee or student of the college who is in the peaceful discharge or conduct of his duties or studies.

(2) It shall be unlawful for any person, singly or in concert with others, to intimidate by threat of force or violence any employee or student of the college who is in the peaceful discharge of his duties or studies.

(3) The crimes described in RCW 28B.10.571 and 28B.10.572 shall not apply to any employee who is engaged in the reasonable exercise of their disciplinary authority.

(4) Any person or persons who violate the provisions of subparagraphs (1) and (2) above will be subject to disciplinary action and referred to the authorities for prosecution.

#### NEW SECTION

**WAC 495C-120-060 FREE MOVEMENT ON CAMPUS.** The president or designee is authorized in the instance of any event that he or she deems impedes the movement of persons or vehicles or which he or she deems to disrupt the ingress or egress of persons from the college facilities, to prohibit the entry of, or withdraw the license of, or privileges of a person or persons or any group of persons to enter onto or remain upon any portion of the college facilities.

#### NEW SECTION

**WAC 495C-120-070 RIGHT TO DEMAND IDENTIFICATION.** For the purpose of determining whether probable cause exists for the application of any section of this code to any behavior by any person on a college facility, any college personnel or other authorized personnel may demand that any person on college facilities produce identification.

#### NEW SECTION

**WAC 495C-120-080 DISHONESTY/CLASSROOM CONDUCT.** (1) Dishonesty: Honest assessment of student performance is of crucial importance to all members of the college community. Acts of dishonesty are serious breaches of honor and shall be dealt with in the following manner:

(a) It is the responsibility of the college administration and instructional staff to provide reasonable and prudent security measures designed to minimize opportunities for acts of dishonesty which occur at the college.

(b) Any student who, for the purpose of fulfilling any assignment or task required by a staff member as part of the student's program of instruction, shall knowingly tender any work product that the student fraudulently represents to the staff member as the student's work product, shall be deemed to have committed an act of dishonesty. Acts of dishonesty shall be cause for disciplinary action.

(c) Any student who aids or abets the accomplishment of an act of dishonesty, as described in subparagraph (b) above, shall be subject to disciplinary action.

(d) This section shall not be construed as preventing an instructor from taking immediate disciplinary action when the instructor is required to act upon such breach of dishonesty in order to preserve order and prevent disruptive conduct in the classroom. This section shall also not be construed as preventing an instructor from adjusting the student's grade on a particular project, paper, test, or class grade for dishonesty.

(2) Classroom conduct: Instructors have the authority to take whatever summary actions may be necessary to maintain order and proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the objectives of the course.

(a) Any student who, by any act of misconduct, substantially disrupts any college class by engaging in conduct that renders it difficult or impossible to maintain the decorum of the class shall be subject to disciplinary action.

(b) The instructor of each program offered by the college is authorized to take such steps as may be necessary to preserve order and to maintain the effective cooperation of the class in fulfilling the objectives of the program; provided that, a student shall have the right to appeal such disciplinary action to the vice-president for instruction or designee.

#### NEW SECTION

**WAC 495C-120-090 CAMPUS SPEAKERS.** (1) Student organizations officially recognized by the college may invite speakers to the campus to address their own membership and other interested students and staff if suitable space is available and there is no interference

with the regularly scheduled program of the college. Although properly allowed by the college, the appearance of such speakers on the campus implies neither approval nor disapproval of them or their viewpoints. In case of speakers who are candidates for political office, equal opportunities shall be available to opposing candidates if desired by them. Speakers are subject to the normal considerations for law and order and to the specific limitations imposed by the state constitution which prohibits religious worship, exercise or instruction on state property.

(2) In order to insure an atmosphere of open exchange and to insure that the educational objectives of the college are not obscured, the president, in a case attended by strong emotional feeling, may prescribe conditions for the conduct of the meeting, such as requiring a designated member of the staff as moderator, or requiring permission for comments and questions from the floor. Likewise, the president may encourage the appearance of one or more additional speakers at any meeting or at a subsequent meeting so that other points of view may be expressed. The president may designate representatives to recommend conditions such as time, manner, and place for the conduct of particular meetings.

#### NEW SECTION

**WAC 495C-120-100 DISTRIBUTION OF INFORMATION.**

(1) Handbills, leaflets, newspapers and similar materials may be sold or distributed free of charge by any student or students, or by members of recognized student organizations, or by college employees on or in college facilities at locations specifically designated by the senior vice-president or designee; provided such distribution or sale does not interfere with the ingress or egress of persons or interfere with the free flow of vehicular or pedestrian traffic.

(2) Such handbills, leaflets, newspapers and related matter must bear identification as to the publishing agency and distributing organization or individual.

(3) All nonstudents shall register with the senior vice-president prior to the distribution of any handbill, leaflet, newspaper or related matter. Such distribution or sale must not interfere with the free flow of vehicular or pedestrian traffic.

(4) Any person or persons who violate provisions of subparagraphs (1) and (2) above will be subject to disciplinary action.

#### NEW SECTION

**WAC 495C-120-110 COMMERCIAL ACTIVITIES.** (1) College facilities will not be used for a commercial solicitation, advertising or promotional activities except when such activities clearly serve educational objectives, including but not limited to display of books of interest to the staff or the display or demonstration of technical or research equipment, and when such commercial activities relate to educational objectives and are conducted under the sponsorship or at the request of the college.

(2) For the purpose of this regulation, the term "commercial activities" does not include handbills, leaflets, newspapers and similarly related materials as regulated in WAC 495C-120-100.

#### NEW SECTION

**WAC 495C-120-120 DISCIPLINARY PROCESS.** (1) Any infractions of college rules may be referred by any college staff member to the vice-president for instruction. That official shall then follow the appropriate procedures for any disciplinary action which he or she deems necessary relative to the alleged misconduct. In addition, a student may appeal disciplinary action taken by a staff member pursuant to the provisions in WAC 495C-120-160.

(2) The disciplinary official may take whatever action deemed appropriate within the framework of these rules. If the student concludes that any sanctions imposed are inappropriate, the student may appeal to the vice-president for student services or designee.

(3) If a referral or an appeal is made to the vice-president for student services or designee, the vice-president for student services or designee shall hold a hearing, reach conclusions and may impose sanctions. If the student concludes that the action of the vice-president for student services or designee is inappropriate, the student may appeal the matter to the president of the college.

(4) The president of the college, after reviewing the case, may reverse, sustain or modify any sanctions which may have been imposed by the vice-president for student services or designee. The decision of the president is final.

NEW SECTION

WAC 495C-120-130 DISCIPLINARY TERMS. The definitions set forth in this section apply throughout WAC 495C-120-180.

(1) Disciplinary warning means oral notice of violation of college rules.

(2) Reprimand means formal action after censuring a student for violation of college rules or failure to satisfy the college's expectations regarding conduct. Reprimands are made in writing to the student by the disciplinary official. A reprimand indicates to the student that continuation or repetition of the specific conduct involved or other misconduct will result in one or more serious disciplinary actions described below.

(3) Disciplinary probation means formal action placing conditions upon the student's continued attendance because of his or her violation of college rules or failure to satisfy the college's expectations regarding conduct. The disciplinary official placing the student on probation will specify, in writing, the period of probation and the conditions, such as limiting the student's participation in extra-curricular activities. Disciplinary probation warns the student that any further misconduct will automatically raise the question of dismissal from the college. Disciplinary probation may be for a specified term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.

(4) Summary suspension means temporary dismissal from the college and temporary termination of a student's status for a period of time not to exceed ten days which occurs prior to invocation of the formal hearing procedures specified in these rules due to a necessity to take immediate disciplinary action, where a student presents an imminent danger to the college property, or to himself or herself, or other students or persons in college facilities on or off campus, or to the educational process of the college.

(5) Suspension means temporary dismissal from the college and temporary termination of student status for violation of college rules or for failure to meet college standards of conduct.

(6) Expulsion means dismissal from the college and termination of student status for violation of college rules or for failure to meet the college standards of conduct for an indefinite period of time or permanently.

NEW SECTION

WAC 495C-120-135 REFUNDS AND ACCESS. (1) Refund of fees for the period in which disciplinary action is taken shall be in accordance with the college's refund policy.

(2) A student suspended or expelled on the basis of conduct which disrupted the orderly operation of the campus or any facility of the district, may be denied access to all or any part of the campus or other facility.

NEW SECTION

WAC 495C-120-140 READMISSION AFTER SUSPENSION OR EXPULSION. Any student suspended from the college for disciplinary reasons will normally be readmitted upon expiration of the time period for which the suspension was issued. If the student has been expelled or feels that circumstances warrant reconsideration of a temporary suspension prior to its expiration, or if the student was suspended with conditions imposed for readmission, the student may be readmitted following approval of a written petition submitted to the vice-president for instruction or designee. Such petition must state reasons which support a reconsideration of the matter. Before readmission may be granted, such petition must be reviewed and approved by the college president or designee.

NEW SECTION

WAC 495C-120-150 READMISSION INTO INSTRUCTIONAL PROGRAM. Students who have been suspended pursuant to disciplinary procedures set forth in WAC 495C-120-120 and 495C-120-130 and whose suspension upon appeal is found to have been unwarranted shall be provided the opportunity to reenter their instructional program to the extent possible within the abilities of the college, including an opportunity to retake examinations or otherwise complete course offerings missed by reason of such action.

NEW SECTION

WAC 495C-120-160 PROCEDURAL GUIDELINES. (1) Students, if they wish to appeal, have a right to a fair and impartial hearing before the vice-president for student services or designee on any charge of misconduct. The failure of a student to cooperate with the hearing procedures, however, shall not preclude the vice-president for student services or designee from making his or her findings of fact, reaching conclusions and imposing sanctions. Failure of the student to cooperate may be taken into consideration by the vice-president for student services or designee in recommending penalties.

(2) The student shall be given notice of the date, time and place of the hearing, the charges, a list of witnesses who will appear, and a description of any documentary or other physical evidence that will be presented at the hearing. This notice shall be given to the student in writing and shall be provided in sufficient time to permit him to prepare a defense. The notice may be amended at any time prior to the hearing, but if such amendment is prejudicial to the student's case, the hearing shall be rescheduled to a later date if so requested in writing by the student.

(3) The student or his representative shall be entitled to hear and examine the evidence against him or her and be informed of the identity of its sources; and shall be entitled to present evidence in his or her own behalf and question witnesses as to factual matters. The student shall have all authority which is possessed by the college to obtain information or to request the presence of witnesses or the production of other evidence relevant to the issues at the hearing.

(4) Only those matters presented at the hearing, in the presence of the student involved, will be considered in determining whether the student is guilty of the misconduct charged but the student's past record of conduct may be taken into account in formulating the vice-president for student services or designee's recommendation for disciplinary action.

(5) The student may be represented by counsel and/or accompanied by an advisor of his choice.

(6) Hearings conducted by the vice-president for student services or designee may be held in closed session at the discretion of the vice-president for student services or designee, the only exception being when the student involved invites particular persons or requests an open hearing. If at any time during the conduct of the hearing invited persons are disruptive of the proceedings, the vice-president for student services or designee may exclude such persons from the hearing room.

(7) The vice-president for student services or designee shall set the time, place and available seating capacity for a hearing.

(8) All proceedings of the vice-president for student services or designee will be conducted with reasonable dispatch and terminated as soon as fairness to all parties involved permits.

(9) An adequate summary of the proceedings will be kept. As a minimum, such summary would include a tape recording of testimony. Such record will be available for inspection and copying in the office of student services during regular business hours.

(10) The student will be provided with a copy of the findings of fact and the conclusions of the vice-president for student services or designee. The student will also be advised of his right to present, within ten calendar days, a written statement of appeal to the president of the college before action is taken on the decision of the vice-president for student services or designee. In the case of an unmarried student under eighteen years of age, written notice of any action involving dismissal or disciplinary probation is sent to the parents or guardian of the student.

(11) The vice-president for student services or designee shall establish general rules of procedure for conducting hearings consistent with these procedural guidelines.

(12) The president of the college or his designated representative, after reviewing the case, including the report of the vice-president for student services or designee and any statement filed by the student, shall either indicate his approval of the conclusions of the vice-president for student services or designee by sustaining his or her decision, shall give directions as to what other disciplinary action shall be taken by modifying his or her decision, or shall nullify previous sanctions imposed by reversing the decision and shall then notify the official who initiated the proceedings, the student and the vice-president for student services.

**NEW SECTION**

WAC 495C-120-170 **APPEALS.** Any disciplinary action may be appealed as described below. Notice of an appeal by a student shall be made in writing and addressed to the vice-president for instruction within ten calendar days of the college's giving of the notice of the disciplinary action.

(1) Disciplinary action by a college staff member may be appealed to, and shall be reviewed by, the vice-president for instruction or his or her designee.

(2) Disciplinary action by the appropriate disciplinary official may be appealed to, and shall be reviewed by, the vice-president for student services or designee.

(3) Disciplinary action by the vice-president for student services or designee may be appealed to, and shall be reviewed by, the college president or his designee.

(4) Disciplinary action by the president shall either indicate approval of the conclusions by sustaining the decision or shall give directions as to what other disciplinary action shall be taken by modifying the decision, or shall nullify previous sanctions imposed by reversing the decision. All appeals to the president shall be final.

**NEW SECTION**

WAC 495C-120-180 **REPORTING, RECORDING AND MAINTAINING RECORDS.** Records of all disciplinary cases shall be kept by the disciplinary official taking or initiating the action. Except in proceedings where the student is exonerated, all documentary or other physical evidence produced or considered in disciplinary proceedings and all recorded testimony shall be preserved, insofar as possible, for not more than five years. No other records of proceedings wherein the student is exonerated, other than the fact of exoneration, shall be maintained in the student's file or other college repository after the date of the student's graduation or not more than five years.

## Chapter 495C-122 WAC

**WITHHOLDING SERVICES FOR OUTSTANDING DEBTS****NEW SECTION**

WAC 495C-122-010 **POLICY.** If any person, including any staff, student or former student, is indebted to the institution for an outstanding overdue debt, the college need not provide any further services of any kind to such individual, including but not limited to transmitting files, records, transcripts or other services which have been requested by such person.

**NEW SECTION**

WAC 495C-122-020 **NOTIFICATION.** (1) Upon receiving a request for services where there is an outstanding debt due to the college from the requesting person, the college shall notify the person by first-class mail that the services will not be provided since there is an outstanding debt due. The person shall be told that until the debt is satisfied, requested services will not be provided.

(2) The letter of notification shall also state that the person has a right to a brief adjudicative proceeding before a person designated by the president of the college. The proceeding must be requested within twenty days of the date of mailing notification of refusal to provide services.

**NEW SECTION**

WAC 495C-122-030 **PROCEDURE FOR BRIEF ADJUDICATIVE PROCEEDING.** Upon receipt of a timely request for a hearing, the person designated by the president shall have the records and files of the college available for review and shall hold an informal hearing concerning whether the individual in fact owes any outstanding debts to the college. The hearing must be conducted within ten working days of the request for a hearing. After the informal hearing, a decision shall be rendered by the president or designee indicating whether in fact the college is correct in withholding services for the outstanding debt. If the outstanding debt is owed by the individual involved, no further services shall be provided. Notification of this decision shall be sent to the individual within five working days after the hearing. This hearing shall constitute a brief adjudicative proceeding established by the Administrative Procedure Act at RCW 34.05.482 through 34.05.494.

Chapter 495C-130 WAC  
**TUITION AND FEE SCHEDULES****NEW SECTION**

WAC 495C-130-010 **TUITION AND FEE SCHEDULES.** Chapter 28B.15 RCW sets the parameters for tuition and fee levels at state community and technical colleges. The legislature then establishes current biennium tuition and fee rates.

**NEW SECTION**

WAC 495C-130-020 **LOCATION OF SCHEDULES.** Additional and detailed information and specific amounts to be charged for each category of students will be found in the following locations on the Clover Park Technical College campus:

- (1) Counseling office;
- (2) Financial aid office;
- (3) Business office;
- (4) Student records office.

Chapter 495C-131 WAC  
**SCHOLARSHIPS****NEW SECTION**

WAC 495C-131-010 **SCHOLARSHIPS.** Detailed information concerning the criteria, eligibility, procedures for application, and other information regarding scholarships at Clover Park Technical College is located in the Financial Aid Office.

Chapter 495C-132 WAC  
**FINANCIAL AID****NEW SECTION**

WAC 495C-132-010 **FINANCIAL AID.** Federal, state, and private financial aid applications and information may be obtained at the following address:

Financial Aid Office  
Clover Park Technical College  
4500 Steilacoom Boulevard S.W.  
Tacoma, WA 98499-4098

Award of federal and state aid will be made in accordance with applicable federal and state laws and regulations.

Chapter 495C-133 WAC  
**ORGANIZATION****NEW SECTION**

WAC 495C-133-020 **ORGANIZATION—OPERATION—INFORMATION.** (1) **Organization.** Clover Park Technical College is established in Title 28B RCW as a public institution of higher education. The college is governed by a five-member board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the college. The president establishes the structure of the administration.

(2) **Operation.** The administrative office is located at the following address:

4500 Steilacoom Boulevard S.W.  
Tacoma, WA 98499-4098

The office hours as prescribed in the College Procedures Manual are 8:00 a.m. to 4:30 p.m., Monday through Friday, except legal holidays. Educational operations are also located at the following addresses:

Woodbrook Vocational Site  
(Fort Lewis Campus)  
14800 Murray Road S.W.  
Fort Lewis, WA 98439-1197

Days Inn Clover Park  
6802 South Sprague  
Tacoma, WA 98409-6797

Recreational Vehicle/Marine Mechanics Facility  
3423 Chapel Street S.W., Building No. 7  
Tacoma, WA 98444-1539

Franklin Pierce High School  
11002-18th Avenue East  
Tacoma, WA 98445-5200

(3) Information. Additional and detailed information concerning the educational offerings of the college may be obtained from the catalog, copies of which are available at the following address:

4500 Steilacoom Boulevard S.W.  
Tacoma, WA 98499-4098

Chapter 495C-134 WAC  
DESIGNATION OF RULES COORDINATOR

NEW SECTION

WAC 495C-134-010 RULES COORDINATOR. The rules coordinator for Clover Park Technical College as designated by the president is:

G. James Capelli  
Sr. Vice-President  
Clover Park Technical College  
4500 Steilacoom Boulevard S.W.  
Tacoma, WA 98499-4098

Chapter 495C-140 WAC  
USE OF COLLEGE FACILITIES

NEW SECTION

WAC 495C-140-010 USE OF COLLEGE FACILITIES. The board and administration believe that facilities should be available for a variety of uses which are of benefit to the general public if such general uses do not interfere with the educational mission of the college. However, a state agency is under no obligation to make its public facilities available to the community for private purposes.

NEW SECTION

WAC 495C-140-020 LIMITATION OF USE TO COLLEGE ACTIVITIES. (1) When allocating use of college facilities, the highest priority is always given to activities specifically related to the college's mission. No arrangements will be made that may interfere with or operate to the detriment of, the college's own instructional, research, or public service programs. In particular, college buildings, properties, and facilities, including those assigned to student programs, are used primarily for:

- (a) The regularly established instructional, research, or public service activities of the college and its departments;
- (b) Cultural, educational, or recreational activities of the students, faculty, or staff;
- (c) Short courses, conferences, seminars, or similar events, conducted either in the public service or for the advancement of specific departmental professional interests, when arranged under the sponsorship of the college or its departments.
- (d) Public events of a cultural or professional nature brought to the campus at the request of college departments or committees and presented with their active sponsorship and active participation;
- (e) Activities or programs sponsored by educational institutions, by state or federal agencies, by charitable agencies or civic or community organizations whose activities are of widespread public service and of a character appropriate to the college.

(2) College facilities shall be assigned to student organizations for regular business meetings, social functions and for programs open to the public. Any recognized campus student organization may invite speakers from outside the college community. The appearance of an invited speaker on campus does not represent an endorsement by the college, its students, staff, administration, or the board of trustees, implicitly or explicitly, of the speaker's views.

(3) Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of space assigned, time of use, and to insure the proper maintenance of the facilities. Subject to

the same limitations, college facilities shall be made available for assignment to individuals or groups within the college community. Arrangements by both organizations and individuals must be made through the designated administrative officer. Allocation of space shall be made in accordance with college rules and on the basis of time, space, priority of request and the demonstrated needs of the applicant.

(4) The college may restrict an individual's or a group's use of college facilities if that person or group has, in the past, physically abused college facilities. Charges may be imposed for damage or for any unusual costs for the use of facilities. The individual, group or organization requesting space will be required to state in advance the general purpose of any meeting.

NEW SECTION

WAC 495C-140-030 STATEMENT OF INTENTIONS. The college neither intends nor desires to compete with any local agency or private enterprise in making its facilities available to the community. Privately operated facilities exist which are well qualified to best meet many community needs. The college encourages the community to patronize local businesses or agencies. With this approach, the college will work cooperatively with local private enterprise to the mutual benefit of all concerned.

NEW SECTION

WAC 495C-140-040 GENERAL POLICIES LIMITING USE.

(1) College facilities may not be used for purposes of political campaigning by or for candidates who have filed for public office except for student-sponsored activities or forums.

(2) Religious groups shall not, under any circumstances, use the college facilities as a permanent meeting place. Use may be intermittent only.

(3) The college reserves the right to prohibit the use of college facilities by groups which restrict membership or participation in a manner inconsistent with the college's commitment to nondiscrimination as set forth in its written policies and rules.

(4) Activities of a political or commercial nature will not be approved if they involve the use of promotional signs or posters on buildings, trees, walls, or bulletin boards, or the distribution of samples outside the rooms or facilities to which access has been granted.

(5) These rules shall apply to recognized student groups using college facilities.

(6) Handbills, leaflets, and similar materials except those which are commercial, obscene, or unlawful may be distributed only in designated areas on the campus where, and at times when, such distribution will not interfere with the orderly administration of the college affairs or the free flow of traffic. Any distribution of materials as authorized by the designated administrative officer shall not be construed as support or approval of the content by the college community or the board of trustees.

(7) Use of audio amplifying equipment is permitted only in locations and at times which will not interfere with the normal conduct of college affairs as determined by the appropriate administrative officer.

(8) No person or group may use or enter onto college facilities having in their possession firearms, unless appropriately licensed to do so under state statute.

(9) The right of peaceful dissent within the college community will be preserved. The college retains the right to take steps to insure the safety of individuals, the continuity of the educational process, and the protection of property. While peaceful dissent is acceptable, violence or disruptive behavior is not a legitimate means of dissent. Should any person, group or organization attempt to resolve differences by means of violence, the college and its officials need not negotiate while such methods are employed.

(10) Orderly picketing and other forms of peaceful dissent are protected activities on and about the college premises. However, interference with free passage through areas where members of the college community have a right to be, interference with ingress and egress to college facilities, interruption of classes, injury to persons, or damage to property exceeds permissible limits.

(11) Where college space is used for an authorized function (such as a class or a public or private meeting under approved sponsorship, administrative functions or service related activities), groups must obey or comply with directions of the designated administrative officer or individual in charge of the meeting.

(12) If a college facility abuts a public area or street, and if student activity, although on public property, unreasonably interferes with ingress and egress to college buildings, the college may choose to impose its own sanctions although remedies might also be available through local law enforcement agencies.

#### NEW SECTION

WAC 495C-140-050 ADMINISTRATIVE CONTROL. The board hereby delegates to the president authority to set up administrative procedures for the use of college facilities; and to establish rental schedules where appropriate.

#### NEW SECTION

WAC 495C-140-060 TRESPASS. (1) Individuals who are not students or staff and who violate these rules will be advised of the specific nature of the violation, and if they persist in the violation, they will be requested by the president or designee, to leave the college property. Such a request prohibits the entry of and withdraws the license or privilege to enter onto or remain upon any portion of the college facilities by the person or group of persons requested to leave. Such persons shall be subject to arrest under the provisions of chapter 9A.52 RCW.

(2) Members of the college community (students and staff) who do not comply with these regulations will be reported to the appropriate college office or agency for action in accordance with these rules.

#### NEW SECTION

WAC 495C-140-070 PROHIBITED CONDUCT AT COLLEGE FACILITIES. (1) The use or possession of unlawful drugs or narcotics, not medically prescribed, on college property or at college functions, is prohibited. Students under the influence of intoxicants, unlawful drugs or narcotics while in college facilities are subject to disciplinary action.

(2) The use of tobacco is prohibited in accordance with health regulations. Clover Park Technical College facilities are smoke free. Smoking is approved at designated outdoor sites.

(3) Destruction of college property is also prohibited by state law in reference to public institutions.

#### NEW SECTION

WAC 495C-140-080 CONTROL OF PETS IN COLLEGE FACILITIES. Pets are not permitted in campus buildings or on the grounds except guide or service dogs for the visually or hearing impaired and those performing a support function to law enforcement agencies and/or those approved by the president or designee.

#### NEW SECTION

WAC 495C-140-090 BASIS OF FEE ASSESSMENT. (1) The basis for establishing and charging fees reflects the college's assessment of the present market, the cost of operations, and an evaluation of the intended purpose and its relationship to the purposes of this college. The board of trustees has determined that groups or organizations affiliated with the college should be permitted access to facilities at the lowest charge on the fee schedule which may include complimentary use. A current fee schedule is available to interested persons from the office of vice-president for auxiliary services.

(2) The college does not wish to compete with private enterprise. Therefore, the college reserves the right to deny applications for facility use when the administration feels a commercial facility should be patronized. At no time will facility use be granted for a noncollege related commercial activity at a rental rate, or upon terms, less than the full and fair rental value of premises used.

#### NEW SECTION

WAC 495C-140-100 APPLICATION PROCEDURES. (1) At least seven working days prior to date of intended use of any college facility, an authorized representative of the requesting organization must submit proper and complete written application which may be obtained through the college's office of auxiliary services. A single application may be sufficient for a series of meetings by an organization unless those meetings vary significantly in some substantive way; if so, separate applications will be required.

(2) Upon approval of the application, an authorized representative of the using organization shall sign the rental agreement. By affixing a signature as representing the using organization, the signatory specifies he or she has authority to enter into agreement on behalf of the organization and if the organization fails to pay the amount due, the signatory becomes responsible for all charges which may include interest payment for overdue accounts as specified on the rental form but not less than one percent per month.

(3) Events requiring expenditures on the part of the college, or where significant areas are blocked out for the renter, a minimum of up to fifty percent advance deposit may be required at the time of application.

(4) The college reserves the right to make pricing changes without prior written notice.

(5) Use of a facility is limited to the facilities specified on the agreement.

(6) The priorities for facility use place primary emphasis on regular college events and activities. The vice-president for auxiliary services or designee reserve the right to cancel any permit and refund any payments for use of college facilities and equipment when they deem such action advisable and in the college's best interests.

(7) In the event of a cancellation of a facility use permit by the applicant, that organization is liable for all college costs and expenses in preparing the facility for its use.

(8) Any admission charge is to be specified and approved by the college.

(9) Organizations using Clover Park Technical College's facilities shall conduct all activities in accordance with applicable local, state, and federal laws including all rules adopted by the Clover Park Technical College board of trustees.

#### NEW SECTION

WAC 495C-140-110 SUPERVISION DURING ACTIVITY. (1) Signatories of the rental agreement as well as adult organization leaders are responsible for group conduct and are expected to remain with their group during activities. When the use of special facilities makes it necessary that supervision or security be provided, a staff member will represent the college at any activity on college facilities. Such service shall be paid at the current rate, by the organization requesting use of the facility, and does not relieve the organization from safeguarding the college's property.

(2) College personnel will open and lock all rented facilities. Keys to buildings or facilities will not be issued or loaned on any occasion to any organization with the exception of keys to designated off-campus locations.

#### Chapter 495C-168 WAC USE OF LIBRARY—FINES

#### NEW SECTION

WAC 495C-168-010 TITLE. WAC 495C-168-010 through 495C-168-060 will be known as the library-resource center code of Clover Park Technical College.

#### NEW SECTION

WAC 495C-168-020 LOANS. Materials from the college library, F.V. Miner Resource Center, are checked out only to the following groups.

(1) All currently registered students of the college;

(2) All current staff members;

(3) All holders of currently valid courtesy cards. This latter group includes members of the board of trustees, community educators whose work might necessitate usage of library-media materials, and other individuals who show a particular need for specialized items in the library-media collections which are not available elsewhere;

(4) Students from other institutions with which the college library-media center has a reciprocal lending agreement through a "shared use plan." This group may use materials on a loan basis at the discretion of the circulation supervisor who will determine lending priorities based upon the current usage of individual items by Clover Park Technical College students.

#### NEW SECTION

WAC 495C-168-030 FINES. In cases where damage or loss of library material is evident, the offending patron will be assessed the

replacement cost. In other instances where library-media materials are retained by the borrower beyond the designated due date, fines may be levied as a sanction to effect the prompt return of items which may be in demand by others.

#### NEW SECTION

WAC 495C-168-040 STUDENT HANDBOOK. Information governing the operation of the library center is included in the student and college handbooks.

#### NEW SECTION

WAC 495C-168-050 INSPECTION. The library shall have the right to inspect packages, brief cases, containers, articles, and materials leaving the building to prevent the unauthorized removal of library resources. The inspection may be done by persons or devices designed to detect unauthorized removals.

#### NEW SECTION

WAC 495C-168-060 PROHIBITED ENTRY. The library shall have the right to prevent entry of foods and beverages, animals or other things detrimental to the library purpose.

### Chapter 495C-276 WAC ACCESS TO PUBLIC RECORDS

#### NEW SECTION

WAC 495C-276-010 PURPOSE. The purpose of this chapter is to ensure that Clover Park Technical College complies with the provisions of chapter 42.17 RCW and in particular with those sections of that chapter dealing with public records.

#### NEW SECTION

WAC 495C-276-020 DEFINITIONS. (1) "Public record" includes any writing containing information relating to the conduct of government 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 or symbols, combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, disks, drums and other documents.

(3) "Clover Park Technical College" is an agency organized by statute pursuant to RCW 28B.50.040. Clover Park Technical College shall hereafter be referred to as the "district." Where appropriate, the term "district" also refers to the staff and employees of the district.

#### NEW SECTION

WAC 495C-276-030 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION OF CLOVER PARK TECHNICAL COLLEGE DISTRICT NO. 29. (1) Clover Park Technical College is a state agency established and organized under the authority of chapter 28B.50 RCW for the purpose of implementing the educational goals established by the legislature in RCW 28B.50.020. The administrative office of the district is located on the college campus within the county of Pierce, Washington. The college campus likewise comprises the central headquarters for all operations of the district. Field activities for the branch campuses of the district are administered by personnel located at the Clover Park Technical College main office at 4500 Steilacoom Boulevard Southwest in Tacoma, Washington.

(2) The district is operated under the supervision and control of a board of trustees. The board of trustees consists of five members appointed by the governor. The board of trustees normally meets at least once each month, as provided in WAC 495C-104-010. The board of trustees employs a president, an administrative staff, instructors, and other employees. The board of trustees takes such actions and promulgates such rules, and policies in harmony with the rules established by the state board for community and technical colleges, as are necessary to the administration and operation of the district.

(3) The president of the district is responsible to the board of trustees for the operation and administration of the district. A detailed description of the administrative organization of the district is contained

within the College Handbook for Clover Park Technical College, a current copy of which is available for inspection at the administrative office of the district.

#### NEW SECTION

WAC 495C-276-040 OPERATIONS AND PROCEDURES. (1) Formal decision-making procedures are established by the board of trustees through rules promulgated in accordance with the requirements of chapter 34.05 RCW, the Administrative Procedure Act.

(2) Informal decision-making procedures at the college, as established by the board of trustees, are set forth in the Policy Manual of Clover Park Technical College, a current copy of which is available for inspection at the administrative office of the district.

#### NEW SECTION

WAC 495C-276-050 PUBLIC RECORDS AVAILABLE. All public records of the district, as defined in this chapter, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 or other statutes.

#### NEW SECTION

WAC 495C-276-060 PUBLIC RECORDS OFFICER. The district's public records shall be in the charge of the public records officer designated by the chief administrative officer of the district. The person so designated shall be located in the district administrative office. The public records officer shall be responsible for the following: Implementation of the district's rules regarding release of public records, coordinating district employees in this regard, and generally ensuring compliance by district employees with the public records disclosure requirements in chapter 42.17 RCW.

#### NEW SECTION

WAC 495C-276-070 OFFICE HOURS. Public records shall be available for inspection and copying during the customary office hours of the district. For purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays and holidays established by the college calendar.

#### NEW SECTION

WAC 495C-276-080 REQUESTS FOR PUBLIC RECORDS. In accordance with the requirements of RCW 42.17.290 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 are only obtainable by members of the public when those members of the public comply with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the district which shall be available at the district administrative office. The form shall be presented to the public records officer or, if the public records officer is not available, to any member of the district's staff at the district administrative office during customary office hours. The request shall include the following information:

(a) The name 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 public 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 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 person to whom the request is made, to assist the member of the public in succinctly identifying the public record requested.

#### NEW SECTION

WAC 495C-276-090 COPYING. No fee shall be charged for the inspection of public records. The district may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records and such charges shall not exceed the amount necessary to reimburse the district for its

actual costs incident to such copying. No person shall be released a record so copied until and unless the person requesting the copied public record has tendered payment for such copying to the appropriate district official. All charges must be paid by money order, cashier's check, or cash in advance.

**NEW SECTION**

**WAC 495C-276-100 DETERMINATION REGARDING EXEMPT RECORDS.** (1) The district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 495C-276-080 is exempt pursuant to the provisions set forth in RCW 42.17.310 or other statute. Such determination may be made in consultation with the public records officer, president of the college district, or an assistant attorney general assigned to the district.

(2) Pursuant to RCW 42.17.260, the district reserves the right to delete identifying details when it makes available or publishes any public record when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy or impair a vital governmental interest: PROVIDED, HOWEVER, In each case, the justification for the deletion shall be explained fully in writing.

(3) Response to requests for a public record must be made promptly. For the purposes of this section, a prompt response occurs if the person requesting the public record is notified within two business days as to whether his request for a public record will be honored.

(4) All denials of request for public records must be accompanied by a written statement, signed by the public records officer or designee, specifying the reason for the denial, a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the public record withheld.

**NEW SECTION**

**WAC 495C-276-110 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 which constituted or accompanied the denial.

(2) The written request by a person demanding prompt review of a decision denying a public record shall be submitted to the president or designee.

(3) Within two business days after receiving the written request by a person petitioning for a prompt review of a decision denying a public record, the president or designee, shall complete such review.

(4) During the course of the review the president or designee shall consider the obligations of the district to comply with the intent of chapter 42.17 RCW insofar as it requires providing full public access to official records, but shall also consider the exemptions provided in RCW 42.17.310 or other pertinent statutes, and the provisions of the statute which require the district to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and prevent any unreasonable invasion of personal privacy by deleting identifying details.

**NEW SECTION**

**WAC 495C-276-120 PROTECTION OF PUBLIC RECORDS.** Requests for public records shall be made at the administrative office of the district at 4500 Steilacoom Boulevard Southwest, Tacoma, Washington. Public records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the place designated. Copies of such records may be arranged according to the provisions of WAC 495C-276-090.

**NEW SECTION**

**WAC 495C-276-130 RECORDS INDEX.** (1) The district has available for the use of all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated by the district after September 1, 1991:

- (a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;
- (b) Those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the agency;
- (c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) The current index maintained by the district shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

**NEW SECTION**

**WAC 495C-276-140 ADOPTION OF FORM.** The district hereby adopts for use by all persons requesting inspection and/or copying or copies of its records the following form:

**REQUEST FOR PUBLIC RECORD TO CLOVER PARK TECHNICAL COLLEGE**

(a) \_\_\_\_\_  
 Name (please print) Signature

\_\_\_\_\_

Name or Organization, if applicable

\_\_\_\_\_

Mailing Address of Applicant Phone Number

(b) \_\_\_\_\_

Date Request Made Time of Day Request Made

(c) Nature of Request \_\_\_\_\_

\_\_\_\_\_

(d) Identification Reference on Current Index (Please describe)

\_\_\_\_\_

\_\_\_\_\_

(e) Description of Record, or Matter, Requested if not Identifiable by Reference to the Clover Park Technical College Index

\_\_\_\_\_

\_\_\_\_\_

Request: APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ Date \_\_\_\_\_

By \_\_\_\_\_  
Name Title

Reasons for Denial: \_\_\_\_\_

\_\_\_\_\_

Referred to \_\_\_\_\_ Date \_\_\_\_\_

By \_\_\_\_\_  
Name Title

**Chapter 495C-280 WAC  
FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT**

**NEW SECTION**

**WAC 495C-280-010 GENERAL POLICY.** Clover Park Technical College implements the policy contained in this chapter in compliance with the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) and its implementing regulation (34 C.F.R. § 99). Briefly, Clover Park Technical College is required to provide students with access to their own education records, to permit students to challenge their records on the grounds that they are inaccurate, misleading, or otherwise in violation of the student's privacy or other right, to obtain written consent before releasing certain information and to notify students of these rights.

NEW SECTION

WAC 495C-280-015 DEFINITIONS. For the purposes of this policy, the following definitions of terms apply:

(1) "Student" means any individual who is or has been in attendance at Clover Park Technical College and for whom the college maintains education records.

(2) "Education records" are defined as those records, files and documents (in handwriting, print, tapes, film, microfiche or other medium) maintained by Clover Park Technical College which contain information directly related to the individual student. Education records include only the following:

(a) Records pertaining to admission, advisement, registration, grading, and progress toward a degree that are maintained by student records.

(b) Testing information used for advisement purposes by the counseling center.

(c) Information concerning payment of fees as maintained by the business office.

(d) Financial aid information as collected by the financial aid office.

(e) Information regarding students participating in student government or other student activities maintained by the student council advisor's office.

(3) "Directory Information" means the student's name, address, telephone number, date and place of birth, major field of study, eligibility for and participation in officially recognized activities, organizations, dates of attendance, honor roll, degrees and awards received, and the most recent previous educational agency or institution attended by the student. Directory information may be disclosed at the discretion of the college and without the consent of the student unless he or she elects to prevent disclosure as provided for in WAC 495C-280-070.

(4) "Written consent" means a written authorization for disclosure of student education records which is:

(a) Signed;

(b) Dated;

(c) Which specifies the records to be disclosed; and

(d) Which specifies to whom disclosure is authorized.

(5) "Personally identifiable" means data or information which includes: the name of the student, the student's parent(s), or other family members; a personal identifier such as the student's social security number or student number; or a list of personal characteristics which would make the student's identity easily traceable.

NEW SECTION

WAC 495C-280-020 ANNUAL NOTIFICATION OF RIGHTS. Clover Park Technical College will notify students of their rights under the Family Educational Rights and Privacy Act of 1974 by publication in the college catalog and new students during the registration process. The college shall make available upon request a copy of the policy governing release of student records. In addition, the college shall post at conspicuous places on the campus information regarding the existence of this policy and of the availability of copies.

NEW SECTION

WAC 495C-280-030 PROCEDURE TO INSPECT EDUCATION RECORDS. (1) Students may inspect and review their education records upon request to the appropriate college official as designated in WAC 495C-280-110.

(2) Students must submit to the appropriate college official a written request which identifies as precisely as possible the record or records he or she wishes to inspect.

(3) The appropriate college official will make the needed arrangements for access as promptly as possible and notify the student of the time and place where the records may be inspected. Access must be given in forty-five working days or less from the receipt of the request.

NEW SECTION

WAC 495C-280-040 DISCLOSURE OF EDUCATION RECORDS. (1) Disclosure of education records. In addition to "directory information" the college may, at its discretion, make disclosures from education records of students to the following listed parties:

(a) College staff, and students officially elected or appointed to the Clover Park Technical College student council. Access or release of records to the above is permissible only when the information is required for advisement, counseling, recordkeeping, reporting, or other

legitimate educational interest consistent with their specific duties and responsibilities;

(b) To officials of another school in which the student seeks or intends to enroll;

(c) To authorized federal, state, or local officials as required by law;

(d) In connection with financial aid for which the student has applied or received;

(e) To appropriate parties in a health or safety emergency;

(f) To accrediting organizations to carry out their functions;

(g) To parents of an eligible student who claim the student as a dependent for income tax purposes; and

(h) To comply with a judicial order or a lawfully issued subpoena.

(2) The college shall not permit access to or the release of education records or personally-identifiable information contained therein, other than "directory information," without the written consent of the student, to any party other than the above.

(3) Education records released to third parties shall be accompanied by a statement indicating that the information cannot be subsequently released in a personally identifiable form to other parties without obtaining the consent of the student. The college is not precluded from permitting third party disclosure to other parties listed in (a) through (h) of this subsection.

NEW SECTION

WAC 495C-280-050 LIMITS ON RIGHTS TO REVIEW AND INSPECT AND OBTAIN COPIES OF EDUCATION RECORDS. (1) When a record contains information about more than one student, the student may inspect and review only the records which relate to him or her.

(2) Clover Park Technical College reserves the right to refuse to permit a student to inspect the following records:

(a) The financial statement of the student's parents;

(b) Letters and statements of recommendation for which the student has waived his or her right of access, or which were placed in file before January 1, 1975;

(c) Records connected with an application to attend Clover Park Technical College if that application was denied; and

(d) Those records which are excluded from the Federal Rights and Privacy Act definition of education records.

(3) Clover Park Technical College reserves the right to deny transcripts or copies of records not required to be made available by the Federal Educational Rights and Privacy Act in any of the following situations:

(a) The student has an unpaid financial obligation to the college;

(b) There is an unresolved disciplinary action against the student.

NEW SECTION

WAC 495C-280-060 RECORD OF REQUEST AND DISCLOSURES. (1) The college shall maintain a record of requests for and disclosures of personally identifiable information in the education records of each student. The record maintained under this section shall be available for inspection and review as provided in WAC 495C-280-050.

(2) The college shall maintain the record with the education records of the student as long as the records are maintained.

(3) The record must include:

(a) The names of parties who have received personally-identifiable information;

(b) The interest the parties had in requesting or obtaining the information; and

(c) The names and interests of additional parties to which the reviewing educational agency or institution may disclose or redisclose the information.

(4) The following parties may inspect the record of requests and disclosures relating to a student:

(a) The student;

(b) The college officials who are responsible for the custody of the records; and

(c) Persons authorized to audit the record keeping procedures of the college.

(5) The college is not required to maintain a record if the request was from, or the disclosure was to:

(a) The student;

(b) A school official;

(c) A party with written consent from the student; or

(d) A party seeking directory information.

**NEW SECTION**

**WAC 495C-280-070 DISCLOSURE OF DIRECTORY INFORMATION.** Directory information may be disclosed at the discretion of the college and without the consent of the student unless the student elects to prevent disclosure by filing a written request with the president or designee to prevent disclosure. The request continues in effect according to its terms unless revoked in writing by the student.

**NEW SECTION**

**WAC 495C-280-080 REQUESTS FOR CORRECTIONS, HEARINGS, ADDING STATEMENTS TO EDUCATION RECORDS.** Students have the right to request to have records corrected that they believe are inaccurate, misleading, or in violation of their privacy rights. Following are the procedures for the correction of records:

(1) A student must submit a written request to amend his or her education record to the appropriate college official responsible for the custody of the record as designated in WAC 495C-280-110. The request must identify the part of the record he/she desires changed and specify why the record is believed to be inaccurate, misleading or in violation of his or her privacy or other rights.

(2) A student whose request for amendment of an education record has been denied may request a hearing by submitting a written request to the president or designee within ten working days following the denial. The written request must be signed by the student and shall indicate the reasons why the records should be amended. The president or designee shall notify the student of the hearing within thirty working days after receipt of a properly filed request. In no case will the notification be less than ten working days in advance of the date, time and place of the hearing.

(3) The hearing shall be a brief adjudicative proceeding as provided in RCW 34.05.482 and 34.05.485 through 34.05.494 and shall be conducted by a designee who does not have a personal interest in the outcome of the hearing. At the hearing, the student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The student may be assisted by one or more individuals, including an attorney.

(4) The hearing officer will prepare a written decision, within thirty working days after the conclusion of the hearing, based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision. A copy of the decision shall be made available to the student.

(5) If the hearing officer decides the information is inaccurate, misleading, or in violation of the student's right of privacy, the custodian of the record will amend the record and notify the student, in writing, that the record has been amended.

(6) If the hearing officer decides that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, the hearing officer will notify the student in writing that the student has a right to place in the record a rebuttal statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision.

(7) The student's rebuttal statement will be maintained as part of the student's education records as long as the contested portion is maintained. If the contested portion of the education record is disclosed, the statement will also be disclosed.

**NEW SECTION**

**WAC 495C-280-090 FEES FOR COPIES.** Copies of student records shall be made at the expense of the requesting party at actual cost for copying as posted at the student records office.

**NEW SECTION**

**WAC 495C-280-100 WAIVER.** A student may waive any of his or her rights under this chapter by submitting a written, signed, and dated waiver to the office of the president or designee. Such a waiver shall be specific as to the records and persons or institutions covered. A waiver continues in effect according to its terms unless revoked in writing which is signed and dated.

**NEW SECTION**

**WAC 495C-280-110 TYPE AND LOCATION OF EDUCATION RECORDS.**

Types	Location	Custodian
Admission Records,	Student Services	Vice-President, Administrative Services
Instructional	Student Services	Vice-President, Administrative Services
Records, Testing Records, Registration	Student Services	Vice-President Student Services
Payment of Tuition Records	Student Services	Vice-President for Administrative Services
Student Council	Counseling Office	Vice-President, Student Services
Financial Aid	Financial Aid Office	Vice-President for Student Services
Records, Student	Student Records	Vice-President, Administrative Services
Employment Records	Human Resources	Vice-President for Human Resources

**NEW SECTION**

**WAC 495C-280-120 REMEDY FOR STUDENTS PROTECTED BY THIS ACT.** A student may file a written complaint with the U.S. Department of Education regarding an alleged violation of the Federal Education Rights and Privacy Act. The address is:

Family Policy and Regulations Office  
 U.S. Department of Education  
 Washington, D.C. 20202

**Chapter 495C-300 WAC  
 GRIEVANCE RULES—TITLE IX**

**NEW SECTION**

**WAC 495C-300-010 PREAMBLE.** Clover Park Technical College is covered by Title IX of the Civil Rights Act of 1964 prohibiting sex discrimination in education. Applicants for admission, enrolled students, applicants for employment, or employees of Clover Park Technical College who believe they have been discriminated against on the basis of sex may lodge an institutional grievance by following the procedures below.

**NEW SECTION**

**WAC 495C-300-020 INFORMAL PROCEDURE.** All employees and students should feel free to discuss perceived discrimination with the individual immediately in charge, such as the first-line supervisor or instructor, to see if the situation can be resolved informally. Employees and students may also consult directly with the college affirmative action officer or designee without making a formal written complaint, and this consultation may be considered confidential. Employees and students are not required to use the informal process and may go directly to the formal procedure.

Any college official receiving a discrimination complaint shall contact the affirmative action officer or designee as soon as reasonably convenient. The college official shall arrange for the complainant to receive a copy of the complaint procedure.

**NEW SECTION**

**WAC 495C-300-030 FORMAL PROCEDURE.** Step one: Employees and students must make a written complaint concerning discriminatory behavior to the affirmative action officer or designee.

(1) Complaints may be held in confidence. Formal action against the person accused may not be taken on behalf of the complainant unless the complainant consents to be identified to the one accused in connection with the investigation.

(2) The complainant may bring a person of his or her choice to the initial or subsequent complaint meetings.

(3) The affirmative action officer or designee shall give a copy of these regulations and any applicable board policy to the person making the formal complaint and to the accused.

(4) The result of that consultation and any investigation made may be communicated to the complainant before any further action is taken.

(5) An informal hearing may be substituted for investigation if the complainant and the accused agree. The affirmative action officer or designee will be responsible for investigating the complaint and discussing the complaint with the accused. The affirmative action officer will make a written recommendation to the president within a reasonable time following the close of the investigation or hearing.

(6) Appropriate corrective measures will be decided by the president of the college upon consultation with the affirmative action officer and the appropriate administrators or supervisors involved. If an accused employee or student disagrees with the determination or appropriateness of the corrective measures, that individual may contest those measures through the appropriate staff grievance procedures, if they are covered by an agreement, or the student disciplinary code.

(7) Information will be entered in the personnel or student file only to the extent that a formal reprimand or other disciplinary action has been taken. If no disciplinary action is taken, the affirmative action officer will keep a record of the investigation accessible to the president, the complainant and the accused for a period of three years and then that record will be destroyed. If a formal complaint is filed with an outside state or federal agency, files will be maintained until the complaint is resolved. When such files are used, written notice will be placed in the file indicating the person using the file and the date used.

#### NEW SECTION

WAC 495C-300-040 OTHER REMEDIES. These procedures outlined in WAC 495C-300-010 through 495C-300-030, are internal college procedures and, as such, serve to resolve complaints within the college's administrative framework. These procedures do not replace an individual's timely complaint with an external agency such as the Office of Civil Rights, Equal Employment Opportunity Commission, or the Washington state human rights commission.

#### Chapter 495C-310 WAC GRIEVANCE PROCEDURES—HANDICAPPED

#### NEW SECTION

WAC 495C-310-010 PREAMBLE. Clover Park Technical College is covered by section 504 of the Rehabilitation Act of 1973 prohibiting discrimination on the basis of handicap in education. Applicants for admission, enrolled students, applicants for employment, or employees of Clover Park Technical College who believe they have been discriminated against on the basis of handicap may lodge an institutional grievance by following the procedures below.

#### NEW SECTION

WAC 495C-310-020 INFORMAL PROCEDURE. All employees and students should feel free to discuss perceived discrimination with the individual immediately in charge, such as the first-line supervisor or instructor, to see if the situation can be resolved informally. Employees and students may also consult directly with the college affirmative action officer or designee without making a formal written complaint, and this consultation may be considered confidential. Employees and students are not required to use the informal process and may go directly to the formal procedure.

Any college official receiving a discrimination complaint shall contact the affirmative action officer or designee as soon as reasonably convenient. The college official shall arrange for the complainant to receive a copy of the grievance procedure.

#### NEW SECTION

WAC 495C-310-030 FORMAL PROCEDURE. Step one: Employees and students must make a written complaint concerning discriminatory behavior to the affirmative action officer or designee.

(1) Complaints may be held in confidence. Formal action against the person accused may not be taken on behalf of the complainant unless the complainant consents to be identified to the one accused in connection with the investigation.

(2) Complainants may bring persons of their choice to the initial or subsequent complaint meetings.

(3) The affirmative action officer or designee shall give a copy of these regulations and any applicable board policy to the person making the formal complaint and to the accused.

(4) The result of that consultation and any investigation made may be communicated to the complainant before any further action is taken.

(5) An informal hearing may be substituted for investigation if the complainant and the accused agree. The affirmative action officer or designee will be responsible for investigating the complaint and discussing the complaint with the accused. The affirmative action officer will make a written recommendation to the president within a reasonable time following the close of the investigation or hearing.

(6) Appropriate corrective measures will be decided by the president of the college upon consultation with the affirmative action officer and the appropriate administrators or supervisors involved. If an accused employee or student disagrees with the determination or appropriateness of the corrective measures, that individual may contest those measures through the appropriate staff grievance procedures, if they are covered by an agreement, or the student disciplinary code.

(7) Information will be entered in the personnel or student file only to the extent that a formal reprimand or other disciplinary action has been taken. If no disciplinary action is taken, the affirmative action officer will keep a record of the investigation accessible to the president, the complainant and the accused for a period of three years and then that record will be destroyed. If a formal complaint is filed with an outside state or federal agency, files will be maintained until the complaint is resolved. When such files are used, written notice will be placed in the file indicating the person using the file and the date used.

#### NEW SECTION

WAC 495C-310-040 OTHER REMEDIES. These procedures outlined in WAC 495C-310-010 through 495C-310-030, are internal college procedures and, as such, serve to resolve complaints within the college's administrative framework. These procedures do not replace an individual's timely complaint with an external agency such as the Office of Civil Rights, Equal Employment Opportunity Commission, or the Washington state human rights commission.

#### Chapter 495C-325 WAC STATE ENVIRONMENTAL POLICY ACT RULES

#### NEW SECTION

WAC 495C-325-010 IMPLEMENTATION OF STATE ENVIRONMENTAL POLICY ACT. (1) It shall be the policy of Clover Park Technical College that all actions taken by the district shall comply with the provisions of chapter 43.21C RCW (the State Environmental Policy Act), chapters 197-11 and 132-24 WAC.

(2) The president of the district or designee shall be responsible for administering and implementing this policy.

#### WSR 92-12-051

#### NOTICE OF PUBLIC MEETINGS STATE INVESTMENT BOARD

[Memorandum—May 28, 1992]

The State Investment Board meeting scheduled for August 11, 1992, at 9:00 a.m. has been changed to August 11, 1992, at 9:30 a.m. The location of the meeting is Two Union Square, 55th Floor Conference Center, Seattle, Washington.

#### WSR 92-12-052

#### WITHDRAWAL OF PROPOSED RULES PARKS AND RECREATION COMMISSION

[Filed May 29, 1992, 3:36 p.m.]

The Washington State Parks and Recreation Commission hereby requests that WAC 352-32-270 as filed in WSR 92-09-159 be withdrawn. We will resubmit the WAC on June 3, 1992, to be scheduled for a hearing and changes on July 17, 1992.

Nina Carter  
Rules Coordinator

**WSR 92-12-053**  
**PROPOSED RULES**  
**BOARD OF REGISTRATION**  
**FOR PROFESSIONAL ENGINEERS**  
**AND LAND SURVEYORS**  
[Filed May 29, 1992, 4:35 p.m.]

**Original Notice.**

**Title of Rule:** Amendment to WAC 196-24-105 Examination review.

**Purpose:** To clarify language and bring into conformance with changes in board policy.

**Statutory Authority for Adoption:** RCW 18.43.035.

**Statute Being Implemented:** Chapter 18.43 RCW.

**Summary:** This amendment corrects the name of the National Council of Examiners for Engineers and Land Surveyors. It also expands exam review times, options and criteria.

**Reasons Supporting Proposal:** This amendment provides greater flexibility in scheduling exam reviews and will give a larger number of examinees the opportunity to review their exam.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** W. Rick Notestine, 2424 Bristol Court S.W., Olympia, WA, 753-3634.

**Name of Proponent:** Board of Registration for Professional Engineers and Land Surveyors, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** WAC 196-24-105 provides the circumstances under which an examinee may review the examination that they failed. This provides an opportunity for the examinee to see their strong and weak knowledge areas and to request a rescore if warranted. The effect will be that a larger number of examinees will have the chance to review their exam.

**Proposal Changes the Following Existing Rules:** The proposal corrects the name of the National Council of Examiners for Engineering and Surveying. The start of the 90 day review period will be defined by the board instead of starting with the date of the exam result letter. It is clarified that an examinee cannot review their exam outside of the prescribed review period.

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

**Hearing Location:** Seattle Marriott, SeaTac, City Suite Area, 3201 South 176th Street, SeaTac, WA, on July 17, 1992, at 10:00 a.m.

**Submit Written Comments to:** Alan E. Rathbun, PE, P.O. Box 9649, Olympia, WA 98507-9649, FAX (206) 586-0998, by July 15, 1992.

**Date of Intended Adoption:** July 17, 1992.

May 27, 1991 [1992]

Alan E. Rathbun  
Executive Director

**AMENDATORY SECTION** (Amending Order PM 606, filed 6/4/87)

WAC 196-24-105 EXAMINATION REVIEW. The following conditions shall apply to all examinations administered by the board:

First time examinees shall not be allowed to view any examination material prior to taking the examination other than syllabi available to the public or sample examination booklets published by the National Council of ((Engineering)) Examiners for Engineering and Surveying.

Examinees who achieve a passing score will not be permitted to re-view their examination.

Failing examinees may review their examination (test booklet, answer sheet or solution pamphlet and answer key) during a period of up to ninety days ((from the date of the examination result letter)) as prescribed by the board. Examinees shall review their examinations only during the prescribed time period. Examinees who fail to review their exam during the prescribed time will not be scheduled for an examination review. This review shall be under the following conditions:

(1) An examinee shall be able to review his/her examination one time only. This review shall be arranged in advance by appointment with office staff.

(2) All examination reviews shall be conducted in the presence of a member of the office staff. No one may accompany the examinee during the examination review except where persons with disability require assistance, and that need is conveyed to staff when the exam review appointment is made.

(3) In regard to any examinations consisting of machine scored answer sheets, the examinee shall be allowed to review a copy of his/her answer sheet.

(4) Note taking shall be limited to examination scoring and general problem subject matter. No detailed notes depicting any portion of an examination question or solution will be permitted.

(5) Board of registration staff shall supply the examinee with writing materials for taking notes.

(6) All notes must be reviewed by board staff prior to the examinee leaving the office.

(7) All examination appeals shall be conducted in conformance with the policies and procedures adopted by the board. Any questions pertaining to an appeal of examination scoring shall be directed to supervisory staff.

**WSR 92-12-054**

**PROPOSED RULES**

**DEPARTMENT OF ECOLOGY**

[Order 92-02—Filed June 1, 1992, 2:40 p.m.]

Continuance of WSR 92-09-127.

**Title of Rule:** WAC 173-19-2602 City of Port Orchard.

**Purpose:** Continue adoption date from June 1, 1992, to June 16, 1992.

**Date of Intended Adoption:** June 16, 1992.

June 1, 1992

Fred Olson

Deputy Director

**WSR 92-12-055**

**PERMANENT RULES**

**DEPARTMENT OF ECOLOGY**

[Order 91-17—Filed June 1, 1992, 2:49 p.m.]

**Date of Adoption:** June 1, 1992.

**Purpose:** Sections of chapter 508-12 WAC are being repealed. Content will be included in this new chapter with additional requirements to form dam safety regulations. Defines duties of owners of dams in Washington.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 508-12-280 through 508-12-380.

Statutory Authority for Adoption: RCW 43.21A.064 and [43.21A].080.

Other Authority: RCW 86.16.061.

Pursuant to notice filed as WSR 92-06-091 on March 4, 1992.

Changes Other than Editing from Proposed to Adopted Version: None other than editing.

Effective Date of Rule: Thirty-one days after filing.

June 1, 1992

Fred Olson

Deputy Director

## REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 508-12-280 STORAGE DAMS—CONSTRUCTION PERMIT.

WAC 508-12-290 STORAGE DAMS—COST OF EXPERT OPINION.

WAC 508-12-300 STORAGE DAMS—PLAN EXAMINATION AND CONSTRUCTION INSPECTION FEES—AUTHORITY.

WAC 508-12-310 STORAGE DAMS—PLAN EXAMINATION AND CONSTRUCTION INSPECTION FEES—PURPOSE.

WAC 508-12-320 STORAGE DAMS—PLAN EXAMINATION AND CONSTRUCTION INSPECTION FEES—APPLICABILITY.

WAC 508-12-330 STORAGE DAMS—PLAN EXAMINATION AND CONSTRUCTION INSPECTION FEES—DEFINITIONS.

WAC 508-12-340 STORAGE DAMS—PLAN EXAMINATION AND CONSTRUCTION INSPECTION FEES—NEW PROJECT FEES.

WAC 508-12-350 STORAGE DAMS—PLAN EXAMINATION AND CONSTRUCTION INSPECTION FEES—PROJECT MODIFICATION FEES.

WAC 508-12-360 STORAGE DAMS—PLAN EXAMINATION AND CONSTRUCTION INSPECTION FEES—MAINTENANCE.

WAC 508-12-370 STORAGE DAMS—PLAN EXAMINATION AND CONSTRUCTION INSPECTION FEES—FEE PAYMENT.

WAC 508-12-380 STORAGE DAMS—PLAN EXAMINATION AND CONSTRUCTION INSPECTION FEES—EFFECTIVE DATE.

## Chapter 173-175 WAC DAM SAFETY

### PART ONE GENERAL

#### NEW SECTION

WAC 173-175-010 PURPOSE AND AUTHORITY. These regulations provide for the comprehensive

regulation and supervision of dams in order to reasonably secure safety to life and property pursuant to chapters 43.21A, 43.27A, 86.16, 90.03, 90.28, and 90.54 RCW. The purposes of these regulations are to:

(1) Designate the types of dams to which these regulations are applicable;

(2) Provide for the design, construction, operation, maintenance, and supervision of dams in a manner consistent with accepted engineering practice;

(3) Establish and administer a program for permitting of construction work for new dams and for modifications of existing dams;

(4) Establish a fee schedule based on dam size that will reflect the actual cost to the department of engineering review of plans and specifications and for construction inspections;

(5) Establish the requirements and owner responsibilities for developing and executing plans for operation and maintenance, owner inspection and emergency actions; and

(6) Encourage owners to establish a program for the periodic inspection of their projects.

#### NEW SECTION

WAC 173-175-020 APPLICABILITY. (1) These regulations are applicable to dams which can impound a volume of ten acre-feet or more of water as measured at the dam crest elevation. The ten acre-feet threshold applies to dams which can impound water on either an intermittent or permanent basis. Only water that can be stored above natural ground level and which could be released by a failure of the dam is considered in assessing the storage volume.

The ten acre-feet threshold applies to any dam which can impound water of any quality, or which contains any substance in combination with sufficient water to exist in a liquid or slurry state at the time of initial containment.

(2) For a dam whose dam height is six feet or less and which meets the conditions of subsection (1) of this section, the department may elect to exempt the dam from these regulations.

The decision by the department to exempt a dam will be made on a case-by-case basis for those dams whose failure is not judged to pose a risk to life and minimal property damage would be expected (downstream hazard class 3).

(3) These regulations do not apply to dams that are, or will be, owned, by an agency of the federal government which has oversight on operation and maintenance and has its own dam safety program for periodic inspection of completed projects. The department will continue to be the state repository for pertinent plans, reports, and other documents related to the safety of federally owned dams.

(4) These regulations do not apply to transportation facilities such as roads, highways, or rail lines which cross watercourses and exist solely for transportation purposes and which are regulated by other governmental agencies.

Those transportation facilities which cross watercourses and which have been, or will be, modified with the intention of impounding water on an intermittent or

permanent basis and which meet the conditions of subsection (1) of this section shall be subject to these regulations.

(5) These regulations do not apply to dikes or levees constructed adjacent to or along a watercourse for protection from natural flooding or for purposes of floodplain management.

(6) These regulations do not apply to concrete or steel water storage tanks.

(7) These regulations do not apply to FERC licensed projects except for WAC 173-175-020 and 173-175-030 and Part Three of this chapter which replaces WAC 508-12-280 through 508-12-380.

In order to promote cooperation and coordination and to clarify the roles of the department and the Federal Energy Regulatory Commission (FERC) concerning FERC licensed projects, the department shall endeavor to enter into an agreement with FERC which:

(a) Identifies the roles of the department and FERC in regulating FERC licensed projects and strives to promote governmental efficiency and minimize duplication of department activities described in chapters 43.21A, 86.16, and 90.03 RCW;

(b) Establishes administrative procedures for coordinating and consulting following the review of plans and specifications and for conveying review comments and requirements to the proponent for dam construction or modification;

(c) Establishes procedures for the timely resolution of differences of engineering opinion which might arise from execution of the responsibilities of chapters 43.21A, 86.16, and 90.03 RCW.

## NEW SECTION

WAC 173-175-030 DEFINITIONS. As used in this chapter:

"Acceptance" means acceptance by the department that the proposed plan(s) will satisfactorily address issues associated with proper operation, maintenance, inspection, or emergency action.

"Approval" means approval by the department that the proposed design, and plans and specifications conform to accepted engineering practice and department guidelines.

"Appurtenant works" means such structures as outlet works and associated gates and valves; water conveyance structures such as spillways, channels, fish ladders, tunnels, pipelines, or penstocks; powerhouse sections; and navigation locks, either in the dam or adjacent thereto.

"Authorization" means written acknowledgement from the department to proceed with proposed actions.

"Construction change order" means a revision to the department approved plans and specifications that is initiated during construction.

"Construction permit" means the permit which authorizes construction and that the project's plans and specifications and construction inspection plan have been reviewed and approved by the department.

"Construction permit process" means the sequence of activities specified in WAC 173-175-110 inclusive, beginning with the application for construction permit and

ending with the submission of a report summarizing construction records.

"Crest length" means the total horizontal distance measured along the axis of the dam, at the elevation of the top of the dam, between abutments or ends of the dam. Where applicable, this includes the spillway, powerhouse sections, and navigation locks, where they form a continuous part of the impounding structure.

"Critical project element" means an element of a project whose failure could result in the uncontrolled release of the reservoir.

"Dam" means any artificial barrier and/or any controlling works, together with appurtenant works that can or does impound or divert water.

"Dam abutment" means that contact location at either end and beneath the flanks of a dam where the artificial barrier joins or faces against the natural earth or rock foundation material upon which the dam is constructed.

"Dam height" means the vertical distance from the natural bed of the stream or watercourse at the downstream toe of the impounding barrier to the maximum storage elevation. If the dam is not across a stream or watercourse, the height is measured from the lowest elevation of the outside limit of the impounding barrier to the maximum storage elevation.

"Department" means the department of ecology.

"Design step level" means an integer value between one and ten used to designate increasingly stringent design loadings and conditions for design of critical project elements.

"Downstream hazard classification" means a rating to describe the potential for loss of human life and/or property damage if the dam were to fail and release the reservoir onto downstream areas. Downstream hazard classifications of 3, 2 and 1C, 1B, 1A correspond to low, significant, and high downstream hazard classes respectively.

"Emergency condition" means a situation where life and property are at imminent risk and actions are needed within minutes or hours to initiate corrective actions and/or warn the public.

"Enlargement" means any modification of a project that will result in an increase in normal pool height and/or dam height.

"Exigency condition" means a situation where the dam is significantly underdesigned according to generally accepted engineering standards or is in a deteriorated condition and life and property are clearly at risk. Although present conditions do not pose an imminent threat, if adverse conditions were to occur, the situation could quickly become an emergency.

"FERC licensed project" means a project whose operation is licensed by the Federal Energy Regulatory Commission (FERC).

"Freeboard" means the vertical distance between the dam crest elevation and some reservoir level of interest.

"Hydrograph" means a graphical representation of discharge, stage, or other hydraulic property with respect to time for a particular location on a watercourse.

"Impounding barrier" means the structural element of the dam that has the primary purpose of impounding or

diverting water. It may be constructed of natural and/or man-made materials.

"Incident" means the occurrence of any dam-related event where problems or conditions arise which may have posed a threat to the safety or integrity of the project or which may have posed a threat of loss of life or which resulted in loss of life.

"Inflow design flood (IDF)" means the reservoir inflow flood hydrograph used for sizing the spillways and for determining freeboard. It represents the largest flood that a given project is designed to safely accommodate.

"Maintenance" means those tasks generally accepted as routine in keeping the project and appurtenant works in a serviceable condition.

"Maximum storage elevation" means the maximum attainable water surface elevation of the reservoir pool that could occur during extreme operating conditions. This elevation normally corresponds to the crest elevation of the dam.

"Miscellaneous construction elements" means a variety of construction elements or activities such as, but not limited to: Reservoir linings; parapet walls or low berms for wave containment; minor reconstruction of isolated portions of the impounding barrier; internal drainage improvements; and erosion protection.

"Modification" means any structural alteration of a dam, its reservoir, spillway(s), outlet(s), or other appurtenant works that could significantly influence or affect the project safety.

"Normal pool height" means the vertical distance between the lowest point of the upstream toe of the impounding barrier and the normal storage elevation.

"Normal storage elevation" means the maximum elevation to which the reservoir may rise under normal operating conditions. Where the principal spillway is ungated, the normal storage elevation is usually established by the elevation of the spillway crest.

"100-year floodplain" means the area inundated during the passage of a flood with a peak discharge having a one percent chance of being equalled or exceeded in any given year at a specified location on a watercourse.

"Outlet" means a conduit and/or channel structure for the controlled release of the contents normally impounded by a dam and reservoir.

"Owner" means the person holding lawful title to the dam or any person who owns or proposes to construct a dam.

"Periodic inspection" means a detailed inspection of the dam and appurtenant works conducted on regular intervals and includes, as necessary, associated engineering analyses to confirm the continued safe operation of the project.

"Person" means any individual, firm, association, county, public or municipal or private corporation, agency, or other entity whatsoever.

"Plans and specifications" means the detailed engineering drawings and specifications used to describe the layout, materials, construction methods, etc., for assembling a project or project element. These do not include shop drawings or other drawings prepared by the construction contractor for temporary construction support systems.

"Population at risk" means the number of people who may be present in areas downstream of a dam and could be in danger in the event of a dam failure.

"Project" means a dam and its reservoir either proposed or existing.

"Project engineer" means a professional engineer licensed in Washington, having direct supervision, as defined in WAC 196-24-095, in managing the engineering aspects of the project as representative of the owner.

"Reservoir" means any basin that contains or will contain the water impounded by a dam.

"Reservoir routing" means the procedures used to determine the attenuating effect of reservoir storage on a flood as it passes through a reservoir.

"Rule curve" means the rules and procedures used to regulate reservoir levels and project operation for various reservoir inflows and for both normal and unusual seasonal conditions.

"Significant enlargement" means any modification of an existing dam that results in the dam height or normal pool height being increased by an amount greater than 5.0 feet, and which also represents a ten percent or greater increase in dam height or normal pool height over that which existed prior to the modification.

"Spillway" means a channel structure and/or conduit for the safe release of water or floodwater.

"Stop work order" means an administrative order issued to temporarily halt construction work until a problem can be resolved.

"Substantially complete" means that a plan, action, or project element requires only minor additions to be complete, and in its present state will perform the necessary functions for its intended use.

"Surficial inspection" means a visual inspection conducted to identify obvious defects or changed conditions.

#### NEW SECTION

WAC 173-175-040 ACTIVITIES THAT REQUIRE DEPARTMENT REVIEW, APPROVAL, ACCEPTANCE, AUTHORIZATION, OR NOTIFICATION. (1) Activities related to the safety of dams that require review and approval by the department as detailed in this chapter include:

- (a) Construction of a new dam;
- (b) Modification of an existing dam;
- (c) Removal or abandonment of an existing dam;
- (d) Construction change orders for project elements that could have an effect on public safety.

(2) Activities related to the safety of dams that require review and acceptance by the department as detailed in this chapter include:

- (a) Adoption of an operation and maintenance (O&M) plan;
- (b) Adoption of an emergency action plan (EAP);
- (c) Changes to existing operation and maintenance procedures or to an emergency action plan that could have an effect on public safety.

(3) Activities related to the safety of dams that require authorization from the department before proposed actions can proceed include:

(a) Startup of construction: For a new dam; modifications to an existing dam; or removal or abandonment of an existing dam.

(b) Initial controlled filling of a reservoir following new dam construction and implementation of procedures for normal reservoir operation.

(c) Resumption of normal reservoir operation following dam modifications or emergency action.

(4) Activities related to the safety of dams that require a notification to the department as detailed in this chapter include:

(a) Change of dam ownership;

(b) Advance notice of the startup of dam construction;

(c) Declaration by the project engineer of project completion in accordance with the department approved plans and specifications and construction change orders;

(d) Advance notice of periodic inspection; and

(e) The occurrence of an incident at the dam.

#### NEW SECTION

**WAC 173-175-050 PROVISION OF GUIDELINES.** The department will develop and maintain Dam Safety Guidelines to aid dam owners and project engineers in complying with the department requirements in developing, producing, or conducting:

(1) Engineering design reports;

(2) Plans and specifications;

(3) Construction inspection plans;

(4) Operation and maintenance plans;

(5) Periodic inspections; and

(6) Emergency action plans.

#### NEW SECTION

**WAC 173-175-060 CHANGE OF OWNERSHIP.** When a change of ownership of a dam occurs, the new owner shall notify the department within ninety days following the transaction and provide:

(1) The mailing address and telephone number where the owner can be contacted.

(2) The name(s) and telephone number(s) of the individual(s) who will be responsible for operation and maintenance of the dam.

#### NEW SECTION

**WAC 173-175-070 EFFECTIVE DATE.** The effective date of this chapter shall be July 1, 1992.

### PART TWO CONSTRUCTION PERMIT PROCESS

#### NEW SECTION

**WAC 173-175-100 CONSTRUCTION PERMIT.**  
(1) Any person intending to construct or modify any dam shall, before beginning said construction or modification, submit plans and specifications and a construction inspection plan for review and approval by the department.

(2) The approval of these documents will be indicated by the department's plan approval stamp on the cover

sheet of the plans signed by the department's professional engineer who had primary responsibility for the engineering review.

(3) The return of the construction plans to the owner will be accompanied by a construction permit which authorizes construction and which must be prominently displayed at the construction site.

(4) A copy of the department approved plans and specifications shall be maintained at the construction site.

(5) Construction work shall not proceed until the plans, specifications, and construction inspection plan have been approved by the department.

#### NEW SECTION

**WAC 173-175-110 SEQUENCE OF PERMITTING ACTIONS.** The sequence of tasks to be completed by the owner or the project engineer, and the actions taken by the department in permitting dam construction are outlined below. A more complete description of the required tasks, reports, and plans are described in later sections, and additional guidance in meeting department requirements is contained in the department documents titled Dam Safety Guidelines. The following outline is listed to give an overview of the normal sequence of actions for construction of a new dam. Subsections (9), (10), and (11) of this section will not be required for modification of an existing dam where the department has previously accepted the project's operation and maintenance plan and emergency action plan.

(1) Submission of application for construction permit, including initial nonrefundable fee payment.

(2) Submission of engineering design report(s).

(3) Submission of plans and specifications.

(4) Payment of construction permit fee.

(5) Submission of construction inspection plan.

(6) Resolution of any outstanding engineering issues.

(7) Department approves plans and specifications and issues construction permit.

(8) Construction or modification of dam.

(9) Submission of operation and maintenance (O&M) plan.

(10) Submission of emergency action plan (EAP).

(11) Department accepts O&M plan and EAP.

(12) Declaration by project engineer that project was constructed or modified in accordance with approved plans and specifications and construction change orders.

(13) Department concurs with project engineer that project was constructed or modified in accordance with approved plans and specifications and construction change orders.

(14) Department authorizes filling of reservoir at new dam or resumption of normal operations at existing dam.

(15) Submission of a report summarizing the construction records.

#### NEW SECTION

**WAC 173-175-120 APPLICATION FOR CONSTRUCTION PERMIT.** (1) The department shall supply an application form to be used to initiate the process for obtaining the construction permit.

(2) The application form shall be submitted to the department at the time that the first substantive engineering information becomes available about the proposed project.

(3) An initial, nonrefundable payment which may represent all or a portion of the construction permit fee, shall be included along with the application form. The amount of the initial construction permit fee payment is defined in WAC 173-175-390.

**NEW SECTION**

**WAC 173-175-130 ENGINEERING DESIGN REPORTS.** (1) Engineering design reports summarizing the various engineering investigations and pertinent project information are an important element of the project design documents. All pertinent engineering design reports that have been prepared during project formulation shall be submitted for review. The engineering design report(s) must bear the seal and signature of the project engineer.

(2) The engineering design reports shall be sufficiently complete so as to support the development of plans and specifications without substantial change or additional information.

(3) The engineering design report(s) shall be comprehensive in description of the various engineering investigations.

(a) For new project construction, the engineering design report(s) shall include, as a minimum, the items listed in subsection (4) of this section:

(b) For modifications of existing dams, the engineering design report(s) shall include, as a minimum, those items listed in subsection (4) of this section which represent changed conditions from original construction or which address items that have not been previously addressed in prior reports that were submitted to the department.

(4) Contents of engineering design report(s):

(a) A description of the basic purposes of the project, normal operational characteristics and any unique or important design considerations associated with the site or project configuration.

(b) A description of the site geology, seismicity and geotechnical considerations including: A presentation of the findings from subsurface explorations based on test pits and/or boring logs; field tests; laboratory testing and classification of samples; and an identification of the seismotectonic provinces that could generate earthquakes large enough to significantly affect the project site.

(c) A description of the climatic and hydrologic characteristics of the site and tributary watershed including

the computation of the inflow design flood and, where applicable, a listing of the input and output data for the computer model used to determine the inflow design flood.

(d) A listing of all sources of inflow to the reservoir.

(e) The size classification of the proposed project as defined by Table 1.

TABLE 1. DAM SIZE CLASSIFICATION

SIZE CLASSIFICATION	DAM HEIGHT
Small Dam	Less than 15 feet
Intermediate Dam	15 feet or greater but less than 50 feet
Large Dam	50 feet or greater

(f) The reservoir operation classification of the proposed project as defined by Table 2.

TABLE 2. RESERVOIR OPERATION CLASSIFICATION

RESERVOIR OPERATION CLASSIFICATION	DETERMINING FACTOR
Permanent Pool or Seasonal Pool Operation	Steady state seepage or saturated flow conditions occur in impounding barrier and foundation at or near normal pool conditions.
Intermittent Operation	Duration of normal high pool condition is insufficient for steady state seepage or saturated flow conditions to develop in impounding barrier and foundation.

(g) An assessment of the consequences of dam failure on downstream areas, including:

(i) An estimation of the magnitude of the dam break flood hydrographs resulting from hypothetical dam failures occurring with the reservoir at normal storage elevation and maximum storage elevation;

(ii) A general description of the areas downstream of the dam that could be affected by floodwater from a dam failure;

(iii) If there is the potential for loss of life, an inundation map delineating the maximum areal extent of flooding that could be produced by a dam failure. Inundation mapping should extend to a point downstream where the inundation from the dam failure is within the 100-year floodplain for the affected watercourse;

(iv) The downstream hazard classification as defined by Table 3, which reflects the current conditions of development in downstream areas. The most serious potential consequences of failure of those listed in columns 3A, 3B, and 3C shall be used to establish the appropriate downstream hazard classification.

TABLE 3. DOWNSTREAM HAZARD CLASSIFICATION

DOWNSTREAM HAZARD POTENTIAL	DOWNSTREAM HAZARD CLASSIFICATION	COLUMN 3A POPULATION AT RISK	COLUMN 3B ECONOMIC LOSS GENERIC DESCRIPTIONS	COLUMN 3C ENVIRONMENTAL DAMAGES
Low	3	0	Minimal. No inhabited structures. Limited agriculture development.	No deleterious materials in reservoir contents
Significant	2	1 to 6	Appreciable. 1 or 2 inhabited structures. Notable agriculture or work sites. Secondary highway and/or rail lines.	Limited water quality degradation from reservoir contents and only short term consequences.
High	1C	7 to 30	Major. 3 to 10 inhabited structures. Low density suburban area with some industry and work sites. Primary highways and rail lines.	Severe water quality degradation potential from reservoir contents and long term effects on aquatic and human life.
High	1B	31-300	Extreme. 11 to 100 inhabited structures. Medium density suburban or urban area with associated industry, property and transportation features.	
High	1A	More than 300	Extreme. More than 100 inhabited structures. Highly developed, densely populated suburban or urban area with associated industry, property, transportation and community life line features.	

(h) Engineering calculations and data supporting the detailed design of project elements. This would include, as a minimum:

(i) The design step levels used in design of the various critical project elements, based on guidance contained in the department's Dam Safety Guidelines;

(ii) Stability analyses corroborating the design of the proposed embankment/barrier section under static and seismic loadings and rapid drawdown conditions;

(iii) Calculations for the design of any hydraulic structures, which are subject to high lateral earth pressures, relatively large seismic loads and/or uplift pressures;

(iv) Computations for sizing the principal and emergency spillway, including, where applicable, reservoir

routing computations defining the reservoir inflow and outflow design flood hydrographs.

#### NEW SECTION

WAC 173-175-140 PLANS AND SPECIFICATIONS. (1) Two copies of the plans and specifications, bearing the seal and signature of the project engineer, shall be submitted to the department for engineering review. Upon approval, one copy will be retained by the department and the other copy will be returned to the owner or the project engineer.

(2) For large or complex projects, one copy of the preliminary or intermediate level plans, in addition to

the final plans, shall be submitted to the department for review.

(3) To be approved, the plans and specifications must contain sufficient detail to describe the proposed construction work.

(a) The following items, as a minimum, shall be included as part of the construction plans:

(i) Project location and vicinity maps;

(ii) Site map of dam, reservoir area, and appurtenances;

(iii) Sectional view along longitudinal axis of dam and foundation;

(iv) Cross-sectional view of dam at location of maximum height;

(v) Cross-sectional views and profiles of spillway(s), outlet facilities, and other appurtenances;

(vi) Steel reinforcement placement and bar sizing for concrete construction must be shown in at least one section or profile; and

(vii) The plan for diversion and control of water during construction.

(b) The following items, as a minimum, shall be included as part of the construction specifications:

(i) Type, class, or description of all materials to be used;

(ii) The requirements for fill placement, moisture conditioning, and minimum level of compaction of all earthen zones;

(iii) The requirements, procedures, and minimum standards for concrete construction and/or structural details.

#### NEW SECTION

WAC 173-175-150 CONSTRUCTION PERMIT FEE. There is a fee for the review of plans and specifications and for construction inspections conducted by the department. The amount of the fee and owner requirements for fee payment are contained in WAC 173-175-350 through 173-175-400.

#### NEW SECTION

WAC 173-175-160 REVIEW STANDARDS. The department will review engineering design reports, plans, and specifications and the construction inspection plan to ascertain that the proposed project will be designed and constructed in a manner which will reasonably secure safety to life and property.

(1) The department's review is intended to address issues of safety directly related to the structural stability and integrity of the completed project. The review is not intended to extend to more general issues of safety not directly related to the structural stability and integrity of the project which are the purview of other governmental agencies such as the Washington department of labor and industries (L&I), which administers the Washington Industrial Safety and Health Act (WISHA).

(2) In addition to the above, the department will review documents submitted pursuant to this chapter to ascertain that they conform to accepted engineering and

construction practice and are in conformance with guidance contained in the department's Dam Safety Guidelines.

(3) Those elements of a document(s) which are found not to be in conformance with the above will be identified to the owner or the project engineer and changes may be required as appropriate to conform to accepted engineering practice.

(4) Where differences of opinion arise on the suitability of certain engineering or construction practices and cannot be readily resolved, the burden of proof will rest on the owner and the project engineer to demonstrate the suitability of the proposed plan or action.

#### NEW SECTION

WAC 173-175-170 CONSTRUCTION INSPECTION PLAN. (1) A detailed plan shall be submitted to the department describing how adequate and competent construction inspection will be provided.

(2) The construction inspection plan shall be prepared by a professional engineer and shall bear his/her seal and signature.

(3) The construction inspection plan shall include, as a minimum:

(a) A listing of construction activities related to critical project elements and planned inspection effort including staffing levels, responsibilities, frequency, and duration of site visits;

(b) A description of the quality assurance testing program which describes the type of test, general frequency, acceptable results, handling of deficient materials, and the individual(s) responsible for overseeing the testing;

(c) Description of construction management organization, lines of communication, and responsibilities;

(d) Description of the change order process including who is responsible for coordinating the change order review process with the department;

(e) Description of the technical records handling and the content and frequency of construction progress reports.

#### NEW SECTION

WAC 173-175-180 ISSUANCE OF CONSTRUCTION PERMIT. (1) After the department has determined that the plans and specifications and construction inspection plan conform to accepted engineering practice, these documents will be approved and a construction permit will be issued which authorizes construction to commence.

Construction shall not commence until the construction permit has been issued by the department.

Preliminary work such as mobilization of equipment, stripping and grubbing and other site access and preparation work is allowed prior to receipt of the construction permit, provided no permanent features of the dam are initiated.

(2) Receipt of the construction permit does not relieve the owner of the responsibility to secure all other applicable permits and approvals before proceeding with construction work.

NEW SECTION

**WAC 173-175-190 CONSTRUCTION CHANGE ORDERS.** (1) All dam projects subject to the provisions of this regulation shall be constructed in accordance with the plans and specifications approved by the department. Any proposed changes to the department-approved plans which could have an effect on structural integrity or safe operations of the project must first be presented to the department for a determination if an approval is required.

(2) If the department determines that the proposed construction change order represents a significant modification of the approved plans or specifications that could have an effect on structural integrity or safe operations of the project, then approval of the change order will be required.

The department will review the construction change order and provide a response to the project engineer in a timely manner consistent with the complexity and safety concerns of the situation.

(3) If department approval of the proposed construction change order is required, no action can be taken by the owner to make the construction change until approval is given by the department.

NEW SECTION

**WAC 173-175-200 DEPARTMENT ROLE IN CONSTRUCTION INSPECTION.** (1) It will be the department's role during construction to confirm that the project engineer, as representative for the owner, is properly implementing the department approved construction inspection plan.

(2) The department will periodically observe the construction work to independently confirm that conditions assumed in the design stage are valid for field conditions and that construction is proceeding in accordance with the approved plans and specifications.

(3) Changes may be required by the department to be made to the approved plans and specifications to reasonably secure safety to life and property. Reasons for changes may include, but are not limited to the following:

- (a) To address unanticipated field conditions;
- (b) To correct omissions or errors in the approved plans and specifications;
- (c) To correct situations where the construction work clearly is not being performed in a workmanlike manner and does not, in the opinion of the department, meet the performance intent of the specifications.

(4) Where deemed necessary by the department, a stop work order may be issued to temporarily halt construction until a problem can be resolved.

NEW SECTION

**WAC 173-175-210 OPERATION AND MAINTENANCE PLAN.** (1) An operation and maintenance (O&M) plan shall be developed and submitted to the department for review and acceptance. The O&M plan

shall outline and summarize how the project is to be operated and how the basic elements of monitoring, inspection and maintenance, as listed in WAC 173-175-500(1), are to be accomplished.

The department may issue an acceptance after determining the O&M plan is substantially complete.

(2) Owners are responsible for incorporating the details of the O&M plan into an O&M manual suitable for use by dam operators. Requirements associated with O&M manuals are listed in WAC 173-175-500.

NEW SECTION

**WAC 173-175-220 EMERGENCY ACTION PLAN.** In those cases where a failure of the dam could pose a risk to life based on the current level of development in downstream areas (downstream hazard classes 1A, 1B, 1C, and 2, WAC 173-175-130), an emergency action plan (EAP) shall be developed and submitted to the department for review and acceptance. The purpose of the plan is to establish procedures for responding to unusual or emergency situations and procedures for detecting, evaluating, communicating and initiating notification or warning to individuals who may be at risk in downstream/upstream areas. Requirements associated with EAP's are listed in WAC 173-175-520.

The department may issue an acceptance after determining the EAP is substantially complete.

NEW SECTION

**WAC 173-175-230 DECLARATION OF CONSTRUCTION COMPLETION.** Within thirty days following substantial completion of construction or modification of a dam, the project engineer shall submit to the department:

A declaration stating the project was constructed in accordance with the department approved plans and specifications and construction change orders.

The department will provide a declaration form which may be used or altered, as appropriate, by the project engineer.

NEW SECTION

**WAC 173-175-240 AUTHORIZATION TO COMMENCE OR RESUME PROJECT OPERATION.** (1) Upon receipt of the project engineer's declaration of construction completion, the department will authorize the owner or the project engineer, as appropriate, to commence or resume normal project operation, provided that:

(a) The department concurs with the project engineer that the project was constructed in accordance with the approved plans and specifications and construction change orders;

(b) The proposed O&M plan is acceptable to the department;

(c) The proposed emergency action plan, if required (see WAC 173-175-220), is acceptable to the department.

(2) If the above conditions are not met, the owner shall not commence or resume normal operation of the

project until all outstanding issues or problems are resolved. When outstanding issues or problems are not resolved in a timely manner, the department may:

- (a) Order the outlet works to remain fully open and not allow filling of the reservoir;
- (b) Restrict reservoir water levels or reservoir operation;
- (c) Order the breaching of the impounding barrier;
- (d) Take other measures as appropriate to reasonably secure safety to life and property.

#### NEW SECTION

**WAC 173-175-250 CONSTRUCTION RECORDS SUMMARY.** Within one hundred twenty days following completion of construction or modification of a dam, the project engineer, as representative of the owner, shall submit a report to the department on construction activities which includes:

- (1) A summary of results from field testing of materials used in construction. The summary shall identify both representative values and the range of test values;
- (2) A discussion of any notable items encountered during construction;
- (3) One complete set of drawings describing the as-built condition of the dam.

#### NEW SECTION

**WAC 173-175-260 EXCEPTIONS TO CONSTRUCTION PERMIT PROCESS.** If the department determines that emergency or exigency conditions exist at a dam and that it is in the best interests of public safety to expedite the construction or modification of a dam, the department may elect to temporarily suspend the normal construction permit process. To allow this exception, the department will issue a written conditional construction permit, which:

- (1) May initially be oral;
- (2) Will specify the construction activities to be allowed;
- (3) May be terminated at a time deemed appropriate by the department;
- (4) Shall incorporate, to the extent possible, and not inconsistent with the situation, all applicable requirements of this chapter.

#### NEW SECTION

**WAC 173-175-270 DEPARTMENT REVIEW RESPONSE TIME.** In reviewing the various documents

required in the construction permit process, the department shall respond in a timely manner to the owner or project engineer with written review comments, approval, or acceptance as appropriate.

If the department response is anticipated to occur sixty days or more beyond the date of receipt of the document(s), the department shall notify the owner and/or project engineer in writing and advise them of the expected response date.

### PART THREE CONSTRUCTION PERMIT FEES

#### NEW SECTION

**WAC 173-175-350 AUTHORITY FOR CONSTRUCTION PERMIT FEES.** It is required by RCW 90.03.470(9) that fees be collected by the department for the examination of plans and specifications. The fee shall be a minimum of ten dollars or the actual cost. In addition, the department is required by RCW 43.21A.064(2) to inspect the construction of all dams. It is required by RCW 90.03.470(8) that fees be collected for the actual cost to the department for inspection including the expense incident thereto.

#### NEW SECTION

**WAC 173-175-360 CONSTRUCTION PERMIT FEES FOR NEW PROJECT CONSTRUCTION.** Fees for the review of plans and specifications and for construction inspection for new project construction shall be the amounts shown in Table 4 as determined by the nearest values of dam height and crest length, in feet, which correspond to the project's planned dam height and crest length.

#### NEW SECTION

**WAC 173-175-370 CONSTRUCTION PERMIT FEES FOR MODIFICATIONS OF EXISTING DAMS.** (1) Fees for the review of plans and specifications and for construction inspections for project modifications involving significant enlargements shall be the greater of five hundred dollars or the amount determined by those applicable percentages shown in Table 5A of the fees in Table 4. The appropriate Table 4 fee amount is to be determined using the nearest values of dam height and crest length, in feet, which correspond to the overall dimensions of the modified dam.

TABLE 4. CONSTRUCTION PERMIT FEES - NEW PROJECT CONSTRUCTION

DAM HEIGHT (FEET)	DAM CREST LENGTH (FEET)															
	50	100	150	200	250	300	350	400	500	600	700	800	1000	1500	2000	4000
400	15810	17640	18320	18730	19060	19320	19540	19730	20000	20000	20000	20000	20000	20000	20000	20000
300	13680	16220	17320	17890	18240	18500	18720	18920	19240	19500	19720	19920	20000	20000	20000	20000
250	12150	15100	16370	17190	17620	17980	18210	18400	18720	18990	19210	19400	19720	20000	20000	20000
200	10100	13260	15000	15890	16610	17130	17420	17690	18090	18350	18570	18770	19090	19670	20000	20000
180	8930	12370	14090	15250	15940	16530	17030	17280	17720	18060	18280	18470	18790	19380	19790	20000
160	7730	11390	13140	14340	15230	15790	16280	16720	17270	17620	17930	18140	18460	19050	19460	20000
150	7150	10840	12590	13800	14770	15400	15880	16310	17030	17380	17680	17950	18280	18870	19280	20000
140	6570	10080	12000	13250	14180	14990	15460	15880	16600	17120	17420	17680	18090	18670	19090	20000
130	6010	9260	11400	12620	13570	14340	15020	15430	16130	16720	17140	17400	17830	18460	18880	19880
120	5450	8400	10670	11950	12930	13680	14340	14930	15630	16210	16720	17090	17530	18240	18650	19650
110	4900	7560	9740	11250	12180	12990	13620	14180	15120	15680	16170	16600	17200	18000	18410	19410
100	4370	6740	8680	10300	11400	12170	12850	13410	14350	15110	15580	16000	16730	17630	18140	19140
95	4110	6330	8160	9760	11010	11740	12410	13010	13920	14720	15280	15690	16400	17300	17790	18320
90	3850	5930	7640	9140	10410	11320	11950	12530	13490	14260	14940	15360	16060	17060	17530	18200
85	3590	5530	7130	8530	9800	10820	11490	12050	13040	13780	14450	15030	15710	17020	17320	17320
80	3340	5140	6630	7930	9120	10160	11020	11560	12510	13300	13940	14520	15350	16320	16320	16320
75	3090	4760	6130	7340	8440	9460	10320	11060	11970	12780	13420	13980	14960	15320	15320	15320
70	2840	4380	5640	6750	7770	8700	9580	10320	11420	12190	12870	13430	14320	14320	14320	14320
65	2600	4010	5160	6180	7100	7960	8770	9530	10780	11580	12240	12830	13320	13320	13320	13320
60	2360	3640	4690	5610	6450	7230	7970	8660	9930	10950	11590	12150	13220	13220	13220	13220
55	2130	3280	4230	5060	5820	6520	7180	7800	8970	10010	10880	11320	11320	11320	11320	11320
50	1900	2930	3770	4520	5190	5820	6410	6960	8010	8970	9860	10320	10320	10320	10320	10320
46	1720	2650	3420	4090	4700	5270	5800	6310	7250	8120	8950	9520	9520	9520	9520	9520
42	1540	2380	3070	3670	4220	4730	5210	5660	6510	7290	8030	8720	8720	8720	8720	8720
38	1370	2110	2720	3260	3750	4200	4630	5030	5780	6480	7130	7760	7920	7920	7920	7920
34	1200	1860	2390	2860	3290	3690	4060	4410	5070	5680	6260	6800	7120	7120	7120	7120
30	1040	1600	2060	2470	2840	3180	3500	3810	4380	4910	5400	5870	6320	6320	6320	6320
28	960	1480	1900	2280	2620	2940	3230	3510	4040	4530	4980	5420	5920	5920	5920	5920
26	880	1360	1750	2090	2400	2690	2960	3220	3700	4150	4570	4970	5520	5520	5520	5520
24	820	1230	1590	1900	2190	2450	2700	2940	3380	3780	4170	4530	5120	5120	5120	5120
22	770	1120	1440	1720	1980	2220	2440	2660	3050	3420	3770	4090	4710	4720	4720	4720
20	710	1000	1290	1540	1770	1990	2190	2380	2730	3070	3370	3670	4220	4320	4320	4320
18	660	890	1140	1370	1570	1760	1940	2110	2420	2720	2990	3250	3740	3920	3920	3920
16	610	800	1000	1200	1370	1540	1700	1840	2120	2370	2620	2840	3270	3520	3520	3520
15	590	770	930	1110	1280	1430	1580	1710	1970	2210	2430	2640	3040	3320	3320	3320
14	570	730	860	1030	1180	1320	1460	1580	1820	2040	2250	2440	2810	3120	3120	3120
13	550	690	810	950	1090	1220	1340	1460	1680	1880	2070	2250	2580	2920	2920	2920
12	540	650	770	870	1000	1110	1230	1330	1530	1720	1890	2060	2360	2720	2720	2720
11	530	620	720	810	910	1010	1110	1210	1390	1560	1720	1870	2150	2520	2520	2520
10	520	590	670	760	830	910	1000	1090	1250	1400	1550	1680	1930	2320	2320	2320
9	510	560	630	700	770	830	900	970	1120	1250	1380	1500	1720	2120	2120	2120
8	500	540	590	640	710	760	810	860	980	1100	1210	1320	1510	1920	1920	1920
7	500	520	550	600	640	690	740	780	850	950	1050	1140	1310	1690	1720	1720
6	500	510	530	560	590	630	660	700	770	820	890	970	1110	1430	1520	1520
5	500	500	510	530	550	570	600	620	680	730	780	820	920	1180	1320	1320

(2) Fees for the review of plans and specifications and for construction inspection for project modifications not involving significant enlargements shall be the greater of five hundred dollars or the amount determined by those applicable percentages shown in Table 5B of the fees in Table 4. The appropriate Table 4 fee amount is to be determined using the nearest values of dam height and crest length, in feet, which correspond to the overall dimensions of the modified dam.

(3) Fees for the review of plans and specifications and for construction inspection for the removal or partial removal of a dam with safety deficiencies for the purpose of eliminating a public safety hazard shall be the minimum fee of ten dollars.

(4) Fees for the review of plans and specifications and for construction inspection for the planned abandonment and reclamation of dams and reservoir areas used in mining operations shall be the minimum fee of five hundred dollars.

TABLE 5 - FEES FOR MODIFICATIONS OF DAMS

MODIFICATION FEE AS PERCENTAGE OF FEE FOR NEW DAM CONSTRUCTION

FEATURES MODIFIED	TABLE 5A	TABLE 5B
	MODIFICATIONS INVOLVING SIGNIFICANT ENLARGEMENTS	MODIFICATIONS NOT INVOLVING SIGNIFICANT ENLARGEMENTS
Spillway(s)	35%	25%
Impounding Barrier	35%	25%
Appurtenant Works and Miscellaneous Construction Elements	10%	10%

NEW SECTION

WAC 173-175-380 MAINTENANCE. It will not be necessary to submit plans and specifications for review for routine maintenance, normal replacement, or repair of items to keep them in a serviceable condition, seasonal removal, or replacement of stoplogs, or other similar minor operational activities.

NEW SECTION

**WAC 173-175-390 PAYMENT OF CONSTRUCTION PERMIT FEES.** (1) The amount of the construction permit fee will be determined by the department based upon procedures contained in WAC 173-175-360 and 173-175-370 and information contained in the construction plans.

(a) An initial payment, which may represent all or a portion of the construction permit fee shall be paid in conjunction with the submittal of the construction permit application described in WAC 173-175-120. The amount of the initial payment shall be:

(i) Ten dollars for the removal of a dam with safety deficiencies as described in WAC 173-175-370(3); or

(ii) Five hundred dollars for construction of a new dam or modification of an existing dam or project.

(b) The balance of the fee amount (less the initial payment above) is to be paid following notification by the department of the balance due.

(c) Fees for FERC licensed projects are to be paid following notification by the department of the total amount due.

(d) All fees collected are nonrefundable.

(2) No fee shall be required for the review of conceptual plans which describe proposed repairs or improvements to existing dams to correct safety deficiencies. The normal construction permit process will apply at the time plans and specifications are submitted to the department.

(3) No additional fees shall be required for plan and specification changes and resubmittals required by the department as part of the review process.

(4) No additional fees shall be required for review of construction change orders.

NEW SECTION

**WAC 173-175-400 COST OF EXPERT OPINION.** In resolving differences of opinion on engineering issues between the department and project engineer or owner, it may be necessary for the department to employ an expert in dam design, analysis or construction.

(1) The expert who is chosen, the assigned tasks, and the estimated cost for the expert's services shall be determined by negotiation between the owner and the department.

(2) The cost associated with employing the expert shall be paid by the owner of the proposed or existing project.

#### PART FOUR PROJECT OPERATION

NEW SECTION

**WAC 173-175-500 OPERATION AND MAINTENANCE.** (1) The owner shall develop and maintain a current operation and maintenance (O&M) manual.

The manual shall describe procedures for operation of the project under normal and extreme reservoir inflow conditions and provide technical guidance and procedures for monitoring, inspection, and long-term maintenance. Information on the development of the O&M

manual is contained in the department's Dam Safety Guidelines. The O&M manual shall include, as a minimum, the following items:

(a) Identification of the individual(s) responsible for implementing the plan;

(b) A project data sheet describing the pertinent features of the dam and reservoir, including the spillway(s), outlet works, and appurtenant structures and their locations at the dam site;

(c) The rules and procedures (rule curve) used to regulate reservoir levels and project operation for various reservoir inflows and for both normal and unusual seasonal conditions;

(d) A description of each hydraulic element used to regulate or release water, including information on proper operation and scheduled maintenance;

(e) A listing of the items requiring periodic monitoring, the frequency of monitoring and procedures for monitoring, measurement, and recordkeeping;

(f) A listing of the items requiring periodic maintenance and procedures for conducting and documenting maintenance and recording of problems;

(g) A listing of items to be inspected or test operated, the frequency and procedures for conducting the same and for documenting the findings.

(2) It shall be the duty and responsibility of the owner to, at all times, operate and maintain the dam and all appurtenant works in a safe manner and condition and follow the method and schedule of operation of the dam as outlined in the O&M manual.

(3) For dams constructed before July 1, 1992, owners are required to develop an O&M manual by December 31, 1997.

In those cases where a failure of the dam could pose a threat to life (downstream hazard classes 1A, 1B, 1C, and 2), the O&M manual shall be submitted to the department for review and acceptance.

(4) Any proposed changes to the O&M manual which could have an effect on public or project safety must be submitted to the department for review and acceptance before implementation.

NEW SECTION

**WAC 173-175-510 INSPECTION.** (1) Owners are required to evaluate the safety of their dam(s) and all appurtenant works and to make modifications, as become necessary, to reasonably secure safety to life and property. To accomplish this, owners are:

(a) Required to conduct annual surficial inspections and to maintain records of their findings, including records of actions taken to correct problem conditions. Copies of such records shall be provided to the department upon request.

The annual surficial inspections may be conducted by the owner or by agent(s) designated by the owner.

(b) Encouraged to implement a program for the periodic inspection of their project(s) on a five-year frequency to be conducted by a professional engineer.

(c) Required to notify the department at least thirty days in advance of when periodic inspections are scheduled to allow department engineers to participate in the inspection.

(d) Required to submit a copy of the engineering report(s) and other documents which contain the findings, conclusions, and recommendations resulting from the periodic inspection within thirty days following the completion of the various documents.

(2) In order to correct safety deficiencies and exigency conditions, owners are required to take actions and make modifications as prescribed by the department to preserve the structural stability and integrity of the project and attain levels of safety in accordance with accepted engineering practice.

(3) The department may elect to conduct periodic inspections of particular projects to reasonably secure safety to life and property.

(a) The department will give at least thirty days advance notice of the date of the periodic inspection and advise the owner of any requirements such as gates or valves that are to be operated during the inspection.

(b) Owners are required to develop an Operation and maintenance manual (WAC 173-175-500) and an Emergency action plan (WAC 173-175-520) within one hundred eighty days following completion of a periodic inspection conducted by the department.

#### NEW SECTION

WAC 173-175-520 EMERGENCY ACTION. (1) In those cases where a failure of the dam could pose a threat to life (downstream hazard classes 1A, 1B, 1C, and 2), the owner shall develop and maintain an emergency action plan (EAP) acceptable to the department.

(a) The EAP shall describe procedures for responding to unusual or emergency situations and procedures for detecting, evaluating, communicating, and initiating notification or warning of individuals who may be at risk in downstream and upstream areas. Information on the development of an EAP is contained within the department's Dam Safety Guidelines.

(b) It shall be the duty and responsibility of the owner to implement the EAP when conditions warrant and to follow the method and schedule contained within the EAP.

(c) For dams constructed before July 1, 1992, owners are required to develop an EAP and to submit it to the department for review and acceptance by December 31, 1997.

(i) Owners are required to coordinate the development of the EAP with representatives from the local emergency services staff, state department of community development, emergency management division, and appropriate local authorities.

(ii) Copies of the completed EAP must be provided to the state emergency management division, local emergency services office, and to the department.

(2) Any proposed changes to the EAP which could have an affect on public or project safety must be submitted to the department for review and acceptance before implementation.

(3) Owners are required to exercise components of the EAP as needed to confirm the viability of the plan.

(4) The department will coordinate and solicit review comments from the local emergency services office and

the state emergency management division on the acceptability of proposed EAPs. Those comments will constitute the primary basis for accepting or requesting modifications to a proposed EAP.

#### NEW SECTION

WAC 173-175-530 REPORTING OF INCIDENTS. Owners are required to notify the department when incidents occur or when problems or conditions arise which may pose a threat to life or property or a threat to the integrity of the dam.

(1) The owner shall report by telephone to the department on any condition affecting the safety of the project or when an incident has occurred. The initial oral report must be made as soon as practicable after the condition is discovered or following any incident.

(2) A written report may be required by the department within thirty days following the discovery of the condition or after the incident. The report shall describe the condition affecting the safety of the project or the incident which has occurred and shall describe the preliminary plans for correcting the condition and for preventing the recurrence of a similar incident.

### PART FIVE COMPLIANCE AND ENFORCEMENT

#### NEW SECTION

WAC 173-175-600 RIGHT OF ENTRY. The department or its duly appointed agent(s) shall have the right to enter at all reasonable times in or upon property, public or private, for the purpose of inspecting and investigating conditions relating to the construction, operation, maintenance or performance of dams. The department shall comply with the owner's reasonable rules for access to the project.

#### NEW SECTION

WAC 173-175-610 EMERGENCIES. (1) When, in the opinion of the department, an emergency condition exists which poses an imminent threat to life, the department may take such action as necessary to eliminate or mitigate the hazard and potential consequences. The dam owner or the owner's agent(s) may be directed to take actions, and if that failing, the department may take control of the project and take actions, including, but not limited to:

- (a) Altering the operation of the project;
- (b) Lowering the reservoir water level;
- (c) Draining the reservoir;
- (d) Making emergency repairs or modifications to the project;
- (e) Enlisting the services of federal, state, or local authorities to make emergency repairs or modifications to the project;
- (f) Breaching the dam.

(2) All costs incurred by the department as a result of taking control of the project will be charged to the owner.

**NEW SECTION**

WAC 173-175-620 ENFORCEMENT. (1) In enforcement of this chapter, the department may impose such sanctions as appropriate under authorities vested in it, including but not limited to, the issuance of regulatory orders under RCW 86.16.081 and 43.27A.190 and civil penalties under RCW 86.16.081 and 90.03.600.

(2) Any dam which is found to be under construction or recently constructed without prior approval of the plans and specifications is in violation of RCW 90.03.350 and will be presumed to be a public nuisance. The owner will not be allowed to fill the reservoir or continue to operate the reservoir until the structural integrity and safety of the facility can be demonstrated to the satisfaction of the department. In addition:

(a) Regulatory orders may be issued to enforce the restriction of reservoir filling and fines may be levied at one hundred dollars per day up to an amount equal to one hundred fifty percent of the amount the owner would have been charged under the construction permit fee schedule listed in this chapter;

(b) Owners are required to submit as-built drawings and all available documentation describing the manner in which the dam or portion thereof was constructed;

(c) If the structural integrity and safety of a dam project cannot be demonstrated or confirmed to the satisfaction of the department, the owner shall not commence or resume normal operation of the project until all outstanding issues or problems are resolved to the satisfaction of the department. To accomplish the above, the department may:

(i) Order the outlet works to remain fully open and not allow filling of the reservoir;

(ii) Restrict reservoir water levels or reservoir operation;

(iii) Order the breaching of the impounding barrier;

(iv) Take other measures as appropriate to reasonably assure safety to life and property.

(d) If, in the opinion of the department, the owner is unwilling or incapable of resolving the outstanding safety issues in a timely manner, the department may take action to have the dam abated as prescribed by law under RCW 90.03.350.

**NEW SECTION**

WAC 173-175-630 APPEALS. All final written decisions of the department pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

**WSR 92-12-056**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**  
[Filed June 1, 1992, 3:30 p.m.]

Original Notice.

Title of Rule: WAC 16-328-010 Strawberry plant certification fees; and 16-333-040 Caneberry certification fees.

Purpose: A proposal to increase inspection fees from \$18.00 to \$25.00 per hour and to increase the application fee from \$100.00 to \$125.00. There has not been a fee increase since 1987.

Statutory Authority for Adoption: Chapter 15.14 RCW.

Statute Being Implemented: Chapter 15.14 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: The increase is needed to meet the rising cost of carrying out the certification program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Max G. Long, 2015 South 1st Street, Yakima, WA, (509) 575-2750.

Name of Proponent: Department of Agriculture, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

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

Hearing Location: Washington State Department of Agriculture, Oakhurst Park Offices, 1851 South Central Place, Suite 206, Kent, WA 98031, on July 7, 1992, at 1:15 p.m.

Submit Written Comments to: Max Long, 2015 South 1st Street, Yakima, WA 98903, by July 7, 1992.

Date of Intended Adoption: July 21, 1992.

May 29, 1992  
William E. Brookreson  
Assistant Director

**AMENDATORY SECTION** (Amending Order 1932, filed 6/9/87)

WAC 16-328-010 STRAWBERRY PLANT CERTIFICATION FEES. Strawberry plant certification fees are as follows:

(1) Certification application fee. The applicant shall furnish all information requested on the application for inspection and shall allow the department to take plants or plant parts from any planting for inspection or testing purposes. A separate application shall be made for each cultivar and/or unit entered for certification. Each lot of each cultivar shall be listed separately on the application. Lots under observation by the department shall pay the inspection fees. Applications for inspection shall be filed with the Seed Branch, 2015 South First Street, Yakima, Washington 98903 by June 30 each year accompanied by a one hundred twenty-five dollar fee.

(2) Inspection fees. The inspection fee shall be ~~((eighteen))~~ twenty-five dollars per hour and mileage shall be charged at a rate established by the state office of financial management. Inspection fees shall be payable upon completion of work done and shall be for the sole purpose of defraying expenses incurred in the inspection and certification of strawberry nursery stock. Billing to the applicant shall be made by the seed branch.

(3) A grower desiring to produce certified strawberry plants as herein provided shall establish with the department facts evidencing sufficient experience to produce healthy, high quality stock.

(4) Failure to pay fees when due shall result in removing the applicant from this program.

(5) No application for any grower owing the Washington state department of agriculture for previous fees shall be considered.

**AMENDATORY SECTION** (Amending Order 1932, filed 6/9/87)

WAC 16-333-040 CANEBERRY CERTIFICATION FEES. (1) Caneberry certification application fee. The applicant shall furnish all information requested on the application for inspection and shall allow the department to take plants or plant parts from any planting for inspection and testing purposes. A separate application shall be made for each cultivar and/or unit entered for certification. Each lot of each cultivar shall be listed separately on the application. Lots under observation by the department shall pay the inspection fees. Applications for inspection shall be filed with the seed branch, 2015 South First Street, Yakima, Washington 98903 by May 15 each year accompanied by a one hundred twenty-five dollar fee.

(2) Inspection fees. The inspection fee shall be ~~((eighteen))~~ twenty-five dollars per hour and mileage shall be charged at a rate established by the state office of financial management. Inspection fees shall be payable upon completion of work done and shall be for the sole purpose of defraying expenses incurred in the inspection and certification of caneberry nursery stock. Billing to the applicant shall be made by the seed branch.

(3) Applications for certification shall reach the department's seed branch, 2015 South First Street, Yakima, WA 98903, by May 15 each year.

(4) A grower desiring to produce certified caneberry plants as herein provided shall establish with the department facts evidencing sufficient experience to produce healthy, high quality stock.

(5) Failure to pay fees when due shall result in removing the applicant from the certification program.

(6) No application from any grower owing the department for previous fees shall be considered.

**WSR 92-12-057****WITHDRAWAL OF PROPOSED RULES  
DEPARTMENT OF WILDLIFE**

[Filed June 1, 1992, 4:36 p.m.]

Please take note that the proposed rules adopting WAC 232-12-021 Import and retention of nonresident wildlife, 232-12-074 Retention of game, and 232-12-077 Wildlife taken by another, filed on January 2, 1992, WSR 92-02-086, are hereby withdrawn.

Daniel W. Wyckoff  
Administrative Rules Officer

**WSR 92-12-058****PERMANENT RULES  
WILDLIFE COMMISSION**

[Order 547—Filed June 1, 1992, 4:38 p.m.]

Date of Adoption: April 10, 1992.

Purpose: To amend WAC 232-28-226 1991-92, 1992-93, 1993-94 Deer and bear hunting seasons and regulations.

Citation of Existing Rules Affected by this Order:  
Amending WAC 232-28-226.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to notice filed as WSR 92-06-075 on March 4, 1992.

Changes Other than Editing from Proposed to Adopted Version: The deer bag limit verbiage was edited as follows: Bag Limit: One deer per hunter during an annual (July 1-March 31) hunting season. Except modern firearm or muzzleloader special permit hunters and archers in select GMUs may be allowed two deer; and archery deer hunters in GMU 105-118, 121, and 124

were given the opportunity to purchase a second deer tag. The following verbiage was adopted: "Archery hunters will be eligible to purchase a second deer tag for game management units 105-118, 121, 124. To take advantage of this opportunity, archers must mail their original deer transport tag and a check or money order for \$18.00 (resident) or \$60.00 (nonresident) to the Department of Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091 and be postmarked no later than September 15, 1992. When these items are received, the original deer transport tag will be stamped "Whitetail Antlerless Only - Valid only in GMUs 105-118, 121, 124," a second deer transport tag will be issued and stamped "Whitetail Antlerless Only - Valid only in GMUs 105-118, 121, 124," and returned to the archer. These validated deer transport tags will only be valid for use within the specified game management units."

Effective Date of Rule: Thirty-one days after filing.

May 27, 1992  
Dean A. Lydig  
Chair

**AMENDATORY SECTION** (Amending Order 494, filed 5/2/91)**WAC 232-28-226 1991-92, 1992-93, 1993-94  
DEER AND BEAR HUNTING SEASONS AND  
REGULATIONS****DEER**

Bag Limit: One (1) deer per hunter during an annual (July 1-March 31) hunting season ~~((except special permit hunters may be allowed two (2) deer.))~~. Except modern firearm or muzzleloader special permit hunters and archers in select GMUs may be allowed two (2) deer.

Hunting Method: Hunters must select one of the hunting methods (modern firearm, archery, muzzleloader).

Buck Deer Seasons: Open only to the taking of male deer with visible antlers (buck fawns illegal).

Definition: Visible antler is a horn-like growth projecting above the hairline.

Branched Antler Restriction GMUs: APPLIES TO ALL HUNTERS DURING ANY OPEN SEASON! Buck deer taken in these GMUs must meet minimum antler point requirements. Minimum antler point requirements are antler points on one side only. Antler points include eye guards but all antler points must be at least one inch long. The following GMUs have 2 or 3 point minimum requirements on buck deer taken.

2 Point GMUs: 433, 478, 558, 574, 576, 584, 586, 588, 636, 681, and GMU 485 (by permit only).

3 Point GMUs: 103, 127, 130, 133, 136, 139, 142, 145, 148, 151, 154, 160, 161, 163, 166, 169, 172, 175, 178, 181, 184, 185, 203, 231, 306, and 450.

**Modern Firearm Deer Seasons**

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm deer tag on his/her person.

Hunting Method: Modern firearm deer tag hunters may use rifle, handgun, shotgun, bow or muzzleloader, but only during modern firearm seasons.

High Buck Hunt

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm deer tag on his/her person.

GMUs	Dates			Legal Deer
	1991	1992	1993	
203, 301, 302, 450	Sept. 15-25	Sept. 15-25	Sept. 15-25	3-Pt. min.
Deer Areas 010, 040, 060	Sept. 15-25	Sept. 15-25	Sept. 15-25	3-Pt. min.

General Modern Firearm Deer Seasons

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm deer tag on his/her person.

GMUs	Dates			Legal Deer
	1991	1992	1993	
Northeastern 100	Oct. 12-27	Oct. 17-Nov. 1	Oct. 16-31	Buck only
103	Oct. 12-27	Oct. 17-Nov. 1	Oct. 16-31	3 Pt. min.
105-124	Oct. 12-Nov. 24	Oct. 17-Nov. 22	Oct. 16-Nov. 21	Buck only
Southeastern 127-185 Except closed in 157	Oct. 12-20	Oct. 17-25	Oct. 16-24	3-Pt. min.
Okanogan 200-242	Oct. 12-Nov. 1	Oct. 17-Nov. 6	Oct. 16-Nov. 5	Buck only except 3 pt. min. in GMU 203 and 231.
Columbia Basin 248-278, 284	Oct. 12-20	Oct. 17-25	Oct. 16-24	Buck only
281	Oct. 12-20	Oct. 17-25	Oct. 16-24	Either sex
Chelan 300-316	Oct. 12-Nov. 8	Oct. 17-Nov. ((+3)) <u>10</u>	Oct. 16-Nov. ((+2)) <u>10</u>	Buck only except 3 pt. min. in GMU 306
Colockum and Central <del>((328-334))</del>	Oct. 12-22	Oct. 17-27	Oct. 16-26	Buck only
<u>328-334, 336,340</u> <del>((335-370))</del>	Oct. 12-31	Oct. 17-Nov. 4	Oct. 16-Nov. 4	Buck only
<u>335, 342-370</u>				

GMUs	Dates			Legal Deer
	1991	1992	1993	
Western 405-572, 580, 600-684 Closed in GMU 522. Permit only in GMU 485.	Oct. 12-27	Oct. 17-Nov. 1	Oct. 16-31	Buck only except either sex in GMUs 410, 480, and 564; and 2 pt. min. in GMUs 433, 478, 558, 636, and 681; and 3 pt. min. in GMU 450.
574, 576, 584, 586, 588	Oct. 12-Nov. 10	Oct. 17-Nov. 15	Oct. 16-Nov. 14	2-Pt. min.

Late Buck Season

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm deer tag on his/her person.

GMUs	Dates			Legal Deer
	1991	1992	1993	
All 400, 500, & 600 Except closed in: GMUs 480, 485, 522, 574, 576, 580, 584, 586, 588.	Nov. 21-24	Nov. 19-22	Nov. 18-21	Buck only except 2 pt. min. in GMUs 433, 478, 558, 636, and 681 and 3 pt. min. in GMU 450 and either sex in GMU 410 and 564.

Archery Deer Seasons

Tag Required: Deer hunter must have a current valid, unaltered, unnotched archery deer tag on his/her person.

Special Notes: Archery tag holders can only hunt with archery equipment during archery seasons.

Archery Two Deer Hunts

Archery hunters will be eligible to purchase a second deer tag for game management units 105-118, 121, 124. To take advantage of this opportunity, archers must mail their original deer transport Tag and a check or money order for \$18.00 (resident) or (\$60.00) nonresident to the Department of Wildlife, 600 Capitol Way N., Olympia, WA 98501-1091 and be postmarked no later than September 15, 1992. When these items are received, the original deer transport tag will be stamped "WHITETAIL ANTLERLESS ONLY - VALID ONLY IN GMUS 105-118, 121, 124," a second deer transport tag will be issued and stamped "WHITETAIL ANTLERLESS ONLY - VALID ONLY IN GMUS 105-118, 121, 124," and returned to the archer. These validated deer transport tags will only be valid for use within the specified game management units.

Early Archery

GMUs	Dates			Legal Deer
	1991	1992	1993	
100-118, 121-154, 160-169, 175-200, 206, 215-239,	Sept. 11-Oct. 8	Sept. 16-Oct. 13	Sept. 15-Oct. 12	Either sex except 3 pt. or antlerless

GMUs	Dates			Legal Deer
	1991	1992	1993	
248-300, 306, 308, 316-340, 352-356, 364, 370, 405-442, 454-478, 490, 504, 505, 510, 512, 514, 516, 520, 524, 530, 550, 554-560, 568-588, 601, 602, 607, 615, 618, 621, 627-633, 638, 639, 642-663, 667-669, 678, 681				in GMUs 103, 127-185, 231, and 306, and 2 pt. or antlerless in GMUs 433, 478, 558, 574, 576, 584, 586, 588, and 681.
203, 301, 450	Sept. 15-Oct. 8	Sept. 15-Oct. 13	Sept. 15-Oct. 12	3 Pt. min. or antlerless
302	Sept. 15-24	Sept. 15-29	Sept. 15-28	3 Pt. min. or antlerless
119, 172, 242, 304, 360, 448, 484, 564, 603, 612, 624, 636, 666, 672, 684	Sept. 11-24	Sept. 16-29	Sept. 15-28	Either sex except 2 pt. or antlerless in GMU 636 and 3 pt. <u>min. or antlerless in GMU 172.</u>
501, 506	Sept. 11-Oct. 1	Sept. 16-Oct. 6	Sept. 15-Oct. 5	Either sex
480	Sept. 27-Oct. 8	Sept. 25-Oct. 6	Oct. 1-12	Either sex
Bow Area 802	Sept. 11-Oct. 8	Sept. 16-Oct. 13	Sept. 15-Oct. 12	Either sex

Late Archery

GMUs	Dates			Legal Deer
	1991	1992	1993	
103	Nov. 13-Dec. 8	Nov. 11-Dec. 8	Nov. 10-Dec. 8	Whitetail only antlerless or 3-pt. min.
118, 121, 124	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Whitetail only; either sex
127, 166, 178	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Antlerless or 3 pt. min.
209, 215, 233, 242, 272, 300, 304, 316, 346, 352, 364	Nov. 27-Dec. 8	Nov. 25-Dec. 8	Nov. 24-Dec. 8	Either sex
<u>558, 584, 588, 636, 681</u>	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Antlerless or 2-pt. min. in <u>GMUs 558, 584, 588, 636, and 681</u>

GMUs	Dates			Legal Deer
	1991	1992	1993	
418, 426, 440, 448, 450, 460, 466, 480, 510, 512, 514, 516, 520, 524, 530, 556, ((558;)) 560, 572, 601, 607, 612, 615, 618, ((636;)) 638, 639, 648, 666, 669, 678((; 681, deer areas 041 and 042))	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Either sex ((except antlerless or 2 pt. min. in GMUs 433, 558, 636, and 681;))

Bow Areas	Dates			Legal Deer
	1991	1992	1993	
802	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Either sex
806, 807	Nov. 27-Dec. 8	Nov. 25-Dec. 8	Nov. 24-Dec. 8	Either sex
820	Dec. 21-Jan. 5, 1992	Dec. 26-Jan. 10, 1993	Dec. 25-Jan. 9, 1994	Either sex

Extended Late Archery

GMUs	Dates			Legal Deer
	1991	1992	1993	
405, 410, 433, 442, 454, 484, 505, 506, 564, 568, 603, 624, 627*, 642, 660, 663, 667, 672, and deer areas 041 and 042	Nov. 27-Dec. 31	Nov. 25-Dec. 31	Nov. 24-Dec. 31	Either sex except antlerless or 2 pt. min. in GMU 433.

\* Submarine Base Bangor within GMU 627 is antlerless only.

Muzzleloader Deer Seasons

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched muzzleloader deer tag on his/her person.

Hunting Method: Muzzleloader only.

Special Notes: Muzzleloader tag holders can only hunt during muzzleloader seasons and must hunt with muzzleloader equipment. Muzzleloader deer tag holders may apply for all either sex, antlerless only, and branched antler deer special hunting permits.

High Buck Hunt

GMUs	Dates			Legal Deer
	1991	1992	1993	
203, 301, 302, 450	Sept. 15-25	Sept. 15-25	Sept. 15-25	3-Pt. min.
Deer Areas 010, 040, 060	Sept. 15-25	Sept. 15-25	Sept. 15-25	3-Pt. min.

Early Muzzleloader

GMUs	Dates			Legal Deer
	1991	1992	1993	
119, 209, 242, 302, 304, 360, 368, 564, 666	Sept. 25-Oct. 8	Sept. 30-Oct. 13	Sept. 29-Oct. 12	Either sex
506	Oct. 5-11	Oct. 8-14	Oct. 8-14	Buck only
484, 603, 612, 624, 672	Sept. 25-Oct. 8	Sept. 30-Oct. 13	Sept. 29-Oct. 12	Buck only

Late Muzzleloader

GMUs	Dates			Legal Deer
	1991	1992	1993	
113	Nov. 27-Dec. 8	Nov. 25-Dec. 8	Nov. 24-Dec. 8	Whitetail only either sex
181	Nov. 27-Dec. 8	Nov. 25-Dec. 8	Nov. 24-Dec. 8	Antlerless or 3 pt. min.
304	Nov. 9-17	Nov. 14-22	Nov. 13-21	Buck only
410	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Either sex
478	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Antlerless or 2-pt. min.
501, 504, 550	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Either sex
580	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Buck only
576, 586	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	2-Pt. min.
602, 633 651, 684	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Either sex
Muzzleloader Area 925	Dec. 1-31	Dec. 1-31	Dec. 1-31	Antlerless only

Firearm Restricted Deer Hunts Open To All Deer Hunters

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm, archery or muzzleloader deer tag on his/her person.

Hunting Method: Must use weapon in compliance with tag. Firearm restrictions apply in some GMUs.

GMUs	Weapon Permitted	Dates			Legal Deer
		1991	1992	1993	
410	Archery, <u>Shotgun,</u> Muzzleloader	Oct. 12-27	Oct. 17-Nov. 1	Oct. 16-31	Either sex
480	Archery, Shotgun, Muzzleloader	Oct. 12-27	Oct. 17-Nov. 1	Oct. 16-31	Either sex
564	Archery, Shotgun, Muzzleloader	Nov. 21-Dec. 15	Nov. 19-Dec. 15	Nov. 18-Dec. 15	Either sex

GMUs	Weapon Permitted	Dates			Legal Deer
		1991	1992	1993	
625	Archery((; Shotgun))	Sept. 11-Dec. 15	Sept. 16-Dec. 15	Sept. 15-Dec. 15	Either sex

**BLACK BEAR**

**Bag Limit:** Fall General – One (1) black bear.

**Tag Sale Deadline:** Bear tags must be purchased by midnight of the day, preceding modern firearm deer season opener. Actual dates are: Oct. 11, 1991; Oct. 16, 1992; Oct. 15, 1993.

**PURSUIT ONLY SEASON**

It is lawful to pursue or tree black bears during established pursuit-only seasons, provided any bear pursued or treed is NOT killed or injured.

Aug. 1-31, 1991, 1992, and 1993, in GMUs 100-((+2)) 111, GMU 113 outside of Grizzly Bear Recovery Zone\*, 118-124 and GMUs 200 and 206.

**OPEN SEASON**

(Bear may be killed.)

Eastern Washington\*\*

Sept. 1-Oct. 25, 1991, 1992, and 1993, except restrictive season below in Walla Walla and Columbia counties outside of Umatilla National Forest and CLOSED to hunting with hounds Sept. 1-5 in GMUs 203, 218, 224, 231, 239, and 242.

Oct. 12-25, 1991; Oct. 17-25, 1992; Oct. 16-25, 1993; in Columbia and Walla Walla counties outside Umatilla National Forest.

\*Use of hounds and bait to hunt black bear prohibited in that part of GMU 113 within the Grizzly Bear Recovery Zone\*.

\*Grizzly Bear Recovery Zone (Pend Oreille County): Beginning at the junction of the Canadian-Washington border and State Route 31 by Boundary Lake; then east along the Canadian border to the Idaho border; then south along the Idaho-Washington border to the ridge top between Bath Creek and Lamb Creek at Section 1, Township 35 North, Range 45 East; then west along said ridge top to USFS Road 310; then west along USFS Road 310 to the peak of Gleason Mountain; then west along USFS Trail 162 to Hungry Mountain; then south and west along the ridge top between Fourth of July Creek and Middle Creek to the mouth of LeClerc Creek; then north along the ridge top between the Pend Oreille River and the West Branch LeClerc Creek (Dry Canyon Ridge) to Sullivan Lake Road; then north and east along Sullivan Lake Road to Sullivan Lake; then north along the east shoreline of Sullivan Lake to Sullivan Lake Road; then north and west along Sullivan Lake Road to the city limits of Metaline Falls; then north along the city limits of Metaline Falls to State Route 31; then north along State Route 31 to the point of beginning. (See Washington Atlas & Gazetteer or Colville National Forest map.)

**Western Washington((\*)**

Aug. 1-Oct. 27, 1991; Aug. 1-Nov. 1, 1992; Aug. 1-Oct. 31, 1993, EXCEPT Sept. 1-Oct. 27, 1991; Sept. 1-Nov. 1, 1992; Sept. 1-Oct. 31, 1993; in GMUs 669, 678, and 681 and Sept. 11-Oct. 27, 1991; Sept. 16-Nov. 1, 1992; and Sept. 15-Oct. 31, 1993, in Bow Area 802.

CLOSED in GMUs 485 and 522.

((~~\*GMU 460 hunting limited by written authorization:~~))

**HOUND HUNTING CLOSURES**

Use of hounds is prohibited in GMU 684, and Bow Area 802.

**TOOTH SUBMITTAL**

Bear: Each hunter who takes a bear must submit the small premolar tooth behind the canine tooth of upper and lower jaw for age determination. Tooth envelopes are available from Department of Wildlife regional offices.

**REPORT CARDS**

Each successful hunter must fill out and return a Game Harvest Report Card to the Department of Wildlife within ten days after taking a deer or bear.

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

**WSR 92-12-059**

**PERMANENT RULES**

**WILDLIFE COMMISSION**

[Order 548—Filed June 1, 1992, 4:40 p.m.]

Date of Adoption: April 10, 1992.

Purpose: To amend WAC 232-28-227 1991-92, 1992-93, 1993-94 Elk hunting seasons and regulations.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-227.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to notice filed as WSR 92-06-076 on March 4, 1992.

Changes Other than Editing from Proposed to Adopted Version: GMU was placed in front of Unit 302 in both Colockum and Yakima tag area descriptions; in the early archery either sex elk season, GMU 178 was added to the Oct. 1-14 either sex season; in the early archery antlerless or spike only elk season, GMUs 175-185 was changed to GMU 175, 181-185, Oct 1-14; in the early archery either sex elk season, Bow Area 832 (Coleman) was replaced with GMUs 328, 329 and 330, Oct. 5-14; in the late archery either sex elk season, Bow Area 808 (Acme) was deleted; the season dates for early Muzzleloader Area 910 (Cle Elum) was changed from

Oct. 8-14, 1992, to Oct. 5-14, 1992, and from Oct. 8-14, 1993, to Oct. 4-14, 1993; the late muzzleloader hunt in Muzzleloader Area 908 (Acme) was deleted; the ending day of the late muzzleloader hunt in Muzzleloader Area 910 (Cle Elum) was extended to Dec. 8 in 1992 and 1993; and the Chelan County portion of GMU 302 was deleted from the Special Hunts Open to Specified Tag Holders.

Effective Date of Rule: Thirty-one days after filing.

May 27, 1992

Dean A. Lydig  
Chair

AMENDATORY SECTION (Amending Order 509, filed 9/10/91)

WAC 232-28-227 1991-92, 1992-93, 1993-94  
ELK HUNTING SEASONS AND REGULATIONS

ELK SEASONS

Bag Limit: One (1) elk per hunter during the annual (July 1-March 31) hunting season.

Hunting Method: Elk hunters must select one of the hunting methods (modern firearm, archery, muzzleloader).

Tag Required: Elk hunters must choose one of the four elk hunting areas (Blue Mountains, Yakima, Colockum or Western Washington) to hunt in and buy the appropriate tag for that area. (Archery elk hunters may hunt in any tag area in late seasons.)

Bull Elk Seasons: Open only to the taking of male elk with visible antlers (bull calves are illegal).

Definition: Visible Antler is defined as a horn-like growth projecting above the hairline.

Spike Bull Restriction GMUs: Bull elk taken in these GMUs must have at least one antler that is a spike above the ears (does not branch above ears). An animal with branch antlers on both sides is illegal but an animal with a spike on one side is legal in spike only units.

Spike Only GMUs: 145-185 and 472.

Branched Antler Restriction GMUs: Bull elk taken in these GMUs must meet minimum antler point requirements. Minimum antler point requirements are antler points on one side only. Antler points include eye guards but all antler points must be at least one inch long. Antler restrictions apply to all hunters during any open season.

3 Point GMUs: 418, 460, 466, (~~(472;)~~) 478, 490, 506, 524, 530, 556, 558, 572, 601, 602, 607, 621, 636, 638, 639, 681; and GMUs 157 and 485 by permit only.

Special Permits: Modern firearm late season elk tag holders along with muzzleloader tag holders may apply to be drawn in special elk permit seasons. Blue Mountain archery, muzzleloader, and early modern firearm tag holders may apply for bull permits in the Blue Mountains. Western Washington archery, muzzleloader, and early modern firearm tag holders may apply for bull

permits in GMU 472 (White River). Hunters drawn for a special permit may hunt only with a weapon in compliance with their tag(~~(- Hunters drawn for bull permits in the Blue Mountains may hunt bulls during the following season for their user group. Modern Firearm = during early Blue Mountain season. Archery = during early Blue Mountain archery season. Muzzleloader = during any Blue Mountain muzzleloader season.)~~) and during the dates listed for the hunt.

Modern Firearm Elk Information

Modern firearm elk hunters have early and late hunts in all elk areas. Those who choose the early tag have the first opportunity to hunt bulls, but only those who choose the late tag are able to apply for special elk permits except as outlined above for the Blue Mountains bull permits.

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched modern firearm elk tag as listed below on his/her person.

Hunting Method: May use rifle, bow and arrow, or muzzleloader, but only during modern firearm seasons.

Modern Firearm Elk Seasons

Legal Elk: Male elk with visible antlers are legal throughout the state except in GMUs 145-185 and 472 only spike bull restrictions apply and in branched-antler areas branched antler restrictions apply.

Blue Mountains - Open Area: 100 series GMUs; GMUs 127, 130, and 157 limited to permit hunters only. GMUs 145-185 are spike bull only, except by permit.

BE - Blue Mountain early tag

BL - Blue Mountain late tag

BA - Blue Mountain archery tag

BM - Blue Mountain muzzleloader tag

Colockum - Open Area: (~~(GMUs 300, 301;)~~) Chelan County portion of GMU 302(;-) and GMUs 300, 301, 304, 306, 308, 314, 316, 328, 329, 330 (permit only in GMU 330), and the portion of GMU 334 north of I-90 (modern firearm restrictions in GMU 334).

CE - Colockum early tag

CL - Colockum late tag

CA - Colockum archery tag

CM - Colockum muzzleloader tag

Yakima - Open Area: (~~(GMUs)~~) Kittitas County portion of GMU 302 and GMUs 335, 336, 340, 342, 346, 352, 356, 360, 364, 366, 368, 370, and that portion of GMU 334 South of I-90 (modern firearm restrictions in GMU 334).

YE - Yakima early tag

YL - Yakima late tag

YA - Yakima archery tag

YM - Yakima muzzleloader tag

Western Washington - Open Area: All 400, 500, and 600 GMUs except closed in GMU 522. Permit only in GMUs 485, 524, 554, 556, and 602. GMU 472 is spike bull only, except by permit.

WE – Western Washington early tag  
 WL – Western Washington late tag  
 WA – Western Washington archery tag  
 WM – Western Washington muzzleloader tag

Year

	1991	1992	1993
<u>Blue Mountains</u>			
BE – Blue Mountains early elk tag	Oct. 30–Nov. 10	Oct. 28–Nov. 8	Oct. 27–Nov. 7
BL – Blue Mountains late elk tag	Nov. 2–10	Oct. 31–Nov. 8	Oct. 30–Nov. 7
<u>Colockum</u>			
CE – Colockum early elk tag	Oct. 23–29	Oct. 28–Nov. 3	Oct. 27–Nov. 2
CL – Colockum late elk tag	Oct. 26–29	Oct. 31–Nov. 3	Oct. 30–Nov. 2
<u>Yakima</u>			
YE – Yakima early elk tag	Nov. 5–13	Nov. 5–13	Nov. 5–13
YL – Yakima late elk tag	Nov. 8–13	Nov. 8–13	Nov. 8–13
<u>Western Washington</u>			
WE – Western Washington early elk tag	Nov. 6–17	Nov. 4–15	Nov. 3–14
WL – Western Washington late elk tag	Nov. 9–17	Nov. 7–15	Nov. 6–14

Archery Elk Seasons

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched archery elk tag on his/her person.

Hunting Method: Bow and arrow only.

Special Notes: Archery tag holders can only hunt during archery seasons. Only Blue Mountain archers may apply for Blue Mountains bull archery permits. Only western Washington archers may apply for GMU 472 bull archery permits. If drawn, archers must hunt with archery equipment and only during the permit archery season.

Early Archery Elk Seasons

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched archery elk tag on his/her person for the area hunted: Blue Mountain (BA), Colockum (CA), Yakima (YA), or Western Washington (WA).

GMUs	Elk Tag	Dates			Legal Elk
		1991	1992	1993	
100–118, 121–142, 178	BA	Sept. 28–Oct. 11	Oct. 1–14	Oct. 1–14	Either sex
145–154, 160–169, 175(=185)) 181–185	BA	Sept. 28–Oct. 11	Oct. 1–14	Oct. 1–14	Antlerless or spike only
300, 306, 308, 316	CA	Sept. 28–Oct. 11	Oct. 1–14	Oct. 1–14	Either sex
<del>((328, 329, 334*))</del>	<del>CA</del>	<del>Oct. 5–11</del>	<del>Oct. 5–14</del>	<del>Oct. 4–14</del>	<del>Either Sex</del>
328, 329, 330	CA		Oct. 5–14	Oct. 4–14	Either sex
<del>((334**))</del> 335, 336–340, 352–356, 364, 370	YA	Sept. 28–Oct. 11	Oct. 1–14	Oct. 1–14	Either sex
405–410, 426–466, 472, 478, 490, 504, 505, 510, 512, 514, 516, 520, 530, 550, 554, 558, 560, 568, 572, 574, 576, 580, 586, 588–601, 607, 615, 618, 638–663, 667, 669, 678, 681	WA	Sept. 28–Oct. 11	Oct. 1–14	Oct. 1–14	Either sex  except antlerless or 3-pt. min. in GMUs <del>((418;))</del> 460, 466, 478, 490, 530, 558, 572, 601, 607, 638, 639 and 681; <u>antlerless or spike only in 472.</u>

GMUs	Elk Tag	Dates			Legal Elk
		1991	1992	1993	
484	<u>WA</u>	Sept. 28-Oct. 4	Oct. 1-7	Oct. 1-7	Either sex
418 ((472)), 621	<u>WA</u>	Sept. 28-Oct. 11	Oct. 1-14	Oct. 1-14	3-Pt. min.
Bow Area 802	<u>WA</u>	Sept. 28-Oct. 11	Oct. 1-14	Oct. 1-14	Either sex

((~~\* That part of GMU 334 north of Interstate 90.~~  
~~\*\* That part of GMU 334 south of Interstate 90.~~))

Late Archery Elk Seasons

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched archery elk tag on his/her person for any area.

GMUs	Dates			Legal Elk
	1991	1992	1993	
118, 121, 124, 127, 178	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Either sex
166	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Antlerless only
(( <del>328*, 334,</del> ) <u>328, 336,</u> 346, 352	Nov. 27-Dec. 8	Nov. 25-Dec. 8	Nov. 24-Dec. 8	Either sex
405, 433, 454, 484, 505, 520, 564, 588, 603, 612, 615, 648, 672	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Either sex
506, 530, 638, 681*(( <del>*</del> ))	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Antlerless or 3-pt. min.
636	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	3-Pt. min.

((~~\* Portion of GMU 328 in the Caribou and Reecer elk areas will overlap with modern firearm permit hunt.~~))  
 ((~~\*~~))\* Except closed between U.S. Highway 101 and the Columbia River from Astoria-Megler toll bridge to the Wallcut River.

GMUs	1991	1992	1993	Legal Elk
Bow Areas 802	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Either sex
806, 807	Nov. 27-Dec. 8	Nov. 25-Dec. 8	Nov. 23-Dec. 8	Either sex
<del>((808</del>	<del>Feb. 1-7, 1992</del>	<del>Feb. 1-7, 1993</del>	<del>Feb. 1-7, 1994</del>	<del>Either sex))</del>
831	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Antlerless or 3-pt. min.

Muzzleloader Elk Seasons

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched muzzleloader elk tag as listed below on his/her person.

Hunting Method: Muzzleloader only.

Special Notes: Hunters selecting the muzzleloader elk tag may apply for special hunt permit seasons, if eligible.

Early Muzzleloader Elk Seasons

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched muzzleloader elk tag as designated below on his/her person.

GMUs	Elk Tag	Dates			Legal Elk
		1991	1992	1993	
172	BM	Oct. 5-11	Oct. 8-14	Oct. 8-14	Spike bull only
302	CM, YM	Oct. 5-11	Oct. 8-14	Oct. 8-14	Bull only
314*	CM	Oct. 5-11	Oct. 8-14	Oct. 8-14	Bull only
342	YM		Oct. 8-14	Oct. 8-14	Antlerless only
368	YM	Oct. 5-11	Oct. 8-14	Oct. 8-14	Bull only
603, 612	WM	Oct. 5-11	Oct. 8-14	Oct. 8-14	Bull only
460, 506, 636	WM	Oct. 5-11	Oct. 8-14	Oct. 8-14	3-pt. min.
484, 501, 564, 684	WM	Oct. 5-11	Oct. 8-14	Oct. 8-14	Either sex
Muzzleloader Area 910	YM	Oct. 5-11	Oct. ((8)) <u>5</u> -14	Oct. ((8)) <u>4</u> -14	Either sex

\*~~((Closed in that))~~ The portion of GMU 314 bounded by the ((north of the)) Colockum Pass Road (Road 10), ((and)) Naneum Ridge Road (Road 9), and ((east and south of the)) Ingersol Road (Road 1) is closed.

Late Muzzleloader Elk Seasons

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched muzzleloader elk tag as designated below on his/her person.

GMUs	Elk Tag	Dates			Legal Elk
		1991	1992	1993	
130, 133, 136	BM	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Either sex
184	BM	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Antlerless only
346	YM		Nov. 17-20	Nov. 16-19	Antlerless only
484	WM	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Either sex
501, 568, 574, 576, 580, 586	WM	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Either sex
505	WM	Nov. 19-24	Nov. 17-22	Nov. 16-21	Either sex
504, 550	WM	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Bull only
601	WM	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	3-Pt. bull min.
684	WM	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Either sex
<del>((Elk Area 003</del>	<del>CM</del>	<del>Dec. 7-22</del>	<del>Dec. 5-20</del>	<del>Dec. 4-19</del>	<del>Antlerless only))</del>

Muzzleloader Areas

<del>((908</del>	<del>WM</del>	<del>Jan 1-31, 1992</del>	<del>Jan 1-31, 1993</del>	<del>Jan 1-31, 1994</del>	<del>Either sex))</del>
910	YM	Nov. 17-Dec. 8	Nov. 17-Dec. ((6)) <u>8</u>	Nov. 17-Dec. ((5)) <u>8</u>	Antlerless only
944	YM	Nov. 17-20	Nov. 17-20	<del>((Nov. 17-20))</del> <u>Nov. 16-19</u>	Either sex

Special Elk Hunts Open to Specified Tag Holders

Tag Required: Proper elk tags are listed with each GMU below.

Hunting Method: Hunters must use method listed on their tag, except in Firearm Restriction Areas, where some types of weapons are banned from use. See elk tag required, dates, and legal elk in table below.

Antlerless or Either Sex Elk Hunts

GMUs	Elk Tag	Dates			Legal Elk
		1991	1992	1993	
100, 103, 105, 108, 121, 124 west of SR 395, ((127, 130;)) 133, 136	BE, BL	Nov. 2-10	Oct. 31-Nov. 8	Oct. 30-Nov. 7	Either sex
178	BE, BL	Nov. 9-10	Nov. 7-8	Nov. 6-7	<del>((Antlerless or spike-bull only))</del> <u>Either Sex</u>
200-284	Any Elk Tag	Oct. 24-Nov. 15	Oct. 24-Nov. 15	Oct. 24-Nov. 15	Either sex
370	CM, YE, YL, YM	Nov. 1-30	Nov. 1-30	Nov. 1-30	Either sex
564*	WA, WM, WE, WL	Nov. 6-17	Nov. 4-15	Nov. 3-14	Either sex
501, 568, 574, 576, 586, 588	WE, WL	Nov. 6-17	Nov. 4-15	Nov. 3-14	Either sex
GMUs 300, 304, 306, 308, and 316(;) east of Highway 2 ((that part of GMU 302 in Chelan County and Elk Areas 032 and 033)).	CE, CL, CM	Dec. 7-22	Dec. 5-20	Dec. 4-19	Antlerless only

\* Archery or Muzzleloader Equipment Only. Modern Firearm elk tag holders may hunt but must use primitive weapons.

Report Cards

Each successful hunter must fill out and return a Game Harvest Report Card to the Department of Wildlife within 10 days after taking an elk.

Purpose: To amend WAC 232-28-228 1991-92, 1992-93, 1993-94 Official hunting hours and small game seasons.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-228.

Statutory Authority for Adoption: RCW 77.12.040. Pursuant to notice filed as WSR 92-06-077 on March 4, 1992.

Effective Date of Rule: Thirty-one days after filing.  
May 27, 1992  
Dean A. Lydig  
Chair

**WSR 92-12-060**  
**PERMANENT RULES**  
**WILDLIFE COMMISSION**  
[Order 549—Filed June 1, 1992, 4:41 p.m.]

Date of Adoption: April 10, 1992.

AMENDATORY SECTION (Amending Order 534, filed 2/25/92)

WAC 232-28-228 1991-92, 1992-93, AND 1993-94 OFFICIAL HUNTING HOURS AND SMALL GAME SEASONS

1991-92 OFFICIAL HUNTING HOURS\*  
September 1, 1991 to January 31, 1992

Dates (Inclusive)	Western Washington		Eastern Washington	
	A.M.	to P.M.	A.M.	to P.M.
Daylight Savings Time				
Sun. Sept. 1 – Sun. Sept. 8	6:00	7:45	5:45	7:30
Mon. Sept. 9 – Sun. Sept. 15	6:10	7:30	6:00	7:15
Mon. Sept. 16 – Sun. Sept. 22	6:20	7:15	6:10	7:00
Mon. Sept. 23 – Sun. Sept. 29	6:30	7:00	6:20	6:45
Mon. Sept. 30 – Sun. Oct. 6	6:40	6:45	6:30	6:35
Mon. Oct. 7 – Fri. Oct. 11	6:50	6:30	6:40	6:20
Opening** Sat. Oct. 12	7:00	6:20	6:50	6:05
Weekend Sun. Oct. 13	7:00	6:20	6:50	6:05
Mon. Oct. 14 – Sun. Oct. 20	7:00	6:20	6:50	6:05
Mon. Oct. 21 – Sat. Oct. 26	7:10	6:05	7:00	5:55
Pacific Standard Time				
Sun. Oct. 27	6:10	5:05	6:00	4:55
Mon. Oct. 28 – Sun. Nov. 3	6:20	4:55	6:10	4:50
Mon. Nov. 4 – Sun. Nov. 10	6:30	4:45	6:20	4:30
Mon. Nov. 11 – Sun. Nov. 17	6:40	4:35	6:30	4:20
Mon. Nov. 18 – Sun. Nov. 24	6:50	4:25	6:40	4:15
Mon. Nov. 25 – Sun. Dec. 1	7:00	4:20	6:50	4:10
Mon. Dec. 2 – Sun. Dec. 8	7:10	4:20	7:00	4:10
Mon. Dec. 9 – Sun. Dec. 15	7:15	4:20	7:05	4:10
Mon. Dec. 16 – Sun. Dec. 22	7:20	4:20	7:10	4:10
Mon. Dec. 23 – Sun. Dec. 29	7:25	4:25	7:10	4:15
Mon. Dec. 30 – Sun. Jan. 5	7:25	4:30	7:15	4:15
Mon. Jan. 6 – Sun. Jan. 12	7:25	4:35	7:15	4:25
Mon. Jan. 13 – Sun. Jan. 19	7:20	4:45	7:10	4:35
Mon. Jan. 20 – Sun. Jan. 26	7:15	4:55	7:05	4:45
Mon. Jan. 27 – Fri. Jan. 31	7:10	5:00	7:00	4:50

\*These are lawful hunting hours for all game animals and game birds during established seasons.

\*\*Opening Day – In Eastern Washington, upland bird and waterfowl seasons open at noon. In Western Washington, upland bird and waterfowl seasons open at 8:00 a.m.

Exceptions:

- 1) Western Washington – Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. on designated pheasant release sites.
- 2) Western Washington – Cottontail and snowshoe hare (Washington hare) hunting hours are 8:00 a.m. to 4:00 p.m. during the pheasant hunting season on designated pheasant release sites.
- 3) Before September 1 and after January 31, the lawful hunting hours for all game animals and game birds during their respective hunting seasons are one-half hour before sunrise to sunset.
- 4) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to sunset.
- 5) Hunting hours for falconry seasons are exempt from these hunting hours except on designated pheasant release sites.

1992-93 OFFICIAL HUNTING HOURS\*  
September 1, 1992 to January 31, 1993

Dates (Inclusive)				Western Washington		Eastern Washington			
				A.M.	to	P.M.	A.M.	to	P.M.
Daylight Savings Time									
Tue. Sept.	1	-	Sun. Sept.	6	6:00	7:45	5:50	7:35	
Mon. Sept.	7	-	Sun. Sept.	13	6:10	7:35	6:00	7:20	
Mon. Sept.	14	-	Sun. Sept.	20	6:20	7:20	6:05	7:05	
Mon. Sept.	21	-	Sun. Sept.	27	6:30	7:05	6:15	6:50	
Mon. Sept.	28	-	Sun. Oct.	4	6:40	6:50	6:25	6:35	
Mon. Oct.	5	-	Sun. Oct.	11	6:45	6:35	6:25	6:25	
Mon. Oct.	12	-	Fri. Oct.	16	6:55	6:20	6:45	6:10	
Opening**			Sat. Oct.	17	6:55	6:20	6:35	6:25	
Weekend			Sun. Oct.	18	6:55	6:20	6:35	6:25	
Mon. Oct.	19	-	Sat. Oct.	24	7:05	6:10	6:55	6:00	
Pacific Standard Time									
Sun. Oct.	25				6:10	5:00	6:00	4:50	
Mon. Oct.	26	-	Sun. Nov.	1	6:20	4:55	6:05	4:45	
Mon. Nov.	2	-	Sun. Nov.	8	6:30	4:45	6:15	4:35	
Mon. Nov.	9	-	Sun. Nov.	15	6:40	4:35	6:30	4:25	
Mon. Nov.	16	-	Sun. Nov.	22	6:50	4:30	6:40	4:15	
Mon. Nov.	23	-	Sun. Nov.	29	7:00	4:25	6:50	4:10	
Mon. Nov.	30	-	Sun. Dec.	6	7:10	4:20	6:55	4:10	
Mon. Dec.	7	-	Sun. Dec.	13	7:15	4:20	7:05	4:05	
Mon. Dec.	14	-	Sun. Dec.	20	7:20	4:20	7:10	4:10	
Mon. Dec.	21	-	Sun. Dec.	27	7:25	4:20	7:15	4:10	
Mon. Dec.	28	-	Sun. Jan.	3	7:25	4:30	7:15	4:15	
Mon. Jan.	4	-	Sun. Jan.	10	7:25	4:35	7:15	4:25	
Mon. Jan.	11	-	Sun. Jan.	17	7:25	4:45	7:10	4:30	
Mon. Jan.	18	-	Sun. Jan.	24	7:20	4:55	7:05	4:40	
Mon. Jan.	25	-	Sun. Jan.	31	7:10	5:00	7:00	4:50	

\*These are lawful hunting hours for all game animals and game birds during established seasons.

\*\*Opening Day - In Eastern Washington, upland bird and waterfowl seasons open at noon. In Western Washington, upland bird and waterfowl seasons open at 8:00 a.m.

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. on designated pheasant release sites.
- 2) Western Washington - Cottontail and snowshoe hare (Washington hare) hunting hours are 8:00 a.m. to 4:00 p.m. during the pheasant hunting season on designated pheasant release sites.
- 3) Before September 1 and after January 31, the lawful hunting hours for all game animals and game birds during their respective hunting seasons are one-half hour before sunrise to sunset.
- 4) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to sunset.
- 5) Hunting hours for falconry seasons are exempt from these hunting hours except on designated pheasant release sites.

1993-94 OFFICIAL HUNTING HOURS\*  
September 1, 1993 to January 31, 1994

Dates (Inclusive)				Western Washington		Eastern Washington			
				A.M.	to	P.M.	A.M.	to	P.M.
Daylight Savings Time									
Wed. Sept.	1	-	Sun. Sept.	5	6:00	7:45	5:45	7:35	
Mon. Sept.	6	-	Sun. Sept.	12	6:05	7:35	5:50	7:20	
Mon. Sept.	13	-	Sun. Sept.	19	6:15	7:20	6:05	7:10	
Mon. Sept.	20	-	Sun. Sept.	26	6:25	7:10	6:15	6:50	
Mon. Sept.	27	-	Sun. Oct.	3	6:35	6:50	6:25	6:40	
Mon. Oct.	4	-	Sun. Oct.	10	6:45	6:40	6:35	6:25	
Mon. Oct.	11	-	Fri. Oct.	15	6:50	6:25	6:45	6:15	

Dates (Inclusive)				Western Washington		Eastern Washington	
				A.M.	to P.M.	A.M.	to P.M.
Opening**	Sat.	Oct.	16	6:50	6:25	6:45	6:15
Weekend	Sun.	Oct.	17	6:50	6:25	6:45	6:15
Mon. Oct.	18 - Sun.	Oct.	24	7:05	6:15	6:55	6:00
Mon. Oct.	25 - Sat.	Oct.	30	7:15	6:00	7:05	5:45
Pacific Standard Time							
Sun. Oct.	31 - Sun.	Nov.	7	6:25	4:45	6:15	4:35
Mon. Nov.	8 - Sun.	Nov.	14	6:35	4:40	6:25	4:25
Mon. Nov.	15 - Sun.	Nov.	21	6:50	4:30	6:35	4:20
Mon. Nov.	22 - Sun.	Nov.	28	7:00	4:25	6:45	4:10
Mon. Nov.	29 - Sun.	Dec.	5	7:05	4:20	6:50	4:10
Mon. Dec.	6 - Sun.	Dec.	12	7:10	4:20	7:00	4:05
Mon. Dec.	13 - Sun.	Dec.	19	7:20	4:20	7:05	4:05
Mon. Dec.	20 - Sun.	Dec.	26	7:25	4:25	7:10	4:10
Mon. Dec.	27 - Sun.	Jan.	2	7:30	4:25	7:15	4:15
Mon. Jan.	3 - Sun.	Jan.	9	7:30	4:35	7:15	4:20
Mon. Jan.	10 - Sun.	Jan.	16	7:25	4:40	7:10	4:30
Mon. Jan.	17 - Sun.	Jan.	23	7:20	4:50	7:05	4:45
Mon. Jan.	24 - Mon.	Jan.	31	7:15	5:00	7:00	4:50

\*These are lawful hunting hours for all game animals and game birds during established seasons.

\*\*Opening Day - In Eastern Washington, upland bird and waterfowl seasons open at noon. In Western Washington, upland bird and waterfowl seasons open at 8:00 a.m.

Exceptions:

1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. on designated pheasant release sites.

2) Western Washington - Cottontail and snowshoe hare (Washington hare) hunting hours are 8:00 a.m. to 4:00 p.m. during the pheasant hunting season on designated pheasant release sites.

3) Before September 1 and after January 31, the lawful hunting hours for all game animals and game birds during their respective hunting seasons are one-half hour before sunrise to sunset.

4) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to sunset.

5) Hunting hours for falconry seasons are exempt from these hunting hours except on designated pheasant release sites.

Bobcat

Bag and Possession Limits: No limit.

Bobcat may be killed during archery deer or elk seasons with archery equipment if valid license and tags are in possession for deer or elk seasons, respectively. Archers may not kill bobcat with use of hounds during early archery seasons.

Bobcat may be killed during muzzleloader deer or elk seasons with muzzleloader equipment if valid license and tags are in possession for deer or elk seasons, respectively. Muzzleloaders may not kill bobcat with use of hounds during early muzzleloader seasons.

Eastern Washington

PURSUIT-ONLY SEASON

(Bobcat may not be killed or injured.)

Sept. 1-30, Nov. 20-Dec. 14, 1991 and Jan. 16-31, 1992; Sept. 1-30, Nov. 25-Dec. 14, 1992 and Jan. 16-31, 1993; Sept. 1-30, Nov. 24-Dec. 14, 1993 and Jan. 16-31, 1994; except closed to hound hunting in Walla Walla and Columbia counties outside of Umatilla National Forest Sept. 1-Oct. 11, 1991; Sept. 1-Oct. 16, 1992; and Sept. 1-Oct. 15, 1993.

OPEN SEASON

(Bobcat may be killed)

Oct. 12-31, 1991 and Dec. 15, 1991-Jan. 15, 1992; Oct. 17-31, 1992 and Dec. 15, 1992-Jan. 15, 1993; Oct. 16-31, 1993 and Dec. 15, 1993-Jan. 15, 1994.

Western Washington

PURSUIT-ONLY SEASON

(Bobcat may not be killed or injured.)

Aug. 1-Oct. 11, 1991; Aug. 1-Oct. 16, 1992; Aug. 1-Oct. 15, 1993; except CLOSED in GMU 522.

OPEN SEASON

(Bobcat may be killed.)

Oct. 12, 1991-Mar. 15, 1992; Oct. 17, 1992-March 15, 1993; Oct. 16, 1993-March 15, 1994; except CLOSED in GMU 522.

Hound Hunting During Deer and Elk Hunting Seasons

It is unlawful to hunt any wildlife at night or game animals with dogs (hounds) during the months of September, October, or November in any area open to a center-fire rifle deer or elk season EXCEPT for the following areas and dates. (This does not permit the hunting of deer or elk with the use of hounds.)

Eastern Washington

	1991	1992	1993
GMUs 100-124.	Oct. 2-9	Oct. 7-14	Oct. 6-13
GMUs 127-185.	Nov. 14-21	Nov. 12-19	Nov. 11-18
Yakima County within two (2) miles of the Yakima River below Union Gap.	Oct. 12-29	Oct. 17-Nov. 3	Oct. 16-Nov. 2

<u>1991</u>	<u>1992</u>	<u>1993</u>
Whitman and Lincoln counties. Oct. 26–Nov. 10	Oct. 31–Nov. 15	Oct. 30–Nov. 14

Western Washington

Oct. 12–Nov. 24, 1991; Oct. 17–Nov. 22, 1992; Oct. 16–Nov. 21, 1993; in GMU 405 (west of Highway 9), GMUs 454, 627, 633, and the Columbia River Floodplain of Clark and Cowlitz counties with boundaries described as follows: beginning at the Longview/Columbia River Bridge, then north and west on Oregon Way (Highway 432) to Tennant Way (Highway 432) to Interstate Highway 5, then south on I-5 to State Highway 14 to the Skamania County line, then south on county line to the Columbia River on state line to the Longview Bridge and point of beginning.

RACCOON

Bag and Possession Limits: No Limit.

Raccoon may be killed during archery deer or elk seasons with archery equipment if valid license and tags are in possession for deer or elk seasons, respectively. Archers may not kill raccoon with use of hounds during early archery seasons.

Raccoon may be killed during muzzleloader deer or elk seasons with muzzleloader equipment if valid license and tags are in possession for deer or elk seasons, respectively. Muzzleloaders may not kill raccoon with use of hounds during early muzzleloader seasons.

Eastern WashingtonPURSUIT-ONLY SEASON

(Raccoon may not be killed or injured).

Sept. 1–Oct. 11, 1991; Sept. 1–Oct. 16, 1992; Sept. 1–Oct. 15, 1993; except CLOSED to hound hunting in Walla Walla and Columbia counties outside of Umatilla National Forest.

Feb. 1–29, 1992; Feb. 1–28, 1993; and Feb. 1–28, 1994; in GMUs 111, 121, 148, and 154.

OPEN SEASON

(Raccoon may be killed)

Oct. 12, 1991–Jan. 15, 1992; Oct. 17, 1992–Jan. 15, 1993; Oct. 16, 1993–Jan. 15, 1994.

Western WashingtonPURSUIT-ONLY SEASON

(Raccoon may not be killed or injured).

Aug. 1–Oct. 11, 1991; Aug. 1–Oct. 16, 1992; Aug. 1–Oct. 15, 1993; except CLOSED on Long Island within Willapa National Wildlife Refuge and GMU 522.

OPEN SEASON

(Raccoon may be killed).

Oct. 12, 1991–Mar. 15, 1992; Oct. 17, 1992–Mar. 15, 1993; Oct. 16, 1993–Mar. 15, 1994; except CLOSED on Long Island within Willapa National Wildlife Refuge and GMU 522.

FOX

Bag and Possession Limits: No limits.

Statewide: Oct. 12, 1991–Mar. 15, 1992; Oct. 17, 1992–Mar. 15, 1993; Oct. 16, 1993–Mar. 15, 1994, except

CLOSED within the exterior boundaries of the Mount Baker/Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot National Forests and GMUs 405, 410, and 522.

COYOTE

Coyotes are unclassified wildlife and, as such, may be taken year-round EXCEPT from September 15 to November 30 in the following closed areas: Pasayten Wilderness, ((~~Glacier Peak Wilderness~~)), GMUs 426 and 450, and those portions of GMUs 218, 304, and 448 within external boundaries of the Mount Baker-Snoqualmie, Okanogan and Wenatchee national forests.

FOREST GROUSE (BLUE, RUFFED, AND SPRUCE)

Forest grouse may not be killed with centerfire rifles or centerfire pistols EXCEPT during modern firearm deer or elk seasons.

Bag and Possession Limits: Three (3) grouse per day, with a total of nine (9) grouse in possession at any time; straight or mixed bag.

Statewide: Sept. 1–Dec. 31 during 1991, 1992, and 1993; except CLOSED in GMU 522.

UPLAND BIRDSEastern WashingtonRing-necked Pheasant

Bag and Possession Limits: Three (3) cock pheasants per day, with a total of fifteen (15) cock pheasants in possession at any time.

Noon Oct. 12–Dec. 31, 1991; Noon Oct. 17–Dec. 31, 1992; Noon Oct. 16–Dec. 31, 1993.

Chukar and Gray (Hungarian) Partridge

Bag and Possession Limits: Six (6) chukar or gray partridges per day, with a total of eighteen (18) chukar or gray partridges in possession at any time; straight or mixed bag.

Early season in Asotin and Garfield counties; in that part of Whitman County south of the Washtucna – Colfax – Moscow Highway; in that part of Columbia County that is north and east of the Tucannon River: Sept. 21–Oct. 11, 1991; Sept. 26–Oct. 16, 1992; Sept. 25–Oct. 15, 1993.

Regular Season: Noon Oct. 12, 1991 – Jan. 12, 1992; Noon Oct. 17, 1992 – Jan. 10, 1993; Noon Oct. 16, 1993 – Jan. 9, 1994.

Quail

Bag and Possession Limits: Ten (10) quail per day, with a total of thirty (30) quail in possession at any time.

Noon Oct. 12, 1991 – Jan. 12, 1992; Noon Oct. 17, 1992 – Jan. 10, 1993; Noon Oct. 16, 1993 – Jan. 9, 1994.

Western WashingtonRing-necked Pheasant

Bag and Possession Limits: Two (2) pheasants of either sex per day on designated release sites, EXCEPT two (2)

cock pheasants per day on other than designated release sites, with a total of fifteen (15) pheasants in possession at any time.

Sept. 28–Nov. 30, 1991; Oct. 3–Nov. 30, 1992; and Oct. 2–Nov. 30, 1993; 8 a.m. to 4 p.m.; except Voice of America site (Clallam County) starting Oct. 12, 1991; Oct. 17, 1992; Oct. 16, 1993; except CLOSED in GMU 522.

During the 1992 hunting season, three season options are available for hunters:

- (1) Season Long Option – Oct. 3–Nov. 30, 1992
- (2) Early Season Option – Oct. 3–Oct. 25, 1992
- (3) Late Season Option – Oct. 26–Nov. 30, 1992

A hunter may select one or more options at the time they purchase their western Washington upland bird permit.

**Special Restriction:** Hunting is restricted on weekend mornings at Lake Terrell, Tennant Lake, Snoqualmie (including Stillwater, Cherry Valley, and Two Rivers segments) and Skagit (including headquarters and Smith Farm segments) wildlife areas. Only hunters with western Washington upland bird licenses marked "odd" may hunt these sites from 8:00 a.m. until 12:00 noon on odd numbered weekend days. Only hunters with western Washington upland bird licenses marked "even" may hunt these sites from 8:00 a.m. until 12:00 noon on even numbered weekend days. Hunters 14 years of age or younger may hunt during either weekend day morning provided they are accompanied by an adult with appropriately marked upland bird license.

#### Quail

**Bag and Possession Limits:** Two (2) quail per day, with a total of thirty (30) quail in possession at any time.

Oct. 12–Nov. 30, 1991; Oct. 17–Nov. 30, 1992; Oct. 16–Nov. 30, 1993; except CLOSED in GMU 522.

#### TURKEY

##### Spring Season

**Gobblers and Turkeys with Visible Beards Only.**

Statewide: April 15–May 10, 1992; April 14–May 9, 1993; April 20–May 16, 1994.

##### Fall Season

##### Either Sex

Klickitat and Skamania counties: Nov. 22–26, 1991; Nov. 20–24, 1992; Nov. 19–23, 1993.

Asotin, Columbia, Garfield, and Walla Walla counties: Nov. 20–24, 1992; Nov. 19–23, 1993. Only hunters that successfully complete the Department of Wildlife's Advanced Hunter Education (AHE) program will be eligible to hunt turkeys during this season. A certification card will be issued to all AHE graduates and must be in possession in addition to a valid hunting license and turkey transport tag while hunting in this area.

OFFICIAL HUNTING HOURS/BAG LIMITS:

**Bag and Possession Limit:** One turkey per calendar year.

**Hunting Hours:** One-half hour before sunrise to sunset during spring seasons and as noted under Official Hunting Hours during fall seasons.

#### SPECIAL REGULATIONS:

1. Turkey season is open for shotgun and bow-and-arrow hunting only.
2. A turkey transport tag is required for hunting turkey.
3. Each successful hunter must complete and return a game harvest report card to the Department of Wildlife within ten days after taking a turkey.
4. It is unlawful to use dogs to hunt turkeys.

**BIRD DOG TRAINING SEASON** Aug. 1, 1991–Mar. 15, 1992; Aug. 1, 1992–Mar. 15, 1993; and Aug. 1, 1993–Mar. 15, 1994, except from Sept. 28–Nov. 30, 1991, Oct. 3–Nov. 30, 1992, and Oct. 2–Nov. 31, 1993, dog training is prohibited except from 8:00 a.m. to 4:00 p.m. on designated western Washington pheasant release sites. Game birds may be taken only during established bird hunting seasons.

#### CANADA GOOSE SEPTEMBER SEASON

Early September Canada Goose season for portions of Clark, Cowlitz, Pacific, and Wahkiakum counties.

**Bag and Possession Limits:** Two (2) Canada geese per day with a total of four (4) in possession at any time.

Sept. 1–10, 1991; Sept. 1–10, 1992; Sept. 1–10, 1993.

**Open Area:** Those portions of Clark, Cowlitz, Pacific, and Wahkiakum counties within the following boundary: Beginning at the Washington–Oregon border on the Interstate 5 bridge near Vancouver, Washington, north on Interstate 5 to Kelso, west on Highway 4 from Kelso to Highway 401, south and west on Highway 401 to the Washington–Oregon border on the Astoria–Megler bridge, upstream along the Washington–Oregon border to the point of origin.

**Permit Requirement:** All hunters participating in this season are required to obtain written authorization from the Department of Wildlife. Application forms are available from Department offices and must be delivered to a Department office no later than 5:00 p.m. or post-marked on or before August 1 of the hunt year. With the authorization, hunters will receive a hunter activity and harvest report form. Return of the harvest report form is mandatory. Those hunters not returning the harvest report form to the Department of Wildlife by October 15 of the hunt year will be ineligible to participate in the following year September Canada goose season.

**Steel Shot Requirement:** It is unlawful to possess while hunting for or to take geese with shotshells or a muzzleloader shotgun loaded with any metal other than steel in the open area of the September Canada goose season.

**BAND-TAILED PIGEON**

Bag and possession limits: Two (2) band-tailed pigeons per day and in possession at any time.

Western Washington: Sept. 21-29, 1991; (~~Sept. 19-27, 1992~~) Closed Season Statewide, 1992; Sept. 18-26, 1993, except CLOSED in GMU 522.

**WRITTEN AUTHORIZATION REQUIRED:** All hunters participating in this season are required to obtain written authorization from the Department of Wildlife. Application forms are available from Department offices and must be delivered to a Department office no later than 5:00 p.m. or postmarked on or before August 1, of the hunt year. With the authorization, hunters will receive a hunter activity and harvest report form. Return of the harvest report form is mandatory. Those hunters not returning the harvest report form to the Department of Wildlife by October 31 of the hunt year will be ineligible to participate in the following year band-tailed pigeon season.

**MOURNING DOVE**

Bag and Possession Limits: Ten (10) mourning doves per day with a total of twenty (20) mourning doves in possession at any time.

Statewide: Sept. 1-15 during 1991, 1992, and 1993; except CLOSED in GMU 522.

**RABBIT AND HARE**

Cottontail, Snowshoe Hare (or Washington Hare), and White-tailed Jackrabbit.

Bag and Possession Limits: Ten (10) rabbits or hares per day, with a total of thirty (30) in possession at any time; straight or mixed bag.

Statewide: Sept. 1, 1991-March 15, 1992; Sept. 1, 1992-March 15, 1993; Sept. 1, 1993-March 15, 1994 except CLOSED in GMU 522.

**Black-tailed Jackrabbit**

Bag and Possession Limits: Ten (10) black-tailed jackrabbits per day, with a total of thirty (30) in possession at any time.

Statewide: Year-around.

**FALCONRY SEASONS****Upland Game Bird - Falconry**

Daily bag: Two (2) pheasants (either sex), six (6) partridge, five (5) quail, and three (3) forest grouse (blue, ruffed, spruce) per day.

Sept. 1, 1991-March 15, 1992; Sept. 1, 1992-March 15, 1993; Sept. 1, 1993-March 15, 1994.

**Mourning Dove - Falconry**

Daily Bag: Three (3) mourning doves per day straight bag or mixed bag with snipe, coots, and waterfowl during established seasons.

Statewide: Sept. 1-Oct. 11, 1991; Sept. 1-Oct. 16, 1992; Sept. 1-Oct. 15, 1993; and the month of December each year.

**Rabbit and Hare - Falconry**

Daily bag: Ten (10) rabbits or hares per day: Straight or mixed bag.

Statewide: Aug. 1, 1991-March 15, 1992; Aug. 1, 1992-March 15, 1993; Aug. 1, 1993-March 15, 1994, for cottontail, snowshoe hare (or Washington hare), white-tailed and black-tailed jackrabbits.

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

**WSR 92-12-061****PERMANENT RULES****WILDLIFE COMMISSION**

[Order 550—Filed June 1, 1992, 4:42 p.m.]

Date of Adoption: April 10, 1992.

Purpose: To establish 1992-93 special closure areas and firearm restriction areas, and to repeal existing WAC.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-229.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to notice filed as WSR 92-06-078 on March 4, 1992.

Effective Date of Rule: Thirty-one days after filing.

May 27, 1992

Dean A. Lydig  
Chair

**NEW SECTION****WAC 232-28-233 1992-93 SPECIAL CLOSURES AND FIREARM RESTRICTION AREAS****SPECIAL CLOSURES****HUNTING PROHIBITED AREAS**

IT IS UNLAWFUL TO HUNT WILD ANIMALS OR WILD BIRDS AS PROVIDED IN THE FOLLOWING AREAS:

1. Little Pend Oreille Wildlife Area: The southern part of the Little Pend Oreille Wildlife Area in Stevens County is closed to hunting and discharge of firearms except during the period of Oct. 1-Dec. 31, 1992. This closure is south of a boundary beginning at the west project boundary in Section 3, Township 34 N, R 40 EWM, thence easterly along Road 1.0 to the intersection with Road 2.0 in Section 2, thence easterly along Road 2.0 to the easterly boundary in Section 8, Township 34 N, R 42 EWM.

The Little Pend Oreille Wildlife Area north of the preceding boundary is open to all legally established hunting seasons during September and October.

2. Parker Lake: All lands south of Ruby Creek Road (USFS Road 2489), north of Tacoma Creek Road (USFS Road 2389) and west of Bonneville Power Administration power lines are designated as "CLOSED AREA" to the hunting of wild animals and wild birds EXCEPT during the period Aug. 1-Sept.

30, 1992. The above closures were established to provide a protected area for the Air Force Military Survival Training Program.

3. Columbia River and all the islands in the river, and the Benton County shoreline below the high water mark, and any peninsula originating on the Benton County shoreline, between Vernita Bridge (Highway 24) downstream to the old Hanford townsite power-line crossing (wooden towers) in Section 24, T 13 N, R 27 E, is designated as a "CLOSED AREA" to the hunting of wild animals and wild birds.
4. Green River (GMU 485): Except for special permit hunts, all lands within GMU 485 are designated as a "CLOSED AREA" to the hunting of big game throughout the year. During the general westside elk season and general and late deer seasons, all lands within GMU 485 are also designated as a "CLOSED AREA" to the hunting of all wild animals and wild birds. The City of Tacoma enforces trespass within GMU 485 on lands owned or controlled by the City during all times of the year.
5. McNeil Island: McNeil Island (part of GMU 480) is closed to the hunting of all wild animals and wild birds year around.

**BIG GAME CLOSURES**

1. Cathlamet: Those lands between State Highway 4 and the Columbia River between Cathlamet and Skamokawa, and all of Puget Island in Wahkiakum County; closed to all deer hunting. This closure is established to protect the endangered Columbian Whitetail Deer.
2. Clark, Cowlitz, Pacific, and Wahkiakum counties are closed to Columbian Whitetail Deer hunting.
3. Willapa National Wildlife Refuge: Except for Bow Area No. 802 (Long Island), Willapa National Wildlife Refuge is closed to all big game hunting.
4. Walla Walla Mill Creek Watershed (GMU 157): All lands in the Mill Creek Watershed are designated as a "CLOSED AREA" to the hunting of all wild animals and wild birds except for holders of special elk permits during the established open season. This area is closed to motorized vehicles.
5. Colockum elk hunting restrictions: No entry in GMU 330 (West Bar) except permit holders, Oct. 25-27, 1992. Closed to entry (no trespassing) Oct. 28-Nov. 8, 1992.
6. Westport: Closed to hunting of all big game animals on that part of Westport Peninsula lying north of State Highway 105 from the west end of the Elk River Bridge and the Schafer Island Road to the ocean beach.

7. Baleville: Closed to hunting of all big game animals on those lands between State Highway 105 and the Willapa River west of Raymond.

**UPLAND BIRD CLOSURES**

It is unlawful to hunt game birds on the Columbia River or from any island in the Columbia River in the following areas:

1. From the mouth of Glade Creek (River Marker 57) to the old townsite of Paterson (River Marker 67) in Benton County, except the hunting of game birds is permitted from the main shoreline of the Columbia River in this area. (Check with Umatilla National Wildlife Refuge for other federal regulations for this area.)
2. Between the public boat launch at Sunland Estates in Grant County (Wanapum Pool) and a point perpendicular in Kittitas County; upstream to the posted marker 200 yards north of Quilomene Bay and a point perpendicular in Grant County, including islands.

**HORSE RESTRICTIONS**

Colockum horse restrictions: GMU 330 (West Bar)—It is unlawful to ride horses, mules, or other livestock during any open elk season in GMU 330 PROVIDED, however, that livestock may be used for transporting camp gear and elk carcasses. GMU 329 (Quilomene)—It is unlawful to allow a horse to enter the Brushy and Cape Horn agricultural fields prior to 9 a.m. from Oct. 25-Nov. 3, 1992.

**HUNTING FIREARM RESTRICTION AREAS**

In firearm restriction areas, centerfire and rimfire rifles are not legal for hunting during any time of the year. Hunters may hunt only during the season allowed by their tag. Archery tag holders may hunt during archery seasons with archery equipment. Muzzleloaders may hunt during muzzleloader seasons with muzzleloader equipment except in GMU 484 restriction area outlined for King County. Modern firearm tag holders may hunt during modern firearm seasons with bows and arrows, muzzleloader or shotguns firing slugs or legal buckshot. Shotguns are not legal for hunting elk.

<u>County</u>	<u>Area</u>
Clallam	That portion of GMU 624 (Coyle) located within Clallam County
Clark	GMU 564 (Battleground)
Cowlitz	GMU 554 (Yale) GMU 504 (Stella)
Franklin,	Those portions of GMU 281 (Ringold) and GMU 278
Grant, Adams	(Wahluke) known as the Wahluke Slope Wildlife Area.

<u>County</u>	<u>Area</u>
Grays Harbor	That portion of GMU 658 (North River) beginning at Bay City; then west along Highway 105 to Twin Harbors State Park; then south along Highway 105 to Grayland; then east on Smith Road to the Bayview Road; then north on the Bayview Road to Mallard Slough; then east and south along the Bayview Road to Andrews Creek; then north along main channel of Andrews Creek to Grays Harbor; then north and west along the main navigation channel to Bay City and point of beginning.
Island	That portion of GMU 410 (Island) located on Camano and Whidbey islands
Jefferson	Indian and Marrowstone islands
King	The area west of Highway 203 (Monroe-Fall City-Preston) to Interstate 90 (I-90), I-90 to Highway 18, Highway 18 to Interstate 5 (I-5), I-5 to the Pierce-King County line; Vashon and Maury Islands
King	The following portion of GMU 484 (Puyallup): Beginning at the intersection of State Highway 410 and the southeast Mud Mountain Dam Road near the King/Pierce County line north of Buckley; then east along the southeast Mud Mountain Road to 284th Avenue southeast; then north along 284th Avenue southeast to State Highway 410; then west along Highway 410 to the point of the beginning. (This restriction includes high power rifles and muzzleloaders.)
Kitsap	East of State Highway 16 originating at the Tacoma Narrows Bridge to Gorst, and east of Highway 3 to North Lake Way, north of North Lake Way and the Bremerton-Seabeck Highway to Big Beef Creek bridge; all of Bainbridge Island and Bangor Military Reservation
Kittitas	GMU 334 (Ellensburg) Closed to high power rifles during deer and elk seasons.
Mason	GMU 633 (Mason Lake) south of Hammersley Inlet; and all of Hartstene Island
Pacific	GMU 684 (Long Beach) west of Sand Ridge Road

<u>County</u>	<u>Area</u>
Pierce	GMU 480 (Anderson and Ketron Islands) limited to archery, shotgun, and muzzleloader shotgun. McNeil Island closed to hunting.  See GMU 484 restriction area outline for King County.
Snohomish	West of Highway 9
Skagit	Guemes Island and March Point north of State Highway 20
Thurston	GMU 666 (Deschutes) north of U.S. Highway 101 and Interstate 5 between Oyster Bay and the mouth of the Nisqually River
Whatcom	Area west of I-5 and north of Bellingham city limits including Point Roberts.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 232-28-229 1991-92 Special Closures and Firearm Restriction Areas

**WSR 92-12-062  
PERMANENT RULES  
WILDLIFE COMMISSION**

[Order 551—Filed June 1, 1992, 4:44 p.m.]

Date of Adoption: April 10, 1992.

Purpose: To establish 1992-93 Special permit seasons for hunting deer and elk, and to repeal existing WAC.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-230.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to notice filed as WSR 92-06-079 on March 4, 1992.

Changes Other than Editing from Proposed to Adopted Version: Permit holders eligible to purchase a second whitetail doe permit were deleted from Hunts 1001 and 1002 on both the first and second pages of the WAC; season dates for Hunt 1011 (Roosevelt) were changed from Nov. 11-22 to Oct. 14-Nov. 11; special deer permit Hunt 1052 (Olalla) was deleted; special permits in GMU 633 (Mason Lake) were increased from 25 to 50; special permits in GMU 636 (Skokomish) were decreased from 125 to 100; the special hunt for the disabled was expanded to include the blind or visually handicapped; Damage Control (Hot Spot) Hunts were deleted; the 20 Wenaha Any Bull permits were split into two different hunts: Wenaha A, 5 permits, Oct. 1-14 and Wenaha B, 15 permits, Oct. 28-Nov. 8; spike or antlerless permits in GMU 172 Mountain View were reduced from 125 to 50; antlerless only permits in GMU 172 Mountain View were reduced from 75 to 50; spike bull or antlerless permits in GMU 175 (Lick Creek)

were reduced from 100 to 25; the either sex elk hunt in Elk Area 032 (Malaga) was deleted; the antlerless elk hunt in Elk Area 033 (Peshastin) was split into two hunts: Peshastin A, 100 permits, Sept. 15-Oct. 7 and Peshastin B, 150 permits, Nov. 4-20; an antlerless only hunt was added for 200 permits in GMU 329 (Quilomene). The hunt will be Oct. 25-27 Antlerless Only for CL or CM tag holders; antlerless elk permits in the Umtanum were increased from 200 to 300; antlerless elk permits in the Naches A hunt were increased from 250 to 300 and the dates changed from Nov. 14-16 to Nov. 1-4; the word "Bull" was dropped from the following 3 pt. min. hunts: Naches B, Margaret Bull, Toutle Bull, Dickey Bull, Quinault Ridge, Carlton, West Goat Rocks, Mt. Adams and Mt. Tebo; antlerless permits were dropped from GMU 602 (Dickey); antlerless hunts in GMUs 607 (Soleduck), 612 (Goodman), 618 (Matheny), 639 (Humptulips), 648 (Wynoochee), 660 (Minot Peak), 669 (Palix), and 678 (Nemah) were changed from Nov. 10-15 to Nov. 17-22; antlerless hunts in Elk Areas 065 (Willapa Valley) and 066 (Twin Valleys A) were dropped; the special elk hunt for disabled was expanded to include blind or visually handicapped; the hunt Naches Disabled was changed to Naches D; the proposed Centralia Mine hunt was dropped but a new hunt Green River Cow B was added. There are 5 permits, Nov. 14-18, Antlerless Only for disabled, blind or visually handicapped hunters with a WL or WM tag and the hunt area is GMU 485; the muzzleloader elk hunt in Elk Area 032 (Malaga) was increased from 150 to 200 permits and the legal animals are Antlerless Only instead of Either Sex; another hunt in Elk Area 032 (Malaga) was added for 200 muzzleloader permit hunters, Nov. 4-Dec. 20, Antlerless Only and the CM tag is required; Hunt 2082 (Twin Valleys B) was deleted; the permit level in Hunt 2083 (Coal Creek) was reduced from 35 to 10; and the proposed archery only permit hunt in Elk Area 832 (Coleman) was deleted.

Effective Date of Rule: Thirty-one days after filing.

May 27, 1992

Dean A. Lydig  
Chair

## NEW SECTION

### WAC 232-28-234 1992-93 DEER AND ELK PERMIT HUNTING SEASONS

#### Application Instructions

NOTE: Hunt numbers and GMU numbers are not the same.

A permit gives a hunter additional opportunity but it does not give him/her an extra deer or elk, EXCEPT that special deer permit holders for Hunts 1003 through 1010, Hunt 1025, and Hunt 1046 will be eligible to purchase a second deer transport tag and harvest a second antlerless deer (see Special Deer Permit Hunting Seasons).

To apply for Special Deer Permit: You must have a valid 1992 Washington hunting license and a modern firearm or muzzleloader deer tag. Only those hunters with a

Washington Disabled Hunter Permit or Washington Blind or Visually Handicapped Hunter Permit may apply for Special Hunts for Disabled, Blind or Visually Handicapped. You may submit one (only one) special deer permit application for 1992.

To apply for Special Elk Permit: You must have a valid 1992 Washington hunting license and a valid late modern firearm, muzzleloader, or archery elk tag; EXCEPT Western Washington archery tag holders may apply for branched antler permits in GMU 472. Blue Mountain archery tag holders and early Blue Mountain modern firearm tag holders may apply for branched antler permits in the Blue Mountains. Only those hunters with a Washington Disabled Hunter Permit or Washington Blind or Visually Handicapped Hunter Permit may apply for the Special Hunts for Disabled, Blind or Visually Handicapped. You may submit one (only one) special permit application for elk. You may not submit an elk permit application if you were drawn for any elk permit during 1990 or 1991. Permit hunters may hunt only with a weapon in compliance with their tag.

Application Deadline: To qualify for the drawing all applications must be postmarked no later than July 30, 1992 or received no later than 5:00 p.m. on July 30, 1992 at the Department of Wildlife headquarters in Olympia or at any of the regional Department of Wildlife offices.

- Permits will be drawn by random computer selection.

- There are no refunds or exchanges for deer or elk tags for persons applying for special permits.

#### Special Hunting Season Permits

You MUST have a valid hunting license and tag to apply for any special hunting season set by the Wildlife Commission. (Special hunting seasons do not include hunts open to all hunters.)

#### SPECIAL DEER PERMIT HUNTING SEASONS (Open to Permit Holders Only)

Hunters must purchase a hunting license and deer tag prior to purchase of a permit application. Only modern firearm deer tag holders and muzzleloader deer tag holders may apply for the following permit hunts.

Hunters successfully drawing a special deer permit for Hunts 1003 through 1010, Hunt 1025, and Hunt 1046 will be eligible to purchase a second deer transport tag and harvest a second antlerless deer. To take advantage of this opportunity, successful applicants must mail their original deer transport tag and a check or money order for \$18.00 (resident) or \$60.00 (nonresident) to the Department of Wildlife, 600 Capitol Way N., Olympia, WA 98501-1091 and be postmarked no later than October 13, 1992. When these items are received, the original deer transport tag will be stamped "ANTLERLESS ONLY", a second deer transport tag will be issued and stamped "ANTLERLESS ONLY", and returned to the successful applicant. These "validated" deer transport tags will only be valid for use within the special permit season. It is ILLEGAL for hunters with "ANTLERLESS ONLY" transport tags to kill a buck.

Use the FOUR DIGIT HUNT NUMBER on your application.

Hunt No.	Hunt Name	No. Permits	Open Season	Special Restrictions	Boundary Description
1001	Curlew A	300	Oct. 14- Nov. 11	Whitetail, Antlerless Only	GMU 100
1002	Boulder	150	Oct. 14- Nov. 11	Whitetail, Antlerless Only	GMU 103
1003	Kellyhill	350	Oct. 14- Nov. 11	Whitetail, Antlerless Only	GMU 105
1004	Douglas	900	Oct. 14- Nov. 11	Whitetail, Antlerless Only	GMU 108
1005	Aladdin	400	Oct. 14- Nov. 11	Whitetail, Antlerless Only	GMU 111
1006	Selkirk	100	Oct. 14- Nov. 11	Whitetail, Antlerless Only	GMU 113
1007	Chewelah	450	Oct. 14- Nov. 11	Whitetail, Antlerless Only	GMU 118
1008	Boyer	500	Oct. 14- Nov. 11	Whitetail, Antlerless Only	GMU 119
1009	Huckleberry	1,800	Oct. 14- Nov. 11	Whitetail, Antlerless Only	GMU 121
1010	Mt. Spokane	1,200	Oct. 14- Nov. 11	Whitetail, Antlerless Only	GMU 124
1011	Roosevelt	500	Oct. 14- Nov. 11	Antlerless Only	GMU 133
1012	Harrington	150	Nov. 11-22	Antlerless Only	GMU 136
1013	Steptoe	200	Nov. 11-22	Antlerless Only	GMU 139
1014	Almota	400	Nov. 11-22	Antlerless Only	GMU 142
1015	Mayview	400	Oct. 17-25	Antlerless Only	GMU 145
1016	Starbuck	200	Nov. 11-22	Antlerless Only	GMU 148
1017	Bluecreek A	150	Nov. 11-22	Whitetail, Antlerless Only	GMU 154
1018	Touchet	75	Nov. 11-22	Whitetail, Antlerless Only	GMU 160
1019	Eckler	75	Nov. 11-22	Whitetail, Antlerless Only	GMU 161
1020	Marengo A	125	Nov. 11-22	Whitetail, Antlerless Only	GMU 163
1021	Marengo B	100	Nov. 11-22	Antlerless Only	GMU 163
1022	Mountain View	50	Nov. 11-22	Antlerless Only	GMU 172
1023	Lick Creek	50	Nov. 11-22	Antlerless Only	GMU 175
1024	Peola	200	Nov. 11-22	Antlerless Only	GMU 178
1025	Couse	200	Nov. 11-22	Whitetail, Antlerless Only	GMU 181
1026	Blue Mtn. Foothills A	70	Nov. 11-24	Whitetail, Antlerless or 3-Pt. Min.	GMUs 148, 154, 160, 161, 163, 166
1027	Blue Mtn. Foothills B	70	Nov. 11-24	Whitetail, Antlerless or 3-Pt. Min.	GMUs 145, 172, 175, 178, 181
1028	Tunk	50	Dec. 7-13	Whitetail, Either Sex	GMU 200
1029	Bonaparte	50	Dec. 7-13	Whitetail, Either Sex	GMU 206
1030	Wannacut	100	Nov. 7-13	Antlerless Only	GMU 209
1031	Sinlahekin A	200	Nov. 7-13	Antlerless Only	GMU 215
1032	Sinlahekin B	25	Dec. 14-20	Whitetail, Either Sex	GMU 215
1033	Chewuch A	400	Nov. 7-13	Antlerless Only	GMU 218
1034	Chewuch B	25	Dec. 7-13	Whitetail, Either Sex	GMU 218
1035	Pearrygin A	700	Nov. 7-13	Antlerless Only	GMU 224
1036	Pearrygin B	25	Dec. 7-13	Whitetail, Either Sex	GMU 224
1037	Gardner A	400	Nov. 7-13	Antlerless Only	GMU 231
1038	Gardner B	50	Dec. 7-13	Whitetail, Either Sex	GMU 231
1039	Pogue A	500	Nov. 7-13	Antlerless Only	GMU 233
1040	Pogue B	25	Dec. 14-20	Whitetail, Either Sex	GMU 233
1041	Bigbend A	200	Oct. 20-25	Either Sex	GMU 248
1042	Saint Andrews	100	Oct. 20-25	Either Sex	GMU 254
1043	Foster Creek	200	Oct. 20-25	Either Sex	GMU 260

Hunt No.	Hunt Name	No. Permits	Open Season	Special Restrictions	Boundary Description
1044	Withrow	100	Oct. 20-25	Either Sex	GMU 262
1045	Badger	100	Oct. 20-25	Either Sex	GMU 266
1046	Moses Coulee A	200	Oct. 17-25	Antlerless Only	GMU 269
1047	Beezley	200	Oct. 24- Nov. 1	Antlerless Only	GMU 272
1048	Kahlotus	150	Oct. 24- Nov. 1	Antlerless Only	GMU 284
1049	Wenatchee	100	Nov. 14-22	Antlerless Only	Portion of GMU 314
1050	Naneum	75	Nov. 4-11	Either Sex	GMU 328
1051	Quilomene	75	Nov. 4-11	Either Sex	GMU 329
1052	Teanaway	150	Nov. 14-20	Either Sex	GMU 335
1053	Naches	75	Oct. 28-31	Either Sex	GMU 346
1054	Bethel	50	Oct. 28-31	Either Sex	GMU 360
1055	Rimrock	25	Oct. 28-31	Either Sex	GMU 364
1056	Squaw Creek	50	Oct. 28-31	Either Sex	Deer Area 030
1057	Champion North	250	Dec. 4-8	Antlerless Only	Deer Area 001
1058	Green River A	45	Oct. 24-30	Antlerless or 2-Pt. Min.	GMU 485
1059	Green River B	30	Oct. 24-30	Antlerless Only	GMU 485
1060	Lincoln	100	Oct. 26- Nov. 1	Either Sex	GMU 501
1061	Mossyrock	100	Oct. 26- Nov. 1	Either Sex	GMU 505
1062	Willapa Hills	75	Oct. 26- Nov. 1	Either Sex	GMU 506
1063	Stormking	50	Oct. 26- Nov. 1	Either Sex	GMU 510
1064	Sawtooth	50	Oct. 26- Nov. 1	Either Sex	GMU 512
1065	Packwood	30	Oct. 26- Nov. 1	Either Sex	GMU 516
1066	Ryderwood	50	Oct. 26- Nov. 1	Either Sex	GMU 530
1067	Coweeman	60	Oct. 26- Nov. 1	Either Sex	GMU 550
1068	Lewis River	50	Oct. 26- Nov. 1	Either Sex	GMU 560
1069	Siouxon	50	Oct. 26- Nov. 1	Either Sex	GMU 572
1070	White Salmon	100	Oct. 26- Nov. 1	Antlerless or 2-Pt. Min.	GMU 576
1071	Goodnoe	100	Oct. 26- Nov. 1	Antlerless or 2-Pt. Min.	GMU 584
1072	Grayback	200	Oct. 26- Nov. 1	Antlerless or 2-Pt. Min.	GMU 588
1073	Hoko	50	Oct. 26- Nov. 1	Either Sex	GMU 601
1074	Pysht	100	Oct. 26- Nov. 1	Either Sex	GMU 603
1075	Soleduck	20	Oct. 26- Nov. 1	Either Sex	GMU 607
1076	Goodman	50	Oct. 26- Nov. 1	Either Sex	GMU 612
1077	Clearwater	50	Oct. 26- Nov. 1	Either Sex	GMU 615
1078	Olympic	150	Oct. 26- Nov. 1	Either Sex	GMU 621

Hunt No.	Hunt Name	No. Permits	Open Season	Special Restrictions	Boundary Description
1079	Coyle	125	Oct. 26– Nov. 1	Either Sex	GMU 624
1080	Mason Lake	50	Oct. 26– Nov. 1	Either Sex	GMU 633
1081	Skokomish	100	Oct. 26– Nov. 1	Antlerless or 2–Pt. Min.	GMU 636
1082	Wynoochee	75	Oct. 26– Nov. 1	Either Sex	GMU 648
1083	North River	25	Oct. 26– Nov. 1	Either Sex	GMU 658
1084	Capitol Peak	30	Oct. 26– Nov. 1	Either Sex	GMU 663
1085	Deschutes	75	Oct. 26– Nov. 1	Either Sex	GMU 666
1086	Skookumchuck	250	Oct. 26– Nov. 1	Either Sex	GMU 667
1087	Palix	20	Oct. 26– Nov. 1	Either Sex	GMU 669
1088	Fall River	75	Oct. 26– Nov. 1	Either Sex	GMU 672
1089	Nemah	25	Oct. 22– Nov. 1	Either Sex	GMU 678
1090	Marrowstone Island	20	Oct. 26– Nov. 1	Either Sex	Deer Area 061
1091	Minot Peak	75	Oct. 26– Nov. 1	Either Sex	GMU 660

DEER MUZZLELOADER ONLY

Hunters must purchase a hunting license and muzzleloader deer tag prior to submitting an application for a muzzleloader permit hunt.

Hunt No.	Hunt Name	No. Permits	Open Season	Special Restrictions	Boundary Description
1092	Blue Creek B	50	Nov. 25– Dec. 6	Whitetail – Anterless or 3–Pt. Min.	GMU 154
1093	Wannacut B	100	Nov. 14–22	Either Sex	GMU 209
1094	Chiliwist	200	Nov. 14–22	Either Sex	GMU 239
1095	Alta	300	Nov. 14–22	Either Sex	GMU 242
1096	Moses Coulee B	25	Nov. 28– Dec. 20	Antlerless Only	GMU 269
1097	Manson	200	Nov. 14–22	Either Sex	GMU 300
1098	Stillaguamish A	100	Dec. 5–14	Antlerless Only	GMU 448
1099	Yale	50	Nov. 25– Dec. 15	Either Sex	GMU 554

YOUNG HUNTER OPPORTUNITY

Applicants must be 16 years old or younger and must be accompanied by an adult.

1100	Big Bend B	75	Oct. 20–25	Either Sex	GMU 248
1101	Wilson Antlerless	25	Oct. 26– Nov. 1	Antlerless Only	PLWMA 201
1102	Wilson Buck	1	Oct. 17–25	Buck Only	PLWMA 201
1103	Champion South	100	Dec. 5, 6 and 12, 13	Antlerless Only	Deer Area 002

ADVANCED HUNTER EDUCATION (AHE) PROGRAM

Only hunters who have successfully completed the Department of Wildlife's Advanced Hunter Education (AHE) Program will be eligible to hunt deer in these seasons. A certification card will be issued to all AHE graduates and must be in possession while hunting during these seasons.

1104	Curlew B	25	Dec. 7-13	Whitetail, Either Sex	GMU 100
1105	Wilson A	25	Nov. 9-15	Antlerless Only	PLWMA 201
1106	Wilson B	25	Nov. 16-22	Antlerless Only	PLWMA 201

**SPECIAL HUNT FOR DISABLED, BLIND OR VISUALLY HANDICAPPED**

Hunters must purchase a hunting license and modern firearm or muzzleloader deer tag prior to purchase of a special hunting season permit application. Only those hunters with a Washington Disabled Hunter Permit or Washington Blind or Visually Handicapped Hunter Permit may apply for these permits.

Hunt No.	Hunt Name	No. Permits	Open Season	Special Restrictions	Boundary Description
1107	Big Bend C	25	Oct. 20-25	Antlerless Only	GMU 248
1108	Wilson C	25	Nov. 2-8	Antlerless Only	PLWMA 201
1109	Stillaguamish B	25	Nov. 28-29	Antlerless Only	GMU 448

**WILSON CREEK PRIVATE LANDS MANAGEMENT AREA**

There will be nine hunters authorized to participate in a special hunt for which an access fee will be charged. The hunter must have a valid hunting license, transport tag, and written authorization from the landowner to participate in this hunt. All other hunting regulations apply.

Season Dates: Oct. 17-25 Buck Only PLWMA 201

**Special Elk Hunting Seasons  
(Open to Permit Holders Only)**

Hunters must purchase a hunting license and elk tag prior to purchase of a permit application. Permit hunters may hunt only with a weapon in compliance with their tag. Applicants must have purchased the proper area tag for these hunts (see Elk Tag Prefix required to apply for each hunt). Hunters drawing a permit for a hunt after the first of the year can use their 1992 license and tag during the hunt. Only hunters who purchase an Early Blue Mountain elk tag (BE) may apply for special Blue Mountain bull permits. Blue Mountain hunters must have the appropriate elk tag prefix for the hunt they are applying for.

Use the FOUR DIGIT HUNT NUMBER on your application.

Hunt No.	Hunt Name	No. Permits	Open Season	Special Restrictions	Elk Tag Prefix	Boundary Description
2001	Aladdin	15	Oct. 31- Nov. 8	Either Sex	BL or BM	GMU 111
2002	Selkirk	30	Oct. 31- Nov. 8	Either Sex	BL or BM	GMU 113
2003	Mt. Spokane	30	Oct. 31- Nov. 8	Antlerless Only	BL or BM	GMU 124
2004	Mica, Cheney	150	Oct. 31- Nov. 8	Either Sex	BL or BM	GMU 127, 130
2005	Blue Creek A	75	Oct. 31- Nov. 8	Spike Bull or Antlerless	BL or BM	GMU 154
2006	Blue Creek B	15	Oct. 28- Nov. 8	Any Bull	BE	GMU 154
2007	Watershed	100	Oct. 31- Nov. 8	Antlerless or 3-Pt. Min.	BL or BM	GMU 157
2008	Touchet	15	Oct. 28- Nov. 8	Any Bull	BE	GMU 160
2009	Eckler	15	Oct. 28- Nov. 8	Any Bull	BE	GMU 161
2010	Touchet, Eckler, Marengo	50	Dec. 15- Jan. 15, 1993	Antlerless Only	BL or BM	GMUs 160*, 161*, 163*
2011	Tucannon	20	Oct. 28- Nov. 8	Any Bull	BE	GMU 166
2012	Wenaha A	5	Oct. 1-14	Any Bull	BE	GMU 169
2013	Wenaha B	15	Oct. 28- Nov. 8	Any Bull	BE	GMU 169

Hunt No.	Hunt Name	No. Permits	Open Season	Special Restrictions	Elk Tag Prefix	Boundary Description
2014	Mountain View A	50	Oct. 31– Nov. 8	Spike Bull or Antlerless	BL or BM	GMU 172
2015	Mountain View B	50	Dec. 15– Jan. 15, 1993	Antlerless Only	BL or BM	GMU 172
2016	Mountain View C	15	Oct. 28– Nov. 8	Any Bull	BE	GMU 172
2017	Lick Creek	25	Oct. 31– Nov. 8	Spike Bull or Antlerless	BL or BM	GMU 175
2018	Peola A	50	Nov. 11–22	Either Sex	BL or BM	GMU 178
2019	Peola B	5	Oct. 28– Nov. 8	Any Bull	BE	GMU 178
2020	Couse A	75	Oct. 31– Nov. 8	Spike Bull or Antlerless	BL or BM	GMU 181
2021	Couse B	3	Oct. 28– Nov. 8	Any Bull	BE	GMU 181
2022	Joseph/Black Butte	1	Oct. 28– Nov. 8	Any Bull	BE	GMUs 184–185
2023	Naneum	250	Oct. 25–27	Antlerless Only	CL or CM	GMU 328
2024	Peshastin A	100	Sept. 15– Oct. 7	Antlerless Only	CL or CM	Elk Area 033
2025	Peshastin B	150	Nov. 4–20	Antlerless Only	CL	Elk Area 033
2026	Quilomene	200	Oct. 25–27	Antlerless Only	CL or CM	GMU 329
2027	West Bar A	25	Oct. 25	Antlerless Only	CL or CM	GMU 330
2028	West Bar B	25	Oct. 26	Antlerless Only	CL or CM	GMU 330
2029	West Bar C	25	Oct. 27	Antlerless Only	CL or CM	GMU 330
2030	Parke Creek	25	Nov. 25– Dec. 15	Antlerless Only	CL or CM	Elk Area 034
2031	Taneum	200	Nov. 1–4	Antlerless Only	YL or YM	GMU 336
2032	Manastash	250	Nov. 1–4	Antlerless Only	YL or YM	GMU 340
2033	Umtanum	300	Nov. 1–4	Antlerless Only	YL or YM	GMU 342
2034	Naches A	300	Nov. 1–4	Antlerless Only	YL or YM	GMU 346
2035	Naches B	25	Oct. 3–16	3–Pt. Min.	YL or YM	GMU 346
2036	Nile	75	Nov. 1–4	Antlerless Only	YL or YM	GMU 352
2037	Bumping	350	Nov. 1–4	Antlerless Only	YL or YM	GMU 356
2038	Bethel	150	Nov. 1–4	Antlerless Only	YL or YM	GMU 360
2039	Rimrock	300	Nov. 1–4	Antlerless Only	YL or YM	GMU 364
2040	Cowiche	150	Nov. 1–4	Antlerless Only	YL or YM	GMU 368
2041	White River A	25	Nov. 4–15	Any Bull	WE or WM	GMU 472
2042	Green River Cow A	25	Nov. 14–18	Antlerless Only	WL or WM	GMU 485
2043	Green River Bull	15	Nov. 14–18	Antlerless or 3–Pt. Min.	WL or WM	GMU 485
2044	Green River Spike	5	Nov. 14–18	Spike or Antlerless Only	WL or WM	GMU 485
2045	Lincoln	25	Nov. 17–22	Antlerless Only	WL or WM	GMU 501
2046	Willapa Hills	50	Nov. 17–22	Antlerless Only	WL or WM	GMU 506
2047	Packwood	75	Nov. 17–22	Antlerless Only	WL or WM	GMU 516
2048	Margaret Cow	30	Nov. 17–22	Antlerless Only	WL or WM	GMU 524
2049	Margaret Bull	30	Nov. 4–15	3–Pt. Min.	WL or WM	GMU 524
2050	Ryderwood	50	Nov. 17–22	Antlerless Only	WL or WM	GMU 530
2051	Toutle Cow	75	Nov. 17–22	Antlerless Only	WL or WM	GMU 556
2052	Toutle Bull	200	Nov. 4–15	3–Pt. Min.	WL or WM	GMU 556
2053	Marble	60	Nov. 17–22	Antlerless Only	WL or WM	GMU 558
2054	Lewis River	125	Nov. 17–22	Antlerless Only	WL or WM	GMU 560
2055	Siouxon	50	Nov. 17–22	Antlerless Only	WL or WM	GMU 572
2056	Doty	50	Jan. 2– 17, 1993	Antlerless Only	WL or WM	Elk Area 051
2057	Dickey Bull A	10	Oct. 4–16	3–Pt. Min.	WL or WM	GMU 602

Hunt No.	Hunt Name	No. Permits	Open Season	Special Restrictions	Elk Tag Prefix	Boundary Description
2058	Dickey Bull B	75	Oct. 28- Nov. 8	3-Pt. Min.	WL or WM	GMU 602
2059	Soleduck	30	Nov. 17-22	Antlerless Only	WL or WM	GMU 607
2060	Goodman	50	Nov. 17-22	Antlerless Only	WL or WM	GMU 612
2061	Matheny	50	Nov. 17-22	Antlerless Only	WL or WM	GMU 618
2062	Quinault Ridge	5	Oct. 4-16	3-Pt. Min.	WL or WM	GMU 638
2063	Humptulips	15	Nov. 17-22	Antlerless Only	WL or WM	GMU 639
2064	Wynoochee	50	Nov. 17-22	Antlerless Only	WL or WM	GMU 648
2065	Minot Peak	20	Nov. 17-22	Antlerless Only	WL or WM	GMU 660
2066	Palix	40	Nov. 17-22	Antlerless Only	WL or WM	GMU 669
2067	Nemah	50	Nov. 17-22	Antlerless Only	WL or WM	GMU 678
2068	Backbone	55	Nov. 25- Dec. 13	Either Sex	WL or WM	Elk Area 025
2069	Curtis	50	Dec. 21-31	Antlerless Only	WL or WM	Elk Area 050
2070	Boistfort	25	Jan. 2- 17, 1993	Antlerless Only	WL or WM	Elk Area 054
2071	Carlton	5	Oct. 4-16	3-Pt. Min.	WL or WM	Elk Area 057
2072	West Goat Rocks	5	Oct. 4-16	3-Pt. Min.	WL or WM	Elk Area 058
2073	Mt. Adams	5	Oct. 4-16	3-Pt. Min.	WL or WM	Elk Area 059
2074	Mt. Tebo	5	Oct. 4-16	3-Pt. Min.	WL or WM	Elk Area 061
2075	South Willapa	10	Jan. 1- 15, 1993	Antlerless Only	WL or WM	Elk Area 067

\*Outside of Umatilla National Forest.

**SPECIAL HUNT FOR DISABLED, BLIND OR VISUALLY HANDICAPPED**

Hunters must purchase a hunting license and modern firearm or muzzleloader elk tag prior to purchase of a special hunting season permit application. Note elk tag required. Only those hunters with a Washington Disabled Hunter Permit or Washington Blind or Visually Handicapped Hunter Permit may apply.

Hunt No.	Hunt Name	No. Permits	Open Season	Special Restrictions	Elk Tag Prefix	Boundary Description
2076	Naches D	5	Oct. 3-16	Either Sex	YL or YM	GMU 346
2077	Green River Cow B	5	Nov. 14-18	Antlerless Only	WL or WM	GMU 485

**MUZZLELOADER ONLY**

Hunters must purchase a hunting license and muzzleloader elk tag prior to purchase of a special hunting season permit application. Note the elk tag required for each hunt.

Hunt No.	Hunt Name	No. Permits	Open Season	Special Restrictions	Elk Tag Prefix	Boundary Description
2078	Bluecreek C	50	Dec. 1- Jan. 31, 1993	Antlerless Only	BM	GMU 154
2079	Mountain View A	50	Oct. 8-14	Spike Bull or Antlerless	BM	GMU 172
2080	Mountain View B	6	Oct. 5-11	Any Bull	BM	GMU 172
2081	Malaga A	200	Sept. 15- Oct. 14	Antlerless Only	CM	Elk Area 032
2082	Malaga B	200	Nov. 4- Dec. 20	Antlerless Only	CM	Elk Area 032
2083	Coal Creek	10	Nov. 21- Dec. 9	Antlerless Only	WM	ML Area 940
2084	Stella	50	Nov. 25- Dec. 15	Either Sex	WM	GMU 504
2085	Boistfort B	50	Nov. 16-24	Antlerless Only	WM	Elk Area 054
2086	Yale	75	Nov. 25- Dec. 15	Either Sex	WM	GMU 554

Hunt No.	Hunt Name	No. Permits	Open Season	Special Restrictions	Elk Tag Prefix	Boundary Description
2087	Hoko River A	15	Jan. 1-15, 1993	Antlerless Only	WM	ML Area 961
2088	Hoko River B	15	Jan. 16-Feb. 15, 1993	Antlerless Only	WM	ML Area 961
2089	Chinook	10	Jan. 16-Feb. 15, 1993	Antlerless Only	WM	Elk Area 069
2090	North River	30	Nov. 20-Dec. 8	Antlerless Only	WM	GMU 658
2091	Elwha A	5	Dec. 15-Jan. 15, 1993	Antlerless Only	WM	ML Area 962
2092	Elwha B	5	Jan. 16-Feb. 15, 1993	Antlerless Only	WM	ML Area 962

**ARCHERY ONLY**

Hunters must purchase a hunting license and the appropriate archery elk tag prior to purchase of a special hunting season permit application.

Hunt No.	Hunt Name	No. Permits	Open Season	Special Restrictions	Elk Tag Prefix	Boundary Description
2093	Blue Mountains West	11	Sept. 28-Oct. 11	Either Sex	BA	GMUs 154, 160, 161, 166, 169
2094	Blue Mountains East	5	Sept. 28-Oct. 11	Either Sex	BA	GMUs 178, 181, 184, 185
2095	White River	5	Oct. 1-14	Either Sex	WA	GMU 472

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 232-28-230 1991-92 Deer and Elk Permit Hunting Seasons

was changed to "General Permit Season" (Permit required); and Cougar Unit 13 St. Helens was split into two cougar units with 2 permits in each unit. One area is title "Skamania" and the other is titled "Cowlitz."

Effective Date of Rule: Thirty-one days after filing.  
 May 27, 1992  
 Dean A. Lydig  
 Chair

**WSR 92-12-063**

**PERMANENT RULES**

**WILDLIFE COMMISSION**

[Order 552—Filed June 1, 1992, 4:45 p.m.]

Date of Adoption: April 10, 1992.

Purpose: To establish 1992-93 Special permit seasons for hunting moose, mountain sheep, mountain goat, and cougar, and to repeal existing WAC.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-231.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to notice filed as WSR 92-06-080 on March 4, 1992.

Changes Other than Editing from Proposed to Adopted Version: The title Moose "Permit Season" was changed to "Open Season"; the title Sheep "Permit Season" was changed to "Open Season" for each of the sheep units; the title Mountain Goat "Open Season" was changed to "Permit Season"; the Cougar Permit Season was expanded to include "Early Permit Season (Permit required. Permit holders may not kill cougar with the use of hounds during the early cougar permit season.); Oct. 17-Nov. 24." The proposed "Open Permit Season"

**NEW SECTION**

**WAC 232-28-235 1992-93 SPECIAL SPECIES HUNTING SEASONS AND REGULATIONS**

**PERMIT APPLICATION INSTRUCTIONS**

You must have a valid 1992 Washington hunting license to apply for any special hunting season permit.

Application Deadline: Applications must be postmarked no later than July 2 1992, or received not later than 5:00 p.m., July 2, 1992, at the Washington Department of Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, or any Department of Wildlife regional office.

Computer Drawing: Drawings for goat, bighorn sheep, moose, and cougar will be done by computer selection. All applicants will be notified by August 10, 1992.

Disqualification: Anyone who submits more than one application for each species will be disqualified for drawings for that species.

Incomplete Applications: To be eligible for the permit drawing, applications must contain unit number and unit name, date of birth, and hunting license number. Applicant's complete name and address including zip code.

**Permit Hunting Report:** A hunter questionnaire report will be sent to each permittee. This questionnaire must be returned to the Department of Wildlife within ten days after the close of the hunting season.

#### MOOSE

**Permit Season:** Oct. 1 to Nov. 30, 1992, both dates inclusive.

**Who may apply:** Anyone with a valid 1992 Washington hunting license. Only one moose permit will be issued during an individual's lifetime.

**Bag Limit:** One moose of either sex.

#### Moose Unit 1

GMU 113

5 Special Moose Permits will be issued.

#### Moose Unit 2

GMU 124

4 Special Moose Permits will be issued.

#### Moose Unit 3

GMU 118

2 Special Moose Permits will be issued.

#### Moose Unit 4

GMU 119

2 Special Moose Permits will be issued.

#### MOUNTAIN SHEEP (BIGHORN)

**Permit Seasons:** Separate seasons are indicated for each bighorn sheep unit.

**Who may apply:** Anyone with a valid 1992 Washington hunting license; EXCEPT those who drew a bighorn permit during 1987, 1988, 1989, 1990, or 1991, or have been successful in taking a bighorn in Washington State.

**Bag Limit for Permit Holders:** One bighorn ram.

**Any Legal Weapon**

#### Sheep Unit 1

Okanogan:

**Permit Season:** Sept. 5-27, 1992, both dates inclusive.

1 Special Permit will be issued.

#### Sheep Unit 2

Vulcan Mountain Area:

**Permit Season:** Sept. 26-Oct. 11, 1992, both dates inclusive.

3 Special Permits will be issued.

#### Sheep Unit 3

Tucannon River Area:

**Permit Season:** Sept. 5-27, 1992, both dates inclusive.

2 Special Permits will be issued.

#### Sheep Unit 5

Umtanum Area:

**Permit Season:** Sept. 26-Oct. 11, 1992, both dates inclusive.

3 Special Permits will be issued.

#### Sheep Unit 8

Mountainview:

**Permit Season:** Sept. 5-27, 1992, both dates inclusive

1 Special Permit will be issued.

#### Sheep Unit 9

Blackbutte:

**Permit Season:** Sept. 1-18, 1992, both dates inclusive.

2 Special Permits will be issued.

#### Sheep Unit 10

Mt. Hull:

**Permit Season:** Sept. 5-27, 1992, both dates inclusive.

2 Special Permits will be issued.

#### Sheep Unit 11

Wenaha Wilderness:

**Permit Season:** Sept. 5-27, 1992, both dates inclusive.

3 Special Permits will be issued.

#### MOUNTAIN GOAT

**Permit Season:** Sept. 19-Oct. 31, 1992, both dates inclusive, in all goat units.

**Who may apply:** Anyone with a valid 1992 Washington hunting license; EXCEPT those who drew goat permits in 1987, 1988, 1989, 1990, or 1991.

**Bag Limit:** One (1) adult goat of either sex with horns four (4) inches or longer. The Department of Wildlife urges hunters to refrain from shooting nannies with kids.

**Any Legal Weapon**

#### Goat Unit 2-1

Mount Chopaka Area:

2 Special Permits will be issued.

#### Goat Unit 2-2

Methow Area:

5 Special Permits will be issued.

#### Goat Unit 3-2

North Wenatchee Mountains Area:

5 Special Permits will be issued.

#### Goat Unit 3-4

Snoqualmie:

5 Special Permits will be issued.

#### Goat Unit 3-6

Naches Pass Area:

8 Special Permits will be issued.

#### Goat Unit 3-7

Bumping River Area:

5 Special Permits will be issued.

#### Goat Unit 3-9

Tieton River Area:

5 Special Permits will be issued.

#### Goat Unit 4-1

Ruth Creek Area:

10 Special Permits will be issued.

#### Goat Unit 4-3

Chowder Ridge Area:

2 Special Permits will be issued.

#### Goat Unit 4-4

Lincoln Peak Area:

2 Special Permits will be issued.

Goat Unit 4-6  
 Dillard Creek Area:  
 5 Special Permits will be issued.

Goat Unit 4-7  
 Avalanche Gorge Area:  
 5 Special Permits will be issued.

Goat Unit 4-8  
 East Ross Lake Area:  
 10 Special Permits will be issued.

Goat Unit 4-9  
 Jack Mountain Area:  
 2 Special Permits will be issued.

Goat Unit 4-16  
 Glacier Peak Area:  
 5 Special Permits will be issued.

Goat Unit 4-32  
 Foss River Area:  
 10 Special Permits will be issued.

Goat Unit 4-34  
 Pratt River Area:  
 10 Special Permits will be issued.

Goat Unit 5-2  
 Tatoosh Area:  
 5 Special Permits will be issued.

Goat Unit 5-4  
 Goat Rocks Area:  
 10 Special Permits will be issued.

Muzzleloading Goat Hunts

Goat Unit 3-5  
 Cle Elum:  
 5 Special Permits will be issued.

Goat Unit 3-8  
 Bumping River Area:  
 5 Special Permits will be issued.

Goat Unit 4-24  
 Sloan Peak Area:  
 3 Special Permits will be issued.

Archery Goat Hunts

Goat Unit 3-3  
 Goat and Davis Mountains Area:  
 10 Special Permits will be issued.

Goat Unit 4-18  
 Sauk River Area:  
 4 Special Permits will be issued.

Goat Unit 4-21  
 Liberty Mountain Area:  
 8 Special Permits will be issued.

Goat Unit 4-23  
 Twin Peaks Area:  
 4 Special Permits will be issued.

Goat Unit 4-38  
 Corral Pass Area:  
 4 Special Permits will be issued.

Goat Unit 6-1  
 Elwha River Area:  
 3 Special Permits will be issued.

Goat Unit 6-2  
 Quilcene River Area:  
 25 Special Permits will be issued.

Goat Unit 6-3  
 Hamma Hamma River Area:  
 10 Special Permits will be issued.

NATIVE CATS

A valid hunting license is required to hunt (including pursuit seasons) native cats. A hound stamp is required for all hunters if dogs are used to hunt any native cats.

COUGAR

Pursuit-Only Season (Cougar may not be killed or injured.): Sept. 1-30 and Nov. 25, 1992-Jan. 31, 1993 in the cat units listed below, EXCEPT closed to hound hunting in Walla Walla and Columbia counties outside of Umatilla National Forest Sept. 1-Oct. 16, 1992.

Early Permit Season (Permit required. Permit holders may not kill cougar with the use of hounds during the early cougar permit season.): Oct. 17-Nov. 24.

General Permit Season (Permit required. Cougar may be killed by permit holders only.): Nov. 25, 1992-Jan. 31, 1993.

Who May Apply: Anyone with a valid 1992 Washington hunting license may submit one special permit application for cougar during the 1992-93 season. Successful cougar applicants must purchase a cougar tag by October 1, 1992. Special permits assigned to those hunters failing to purchase a cougar tag by the deadline will be voided and cougar permits will be issued to other applicants. Cougar permit hunters failing to return their cougar hunting questionnaire by February 15, 1993, will be ineligible to apply for a permit the following season.

Bag Limit: One (1) cougar during the 1992-93 hunting season except that it is unlawful to kill or possess spotted cougar kittens or adult cougar accompanied by spotted kittens.

Unit	Description	Permits
1	Pend Oreille	30
2	Colville	40
3	Republic	25
4	Spokane	10
5	Blue Mountains	40
6	Okanogan	25
7	Wenatchee	25
8	Nooksack	10
9	Skagit	5
10	Snoqualmie	8
11	Olympic Peninsula	30
12	Rainier	10
13	Skamania	2
14	Cowlitz	2

LYNX

Season closed statewide.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 232-28-231 1991-92 Special Species Hunting and Trapping Permits

**WSR 92-12-064**  
**PERMANENT RULES**  
**WILDLIFE COMMISSION**  
 [Order 555—Filed June 1, 1992, 4:47 p.m.]

Date of Adoption: April 10, 1992.

Purpose: WAC 232-12-267, to allow the possession of a taxidermist's receipt as a substitute for natural evidence of sex; and WAC 232-12-277, to clarify what information taxidermists must obtain from customers and to provide option of using pre-printed invoices in lieu of WDW ledger.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-267 and 232-12-277.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to notice filed as WSR 92-02-086 on January 2, 1992.

Effective Date of Rule: Thirty-one days after filing.

May 30, 1992  
 Dean A. Lydig  
 Chair

**AMENDATORY SECTION** (Amending Order 499, filed 6/17/91, effective 7/18/91)

WAC 232-12-267 **FIELD IDENTIFICATION OF WILDLIFE—EVIDENCE OF SEX—DEFINITIONS.** (1) It is unlawful to possess or transport game birds unless the feathered heads are left attached to the carcass, except falconry caught birds, until the carcass is processed and/or stored for consumption.

(2) It is unlawful to possess or transport big game animals unless evidence of the sex of the animal remains naturally attached to the carcass until the carcass is processed and/or stored for consumption.

(a) Evidence of sex means the head with antlers or horns attached or penis or testes of male big game animals or the head or udder of female big game animals any of which must be naturally attached to at least one quarter of the carcass or to the largest portion of meat.

(b) For the purpose of this rule, "stored for consumption" means at the final point of storage prior to consumption of the meat.

(3) It is unlawful to possess or transport goat, sheep, moose, deer or elk taken in hunting areas which have horn or antler restrictions unless the head or skull plate, with both horns or both antlers naturally attached, accompanies the carcass.

(4) The possession of a taxidermist's receipt which includes the taxidermist's name, address, and telephone number, the hunter's name, address, telephone number,

license, and tag number, the species and sex of the game bird or big game animal taken, as well as antler points or horn size and the date and GMU location or special deer/elk permit area where taken, shall be deemed to constitute compliance with this section.

For the purpose of this rule "accompanies the carcass" means to remain with the carcass until it has reached the point of processing or storage.

**AMENDATORY SECTION** (Amending Order 165, filed 6/1/81)

WAC 232-12-277 **TAXIDERMISTRY AND FURDEALING RECORDS.** (1) It is unlawful for a licensed taxidermist or furdealer upon receiving wildlife for mounting, tanning, storage or processing to fail to record the ~~((owner's name and address, date received, and other information as required by the department, in a ledger supplied by the department))~~ following information:

(a) The taxidermist's name, address, and business phone;

(b) The date the item was received;

(c) The hunter/taker's name and address;

(d) The owner's name and address;

(e) A description of the species received;

(f) The county where taken (GMU if available);

(g) The license, tag, permit, and seal number;

(h) The date the completed item was returned to the original customer. Such record must be maintained for a minimum of two years or as long as the wildlife is retained by the taxidermist or furdealer and shall be maintained in a central location at the principle place of business either in a ledger provided by the department or on sequentially numbered pre-printed invoices provided by the taxidermist or furdealer. Taxidermists or furdealers opting to use pre-printed invoices are required to maintain all sequentially numbered invoices, including voided documents.

(2) All records and wildlife held pursuant to the statutes or regulations dealing with taxidermy or furdealing must be open to inspection by a wildlife agent at reasonable times in accordance with the provisions of RCW 77.12.095.

(3) Licensed taxidermists or furdealers who have complied with the ledger requirements established in this section shall be deemed to be in compliance with the notice and reporting requirements contained in WAC 232-12-021 and 232-12-077.

**WSR 92-12-065**  
**PERMANENT RULES**  
**WILDLIFE COMMISSION**  
 [Order 556—Filed June 1, 1992, 4:49 p.m.]

Date of Adoption: May 26, 1992.

Purpose: To amend Game management units (GMUs)—Special game areas—Boundary descriptions.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-022.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to notice filed as WSR 92-09-042 on April 9, 1992.

Changes Other than Editing from Proposed to Adopted Version: Spelling of the word Untaneum was changed to Umtanum in both GMU 340 (Manastash) and GMU 342 (Umtanum); spelling of the word Umtaneum was changed to Umtanum in the Elk Area No. 031 (Shushuskin) boundary description; Bow Area 832 (Coleman) was deleted; spelling of the word Umtaneum was changed to Umtanum in Sheep Unit 5 boundary description; and Cougar Unit 13 (St. Helens) was split into two cougar units. One unit is Unit 13 (Cowlitz) and the boundary description is GMUs 520, 530, 550, 556, and 558. The other unit is Unit 14 (Skamania) and the boundary description is GMUs 560, 568, 572, 574, and 576.

Effective Date of Rule: Thirty-one days after filing.

May 30, 1992  
Dean A. Lydig  
Chair

**AMENDATORY SECTION** (Amending Order 533, filed 2/25/92, effective 4/27/92)

WAC 232-28-022 GAME MANAGEMENT UNITS (GMUS)—SPECIAL GAME AREAS—BOUNDARY DESCRIPTIONS.

**REGION ONE**

GMU 100—Curlew (Ferry and Okanogan counties): Beginning at Republic; then south along Highway 21 to the northern boundary of the Colville Indian Reservation; then east along the Reservation boundary to the Stall Creek Road, USFS #310; then north on #310 to USFS Road #250; then north to the Kettle Crest Trail #13; then north on Trail #13 to the Deer Creek—Boulder Creek Road; then west on the Deer Creek—Boulder Creek Road to the Kettle River at Curlew; then north along the Kettle River to the Canadian Border near Danville; then west along the border to the Kettle river near the Ferry Customs Office; then south along the Kettle River to the mouth of Toroda Creek and the Toroda Creek Road; then southwest along the Toroda Creek Road to Wauconda and Highway 20; then southeast on Highway 20 to Republic to the point of beginning. (See Colville National Forest map)

GMU 103—Boulder (Ferry County): Beginning at Lake Roosevelt at the mouth of the Kettle River; then south along Lake Roosevelt to the north boundary of the Colville Indian Reservation; then west along the Reservation boundary to the Stall Creek Road, USFS Road #310; then north on #310 to USFS Road #250; then north on #250 to the Kettle Crest Trail #13; then north on Trail #13 to the Deer Creek Boulder Creek Road; then west on the Deer Creek—Boulder Creek Road to the Kettle River at Curlew; then north along the Kettle River to the Canadian Border near Danville; then east along the border to the Kettle River near Laurier then south along the Kettle River to its mouth to the point of beginning. (See Colville National Forest map)

GMU 105—Kelly Hill (Stevens County): Beginning at the Kettle River on the Canadian border near Laurier;

then south along the Kettle River to its mouth at Lake Roosevelt; then northeast along Lake Roosevelt to the Canadian border; then west along the border to the Kettle River near Laurier to the point of beginning. (See Washington Atlas and Gazetteer)

GMU 108—Douglas (Stevens County): Beginning at the bridge over Lake Roosevelt near Northport; then southwest along Lake Roosevelt to the bridge over Lake Roosevelt near Kettle Falls (Highway 395); then south east on Highway 395 into Colville and Highway 20; then east on Highway 20 the edge of town and the Colville—Aladdin—Northport Road; then north and west on the Colville—Aladdin—Northport Road to the town of Northport and Highway 25; then through town to the Lake Roosevelt bridge to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 111—Aladdin (Stevens and Pend Oreille counties): Beginning at Lake Roosevelt at the Canadian Border; then south along Lake Roosevelt to the bridge over the lake near Northport (Highway 25); then into Northport on Highway 25 to the Colville—Aladdin—Northport Road; then east and south along the Colville—Aladdin—Northport Road to Highway 20 near Colville; then east on Highway 20 to the Pend Oreille River near Tiger; then north along the Pend Oreille river to the Canadian border; then west along the border to Lake Roosevelt to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 113—Selkirk (Pend Oreille County): Beginning on the Pend Oreille River at the Canadian border; then south along the Pend Oreille River to the Idaho border near Newport; then north along the Idaho—Washington border to the Canadian border; then west along the Canadian border to the Pend Oreille River to the point of beginning. (See Washington Atlas & Gazetteer or Colville National Forest map)

GMU 118—Chewelah (Stevens and Pend Oreille counties): Beginning at Colville; then east on Highway 20 to the Pend Oreille River near Tiger; then south along the Pend Oreille River to the bridge over the river at Usk; then west on the McKenzie Road to the West Side Calispell Road and the Flowery Trail Road; then west on the Flowery Trail Road to Chewelah and Highway 395; then north on Highway 395 to Colville to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 119—Boyer (Stevens and Pend Oreille counties): Beginning on the Pend Oreille River at the bridge near Usk; then west on the McKenzie Road to the Westside Calispell Road and the Flowery Trail Road; then west on the Flowery Trail Road to Chewelah and Highway 395; then south on Highway 395 to Highway 231; then south on Highway 231 to Springdale; then east on Highway 292 to Highway 395 at Loon Lake; then south on Highway 395 to Deer Park; then east on the Deer Park—Milan Road to Highway 2, then northeast on Highway 2 to the Idaho border at Newport; then north along the Idaho border to the Pend Oreille River; then north along the Pend Oreille River to the bridge at Usk and point of beginning. (See Washington Atlas & Gazetteer)

GMU 121-Huckleberry (Stevens County): Beginning at the bridge over Lake Roosevelt near Kettle Falls; then south on Highway 395 to Highway 231; then south on Highway 231 to the northeast corner of the Spokane Indian Reservation; then west along the north boundary of the Reservation to Lake Roosevelt; then north along Lake Roosevelt to the Highway 395 bridge near Kettle Falls to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 124-Mount Spokane (Spokane, Stevens and Pend Oreille counties): Beginning at the Idaho-Washington border at Newport; then south on Highway 2 to the Deer Park-Milan Road; then west on the Deer Park-Milan Road to Deer Park and Highway 395; then north on Highway 395 to Highway 292 at Loon Lake; then west on Highway 292 to Springdale and Highway 231; then south on Highway 231 to the northeast boundary of the Spokane Indian Reservation; then south along the east boundary of the Indian Reservation (Chamokane Creek) to the Spokane River; then east along the Spokane River to the Washington-Idaho border; then north along the border to Newport and point of beginning. (See Washington Atlas & Gazetteer)

GMU 127-Mica Peak (Spokane County): Beginning at Spokane; then south along State Highway 195 to the Spokane-Whitman County line; then east along Spokane-Whitman County line to the Washington-Idaho line; then north along the Washington-Idaho line to the Spokane River; then west along the Spokane River to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 130-Cheney (Spokane and Lincoln counties): Beginning at Spokane; then south along State Highway 195 to the Spokane-Whitman County line; then west along the north boundary of Whitman and Adams counties to U.S. Highway No. 395; then northeast along U.S. Highway 395 to Sprague; then north along State Highway No. 231 to its junction with U.S. Highway No. 2; then east along U.S. Highway No. 2 to Reardan; then north along state Highway No. 231 to the Spokane River; then up the Spokane River to Spokane to the point of beginning. (See Washington Atlas & Gazetteer)

GMU 133-Roosevelt (Lincoln County): Beginning at Reardan; then north along State Highway 231 to the Spokane River; then west along the Spokane River to Lake Roosevelt; then west along Lake Roosevelt to Coulee Dam; then southeast on State Highway 174 to Wilbur and U.S. Highway 2; then east along Highway 2 to Reardan and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 136-Harrington (Lincoln County): Beginning at the town of Grand Coulee; then southeast along State Highway No. 174 to its junction with U.S. Highway No. 2 at Wilbur; then east along U.S. Highway No. 2 to its junction with U.S. Highway No. 231 three miles west of Reardan; then south along Highway No. 231 to its junction with U.S. Highway No. 395; then southwest along U.S. Highway No. 395 to the Adams County line at Sprague Lake; then west along the Adams-Lincoln County line to the Grant County line; then north along

the Grant-Lincoln County line to Grand Coulee and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 139-Steptoe (Whitman County): Beginning at Colfax; then west along State Highway 127 to Dusty and continuing west along State Highway No. 26 through LaCrosse to the west Whitman County line (Palouse River); then north along the west Whitman County line, east along the north Whitman County line and south along the east Whitman County line to the Moscow-Pullman Highway; then west along the Moscow-Pullman-Colfax Highway to Colfax and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 142-Almota (Whitman County): Beginning at Clarkston; then down the Snake River to the mouth of the Palouse River; then up the Palouse River to the Washtucna-LaCrosse Highway (State Highway No. 26); then east along the highway through LaCrosse to State Highway 127 to Dusty; then continuing east along State Highway 127 to Colfax; then southeast along the Colfax-Pullman-Moscow Highway to the Washington-Idaho line; then south along the state line to Clarkston and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 145-Mayview (Garfield and Asotin counties): Beginning at the mouth of Alpowa Creek and its junction with U.S. Highway No. 12; then west along U.S. Highway No. 12 to its junction with State Highway 127 (Central Ferry Highway); then north along the Highway to the Snake River; then east up the Snake River to the mouth of Alpowa Creek and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 148-Starbuck (Walla Walla, Columbia, and Garfield counties): Beginning at Central Ferry; then south along State Highway No. 127 to Dodge Junction; then southwest along U.S. Highway No. 12 to the town of Waitsburg and the Touchet River; then west along the river to its junction with the Ayer Road at Harsha; then north along the Ayer Road to the Snake River at Ayer; then east along the Snake River to Central Ferry and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 151-Eureka (Walla Walla County): Beginning at the Washington-Oregon State line on the Columbia River (near Wallula Junction); then north up the Columbia River to the Snake River; then northeast up the Snake River to Ayer; then south along the Ayer Road to State Highway No. 124 and the Touchet River at Harsha; then east up the river to Waitsburg and U.S. Highway 12; then southwest along Highway 12 to Walla Walla and State Highway No. 125; then south along State Highway No. 125 to the Washington-Oregon State line; then west along the state line to the Columbia River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 154-Blue Creek (Walla Walla and Columbia counties): Beginning at the Washington-Oregon State line on State Highway No. 125 (south of Walla Walla); then north along State Highway No. 125 to U.S. Highway No. 12; then northeast along Highway 12 to the

Payne Hollow Road at Long Station; then south along the Payne Hollow-Jasper Mountain-Mt. Pleasant Road to the Lewis Peak Road; then south along the Lewis Peak Road to its termination at the Mill Creek Watershed Intake Trail; then southwest along the trail to the Washington-Oregon State line; then west along the state line to State Highway No. 125 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 157-Watershed, Mill Creek Watershed area (Walla Walla, Columbia counties): Starting at the Mill Creek Watershed Intake Trail (No. 3211) on the Washington-Oregon State line; then northeast along the Intake Trail to the Skyline Drive Road (No. 64); then south along the road to the Washington-Oregon State line; then due west to the point of beginning. (See Umatilla Forest map)

GMU 160-Touchet (Walla Walla, and Columbia counties): Beginning at Dayton; then south along the North Touchet River Road to its junction with the Skyline Drive Road at Manila Springs; then southwest along the Skyline Road to its junction with the Mill Creek Watershed Intake Trail (No. 3211); then west along the Intake Trail to the Lewis Peak Road; then north along the Lewis Peak-Mt. Pleasant-Jasper Mountain-Payne Hollow Road to U.S. Highway 12 at Long Station; then north along said highway to Dayton and the point of beginning. (See Washington Atlas & Gazetteer and Umatilla National Forest map)

GMU 161-Eckler (Columbia County): Beginning at Dayton; then east along the Patit Creek Road to its junction with the Hartsock-Maloney Mountain Road; then south and west along the Maloney Mountain Road (No. 4625) to the Skyline Drive Road (No. 46); then south along the Skyline Drive Road to its junction with the North Touchet River Road at Manila Springs; then north along the North Touchet River Road to Dayton and the point of beginning. (See Washington Atlas & Gazetteer and Umatilla National Forest map)

GMU 163-Marengo (Columbia, and Garfield counties): Beginning at Dayton; then east along the Main Patit Road to its junction with the Hartsock-Maloney Mountain Road; then north down the Hartsock Grade Road to the Tucannon Road; then south along the Tucannon Road to the Blind Grade Road; then east up the Blind Grade Road to the Linville Gulch Road; then north down the Linville Gulch Road to U.S. Highway No. 12; then west and south along Highway 12 to Dayton and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 166-Tucannon (Columbia, and Garfield counties): Beginning on the Tucannon River Road at its junction with the Hartsock Grade Road; then south up the Hartsock Grade Road to its junction with the Maloney Mountain Road; then southwest along the Maloney Mountain Road (No. 4625) to the Skyline Drive Road (No. 46); then south along the Skyline Drive Road to its junction with the Teepee Road (No. 4608); then east along the Teepee Road to Teepee Camp; then east along the Teepee Oregon Butte-Bullfrog Springs Diamond Peak Trail to Diamond Peak; then east along

the Diamond Peak Road (No. 4030) to the Mountain Road (No. 40); then north along the Mountain Road to its junction with the elk drift fence at the Forest Boundary; then north and west along the fence to the Tucannon Road; then north along the Tucannon Road to the Hartsock Grade Road and the point of beginning. (See Washington Atlas & Gazetteer and Umatilla National Forest map)

GMU 169-Wenaha (Columbia, Garfield and Asotin counties): Beginning on the Skyline Drive Road at the Washington-Oregon State line; then north along the road to Godman Springs and the Teepee Road (No. 4608); then east along the Teepee Road to Teepee Camp; then east along the Teepee Oregon Butte-Bullfrog Springs Diamond Peak Trail to Diamond Peak; then east on the Diamond Peak Road (No. 4030) to the Mountain Road (No. 40); then south along the Mountain Road to the South Boundary Road (No. 4039); then west along the road to the Three Forks Trail (No. 3133); then west down said trail to Crooked Creek; then south on Crooked Creek to the Washington-Oregon State line; then due west along the line to Skyline Road and the point of beginning. (See Umatilla National Forest map)

GMU 172-Mountview (Garfield and Asotin counties): Beginning at the junction of State Highway 129 and Mill Road at Anatone; then southwest on the Mill Road & Bennett Ridge Road-West Mountain Road (No. 1290) to the Big Butte-Mt. Misery Road (No. 4304); then west along the road to the Mountain Road (No. 40); then south on the road to the South Boundary Road (No. 4039); west along the South Boundary Road to the Three Forks Trail (No. 3133); then down said trail to Crooked Creek; then down the creek to the Washington-Oregon State line; then east along the line to State Highway No. 129; then north on Highway 129 to Anatone and the point of beginning. (See Washington Atlas & Gazetteer and Umatilla National Forest map)

GMU 175-Lick Creek (Garfield and Asotin counties): Beginning at the junction of the Mountain Road (No. 40) and National Forest Boundary (south of Pomeroy); then south along the Mountain Road to its junction with the Wenatchee Guard Station-Anatone Road; then east along the road to the National Forest Boundary at Big Butte; then northwest along the boundary fence to the Cloverland-Wenatchee Guard Station Road; then northeast along the Cloverland Road to the Campbell Grade Road; then down the Campbell Grade Road to the South Fork Asotin Creek Road; then down South Fork Asotin Creek Road to Asotin Creek; then down Asotin Creek to Charley Creek; then up Charley Creek to the elk drift fence; then west along the elk fence to its junction with the Mountain Road (No. 40) and the point of beginning. (See Umatilla National Forest map)

GMU 178-Peola (Garfield and Asotin counties): Beginning on the Snake River at the mouth of Asotin Creek; then up Asotin Creek to Charley Creek; then up Charley Creek to the elk drift fence; then northwest along the fence to the Tucannon Road; then down the Tucannon Road to the Blind Grade Road; then up Blind Grade to

the Linville Gulch Road; then down the Linville Gulch Road to U.S. Highway No. 12; then east along Highway 12 to the mouth of Alpowa Creek on the Snake River; then up the Snake River to the mouth of Asotin Creek and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 181-Couse (Asotin County): Beginning at the mouth of Asotin Creek on the Snake River; then south along the Snake River to the Grande Ronde River; then west up the Grande Ronde River to State Highway No. 129; then northeast along Highway 129 to Anatone; then west and south along the Mill Road-Bennett Ridge Road-West Mountain Road to the National Forest Boundary at Big Butte (Road No. 4304); then northwest along the Forest Boundary fence to the Cloverland Road; then northeast on that road to the Campbell Grade Road; then down that road to the South Fork Asotin Creek Road; then down that road to Asotin Creek; then down Asotin Creek to the Snake River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 184-Joseph (Asotin County): Beginning at the mouth of the Grande Ronde River; then west along the river to the mouth of Joseph Creek; then south up Joseph Creek to the first Joseph Creek bridge and the Joseph Creek Road; then south up said road to the Washington-Oregon State line; then east along the line to the Snake River; then north down the Snake River to the Grande Ronde River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 185-Black Butte (Asotin County): Beginning at State Highway No. 129 on the Washington-Oregon State line; then north along Highway 129 to the Grande Ronde River; then east down the river to the mouth of Joseph Creek; then south up Joseph Creek to the first Joseph Creek bridge and the Joseph Creek Road; then south up said road to the Washington-Oregon State line; then west along the line to State Highway No. 129 and the point of beginning. (See Washington Atlas & Gazetteer)

#### REGION TWO

GMU 200-Tunk (Okanogan and Ferry counties): Beginning at Tonasket, then south along the Okanogan River to the north boundary of the Colville Indian Reservation, then east along the Reservation boundary to State Route 21 south of Republic, then north along State Route 21 to Republic and State Route 20, then west along State Route 20 to Tonasket to the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 203-Pasayten (Okanogan and Whatcom counties): Beginning at the eastern boundary of the Pasayten Wilderness and its junction with the Canadian border, then south along the wilderness boundary to Trail #341, then west along Trail #341 to the Iron Gate Road and Trail #343, then west along Trail #343 to its junction with the Pasayten Wilderness boundary, then west along the wilderness boundary to the Hidden Lakes Trail (#477) then west along Hidden Lakes Trail to Drake Creek, then southwest down Drake Creek and the Lost

River to the Pasayten Wilderness boundary and the Robinson Creek Trail #478, then north up the Robinson Creek Trail to the junction of the Ferguson Lake Trail, then west to Silver Lake, then west to the West Fork Trail crossing of the West Fork of the Pasayten River, then west to Oregon Basin and the Pasayten Wilderness boundary, then west and north along the boundary to the Canadian border, then east along the border to the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 206-Bonaparte (Okanogan and Ferry counties): Beginning at the town of Tonasket, then north along the Okanogan River and the east shore of Osoyoos Lake to the Canadian border, then east along the Canadian border to the Kettle River near the Ferry Customs office, then south along the Kettle River to the mouth of Toroda Creek, then southwest along Toroda Creek to Toroda Creek Road (#502 and #9495), then southwest along Toroda Creek Road to its junction with State Route 20 at Wauconda, then west along State Route 20 to Tonasket and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 209-Wannacut (Okanogan County): Beginning at the Canadian border on Lake Osoyoos, then south along the west shore of Lake Osoyoos and the Okanogan River to the bridge at Tonasket, then south on County Road #7 (#9437) to the North Pine Creek-Aeneas Lake Road (#9400) junction, then southwest on that road to the Horse Springs Coulee Road (#4371) junction, then northwest on that road to the Loomis-Nighthawk Highway (#9425) junction near Spectacle Lake, then west on Loomis-Nighthawk Highway to Loomis, then north on the Loomis-Nighthawk Highway (#9425) past Palmer Lake to the Canadian border station near Nighthawk, then east on the U.S.-Canada boundary to Lake Osoyoos and the point of beginning. (See Okanogan National Forest Travel Plan)

GMU 215-Sinlahekin (Okanogan County): Beginning at the Canadian border station near Nighthawk, then south through Nighthawk and past Palmer Lake on the Nighthawk-Loomis Highway (#9425) to Loomis, then east on the Loomis-Tonasket Highway (#9425) to the Horse Springs Coulee Road (#4371) junction near Spectacle Lake, then south on that road to the North Pine Creek-Aeneas Lake Road (#9400), then east on that road to the Okanogan River, then south along the Okanogan River to the town of Riverside, then north on U.S. Highway 97 to its junction with the South Pine Creek Road (#9410), then west on South Pine Creek Road to its junction with the Conconully-Loomis Road (#4015), then south on Road #4015 to Conconully, then north on the North Fork Salmon Creek Road (#2361, Road 38 and 2820) over Lone Frank Pass to the junction with Road #39, then north on Road #39 to Long Swamp, then east along the Middle Fork Toats Coulee Road (#39) to the junction with the Iron Gate Road (#500), then northwest along the Iron Gate Road to its end, then north and east along trails #533 and #341 to the Pasayten Wilderness boundary, then north along that boundary to the Canadian border, then east along the border to the Nighthawk border station and the

point of beginning. (See Okanogan National Forest Travel Plan)

**GMU 218—Chewuch (Okanogan County):** Beginning at the junction of the Iron Gate Road (#500) and the Pasayten Wilderness boundary, then southeast on the Iron Gate Road to the Middle Fork Toats Coulee Creek Road (#39), then west and south on the Middle Fork Toats Coulee Creek Road past Long Swamp to the Boulder Creek Road (#37), then southwest down Boulder Creek Road to the East Chewuch River Road (#9137) then south to Winthrop and State Route 20, then northwest on State Route 20 to the Okanogan County line, then northwest along the Okanogan County line through Harts Pass to Oregon Basin, then east to Silver Lake, then due east to the intersection of Ferguson Lake Trail and Middle Fork Trail #478, then south on Trail #478 to the Pasayten Wilderness boundary, then northeast along that boundary to Lost River, then northeast up Lost River and Drake Creek to Hidden Lake Trail #477, then east along Trail #477 to the Pasayten Wilderness boundary at Eight-Mile Pass, then east along the wilderness boundary to its junction with Trail #342 near Hicky Hump, then north along Trail #342 to its junction with Trail #343 at Two Bear camp, then east along Trail #343 to the Iron Gate Road to the point of beginning. (See Okanogan National Forest Travel Plan)

**GMU 224—Pearrygin (Okanogan County):** Beginning at the town of Conconully, then north along County Road 2361, and the N. Fork Salmon Creek Road (#38) to its junction with Road 39, SW along Road 39 to the Boulder Creek Road (#37), then southwest along the Boulder Creek Road to the East Chewuch River Road (#9137), then south down the East Chewuch River Road to Winthrop, then south and east along State Route 20 to the Loup Loup summit, then north along the North Summit Road (#42) and County Road 2017 to Conconully and the point of beginning. (See Okanogan National Forest Travel Plan)

**GMU 231—Gardner (Okanogan County):** Beginning at the town of Twisp, then northwest along State Route 20 to the Okanogan County line, then south along the county line to Copper Pass and the North Fork Twisp River Trail #426, then southeast along Trail #426 to the Twisp River Road, then southeast along the Twisp River Road to the town of Twisp and the point of beginning. (See Okanogan National Forest Travel Plan)

**GMU 233—Pogue (Okanogan County):** Beginning at the town of Riverside, then north along U.S. Highway 97 to the South Pine Creek Road (#9410), then west on South Pine Creek Road to the Conconully—Loomis Road (#4015), then south along Road #4015 to Conconully, then south along County Road 2017 and the North Summit Road (#42) to State Route 20 near Loup Loup summit, then east on State Route 20 to the town of Okanogan and the Okanogan River, then north up the Okanogan River to Riverside and the point of beginning. (See Okanogan National Forest Travel Plan)

**GMU 239—Chiliwist (Okanogan County):** Beginning at the town of Okanogan, then west on State Route 20 to

State Route 153, then south along State Route 153 to Pateros and the Columbia River, then north up the Columbia and Okanogan rivers to Okanogan and the point of beginning. (See Okanogan National Forest Travel Plan)

**GMU 242—Alta (Okanogan County):** Beginning at Pateros, then northwest on State Route 153 to Twisp, then west on the Twisp River Road (County Road 9114 and Forest Road #4440) to Roads End Campground, then northwest on the North Fork Twisp River Trail #426 to Copper Pass and the Okanogan County line, then southeast along the county line to the junction of South Fork Gold Creek Road (#4330) and the South Navarre Road (#8200), then southeast along Road (#8020) to the Antoine Creek Road (#8140), then southeast along Road (#8140) to U.S. Highway 97, then north on U.S. Highway 97 to Wells Dam, then upriver to Pateros and the point of beginning. (See Okanogan National Forest Travel Plan)

**GMU 248—Big Bend (Douglas and Grant counties):** Beginning at Mansfield; then west along State Route 172 to Road B N.E.; then north on B N.E. and the West Foster Creek Road to State Route 17; then east along State Route 17 to the Chalk Hills Road (Road K N.W.); then north along the Chalk Hills Road (K & L N.E.) to Road 28 N.E.; then north along Road L N.E. for 4 miles to the east boundary of Range 26 E; then north to the Columbia River; then up the Columbia River to Grand Coulee Dam; then south along the Feeder Canal and the west side of Banks Lake to a point due east from Road 9 N.E.; then west from that point and along Road 9 N.E. through Mold to State Route 17; then north along State Route 17 to Sim's Corner (Jct. State Routes 17 & 172); then west on State Route 172 to Mansfield and the point of beginning. (See official road map of Douglas County)

**GMU 254—Saint Andrews (Douglas and Grant counties):** Beginning at Sim's Corner (Jct. of State Routes 17 and 172); then south on State Route 17 to Road 9 N.E.; then east on Road 9 N.E. (through Mold) to a point due east on the west shore of Banks Lake; then south along the west shore of Banks Lake to State Route 2; then west along State Route 2 to State Route 172; then north and east along State Route 172 through Mansfield to Sim's Corner and the point of beginning. (See official road map of Douglas County)

**GMU 260—Foster Creek (Douglas County):** Beginning at Bridgeport; then down the Columbia River to Bonita Flat; then east along the Bonita Flat Road to the town site of Dyer; then south along the Dyer Hill Road and the N. Division Road to Road 20 N.E.; then east along Road 20 N.E. (Dyer Hill Rd.) to the W. Foster Creek Rd.; then north along the West Foster Creek Road to State Route 17; then east along State Route 17 to the Chalk Hills Road (K N.E.); then north along the Chalk Hills Road (K & L N.E.) to Road 28 N.E.; then north along Road L N.E. for 4 miles to the east boundary of Range 26 E; then north to the Columbia River; then down the Columbia River to Bridgeport and the point of beginning. (See official road map of Douglas County)

GMU 262-Withrow (Douglas County): Beginning at Orondo; then up the Columbia River to the Bonita Flat Road; then east along the Bonita Flat Road to the town site of Dyer; then south along the Dyer Hill Road and the N. Division Road to Road 20 N.E. (Dyer Hill Rd.); then east along Road 20 N.E. to Road B N.E. (W. Foster Ck. Rd.); then south on Road B N.E. to State Route 172; then west and south on State Route 172 to State Route 2; then west along State Route 2 to Orondo and the point of beginning. (See official road map of Douglas County)

GMU 266-Badger (Douglas County): Beginning at Orondo; then down the Columbia River to the Rock Island Grade Road (includes Turtle Rock Island); then north along the Rock Island Grade Road to the Titchenal Canyon Road; then northeast along the Titchenal Canyon Road to the Alstown Road; then east to Alstown; then north and east along the Alstown Road to Road K S.W.; then north along Road K to State Route 2; then west along State Route 2 to Orondo and the point of beginning. (See official road map of Douglas County)

GMU 269-Moses Coulee (Douglas and Grant counties): Beginning near Rock Island Dam at the junction of State Route 28 and the Rock Island Grade Road; then north along the Rock Island Grade Road to the Titchenal Canyon Road; then northeast along the Titchenal Canyon Road to the Alstown Road; then east to Alstown; then north and east along the Alstown Road to Road K S.W.; then north along Road K to State Route 2; then east along State Route 2 to the Moses Coulee Road; then south along the Moses Coulee Road to the Grant & Douglas County line; then south along the Sagebrush Flat Road to Road J N.W.; then south along Road J N.W. to the Overen Road (Road 20 N.W.); then west along the Overen Road to the Baird Springs Road; then southwest along the Baird Springs Road across State Route 28 to the Crescent Bar Road; then south along the Crescent Bar Road to the Columbia River; then up the Columbia River to the Rock Island Grade Road and the point of beginning. (See official road maps of Douglas and Grant counties)

GMU 272-Beezley (Grant and Douglas counties): Beginning at the town of Grand Coulee, then southwest along the west shore of Banks Lake to State Route 2, then west along State Route 2 to Moses Coulee Road, then south along Moses Coulee Road to the Grant-Douglas County line; then south along the Sagebrush Flats Road to Road J N.W.; then south along Road J N.W. to the Overen Road, (Road 20 N.W.); then west along the Overen Road to the Baird Springs Road, then southwest along Baird Springs Road across State Route 28 to the Crescent Bar Road, then southwest along Crescent Bar Road to the Columbia River, then down the Columbia River to Interstate 90, then northeast along Interstate 90 to the Beverly Burke Road (Road R S.W.), then south along Beverly Burke Road to Frenchman Hills Road, then east along Frenchman Hills Road to O'Sullivan Dam Road, then east along O'Sullivan Dam Road to State Route 17, then south along State Route 17 to the Grant-Adams County line

(Road 12 S.E.), then east and north along the Grant County line to the town of Grand Coulee and the point of beginning except Private Lands Wildlife Management Area 201 (Wilson Creek). (See official road maps of Grant and Douglas counties)

GMU 278-Wahluke (Grant and Adams counties): Beginning at the Columbia River at Interstate 90, then northeast along Interstate 90 to the Beverly Burke Road (Road R S.W.); then south along Beverly Burke Road to Frenchman Hills Road; then east along Frenchman Hills Road to O'Sullivan Dam Road; then east along O'Sullivan Dam Road to State Route 17, then south along State Route 17 to State Route 26; then east along State Route 26 to State Route 24 at Othello; then south and west along State Route 24 to the Columbia River at Vernita Bridge; then up the Columbia River to Interstate 90 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 281-Ringold (Franklin, Adams, and Grant counties): Beginning at the Columbia River and U.S. Highway 395 at Pasco, then up the Columbia River (including all islands) to State Route 24 at Vernita Bridge; then east and north along State Route 24 to State Route 26 at Othello; then east along State Route 26 to State Route 17; then south along State Route 17 to U.S. Highway 395; then south along U.S. Highway 395 to the Columbia River at Pasco and the point of beginning. The Hanford Nuclear Site and the Saddle Mountain National Wildlife Refuge are closed to unauthorized public entry. (See Washington Atlas & Gazetteer)

GMU 284-Kahlotus (Adams and Franklin counties): Beginning at the Columbia River and U.S. Highway 395 at Pasco; then north along U.S. Highway 395 to State Route 17; then north along State Route 17 to the Grant & Adams County line (Road 12 S.E.); then east and north along the Grant & Adams County line to the Lincoln County line; then east along the Adams-Lincoln County line to the Whitman County line; then south along the Adams-Whitman County line to the Palouse River; then down the Palouse River to the Snake River; then down the Snake River to the Columbia River; then up the Columbia River to U.S. Highway 395 and the point of beginning. (See Washington Atlas & Gazetteer)

#### REGION THREE

GMU 300-Manson (Chelan County): Beginning at the town of Chelan; then down the Chelan River Gorge to the Columbia River; then north along the Columbia River to Wells Dam; then southwest along Highway 97 to the Antoine Creek Road (USFS #8140); then west along Antoine Creek Road to Forest Road #8020 near Cooper Mountain; then northwest along Road #8020 to junction of Road #4330 near Fox Peak; then northwest along the ridge separating the Chelan and Methow-Twisp drainages (Sawtooth Ridge) to McAlester Mountain; then southeast along the ridge between Rainbow Creek and Boulder Creek to the Stehekin River; then south along Lake Chelan shore to the town of Chelan to the point of beginning. (See Wenatchee National Forest Recreation map and Washington Atlas and Gazetteer)

GMU 301-Clark (Chelan County): That portion of Chelan County that lies within the Glacier Peak Wilderness Area and that portion of the Lake Chelan National Recreation Area west of McAlester Mountain and running southwest along the ridge between Rainbow Creek and Boulder Creek to the Stehekin River; then continuing south along Lake Chelan to the south boundary of the National Recreation Area. (See Wenatchee National Forest Recreation map)

GMU 302-Alpine (Kittitas and Chelan counties): Those lands within Kittitas and Chelan counties east of the Pacific Crest Trail that lie within the Alpine Lakes Wilderness Area. (See Wenatchee National Forest Recreation map)

GMU 304-Chiwawa (Chelan County): Beginning at Coles Corner on Highway 2; then north along Highway 207 to Highway 209 near Lake Wenatchee; then south on Highway 209 to the Eagle Creek Road #7520; then northeast on Road #7520 to French Corral and Forest Road #5800; then east along Roads #5800 and #5700 to the Entiat River near Ardenvoir; then north along the Entiat River to the Glacier Peak Wilderness Boundary; then south and west along the Glacier Peak Wilderness Boundary to the Pacific Crest Trail; then south to Highway 2 at Stevens Pass; then east on Highway 2 to Coles Corner. (See Wenatchee National Forest Recreation map)

GMU 306-Slide Ridge (Chelan County): Beginning on the Entiat River at the Glacier Peak Wilderness Boundary (near the mouth of Larch Lakes Creek); then south along the Entiat River to the mouth of Fox Creek; then east on Fox Creek to Fourmile Ridge Trail #1445; then east on Trails #1445 and #1448 to the Slide Ridge Road #8410 at Stormy Mountain; then north on Road #8410 to Twenty-five Mile Creek; then north on Twenty-five Mile Creek to Lake Chelan; then north and west along the south shore of Lake Chelan to the Lake Chelan National Recreation Area Boundary near Riddle Creek; then south and west along the Recreation Area and Glacier Peak Wilderness Boundaries to the Entiat River. (See Wenatchee National Forest Recreation map)

GMU 308-Entiat (Chelan County): Beginning at the mouth of the Entiat River near the town of Entiat; then northwest along the Entiat River to the mouth of Fox Creek; then east along Fox Creek to the Fourmile Ridge Trail #1445 then east along Trail #1445 and #1448 to the Slide Ridge Road #8410 at Stormy Mountain; then north along Road #8410 to Twenty-five Mile Creek; then North along Twenty-five Mile Creek to Lake Chelan; then southeast along Lake Chelan and the Chelan River Gorge to the Columbia River; then southwest along the Columbia River to the mouth of the Entiat River. (See Wenatchee National Forest Recreation map)

GMU 314-Mission (Kittitas and Chelan counties): Beginning at the mouth of the Colockum Creek on the Columbia River; then west along Colockum Creek and the Colockum Pass Road (#10) to the Naneum Ridge Road (#9); then northwest along Naneum Ridge Road and Mission Ridge to the Liberty-Beehive Road #9712;

then northwest along Road #9712 to Road #9716; then north along Road #9716 to Highway 97 at Swauk Pass; then northwest along the Kittitas-Chelan County line and Trail #1226 to the Alpine Lakes Wilderness Boundary at Navaho Peak, then north along the Alpine Lakes Wilderness Boundary to Icicle Creek near Black Pine Horse Camp; then east along Icicle Creek to the Wenatchee River; then south and east along the Wenatchee and Columbia Rivers to the mouth of Colockum Creek. (See Wenatchee National Forest Recreation map)

GMU 316-Swakane (Chelan County): Beginning at the mouth of the Wenatchee River; then north along the Columbia River to the Entiat River; then north along the Entiat River to Road #5700 near Ardenvoir; then west along Roads #5700 and #5800 to French Corral; then west along the Eagle Creek Road #7520 to Highway 209; then north along Highway 209 to Highway 207 near Lake Wenatchee; then south along Highway 209 to Highway 2 at Coles Corner; then west along Highway 2 to Stevens Pass; then south along the Chelan-King County Line to the Alpine Lakes Wilderness Boundary; then east and south along the Alpine Lakes Wilderness Boundary to Icicle Creek; then east along Icicle Creek to the Wenatchee River; then east along the Wenatchee River to its mouth on the Columbia River. (See Wenatchee National Forest Recreation map)

GMU 328-Naneum (Kittitas and Chelan counties): Beginning at the intersection of Highway 97 and Lower Green Canyon Road; then north along Lower Green Canyon Road to the East Highline Canal (T19N, R18E, S28); then east along the canal to the Colockum Pass Road #10; then northeast along the Colockum Pass Road to the Naneum Ridge Road #9; then northwest along the Naneum Ridge Road and Mission Ridge to the Liberty Beehive Road #9712; then northwest along Road #9712 to Road #9716; then north along Road #9716 to Highway 97 at Swauk Pass; then south along Highway 97 to the Lower Green Canyon Road. (See Wenatchee National Forest Recreation map & Department of Wildlife map)

GMU 329-Quilomene (Kittitas and Chelan counties): Beginning on Interstate 90 at the Columbia River near Vantage; then north along the Columbia River to the mouth of Tekieson Creek; then up Tekieson Creek to Road #14; then north along Roads 14, 14.17 and 14.14 to the top of Cape Horn cliffs; then north along the cliff top to the northern point of Cape Horn; then southwest along the stock fence to Road #14.14; then west on Road 14.14 to the switch backs in Sections 19 and 20; then north from the boundary sign on the section lines between Sections 17, 18, 19 and 20; T20N, R28 E.W.M. to the boundary sign on Road 14 in the northwest corner of Section 17; then north and west to Davies Canyon; then east along Davies Canyon to the Columbia River; then north along the Columbia River to mouth of Colockum Creek; then southwest along Colockum Creek and Colockum Road (Road #10) to the East Highline Canal (T18N, R20E, S17); then east along the canal

and Interstate 90 to the Columbia River at Vantage. (See Department of Wildlife map)

GMU 330–West Bar (Kittitas County): Beginning at the mouth of Tekieson Creek on the Columbia River; then up Tekieson Creek to Road #14; then north on Road 14, 14.14 and 14.17 to the top of the Cape Horn Cliffs; then north along the cliff top to the north end of Cape Horn; then southwest along the stock fence to Road 14.14; then west on Road #14.14 to the switch backs in Sections 19 and 20; then north from the boundary sign on the section lines between Sections 17, 18, 19, and 20, T20N, R21 E.W.M. to the boundary sign on Road 14 in the northwest corner of Section 17; then north and west to Davies Canyon; then east along Davies Canyon to the Columbia River; then south along the Columbia River to the mouth of Tekieson Creek. (See Department of Wildlife map)

GMU 334–Ellensburg (Kittitas County): Beginning at the intersection of Highway 97 and Lower Green Canyon Road; then north along the Lower Green Canyon Road to the East Highline Canal (Sec. 28, Twp. 19N., R. 18E); then east and south along the canal past Interstate 90 to the pump station; then south and west along the upper most branch of the canal to Highway 821 and the Yakima River (a point about one mile south of Thrall); then north along the Yakima River to Damman Road; then south on Damman Road and Shushuskin Canyon to the South Branch Extension Canal; then west along the canal to where it crosses Manastash Road; then north along the South Branch Canal to Taneum Creek; then east along Taneum Creek to the Yakima River; then northeast along the river to Thorp Highway; then east along the Thorp Highway and Highway 10 to Highway 97; then north along Highway 97 to Lower Green Canyon Road. (See Wenatchee National Forest Recreation map & Department of Wildlife map) (This is a Kittitas County Closure area for high power rifle hunting of both deer and elk. Contact Kittitas County for more details)

GMU 335–Teanaway (Kittitas County): Beginning at Swauk Pass on Highway 97; then northwest along the Kittitas–Chelan County line and Trail #1226 to the Alpine Lakes Wilderness Boundary at Navaho Peak; then west along the Alpine Lakes Wilderness Boundary to the King–Kittitas County line at Kendal Peak; then south along the King–Kittitas County line to Interstate 90; then east along Interstate 90 to Cle Elum; then east along Highway 10 to Highway 97; then northeast on Highway 97 to Swauk Pass. (See Wenatchee National Forest Recreation map)

GMU 336–Taneum (Kittitas County): Beginning at Cle Elum; then west along Interstate Highway 90 to the Pacific Crest Trail at Snoqualmie Pass; then southeast along the Pacific Crest Trail to Blowout Mountain; then southeast along the divide between the Naches and Yakima River drainages and Trail #1388 to Peaches Ridge and Trail #1363; then north along Trail #1363 to Trail #1367; then east along Trail #1367 to South Fork Taneum Creek; then east along Taneum Creek to the Yakima River; then north (downstream) on the Yakima

River to the Thorp Highway Bridge; then northwest along the Thorp Highway, State Highway 10 and State Highway 903 to Cle Elum. (See Wenatchee National Forest Recreation map)

GMU 340–Manastash (Kittitas County): Beginning at the junction of Taneum Creek and the South Branch Highline Canal; then west up Taneum Creek and South Fork Taneum Creek to USFS Trail #1367; then west on Trail #1367 to Trail #1363 (Peaches Ridge Trail), to the Naches–Yakima River Divide; then southeast along Trail #1388 and the ridge top dividing the Manastash and Wenas–((Umtaneum)) Umtanum drainages to the junction of the Observatory Road, (Twp. 17 N., R. 17 E.W.M., Section 20) then south on the Observatory Road to the Wenas–Ellensburg Road; then east on the Wenas–Ellensburg Road to ((Umtaneum)) Umtanum Creek; then down ((Umtaneum)) Umtanum Creek to the Yakima River; then up the Yakima River to the Damman Road; then south to the Wenas–Ellensburg Road; then south on the Wenas–Ellensburg Road to the South Branch Highline Canal; then along the canal to Taneum Creek and the beginning. (See Wenatchee National Forest Recreation map)

GMU 342–((Umtaneum)) Umtanum (Kittitas and Yakima counties): Beginning at Yakima then north along the Yakima River to ((Umtaneum)) Umtanum Creek; then up ((Umtaneum)) Umtanum Creek to the Wenas–Ellensburg Road; then west along the Wenas–Ellensburg Road to the Observatory Road; then north along the Observatory Road to the Road junction at the top of the ridge (Section 20, T17N, R.17 E.W.M.); then west and north along the top of the ridge dividing Manastash and ((Umtaneum)) Umtanum–Wenas drainages to USFS Trail #1388 and Forest Road 1701; then along Road 1701 to Highway 410 to the junction of I–82 and the Yakima River. (See Wenatchee National Forest map and Washington Atlas & Gazetteer)

GMU 346–Little Naches (Yakima & Kittitas counties): Beginning at the Junction of Highway 410 and Forest Road 1701; then north on Road 1701 to Trail #1388; then northwest along Trail #1388 to the Pacific Crest Trail at Blowout Mountain; then south along the Pacific Crest Trail to State Highway 410 at Chinook Pass; then east along State Highway 410 to point of beginning. (See Wenatchee National Forest Recreation map)

GMU 352–Nile (Yakima County): Beginning at Highway 410 at its junction with Forest Road 1500 (Eagle Rock); then west along the 1500 Road to the McDaniel Lake Road (USFS Road #1502); then west along the McDaniel Lake Road to the junction of the North Fork and the South Fork of Rattlesnake Creek; then up the North Fork of Rattlesnake Creek to Richmond Mine Trail #973; then north along Richmond Mine Trail to the Bumping Lake Road; then north along Bumping Lake Road to Highway 410; then east along Highway 410 to Eagle Rock and the point of beginning. (See Wenatchee National Forest Recreation map)

GMU 356–Bumping (Yakima County): Beginning at the intersection of Highway 12 and USFS Road #1500; then north along Road #1500 to McDaniel Lake Road

(USFS Road #1502); then west on McDaniel Lake Road to the junction of North Fork and South Fork of Rattlesnake Creek; then up the North Fork of Rattlesnake Creek to Richmond Mine Trail #973; then north along Richmond Mine Trail to the Bumping Lake Road; then north along the Bumping Lake Road to Highway 410; then west along Highway 410 to the Pacific Crest Trail at Chinook Pass; then south along the Pacific Crest Trail to Highway 12 at White Pass; then east along Highway 12 to the point of beginning. (Lands within the boundary of Mt. Rainier National Park along the Pacific Crest Trail are not open to hunting). (See Wenatchee National Forest Recreation map)

GMU 360-Bethel (Yakima County): Beginning at the junction of Highway 410 and Highway #12; then west along Highway 12 to the junction with USFS Road #1500; then north and east along Road #1500 to its junction with Highway 410 at Eagle Rock; then southeast along Highway 410 to its junction with Highway 12 and the point of beginning. (See Wenatchee National Forest Recreation map)

GMU 364-Rimrock (Yakima County): Beginning at the junction of Highway 12 and Jump-off Road (USFS Road #1302); then southwest along Jump-off Road to Divide Ridge Trail #1127 at Jump-off Lookout; then southeast along Divide Ridge Trail #1127 to Strobach Springs; then west to Blue Slide Lookout; then south on jeep trail to Blue Lake; then south along jeep trail to the Darland Mountain Road and the north boundary of the Yakima Indian Reservation; then west along the reservation boundary to the Pacific Crest Trail; then north along the Pacific Crest Trail to Highway 12 at White Pass; then east along Highway 12 to the junction with Jump-off Road and the point of beginning. (See Wenatchee National Forest Recreation map)

GMU 366-Rimrock-Cowiche (Yakima County): GMUs 364 (Rimrock) and 368 (Cowiche) (See Wenatchee National Forest Recreation map)

GMU 368-Cowiche (Yakima County): Beginning at the junction of Highway 12 and Jump-off Road (USFS Road #1302); then southwest along Jump-off Road to Divide Ridge Trail #1127 at Jump-off Lookout; then southwest along Divide Ridge Trail #1127 to Strobach Springs; then west to Blue Slide Lookout; then south on jeep trail to Blue Lake; then south along jeep trail to the Darland Mountain Road and the north boundary of the Yakima Indian Reservation; then east along the reservation boundary to the Yakima River and Highway 12; then north and west along Highway 12 to the point of beginning. (See Wenatchee National Forest Recreation map & Washington Atlas & Gazetteer)

GMU 370-Priest Rapids (Kittitas, Yakima and Benton counties): Beginning at the Interstate 90 bridge at Vantage; then west along Interstate 90 to the East Highline Canal (which is approximately 1/4 mile west of Boylston Road); then southwest along the canal to Highway 821 and the Yakima River, at a point about one mile south of Thrall; then southeast along the Yakima River to the Mabton-Sunnyside Road; then south along the Mabton-Sunnyside Road; then south

along the Yakima Indian Reservation Boundary to the Yakima-Klickitat county line; then east along the county line to the Alderdale Road; then south along the Alderdale Road to Highway 14 and the Columbia River; then upstream along the Columbia River to the point of beginning at Vantage. (See Washington Atlas & Gazetteer)

#### REGION FOUR

GMU 405-Chuckanut (Whatcom and Skagit counties): Beginning at the Canadian border and the Silver Lake Road; then south along the Silver Lake Road to the Mount Baker Highway; then southwest along the Mount Baker Highway to the Mosquito Lake Road; then south along the Mosquito Lake Road to the Blue Mountain Road; then east to Peterson Creek and the Musto Marsh Road; then south to Skookum Creek; then west down Skookum Creek to its mouth; then northwest down the South Fork Nooksack River to Saxon Bridge; then west on the Saxon Bridge Road to Highway 9; then south along Highway 9 through Sedro Woolley to the town of Arlington and the Stillaguamish River; then down the Stillaguamish River through Stanwood and West Pass to Skagit Bay; then west and north through Skagit Bay, Deception Pass, Rosario Strait and Bellingham Channel to Samish Bay and Edison; then north along the shoreline to the Whatcom County line; then west and north along the Whatcom County line to the Canadian border; then east along the Canadian border to the point of beginning. (See Washington Atlas & Gazetteer; this description is not easily found on base maps. Contact the Region 4 office for more information.)

GMU 410-Islands (San Juan, Island counties): All islands in San Juan County as well as Whidbey and Camano islands and Cypress and Sinclair islands in Skagit County. (See Washington Atlas & Gazetteer)

GMU 418-Nooksack (Whatcom and Skagit counties): Beginning at the point where Jackman Creek meets State Highway 20 (east of Concrete); then northeast up Jackman Creek to the range line between Range 9 and 10E; then north along this range line to the boundary of the North Cascades National Park; then north along the North Cascades Park boundary to the Canadian border; then west along the Canadian border to the Silver Lake Road; then south along the Silver Lake Road to the Mount Baker Highway; then southwest along the Mount Baker Highway to the Mosquito Lake Road; then south along the Mosquito Lake Road to the Blue Mountain Road; then east to Peterson Creek and the Musto Marsh Road; then south to Skookum Creek; then west down Skookum Creek to its confluence with the South Fork Nooksack River; then west down the South Fork Nooksack River to the Saxon Bridge; then west on the Saxon Bridge Road to Highway 9; then south along Highway 9 to its intersection with State Highway 20 (east of Sedro Woolley); then east along Highway 20 to Jackman Creek (east of Concrete) and the point of beginning. (See Washington Atlas & Gazetteer or Mt. Baker/Snoqualmie National Forest map)

GMU 426-Diablo (Skagit and Whatcom counties): The Ross Lake National Recreation Area and the adjoining

corridor between the Pasayten Wilderness Area and the northeast boundary of the south segment of North Cascades National Park. (See Washington Atlas & Gazetteer)

**GMU 433-Cavanaugh** (Skagit and Snohomish counties): Beginning at the intersection of State Highway 20 and State Highway 9 at Sedro Woolley; then south along State Highway 9 to Arlington; then east along the Arlington-Darrington Highway 530 to Darrington; then north along the Sauk Valley Road to Rockport; then west along the State Highway 20 to Sedro Woolley and the point of beginning. (See Washington Atlas & Gazetteer)

**GMU 440-Suiattle** (Skagit and Snohomish counties): Beginning at the intersection of State Highway 20 and the Sauk Valley Road at Rockport; then south along the Sauk Valley Road to Darrington and the Sauk River to the Suiattle River; then along that river to the Glacier Peak Wilderness Area boundary; then north and east along that boundary to the line between Ranges 12 and 13 E.; then north on that range line to the North Cascades National Park boundary; then west and north along the North Cascades Park boundary and the Ross Lake National Recreation Area boundary to the range line between range 9 and 10 E; then south along this range line to the Jackman Creek drainage; then southwest down the Jackman Creek drainage to State Highway 20; then east along State Highway 20 to Rockport and the point of beginning. (See Washington Atlas & Gazetteer)

**GMU 442-Tulalip** (Snohomish and King counties): Beginning at the mouth of the Stillaguamish River; then up the Stillaguamish River to Arlington; then northeast along the Arlington-Darrington Highway to the Trafton School at Trafton; then southeast along the Jim Creek-Trafton Road (242nd St. N.E.) to the City of Seattle power transmission line; then southwest along the transmission line to the point where it crosses the Jordan Road in Sec. 20, T31N, R6E; then southeast along the Jordan Road to Granite Falls; then south along the Menzel Lake-Lake Roesiger Roads to the Woods Creek Road; then south on Woods Creek Road to Monroe; then south on Highway 203 to the Snoqualmie River at Duvall; then north down the Snoqualmie River to the Snohomish River and down the Snohomish River to Puget Sound; then north along the shore of Puget Sound to the mouth of the Stillaguamish River and the point of beginning. (See Washington Atlas & Gazetteer or Mt. Baker/Snoqualmie National Forest map)

**GMU 448-Stillaguamish** (Snohomish and Skagit counties): Beginning at Sultan; then east along U.S. Highway 2 to Stevens Pass; then north along the Pacific Crest Trail to Henry M. Jackson Wilderness Area boundary; then north along this boundary to the North Fork Skykomish Trail No. 1051; then west on Trail No. 1051 to Forest Service Road 63, then west on Forest Service Road 63 to Quartz Creek Trail (No. 1050); then north on Trail 1050 to Curry Gap; then east on Trail 650 along the crest between Sloan Creek and the North Fork of the Skykomish River drainages to June Mountain,

near the headwaters of Sloan Creek (Sec. 25, T29N, R13E); then north along the Glacier Peak Wilderness Area boundary to the Suiattle River; then west along the Suiattle River to the Sauk River; then south up the Sauk River to Darrington; then west along the Darrington-Arlington Highway to the Trafton School at Trafton; then southeast along the Jim Creek-Trafton Road (242nd St. N.E.) to the City of Seattle power transmission lines; then southwest along the transmission line to the point where it crosses the Jordan Road in Sec. 20, T31N, R6E; then southeast along the Jordan Road to Granite Falls; then south along the Menzel Lake-Lake Roesiger Roads to the Woods Creek Road; then south on Woods Creek Road to Highway 2 (Skykomish-Monroe Highway); then east along Highway 2 to Sultan to the point of beginning. (See Washington Atlas & Gazetteer or Mt. Baker/Snoqualmie National Forest map)

**GMU 450-Cascade** (Skagit and Snohomish counties): Beginning at the Glacier Peak Wilderness boundary and the Skagit County/Chelan County line at the headwaters of the Middle Fork Cascade River and then west and southerly along the Glacier Peak Wilderness boundary to the Skagit County/Snohomish County line. In Snohomish County, continue south along the Glacier Peak Wilderness boundary to June Mountain near the headwaters of Sloan Creek (Sec. 25, T29N, R13E); then west along the 650 trail along the crest between Sloan Creek and the North Fork of the Skykomish River drainages to Curry Gap; then south along the Quartz Creek Trail (No. 1050) to Forest Service Road 63; then east on Road 63 to its end at the 1051 Trail and east up Trail 1051 to the Henry M. Jackson Wilderness boundary; then south and east along that boundary to the Snohomish/Chelan County line; then north along the Snohomish/Chelan County line to the Skagit County line; then north along the Skagit/Chelan County line to the point of beginning. (See Washington Atlas & Gazetteer and Mt. Baker/Snoqualmie National Forest map)

**GMU 454-Issaquah** (King and Snohomish counties): Beginning at the mouth of the Snohomish River near Everett; then southeast up the Snohomish River to Duvall; then south along State Highway 203 to Fall City; then southwest along the Fall City-Preston Road to Interstate 90; then east on Interstate 90 to State Highway 18; then southwest along State Highway 18 to its intersection with the Raging River; then south up that river to its junction with the posted boundary of the City of Seattle Cedar River Watershed; then along that posted boundary to its junction with the boundary of the City of Tacoma Green River Watershed (CTGRW); then south along the CTGRW posted boundary to Weyerhaeuser Road 5200 near Lynn Lake; then down the 5200 Road for approximately 7.6 miles to its junction with U.S. Highway 410; then west along U.S. Highway 410 and State Highway Nos. 164 and 18 through Auburn to U.S. Highway 99; then north along Highway 99 to the Redondo Beach junction; then due west to Puget Sound; then north along Puget Sound to

the mouth of the Snohomish River and the point of beginning. (See Mt. Baker/Snoqualmie National Forest map and Washington Atlas & Gazetteer)

**GMU 460—Snoqualmie (King and Snohomish Counties):** Beginning at the intersection of State Highway 203 and U.S. Highway 2; then east along U.S. Highway 2 to Stevens Pass and the Pacific Crest Trail; then south along the Pacific Crest Trail to its junction with the City of Seattle Cedar River Watershed posted boundary; then west along the posted boundary to its intersection with the headwaters of the Raging River; then down the Raging River to its intersection with State Highway 18; then along State Highway 18 to its junction with Interstate Highway 90 (I-90); then west along I-90 to its junction with the Preston-Fall City Road; then north along the Preston-Fall City Road to State Highway 203; then north on State Highway 203 to the point of beginning. (See Mt. Baker/Snoqualmie National Forest map and Washington Atlas & Gazetteer)

**GMU 466—Stampede (King County):** Beginning at intersection of the Pacific Crest Trail (USFS Trail 2000) and the posted boundary for the City of Seattle Cedar River Watershed; then south along the Pacific Crest Trail to its junction with the Naches Pass Trail at Pyramid Peak; then west on the Naches Pass Trail to Twin Camps and USFS Road 7035; then along USFS Road 7035 to USFS Trail 1172 and its intersection with USFS Road 7012 (Champion Creek Rd.); then down Road 7012 to the posted boundary of the City of Tacoma Green River Watershed; then east and north along that boundary and the City of Seattle Cedar River Watershed posted boundary to the point of beginning. (See Mt. Baker/Snoqualmie National Forest map and Washington Atlas & Gazetteer)

**GMU 472—White River (King and Pierce counties):** Beginning at the junction of State Highway 410 and the north boundary of Mount Rainier National Park; then west along the north park boundary to the Carbon River; then down the Carbon River to its intersection with the Bonneville Power Transmission line; then up the powerline to South Prairie Creek; then up South Prairie Creek to New Pond Creek; then up New Pond Creek to its intersection with Champion 923 Road.; then north on Champion 923 Road to Champion 92 Road; then east on Champion 92 Road to Champion 93 Road; then northwest on Champion 93 Road to Champion 931 Road; then east on Champion 931 Road to Champion 9 Road; then northeast on Champion 9 Road to Champion 96 Road; then east on Champion 96 Road to Champion 9601 Road; then east on Champion 9601 Road to Old Pond Creek to the White River; then down White River to the first set of Bonneville Power Transmission lines; then up the powerline to where it intersects State Highway 410; then east along State Highway 410 to Weyerhaeuser Road 5200; then up that road for approximately 7.6 miles to its junction with the City of Tacoma Green River Watershed posted boundary; then east along that posted boundary and USFS Trail 1172 to USFS Road 7035; then east along that road to its intersection with the Naches Pass Trail at Twin Camps; then

east along the Naches Pass Trail to the Pacific Crest Trail (USFS Trail 2000) near Pyramid Peak; then south along the Pacific Crest Trail to the Mount Rainier National Park boundary near Sourdough Gap; then north and west along the park boundary to the point of beginning. (See Washington Atlas & Gazetteer and Mt. Baker/Snoqualmie National Forest map)

**GMU 478—Mashel (Pierce County):** Beginning where the Bonneville Power Transmission line crosses the Orville Road at the Puyallup River Bridge; then north-erly along the Bonneville Power Transmission line to the Carbon River to the west boundary of Mt. Rainier National Park; then south along the park boundary to the Nisqually River; then west down the Nisqually River to Alder Lake; then continuing west down Alder Lake and the Nisqually River to the Weyerhaeuser 1000 (Main) Line (Vail-Eatonville Truck Trail) Bridge; then east on the 1000 line to its junctions with Highway 7 (Mountain Highway) and Highway 161 (Eatonville-LaGrande Road); then east and north along Highway 161 through Eatonville to its junction with Orville Road E. (Kapowsin-Eatonville Road); then north along that road through Kapowsin to the point of beginning at the junction of the Bonneville Power Transmission line and the Orville Road. (See Mt. Baker/Snoqualmie National Forest map or Washington Atlas & Gazetteer)

**GMU 480—South Islands (Pierce County):** Anderson and Ketron islands. (See Washington Atlas & Gazetteer)

**GMU 484—Puyallup (Pierce and King counties):** Beginning at the mouth of the Nisqually River; then up the Nisqually River to its junction with the Weyerhaeuser 1000 line, then east along the Weyerhaeuser 1000 line to its intersection with State Highways 7 and 161; then north along State Highway 161 to its intersection with the Orville Road; then north along the Orville Road to the Puyallup River Bridge where it intersects the Bonneville Power Transmission line; then up the powerline to South Prairie Creek; then up South Prairie Creek to New Pond Creek; then up New Pond Creek to its intersection with Champion 923 Road; then north on Champion 923 Road to Champion 92 Road; then east on Champion 92 Road to Champion 93 Road; then northwest on Champion 93 Road to Champion 931 Road; then east on Champion 931 Road to Champion 9 Road; then northeast on Champion 9 Road to Champion 96 Road; then east on Champion 96 Road to Champion 9601 Road; then east on Champion 9601 Road to Old Pond Creek; then down Old Pond Creek to the White River; then down White River to the first set of Bonneville Power Transmission lines; then up the powerline to where it intersects State Highway 410; then west along State Highway 410 to where it intersects State Highway 164; then west along State Highway 164 through Auburn to Old Highway 99; then north along Old Highway 99 to Redondo Junction; then due west to Puget Sound; then south along the shoreline of Puget Sound to the mouth of the Nisqually River and the point of beginning. (See Washington Atlas & Gazetteer or Mt. Baker/Snoqualmie National Forest map)

**GMU 485—Green River (King County):** Beginning at the junction of the Green River and the west boundary of the Tacoma Watershed; then south and east along the watershed boundary to the USFS 7012 Road (Champion Creek Road); then northwest along that road and the posted GMU 485 boundary to where it meets USFS Road 5063; then east, then north along that road to its junction with the USFS 5060 Road near the headwaters of Friday Creek; then north along that road to the Tacoma Watershed boundary; then west along the Tacoma Watershed boundary to the Green River and the point of beginning. (See Mt. Baker/Snoqualmie National Forest map and Washington Atlas & Gazetteer)

**GMU 490—Cedar River (King County):** Beginning at the junction of the Cedar River and the western posted boundary of the City of Seattle Cedar River Watershed; then north and east along said posted boundary to Yakima Pass; then continue south and west along that posted boundary and to the point of beginning. Note that the City of Seattle enforces trespass on lands owned or controlled by the city. (See Mt. Baker/Snoqualmie National Forest map and Washington Atlas & Gazetteer)

#### REGION FIVE

**GMU 501—Lincoln (Lewis, Thurston, Pacific and Grays Harbor counties):** Beginning at the intersection of Interstate 5 and State Highway 6, then west on State Highway 6 to the Stevens Road, then northwest on Stevens Road to Elk Creek Road (Doty), then west on Elk Creek Road to the 7000 Road, then west on the 7000 Rd. to the 7800 Rd., then west on the 7800 Rd. to the 720 Rd., then northeast on the 720 Rd. to Garrard Creek Road, then northeast on the Garrard Creek Road to Oakville and U.S. Highway 12, then east on U.S. 12 to Interstate 5, then south on Interstate 5 to State Highway 6 and point of beginning. (See Washington Atlas & Gazetteer)

**GMU 504—Stella (Cowlitz County):** Beginning at the mouth of the Cowlitz River at the Columbia River, then west down the Columbia to the mouth of Germany Creek, then north up Germany Creek to State Highway 4, then east on Highway 4 to Germany Creek Road, then north on Germany Creek Road to IP 1000 Road, then north on IP 1000 to the IP 1050 Road, then east on IP 1050 Road to the 2200 Rd., then east and south to the 2000 Rd., then south on the 2000 Rd. to the Delameter Road (Woodside Road), then east on Delameter Road to State Highway 411, then north on Highway 411 to PH 10 Road (Four Corners), then east to Cowlitz River, then south down the Cowlitz River to the Columbia River and point of beginning. (See Washington Atlas & Gazetteer)

**GMU 505—Mossyrock (Lewis County):** Beginning on Interstate 5 and the Cowlitz River, then northeast up the Cowlitz River to Mayfield Lake and the U.S. Highway 12 bridge, then east on Highway 12 to Winston Creek Road, then south and east to Longbell Road and Perkins Road, then northeast on Perkins Road to Swofford Road, then north on Swofford Road to Ajlune Road, then east on Ajlune Road to Riffe Lake, then east along the south shore to the Cowlitz River and up the Cowlitz

River to the USFS 23 Road (Cispus Road) Bridge, then south and east to the Cline Road, then east to the Bennet Road, then east to U.S. Highway 12, then west on Highway 12 to State Highway 7 (Morton), then north on State Highway 7 to State Highway 508, then west on Highway 508 to Centralia/Alpha Road, then west and north on Centralia/Alpha Road to Salzer Valley Road, then west to Summa Street and Kresky Road, then north on Kresky Road to Tower Street, then on Tower Street to State Highway 507, then west on Highway 507 Cherry, Alder and Mellen streets to Interstate 5, then south on Interstate 5 to the Cowlitz River and point of beginning. (See Washington Atlas & Gazetteer)

**GMU 506—Willapa Hills (Wahkiakum, Pacific, and Lewis counties):** Beginning at PeEll and the Muller Road; then south on the Muller Road to the 1000 Road; then south on the 1000 Road to the 1800 Road; then south on the 1800 Road to the 500 Road; then southeast on the 500 Road to State Highway 407; then south on State Highway 407 to State Highway 4; then east on State Highway 4 to State Highway 409; then south on State Highway 409 to the Columbia River/Puget Island Bridge; then west along Columbia River to the mouth of the Deep River; then north along the Deep River to State Highway 4; then northwest on State Highway 4 to the Salmon Creek Road; then north on the Salmon Creek Road to the Bonneville Powerline Road; then north on the Bonneville Powerline Road to State Highway 6; then east on State Highway 6 to the town of PeEll and the point of beginning. (See Washington Atlas & Gazetteer, Forest Protection Map "Willapa Hills")

**GMU 510—Stormking (Lewis County):** Beginning on U.S. Highway 12 at the Silver Creek Bridge; then north up Silver Creek to Silverbrook Road, then east to USFS 47 Rd., then north on USFS 47 to USFS 85, then west on USFS 85 to Silver Creek, then southwest on Silver Creek to Lynx Creek, then north on Lynx Creek and its northern most tributary to USFS 85 Rd., then northwest on the USFS 85 Rd. to Catt Creek, then north on Catt Creek to the Nisqually River, then west down the Nisqually River to State Highway 7, then south on Highway 7 to U.S. Highway 12 (Morton), then east on Highway 12 to Silver Creek and point of beginning. (See Gifford Pinchot National Forest map)

**GMU 512—Sawtooth (Lewis County):** Beginning on U.S. Highway 12 at the Silver Creek bridge, then north up Silver Creek to Silverbrook Road, then east to USFS 47 Rd., then north on USFS 47 Rd. to USFS 85 Rd., then west on USFS 85 to Silver Creek, then southwest on Silver Creek to Lynx Creek, then north on Lynx Creek and its northern most tributary to USFS 85 Rd., then north on 85 Rd. to Catt Creek, then northwest down Catt Creek to the Nisqually River, then east up the Nisqually River to Horse Creek, then east up Horse Creek to USFS 52 Rd. (Skate Creek Road), then southeast on USFS 52 to the Cowlitz River, then southwest down the Cowlitz River to Smith Creek, then up Smith Creek to U.S. Highway 12, then west on U.S. Highway 12 to Silver Creek and point of beginning. (See Gifford Pinchot National Forest map and/or Washington Atlas & Gazetteer)

GMU 514-Tatoosh (Lewis County): Beginning at USFS 52 Rd. (Skate Creek) and the Cowlitz River (at Packwood), then northwest on USFS 52 Rd. to Horse Creek, then down Horse Creek to the Nisqually River and the southern boundary of Mt. Rainier National Park, then north and east along the Nisqually River and south park boundary to the Cascade Crest Trail, then south along the Cascade Crest Trail to U.S. Highway 12, then northwest and southwest on Highway 12 to USFS 1270 Rd., then north on USFS 1270 to the Cowlitz River, then southwest down the Cowlitz River to the USFS 52 Rd. and point of beginning. (See Gifford Pinchot National Forest map)

GMU 516-Packwood (Lewis and Skamania counties): Beginning at the mouth of Cispus River, then east up the Cispus River to the USFS 56 Rd. (Midway G.S. Road), then east on the USFS 56 Rd. to the USFS 5603 Rd., then east on the USFS 5603 to the Yakima Indian Reservation boundary and the Cascade Crest; then north along the Reservation boundary to Cispus Pass and the Cascade Crest Trail, then north along the Cascade Crest Trail to the U.S. Highway 12 (White Pass), then northwest and southwest on Highway 12 to USFS 1270 Rd. (Sec. 31, T14N, R10E), then north on USFS 1270 to the Cowlitz River, then southwest down the Cowlitz River to the mouth of Smith Creek, then south up Smith Creek to U.S. Highway 12, then southwest down Highway 12 to Bennet Road, then west on the Bennet Road to the C line Road, then west to the USFS 23 Rd. (Cispus Road), then west and north to the Cowlitz River, then west down the Cowlitz River to the mouth of the Cispus River and point of beginning. (See Gifford Pinchot National Forest map)

GMU 520-Winston (Cowlitz, Lewis and Skamania counties): Beginning at the intersection of Interstate 5 and the Cowlitz River, then south down the Cowlitz River to the Toutle River, then east up the Toutle River to the North Fork Toutle River, then up the North Fork Toutle River to the Green River, then east up the Green River to USFS 2612 Rd., then east on 2612 to USFS 26 Rd. (Ryan Lake Road), then north on USFS 26 Rd. to the Cispus River, then west down the Cispus to the Cowlitz River, then west down the Cowlitz River to Riffe Lake, then west along the south shore to Ajlune Road, then west to Swofford Road, then south on Swofford Road to Perkins Road, then southwest and northwest on Perkins Road and Longbell Road to Winston Creek Road, then northwest on Winston Creek Road to State Highway 12, then west on State Highway 12 to the Mayfield Lake bridge, then southwest down Mayfield Lake and the Cowlitz River to Interstate 5 and point of beginning. (See Washington Atlas & Gazetteer)

GMU 522-Loo-wit (Cowlitz and Skamania counties): Beginning on the North Fork Toutle River at the mouth of Hoffstadt Creek, then southeast up the North Fork Toutle River to the Weyerhaeuser 3001 Rd., then southeast along the 3001, 3000, and 3090 roads to the headwaters of the South Fork Castle Creek, then due south to the South Fork Toutle River, then east along South Fork Toutle to its headwaters and Mount St.

Helens crater edge; then east along the crater edge to the headwaters of Ape Canyon, then down Ape Canyon Creek to the USFS Smith Creek Trail then north up USFS Smith Creek Trail to USFS 99 Rd., then north along USFS 99 to USFS 26, then north to Strawberry Lake Creek, then west down Strawberry Lake Creek to the Green River, then across the Green River to Grizzly Creek, then up Grizzly Creek to Grizzly Lake, then west up the western inlet to its headwaters, then west to the headwaters of Coldwater Creek, then west down Coldwater Creek to Coldwater Lake, then southwest along the northwest shore to the old Weyerhaeuser 3500 Rd., then west along the 3500, 3530, 3540, 3130, 3120 roads to the intersection with Hoffstadt Creek, then down Hoffstadt Creek to the North Fork Toutle River and point of beginning. (See Gifford Pinchot National Forest map)

GMU 524-Margaret (Cowlitz, Skamania and Lewis counties): Beginning on the North Fork Toutle River at the mouth of the Green River, then southeast up the North Fork Toutle River to the mouth of Hoffstadt Creek, then up Hoffstadt Creek to the 3120 Rd., then east along the 3120, 3130, 3540, 3530 and 3500 roads to Coldwater Lake, then northeast along the northwest shoreline to Coldwater Creek, then up Coldwater Creek to its headwaters and east to the headwaters of Grizzly Lake, then east down the west inlet creek to Grizzly Lake, then down Grizzly Creek to the Green River and the mouth of Strawberry Lake Creek, then up Strawberry Lake Creek to the USFS 26 Rd. (Ryan Lake Road), then north on the USFS 26 Rd. to the USFS 2612 Rd., then west on USFS 2612 Rd. to the Green River, then down the Green River to its mouth and point of beginning. (See Gifford Pinchot National Forest map)

GMU 530-Ryderwood (Cowlitz, Lewis, Wahkiakum counties): Beginning south of the town of Doty on State Highway 6; then east on State Highway 6 to Chehalis and Interstate 5; then south on Interstate 5 to the Cowlitz River; then south along the Cowlitz River to Castle Rock and the PH 10 Road (Four Corners); then west on the PH 10 Road to State Highway 411; then south on State Highway 411 to Delameter Road (Woodside Drive); then southwest on Delameter Road to the 2000 Road; then west on the 2000 Road to the 2200 Road; then north and west on the 2200 Road to the IP 1050 Road; then west on the IP 1050 Road to the IP 1000 Road; then south on the IP 1000 Road to the Germany Creek Road; then south on the Germany Creek Road to State Highway 4; then west on State Highway 4 to Germany Creek; then south along Germany Creek to its mouth at the Columbia River; then west along the Columbia River and the Cathlamet Channel to the Puget Island Bridge on State Highway 409; then north on State Highway 409 to State Highway 4; then west on State Highway 4 to State Highway 407; then northwest on State Highway 407 to the 500 Road; then west on the 500 Road to the 1800 Road; then north on the 1800 Road to the 1000 Road; then north on the 1000 Road to the Muller Road; then north on Muller Road to PeEll and State Highway 6; then north on State Highway 6 to south of Doty and the point of beginning. (See

Washington Atlas & Gazetteer, Forest Protection Map "Willapa Hills")

**GMU 550-Coweeman (Cowlitz County):** Beginning at the mouth of the Cowlitz River, then north to the Toutle River, then east along the Toutle River to the South Fork Toutle River, then up the South Fork Toutle to the 4950 Rd., then south and east on the 4950 Rd. to the 235 Rd., then south on the 235, 200, 245, 134, 133, 130 and 1680 roads to the 1600 Rd., then southeast along the 1600 and 1400 roads to the Kalama/Coweeman summit, then south along the 1420 Rd. to the 1425 Rd., then southwest along the 1425 Rd. to the 6400 Rd., then southwest down the 6400 Rd. to the 6000 Rd., then east to the 6450 Rd., then southeast approximately one mile on the 6450 Rd. to the Arnold Creek Road, then southeast on Arnold Creek Road to Dubois Road, then to State Highway 503, then west on State Highway 503 to Cape Horn Creek, then down Cape Horn Creek to Merwin Reservoir and the Lewis River, then down the Lewis River to the Columbia River, then down the Columbia River to the mouth of the Cowlitz River and point of beginning. (See Washington Atlas & Gazetteer)

**GMU 554-Yale (Cowlitz County):** Beginning on State Highway 503 at its crossing of Cape Horn Creek, then east on Highway 503 to 6690 Rd. (Rock Creek Road), then northeast on the 6690 and 6696 roads to West Fork Speelyai Creek, then down Speelyai Creek to State Highway 503, then northeast on Highway 503 to Dog Creek, then down Dog Creek to Yale Reservoir, then south and west down Yale reservoir, Lewis River, and Merwin Reservoir to Cape Horn Creek, then up Cape Horn Creek to State Highway 503 and point of beginning.

**GMU 556-Toutle (Cowlitz County):** Beginning on State Highway 503 (Lewis River Road) and USFS 81 Rd. (Merril Lake Road) intersection, then north on USFS 81 Rd. to Weyerhaeuser 7200 Rd., then northeast on the 7200 Rd. to the 7400 Rd., then northwest on the 7400 Rd. to the 5500 Rd., then east and north on the 5500 and 5670 roads to the South Fork Toutle River, then east up the South Fork Toutle River to a point due south of the headwaters of the South Fork Castle Creek (Sec. 1, TWP 8N R4E), then north to the headwaters of South Fork Castle Creek, then down South Fork Castle Creek to Weyerhaeuser 3092 Rd., then west on the 3092 Rd. to 3090 Rd., then northwest on the 3090, 3000 and 3001 roads to the North Fork Toutle River, then down the North Fork Toutle River to the South Fork Toutle River, then south-east up the South Fork Toutle River to the 4950 Rd., then south on the 4950, 235, 200, 245, 243A, 134, 133, 130, and 1680 roads to the 1600 road, then southeast on the 1600 and 1400 roads to the Kalama/Coweeman summit, then south on the 1420 Rd. to the 1425 Rd., then southwest along the 1425 Rd. to the 6400 Rd., then southwest on the 6400 Rd. to the 6000 Rd., then east up the 6000 Rd. to the 6450 Rd., then southwest on the 6450 Rd. approximately one mile to the Arnold Creek Road, then southeast on Arnold Creek and Dubois roads to State Highway 503, then east on State Highway 503 to the 6690 Rd. (Rock Creek Road); then northeast on the 6690 and 6696 roads to the

West Fork Speelyai Creek, then down Speelyai Creek to State Highway 503, then northeast on State Highway 503 to USFS 81 Rd. and point of beginning. (See Washington Atlas & Gazetteer)

**GMU 558-Marble (Cowlitz and Skamania counties):** Beginning on State Highway 503 (Lewis River Road) and USFS 81 Rd. intersection, then north on USFS 81 Rd. to Weyerhaeuser 7200 Rd., then northeast on the 7200 Rd. to the 7400 Rd., then northwest on the 7400 Rd. to the 5500 Rd., then east and north on the 5500 and 5670 roads to the South Fork Toutle River, then east up the South Fork Toutle River to Mount St. Helens crater and along crater to headwaters of Ape Canyon, then east down Ape Canyon Creek to Smith Creek Trail then north up USFS Smith Creek Trail to USFS 99 Rd., then northeast on USFS 99 Rd. to USFS 25 Rd., then south on USFS 25 Rd. to the Muddy River, then south down the Muddy River to the North Fork Lewis River, then west down the North Fork Lewis River, Swift Reservoir to Yale Reservoir and Dog Creek, then north up Dog Creek to State Highway 503, then southwest to USFS 81 Rd. and point of beginning. (See Gifford Pinchot National Forest map)

**GMU 560-Lewis River (Skamania, Klickitat, Yakima and Lewis counties):** Beginning at Trout Lake, north to the USFS 80 Rd., then north to the USFS 82 Rd., then northeast on the USFS 82 Rd. to the Yakima Indian Reservation boundary, then north along boundary (Cascade Crest) to USFS 5603 Rd., then west to the USFS 56 Rd., then west to the Cispus River, then northwest down the Cispus River to the USFS 26 Rd. (Ryan Lake Road), then west and south on the USFS 26 Rd. to USFS 99 Rd., then northeast to the USFS 25 Rd., then south to Muddy River, then south down the Muddy River to the North Fork Lewis River, then west to the USFS 90 Rd. bridge (Eagle Cliff), then east on USFS 90 Rd. to USFS 51 Rd., then southeast to USFS 30 Rd., then northeast on the USFS 30 Rd. to USFS 24 Rd., then southeast to the State Highway 141, then northeast to Trout Lake and point of beginning. (See Gifford Pinchot National Forest map)

**GMU 564-Battle Ground (Clark and Skamania counties):** Beginning on the Interstate 5 at the Lewis River Bridge and the Lewis River; then northeast along the Lewis River (Cowlitz-Clark County line) to the Merwin Dam; then on a southeast line to the transmission line; then south on the transmission line to the County Road 20; then southeast on County Road 20 to the Pup Creek Road; then southeast on Pup Creek Road to County Road 16; then southeast on County Road 16 through Yacolt to County Road 12; then southeast on County Road 12 to Dole Valley Road; then south on the Dole Valley Road to Rock Creek Road; then southeast and south on the DNR 1000 Road to DNR 1500 Road; then east on DNR 1500 Road to N.E. 412 Ave.; then south on N.E. 412th Ave. to Skye Road; then east and south on the Skye Road to Washougal River Road; then south on Washougal River Road to State Highway 140; then southeast on State Highway 140 to Cape Horn Road; then south on Cape Horn Road to the Columbia River; then west down the Columbia River (including islands in

Washington) to the Lewis River; then north along the Lewis River to the Interstate 5 Bridge and the point of beginning. (See Washington Atlas & Gazetteer, Forest Protection Map "St. Helens West")

GMU 568—Washougal (Clark and Skamania counties): Beginning at Merwin Dam on the Lewis River and Lake Merwin; then northeast along Lake Merwin (Cowlitz—Clark County line) to Canyon Creek; then southeast along Canyon Creek to N.E. Healy Road; then east on N.E. Healy Road to USFS Road 54; then east on USFS Road 54 to USFS Road 37; then northwest on USFS Road 37 to USFS Road 53; then south on USFS Road 53 to USFS Road 4205 (Gumboat Road); then south on USFS Road 4205 to USFS Road 42 (Green Fork Road); then southwest on USFS Road 42 to USFS Road 41 (Sunset Hemlock Road) at Sunset Falls; then east on USFS Road 41 to USFS Road 406 at Lookout Mountain; then southeast on USFS Road 406 to the boundary of the Gifford Pinchot National Forest; then due east on the National Forest boundary to Rock Creek; then southeast along Rock Creek to Stevenson and the Columbia River; then west down the Columbia River (including the islands in Washington) to the Cape Horn Road; then north on the Cape Horn Road to State Highway 140; then west on State Highway 140 to the Washougal River Road; then northwest on the Washougal River Road to the Skye Road; then northwest on the Skye Road to N.E. 412th Ave.; then northwest on DNR 1500 Road to DNR 1000 Road; then north and west on DNR 1000 Road to Dole Valley Road; then north on the Dole Valley Road to County Road 12; then northwest on County Road 12 to Moulton and County Road 16; then northwest on County Road 16 through Yacolt and Amboy to the Pup Creek Road; then northwest on the Pup Creek Road to County Road 20; then north on County Road 20 to the transmission line; then north on the transmission line to Merwin Dam on the Lewis River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 572—Siouxon (Skamania and Clark counties): Beginning at the Yale Dam and Yale Lake; then north along Yale Lake (Cowlitz—Clark County line) to the North Fork Lewis River and Lewis River (old river bed); then northeast along the Lewis River to the Swift Creek Reservoir; then east along the Swift Creek Reservoir to Eagle Cliff Bridge and USFS Road 90; then east on USFS Road 90 to USFS 51 (Curly Creek Road); then southeast on USFS Road 51 to USFS Road 30; then north on USFS Road 30 to USFS Road 24 (Twin Butte Road); then south on USFS Road 24 to USFS Road 60 (Carson Guler Road); then southwest on USFS Road 60 to USFS Road 65 (Panther Creek Road); then southwest on USFS Road 65 to the Wind River Highway; then northwest on the Wind River Highway to Stabler; then west on Hemlock Road to USFS Road 41 (Sunset—Hemlock Road); then west on the USFS Road 41 to Sunset Falls and USFS Road 42 (Green Fork Road); then northeast on USFS Road 42 to USFS Road 4205 (Gunboat Road); then north on USFS Road 4205 to USFS Road 53; then northwest on USFS Road 53 to USFS Road 54 (N.E. Healy Road); then west on USFS

Road 54 to Canyon Creek; then north along Canyon Creek to the Lewis River; then northeast along the Lewis River to the Yale Dam and the point of beginning. (See Gifford Pinchot National Forest map, and Forest Protection Map "St. Helens West")

GMU 574—Wind River (Skamania County): Beginning at Little Lookout Mountain on USFS Road 41 (Sunset—Mowich Butte); then east on USFS Road 41 to Stabler; then east on the Hemlock Road to the Wind River Road; then southeast on the Wind River Road to USFS Road 65 (Panther Creek Road); then north on USFS Road 65 to Old State Road; then east to the USFS Road 60 (Carson—Guler Road); then northeast on USFS Road 60 to USFS Road 24 and State Highway 141 to USFS Road 86; then south on USFS Road 86 to USFS Road 1840; then south on USFS Road 1840 to USFS Road 18 (Oklahoma Road); then south on USFS Road 18 to Willard and the Little White Salmon River; then south on the Little White Salmon River to the Columbia River; then west along the Columbia River to the mouth of Rock Creek; then northwest along Rock Creek through Stevenson to the south boundary of Gifford Pinchot National Forest; then on the south boundary of Gifford Pinchot National Forest due west to USFS Road 4100—406; then northwest on USFS Road 4100—406 to USFS Road 41 and the point of beginning. (See Washington Atlas & Gazetteer, Gifford Pinchot National Forest map)

GMU 576—White Salmon (Klickitat, Yakima, and Skamania counties): Beginning at the mouth of the Klickitat River (Lyle) to the Fisher Hill Bridge, then north along the Fisher Hill Road (P-2000) to the Gravel Pit Road, then west to the B-Z Corners—Glenwood Road, then southwest to Highway 141 (B-Z Corners), then north to Trout Lake, then west on Highway 141 to USFS 86 Rd., then south to the USFS 1840 Rd., then south on the USFS 1840 Rd. to the USFS 18 Rd. (Oklahoma Road), then south on the 18 Rd. to Willard and the Little White Salmon River, then south down the Little White Salmon River to the Columbia River, then east up the Columbia River to the Klickitat River and point of beginning. (See Washington Atlas & Gazetteer)

GMU 580—Sixprong (Klickitat and Yakima counties): Beginning on State Highway 14 at Sundale, then east to the Goldendale—Goodnoe Hills Road; then northwest along Goldendale—Goodnoe Hills Road to Dot Road; then north along the Dot Road to Cleveland; then along the Goldendale—Bickleton Road to the Yakima County line; then east along the Yakima County line to Alderdale Road; then southeast along the Alderdale Road to State Highway 14 and Columbia River; then west along the state line to Sundale and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 584—Goodnoe (Klickitat County): Beginning at the U.S. Highway 97 bridge on the Columbia River (Maryhill), then north on Highway 97 to Satus Pass and the Yakima Indian Reservation, then east along south Reservation boundary to the Yakima County line, then east to Goldendale/Bickleton Road, then southwest to Cleveland and Dot Road, then south to

Goldendale/Goodnoe Hills Road, then southeast to State Highway 14, then west to Sundale and mouth of Chapman Creek, then west down the Columbia River to U.S. Highway 97 bridge and point of beginning. (See Washington Atlas & Gazetteer)

GMU 586-Glenwood (Klickitat County): Beginning at B-Z Corners and State Highway 141, then north to Trout Lake and the USFS 80 Rd., then to the USFS 82 Rd., then north to the Yakima Indian Reservation boundary, then east along the south Reservation boundary to Summit Creek Primary Road, then south to the Klickitat River and the Truck Cut Road, then west to the Glenwood/Goldendale Road, then northwest to the Gravel Pit Road, then south to the B-Z Corners/Glenwood Road, then southwest to B-Z Corners and point of beginning. (See Washington Atlas & Gazetteer)

GMU 588-Grayback (Klickitat County): Beginning at Highway 97 bridge across Columbia River (Maryhill), then west down the Columbia River to Lyle and the mouth of the Klickitat River, then up the Klickitat River to the Fisher Hill Bridge, then north along the Fisher Hill Road (P-2000) to the Gravel Pit Road, then north to the Glenwood/Goldendale Road, then east to the Truck Cut Road, then north to the Summit Creek Primary Road, then to the Yakima Indian Reservation boundary, then east along the southern boundary of the Reservation to Highway 97 (Satus Pass Highway), then south on Highway 97 to Maryhill and point of beginning. (See Washington Atlas & Gazetteer)

#### REGION SIX

GMU 601-Hoko (Clallam County): Beginning at the mouth of the Hoko River, then up the river to State Highway 112; then southeast along State Highway 112 to its junction with the Hoko-Ozette Road; then southeast along the Hoko-Ozette Road to the Olympic National Park boundary; then north along the Olympic National Park boundary to the Makah Indian Reservation boundary; then east and north along the Makah Indian Reservation boundary to the Strait of Juan de Fuca; then southeast along the shore of the Strait of Juan de Fuca to the mouth of the Hoko River and the point of beginning. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 602-Dickey (Clallam County): Beginning at the mouth of the Clallam River, then up the river to State Highway 112; then south along State Highway 112 to its junction with the Burnt Mountain Road; then southwest along the Burnt Mountain Road to its junction with U.S. Highway 101; then southwest along U.S. Highway 101 to the junction with the LaPush Road; then southwest along LaPush Road to the Olympic National Park boundary; then north along the Olympic National Park boundary to the Hoko-Ozette Road; then northeast along the Hoko-Ozette Road to its junction with State Highway 112; then northwest along State Highway 112 to the Hoko River; then down the Hoko River to its mouth and the Strait of Juan de Fuca; then east along the shore of the Strait of Juan de Fuca to the mouth of

the Clallam River and the point of beginning. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 603-Pysht (Clallam County): Beginning at the mouth of the Clallam River; then up the river to the State Highway 112; then south along State Highway 112 to its junction with the Burnt Mountain Road; then southwest along the Burnt Mountain Road to its junction with U.S. Highway 101; then east along U.S. Highway 101 to the point where the highway enters the Olympic National Park, about one mile west of Lake Crescent; then north and east along the Olympic National Park boundary to the Elwha River; then north down the Elwha River to its mouth and the Strait of Juan de Fuca; then west along the shore of the Strait of Juan de Fuca to the mouth of the Clallam River and the point of beginning. EXCEPT that part of the Lower Elwha Indian Reservation within this boundary. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 607-Soleduck (Clallam County): Beginning at Forks, then south along U.S. Highway 101 to the Bogachiel River; then east up the Bogachiel River to the Olympic National Park boundary; then north and east along the Olympic National Park boundary to its intersection with U.S. Highway 101; then west and south along U.S. Highway 101 to Forks to the point of beginning. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 612-Goodman (Jefferson and Clallam counties): Beginning at LaPush on the Pacific Ocean, then east along the LaPush Road to its junction with U.S. Highway 101 north of Forks; then south along U.S. Highway 101 to the Pacific Ocean below the mouth of the Hoh River; then north along the Pacific Ocean to LaPush and the point of beginning; EXCEPT that part of the Hoh Indian Reservation and the Olympic National Park within this boundary. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 615-Clearwater (Jefferson County): Beginning at the junction of Bogachiel River and U.S. Highway 101, then east up the Bogachiel River to the Olympic National Park boundary; then south, east and west along the Olympic National Park boundary to where it meets the boundary of the Quinault Indian Reservation; then west along the Quinault Indian Reservation boundary to U.S. Highway 101; then north and east along U.S. Highway 101 to the Bogachiel River and point of beginning; EXCEPT that part of the Olympic National Park within this boundary. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 618-Matheny (Jefferson and Grays Harbor counties): Those lands between the Queets and Quinault Rivers that are outside the Olympic National Park and outside the Quinault Indian Reservation. (See Olympic National Forest map)

GMU 621-Olympic (Jefferson, Clallam and Mason counties): Beginning at the junction of U.S. Highway 101 and the Elwha River, then south up the Elwha River to the Olympic National Park boundary; then east and south along Olympic National Park boundary to the North Fork of the Skokomish River; then south down the North Fork of the Skokomish River to Lake Cushman; then southeast along the west shore of Lake Cushman to Cushman Upper Dam; then east along the Power Dam Road to its intersection with Lake Cushman-Hoodsport Road; then southeast on Lake Cushman-Hoodsport Road to U.S. Highway 101 and Hood Canal; then north along Hood Canal to Dabob Bay and Quilcene Bay to East Quilcene Road at the north end of Quilcene Bay; then west along East Quilcene Road to its junction with Chimacum Center Road; then south along Chimacum Center Road to Quilcene and U.S. Highway 101; then north and west along U.S. Highway 101 to the Elwha River and the point of beginning. EXCEPT that part of the Lower Elwha Indian Reservation within this boundary. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 624-Coyle (Clallam and Jefferson counties): Beginning at the mouth of the Elwha River, then south up the Elwha River to U.S. Highway 101; then east and south along U.S. Highway 101 to Quilcene; then north on the Chimacum Center Road to its junction with East Quilcene Road; then east on the East Quilcene Road to Quilcene Bay; then south along the east shore of Quilcene Bay to Dabob Bay and Hood Canal; then north along the shore of Hood Canal to Puget Sound; then north through Admiralty Inlet to Port Townsend and Juan de Fuca Straits (including Marrowstone Island); then west along the south shore line of Juan de Fuca Straits to the mouth of the Elwha River and the point of beginning; EXCEPT all of Indian Island in Jefferson County. (See updated Olympic National Forest and Olympic National Park map and Washington Atlas & Gazetteer)

GMU 625-Indian Island (Jefferson County): Indian Island in Jefferson County. (See Washington Atlas & Gazetteer)

GMU 627-Kitsap (Kitsap, Mason, Pierce and King counties): Beginning at the town of Allyn on State Highway 3; then north along Highway 3 to Belfair; then north up the "Old Belfair Highway" to its junction with the Bear Creek-Dewatto Road; then west on Bear Creek-Dewatto Road to the Mason-Kitsap County line; then west along the Mason-Kitsap county line to Hood Canal; then north along the shoreline of Hood Canal to Puget Sound at Hansville; then south through Puget Sound to Nisqually Reach and Case Inlet; then north up Case Inlet to the town of Allyn and the point of beginning; also Vashon Island. (See Washington Atlas & Gazetteer)

GMU 633-Mason (Mason County): Beginning at the Mason-Thurston County Line on U.S. Highway 101 at Oyster Bay; then north and east through Oyster Bay, Totten Inlet-Dana Passage and Case Inlet to the town

of Allyn on State Highway 3; then north along Highway 3 to Belfair; then north up the "Old Belfair Highway" to its junction with the Bear Creek-Dewatto Road; then west on the Bear Creek-Dewatto Road to its junction with the Dewatto-Holly Road; then west along the Mason-Kitsap County Line to Hood Canal; then south through Hood Canal to Hoodsport and U.S. Highway 101; then south along Highway 101 to the Mason-Thurston County Line and the point of beginning. (See the Washington Atlas & Gazetteer)

GMU 636-Skokomish (Grays Harbor and Mason counties): Beginning at the junction of the Lake Cushman-Hoodsport Road and U.S. Highway 101 at Hoodsport; then south down U.S. Highway 101 to its junction with the Shelton Dayton-Matlock Road (County Road 9010); then west to the town of Matlock; then west on the Matlock-Deckerville Road and Middle Satsop Road to the Kelly Road (C-500 Line); then north on the Kelly Road to its junction with the L-600 Line (Canyon River Road, Road 2260); then west on the L-600 line to USFS Road 22 (Montesano-Grisdale Road); then north on USFS Road 22 through Grisdale; then west and south on USFS Road 22 to where it crosses the East Fork of the Humptulips River; then upstream on the East Fork Humptulips River to the most northern point crossed by the range line 7W.W.M. and 8W.W.M., then north on this range line to its junction with Road 2302 (USFS Road 2204-200); then east and north on Road 2302 to the Olympic National Park Boundary; then east along the Olympic Park boundary to the North Fork of the Skokomish River; then south down the North Fork of the Skokomish River to Lake Cushman; then southeast along the west shore of Lake Cushman to Cushman Upper Dam; then east along the Power Dam Road to its intersection with Lake Cushman-Hoodsport Road; then southeast on Lake Cushman-Hoodsport Road to U.S. Highway 101 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 638-Quinault Ridge (Grays Harbor and Jefferson counties): Beginning at the Olympic National Park boundary at the northwest corner of Lake Quinault; then southwest along the south shore of Lake Quinault to the boundary of the Quinault Indian Reservation; then southwest along this boundary to U.S. Highway 101; then south along U.S. Highway 101 to Quinault Ridge Road (Forest Service Road #2258); then northeast along the Quinault Ridge Road to the Forest Service Road #2280; then east along Forest Service Road #2280 to the Forest Service Road #2220; then north and south along that road to the Forest Service Road #2204; then northeast along Forest Service Road #2204 to the 2204-200 Spur Road; then north along this spur road to the boundary of the Olympic National Park; then west along the Olympic National Park Boundary to Lake Quinault and the point of beginning. (See Olympic National Forest map)

GMU 639-Humtulpils (Grays Harbor County): Beginning at the junction of U.S. Highway 101 and the Quinault Ridge Road (Forest Service Road #2258); then northeast along Quinault Ridge Road to the Forest Service Road #2280; then east along Forest Service Road

#2280 to the Forest Service Road #2220; then north and south along Forest Service Road #2220 to the Forest Service Road #2204; then northeast along Forest Service Road #2204 and the 2204-200 Spur Road to a point crossed by the range line between range 7W.W.M. and 8W.W.M.; then south on this range line to the most northern point crossed by the East Fork of the Humptulips River; then downstream on the East Fork of the Humptulips to the USFS 22 Road; then west and south along USFS 22 Road to its junction with the Donkey Creek Road; then southwest along the Donkey Creek Road (Forest Service Road #22) to its junction with U.S. Highway 101; then north along U.S. Highway 101 to its junction with the Quinault Ridge Road (Forest Service Road #2258) and the point of beginning. (See Olympic National Forest map)

GMU 642-Copalis (Grays Harbor County): Beginning at the U.S. Highway 101 bridge crossing the Hoquiam River in the City of Hoquiam; then north along U.S. Highway 101 to the boundary of the Quinault Indian Reservation; then southwest along the Quinault Indian Reservation boundary to the Pacific Ocean; then south along the shore of the Pacific Ocean to Grays Harbor; then east along the north shore of Grays Harbor to the mouth of the Hoquiam River; then north along the Hoquiam River to U.S. Highway 101 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 648-Wynoochee (Grays Harbor County): Beginning at the junction of U.S. Highway 101 and the Donkey Creek Road; then northeast along the Donkey Creek Road (Forest Service Road #22) to its junction with the Donkey Creek-Grisdale Road; continuing east on this road (Forest Service Road #22) to Camp Grisdale (south of Wynoochee Lake); then south along the Grisdale-Montesano Road (Forest Service Road #22) to the junction with the L-600 line (Canyon River Road, Road 2260); then east along the L-600 line to the concrete bridge over the West Fork of the Satsop River in Sec. 15, T.21N., R.7W.W.M.; then south down the West Fork and the main stream of the Satsop River to U.S. Highway 12; then west along U.S. Highway 12 to its junction with U.S. Highway 101 in Aberdeen; then west and north along U.S. Highway 101 to its junction with the Donkey Creek Road and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 651-Satsop (Grays Harbor, Mason and Thurston counties): Beginning at the U.S. Highway 12 Bridge on the Satsop River, then upstream on the Satsop River to its junction with the West Fork of the Satsop River; then up the West Fork of the Satsop to the concrete bridge on the L-600 Road (Canyon River Road, Road 2260); then east on the L-600 Line to its junction with the Kelly Road; then south on the Kelly Road to the Middle Satsop Road; then east on the Middle Satsop and Matlock-Deckerville Roads to the town of Matlock; then east on the Shelton-Matlock Road (County Road 9010) to its junction with U.S. Highway 101; then south on U.S. Highway 101 to its junction with State Route #8, then west on State Route 8 to its junction with U.S. Highway 12; then west along Highway 12 to the Satsop

River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 658-North River (Grays Harbor and Pacific counties): Beginning at the U.S. Highway 101 bridge across the Chehalis River in Aberdeen; then west along the Chehalis River to the river mouth; then west along the southern shore of Grays Harbor to the Pacific Ocean; then south along the Pacific Ocean to Willapa Bay; then east in Willapa Bay to the mouth of the Willapa River; then east up the Willapa River to U.S. Highway 101 in the City of Raymond; then north along U.S. Highway 101 to the Chehalis River Bridge and the point of beginning; also Rennie Island. (See Washington Atlas & Gazetteer)

GMU 660-Minot Peak (Grays Harbor and Pacific counties): Beginning at the junction of U.S. Highway 101 and U.S. Highway 12 in Aberdeen; then south along U.S. Highway 101 to the Smith Creek Road; then east along the Smith Creek Road to its junction with the North River Road; then east along the North River Road through Brooklyn and continuing east along the Brooklyn-Oakville Road to the town of Oakville; then north along U.S. Highway 12 to Elma; then west along U.S. Highway 12 to U.S. Highway 101 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 663-Capitol Peak (Grays Harbor and Thurston counties): Beginning at the intersection of Highway 8 and Highway 12 near Elma; then southeast along U.S. Highway 12 to its junction with the Moon Road; then north on the Moon Road to the Gate-Mima Road; then northeast on Gate-Mima Road to Waddell Creek Road; then northeast and then northwest on Waddell Creek Road to Delphi Road; then north on the Delphi Road to U.S. Highway 101; then west on Highway 101 to Highway 8; then west on Highway 8 to Elma and Highway 12 and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 666-Deschutes (Thurston County): Beginning at the mouth of the Nisqually River; then south on the Nisqually River to old Pacific Highway (Mounts Road); then southwest on old Pacific Highway (Mounts Road) to Highway 510; then southeast on Highway 510 to Yelm Highway; then southwest and west on the Yelm Highway to Spurgeon Creek Road; then south on the Spurgeon Creek Road to Rainier Road; then northwest on Rainier Road to Stedman Road; then west and south on Stedman Road to Waldrick Road; then west on Waldrick Road to Pacific Highway S.E. (Old Highway 99); then north on Pacific Highway S.E. (Old Highway 99) to McCorkle Road; then west on McCorkle Road to 113th Avenue; then west on 113th Avenue to Littlerock Road; then north on Littlerock Road to 110th Avenue; then west on 110th Avenue to Delphi Road; then north on Delphi Road to U.S. Highway 101; then northwest on Highway 101 to the Mason-Thurston county Line at Oyster Bay; then northeast and southeast through Totten Inlet, Dana Passage and Nisqually Reach to the mouth of the Nisqually River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 667-Skookumchuck (Thurston and Lewis counties): Beginning at the old Pacific Highway (Mounts Road) Bridge on the Nisqually River; then upstream on the Nisqually River to Alder Lake; then along the north shore of Alder Lake to the town of Elbe and Highway 7; then south on Highway 7 to Highway 508 at Morton; then west on Highway 508 to the Centralia-Alpha Road; then west on the Centralia-Alpha Road and Salzer Road to Pearl Street; then north on Pearl Street to Highway 507; then northwest on Highway 507 to Interstate 5 then north on Interstate 5 to U.S. Highway 12; then west on Highway 12 to Moon Road; then north on Moon Road to the Gate-Mima Road; then northeast on the Gate-Mima Road to Waddell Creek Road; then northeast on the Waddell Creek Road to the Delphi Road; then south on the Delphi Road to 110th Avenue; then east on 110th Avenue to Littlerock Road; then south on Littlerock Road to 113th Avenue; then east on 113th Avenue to McCorkle Road; then east on McCorkle Road to Pacific Highway S.E. (Old Highway 99); then south on Pacific Highway S.E. (Old Highway 99) to Waldrick Road; then east on Waldrick Road to Stedman Road; then north and east on Stedman Road to Rainier Road; then southeast on Rainier Road to Spurgeon Creek Road; then north on Spurgeon Creek Road to the Yelm Highway; then east and northeast on Yelm Highway to Highway 510; then northwest on Highway 510 to Pacific Highway; then northeast on Pacific Highway to the Nisqually River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 669-Palix (Pacific County): Beginning at the U.S. Highway 101 Bridge across the Willapa River in Raymond; then west along the Willapa River to Willapa Bay; then south along the east shore of Willapa Bay to the mouth of the North Nemah River; then northeast up the North Nemah River and Williams Creek to the North Nemah Road Crossing (or North Nemah A Line); then east on the North Nemah A Line to the Williams Creek A Line; then northeast on the Williams Creek A Line to the C2000 Line to the Trap Creek A Line; then east on the Trap Creek A Line (on the north side of the Trap Creek Lookout) to the Bonneville Power Line Road; then north on the Bonneville Powerline Road to its junction with State Highway 6; then northwest along Highway 6 to its junction with U.S. Highway 101 in the City of Raymond; then north along U.S. Highway 101 to the bridge across the Willapa River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 672-Fall River (Pacific, Lewis and Grays Harbor counties): Beginning at the junction of U.S. Highway 101 and State Highway 6 in Raymond; then east along State Highway 6 to Doty Road (Stevens Road); then northwest on Stevens Road to the Elk Creek Road (in Doty); then west on the Elk Creek Road to the 7000 Road; then west on the 7000 Road to the 7800 Road; then west on the 7800 Road to the 720 Road; then northeast on the 720 Road to Garrard Creek Road; then north on the Garrard Creek Road to the Brooklyn-Oakville Road; then east along the Brooklyn-Oakville Road, North River Road, to the Smith Creek Road;

then southwest along the Smith Creek Road to U.S. Highway 101; then south on U.S. Highway 101 to its junction with State Highway 6 and the point of the beginning. (See Washington Atlas & Gazetteer)

GMU 678-Nemah (Pacific and Wahkiakum counties): Beginning at the mouth of the North Nemah River on Willapa Bay; then northeast up the North Nemah River and Williams Creek to the North Nemah Road Crossing (or North Nemah A Line); then east on the North Nemah A Line to the Williams Creek A Line to the C2000 line to the Trap Creek A Line; then east along the Trap Creek A Line (north side of Trap Creek Lookout) to the Bonneville Powerline Road; then south along the Powerline Road to the Salmon Creek Road; then southwest along the Salmon Creek Road to State Highway 4; then west along State Highway 4 to its junction with U.S. Highway 101 at Johnson's Landing and continuing west along U.S. Highway 101 to the Naselle River bridge; then down the Naselle River to Willapa Bay; then north along the shore of Willapa Bay to the mouth of the North Nemah River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 681-Bear River (Pacific and Wahkiakum counties): Beginning at the Deep River Bridge on State Highway 4; then down the Deep River to the Columbia River; then west along the Columbia River to the mouth of the Wallacut River; then up the Wallacut River to U.S. Highway 101; then northwest on U.S. Highway No. 101, north on Alternate U.S. Highway No. 101 and northeast on U.S. Highway 101 to the Bear River; then down the Bear River to Willapa Bay; then north along the shore of Willapa Bay to the mouth of the Naselle River and up the Naselle River to U.S. Highway 101; then east along U.S. Highway 101 to its junction with State Highway 4 at Johnson's Landing; then southeast along State Highway 4 to the Deep River Bridge and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 684-Long Beach (Pacific County): The Long Beach Peninsula and those lands west of the following line; beginning at the mouth of Bear River; then up the Bear river to U.S. Highway 101; then southwest along U.S. Highway 101 to Alternate U.S. Highway 101; then south along Alternate U.S. Highway 101 to U.S. Highway 101; then southeast along U.S. Highway 101 to the Wallacut River; then down the Wallacut River to the Columbia River. (See Washington Atlas & Gazetteer)

#### DEER AREA DESCRIPTIONS

Deer Area No. 001 Champion North (Pierce County): Beginning at the point where the Bonneville Power Transmission Line crosses the Carbon River (about 14 miles northwest of Carbonado); then south and west up the Carbon River to where it intersects State Highway No. 165; then south and east along State Highway No. 165 to where it intersects the Mt. Rainier National Park boundary; then south along said boundary to where it intersects the North Fork Puyallup River; then north and west down the North Fork Puyallup River and the Puyallup River to where it intersects the Bonneville Power Transmission Line (about three miles south of

Orting); then north and east along said power transmission line to the point of beginning. (See Washington Atlas & Gazetteer)

Deer Area No. 002 Champion South (Pierce County): Beginning at the point where Champion's 1 Road crosses the Puyallup River (approximately 1 1/2 miles NE of Kapowsin) then southeast up the Puyallup River to the confluence with Deer Creek; then south up Deer Creek to where it intersects the 243 Road; then northwest along the 243 Road to where it intersects the 24 Road; then southwest along the 24 Road to where it intersects the 3270 Road; then west along the 3270 Road to where it intersects the 327 Road; then southwest along the 327 Road to where it crosses Busy Wild Creek (near Lake Lorraine); then west down the Busy Wild Creek to its confluence with the North Fork Mashel River; then up the North Fork Mashel River (about 1 mile) to the point nearest the southernmost extension of the 311 Road (T16N, R6E, Sec. 19, SW 1/2 of SW 1/2); then in a line to the 311 Road; then along 311 Road to where it intersects the 3113 Road; then north along the 3113 Road to where it intersects the 843 Road; then along the 843 Road to where it intersects the 84 Road; then along the 84 Road to where it intersects the 8 Road; then north along the 8 Road to where it intersects the 82 Road; then along the 82 Road to where it intersects the township line between Townships 16 & 17 North, W.M.; then west on said line to where it intersects the range line between Ranges 4 & 5 East, W.M.; then north on said line to northwest corner of Sec. 31, T17N, R5E; then east on section line between sections 30 and 31, T17N, R5E to 1/4 corner (Champion ownership); then north from said corner along ownership line to the point closest to the southernmost extension of the 0-100 Road (approx. 3/4 mile); then in a northwest line to the 0-100 Road, then along the 0-100 Road to where it intersects with Ohop Creek; then northwest along Ohop Creek to where it empties into Lake Kapowsin; then northeast along the east shore of Lake Kapowsin to the point closest to the start of the 1 Road; then along the 1 Road to point of beginning. (See Washington Atlas & Gazetteer)

Deer Area No. 010 Pyramid (Chelan County): That part of GMUs 306 and 304 beginning at the Glacier Peaks Wilderness and Lake Chelan; then south along Lake Chelan to Corral Creek Campground; then west to the intersection of trail #1433 and Butte Trail #1440; then northwest along Butte Trail #1440 to South Pyramid Trail #1439; then southwest to intersection of trail #1437; then due west to Trail #1434; then northwest to Trail #1435; then south to Trail #1400; then southeast to Garland Creek; then west to Garland Peak; then north along trail #1408 to Trail #1515; then south to Trail #1530; then west to trail #1509; then south to Trail #1527; then north to Estes Butte and continuing along the Glacier Peaks Wilderness boundary to beginning. (See Wenatchee National Forest map)

Deer Area No. 030 Squaw Creek (Benton, Kittitas, Yakima counties): That portion of GMU 370 north of State Highway 24. (See Washington Atlas and Gazetteer)

Deer Area No. 040 Foss River (King County in the Alpine Lakes Wilderness Area): Beginning at the intersection of the Dingford Creek Trail (USFS Trail 1005) and the Alpine Lakes Wilderness Area boundary; then north along USFS Trail 1005 to Little Myrtle Lake; then in a northeast line approximately one-half mile to Marlene Lake; then down the tributary from Marlene Lake to its intersection with USFS Trail 1072 near Lake Dorothy; then north along USFS Trail 1072 to its intersection with the Alpine Lakes Wilderness Area boundary; then north and east along the wilderness boundary to the Pacific Crest Trail at Hope Lake; then south along the Pacific Crest Trail to Ridge Lake; then in a northwest direction approximately one-half mile to Gravel Lake; then down the Gravel Lake tributary to Goat Creek; then down Goat Creek to its intersection with Alpine Lakes Wilderness Area boundary; then north and west along the wilderness area boundary to the point of beginning. (See Washington Atlas and Gazetteer)

Deer Area 041 Pilchuck (Snohomish and King counties): Beginning at the mouth of the Stillaguamish River; then up the Stillaguamish River to Arlington; then northeast along Highway 530 to a point in Section 10, T32N, R7E where it intersects with the City of Seattle power transmission line; then southwest along the transmission line to the point where it crosses the divide between Jim Creek and the north fork of Canyon Creek (Section 11, T31N, R7E), then down the north fork of Canyon Creek and Canyon Creek to the south fork Stillaguamish River, then down the Stillaguamish River to Jordan Road, then along Jordan Road to Granite Falls then south along Menzel Lake Road to the Pilchuck River Road (P-5000); then east on P-5000 Road to Culmback Dam (Spada Lake); then southeast on Culmback Dam Road to Sultan Basin Road at Olney Pass; then south on Sultan Basin Road to Kellogg Lake Road to U.S. Highway 2 east of Sultan; then west on Highway 2 to Monroe; then south on Highway 203 to Duvall; then north down the Snoqualmie River to the Snohomish River and down the Snohomish River to Puget Sound; then north along the shore of Puget Sound to the mouth of the Stillaguamish River and the point of beginning. (See Washington Atlas and Gazetteer or Mount Baker/Snoqualmie National Forest map).

Deer Area 042 Tolt (King and Snohomish counties): Beginning at intersection of Highway 202 and the Tokul Creek Road S.E. (near Snoqualmie Falls); then north on Tokul Creek Road S.E. and onto S.E. 53rd Way then onto the S.E. 53 Road; then along S.E. 53rd Road to its junction with the Weyerhaeuser mainline; then north on Weyerhaeuser mainline road through Gate 4 onto the Weyerhaeuser mainline truck road; then north on Weyerhaeuser mainline truck road (approximately 23 miles) to its junction with Proctor Creek Road; then north on Proctor Creek Road to its junction with Highway 2; then west on Highway 2 to its junction with Highway 203 at Monroe; then south on Highway 203 to its junction with Highway 202; then east along Highway 202 to the point of beginning. (See Washington Atlas and Gazetteer or Weyerhaeuser Recreational Map and Thomas Brothers Guide.)

Deer Area No. 060 Olympic Wilderness (Clallam, Jefferson, Grays Harbor and Mason counties): The Buckhorn, Colonel Bob, Mt. Skokomish, the Brothers and Wonder Mountain Wilderness areas of Olympic National Forest. (See Olympic National Forest map for these primitive roadless areas)

Deer Area No. 061 Marrowstone Island (Jefferson County): Marrowstone Island in Jefferson County. (See Washington Atlas and Gazetteer)

#### ELK AREA DESCRIPTIONS

Elk Area No. 001 Trinidad (Grant and Douglas counties): All of Douglas and Grant counties except closed in the corridor described as follows: Beginning at East Wenatchee and following a line parallel to and one-half mile north and east of Highway No. 28 from East Wenatchee to a point in Grant County one-half mile north of SR 28 on Road "U" N.W.; then south on Road "U" N.W. to Road "9" N.W.; then west on Road "9" N.W. to the Ancient Lake Road; then south on the Ancient Lake Road to the northwest corner of Sec. 8, T19N, R23E W.M. (yellow cattle guard); then west to midstream of the Columbia; then north up midstream of the Columbia River to East Wenatchee and the point of beginning. (See official road map of Douglas and Grant counties)

Elk Area No. 002 Caribou (Kittitas County): Beginning at the Highline Canal; then north along the Reecer Creek Road and USFS 35 Road to the junction at the USFS 3517 Road; then east and south along USFS 3517 Road and Lillard Hill Road to the Bonneville Powerlines; then east along the Bonneville Powerlines to the Colockum Pass-Brushy Road (cattle guard); then east along the Brushy Road to the Crossover Road; then south along the Crossover Road to the Perkins/Caribou junction; then east along the Perkins Road to the Beacon Ridge Road; then south along the Beacon Ridge Road to the Old Vantage Highway; then south along a county service road to Interstate #90; then west along Interstate #90 to the Highline Canal near the Stevens Road; then northwest along the Highline Canal to the point of beginning. (See Department of Wildlife map)

Elk Area No. 003 Kingsbury (Chelan, Kittitas counties): That portion of GMU 314 which lies east of the Stemilt Creek, Stemilt Creek Road, Stemilt Hill Road, Stemilt Loop Road and Jump Off Ridge Road. (See Washington Atlas & Gazetteer)

Elk Area No. 004 Wenatchee (Chelan, Kittitas and Okanogan counties): GMUs 300, 304, 306, 308, 316, that portion of 302 which lies in Chelan County; and that portion of 314 which lies west of the following boundaries: Beginning at the mouth of the Stemilt Creek at the Columbia River, south up Stemilt Creek to the Stemilt Creek Road to the Stemilt Hill Road; then east and south along the Stemilt Hill Road to the Stemilt Loop Road; then east along the Jump Off Road to the Jump Off Ridge Road (Bonneville Powerlines); then south along the Jump Off Ridge Road to the Naneum Ridge Road. (See Washington Atlas & Gazetteer)

Elk Area No. 025 Backbone (Lewis County): Beginning at State Highway No. 12 at the Pacific Crest Trail; then northwest and southwest along State Highway No. 12 to Coal Creek in Sec. 1, Twp. 13N., R 9 E.W.M.; then north along the range line between Ranges 9 and 10 E.W.M., across the Cowlitz River to the Gifford Pinchot National Forest boundary in the NE corner of Sec. 1, Twp. 13N., R 9 E.W.M.; then southwest along the National Forest Boundary to the Skate Creek Road (first contact) in Sec. 9, Twp. 13N., R 9 E.W.M.; then northwest along the Skate Creek Road to the mouth of Horse Creek and the south boundary of Mt. Rainier National Park; then east along the south Park boundary to the Pacific Crest Trail; then south along the Pacific Crest Trail to State Highway No. 12 and the point of beginning. (See Gifford Pinchot National Forest map)

Elk Area No. 029 Toledo (Lewis County): Beginning at the Cedar Creek Bridge along State Highway No. 505; then northeast up Cedar Creek approximately 4 miles to the Weyco 1970 line; then north and west along the Weyco 1970 line approximately 3.5 miles to the Weyco 1800 line; then north along the Weyco 1800 line approximately 1 mile to the Evans Road; then southwest along the Evans Road to the Layton Road; then south along the Layton Road to State Highway No. 505; then east and southeast along State Highway No. 505 to Cedar Creek Bridge and the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 030 Reecer Creek (Kittitas County): Beginning at the Highline Canal; then north along the Reecer Creek Road and USFS 35 Road to the junction of the USFS 3517 Road; then east and south along the USFS 3517 Road and Lillard Hill Road to the Wilson Creek Road to the Highline Canal; then west along the Highline Canal to the point of beginning. (See Wenatchee National Forest map)

Elk Area No. 031 Shushuskin (Kittitas County): Beginning at Damon Road and the Yakima River; then west along Damon Road to Manastash Road; then west on Manastash Road to Cove Road; then south on Cove Road to ((Umtanum)) Umtanum Creek; then east (downstream) along ((Umtanum)) Umtanum Creek to the Yakima River; then north along the Yakima River to the point of beginning. (See Washington Atlas and Gazetteer)

Elk Area No. 032 Malaga (Kittitas and Chelan counties): Beginning at the power line on the Columbia River (approximately 3/4 mile downstream from Colockum Creek); then west and south along the Powerline Road to the intersection with the North Fork Tarpiscan Creek Road (Section 9, T20N, R21E); then north and west along North Fork of Tarpiscan Creek Road to Colockum Pass Road (Section 9, T20N, R21E); then south and west on Colockum Pass Road to section line between Sections 8 and 9 as well as Sections 4 and 5 (T20N, R21E) and Sections 32 and 33 (T21N, R21E); to Mose Carr Road; then west and north on Mose Carr Road to Jumpoff Road; then south and west on Jumpoff Road to Shaller Road; then north and west on Shaller Road to Upper Basin Loop Road; then north and west

on Upper Basin Loop Road to Wheeler Ridge Road; then north on Wheeler Ridge Road to the Basin Loop Road (pavement) in Section 10 (T21N, R20E); then north on the Basin Loop Road to Wenatchee Heights Road; then west on Wenatchee Heights Road to Squilchuck Road; then south on Squilchuck Road to Beehive Road (USFS Road 9712); then northwest on Beehive Road to USFS Road 7100 near Beehive Reservoir; then north and west on USFS Road 7100 to Peavine Canyon Road (USFS Road 7101); then north and east on Peavine Canyon Road to Number Two Canyon Road; then north on Number Two Canyon Road to Crawford Street in Wenatchee; then east on Crawford Street to the Columbia River; then south and east along the Columbia River to the powerline south of Colockum Creek and point of beginning. (See Washington Atlas and Gazetteer)

Elk Area No. 033 Peshastin (Chelan County): Beginning at Crawford Street and the Columbia River in Wenatchee; then west on Crawford Street and Number Two Canyon Road to USFS #7101 Road (Peavine Canyon); then west on USFS #7101 Road to Mission Creek Road; then north on Mission Creek Road to USFS #7104 Road (Sand Creek); then west on USFS #7104 Road (Sand Creek) to Camas Creek; then west up Camas Creek to where Camas Creek crosses USFS #7200 Road, T22N, R18E, Section 4; then north along USFS #7200 Road to Highway #97; then north on Highway #97 to USFS #7300 Road (Mountain Home Road); then north on the USFS #7300 Road to the Wenatchee River at Leavenworth; then down the Wenatchee River and Columbia River to the point of beginning. (See Washington Atlas and Gazetteer)

Elk Area No. 034 Parke Creek (Kittitas County): Beginning at the Highline Canal on Parke Creek Road; then north to the BPA Powerlines; then west along BPA Powerlines (through Sections 22, 16, 8, 5, and 6) to the Cook Canyon Road; then north on Cook Canyon Road to Bonneville Powerlines (Section 19); then west along Bonneville Powerlines to Wilson Creek Road; then south on the Wilson Creek Road to the Highline Canal; then southeast along the Highline Canal to point of beginning. (See Department of Wildlife map)

Elk Area No. 039 Backbone (Lewis County): Legal description same as Elk Area No. 025 (Backbone) (See Gifford Pinchot National Forest Map)

Elk Area No. 051 Doty (Lewis and Pacific counties): Beginning on State Highway 6 at the town of Adna, then west on Highway 6 to Stevens Road, then northwest on Stevens Road to Elk Creek Road (Doty), then west on Elk Creek Road to the 7000 Road, then west on the 7000 Road to the 7800 Road, then west on the 7800 Road to the 720 Road, then northeast on the 720 Road to Garrard Creek Road, east on Garrard Creek Road to Manners Road, then south on Manners Road to Lincoln Creek Road, then east along Lincoln Creek Road to Ingalls Road, then south and east on Ingalls and Bunker Creek roads to the town of Adna and point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 052 Mayfield (Lewis County): Beginning at the junction of Highway 12 and the Winston Creek Road; then southeast and north along the Winston Creek Road, Longbell, Perkins, Green Mountain roads to Riffe Lake; then west and northwest along the shoreline of Riffe Lake to the Cowlitz River; then west along the Cowlitz River to Highway 12; then west along Highway 12 to the Winston Creek Road and the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 053 Randle (Lewis County): Beginning at State Highway 12 and the Cispus Road in the town of Randle; then east along Highway 12 to the Bennett Road approximately one (1) mile east of Cora Bridge; then west on Bennett and C line roads to the Cispus Road; then north on said road to the town of Randle and the point of beginning. (See Gifford Pinchot National Forest map)

Elk Area No. 054 Boistfort (Lewis County): Beginning at the town of Vader; then west along State Highway 506 to the Wildwood Road; then north along the Wildwood Road to the Abernathy 500 line gate (Sec. 20, T11N, R3W, Willamette Meridian); then northwest along the 500, 540, and 560 lines to the Weyerhaeuser 813 line; then northwest along the 813, 812, 5000J, 5000 and 4000 lines to the Pe Ell/McDonald Road (Sec. 15, T12N, R4W[]); then west along the Pe Ell/McDonald Road to the Lost Valley Road; then northeast along the Lost Valley Road to the Boistfort Road; then north along the Boistfort Road to the King Road; then east along the King Road to the town of Winlock and State Highway 603; then south along Highway 603 to the Winlock/Vader Road; then south along said road to the town of Vader and the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 055 East Valley (Wahkiakum County): Within one mile on either side of the line beginning at Wilson Creek Park on East Valley Road; then west on East Valley Road to the junction with Middle Valley Road (4.5 miles); then north along Middle Valley Road to the junction of Oat Field Road (2.5 miles). (See Washington Atlas & Gazetteer)

Elk Area No. 057 Carlton (Lewis County): That part of unit 514 (Tatoosh) lying east of Highway No. 123 and north of Highway No. 12. (See Gifford Pinchot National Forest map)

Elk Area No. 058 West Goat Rocks (Lewis County): Goat Rocks Wilderness west of the Cascade Crest Trail. (See Gifford Pinchot National Forest map)

Elk Area No. 059 Mt. Adams Wilderness (Skamania and Yakima counties): The Mt. Adams Wilderness (See Gifford Pinchot National Forest map)

Elk Area No. 061 Mt. Tebo (Mason County): Beginning at the junction of the North Fork and South Fork of the Skokomish River; then northwest along the South Fork to the boundary of Olympic National Park; then east along the National Park boundary to the North Fork of the Skokomish River; then southeast down the North Fork of the Skokomish River through Lake Cushman; then south down the North Fork of the Skokomish River

to the South Fork of the Skokomish River and the point of beginning. (See Olympic National Forest Map)

Elk Area No. 065 Willapa Valley (Pacific County): That part of Pacific County within two miles of State Highway 6 between Menlo and the eastern most junction of Elk Prairie Road and State Highway 6. (See Washington Atlas & Gazetteer)

Elk Area No. 066 Twin Valley (Grays Harbor County): Beginning in the City of Hoquiam at the junction of U.S. Highway No. 101 and the East Hoquiam Road; then north on the East Hoquiam Road to its junction with the East Hoquiam Cutoff Road in Sec. 21, T19N, R9 W.W.M.; then east on the East Hoquiam Cutoff Road to its junction with the Wishkah Road; then south on the Wishkah Road to its junction with the Wishkah-Wynoochee Crossover Road in Sec. 35, T19N, R9 W.W.M.; then east on the Wishkah-Wynoochee Crossover Road to its junction with the Donovan Corkey A line; then north on the A line to its junction with the A 2200; then east on the A 2200 Road to its junction with the A 2210; then south on the A 2210 Road to a point crossed by the township line between Twp 20N and 19N; then east on the township line to its junction with the Wynoochee River Road; then south along the Wynoochee River Road to U.S. Highway No. 12; then west along U.S. Highway 12 to its junction with U.S. Highway No. 101 in the City of Aberdeen, then west on U.S. Highway 101 to the City of Hoquiam and junction with the East Hoquiam Road and the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 067 South Willapa (Pacific County): Beginning in the City of South Bend at the junction of U.S. Highway 101 and the Skidmore Slough C-line; then south on the Skidmore Slough C-line to its junction with the B-line in Sec. 11, T13N, R9 W.W.M.; then southeast on the B-line to its junction with the A-line in Sec. 18, T13N, R8 W.W.M.; then east and north on the A-line to its junction with the South Fork Willapa Road; then east along the South Fork Willapa Road to State Highway No. 6, Sec. 10, Twp. [Twp.] 13 N., R. 8 W.W.M.; then northwest on State Highway No. 6 to its junction with U.S. Highway 101; then southwest on U.S. Highway 101 to its junction with the Skidmore Slough C-line and the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 069 Chinook (Pacific County): Beginning at the junction of U.S. Highway 101 and Lingenfelter Road west of the town of Chinook; then northwest on Prest Road to its junction with Chinook Valley Road; then west on Chinook Valley Road to its intersection with the east branch of the Wallicut River; then north along the Wallicut River to its intersection with Highway 101; then west on Highway 101 to the junction of Highway 101 alternate; then south on Highway 101 alternate to Highway 101; then east on Highway 101 to Prest Road and the point of beginning. (See Washington Atlas & Gazetteer)

#### BOW AND ARROW AREA DESCRIPTIONS

Bow Area No. 802 Long Island (Pacific County): Long Island in Pacific County. (See Washington Atlas & Gazetteer map)

Bow Area No. 806 Rattlesnake (Yakima County): Beginning at the point where USFS Road #1500 crosses Little Rattlesnake Creek, near Hanging Tree Campground; then southwest up Little Rattlesnake Creek to USFS Road #1500; then north along Road #1500 to USFS Trail #1101 (MJB Trail); then northwest along MJB Trail to USFS Trail #1114; then north along Trail #1114 to USFS Trail #981; then west along Trail #981 to USFS Trail #982; then northeast along Trail #982 to USFS Trail #973; then northwest along Trail #973 to the North Fork of Rattlesnake Creek; then down the North Fork to the junction with South Fork of Rattlesnake Creek; then up the South Fork to USFS Road #1502; then east on Road #1502 to USFS Road #1500; then east on Road #1500 to Little Rattlesnake Creek and the point of beginning. (See Wenatchee National Forest map)

Bow Area No. 807 Ahtanum (Yakima County): That part of GMU 368 which lies west of the following boundary; beginning at the junction of the North and South fork of Ahtanum Creek; then northwest up North Fork of Ahtanum Creek to Nasty Creek; then north up Nasty Creek to the Nasty Creek-Cowiche Road (DNR Road #C1050); then north on Road #C1050 to South Fork of Cowiche Creek; then east down South Fork Cowiche Creek to the power line which crosses near the mouth of Reynolds Creek; then northwest along the powerline to Jump-off (USFS Road #1302). Except closed east of a north south line drawn between the South Fork and North Fork of Ahtanum Creek two miles west of the Tampico Store. (See Wenatchee National Forest map)

Bow Area No. 808 Acme (Whatcom County): Beginning at the town of Acme; then north on Highway No. 9 to the junction of the Strand Road; then east on the Strand Road and over the Van Zandt Dike following the south boundaries of Sections 21, 22 and 23 of Twp. 38 N, R 5 E to the Mosquito Lake Road; then south along the Mosquito Lake Road to the Blue Mountain Road; then east to Peterson Creek and the Musto Marsh Road; then south to Skookum Creek; then west along Skookum Creek to the South Fork Nooksack River; then continue west along the South Fork Nooksack River to the mouth of Christy Creek; then south along Christy Creek to its source; then west to Ennis Creek; then west along Ennis Creek to the Ennis Creek Road; then west along Ennis Creek Road to the Wickersham Road; then west along the Wickersham Road to Highway No. 9; then north along Highway No. 9 to Acme and the point of beginning. (See Washington Atlas & Gazetteer)

Bow Area No. 820 Malott (Okanogan County): Beginning south of the town of Riverside, then south down the Okanogan River to Highway 97 bridge at mouth of river, then west on Highway 97 through the town of Brewster to the Indian Dan Canyon Road, then north to

Paradise Hill Road; then east and south along the Paradise Hill Road to the Hanford Cutoff (approximately 1/2 mile south of Rat Lake Road), then west on Hanford Cutoff to the North Star Road, then north on North Star Road to junction with Chiliwist Road then east on Chiliwist Road to junction with Olema/Cook Mt. Road, then north on Olema/Cook Mt. Road to its junction with Highway 20, then east on Highway 20 to the junction with Buzzard Lake Road, then north on Buzzard Lake Road to the junction with Windy Hill Road, then east on Windy Hill Road to its junction with Spring Coulee/Salmon Creek Road, then north on Spring Coulee/Salmon Creek Road to the junction with Green Lake Road, then north on Green Lake Road to the Conconully Highway then northwest on the Conconully Highway to the junction with the Riverside Cutoff Road, then northeast of the Riverside Cutoff Road to the town of Riverside and the Okanogan River and the point of beginning. (See Washington Atlas & Gazetteer)

Bow Area No. 831 Hamilton (Skagit County): Beginning at the point where State Highway No. 20 crosses Child's Creek approximately one mile west of Lyman; then east along Highway No. 20 to the Burpee Hill Road at Concrete; then north along said road to the Baker Lake Highway; then west along said highway to the DNR Road N. 2400; then continue west along said line to the DNR 2000 line; then north along said line to the DNR 2800 line; then west along said line to the DNR 2900 line; then west along said line to the Scott Paper Mainline; then north along said line to the Scott Paper 110 line; then continue west along said line to where it crosses Child's Creek; then south down said creek to State Highway No. 20 and point of beginning. (See Washington Atlas & Gazetteer)

#### MUZZLELOADER AREA DESCRIPTIONS

Muzzleloader Area No. 908 Acme (Whatcom County): Same as Bow Area No. 808. (See Washington Atlas & Gazetteer)

Muzzleloader Area No. 910 Cle Elum (Kittitas County): Beginning at Easton; then southeast along the main BPA Powerlines to the Fowler Creek Road (4517); southeast on Spur Road 117 to Granite Creek Trail #1326; then south on Trail #1326 to the top of South Cle Elum Ridge; then east along the ridge on Trail #1326 to Spur Road ((H9)) 111; then ((north)) east on Road ((H9)) 111 to the Peoh Point Road (3350); then ((south)) southeast on Road 3350 to the junction with Road 3352; then east on ((the)) Road 3352 ((Road)) to the Cedar Creek Road; then ((north on the Microwave Road to Sky Meadows and Casassa Road to the BPA Powerlines; then east along the BPA Powerlines to Highway 10; then east along Highway 10 to the junction with Highway 97; then north on Highway 97 to the Lower Green Canyon Road; then north to Upper Green Canyon Road to the junction of the First Creek Road; then west on the First Creek Road)) south on the Cedar Creek Road to the Morrison Canyon Road; then southeast on the Morrison Canyon Road to Interstate Highway 90; then east on I-90 to Exit 106 and junction with Highway 97; then north on Highway 97 to Hungary

Junction Road and east on Hungary Junction Road to Look Road; then north on Look Road and east on Alford Road to the Wilson Creek Road; then north on Wilson Creek Road to the Lillard Hill Road; northwest on Lillard Hill Road to USFS Road 3517; then northwest on USFS Road 3517 to the Reecer Creek Road, USFS Road 35, then south on USFS Road 35 to USFS Road 3507 and then northwest on USFS Road 3507 to Spur Road 120 (Snowshoe Ridge Road); then west on Spur Road 120 (Snowshoe Ridge Road) to Spur Road 114; then north and south on Spur Road 114 to Spur Road 116; then north on Spur Road 116 to USFS Road 9718; then southwest on USFS Road 9718 (Cougar Gulch Road) through the town of Liberty to Highway 97; then north on Highway 97 to USFS 9738, ((f))Blue Creek((f)); then west on USFS 9738 to USFS 9702 ((f))Dickey Creek((f)); then ((southwesterly)) west on Road 9702 to the ((Dickey Creek Road; then west on USFS 9702 to the)) North ((Fork)) Teanaway Road; then south to the junction with ((West)) Middle Fork Teanaway Road; then ((south)) west on Middle Fork Road ((to Bible Camp)) 1/4 mile to Teanaway Campground; then south up #17 Canyon Road to Cle Elum Ridge Road; then west on Cle Elum Ridge Road to the bottom of #5 Canyon Road; then south to Highway 903 and Bullfrog Road (Sportland Mini-Mart); then south on Bullfrog Road to Interstate Highway 90; then west on Interstate Highway 90 to Easton and point of beginning. (See Wenatchee National Forest map and Washington Atlas and Gazetteer)

Muzzleloader Area No. 921 Baleville (Pacific County): Beginning at the junction of the Hammond Road and U.S. Highway 105; then north on the Hammond Road to the radio towers; continue north on the D 2100 line to its junction with the D-line; then northwest along the D-line (also known as the Rayonier 2720) to its junction with the Rayonier 2700 line, then southwest on the Rayonier 2700 line to its junction with Highway 105; then east on Highway 105 to the Hammond Road and point of beginning. (See Washington Atlas & Gazetteer.)

Muzzleloader Area No. 925 Ritzville (Adams County): Beginning at the junction of Interstate 90 and S.R. 261 near the town of Ritzville, then south along S.R. 261 to Washtucna, then east on S.R. 26 to the Whitman County line, then north along the Adams, Whitman County line to where it intersects the Lincoln, Adams County line, then north along the Adams, Lincoln County line to Interstate 90, then west along Interstate 90 to point of beginning. (See Washington Atlas & Gazetteer)

Muzzleloader Area No. 940 Coal Creek (Skagit County): Beginning at the point where State Highway No. 20 crosses Childs Creek approximately one mile west of Lyman; then north up said creek to Crown Pacific 110 Road; then west along said road to Crown Pacific 130 Road; then west along said road to Crown Pacific 132 Road; then continue west along said road to where it crosses Hansen Creek; then south down Hansen Creek to State Highway No. 20; then east along State Highway No. 20 to Childs Creek and point of beginning.

Muzzleloader Area No. 944 Clemen (Yakima County): That portion of GMU 342 beginning at the junction of Highway #410 and USFS Road #1701 (Big Bald Mountain Road); then north to USFS Road #1712; then east on USFS Road #1712 (Clemen Ridge Road) to the east edge of Meyster Canyon; then along the east side of Meyster Canyon to the elk fence; then west along the elk fence to Waterworks Canyon and Highway #410 and to point of beginning. (See Wenatchee National Forest map)

Muzzleloader Area No. 950 Toutle Mountain (Cowlitz County): Beginning at the confluence of the South Fork Toutle River and the North Fork Toutle River; then up the S.F. Toutle River to Johnson Creek; then up Johnson Creek to the Weyerhaeuser Company 4400 [440] Road; then northeast on the 440 [4400] Road to the 2421 Road; then north to the 2400 Road; then east on the 2400 Road to Alder Creek; then north down Alder Creek to the North Fork Toutle River; then west down the North Fork Toutle River to the confluence with the South Fork Toutle River and point of beginning. (See Washington Atlas & Gazetteer)

Muzzleloader Area No. 961 Hoko River (Clallam County): Within one mile of the Hoko County Road between Highway 112 and the Olympic National Park boundary near Lake Ozette. (See Olympic National Forest Map)

Muzzleloader Area No. 962 Elwha (Clallam County): Beginning at the U.S. Highway 101 Bridge on the Elwha River; then south on the Elwha River to the Olympic National Park boundary; then along Olympic National Park boundary to the section line between Sections 32 and 33 of T 30 N, R 7 W. W. M.; then north on the section lines to U.S. Highway 101; then east on U.S. Highway 101 to Elwha River and point of beginning. (See Washington Atlas and Gazetteer)

#### Goat Unit 2-1 Mount Chopaka:

Permit Area: Okanogan County within the following described boundary: Beginning where the Similkameen River crosses the Canadian boundary near Mt. Chopaka; then south down said river and up Palmer Lake and Sinlahekin Creek to Toats Coulee Creek; then west up said creek and north up the North Fork Toats Coulee Creek to Snowshoe Mountain and the Canadian boundary; then east along the Canadian boundary to the Similkameen River and point of beginning; EXCEPT CLOSED in Township 39 North, Range 25EWM, which includes Grandview Mountain.

#### Goat Unit 2-2 Methow Area:

Permit Area: Okanogan County within the following described boundary: Beginning at the Town of Twisp, westerly along the Twisp River Road (County Road #4440) to roads end; westerly up the Twisp Pass Trail #432 to Twisp Pass and the Okanogan County line; northerly along the Chelan-Okanogan County line through Washington Pass to the Cascade Summit; northerly along the Cascade Summit and the Okanogan County line to Harts Pass; southeast down Harts Pass (Road #5400) to Lost River; then along the Lost River-

Mazama Road to Mazama; then southeasterly along State Highway 20 to Twisp and the point of beginning.

#### Goat Unit 3-1 East Stevens Pass:

Permit Area: Chelan County within the following described boundary: Beginning at Stevens Pass; then north along the Cascades Summit to Cady Pass and the source of the Little Wenatchee River; then down the Little Wenatchee River, Lake Wenatchee and the Wenatchee River to U.S. Highway 2; then north and west along U.S. Highway 2 to Stevens Pass and point of beginning EXCEPT those lands within 1/2 mile of Alpine Lookout.

#### Goat Unit 3-2 North Wenatchee Mountains:

Permit Area: Chelan County south of the Stevens Pass Highway, west of the Blewett Pass Highway, and north of Ingalls Creek, and Kittitas County north of the following described line: Beginning at Ingalls Peak; then down Fortune Creek to the Cle Elum River; then up the Cle Elum River to the Cascade Summit at Deception Pass.

#### Goat Unit 3-3 Goat and Davis Mountains:

Permit Area: Kittitas County west of the Cle Elum River, north of the Waptus River, and east and south of Trail Creek Trail.

#### Goat Unit 3-4 Snoqualmie:

Permit Area: Kittitas County within the following described boundary: Beginning at Snoqualmie Pass; then north along the Cascade Crest to Deception Pass and the headwaters of the Cle Elum River; then south along the Cle Elum River to the Trail Creek Trail #1322; then southwest along the Trail Creek Trail to the Waptus River Trail #1310; then southeast along the Waptus River Trail to the Cle Elum River at the Salmon la Sac campground; then south along the Cle Elum River to the Cooper Pass Road (USFS Road 4600); then west along the Cooper Pass Road, through Cooper Pass to the road end near the Kachess River; then south along the Kachess River and Kachess Lake to Interstate Highway 90; then west along Interstate Highway 90 to Snoqualmie Pass and point of beginning.

#### Goat Unit 3-5 Cle Elum:

Permit Area: Kittitas and Chelan counties within the following described boundary: Beginning at the point where Interstate Highway 90 crosses the Cle Elum River; then north along the Cle Elum River to Fortune Creek; then east along Fortune Creek to Ingalls Peak and the headwaters of Ingalls Creek; then south and east along Ingalls Creek to U.S. Highway 97; then south along U.S. Highway 97 and State Highway 970 to Interstate 90 at Cle Elum; then west along Interstate 90 to the Cle Elum River and point of beginning.

#### Goat Unit 3-6 Naches Pass:

Permit Area: Yakima and Kittitas counties within the following described boundary: Beginning at Chinook Pass; then north along the Pacific Crest Trail to Naches Pass; then east to USFS Road 19 and continuing to

State Highway 410; then west along State Highway 410 to Chinook Pass and point of beginning.

**Goat Unit 3-7 Bumping River:**

Permit Area: Yakima County within the following described boundary: Beginning at White Pass and the Pacific Crest Trail; then north to Forest Trail #980; then north to USFS Road 18; then north to State Highway 410; then east to State Highway 12; then west along State Highway 12 and back to point of beginning; EXCEPT Timberwolf Mountain, which is closed.

**Goat Unit 3-8 Bumping River:**

Permit Area: Yakima County within the following described boundary: Beginning at White Pass and the Pacific Crest Trail; then north to Forest Trail #980; then north to USFS Road 18; then north to State Highway 410; then east to State Highway 12; then west along State Highway 12 and back to point of beginning; EXCEPT Timberwolf Mountain, which is closed.

**Goat Unit 3-9 Tieton River:**

Permit Area: Yakima County within the following described boundary: Beginning at White Pass and Pacific Crest Trail; then south to the Yakima Indian Reservation boundary; then east to USFS Road 1137; then west to USFS Road 1000; then north to USFS Road 12; then north to State Highway 12; then west on State Highway 12 to point of beginning.

**Goat Unit 4-1 Ruth Creek Area:**

Permit Area: Whatcom County within the Mt. Baker Wilderness of the Mt. Baker-Snoqualmie National Forest north of the North Fork Nooksack River.

**Goat Unit 4-3 Chowder Ridge:**

Permit Area: Whatcom County within the following described boundary: Beginning where Wells Creek intersects the North Fork Nooksack River; then up Wells Creek to Bar Creek; then southwest up Bar Creek to the Mazama Glacier; then continue southwest up Mazama Glacier to the summit of Mt. Baker; then northwest between Roosevelt Glacier and Coleman Glacier to Kulshan Cabin and the headwaters of Kulshan Creek and Grouse Creek to Smith Creek; then north down Smith Creek to Glacier Creek; continue north down Glacier Creek to the North Fork Nooksack River; then east along the North Fork Nooksack River to Wells Creek and the point of beginning.

**Goat Unit 4-4 Lincoln Peak:**

Permit Area: Whatcom County within the following described boundary: Beginning where Glacier Creek intersects with the Mt. Baker Highway (State Highway 547); then south up Glacier Creek to Smith Creek; then south up Smith Creek to Grouse Creek; then continue up Grouse Creek in a south direction to Kulshan Creek; then southeast up Kulshan Creek to Kulshan Cabin; then continue southeast between Roosevelt Glacier and Coleman Glacier to the summit of Mt. Baker; then south down Eastern Glacier to Baker Pass and the Baker Pass Trail #603 (5,000 ft.); then west along Baker Pass Trail

#603 to the Ridley Creek Trail (#690); then northwest on the Ridley Creek Trail to Ridley Creek; then down Ridley Creek to the Middle Fork Nooksack River; then west down the Middle Fork Nooksack River to the Mosquito Lake Road; then north on the Mosquito Lake Road to the Mt. Baker Highway (State Highway 542); then north and east on Mt. Baker Highway (State Highway 542) to Glacier Creek and the point of beginning.

**Goat Unit 4-6 Dillard Creek:**

Permit Area: Whatcom County within the following described boundary: Beginning at the intersection of USFS Road 3725 and the Baker Lake Road (USFS Road 394); then west along USFS Road 3725 to Sulphur Creek; then northwest up Sulphur Creek to the Baker Pass Trail (#603) to Baker Pass (5,000 ft. elevation); then northeast up Eastern Glacier to the summit of Mt. Baker; then southeast down Park Glacier to the headwaters of Park Creek; then continue southeast down Park Creek to the Baker Lake Road (USFS Road 394); then south along the Baker Lake Road (USFS Road 394) to USFS Road 3725 and the point of beginning.

**Goat Unit 4-7 Avalanche Gorge:**

Permit Area: Whatcom County within the following described boundary: Beginning at the intersection of the Baker Lake Road (USFS Road 394) and Park Creek; then northwest up Park Creek to Park Glacier; then continue northwest up Park Glacier to the summit of Mt. Baker; then northeast down Mazama Glacier to the 6,500 ft. elevation; then east to the Portals; then continue east along the ridge line to Coleman Pinnacle; then northeast along the Camp Kiser Trail #683 (Ptarmigan Ridge) to the extreme southeast extension of Kulshan Ridge; then due east to the Lake Ann Trail #600; then east along the Lake Ann Trail #600 to the boundary of North Cascades National Park; then south and east along the Park boundary to the Baker River and down the Baker River to the Baker Lake Road (USFS Road 394); then west along the Baker Lake Road (USFS Road 394) to Park Creek and the point of beginning.

**Goat Unit 4-8 East Ross Lake:**

Permit Area: Whatcom County within the following described boundary: Beginning at the point the U.S.-Canada boundary meets the east boundary of North Cascades National Park; then south along the Park boundary to Stetattle Creek; then south down Stetattle Creek to Gorge Lake; then southwest along Gorge Lake to State Highway 20; then east and north along State Highway 20 to Ross Dam; then north along the east shoreline of Ross Lake (Note: Exclude Ruby Arm) to Devil's Creek; then east up Devil's Creek to a tributary extending south to ridge line between Jerry Lakes and a pinnacle of Jack Mountain (7,292 ft. elevation); continue south over this ridge line into the Crater Creek Basin and Crater Creek; then down Crater Creek to its confluence with Ruby Creek; then east up Ruby Creek to Granite Creek; then continue east up Granite to the Cascades Summit; then north along the Cascades Summit to the U.S.-Canada boundary; then west along the

Canadian line to the east boundary of North Cascades National Park and the point of beginning. (Notice: Jack Mountain not included in Goat Unit 4-8, East Ross Lake. See description for Goat Unit 4-9, Jack Mountain.)

**Goat Unit 4-9 Jack Mountain:**

Permit Area: Whatcom County within the following described boundary: Beginning at the confluence of Ruby Creek and Crater Creek; then north up Crater Creek to the ridge line between Jerry Lakes and a pinnacle of Jack Mountain (7,292 ft. elevation); continue due north to Devil's Creek; then west down Devil's Creek to Ross Lake; then south along the east shoreline of Ross Lake to Ruby Arm; then easterly up Ruby Arm and Ruby Creek to the confluence of Crater Creek and the point of beginning.

**Goat Unit 4-10 Majestic Mountain:**

Permit Area: Whatcom and Skagit counties within the following described boundary: Beginning at the intersection of Pyramid Creek and State Highway 20; then south up Pyramid Creek to the North Cascades National Park boundary; then east along the Park boundary to the Cascades Summit; then north along the Cascades Summit to Granite Creek; then west down Granite Creek to Ruby Creek and Ruby Arm; then continue west along Ruby Arm to Ross Lake and Ross Dam; then southwest from Ross Dam to State Highway 20; then southwest and northwest along State Highway 20 to Pyramid Creek and the point of beginning.

**Goat Unit 4-12 Mt. Tommy Thompson:**

Permit Area: Skagit County within the following described boundary: Beginning at the confluence of Illabot Creek on the Skagit River; then east up Illabot Creek to its headwaters; then continue east over the ridge line to the northern-most extension of Buck Creek; then north over the ridge line at 6,921 foot elevation to the southern-most extension of Muchler Creek; then northeast down Muchler Creek to Kindy Creek; then north down Kindy Creek to the Cascade River; then north and west down the Cascade River to the Skagit River; then west down the Skagit River to Illabot Creek and the point of beginning.

**Goat Unit 4-14 Mt. Buckindy:**

Permit Area: Skagit and Snohomish counties within the following described boundary: Beginning at the confluence of Buck Creek on the Suiattle River; then east up the Suiattle River to Sulphur Creek; then continue east up Sulphur Creek to Dome Creek; then north to Sinister Mountain and the Cascades Summit; then north along the Cascades Summit to Mt. Formidable; continue north into the headwaters at the Middle Fork Cascade River; then west down the Middle Fork Cascade River to the main Cascade River; continue west along the Cascade River to Kindy Creek; then south up Kindy Creek to Muchler Creek; then southwest up Muchler Creek to its southern-most extension; then continue southwest over the ridgetop at 6,921 foot elevation to the northern-most extension of Buck Creek; then continue southwest down

Buck Creek to the Suiattle River and the point of beginning.

**Goat Unit 4-16 Glacier Peak:**

Permit Area: Snohomish County within the following described boundary: Beginning at Tenpeak Mountain on the Cascades Crest; then northeast to three lakes (approximately 1.75 miles northeast of Tenpeak Mountain); then north and west down the Suiattle River to Mill Creek; then up the Mill Creek Trail (#790) and the Pacific Crest Trail (#2000) to Mica Lake, Fire Creek Pass, and Glacier Creek; continuing down Glacier Creek to the White Chuck River; then up the White Chuck River to White Mountain at the Cascade Crest, then northeast along Cascade Crest to Tenpeak Mountain and the point of beginning.

**Goat Unit 4-18 Sauk River Area:**

Permit Area: Snohomish County within the following described boundary: Beginning at the confluence of the Whitechuck River and Pugh Creek; then south up Pugh Creek to Round Lake; then south to USFS Trail #646; then west and south down this trail to the North Fork Sauk River; then east up said river to Sloan Creek; then up Sloan Creek to June Mountain; then due south to USFS Trail #1051; then east along said trail to the Pacific Crest Trail (#2000); then north along the Pacific Crest Trail to White Mountain; then down the Whitechuck River to the confluence with Pugh Creek and the point of beginning.

**Goat Unit 4-21 Liberty Mountain:**

Permit Area: Snohomish County within the following described boundary: Beginning at the Boulder River bridge on the Darrington-Arlington Highway (State Highway 530) to the town of Darrington; then east along said highway to the Darrington-Clear Creek Road (USFS Road 20); then southeast along that road to the bridge over Clear Creek; then south up Clear Creek to the confluence with Helena Creek and southeast up Helena Creek to Windom Lake; then southeast over an unnamed ridge to Independence Lake and down USFS Trail #712 to intersection with USFS Road 4060; then south down said road to the South Fork Stillaguamish River; then west down said river to Canyon Creek; then northeast up Canyon Creek, North Fork Canyon Creek and Meadow Creek to Tupso Creek; then east up Tupso Creek to its easternmost point; then continue northeast to Boulder River; then north down Boulder River to the bridge on State Highway 530 and the point of beginning.

**Goat Unit 4-23 Twin Peaks:**

Permit Area: Snohomish County within the following described boundary: Beginning at the intersection of Falls Creek and the Mt. Loop Highway (USFS Road 322); then west up Falls Creek and along USFS Trail #645 to USFS Road 3006; then south down said road to the Mountain Loop Highway; then east and north on said highway to Falls Creek and the point of beginning.

**Goat Unit 4-24 Sloan Peak:**

Permit Area: Snohomish County with the following described boundary: Beginning at the confluence of the South Fork and the North Fork of the Sauk River; then east up to the North Fork Sauk River to Sloan Creek; then south and southeast up Sloan Creek to June Mountain; then due south to USFS Trail #1051; then southwest along said trail to USFS Road 63; then continue southwest on said road to Silver Creek; then north up Silver Creek to Silver Lake; then north on USFS Trail #708 to Glacier Creek; then west along said creek to the South Fork Sauk River; then north down the South Fork Sauk River to the confluence of the North Fork Sauk River and the point of beginning.

Goat Unit 4-25 Vesper Peak:

Permit Area: Snohomish County within the following described boundary: Beginning at the Mountain Loop Highway bridge over Bear Creek (approximately three miles east of Verlot); then east up said highway to USFS Trail #707; then southwest on said trail (between Sperry Peak and Morning Star Peak) to the Sultan River; then west down said river and Spada Lake to Culmback Dam; then north up unnamed creek to the Pilchuck-Sultan divide; then northwest along said divide to Ritz Creek; then northeast down Ritz Creek to the Pilchuck River; then northwest down said river to Wilson Creek; then northwest up Wilson Creek to Ashland Lakes on the Pilchuck-Stillaguamish divide; then north down Black Creek and Bear Creek drainage to the Mountain Loop Highway bridge over Bear Creek and the point of beginning.

Goat Unit 4-30 Tolt River:

Permit Area: King and Snohomish counties within the following described boundary: Beginning at the point the Tolt River intersects the Weyerhaeuser Mainline Truck Road (approximately one mile west of the Tolt River South Fork Reservoir); then north along said road to the junction with State Highway 2; then east along said highway to the junction with the South Fork Skykomish River; then east and south up said river to the confluence of Money Creek; then west up Money Creek to Lake Elizabeth; then west to the headwaters of the South Fork Tolt River near Lake Elizabeth; then west down the South Fork Tolt River to the point of beginning. Except Closed: All of the Mount Index and Mount Persis as follows: Beginning at confluence of South Fork Skykomish River and Index Creek; then west up said creek and its northern fork to Ink Lake; then west up the ridge to the 4,915 elevation point; then southwest down the ridge (approximately one and one-half miles) to the confluence of Titacae Creek and the North Fork Tolt River; then west along said river to the Weyerhaeuser Mainline Truck Road; then north along said road to State Highway 2; then east along said highway to where it intersects the South Fork Skykomish River; then east along said river to the point of beginning.

Goat Unit 4-32 Foss River:

Permit Area: King and Snohomish counties within the following described boundary: Beginning at intersection of U.S. Highway 2 and the King County line at Stevens

Pass; then south along the King County line to the headwaters of the Middle Fork Snoqualmie River near Dutch Miller Gap; then west and south down said river to the confluence with the Dingford Creek; then north and east up said creek to its headwaters intersection with USFS Trail #1005; then north up said trail to Little Myrtle Lake; then west and north to Marlene Lake (approximately 4 miles); then north down the stream outlet from Marlene Lake to the junction with USFS Trail #1002 near Dorothy Lake; then north along said trail to the junction with the East Fork Miller River headwaters; then north down said river to the confluence with the South Fork Skykomish River; then east up said river to the junction with U.S. Highway 2; then east along said highway to the point of beginning.

Goat Unit 4-34 Pratt River:

Permit Area: King County within the following described boundary: Beginning at the point where the Weyerhaeuser Mainline Truck Road intersects the Middle Fork Snoqualmie River (near the confluence of the North Fork and Snoqualmie Rivers); then northeast up the Middle Fork Snoqualmie to its headwaters near Dutch Miller Gap at the King County line; then south along the King County line to Snoqualmie Pass and the intersection with Interstate 90; then west along Interstate 90 to the point nearest the Middle Fork Snoqualmie River (approximately one mile east of North Bend); then north and east up the Middle Fork Snoqualmie River and to the point of beginning. Except closed: Snoqualmie Mountain and the watersheds of Denny Creek and South Fork of the Snoqualmie above Denny Creek.

Goat Unit 4-38 Corral Pass:

Permit Area: Pierce County within the following described boundary: Beginning where Goat Creek intersects the Corral Pass Road; then southeast up Goat Creek to the Cascade Crest; then north along the Crest to USFS Trail #1188; then northwest along said trail to USFS Trail #1176; then north along said trail to Corral Pass; then west along Corral Pass Road to its intersection with Goat Creek and the point of beginning.

Goat Unit 5-2 Tatoosh:

Permit Area: Lewis County within the following described boundary: Beginning at the junction of the southern Mount Rainier National Park boundary and State Highway 123; then south along State Highway 123 to U.S. Highway 12; then southwest along said highway to Skate Creek Road (USFS Road 52); then northwest along said road to the junction of Morse Creek Road (old road to Longmire Campground); then north along said road to the Mount Rainier National Park boundary; then east along the southern park boundary to the point of beginning.

Goat Unit 5-4 Goat Rocks:

Permit Area: Lewis County south of the White Pass Highway (U.S. Highway 12) and east of the Johnson Creek Road (USFS Road 1302).

Goat Unit 6-1 Elwha River:

Permit Area: Clallam and Jefferson counties outside Olympic National Park and west of the Dungeness River.

Goat Unit 6-2 Quilcene River:

Permit Area: Clallam and Jefferson counties outside Olympic National Park, east of the Dungeness River and north of the Dosewallips River.

Goat Unit 6-3 Hamma Hamma River:

Permit Area: Jefferson and Mason counties outside Olympic National Park and south of the Dosewallips River.

MOOSE

Moose Unit 1 Selkirk Mountains:

Permit Area: GMU 113.

Moose Unit 2 Mt. Spokane:

Permit Area: GMU 124.

Moose Unit 3 Chewelah:

Permit Area: GMU 118.

Moose Unit 4 Boyer:

Permit Area: GMU 119.

BIGHORN SHEEP

Sheep Unit 1 Okanogan:

Permit Area: Okanogan County west of the Okanogan River.

Sheep Unit 2 Vulcan Mountain:

Permit Area: Ferry County north of the Kettle River.

Sheep Unit 3 Tucannon River:

Permit Area: The Tucannon River drainage in Columbia and Garfield counties.

Sheep Unit 5 ((~~Umtanum~~)) Umtanum:

Permit Area: That part of Yakima County north of Wenas Creek and that part of Kittitas County south of Interstate 90.

Sheep Unit 6 Murray:

Permit Area: That part of Yakima County north of Wenas Creek and that part of Kittitas County south of Interstate 90.

Sheep Unit 8 Mountainview:

Permit Area: That part of Asotin County within the following described boundary: Beginning at Anatone; thence west along the main Big Butte-Mount Misery Road to its junction with the Mountain Road (#40); thence south along the Mountain Road to the West Fork of Grouse Creek; thence southeast down Grouse Creek to the Oregon-Washington boundary; thence east along said boundary to State Highway 129; thence north along Highway 129 to Anatone and point of beginning.

Sheep Unit 9 Blackbutte:

Permit Area: That part of Asotin County within the following described boundary: All of GMU 184 (Joseph), 185 (Blackbutte), and that part of GMU 181 (Couse) that drains into the Grande Ronde River between the mouth of the Grande Ronde River and State Highway No. 129.

Sheep Unit 10 Mt. Hull:

Permit Area: That part of Okanogan County within the following described boundary: Beginning at Oroville; then south along Highway 97 to the Swanson's Mill Road (old Mt. Hull Road) near Lake Andrews, then east to the Dry Gulch Road; then north to the Molson Grade Road; then west to Oroville and the point of beginning.

Sheep Unit 11 Wenaha Wilderness:

Permit Area: The Crooked Creek drainage in Asotin, Garfield, and Columbia counties within the boundary of GMU 169.

LYNX

Permit Area: That part of Okanogan County west of the Okanogan River except closed within the following described boundary: Beginning at Okanogan, then west along State Highway 20 to Twisp; then north along the Methow River to the Chewuch River; then north along the Chewuch River to the Pasayten Wilderness boundary; then east and north along boundary to the U.S.-Canada border; then east along said border to U.S. Highway 97; then south along U.S. Highway 97, to Okanogan and point of beginning.

COUGAR PERMIT AREA DESCRIPTIONS

Unit	Description
1	Pend Oreille—GMU 113
2	Colville—GMUs 108, 111, 118, and 119
3	Republic—GMUs 100, 103, 105, 200, and 206
4	Spokane—GMUs 121 and 124
5	Blue Mountains—GMUs 145 through 185
6	Okanogan—GMUs 203, 209-242, and 300
7	Wenatchee—GMUs 301-368
8	Nooksack—GMU 418
9	Skagit—GMUs 426, 433, 440-448, and 450
10	Snoqualmie—GMUs 454, 460, 466, 472, 490
11	Olympic Peninsula—GMUs 601-651, and 663
12	Rainier—GMUs 478, 484, 505, 510, 512, 514, 516, 666, and 667
13	Cowlitz—GMUs 520, 530, 550, 556, and 558
14	Skamania—GMUs 560, 568, 572, 574, and 576

PRIVATE LANDS WILDLIFE MANAGEMENT AREA

Area Description

PLWMA 201 - Wilson Creek (Grant County): This area surrounds Billy Clapp Lake directly north of the town of Stratford and northwest of the town of Wilson Creek. The legal description is T22N, R29E, ((~~south 1/2 and northwest 1/4 of Section 2~~)); North 1/2 of

Section 3, Section(s) 4\*(;:) except southeast 1/4 of southeast 1/4; Sections 5, 6, 8, and 9. T23N, R29E, Sections 5, 7, 8, 13, 14, 17, and 18; Section 19 except for northwest 1/4 of the southwest 1/4; Sections 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29; southeast 1/4 of Section 30; Sections 31, 32\*, 33, 34\*, and 35. T23N, R28E, Section 2, Section 3 except west 1/4; Section 4 except southwest 1/4 and east 1/2 of southeast 1/4; Section 5; Section 6 except west 1/4; Sections 7 and 8; Section 9 except east 1/2 of southeast 1/4; north 1/2 of Section 10 except west 1/4; Section 11 except south 1/4; Section 15; Section 16 except northeast 1/4; Sections 17, 18, 19, 20, 21, 22, and 23; west 1/4 of Section 24\*; Sections 26\*, 27, 28, 29, 30, and 33; west 1/2 of Section 34 except south 1/4; Section 35. T24N, R29E, west 1/2 of Section 32. T24N, R28E, Section 35. \*Public lands within the external boundaries are not part of the PLWMA.

**WSR 92-12-066**  
**PROPOSED RULES**  
**HORSE RACING COMMISSION**

[Filed June 1, 1992, 4:50 p.m.]

**Original Notice.**

Title of Rule: New section WAC 260-13-175 Definition of "applicant" and 260-56-065 Decision of the stewards.

Purpose: WAC 260-13-175, specifically defining the term "applicant" with regard to new race track applications; and WAC 260-56-065, with regard to stewards decision on any objection, protest, or steward's inquiry, such decision is final in all respects except when appealing a written steward's ruling.

Statutory Authority for Adoption: RCW 67.16.040.

Summary: WAC 260-13-175 defines specifically who is considered an applicant; and WAC 260-56-065 qualifies specifically regarding decision of the stewards on objections, protests, and steward's inquiries.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Crowley, Olympia, Washington, 459-6462.

Name of Proponent: Washington Horse Racing Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 260-13-175 specifically defines the term "applicant" with regard to new race track applications to mean lessee as used in WAC 260-13-180, 260-13-200, 260-13-210, 260-13-230, 260-13-240, 260-13-320, 260-13-330, 260-13-350, 260-13-360 and 260-13-440; and WAC 260-56-065 states specifically that with regard to objections, protests, and steward's inquiries the decision of the stewards is final excepting the ability to appeal written stewards rulings.

Proposal does not change existing rules.

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

The enactment above is not anticipated to affect more than 20 percent of all industries nor more than 10 percent of any one industry as defined by section 2(3), chapter by laws of 1982. Therefore, a small business economic impact statement has not been prepared.

Hearing Location: SeaTac Red Lion, 18740 Pacific Highway South, Seattle, WA, on July 7, 1992, at 1:00 p.m.

Submit Written Comments to: John Crowley, Executive Secretary, Washington Horse Racing Commission, 3700 Martin Way, Suite 101, Olympia, WA 98506, by July 6, 1992.

Date of Intended Adoption: July 7, 1992.

May 29, 1992  
 John Crowley  
 Executive Secretary

**NEW SECTION**

WAC 260-13-175 DEFINITION OF "APPLICANT". In all rules relating to application of Class B licenses the term "Applicant" shall mean lessee. As used in WAC 260-13-180; 200; 210; 230; 240; 320; 330; 350; 360; and 440, for all new track facilities constructed after January 1, 1991, the term "Applicant" shall mean both lessee and lessor.

**NEW SECTION**

WAC 260-56-065 DECISION OF THE STEWARDS. The decision of the stewards regarding the disposition of any objection or protest arising out of the running of a race shall be within the sole discretion of the stewards and shall be final in all respects. No appeal may be filed from such final decision of the stewards regarding any objection, protest or steward's inquiry. This rule shall not prohibit any person from filing an appeal with the commission from any written steward's ruling issued as a result of an infraction occurring during the running of a race.

**WSR 92-12-067**  
**PROPOSED RULES**  
**HORSE RACING COMMISSION**  
 [Filed June 1, 1992, 4:52 p.m.]

**Original Notice.**

Title of Rule: WAC 260-13-100 Disclosure of management; 260-13-370 Investigation fee for Class A and B licenses; 260-13-390 Changes in Class A and B license applications; and 260-13-400 Deadlines for submission of Class A and B license applications.

Purpose: WAC 260-13-100, amend management disclosure to clarify intention regarding plan for racing, purse structure, plan for parimutuel wagering; WAC 260-13-370, amend filing fee; WAC 260-13-390, amending rule to allow changes of application at the direction of the commission; and WAC 260-13-400, revising the deadline for submission of a license application.

Statutory Authority for Adoption: RCW 67.16.040.

Summary: Amending chapter 13 [260-13 WAC] disclosure rules to better clarify management; amend new race track filing fee and enable commission to collect for expenses incurred over and above the initial filing fee; enable applicant to make changes in application after filed; and amend the deadline time frame.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Crowley, Olympia, Washington, 459-6462.

Name of Proponent: Washington Horse Racing Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The changes specified in these amendments to chapter 13 [260-13 WAC] licensing regarding new race track applications will allow the commission to better disclose management, raise the initial filing fee to allow a more intense investigation with regard to the application, making it possible to change a filed application should circumstances change before final approval of the application, and finally give the commission more flexibility with regard to the deadline for submission of a Class A and B license application.

Proposal Changes the Following Existing Rules: The amendments to WAC 260-13-100, 260-13-370, 260-13-390, and 260-13-400 will enable the commission to better clarify new race track application procedures for potential applicants.

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

The enactment above is not anticipated to affect more than 20 percent of all industries nor more than 10 percent of any one industry as defined by section 2(3), chapter by laws of 1982. Therefore, a small business impact statement has not been prepared.

Hearing Location: SeaTac Red Lion, 18740 Pacific Highway South, Seattle, WA, on July 7, 1992, at 1:00 p.m.

Submit Written Comments to: John Crowley, Executive Secretary, Washington Horse Racing Commission, 3700 Martin Way, Suite, Olympia, WA 98506, by July 6, 1992.

Date of Intended Adoption: July 7, 1992.

May 29, 1992

John Crowley  
Executive Secretary

**AMENDATORY SECTION** (Amending Order 86-03, § 260-13-100, filed 6/16/86)

WAC 260-13-100 DISCLOSURE OF MANAGEMENT. An applicant for a Class A license must disclose with regard to the development, ownership, and operation of its parimutuel horse racing facility:

(1) A description of the applicant's management plan, with budget and identification of management personnel by function, job descriptions, and qualifications for each management position, and a copy of the organization chart;

(2) Management personnel to the extent known with respect to each:

- Legal name, aliases, and previous names;
- Current residence and business addresses and telephone numbers;

(c) Qualifications and experience in the following areas:

- General business;
- Real estate development;
- Construction;
- Marketing, promotion, and advertising;
- Finance and accounting;
- Horse racing;
- Parimutuel betting;
- Security; and
- Human and animal health and safety; and

(d) Description of the terms and conditions of employment and a copy of the agreement;

(3) Consultants and other contractors who have provided or will provide management-related services to applicant to extent known and with respect to each:

- Full name;
- Current address and telephone number;
- Nature of services;
- Qualifications and experience;
- Description of terms and conditions of any contractor's agreement, and a copy of the agreement;
- Memberships of the applicant, management personnel, and consultants on horse racing organizations;
- Description of the applicant's security plan, including:
  - Number of deployment of security personnel used by applicant during a race meeting, security staff levels, and deployment at other times;

(b) Specific security plans for perimeter, stabling facilities, parimutuel betting facilities, purses and cash room;

(c) Specific plans to discover persons at the horse racing facility who have been convicted of a felony, had a license suspended, revoked, or denied by the commission or by the horse racing authority of another jurisdiction or are a threat to the integrity of a racing in Washington;

(d) Description of video monitoring equipment and its use;

(e) Whether the applicant will be a member of the Thoroughbred Racing Protective Bureau or other security organization; and

(f) Coordination of security with law enforcement agencies;

(6) Description of the applicant's plans for human and animal health and safety, including emergencies;

(7) Description of the applicant's marketing, promotion, and advertising plans;

(8) A description of the applicant's plan for concessions, including whether the licensee will operate concessions and, if not, who will, to the extent known;

(9) A description of training of the applicant's personnel; and

(10) A description of plans for compliance with all laws pertaining to discrimination, equal employment, and affirmative action; policies regarding recruitment, use, and advancement of minorities; policies with respect to minority contracting; a copy of equal employment opportunity statement and policy of the applicant dated and signed by chief executive officer; and a copy of affirmative action policy and procedures dated and signed; and identification of the affirmative action officer, including name, title, address, and telephone number; and

(11) A description of the applicant's plan for conduct of horse racing, including types of racing, number of days, weeks, specific dates, number of races per day, time of day and special events;

(12) A description of the applicant's plan for purses, including total purses, formula, minimum, stakes races, and purse handling procedures;

(13) A description of the applicant's plan for parimutuel betting, including, number of line divisions, windows, selling machines and clerks; use or duties of each; and accounting procedures, including its proposed system of internal audit and supervisory controls.

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

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

**AMENDATORY SECTION** (Amending Order 86-03, § 260-13-370, filed 6/16/86)

WAC 260-13-370 INVESTIGATION FEE FOR CLASS A AND B LICENSES. An applicant for a Class A or B license must submit to the commission's designee at the time of application a certified check or bank draft to the order of the state of Washington in the amount of ~~twenty-five~~ one-hundred thousand dollars to cover the costs of the investigation mandated by these rules. Upon completion of the investigation, the commission must refund promptly to the applicant any amount by which the ~~twenty-five~~ one-hundred thousand dollars exceeds the actual costs of investigation. If costs of the investigation at any time exceed ~~twenty-five~~ one-hundred thousand dollars, the applicant must remit the amount of the difference by certified check or bank draft within ~~ten~~ five days after receipt of a bill from the commission. Should an applicant fail to pay additional amounts when billed,

the commission shall suspend all further action or investigation on the application until receipt of all monies due and owing. The commission may, at its discretion require an additional amount by way of deposit if necessary to complete its investigation. An individual or other entity applying for Class A and B licenses simultaneously must submit only one ~~twenty-five~~ one-hundred thousand dollar investigation fee.

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

**AMENDATORY SECTION** (Amending Order 86-03, § 260-13-390, filed 6/16/86)

WAC 260-13-390 CHANGES IN CLASS A AND B LICENSE APPLICATIONS. The commission ~~must not~~ may consider a substantive amendment to a Class A or B license application after its submission: if such amendment is made at the direction of the commission or, is deemed by the commission to be in the best interests of the racing industry.

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

**AMENDATORY SECTION** (Amending Order 86-03, § 260-13-400, filed 6/16/86)

WAC 260-13-400 DEADLINES FOR SUBMISSION OF CLASS A AND B LICENSE APPLICATIONS. Deadlines for submission of a Class A or B license application ~~must~~ may be specified by the commission, ~~but, as a minimum, they must provide for at least four months of review.~~

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

**WSR 92-12-068**  
**PROPOSED RULES**  
**HORSE RACING COMMISSION**

[Filed June 1, 1992, 4:55 p.m.]

**Original Notice.**

Title of Rule: WAC 260-24-280 Stewards—Authority to award punishment; and 260-88-010 Appeal to the commission.

Purpose: WAC 260-24-280 amends the fine amount, raising suspension days, rules apply ten days before the date of the beginning of the race meet and until all matters have been concluded; and WAC 260-88-010, amends appeal rights, imposing refundable appearance deposit, ability to appeal in writing providing the commission has given preapproval to do so.

Statutory Authority for Adoption: RCW 67.16.040.

Summary: Clarify the stewards authority to award punishment for infractions; institutes a refundable appearance deposit, and institutes the ability to submit appeal in writing with the preapproval of the commission.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Crowley, Olympia, Washington, 459-6462.

Name of Proponent: Washington Horse Racing Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 260-24-280, will enable the stewards to more effective[ly] and fairly award punishment; and

WAC 260-88-010, will clearly define the commission's procedure to file an appeal in writing, and also, will institute an appearance deposit.

Proposal Changes the Following Existing Rules: WAC 260-24-280, amending the fine maximum amount and increasing suspension days; and WAC 260-88-010, amending rules with regard to submitting appeals to the commission in writing by preapproving it with the commission, and instituting an appearance deposit.

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

The enactment above is not anticipated to affect more than 20 percent of all industries nor more than 10 percent of any one industry as defined by section 2(3), chapter by laws of 1982. Therefore, a small business impact statement has not been prepared.

Hearing Location: SeaTac Red Lion, 18740 Pacific Highway South, Seattle, WA, on July 7, 1992, at 1:00 p.m.

Submit Written Comments to: John Crowley, Executive Secretary, Washington Horse Racing Commission, 3700 Martin Way, Suite 101, Olympia, WA 98506, by July 6, 1992.

Date of Intended Adoption: July 7, 1992.

May 29, 1992  
John Crowley  
Executive Secretary

**AMENDATORY SECTION** (Amending Order 72-6 [Resolution No. 87-02], § 260-24-280, filed 10/13/72 [7/8/87]; Rule 259, filed 4/21/61)

WAC 260-24-280 STEWARDS—AUTHORITY TO AWARD PUNISHMENT. The stewards have the power to punish at their discretion any person subject to their control either by suspension of the privilege of attending the races during the meeting; or by suspension from ~~acting~~ participating in or riding during the meeting; or by fine not exceeding ~~\$750.00~~ \$2,000.00; or both, and if in their discretion they deem it necessary they may impose a suspension of to thirty one hundred and eighty days beyond the meet; for any further punishment or additional fine, they shall so report to the commission. Persons subject to these rules are deemed to come within the control of the board of stewards assigned to a meet beginning ten days before on the day an association accepts entries for the first day of racing of that meet: and shall remain under the control of the board of stewards until such time as all matters arising out of conduct at the meet have been concluded.

**Reviser's note:** The bracketed material preceding the section above was supplied by the code reviser's office.

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

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

**AMENDATORY SECTION** (Amending Order 82-03, § 260-88-010, filed 4/9/82; Rules of racing, § 383, filed 4/21/61)

WAC 260-88-010 APPEAL TO THE COMMISSION. (1) Any person against whom a ruling is made by the stewards may appeal the ruling to the commission other than a decision of the stewards regarding the disposition of any objection or protest arising out of the running of a race or as to a finding of fact occurring incident to the running of a race.

(2) Such appeal must be made in writing at the office of the commission within five days of the date of the stewards' ruling.

(3) The appeal shall be signed by the person making it and must set forth the alleged errors in the stewards' ruling.

(4) The appeal shall be accompanied by an appearance deposit in the amount of \$100.00. At the time and place scheduled for the hearing before the commission, and at such time as the appellant appears for the hearing, the deposit shall be refunded. Should the appellant fail to appear for the hearing without a showing of good cause, the deposit shall be forfeited.

~~(4)~~ (5) Any person bringing an appeal will be heard in person or by counsel. A person bringing an appeal may submit his or her case entirely in writing, provided this is specified at the time of the filing of the appeal with the commission and this procedure is given written approval by the commission.

~~(5)~~ (6) All communications to the commission with respect to an appeal must be in writing, and all papers filed with the commission shall be the property of the commission.

~~(6)~~ (7) An appeal from a decision of a racing official to the commission shall not affect such decision until the appeal has been acted upon by the commission, unless otherwise ordered by the commission or by a court of competent jurisdiction. Upon a showing of good cause, the commission may stay the effect of any ruling of the stewards pending commission review of the ruling. The granting of such a stay shall carry no presumption as to the validity of the stewards' ruling. The commission may lift such a stay pending appeal if appropriate.

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

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

**WSR 92-12-069**  
NOTICE OF PUBLIC MEETINGS  
OFFICE OF  
MARINE SAFETY  
[Memorandum—May 28, 1992]

The Marine Oversight Board, appointed by Governor Gardner to oversee the activities of the federal government, state agencies, and industry in preventing and responding to oil spills, will hold their board meetings as follows: Third Friday of each quarter—July, October, January, and April, at 1:00 p.m., at the Seattle-Tacoma International Airport Theater Room, Door No. 5132 Ticketing Level (theater is located behind Thai Airways ticketing counter).

In addition to the quarterly meetings, two special meetings have been scheduled as follows: July 24, 1992, at 1:00 p.m., at the Seattle-Tacoma International Airport Theater Room, Door No. 5132 Ticketing Level (theater is located behind Thai Airways ticketing counter); and on September 2, 1992, at 1:00 p.m., at the Seattle-Tacoma International Airport Theater Room, Door No. 5132 Ticketing Level (theater is located behind Thai Airways ticketing counter).

**WSR 92-12-070**  
NOTICE OF PUBLIC MEETINGS  
OFFICE OF  
MARINE SAFETY  
[Memorandum—May 28, 1992]

In 1991, the legislature passed the Vessel Oil Spill Prevention and Response Act which mandated that the

Office of Marine Safety establish regional marine safety committees. Those committees have been appointed and the Strait of Juan de Fuca/Northern Puget Sound Regional Marine Safety Committee will meet as follows: Second Wednesday of every month, at 1:00 p.m., at the Foss Maritime Company, 660 West Ewing Street, Seattle, WA.

**WSR 92-12-071**  
NOTICE OF PUBLIC MEETINGS  
OFFICE OF  
MARINE SAFETY  
[Memorandum—May 28, 1992]

In 1991, the legislature passed the Vessel Oil Spill Prevention and Response Act which mandated that the Office of Marine Safety establish regional marine safety committees. Those committees have been appointed and the Southern Puget Sound Regional Marine Safety Committee will meet as follows: First Wednesday of every month, at 9:30 a.m., at the World Trade Center, Port of Tacoma, 3600 Port of Tacoma Road, Tacoma, WA 98421.

**WSR 92-12-072**  
NOTICE OF PUBLIC MEETINGS  
OFFICE OF  
MARINE SAFETY  
[Memorandum—May 28, 1992]

In 1991, the legislature passed the Vessel Oil Spill Prevention and Response Act which mandated that the Office of Marine Safety establish regional marine safety committees. Those committees have been appointed and the Grays Harbor/Pacific Coast Regional Marine Safety Committee will meet as follows: Third Tuesday of every month, at 1:00 p.m., at the Office of Marine Safety, 711 State Avenue N.E., Olympia, WA.

**WSR 92-12-073**  
NOTICE OF PUBLIC MEETINGS  
OFFICE OF  
MARINE SAFETY  
[Memorandum—June 1, 1992]

In 1991, the legislature passed the Vessel Oil Spill Prevention and Response Act which mandated that the Office of Marine Safety establish regional marine safety committees. Those committees have been appointed and the Columbia River Regional Marine Safety Committee will meet as follows: Fourth Wednesday of every month, at 10:00 a.m., at the Oregon Economic Development Department, One World Trade Center, 121 S.W. Salmon Street, Suite 300, Portland, Oregon.

**WSR 92-12-074**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**

[Order 600—Filed June 2, 1992, 8:19 a.m.]

**Original Notice.**

**Title of Rule:** Chapter 332-10 WAC, Public records—Department of Natural Resources and Board of Natural Resources. WAC 332-10-170 Fees for performing the following services, sets monetary amounts for copying public records.

**Purpose:** To update the fee schedule for copying public records.

**Statutory Authority for Adoption:** RCW 42.17.250 and 42.17.300.

**Statute Being Implemented:** RCW 42.17.250 and 42.17.300.

**Summary:** This proposal updates the fee schedule for copying public records.

**Reasons Supporting Proposal:** Expenses for equipment, supplies, maintenance, and time involved in copying.

**Name of Agency Personnel Responsible for Drafting:** Connie Bergener, Section Manager, Mailstop 7020, 1102 South Quince, 753-1262; **Implementation and Enforcement:** Bob Edwards, Division Manager, Mailstop 7020, 1102 South Quince, 753-1308.

**Name of Proponent:** Department of Natural Resources, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** The proposal would update the Department of Natural Resources copying fee schedule which has never been updated. The cost of running our equipment, cost of supplies, etc., continue to increase. This would offset the cost of these expenses.

**Proposal Changes the Following Existing Rules:** Changes where the fees collected are deposited. Does not specify resource management fund because there are fees collected that would go to different programs of the agency. The resource management fund would still receive appropriate fees. Also changes the copy fee for documents which do not exceed 8 1/2 x 14 from 15 cents per page to \$1 per page.

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

**Hearing Location:** First Floor Conference Room, 1102 South Quince Street, Olympia, WA 98501, on July 7, 1992, at 9 a.m.

**Submit Written Comments to:** Connie Bergener, Section Manager, P.O. Box 47020, Olympia, WA 98504-7020, by July 6, 1992.

**Date of Intended Adoption:** July 10, 1992.

June 1, 1992  
 Pat McElroy  
 for Art Stearns  
 Supervisor

**AMENDATORY SECTION** (Amending Order 406, filed 12/6/83)

WAC 332-10-170 FEES FOR PERFORMING THE FOLLOWING SERVICE. Charges for the following categories of services will be collected and transmitted to the state treasurer for deposit ((into the resource management cost account)):

(1) Twenty-five dollars for the approval of any assignment of contract of sale, assignment of lease, assignment of bill of sale or assignment of right of way.

(2) Twenty-five dollars for the division of contracts or leases pursuant to RCW 79.01.236.

(3) Five dollars for certification of any document.

(4) ((Fifteen cents)) One dollar per page for copies of documents which do not exceed 8-1/2 x 14 inches in size.

(5) Copies of documents or nonstandard items beyond the size of documents set forth in subsection (4) ((above)) of this section (e.g., computer printouts, films, recordings or) maps will be charged on the basis of the cost of reproduction including the time of department personnel as determined by the ((records officer for the)) department of natural resources.

**WSR 92-12-075**

**WITHDRAWAL OF PROPOSED RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
**(By the Code Reviser's Office)**

[Filed June 2, 1992, 8:45 a.m.]

WAC 332-22-050, 332-22-070, 332-22-100 and 332-22-105, proposed by the Department of Natural Resources in WSR 91-23-055, appearing in issue 91-23 of the State Register, which was distributed on December 4, 1991, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor  
 Washington State Register

**WSR 92-12-076**

**WITHDRAWAL OF PROPOSED RULES**  
**SECRETARY OF STATE**  
**(By the Code Reviser's Office)**

[Filed June 2, 1992, 8:46 a.m.]

WAC 434-53-330 and 434-53-340, proposed by the Secretary of State in WSR 91-23-097, appearing in issue 91-23 of the State Register, which was distributed on December 4, 1991, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor  
 Washington State Register

**WSR 92-12-077**

**NOTICE OF PUBLIC MEETINGS**  
**HUMAN RIGHTS COMMISSION**

[Memorandum—May 29, 1992]

The Washington State Human Rights Commission will hold its June regular commission meeting in Yakima on

June 24, and in Toppenish on June 25, 1992. The meeting on June 24, will be held at the Yakima City Hall, City Council Chambers, 129 North 2nd Street, Yakima, and will be a public forum with a dual topic of race relations and employment, beginning at 6:30 p.m. The regular business meeting on June 25, will be held at the Yakima Nation Cultural Center, Fourteen Tribes Meeting Room, Highway 97, Toppenish, beginning at 9:30 a.m. There will be a discussion on the topic of housing discrimination in the Yakima Valley area during the afternoon portion of this meeting.

**WSR 92-12-078**  
**NOTICE OF PUBLIC MEETINGS**  
**INTERAGENCY COMMITTEE**  
**FOR OUTDOOR RECREATION**  
 [Memorandum—May 29, 1992]

The Interagency Committee for Outdoor Recreation will meet on July 24, 1992, beginning at 9:00 a.m. at the Agriculture and Trade Center Building, Spokane, Washington.

This meeting is a funding session of the IAC for the Washington wildlife and recreation program, chapter 43.98A RCW.

**WSR 92-12-079**  
**PROPOSED RULES**  
**BOARD OF**  
**PILOTAGE COMMISSIONERS**  
 [Filed June 2, 1992, 1:49 p.m.]

Original Notice.

Title of Rule: WAC 296-116-075 Qualifications for pilot applicants.

Purpose: Clarification of existing qualifications for taking the state pilotage examination, that if an applicant relies on experience as a master of a vessel engaged in ocean, coastal or inland waters, such experience must be as a master of a cargo, tank or passenger vessel.

Statutory Authority for Adoption: RCW 88.16.090(2).

Statute Being Implemented: RCW 88.16.090(2).

Summary: The rule clarifies that an applicant for the state pilots examination and to be eligible for appointment as a pilot must have a first class United States endorsement without reservation; that if an applicant relies on experience as a master of a vessel, that experience must be as a master for a vessel primarily engaged in the transportation of cargo, tank or passengers between points.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Admiral Chet Richmond, Pier 52, Seattle, Washington, 464-7818.

Name of Proponent: Puget Sound Pilots Association, private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule clarifies the existing rules relating to qualifications to take a pilotage exam and for appointment as a pilot. An applicant must have the required experience as a master in cargo, tank or passenger vessels engaged in transportation of cargo or passengers between points. It also clarifies that an applicant must have a United States endorsement without restriction on the master's license prior to applying to take the pilotage examination.

Proposal Changes the Following Existing Rules: The proposed rule clarifies the existing rule as to the type of vessels in which the required experience is necessary, requiring experience to be in cargo, tank or passenger vessels transporting cargo or passengers between points. It also clarifies that the applicant must have a United States endorsement on the license without restriction prior to application for taking the pilot examination.

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

Hearing Location: Colman Dock, Pier 52, 801 Alaskan Way, Seattle, WA, on July 9, 1992, at 9:00 a.m.

Submit Written Comments to: Admiral Chet Richmond, Pier 52, Colman Dock, Seattle, Washington, by July 6, 1992.

Date of Intended Adoption: July 9, 1992.

June 1, 1992  
 Theodore O. Torve  
 Senior Assistant  
 Attorney General

AMENDATORY SECTION (Amending WSR 90-17-094, filed 8/20/90, effective 9/20/90)

WAC 296-116-075 QUALIFICATIONS FOR PILOT APPLICANTS. Under the authority of RCW 88.16.090 pilot applicants, in addition to meeting the requirements therein, must hold a first class United States endorsement without restrictions on the United States Government license to pilot in the pilotage districts for which the pilot applicant desires to be licensed and meet one of the following additional requirements before taking the Washington State pilotage examination:

(1) One year of service ~~(as a master of)~~ in ocean or near coastal waters as a master of cargo, tank or passenger vessels of 5,000 gross tons or more while holding a license as a master of ocean steam or motor vessels of any gross tons or as a master of near coastal steam or motor vessels of any gross tons; or

(2) Two years of service ~~(as a master of)~~ in ocean or near coastal waters as a master of cargo, tank or passenger vessels of 450 gross tons or more while holding a license as a master of ocean, or near coastal steam or motor vessels of not more than 1600 gross tons; or

(3) Two years of service ~~(as a master of)~~ inland waters ~~(steam or motor)~~ as a master of cargo, tank or passenger vessels of 500 gross tons or more while holding a license as a master of ocean, near coastal or inland steam or motor vessels of not more than 1600 gross tons; or

(4) Two years of service as a master of towing vessels of 100 gross tons or more while holding a license as a master of ocean, near coastal or inland steam or motor vessels of not more than 1600 gross tons; or

(5) Three years of service as a member of an organized professional pilots association or as a U.S. government employed pilot during which period the applicant was actively engaged in piloting. Hold as a minimum a license as a master of ocean, near coastal or inland steam or motor vessels of not more than 1600 gross tons; or

~~((6) Two years of service as a chief mate of ocean or near coastal vessels of 5000 gross tons or more while holding a license as a master of ocean steam or motor vessels of any gross tons; or)~~

~~((7))~~ (6) Two years of service as a commanding officer of U.S. government vessels of not less than 1000 gross tons and hold a license as

either a master of ocean or near coastal steam or motor vessels of any gross tons.

(7) As used in this section "cargo, tank or passenger vessels" shall refer to vessels primarily engaged in the transportation of cargo or passengers between points.

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

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

**WSR 92-12-080**  
**PROPOSED RULES**  
**PARKS AND RECREATION**  
**COMMISSION**

[Filed June 2, 1992, 3:25 p.m.]

**Original Notice.**

**Title of Rule:** Use of metal detectors in state parks, WAC 352-32-235.

**Purpose:** Expands the hours that parks are open to metal detectors and clarifies what kinds of tools can be used.

**Statutory Authority for Adoption:** RCW 43.51.040.

**Statute Being Implemented:** RCW 43.51.040(3).

**Summary:** WAC 352-32-235 is being changed to allow metal detectors to use parks during daylight hours as posted as "open". Also, limits probes used for digging to specific widths and lengths.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Rex Derr, State Parks, 7150 Cleanwater Lane, Olympia, 753-2066.

**Name of Proponent:** Washington State Parks and Recreation Commission, governmental.

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

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

**Proposal Changes the Following Existing Rules:** [No information supplied by agency.]

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

**Hearing Location:** Rosario Resort, Eastsound, Washington 98245, on July 17, 1992, at 9:00 a.m.

**Submit Written Comments to:** Rex Derr, State Parks, 7150 Cleanwater Lane, Olympia, by July 1, 1992.

**Date of Intended Adoption:** July 17, 1992.

June 3, 1992  
Nina Carter  
Executive Assistant

**AMENDATORY SECTION** (Amending WSR 90-04-025, filed 1/29/90, effective 3/1/90)

WAC 352-32-235 **USE OF METAL DETECTORS IN STATE PARKS.** The use and operation of metal detectors, as well as the removal of ~~((found))~~ small contemporary materials, is permitted within selected state parks as designated by the director, subject to the conditions and limitations specified.

(1) The use of metal detectors is permitted only within specified portions of the developed day use areas of these state parks as posted for public reference.

(2) The use of metal detectors within a state park shall be limited to daylight hours ~~((of operation before 10:00 a.m. from the Friday before Memorial Day through Labor Day, and shall be limited to the hours of operation at other times of the year.))~~ that the park has posted as "open." No use shall be allowed during periods of seasonal or emergency park closure.

(3) Any person wishing to use a metal detector shall so indicate to park personnel at the park where the use is to occur, by complying with the registration process provided for such purpose.

(4) Exceptional uses of metal detectors in state parks may be allowed through the issuance of a special recreation event application, available from the agency.

(5) This section does not apply to commission employees while engaged in the performance of their duties.

(6) Persons operating metal detectors in state parks and state park areas shall:

(a) Observe all laws and regulations.

(b) Never destroy or disturb park facilities, natural features, or historical or archeological resources. No item which appears to be of historical or archaeological significance, remaining from either early pioneer activity or from a native American presence, may be removed from the site at which it was found. Any such find shall be immediately reported to park personnel, and the area in which the find occurred shall not be disturbed further.

(c) Limit digging implements to ice picks, screwdrivers and probes not to exceed ~~((one inch width))~~ two inches in width and sand scoops not to exceed six inches in width and eight inches in length, containing perforations no less than one-half inch in width, to be used only on sand surfaces. Any holes dug shall be limited to six inches maximum depth and shall be immediately refilled and the surface restored to its earlier condition.

(d) Properly dispose of all found or recovered trash and litter.

(e) Conduct themselves with thoughtfulness, courtesy and consideration for others, and not interfere with other recreational activities. An operator shall not allow any emitted metal detector sound audible to other park users from the Friday before Memorial Day through Labor Day.

**WSR 92-12-081**  
**PROPOSED RULES**  
**PARKS AND RECREATION**  
**COMMISSION**

[Filed June 2, 1992, 3:27 p.m.]

**Original Notice.**

**Title of Rule:** Sno-park permits expanded to include a one-day permit at \$7.00 per vehicle, WAC 352-32-270.

**Purpose:** Presently, Washington State Parks and Recreation only offers two types of permits, seasonal and three-day. This WAC change will offer a one-day permit.

**Statutory Authority for Adoption:** RCW 43.51.040.

**Statute Being Implemented:** RCW 43.51.400.

**Summary:** The users of the State Parks and Recreation Commission sno-park parking areas would like to have more options available to them when purchasing a sno-park parking permit. Presently, a seasonal permit and a three-day consecutive permit is available. Adding a third option of a one-day permit is requested at this time.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Colleen Maguire, State Parks, 7150 Cleanwater Lane, Olympia, 586-0185.

**Name of Proponent:** Washington State Parks and Recreation Commission, governmental.

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

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

Proposal Changes the Following Existing Rules: Adds a new permit for sno-parking areas.

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

Hearing Location: Rosario Resort, Eastsound, Washington 98245, on July 17, 1992, at 9:00 a.m.

Submit Written Comments to: Colleen Maguire, State Parks, 7150 Cleanwater Lane, Olympia, by July 6, 1992.

Date of Intended Adoption: July 17, 1992.

June 3, 1992

Nina Carter

Executive Assistant

AMENDATORY SECTION (Amending WSR 91-09-001, filed 4/4/91, effective 10/1/91)

WAC 352-32-270 SNO-PARK PERMIT—FEE. The fees and commencement and expiration dates for ((~~the~~) winter recreational area parking permits issued by the state of Washington shall be as follows:

(1) Seasonal permit – \$20.00 per vehicle per season – commences October 1 and expires May 1 of the winter season for which it is issued.

(2) Three day permit – \$10.00 per vehicle – commences on the date identified on the permit in the space provided and expires no later than twelve midnight two consecutive days later.

(3) One day permit – \$7.00 per vehicle – commences on the date identified on the permit in the space provided and expires on that same date.

**WSR 92-12-082**

**PROPOSED RULES**

**PARKS AND RECREATION COMMISSION**

[Filed June 2, 1992, 3:29 p.m.]

Original Notice.

Title of Rule: Land exchange fee in WAC 352-32-295.

Purpose: Land exchange transfer fee is considered paid by the difference in land value.

Statutory Authority for Adoption: Chapter 43.51 RCW.

Statute Being Implemented: Chapter 43.51 RCW.

Summary: WAC 352-32-295 requires the payment of a \$100 transfer fee for all land exchanges where commission property is involved. In all land exchanges the property received by the commission has a value which equals or exceeds that of the property being transferred by the commission. This difference in value in many of these exchanges exceeds the \$100 transfer fee required by the WAC. Staff recommends that the transfer fee be considered paid when an exchange has a donation to the state that exceeds the \$100 amount.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Andrew Kramer, State Parks, 7150 Cleanwater Lane, Olympia, 753-2015.

Name of Proponent: Washington State Parks and Recreation Commission, governmental.

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

Proposal Changes the Following Existing Rules: Adds a sentence to WAC 352-32-295 stating that the \$100 fee shall be considered paid by the difference in land value when an exchange has a donation to the state that exceeds the \$100 amount.

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

Hearing Location: Rosario Resort, Eastsound, Washington 98245, on July 17, 1992, at 9:00 a.m.

Submit Written Comments to: Andrew Kramer, State Parks, 7150 Cleanwater Lane, Olympia, by July 1, 1992.

Date of Intended Adoption: July 17, 1992.

May 22, 1992

Nina Carter

Executive Assistant

AMENDATORY SECTION (Amending Order 80, filed 10/2/84)

WAC 352-32-295 LAND EXCHANGE—FEE. A party who exchanges land with the commission shall pay a nonrefundable transfer fee to the commission of one hundred dollars for each exchange. When the exchange includes a transfer to the commission of land valued at one hundred dollars or more than the value of land transferred by the commission, the transfer fee shall be considered paid by the difference in the land value.

**WSR 92-12-083**

**PERMANENT RULES**

**SECRETARY OF STATE**

[Filed June 2, 1992, 3:45 p.m.]

Date of Adoption: June 2, 1992.

Purpose: Implement the provisions of chapter 59, Laws of 1990, providing for the standardization of administrative practices connected with the conduct of elections.

Statutory Authority for Adoption: Chapter 59, Laws of 1990.

Pursuant to notice filed as WSR 92-09-112 on April 21, 1992.

Changes Other than Editing from Proposed to Adopted Version: In WAC 434-53-190, on the ninth line, the word "shall" is replaced by the words "may also" to make the activity optional rather than required.

Effective Date of Rule: Thirty-one days after filing.

June 2, 1992

Donald F. Whiting

Assistant Secretary of State

AMENDATORY SECTION (Amending Order 84-2, filed 7/16/84)

WAC 434-28-012 ~~DECLARATION ((AND AFFIDAVIT)) OF CANDIDACY—OFFICES SUBJECT TO A PRIMARY. Declarations ((and affidavits)) of candidacy for all partisan and nonpartisan offices shall be filed in substantially the following form:~~

~~((DECLARATION AND AFFIDAVIT OF CANDIDACY~~

~~1. I, \_\_\_\_\_  
(print name as you are registered to vote)  
am a registered voter residing at:~~

2. \_\_\_\_\_  
(street address or rural route) \_\_\_\_\_ (telephone no.) \_\_\_\_\_  
\_\_\_\_\_, Washington \_\_\_\_\_  
(city) \_\_\_\_\_ (county) \_\_\_\_\_ (zip code)

and at the time of filing this declaration I am legally qualified to assume office if elected.

3. I declare myself as a candidate for nomination to the office of: \_\_\_\_\_  
\_\_\_\_\_  
(name of office)

(congressional or legislative district, county, city, or other jurisdiction)

(position number if applicable) \_\_\_\_\_ (director or commissioner district, if any)

4. For the following term of office:  
 a full term or a full term and a short term, or  
 an unexpired term

5. At the primary in September, 19 \_\_\_\_

6. This office is:  
 Nonpartisan, or  
 Partisan, and I am:  
 a candidate of the \_\_\_\_\_ party, or  
 an independent candidate nominated pursuant to chapter 29.24 RCW

7. Filing Fee (Check one):  
 There is no filing fee because the office has no fixed annual salary, or  
 I am submitting a filing fee of \$ \_\_\_\_\_, an amount equal to 1% of the annual salary, or  
 I am without sufficient assets or income to pay the filing fee required by law and I have attached a nominating petition in lieu of this fee, pursuant to RCW 29.18.050

8. Please print my name on the ballot exactly as follows:  
\_\_\_\_\_  
(please print)

I swear, or affirm, that this information is, to the best of my knowledge, true. I also swear, or affirm, that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington.

9. Sign Here \_\_\_\_\_  
(signature of candidate as registered to vote)

\*Note: Your signature must be personally witnessed by either a notary public or by the officer with whom the declaration is filed.

Subscribed and sworn before me this \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_

\_\_\_\_\_  
(signature of acknowledging official)

\_\_\_\_\_  
(title of acknowledging official))

FILING DATA . . . FOR OFFICE USE ONLY

Date \_\_\_\_\_ Fee Paid \$ \_\_\_\_\_ File No. \_\_\_\_\_  
 Paid By (Check one)  
 AM  Check  Other  
 PM  Cash  Nom. Petition  
 Clerk/Cashier initials \_\_\_\_\_

# DECLARATION OF CANDIDACY

1. I, \_\_\_\_\_ am a registered voter residing at:  
(PRINT NAME AS YOU ARE REGISTERED TO VOTE)

2. \_\_\_\_\_  
(STREET ADDRESS OR RURAL ROUTE) (TELEPHONE NUMBER)

\_\_\_\_\_  
(MAILING ADDRESS--IF DIFFERENT)  
 \_\_\_\_\_, Washington \_\_\_\_\_  
(CITY) (COUNTY) (ZIP CODE)

and at the time of filing this declaration I am legally qualified to assume office if elected.

3. I declare myself as a candidate for nomination to the office of:

\_\_\_\_\_  
(NAME OF OFFICE)

\_\_\_\_\_  
(CONGRESSIONAL OR LEGISLATIVE DISTRICT, COUNTY, CITY, OR OTHER JURISDICTION)

\_\_\_\_\_  
(POSITION NUMBER IF APPLICABLE) (DIRECTOR OR COMMISSIONER DISTRICT, IF ANY)

4. For the following term of office:

- a full term or a full term and a short term, or
- an unexpired term

5. This office is:

- Nonpartisan, or
- Partisan, and I am:  a candidate of the \_\_\_\_\_ party, or  
 an independent candidate nominated pursuant to chapter 29.24 RCW

6. Filing Fee (Check one):

- There is no filing fee because the office has no fixed annual salary, or
- I am submitting a filing fee of \$10 because the fixed annual salary of the office being sought is \$1,000 or less, or
- I am submitting a filing fee of \$ \_\_\_\_\_, an amount equal to 1% of the annual salary, or
- I am without sufficient assets or income to pay the filing fee required by law and I have attached a nominating petition in lieu of this fee, pursuant to RCW 29.18.050.

7. Please print my name on the ballot exactly as follows: \_\_\_\_\_  
(PLEASE PRINT)

I declare that this information is, to the best of my knowledge, true. I also swear, or affirm, that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington.

*Note: Your signature must be personally attested to by either a notary public or by the officer with whom the declaration is filed.*

8. Sign Here **X** \_\_\_\_\_  
(SIGNATURE OF CANDIDATE AS REGISTERED TO VOTE)

\_\_\_\_\_  
(SIGNATURE OF ACKNOWLEDGING OFFICIAL)

\_\_\_\_\_  
(TITLE OF ACKNOWLEDGING OFFICIAL)

Candidate: Return all copies of this declaration to your Elections Dept.  
Distribution by Elections Dept: White--County; Yellow--PDC; Pink--Candidate

Candidate: Return all copies of this declaration to ((your Elections Dept)) the filing officer. Distribution by ((Elections Dept)) the filing officer: White—County; Yellow—PDC; Pink—Candidate

(SEAL)

.....  
(Title of acknowledging official))

The forms shall measure eight and one-half inches by eleven inches and ((may)) be printed on paper stock of good quality. The form shall also contain space for recording the date and time of filing and a sequential filing and receipt number. One copy of each properly executed and filed declaration and affidavit of candidacy shall be forwarded to the public disclosure commission as required by RCW ((29.18.040)) 29.15.030, and one copy of each properly executed and filed declaration and affidavit of candidacy((, containing such information on the requirements of chapter 42.17 RCW as may be provided by resolution of the public disclosure commission,)) shall be returned to the candidate.

The forms shall measure eight and one-half inches by eleven inches and be printed on paper stock of ((twenty pound bond or a comparable substitute)) good quality. The form may also contain space for recording the date and time of filing, a receipt number, if applicable, and a sequential filing number. County auditors may design and use a declaration of candidacy different in form and style from that specified by this rule as long as it contains all of the information required by this rule.

AMENDATORY SECTION (Amending Order 84-2, filed 7/16/84)

NEW SECTION

WAC 434-28-020 DECLARATION OF CANDIDACY—PRECINCT ((COMMITTEEMAN)) COMMITTEE OFFICER. Declarations ((and affidavits)) of candidacy for the office of precinct ((committeeman)) committee officer, shall be filed in ((the form hereinafter set forth)) substantially the following form:

WAC 434-28-050 USE OF TITLE OR RANK PROHIBITED. No person when filing for office shall be permitted to use any title instead of, or in conjunction with, his or her name, except as may be provided by law or administrative rule.

NEW SECTION

DECLARATION ((AND AFFIDAVIT)) OF CANDIDACY

WAC 434-28-060 DUPLICATION OF NAMES. Whenever, in the judgment of the filing officer, two or more candidates have filed for the same office whose names are so similar as to be confusing to voters, he or she shall differentiate between the candidates by the inclusion of additional information in connection with the name as it appears on the ballot. Such differentiation may be made by the inclusion of the candidate's occupation, status as incumbent or challenger, or by any other means which, in the judgment of the filing officer, fairly and impartially distinguishes the candidates. The filing officer may solicit suggestions and input from the candidates involved in order to resolve the situation.

State of Washington }  
County of ..... } ss.

I, (Name as it will appear on ballot), declare that I am a registered voter residing at (Street and Number or Rural Route), (City or Town), County of ....., state of Washington; that, at the time of filing this declaration, I am a registered voter in ..... precinct and that I am legally qualified to assume office if elected; that I hereby declare myself a candidate for the office of precinct ((committeeman)) committee officer to be elected at the general election to be held on the ..... day of November, 19.., and hereby request that my name be printed upon the official general election ballots as a candidate of the ..... party, and:

I accompany herewith the sum of ..... dollars, the fee required by law of me for becoming a candidate((, or))

AFFIDAVIT

FURTHER, I ((do solemnly swear, or affirm)) declare, under penalty of perjury, that I will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington.

Chapter 434-34 WAC  
ELECTRONIC VOTING REQUIREMENTS

NEW SECTION

WAC 434-34-010 CERTIFICATION OF VOTE TALLYING EQUIPMENT. All voting systems, voting devices, and vote tallying systems must be certified and approved by the secretary of state before they can be used or sold in Washington state. In order for a system to be certified in Washington state it must meet the Federal Elections Commission Standards, must comply with Washington state law, and must be certified and in use in at least one other state.

NEW SECTION

WAC 434-34-015 APPLICATION FOR CERTIFICATION. A vendor may apply to the secretary of state at any time during the year. However, certification examinations and hearings will only be performed in the period between the end of the legislative session and August 15th of each year. The application shall include at least the following information:

- (1) Information about the vendor, location, customer lists, and product lists.

.....  
(Signature of candidate)

((Subscribed and sworn to before me this ..... day of ....., 19...))

.....  
(Signature of acknowledging official)

(2) Information about the product that is being reviewed, version numbers, release numbers, operating and maintenance manuals, training materials, technical and operational specifications, installed customer lists, etc.

(3) The vendor shall include certification documents for all other states that have certified the equipment.

(4) The vendor shall provide reports for all tests conducted, on the product being reviewed for certification, by any independent testing authority or laboratory. The independent authority must meet the criteria established by the Federal Elections Commission for such agents.

(5) The vendor shall provide documentation proving that the product meets the Federal Elections Commission Voting Equipment guidelines.

(6) The vendor shall identify what portion of the software remains proprietary.

(7) A monetary deposit as described in WAC 434-34-025.

#### NEW SECTION

WAC 434-34-020 **ADDITIONAL INFORMATION AND EQUIPMENT REQUIRED.** The vendor shall provide a working model of the equipment that is being reviewed to the secretary of state for the duration of the review. The secretary of state may, at the expense of the vendor, contract with independent testing authorities or laboratories, experts in mechanical engineering, electrical engineering, or data processing while examining the equipment.

#### NEW SECTION

WAC 434-34-025 **VENDOR DEPOSIT FOR EXAMINATION EXPENSES.** The vendor shall pay the secretary of state a deposit to reimburse the cost of any contract for consultation or any other unrecoverable costs associated with the examination of a voting system or component.

#### NEW SECTION

WAC 434-34-030 **EXAMINATION OF EQUIPMENT.** Only after the secretary of state has received a completed application from the vendor may an examination begin. The examination consists of a series of functional application tests designed to insure that the system or equipment meets all guidelines and laws. The examination may include an additional independent testing authority test if the secretary of state is not satisfied with the documentation made available by the vendor. The examination shall include the set-up and conduct of two mock elections. The vendor shall provide ballot materials and programming to create these elections.

(1) The first election shall replicate an even year primary, to test the use of rotation.

(2) The second election shall replicate an odd year general election, to test the use of split precincts.

Both elections shall feature at least ten precincts with at least ten ballots in each precinct.

#### NEW SECTION

WAC 434-34-035 **PUBLIC HEARING.** Only after the secretary of state is satisfied that the equipment being examined meets all of the guidelines for certification shall a public hearing be scheduled. The public hearing will be scheduled at the convenience of the secretary of state. At the hearing the vendor will be expected to demonstrate the equipment and explain its function. The vendor will be expected to answer questions from the secretary of state staff as well as any other persons in attendance. The vendor may be asked to submit answers in writing if the secretary of state is not satisfied with the completeness of answers given at the hearing.

#### NEW SECTION

WAC 434-34-040 **ISSUANCE OF CERTIFICATION.** After the secretary of state is satisfied that the system meets all requirements, a report or certification will be issued. If the system fails to meet any of the requirements, the vendor will be notified and given thirty days to submit an improved version of the system. The improved version will be tested as if it had not been seen by the office of the secretary of state before.

#### NEW SECTION

WAC 434-34-045 **MODIFICATION OF CERTIFIED EQUIPMENT, GUIDELINES FOR RE-EXAMINATION.** Any modification, change, or improvement to a voting system or component that impairs its accuracy, efficiency, or capacity or extends its function may require examination or certification before it may be used or sold in Washington state.

#### NEW SECTION

WAC 434-34-050 **APPLICATION FOR CERTIFICATION OR EXAMINATION OF MODIFIED VOTING SYSTEMS OR DEVICES.** A vendor may apply to the secretary of state for the review of a modification of an existing certified system at any time during the year. Evaluation of the need for recertification or examination will occur at the convenience of the secretary of state. If possible the secretary of state will focus review and examination on the modified component of the equipment or system. If the system, or its component, is found to be sufficiently modified that it requires examination or recertification, the process for original certification shall be followed. Certification examinations and hearings will only be performed in the period between the end of the legislative session and August 15th of each year. The application for examination of a modification shall include at least the following information:

(1) Information about the vendor, location, customer lists, and product lists.

(2) Information about the product that is being reviewed, version numbers, release numbers, operating and maintenance manuals, training materials, technical and operational specifications, installed customer lists, etc.

(3) The vendor shall include certification documents for all other states that have certified the equipment.

(4) The vendor shall provide reports for all tests conducted, on the product being reviewed for certification, by any independent testing authority or laboratory. The independent authority must meet the criteria established by the Federal Elections Commission for such agents.

(5) The vendor shall provide documentation proving that the product meets the Federal Elections Commission Voting Equipment guidelines.

(6) A document prepared by the vendor that describes in complete operational and technical detail all differences between the originally certified equipment or system and the modified equipment or system.

(7) The vendor shall identify what portion of the software remains proprietary.

(8) A monetary deposit as described in WAC 434-34-025.

#### NEW SECTION

WAC 434-34-055 ACCEPTANCE TESTING OF VOTING SYSTEMS AND EQUIPMENT. Whenever a county acquires a new system or an upgrade to an existing system that has been certified by the secretary of state, the county must perform acceptance tests of the equipment before it may be used to count votes at any election. The equipment must be operating correctly, pass all tests and must be identical to the equipment certified by the secretary of state. The minimum testing standards are described as follows:

(1) The model number, version number, release number, and any other number, name or description that identifies the product must be the same as the identifying numbers for the product that has been certified by the secretary of state.

(2) The county must receive all manuals, and training necessary for the proper operation of the system.

(3) The county shall perform a series of functional and programming tests that will test all functions of the ballot counting system. This must include processing a substantial number of test ballots of various prepunch or ballot codes, including split precincts, rotated races, multiple candidates, precinct committee officer local races, cumulative reports, precinct reports, canvass reports, and any other tests the county elections authority finds necessary.

#### NEW SECTION

WAC 434-34-060 INCLUSION OF THE FEDERAL ELECTION COMMISSION STANDARDS FOR VOTING EQUIPMENT. The Federal Election Commission standards concerning voting systems and software escrow are hereby included by reference except where otherwise modified by these rules and the Revised Code of Washington.

#### NEW SECTION

WAC 434-34-065 LOGIC AND ACCURACY TEST CONDUCT. The county shall provide adequate personnel to properly operate the ballot counting equipment. Whenever possible, the equipment should be operated by the same persons who will be conducting the actual ballot count on election day. At the scheduled time

the test decks shall be run through the ballot counting system and ballot results produced. The results shall then be compared with the preaudit expected results. If any error is detected, the cause shall be determined and corrected, and an errorless total produced before the primary or election.

#### NEW SECTION

WAC 434-34-070 LOGIC AND ACCURACY TEST OBSERVERS. The logic and accuracy test shall be observed by at least one representative of each major political party, if representatives have been appointed by the parties and are present at the test. The observers shall be instructed as election observers, by the county auditor, prior to observing an election. The logic and accuracy test shall be open to candidates, the press, and the public. If a party observer hinders or disturbs the L & A process, the county election authority may remove that observer from the test area. The observer may also be barred from future tests.

#### NEW SECTION

WAC 434-34-075 LOGIC AND ACCURACY TESTING OF VOTING SYSTEMS AND EQUIPMENT—STATE PRIMARY AND GENERAL ELECTION. At least three days before each state primary or general election the programming for each vote tallying system to be used at that primary or election shall be tested by the office of the secretary of state. The test should verify that the system will correctly count the votes cast for all candidates and all measures appearing on the ballot. The test shall be conducted by processing a preaudited group of ballots, marked with a predetermined number of votes, for each candidate and for or against each measure. For each office where there are two or more candidates and for each measure there will be an undervote and overvote.

#### NEW SECTION

WAC 434-34-080 LOGIC AND ACCURACY TEST DECK PREPARATION—STATE PRIMARY AND GENERAL ELECTION. The test deck or decks used for the official logic and accuracy test may be prepared by either the office of the secretary of state, the county, or the vendor. Information describing the candidates, offices, ballot formats, ballot positions, pages applicable or planning matrix, accurate list of prepunches, list of the number of appearances of each office and each rotation, and all other information required to create the test decks must be available to the office of the secretary of state at the very latest by the 30th day prior to the primary or election. If a county is delayed due to complications related to lawsuits or late filing periods, the county should advise the office of the secretary of state before the 30th day prior to the primary or election.

#### NEW SECTION

WAC 434-34-085 LOGIC AND ACCURACY TEST SCHEDULING AND PREPARATION—STATE PRIMARY AND GENERAL ELECTION.

Prior to each state primary and general election the office of the secretary of state will prepare a schedule of logic and accuracy tests. The office of the secretary of state will notify each county of the date and time of their test at least two weeks before the test. The county is responsible for preparing the counting system and testing it before the actual logic and accuracy test. The ballot counting system shall be one hundred percent programmed, tested and functional before the official logic and accuracy test. The county shall notify the parties, the press, the public, and candidates of the date and time of the test.

#### NEW SECTION

WAC 434-34-090 LOGIC AND ACCURACY TEST CERTIFICATION—STATE PRIMARY AND GENERAL ELECTION. The secretary of state, the county auditor, and any political party observers shall certify that the test has been conducted in accordance with RCW 29.34.163. Copies of this certification shall be retained by the secretary of state and the county auditor. All programming materials, test results, and test ballots shall be securely sealed until the day of the primary or election.

#### NEW SECTION

WAC 434-34-095 LOGIC AND ACCURACY TESTING OF VOTING SYSTEMS AND EQUIPMENT—SPECIAL ELECTIONS. At least three days before each special election the programming for each vote tallying system to be used at that election shall be tested for logic and accuracy. The test should verify that the system will correctly count the votes cast for all candidates and all measures appearing on the ballot. The test shall be conducted by processing a preaudited group of ballots, marked with a predetermined number of votes, for each candidate and for or against each measure. For each office where there are two or more candidates and for each measure there will be an undervote and overvote.

#### NEW SECTION

WAC 434-34-100 LOGIC AND ACCURACY TEST DECK PREPARATION—SPECIAL ELECTIONS. The test deck or decks used for the official logic and accuracy test will be prepared by the county elections office.

#### NEW SECTION

WAC 434-34-105 LOGIC AND ACCURACY TEST SCHEDULING AND PREPARATION—SPECIAL ELECTION. The county is responsible for preparing the counting system and testing it before the actual logic and accuracy test. The ballot counting system shall be one hundred percent programmed, tested, and functional before the official logic and accuracy test. The county shall notify the parties, the press, the public, and candidates of the date and time of the test.

#### NEW SECTION

WAC 434-34-110 LOGIC AND ACCURACY TEST CERTIFICATION—SPECIAL ELECTION. The county auditor, and any political party observers shall certify that the test has been conducted in accordance with RCW 29.34.163. Copies of this certification shall be retained by the county auditor. All programming materials, test results, and test ballots shall be securely sealed until the day of the primary of election.

#### NEW SECTION

WAC 434-34-115 LOGIC AND ACCURACY TESTS FOR DIRECT RECORDING ELECTRONIC EQUIPMENT. Direct recording electronic (DRE) voting equipment shall be tested for logic and accuracy. Counties using DRE equipment must fully test each voting device to see that it is fully functional including tests of all mechanical and electronic circuits. This testing must be documented as part of the logic and accuracy test procedure. For the state primary and general election, the office of the secretary of state will perform a test of the vote tallying capabilities of the DRE system. For special elections the county will perform a test of the vote tallying capabilities of the DRE system. Observers may attend the logic and accuracy test in accordance with WAC 434-34-090. Following the test the DRE machines shall be sealed and the seals shall remain unbroken until election day.

#### Chapter 434-53 WAC THE POLLING PLACE—BEFORE, DURING, AND AFTER THE ELECTION

#### NEW SECTION

WAC 434-53-010 ACTIVITIES PROHIBITED WITHIN THE POLLING PLACE. The county auditor shall ensure that all precinct election officers receive instruction regarding activities that are not permitted within the polling place, including electioneering, circulation of campaign material, soliciting petition signatures, or impeding the voting process. Whenever it is necessary to maintain order within the polling place and the surrounding environs, the inspector may, if circumstances warrant and if the means to do so are available, contact the county auditor, who shall determine the corrective action required. Such corrective action may include contacting a law enforcement agency for their assistance.

#### NEW SECTION

WAC 434-53-020 ELECTION SUPPLIES—POLLING PLACE. Polling places shall be provided, at a minimum, with the following supplies at every election:

- (1) Precinct list of registered voters or a poll book, which shall include suitable means to record the signature and address of the voter;
- (2) Inspector's poll book;
- (3) Required oaths/certificates for inspectors and judges;

(4) Sufficient number of ballots as determined by election officer;

(5) Ballot containers;

(6) United States flag;

(7) Instruction signs for voters;

(8) Challenge/questioned ballot envelopes;

(9) Cancellation cards due to death;

(10) Voting equipment instructions;

(11) Procedure guidelines for inspectors and judges and/or precinct election officer guidebooks;

(12) Keys and/or extra seals;

(13) Pay voucher;

(14) Ballots stub envelope (purpose of audit trail).

#### NEW SECTION

**WAC 434-53-030 SECURING THE BALLOT BOX.** After the ballot box is determined to be empty it shall be locked or sealed with a numbered seal as directed by the county auditor. If a lock is used, the key shall be retained by the inspector or the numbered seal shall remain on the ballot box until it is opened following the closing of the polls or to permit the early tabulation of paper ballots or the early pickup and transfer of ballots to the counting center.

#### NEW SECTION

**WAC 434-53-040 VERIFICATION OF VOTER'S NAME.** All voters must provide their names to the precinct election officers so that verification can be made that the voter's name appears in the poll book or precinct list of registered voters. Upon verifying that the voter's name is in the poll book or precinct list of registered voters (hereafter referred to as list) any precinct election officer may challenge that voter's right to vote, as provided by law. If no challenge is made, the voter shall be issued a ballot and the sequence number of the ballot issued recorded next to the voter's name.

#### NEW SECTION

**WAC 434-53-050 VOTER UNABLE TO SIGN NAME—AUTHORITY TO VOTE.** Whenever a registered voter's name appears in the poll book or list but the voter is unable to sign his/her name, the voter shall be provided a questioned ballot. The questioned ballot shall be processed in the same manner as other questioned ballots.

#### NEW SECTION

**WAC 434-53-060 CREDIT FOR VOTING.** All voters who are issued a ballot shall be credited for participating in that primary or election by an appropriate notation in the poll books. The county auditor shall ensure that each person for whom a notation appears in the precinct list of registered voters receives credit for voting on his or her permanent registration record.

#### NEW SECTION

**WAC 434-53-070 ACCOUNTING FOR BALLOT STUB.** Before any ballot is placed in the ballot box the numbered ballot stub must be recorded, and then

removed and kept by the precinct election officer. All stubs shall be returned to the county auditor's office with all other election material. The stubs shall be retained with other election material.

#### NEW SECTION

**WAC 434-53-080 VOTER LEAVING POLLING PLACE WITHOUT VOTING.** Whenever it is noted by a precinct election officer that a voter has been issued a ballot and leaves a polling place without returning the ballot, a notation shall be made in the poll book or list along with the ballot stub number of the ballot issued.

#### NEW SECTION

**WAC 434-53-090 DESIGNATION OF POLL WATCHERS.** All persons designated as poll watchers by any political party or committee shall be so designated in writing by the party or committee. Such designation shall be signed by an appropriate officer of the party or committee. The auditor may require that a copy of this designation be filed with his or her office not later than the day prior to the primary or election and shall, whenever possible, ensure that a copy of the designation is provided to each affected polling place inspector. The inspector shall ensure that poll watchers have access to a record of who has voted but shall also ensure that absolutely no interference with voting takes place.

#### NEW SECTION

**WAC 434-53-100 ELECTRONIC VOTING DEVICES—IDENTIFIED FOR SPECIFIC CANDIDATES OR MEASURES.** In those counties using electronic voting devices and a separate ballot, and where not all voters within a precinct or polling place are entitled to vote on all candidates or measures appearing on the ballot in that precinct or polling place, the voter shall be directed to a voting device where the ballot contains only the appropriate offices and measures. Unless otherwise provided by law or these rules, if the ballots are segregated by the use of a pre-punch or other machine-readable code, the voter may be directed to any voting device provided, the pre-punch or code is designed to permit the tabulation of only those responses for which the voter was entitled to vote. Instructions shall be provided to the voter by identifying in each device which ballot pages or sections of ballot pages are applicable to the various ballot codes assigned to the voting device.

#### NEW SECTION

**WAC 434-53-110 EXAMINATION OF VOTING DEVICES.** Precinct election officers charged with periodically examining the voting devices to ensure that they have not been tampered with shall do so at least once every hour while the polls are open.

#### NEW SECTION

**WAC 434-53-120 SPOILED BALLOT PROCEDURES.** If the voter spoils his or her ballot by mis-marking it or otherwise damaging the ballot in such a

way that it cannot be accurately tabulated to reflect the voter's intent, the voter shall return the spoiled ballot to the precinct election officer. The precinct election officer shall then render the spoiled ballot unusable, make the appropriate notation on the poll book or list, and issue the voter a new ballot or ballot card. Spoiled ballots shall be clearly identified as such, and returned to the county auditor in a manner which permits the segregation of such ballots from other ballots. Precinct election officers shall ensure that an adequate audit trail exists for all spoiled ballots.

#### NEW SECTION

**WAC 434-53-130 ASSISTANCE TO VOTERS.** Where it appears in the judgment of the inspector that a particular voter is having difficulty casting his/her vote, and as a result, is impeding other voters from voting, the inspector may provide assistance to that voter in the same manner as provided by law for those voters who request assistance.

#### NEW SECTION

**WAC 434-53-140 VOTER INTENTIONALLY CAUSING DELAY.** Where it is the judgment of the inspector that a voter is impeding other voters from voting to simply cause delay, the inspector shall ask the voter to expedite the voting process. In the event the voter refuses to cooperate, the inspector shall, whenever practical, contact the county auditor, who may request assistance from the appropriate law enforcement agencies if he or she deems such action necessary.

#### NEW SECTION

**WAC 434-53-150 CLOSING THE POLLS.** At the prescribed closing time, the inspector shall announce aloud that the polls are closed, the doors to the polling place shall be shut, and no further persons shall be allowed to enter to vote. All persons within the polling place at the time the closing is announced shall be permitted to complete the process of voting. The doors to the polling place shall remain unlocked until the election officials depart at the completion of their work so that work of accounting for the ballots and other voting material may be observed by interested parties.

#### NEW SECTION

**WAC 434-53-160 BALLOT ACCOUNTABILITY—FORM FOR RECORDING.** Precinct election officials shall maintain accountability for all ballots issued for each precinct. The county auditor shall provide a ballot accountability sheet with each poll book or list for each precinct or combination of precincts, upon which shall be recorded, at a minimum, the following information:

- (1) Identification of the precinct or combination of precincts;
- (2) The number of ballots issued;
- (3) The number of used ballots which are questioned or challenged;

- (4) The number of issued ballots that are spoiled.

At the closing of the polls, the ballots of each category enumerated in subsections (1) through (4) of this section shall be counted and recorded on the ballot accountability sheet as required by these rules. The accountability sheet shall be maintained with the poll book or list. The election officials shall attest to the ballot accountability sheet by each signing in the spaces provided. The ballot accountability sheet, along with the poll book or list, shall be placed in the appropriate container for return to the counting center or auditor's office. The inspector shall remove and retain a copy of the list of participating voters as the "inspector's copy" for the statutorily required retention period.

In addition, whenever anything occurs at a polling place that the precinct election officers feel may assist the auditor in explaining any discrepancies that may be discovered when the auditor's office reconciles the various election totals prior to certification, the election officers shall note such events. The auditor may direct that such comments be included with the ballot accountability form or may be included on a separate comments sheet. If a separate sheet is used, it shall be signed by the precinct election officers.

#### NEW SECTION

**WAC 434-53-170 AUDIT TRAIL FOR UNUSED BALLOTS.** After the polls have closed and before the container holding the voted ballots is opened, the unused ballots shall be rendered unusable. The unusable ballots shall then be placed in a special envelope or container marked "unused ballots," the envelope or container sealed, and placed into the pouch or container provided for the return of voting materials to the counting center or auditor's office. The unused ballots must not be placed in the same container as the regular voted ballots.

#### NEW SECTION

**WAC 434-53-180 RECORDING OF SPOILED BALLOTS.** After the polls close, the number of spoiled ballots, if any, shall be recorded on the ballot accountability sheet. The spoiled ballots shall then be placed in an envelope or container identified for that purpose.

#### NEW SECTION

**WAC 434-53-190 DISPOSITION OF IRREGULARLY VOTED BALLOTS.** All irregularly voted ballots, including questioned, challenged, and absentee ballots, if any, shall be sorted from the regular voted ballots. The questioned and challenged ballots, if any, shall be counted and the number recorded on the ballot accountability sheet. The irregularly voted ballots in their own individual sealed and marked envelopes shall then be placed in a transfer case or other secure container and sealed therein. The number of irregularly voted ballots may also be recorded on the outside of the container. The sealed container shall then be returned to the counting center or auditor's office.

NEW SECTION

WAC 434-53-200 COUNT OF VOTED BALLOTS. After the irregularly voted ballots have been sorted, counted and secured, the other voted ballots shall be removed from the ballot box and counted, and the number recorded on the ballot accountability sheet. County auditors may require additional procedures to permit the segregation of various types of voted ballots.

NEW SECTION

WAC 434-53-210 PREPARING VOTED BALLOTS FOR TRANSFER. After the ballot accountability sheet is signed, in those counties where ballots are not tabulated at the polling place, the voted ballots shall be placed in a transfer container for transfer to the counting center, either directly or via a ballot collection station. There shall be placed either inside the container or attached to the outside of the container, a transmittal sheet which as a minimum shall identify the precinct or precincts represented by the ballots, the number of ballots in the container, and, if a seal is used, the seal number of the seal to be used on the container. The inspector and one judge from each political party shall sign the transmittal sheet attesting to the number of ballots and the serial number of the seal. The transfer container shall then be locked and the seal fastened.

NEW SECTION

WAC 434-53-220 TRANSFER OF BALLOTS PRIOR TO CLOSING OF THE POLLS. The county auditor may authorize an early pick up of ballots from designated polling places prior to the closing of the polls. Where so authorized, the precinct election officers at the designated polling places shall remove the voted ballots from the ballot box or pouch at the specified time and count them. The count shall be entered on the ballot accountability sheet, a transmittal sheet completed and signed, and the ballots sealed in a transfer container in the same manner as for the closing of the polls. The transmittal sheet may be sealed with the ballots or it may be attached to the outside of the transfer container. The election officials shall not leave the polling place. A ballot pickup team or teams, consisting of representatives of each major political party and appointed by the county auditor for that purpose, shall be assigned to pick up the transfer containers for return to the counting center.

NEW SECTION

WAC 434-53-230 SEALING THE BALLOT PAGES APPEARING IN VOTING DEVICES. In polling places where voting devices are used, the county auditor shall ensure that adequate procedures are in place to permit the ballot pages within the voting device to be sealed following the election. This shall be done in such a way so that the ballot pages cannot be altered or otherwise tampered with, and in a manner that will provide an audit trail from ballot to precinct. This may be accomplished by securing the entire device by means of

an external seal, or by securing and sealing the ballot itself.

If a unique numbered wire seal is used, a certificate shall be placed inside the device signed by the precinct election officials witnessing the serial number of the seal. If some other means of sealing is used, a certificate, signed by the election officials, shall be provided to identify the seal by some appropriate means. The certificate, if not secured inside, will be returned to and retained by the county auditor.

NEW SECTION

WAC 434-53-240 RETURN OF ELECTION SUPPLIES AND MATERIALS. Supplies and voting materials, including spoiled ballots and ballot stubs, irregularly voted ballots, and unused ballots shall be secured and returned to the counting center, the county auditor's office, or any other location designated by the auditor.

NEW SECTION

WAC 434-53-250 PAPER BALLOT PRECINCTS—GENERAL APPLICABILITY OF RULES. The rules governing the closing of polls and the accountability of ballots shall apply to precincts and polling places using paper ballots except as provided in the following sections.

NEW SECTION

WAC 434-53-260 COUNTING AND TABULATION PRIOR TO CLOSING OF THE POLLS—SECRECY OF THE RETURNS. In those precincts designated by the auditor for an early return of the votes, the opening of the ballot box and the counting and tabulation of the votes shall be conducted in private except for accredited political party witnesses. The witnesses shall sign an oath which shall state substantially, "I understand that the divulgence of the ballot count that I have witnessed before the polls officially close is a violation of state law and punishable as a misdemeanor under chapter 9A.20 RCW."

NEW SECTION

WAC 434-53-270 COUNTING OF BALLOTS AFTER POLLS CLOSE. The counting and tabulation of ballots after the polls close for voting shall be public and may be witnessed by any citizen.

NEW SECTION

WAC 434-53-280 PAPER BALLOTS—COUNTING AND TABULATION—PROCEDURE. The procedure for the counting and tabulation of paper ballots at polling places shall be as follows:

(1) The inspector shall carefully examine each ballot and shall read aloud the name of each person receiving a vote and the office for which the vote for that person is cast, and the vote for and against each proposition on the ballot;

(2) The judge, representing the opposite political party of the inspector, shall observe the reading of the votes;

(3) The second judge shall tally the votes as read in the vote tally books provided by and to be returned to the county auditor at the election center;

(4) The clerk, if one is assigned, representing the opposite political party of the second judge shall, at the same time, tally the votes as read in the tally book provided by the auditor but retained by the inspector;

(5) The inspector and the judge observing the reading of the votes may rotate their duties from time to time upon agreement.

#### NEW SECTION

**WAC 434-53-290 COUNTING AND TABULATION OF PAPER BALLOTS WHERE MORE THAN ONE SET OF PRECINCT ELECTION OFFICERS ARE APPOINTED—PROCEDURE.** In paper ballot precincts, when two or more teams of precinct election officers have been appointed as provided in RCW 29.45.050 the following procedure shall apply:

(1) The teams or teams designated as the counting board or boards shall commence the tabulation of the primary or election ballots at a time set by the county auditor;

(2) A second ballot container for receiving ballots shall be used, and the first ballot container shall be closed and delivered to the counting board or boards: PROVIDED, That there have been at least ten ballots cast. The counting board or boards shall at a time set by the auditor proceed to the place provided for them and at once count the votes. When counted they shall return the emptied ballot container to the inspector and judges conducting the election and the latter shall then deliver to the counting board or boards the second ballot container, if there have been at least ten ballots cast, who shall then proceed as before. The counting of ballots and exchange of ballot containers shall continue until the polls are closed after which the election board conducting the election shall conclude their duties and the counting board or boards shall continue until all ballots are counted;

(3) The receiving board conducting the election shall perform all of the duties as now provided by law except for the counting of the ballots, the posting and certification of the unofficial returns and the delivery of the official returns, together with the election supplies, to the county auditor;

(4) The oaths of office for all precinct election officials when two or more sets of officials are employed shall be as required by law.

#### NEW SECTION

**WAC 434-53-300 PAPER BALLOTS—COUNT CONTINUOUS—WHEN DUTIES COMPLETED.** In a paper ballot precinct, the ballot container shall not be removed from the polls nor shall the counting of the votes be discontinued until all are counted except as provided in WAC 434-xx-xxx. The duties of the precinct election officers counting ballots in such precincts shall not be complete until it is determined that:

(1) A recheck of the tally marks accurately reflect the total vote credited to each candidate and the total vote credited for and against each proposition;

(2) The total number of votes cast for all candidates for a single position to be filled does not exceed the number of voters who have signed the poll book;

(3) The records of the votes in each tally book are the same.

#### NEW SECTION

**WAC 434-53-310 PAPER BALLOTS—UNOFFICIAL RESULTS—COPIES—POSTING—TRANSMITTAL.** Before adjourning from the polling place, following a primary or an election in any precinct where votes are cast on paper ballots, the precinct election official shall enter the unofficial results in duplicate upon sample ballots or suitable forms furnished for that purpose by the county auditor or other election officer. One copy shall be posted conspicuously on the outside of the polling place and the other transmitted to the county auditor.

#### NEW SECTION

**WAC 434-53-320 REJECTION OF BALLOTS OR PARTS OF BALLOTS—QUESTIONS ON THE LEGALITY OF BALLOTS.** Rules governing the rejection of all or part of a ballot, or the process for handling a question regarding the validity of a ballot in a precinct using paper ballots where the tabulation of votes is conducted at the polling place shall be the same as the rules applicable to the counting of ballots at a counting center.

#### NEW SECTION

**WAC 434-62-150 REJECTION OF BALLOTS OR PARTS OF BALLOTS.** Ballots or parts of ballots shall be rejected by the canvassing board in the following instances:

(1) Where two ballots are found folded together, or where a voter has voted more than one ballot;

(2) Where a ballot or parts of a ballot are marked in such a way that it is not possible to determine voter's intent;

(3) Where the voter has voted for candidates or issues for whom he or she is not entitled to vote;

(4) Where the voter has voted for more candidates for an office than are permissible;

Additionally, the canvassing board shall reject any ballot cast by a voter not qualified to vote, and shall reject absentee ballots where such rejection is required by law or administrative rule.

#### NEW SECTION

**WAC 434-62-160 WRITE-IN-VOTING—VOTER INTENT.** In all cases of write-in votes the canvassing board shall exercise all reasonable efforts to determine the voter's intent. Write-in votes are to be counted where abbreviations are used for office, position, or political party. Write-in votes are not to be counted for any person who filed for the same office as either a

regular or write-in candidate at the preceding primary. If a write-in declaration of candidacy has been filed, the voter need only write in that candidate's name in order for the vote to be counted. If no declaration of write-in candidacy has been filed, the voter must write in the name of the candidate, the political party, if applicable, and if the office and/or position number cannot be determined by the location of the write-in on the ballot, the office and position number, in order for the write-in vote to be counted.

#### NEW SECTION

**WAC 434-62-170 REFERRAL OF BALLOTS TO CANVASSING BOARD.** Whenever a precinct election officer in a precinct where ballots are being tabulated, or counting center personnel in a county where ballots are being centrally tabulated, have a question about the validity of a ballot or the votes contained on the ballot that they are unable to resolve, the ballot shall be placed in a special envelope marked "for canvassing board." On the outside of the envelope, they shall record as a minimum the following information:

- (1) Identification of the precinct from which the ballot originated;
- (2) The facts giving rise to the question of validity including, if applicable, the office or issue on the ballot which is affected by the question;
- (3) An identification number by which the envelope containing the ballot may be tracked.

If the question arises at a precinct or polling place, the precinct inspector shall annotate the ballot accountability sheet in a manner similar to recording other irregularly voted ballots, shall seal the envelope and transfer it to the elections office in the special envelope for irregularly voted ballots.

If the question arises in the counting center, the counting center supervisor shall record the ballot on an irregularly voted ballot log sheet and shall record the precinct, the identification number of the envelope, and shall indicate "canvassing board" for disposition activity.

Ballots being held for determination of validity or voter's intent shall be provided the same security as regular voted ballots and shall be kept in a secure area when not being processed. As long as they are in the sealed envelope it is not necessary to seal them in other containers within the counting center provided they are otherwise safeguarded. Once the issue of validity has been determined, the ballots will be tabulated if applicable, stored, and retained the same as regular voted ballots.

When the determination of validity is made, the disposition of the ballot shall be entered on the envelope and, if applicable, the irregularly voted ballot log sheet.

#### NEW SECTION

**WAC 434-62-180 TABULATION OF BALLOTS TO BE CONTINUOUS—EXCEPTION.** The tabulation of ballots on the day of a primary or election at a polling place or counting center shall proceed without interruption or adjournment until all the ballots cast at

the polls at that primary or election have been tabulated except as follows:

(1) In the case of a vote tallying system, ballots that have been found defective and not capable of being processed by the automated system, may at the discretion of the county auditor, be held over until the working day following the election or primary, duplicated, and the duplicates then tallied no later than the day before the certification of the primary or election;

(2) In the case of a vote tallying system, if the system should become inoperative, the tally may be interrupted until the system is repaired, and if necessary, resumed the day following the election using the repaired system or an alternative method if necessary. If the election or primary includes offices or issues which the secretary of state is required by law to canvass, the auditor shall notify the secretary of state at the time of interruption, its cause and best estimate for resumption, along with the status of the tally, at the first practical opportunity. The public shall be informed of the situation as soon as possible after the interruption if it is evident the tally will not be resumed the same day.

#### NEW SECTION

**WAC 434-62-190 CANVASSING BOARD—OPENING BALLOT CONTAINER.** Whenever it is determined there is a need to open all containers to conduct a mandatory or requested recount, or when such action is directed by court order, the containers shall be opened and the security of the ballots verified only by those persons designated to do so, in writing, by the canvassing board.

#### NEW SECTION

**WAC 434-62-200 RETENTION OF RECORDS.** All records and materials are to be maintained for a period of sixty days after certification of each election. Where the election involves federal offices the records and material must be kept for the appropriate time frame as set forth in federal statutes.

**WSR 92-12-084**

**PROPOSED RULES**

**PUBLIC DISCLOSURE COMMISSION**

[Filed June 2, 1992, 3:53 p.m.]

Original Notice.

Title of Rule: WAC 390-16-125 Abbreviated campaign reporting—Exceeding limitations; 390-32-020 Filing—Fair campaign practices code; 390-16-011 Registration statement for political committees; 390-16-012 Registration statement for candidates; and 390-16-041 Summary of total contributions and expenditures form.

Purpose: WAC 390-16-125, amends language specifying the mechanism for changing from abbreviated to full reporting; WAC 390-32-020, amends language emphasizing the voluntary nature of the fair campaign practices code; WAC 390-16-011, adopts a form for political committees to use to register with the commission; WAC 390-16-012, adopts a form for candidates to

use to register with the commission; and WAC 390-16-041, adopts a form for reporting total contributions and expenditures to the commission.

Statutory Authority for Adoption: RCW 42.17.370.

Summary: WAC 390-16-125, eliminates reference of specific schedules that are to accompany the C-4 report required of candidates and political committees requesting authorization to change their reporting option from either mini or abbreviated to full reporting; WAC 390-32-020, eliminates reference to a portion of the C-1 registration statement that no longer exists; WAC 390-16-011, modifies the current C-1pc statement of organization filed by political committees domiciled in Washington state attempting to influence state and/or local elections; WAC 390-16-012, modifies the current C-1 registration statement filed by candidates seeking election to state or local office in jurisdictions of 5,000 or more registered voters or covering an entire county; and WAC 390-16-041, modifies the current C-4ABB form filed by candidates and political committees qualifying for abbreviated campaign finance reporting.

Reasons Supporting Proposal: [No information supplied by agency.]

Name of Agency Personnel Responsible for Drafting: Vicki Rippie, Olympia, 753-1111; Implementation and Enforcement: Graham E. Johnson, Olympia, 753-1111.

Name of Proponent: Public Disclosure Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 390-16-125, there are six schedules that may be required to be filed as part of a complete C-4 report, depending on the type of campaign activity that occurred during the reporting period and on whether the filer is a political committee, local office candidate or candidate for state executive or legislative office. New language substitutes reference to "appropriate" schedules rather than identifying each of the schedules by name; WAC 390-32-020, prior to 1990, candidates and committees were asked, as part of the C-1 registration form, whether they subscribed to the fair campaign practices code. In 1986, this question was removed from the form. The proposed amendment eliminates reference to the defunct question; WAC 390-16-011, clarifies that political committees are to supply their mailing address. Also deletes reference to displaying fair campaign practices seal as method for demonstrating adherence to fair campaign practices code. Re-word instructional language on reverse of form regarding requirements of continuing political committees using abbreviated reporting; WAC 390-16-012, clarifies that candidates are to supply their mailing address as well as the last four digits of their zip code. Deletes reference to displaying fair campaign practices seal as method for demonstrating adherence to fair campaign practices code; and WAC 390-16-041, clarifies that filers of C-4ABB form are to supply their mailing address as well as last four digits of their zip code. Re-words instructional information on reverse of form to conform with WAC 390-16-120 establishing reporting dates for abbreviated filers.

Proposal does not change existing rules.

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

Hearing Location: Second Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way, Olympia, WA 98501, on July 28, 1992, at 9 a.m.

Submit Written Comments to: Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, by July 10, 1992.

Date of Intended Adoption: July 28, 1992.

May 27, 1992

Graham E. Johnson  
Executive Director

AMENDATORY SECTION (Amending WSR 92-05-079, filed 2/18/92, effective 3/20/92)

WAC 390-16-125 ABBREVIATED CAMPAIGN REPORTING—EXCEEDING LIMITATIONS. Whenever there is reason to believe that any of the aggregate limitations specified in WAC 390-16-105, 390-16-115, or 390-16-120 will or may be exceeded, the candidate or committee may apply to the commission for authorization to change reporting options.

(1) If the application is made more than thirty days prior to the date of the election, the application will be considered approved without further action by the commission if the person making application submits:

(a) A PDC Form C-1 or C-1pc indicating the intention of using the full reporting system provided by RCW 42.17.040 - 42.17.090;

(b) A PDC Form C-4 with appropriate Schedules (~~(A, A-s, B, C and L, as appropriate;~~) disclosing all contributions and expenditures reportable under RCW 42.17.090 for the election campaign or in the case of continuing political committees for the calendar year.

(c) A statement affirming that all known candidates for the office being sought have been notified personally of the application stating the manner and date of such notification. In the case of a ballot proposition, the statement shall affirm that the committee treasurer of all committees identifiable from the records of the county elections officer or public disclosure commission to be opposing or supporting the proposition have been notified personally of the application stating the manner and date of such notification.

(2) If the application is made within thirty days of the date of the election, the application shall be approved only by authorization of the commission executive director.

(a) Prior to such approval being granted, the executive director shall determine that the application contains those documents shown in subsection (1)(a), (b) and (c) above.

(b) The commission staff shall investigate why the applicable requirements were not complied with in the first instance and whether or not the probability of exceeding such limitations was reasonably foreseeable. If the investigation shows that the declaration by the candidate, committee or other person filed under WAC 390-16-115 was made in good faith and that the probability of exceeding such limitations was not reasonably foreseeable, the executive director will approve the reporting option change conditioned upon full future compliance with all applicable requirements of chapter 42.17 RCW.

(3) When one candidate or committee on either side of an election campaign has applied for permission to exceed the limitations of the exemption under subsection (1) above, all other candidates and/or committees may change reporting options by meeting the requirements of subsection (1)(a), (b), and (c).

(4) Any person who knowingly or negligently causes or permits the limitations specified in these regulations to be exceeded shall be deemed to have violated the applicable provisions of RCW 42.17.040 - 42.17.090.

AMENDATORY SECTION (Amending Order 86-02, filed 3/26/86)

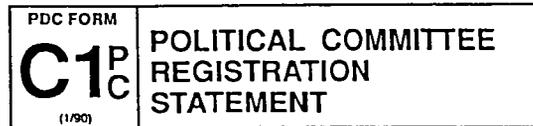
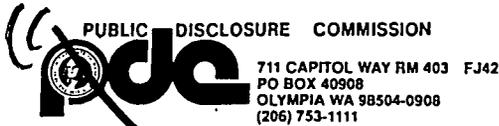
WAC 390-32-020 FILING—FAIR CAMPAIGN PRACTICES CODE. (1) A copy of the code provided in WAC 390-32-010 shall be printed in appropriate campaign reporting instructions made available to candidates and political committees.

(2) (~~(Neither f)~~) Failure to subscribe to the code (~~(nor to complete that section of the C-1 registration statement pertaining to the code)~~) shall not constitute a violation of chapter 42.17 RCW.

AMENDATORY SECTION (Amending WSR 91-22-033, filed 10/30/91)

WAC 390-16-011 FORMS—REGISTRATION STATEMENT FOR POLITICAL COMMITTEES. The official form for providing the statement of organization by political committees for designating a

campaign treasurer and depository and for reporting information required to qualify for abbreviated campaign finance reporting is designated "C-1pc", revised ((10/91)) 7/92. Copies of this form are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments shall be on 8-1/2" x 11" white paper.



**INSTRUCTIONS**

Please consult PDC instruction manuals when completing this report. Reporting requirements are contained in and governed by chapters 42.17 RCW and 390-16 WAC.

- WHO MUST FILE** Persons, committees, organizations and groups that receive contributions and make expenditures in support of or opposition to: candidates in jurisdictions of 5,000 or more registered voters as of the last general election; statewide ballot issues; or local ballot issues in jurisdictions with 1,000 or more registered voters as of the last general election.
- WHEN TO FILE** Within 2 weeks of organizing a committee or first expecting to receive contributions or make expenditures, whichever occurs first. (Committees that organize within three weeks of an election must file within three business days of forming or of expecting to receive contributions or make expenditures.) File an amended C-1pc form within 10 days of significant changes to the registration information provided. Continuing political committees using Abbreviated Reporting must also file a C-1pc annually in January. Reports are considered filed as of the postmark date or date hand-delivered to PDC.
- WHERE TO FILE** Send the original to PDC at the above address. Send a copy to the County Auditor (County Elections Department) of the county in which the committee headquarters is located. If there is no headquarters, send to the County Auditor of the county in which the treasurer resides.
- REPORTING OPTIONS**

Abbreviated Reporting: May be used by committees that raise and spend no more than \$2,000 on their campaign activities. No more than \$200 may be accepted from any contributor. A 10th-of-the-month post general or special election C-4 ABB report is required. Continuing committees also file a year-end C-4 ABB report and re-register annually.

Full Reporting: Required of all committees which do not qualify for Abbreviated Reporting. Frequent, detailed reports of contributions and expenditures are required until the committee is disbanded and the campaign account is closed.
- OTHER REPORTS**

C-3 (Cash Receipts Reports): Used with Full Reporting only.

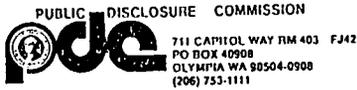
C-4 (Contribution and Expenditure Report): Used with Full Reporting only.

C-4 ABB (Receipts and Expenditures Summary): Filed by candidates and committees using Abbreviated Reporting.

Special Report E (Earmarked Contributions Report): Filed by committees which receive funds earmarked for use on behalf of a candidate or another political committee.
- FAIR CAMPAIGN PRACTICES CODE** This is a voluntary code adopted by PDC to stress the importance of ethical campaign practices. Committees which follow the Code's principles may use the Fair Campaign Practices Seal in their political advertising.
- SURPLUS FUNDS** Funds remaining in committee accounts after the election may only be disposed of in one or more of the following ways: returned to contributors; donated to registered charity; held for future election campaign; given to candidates or other committees; used for political or community activities; or donated to the State General Fund.

**For assistance, call or write PDC!**





**REGISTRATION:  
POLITICAL COMMITTEES**

<b>C1 P C</b>	P M O S T R I C T	PDC OFFICE USE
	R E C E I V E D	

Committee Name (Show entire official name.)	Acronym		
Mailing Address			
City	County	Zip + 4	

<b>NEW REGISTRATION OR UPDATE OF PRIOR REGISTRATION?</b> <input type="checkbox"/> NEW: Complete all items in the registration <input type="checkbox"/> AMENDED: Supply the information below which has changed	<b>COMMITTEE STATUS</b> <input type="checkbox"/> Continuing committee <input type="checkbox"/> 19_____ election only; election date _____
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1. COMMITTEES: What is the purpose or description of the committee?

Political Party, Central Committee, District Club, etc. Identify political party. If you are not supporting the entire party ticket, attach a list of the candidates you support. Ballot Number      FOR      AGAINST

Ballot Committee (Initiative, Bond, Levy, Recall, etc.) Name or description of ballot measure: \_\_\_\_\_

Political Action Committee. If committee is associated with a business, association, labor union, or similar organization, list name: \_\_\_\_\_

Other. Explain on attached sheet.

2. Related or affiliated committees. List name, address and relationship.

3. HOW MUCH DO YOU PLAN TO SPEND DURING THIS ENTIRE ELECTION CAMPAIGN, INCLUDING THE PRIMARY AND GENERAL ELECTIONS? BASED ON THAT ESTIMATE, CHOOSE ONE OF THE REPORTING OPTIONS BELOW. (If the committee is a continuing organization, estimate spending on a calendar year.)

If no box is checked you are obligated to use Full Reporting. See reporting instruction booklets for information about reports required and changing reporting options.

ABBREVIATED REPORTING  
We will use the Abbreviated Reporting System. We will raise and spend no more than \$2,000 and will accept no more than \$200 from any one contributor.

FULL REPORTING  
We will use the Full Reporting System. We understand this means we must file frequent, detailed reports required by law.

4. Treasurer's name and address (List deputy treasurers on attached sheet.)	Daytime phone no.
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5. Committee's Principal Officers. List name, address and title.

6. Campaign Bank or Depository.

Branch	City
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7. Campaign records are to be open for public inspection the last eight days before election. (Two hours daily between 8 AM - 8 PM, Monday - Friday.) Show location and hours below:

Street Address (Do not use a Post Office Box Number)	Hours
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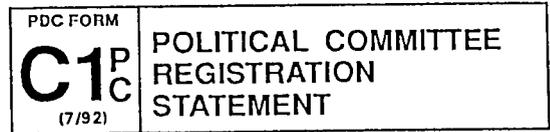
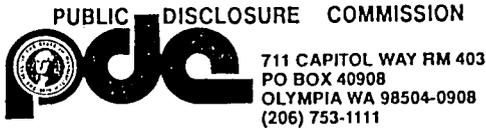
8. Fair Campaign Practices: All committee officers are encouraged to subscribe to the Code of Fair Campaign Practices printed in campaign instruction booklets.		9. Signature and Certification. I certify that this statement is true, complete and correct to the best of my knowledge. Committee treasurer's signature _____ Date _____
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Need campaign finance forms and instructions for the reporting system selected?  
Please check one of the following boxes:

I already have forms and instructions.

I will get forms and instructions from my county elections office.

I want the Public Disclosure Commission to mail me the proper forms and instructions.



**INSTRUCTIONS**

Please consult PDC Instruction manuals when completing this report.  
Reporting requirements are contained in and governed by chapters 42.17 RCW and 390-16 WAC.

- WHO MUST FILE**      Persons, committees, organizations and groups that receive contributions and make expenditures in support of or opposition to: candidates in jurisdictions of 5,000 or more registered voters as of the last general election; statewide ballot issues; or local ballot issues in jurisdictions with 1,000 or more registered voters as of the last general election.
  
- WHEN TO FILE**      Within 2 weeks of organizing a committee or first expecting to receive contributions or make expenditures, whichever occurs first. (Committees that organize within three weeks of an election must file within three business days of forming or of expecting to receive contributions or make expenditures.) File an amended C-1pc form within 10 days of significant changes to the registration information provided. Continuing political committees using Abbreviated Reporting must also file a C-1pc annually in January. Reports are considered filed as of the postmark date or date hand-delivered to PDC.
  
- WHERE TO FILE**      Send the original to PDC at the above address. Send a copy to the County Auditor (County Elections Department) of the county in which the committee headquarters is located. If there is no headquarters, send to the County Auditor of the county in which the treasurer resides.
  
- REPORTING OPTIONS**      Abbreviated Reporting: May be used by committees that raise and spend no more than \$2,000 on their campaign activities. No more than \$200 may be accepted from any contributor. A 10th-of-the-month post primary, general or special election C-4 ABB report is required. Continuing committees re-register annually and file a year-end C-4 ABB by January 10 for any year in which they do not participate in an election.  
  
Full Reporting: Required of all committees which do not qualify for Abbreviated Reporting. Frequent, detailed reports of contributions and expenditures are required until the committee is disbanded and the campaign account is closed.
  
- OTHER REPORTS**      C-3 (Cash Receipts Reports): Used with Full Reporting only.  
  
C-4 (Contribution and Expenditure Report): Used with Full Reporting only.  
  
C-4 ABB (Receipts and Expenditures Summary): Filed by candidates and committees using Abbreviated Reporting.  
  
Special Report E (Earmarked Contributions Report): Filed by committees which receive funds earmarked for use on behalf of a candidate or another political committee.
  
- FAIR CAMPAIGN PRACTICES CODE**      This is a voluntary code adopted by PDC to stress the importance of ethical campaign practices. All committee members and supporters are encouraged to follow the Code's principles.
  
- SURPLUS FUNDS**      Funds remaining in committee accounts after the election may only be disposed of in one or more of the following ways: returned to contributors; donated to registered charity; held for future election campaign; given to candidates or other committees; used for political or community activities; or donated to the State General Fund.

**For assistance, call or write PDC!**

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

AMENDATORY SECTION (Amending WSR 89-20-068, filed 10/04/89)

WAC 390-16-012 FORMS—REGISTRATION STATEMENT FOR CANDIDATES. The official form for providing the statement of organization by candidates and candidate's committees, for designating a campaign treasurer and depository and for reporting information required to qualify for mini campaign finance reporting or abbreviated campaign finance reporting is designated "C-1", revised ((+790)) 7/92. Copies of this form are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington, 98504.

66



REGISTRATION: CANDIDATES/CANDIDATE COMMITTEE

PDC OFFICE USE
C1
(1/90)
P M O A R T K
R E C E I V E D

Candidate's Name (Do not abbreviate. Include candidate's full name)

Candidate's Committee Name (Do not abbreviate.)

Address

City County Zip

1. What office are you running for? Office District, County or City Position No.

2. Political party (if partisan office) 3. Date of general or special election

4. How much do you plan to spend during your entire election campaign, including the primary and general elections? Based on that estimate, choose one of the reporting options below.

If no box is checked you are obligated to use Option III, Full Reporting. See instruction manuals for information about reports required and changing reporting options.

- Option I MINI REPORTING
Option II ABBREVIATED REPORTING
Option III FULL REPORTING

5. Treasurer's name and address (Candidate may be treasurer.) (List deputy treasurers on attached sheet.) Daytime phone no.

6. Committee's Principal Officers. List name, address and title.

7. Campaign Bank or Depository. Branch City

8. Related or affiliated political committees. List name, address and relationship.

9. Campaign records are to be open for public inspection the last eight days before election. (Two hours daily between 8 AM - 4 PM, Monday - Friday.) Show location and hours below: Street Address (Do not use a Post Office Box Number) Hours

10. Fair Campaign Practices: All candidates and committee officers are encouraged to subscribe to the Code of Fair Campaign Practices printed in the instruction manuals. Use of the fair campaign seal in political advertising shows your intent to subscribe to the Code.



11. CERTIFICATION: I certify that this report is true, complete and correct to the best of my knowledge. Candidate's signature Date

Please advise us about which forms and instructions you need. Remember, candidates must file a financial affairs statement (F-1) unless a current one is already on file with PDC. Check all boxes which apply.
I already have financial affairs and campaign disclosure forms and instructions.
I am using Mini Reporting and, therefore, do not need the other campaign disclosure forms. In addition, I have already filed my financial affairs statement and need no additional F-1 forms.
I will obtain all forms and instructions from my county elections office.
I want PDC to mail me: the F-1 instruction booklet (which includes forms) the appropriate campaign disclosure forms and instructions.

DISTRIBUTION OF THIS REPORT: ORIGINAL - Public Disclosure Commission COPY - County Elections Dept. (Auditor) COPY - Your own records

11



PUBLIC DISCLOSURE COMMISSION

711 CAPITOL WAY RM 403 FJ42  
PO BOX 40908  
OLYMPIA WA 98504-0908  
(206) 753-1111

PDC FORM	<b>C1</b> (1/90)	<b>CANDIDATE REGISTRATION STATEMENT</b>

**INSTRUCTIONS**

Please consult PDC instruction manuals when completing this report.  
Reporting requirements are contained in and governed by chapters 42.17 RCW and 390-16 WAC.

- WHO MUST FILE** Candidates who run for state or local office in jurisdictions which had 5,000 or more registered voters as of the last general election or in jurisdictions covering an entire county.
- WHEN TO FILE** Within 2 weeks of becoming a candidate (that is, receiving contributions, making expenditures, announcing candidacy, reserving space or filing for office, whichever occurs first). File an amended registration within 10 days of changes affecting accuracy of previously filed C-1. Report is considered filed as of postmark date or date hand-delivered to PDC.
- WHERE TO FILE** Send the original to PDC at the above address. Send a copy to County Auditor (County Elections Department) of the county in which the candidate resides.
- REPORTING OPTIONS**
  - Option I (MINI): May be used by candidates who raise and spend no more than \$500 on their campaigns (including personal funds), in addition to the filing fee amount. Limited to receiving \$200 or less from any contributor other than the candidate (who may give the entire \$500).
  - Option II (ABBREVIATED): May be used by candidates who raise and spend no more than \$2,000 on their campaigns (including personal funds). Filing fee costs count toward this limit. No more than \$200 may be accepted from any contributor other than the candidate.
  - Option III (FULL): Required of candidates who do not qualify for Mini or Abbreviated Reporting. Frequent, detailed reports of contributions and expenditures are required as long as the campaign account remains open.
- OTHER REPORTS**
  - F-1 (Financial Affairs Statement): Filed by candidates within 2 weeks of becoming a candidate, unless a previous F-1 filing has been made in the same calendar year.
  - C-3 (Cash Receipts Report): Used with Full Reporting only.
  - C-4 (Contribution and Expenditure Report): Used with Full Reporting only.
  - C-4 ABB (Receipts and Expenditures Summary): Filed by candidates using Abbreviated Reporting.
- FAIR CAMPAIGN PRACTICES CODE** This is a voluntary code adopted by PDC to stress the importance of ethical campaign practices. Candidates who follow the Code's principles may use the Fair Campaign Practices Seal in their political advertising.
- SURPLUS FUNDS** Funds remaining in campaign accounts after the election may only be disposed of in one or more of the following ways: returned to contributors; donated to registered charity; held for future election campaign; given to other candidates or committees; reimbursed to candidates for lost earnings or campaign loans; or donated to the State General Fund.

**For assistance, call or write PDC!**

11



**REGISTRATION:  
CANDIDATES/CANDIDATE COMMITTEE**

<b>C1</b> (7/92)	P D C O F F I C E U S E
	R E C E I V E D

Candidate's Name (Do not abbreviate. Include candidate's full name)

Candidate's Committee Name (Do not abbreviate.)

Mailing Address

City County Zip + 4

1. What office are you running for? Office District, County or City Position No.

2. Political party (if partisan office) 3. Date of general or special election

4. How much do you plan to spend during your entire election campaign, including the primary and general elections? Based on that estimate, choose one of the reporting options below.

If no box is checked you are obligated to use Option III, Full Reporting. See instruction manuals for information about reports required and changing reporting options.

- Option I MINI REPORTING**  
I will limit contributions or expenditures during this campaign to my filing fee of \$ . . . . . plus no more than \$500 which includes charges for the voters pamphlet. I will accept no contribution over \$200 from any single source.
- Option II ABBREVIATED REPORTING**  
I will use the Abbreviated Reporting System. I will raise and spend no more than \$2,000 and will accept no more than \$200 from any one contributor except from the candidate's personal funds.
- Option III FULL REPORTING**  
I will use the Full Reporting System. I understand frequent, detailed reports are required.

5. Treasurer's name and address (Candidate may be treasurer.) (List deputy treasurers on attached sheet.) Daytime phone no.

6. Committee's Principal Officers. List name, address and title.

7. Campaign Bank or Depository. Branch City

8. Related or affiliated political committees. List name, address and relationship.

9. Campaign records are to be open for public inspection the last eight days before election. (Two hours daily between 8 AM - 8 PM, Monday - Friday.) Show location and hours below:

Street Address (Do not use a Post Office Box Number) Hours

10. Fair Campaign Practices: All candidates and committee officers are encouraged to subscribe to the Code of Fair Campaign Practices printed in the instruction manuals.

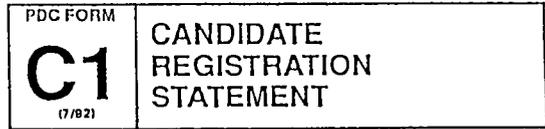
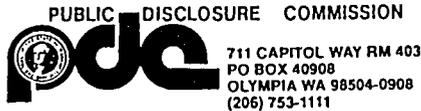


11. CERTIFICATION:  
I certify that this report is true, complete and correct to the best of my knowledge.  
Candidate's signature Date

Please advise us about which forms and instructions you need. Remember, candidates must file a financial affairs statement (F-1) unless a current one is already on file with PDC. Check all boxes which apply.

- I already have financial affairs and campaign disclosure forms and instructions.
- I am using Mini Reporting and, therefore, do not need the other campaign disclosure forms. In addition, I have already filed my financial affairs statement and need no additional F-1 forms.
- I will obtain all forms and instructions from my county elections office.
- I want PDC to mail me:
  - the F-1 instruction booklet (which includes forms)
  - the appropriate campaign disclosure forms and instructions.

DISTRIBUTION OF THIS REPORT:  
ORIGINAL -- Public Disclosure Commission  
COPY -- County Elections Dept. (Auditor)  
COPY -- Your own records



**INSTRUCTIONS**

Please consult PDC instruction manuals when completing this report.  
 Reporting requirements are contained in and governed by chapters 42.17 RCW and 390-16 WAC.

- WHO MUST FILE** Candidates who run for state or local office in jurisdictions which had 5,000 or more registered voters as of the last general election or in jurisdictions covering an entire county.
  
- WHEN TO FILE** Within 2 weeks of becoming a candidate (that is, receiving contributions, making expenditures, announcing candidacy, reserving space or filing for office, whichever occurs first). File an amended registration within 10 days of changes affecting accuracy of previously filed C-1. Report is considered filed as of postmark date or date hand-delivered to PDC.
  
- WHERE TO FILE** Send the original to PDC at the above address. Send a copy to County Auditor (County Elections Department) of the county in which the candidate resides.
  
- REPORTING OPTIONS**
  - Option I (MINI): May be used by candidates who raise and spend no more than \$500 on their campaigns (including personal funds), in addition to the filing fee amount. Limited to receiving \$200 or less from any contributor other than the candidate (who may give the entire \$500).
  - Option II (ABBREVIATED): May be used by candidates who raise and spend no more than \$2,000 on their campaigns (including personal funds). Filing fee costs count toward this limit. No more than \$200 may be accepted from any contributor other than the candidate.
  - Option III (FULL): Required of candidates who do not qualify for Mini or Abbreviated Reporting. Frequent, detailed reports of contributions and expenditures are required as long as the campaign account remains open.
  
- OTHER REPORTS**
  - F-1 (Financial Affairs Statement): Filed by candidates within 2 weeks of becoming a candidate, unless a previous F-1 filing has been made in the same calendar year.
  - C-3 (Cash Receipts Report): Used with Full Reporting only.
  - C-4 (Contribution and Expenditure Report): Used with Full Reporting only.
  - C-4 ABB (Receipts and Expenditures Summary): Filed by candidates using Abbreviated Reporting.
  
- FAIR CAMPAIGN PRACTICES CODE** This is a voluntary code adopted by PDC to stress the importance of ethical campaign practices. All candidates and campaign workers are encouraged to follow the Code's principles.
  
- SURPLUS FUNDS** Funds remaining in campaign accounts after the election may only be disposed of in one or more of the following ways: returned to contributors; donated to registered charity; held for future election campaign; given to other candidates or committees; reimbursed to candidates for lost earnings or campaign loans; or donated to the State General Fund.

**For assistance, call or write PDC!**

**AMENDATORY SECTION** (Amending WSR 91-22-033 [92-05-080], filed 10/30/91 [2/18/92])

WAC 390-16-041 FORMS--SUMMARY OF TOTAL CONTRIBUTIONS AND EXPENDITURES. (1) The official form for reports of contributions and expenditures by candidates and political committees who use the "full" reporting option is designated "C-4", revised 1/90, and includes Schedule A, revised 1/90, Schedule B, revised 1/90, Schedule C, revised 1/90, and Schedule L, revised 1/90.

(2) The official form for reports of contributions and expenditures by candidates for the state legislature or state executive office and who use the "full" reporting option is designated C-4, revised 1/90, and

includes Schedule A-s/1, revised 10/91, Schedule B/1, revised 10/91, Schedule C, revised 1/90, and Schedule L, revised 1/90.

(3) The official form for reports of contributions and expenditures by candidates and political committees who use the "abbreviated" reporting option is designated "C-4abb," revised ((1/90)) 7/92.

(4) Copies of these forms are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments shall be on 8-1/2" x 11" white paper.

STATE OF WASHINGTON  
PUBLIC DISCLOSURE COMMISSION

**SUMMARY, ABBREVIATED REPORT  
RECEIPTS AND EXPENDITURES**

**ABB  
C4**  
(1/90)

P  
M  
O  
S  
R  
K  
  
R  
E  
C  
E  
I  
V  
E  
D

PDC OFFICE USE

Candidate or committee name (Do not abbreviate. Include full name)

Address

City

County

Zip

**1. PERIOD COVERED BY REPORT:**

From: \_\_\_\_\_ to: \_\_\_\_\_

a. Candidates: Start of campaign through the end of the month in which the election occurred.

c. Continuing Committees filing post-election report: January 1 through end of the month in which election occurred.

b. Ballot Measure Committees: Start of campaign through the end of the month in which the election occurred.

d. Continuing Committees filing annual report: Calendar year (January 1 through December 31).

**2. RECEIPTS**

a. Cash on hand from previous campaign or year (Include money in checking, savings and other accounts) .....

b. Cash contributions received this campaign or year (Include monetary contributions, loans, fund raising and cash contributions by a candidate) .....

c. Total cash receipts (Add lines 2a + 2b) .....

d. Other contributions, including in-kind (Include candidates and committee workers out of pocket expenditures over \$50.00, donated goods and services, filing fees paid by others and similar non-cash contributions) .....

e. Total contributions (Add lines 2c + 2d) .....

**3. EXPENSES**

a. Cash expenditures .....

b. Other expenditures. (Enter the amount shown on line 2d above here. Non-cash contributions are listed as both received and expended. Disregard any materials which may remain on hand.) .....

c. Total expenditures (Add lines 3a + 3b) .....

**4. SURPLUS/DEFICIT**

a. Cash on hand at end of reporting period (Subtract: line 3a from 2c) .....

b. Debts and obligations owed .....

c. Surplus or deficit .....

<b>CANDIDATES</b>		Won	Lost	Unopposed	Name not on ballot
<i>Please complete:</i>	Primary election	<input type="checkbox"/>	<input type="checkbox"/>		
	General election	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

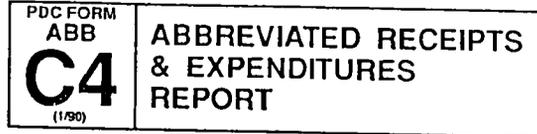
**CERTIFICATION:** I certify that this report is true and correct to the best of my knowledge.

Candidate's signature

Date

Treasurer's signature (if a political committee)

Date



**INSTRUCTIONS**

Please consult PDC instruction manuals when completing this report.  
Reporting requirements are contained in and governed by chapters 42.17 RCW and 390-16 WAC.

**WHO MUST FILE**

Each candidate and political committee using Abbreviated Reporting.

**FILING DATES**

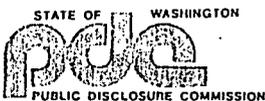
- 1) Special election candidates and political committees supporting or opposing special election candidates or ballot issues file on the 10th of the month following the election.
- 2) Candidates and political committees making expenditures supporting or opposing primary or general election candidates or ballot measures file on December 10.
- 3) Continuing political committees that do not take part in a primary or general election are only required to file an annual report on January 10 covering the preceding calendar year.
- 4) A final report is filed whenever a candidate's committee or a political committee ceases operation, disposes of any surplus campaign funds and has a zero account balance. Final reports may be filed at any time and may coincide with one of the due dates listed above.

All reports are considered filed as of the postmark date or the date hand-delivered to PDC.

**WHERE TO FILE**

Send original ABB C-4 report to PDC at the above address. Candidates send a duplicate copy to their County Auditor (County Election Department). Political committees send a copy to County Auditor of the county in which their headquarters is located or, if no headquarters, the county in which their treasurer resides.

**For assistance, call or write PDC!**



SUMMARY, ABBREVIATED REPORT RECEIPTS AND EXPENDITURES

ABB C4 (1/90) PDC OFFICE USE MARK RECEIVED

Candidate or committee name (Do not abbreviate. Include full name)

Mailing Address

City County Zip + 4

1. PERIOD COVERED BY REPORT: From: to:

- a. Candidates: Start of campaign through the end of the month in which the election occurred.
b. Ballot Measure Committees: Start of campaign through the end of the month in which the election occurred.
c. Continuing Committees filing post-election report: January 1 through end of the month in which election occurred.
d. Continuing Committees filing annual report: Calendar year (January 1 through December 31).

2. RECEIPTS

- a. Cash on hand from previous campaign or year (Include money in checking, savings and other accounts)
b. Cash contributions received this campaign or year (Include monetary contributions, loans, fund raising and cash contributions by a candidate)
c. Total cash receipts (Add lines 2a + 2b)
d. Other contributions, including in-kind (Include candidates and committee workers out of pocket expenditures over \$50.00, donated goods and services, filing fees paid by others and similar non-cash contributions)
e. Total contributions (Add lines 2c + 2d)

3. EXPENSES

- a. Cash expenditures
b. Other expenditures. (Enter the amount shown on line 2d above here. Non-cash contributions are listed as both received and expended. Disregard any materials which may remain on hand.)
c. Total expenditures (Add lines 3a + 3b)

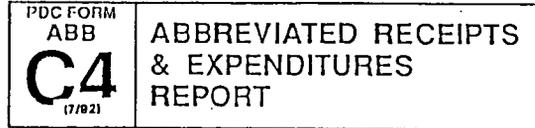
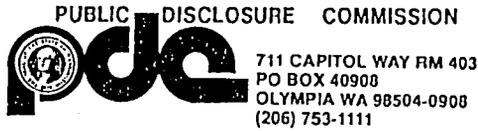
4. SURPLUS/DEFICIT

- a. Cash on hand at end of reporting period (Subtract: line 3a from 2c)
b. Debts and obligations owed
c. Surplus or deficit

Table with columns: CANDIDATES, Won, Lost, Unopposed, Name not on ballot. Rows: Primary election, General election.

CERTIFICATION: I certify that this report is true and correct to the best of my knowledge.

Candidate's signature Date Treasurer's signature (if a political committee) Date



## INSTRUCTIONS

Please consult PDC instruction manuals when completing this report.  
 Reporting requirements are contained in and governed by chapters 42.17 RCW and 390-16 WAC.

### WHO MUST FILE

Each candidate and political committee using Abbreviated Reporting.

### FILING DATES

- 1) Special election candidates and political committees supporting or opposing special election candidates or ballot issues file on the 10th of the first month following the election.
- 2) Candidates and political committees making expenditures supporting or opposing candidates who were defeated in the primary election or ballot issues that were voted on in the primary file on October 10.
- 3) Candidates and political committees making expenditures supporting or opposing general election candidates or ballot issues voted on in the general election file on December 10.
- 4) Continuing political committees that do not take part in a primary or general election are only required to file an annual report on January 10 covering the preceding calendar year.
- 5) A final report is filed whenever a candidate's committee or a political committee ceases operation, disposes of any surplus campaign funds and has a zero account balance. Final reports may be filed at any time and may coincide with one of the due dates listed above.

All reports are considered filed as of the postmark date or the date hand-delivered to PDC.

### WHERE TO FILE

Send original ABB C-4 report to PDC at the above address. Candidates send a duplicate copy to their County Auditor (County Election Department). Political committees send a copy to the County Auditor of the county in which their headquarters is located or, if no headquarters, the county in which their treasurer resides. See instruction manual for addresses of county election officials.

For assistance, call or write PDC!

**Reviser's note:** The bracketed material preceding the section above was supplied by the code reviser's office.

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

**WSR 92-12-085**  
**WITHDRAWAL OF PROPOSED RULES**  
**STATE BOARD FOR**  
**COMMUNITY AND TECHNICAL COLLEGES**  
 [Filed June 2, 1992, 3:56 p.m.]

The State Board for Community and Technical Colleges hereby withdraws proposed amendments to WAC 131-16-060 filed on April 22, 1992, as part of WSR 92-09-139.

Robert G. Wark  
 Rules Coordinator

**WSR 92-12-086**  
**PERMANENT RULES**  
**DEPARTMENT OF HEALTH**

[Order 276—Filed June 2, 1992, 4:04 p.m., effective July 1, 1992]

Date of Adoption: May 29, 1992.

Purpose: Amend fee schedule for boarding homes.

Citation of Existing Rules Affected by this Order:  
 Amending WAC 246-316-990.

Statutory Authority for Adoption: RCW 43.70.250.

Pursuant to notice filed as WSR 92-07-097 on March 18, 1992.

Changes Other than Editing from Proposed to Adopted Version: Fee amount changed from thirty-five dollars per bed to thirty-four dollars per bed.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The effective date of this rule shall be July 1, 1992, pursuant to RCW 34.05.380 (3)(a). The 1993-1994 budget omitted previous general fund monies to support the boarding home regulatory program. That budget goes into effect July 1, 1992, and, as of that date, the cost of the regulatory program will need to be fully borne by the boarding home licensees in accordance with RCW 43.70.250.

Effective Date of Rule: July 1, 1992.

May 29, 1992  
 Kristine M. Gebbie  
 Secretary

**AMENDATORY SECTION** (Amending Order 122, filed 12/27/90, effective 1/31/91)

WAC 246-316-990 FEES. Boarding homes licensed under chapter 18.20 RCW shall:

Submit an annual fee of (~~fourteen~~) thirty-four dollars (~~multiplied by~~) per bed of the licensed resident bed capacity of the boarding home.

The "licensed resident bed capacity" is the resident occupancy level determined by the boarding home and approved by the department, consistent with physical plant and movable equipment requirements for resident sleeping rooms.

The occupancy level shall be maintained at or below the licensed resident bed capacity of the boarding home.

**WSR 92-12-087**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Order 92-06—Filed June 3, 1992, 10:00 a.m.]

Original Notice.

Title of Rule: Chapter 296-24 WAC, General safety and health standards; chapter 296-52 WAC, Safety standards for the possession, handling and use of explosives; chapter 296-67 WAC, Safety standards for process safety management of highly hazardous chemicals; and chapter 296-155 WAC, Safety standards for construction work.

Purpose: Chapter 296-24 WAC, General safety and health standards, federal-initiated amendments to WAC 296-24-19517, 296-24-20700, 296-24-20730, and 296-24-76555 are to make the existing state standards at-least-as-effective-as the comparable federal final rules by incorporating OSHA recommendations dated June 19, 1991. These recommendations are in response to state plan change supplements submitted on February 15, 1989, for power press sensing devices, and February 12, 1991, for alternating tread-type stairs; chapter 296-52 WAC, Safety standards for the possession, handling and use of explosives, federal-initiated amendments to WAC 296-52-401 are proposed to make the existing state standard at-least-as-effective-as the comparable federal final rule by incorporating additions published in Federal Registers, Volume 57, Number 36, dated February 24, 1992, and Number 43, dated March 4, 1992, Process Safety Management of Highly Hazardous Chemicals. Federal-initiated amendments to WAC 296-52-461, 296-52-489, and 296-52-493 are to make existing state standards at-least-as-effective-as the comparable federal final rules by incorporating OSHA recommendations dated April 26, 1991. These recommendations are in response to a state plan change supplement submitted on July 31, 1987, relating to explosives; chapter 296-67 WAC, Safety standards for process safety management of highly hazardous chemicals, federal-initiated new sections WAC 296-67-001 through 296-67-293 are proposed to be "identical" to the federal final rule published in Federal Register, Volume 57, Number 36, dated February 24, 1992. These regulations are the requirements for the management of hazards association with processes using highly hazardous chemicals. They establish procedures for process safety management that will protect employees by preventing or minimizing the consequences of chemical accidents involving highly hazardous chemicals; and chapter 296-

155 WAC, Safety standards for construction work, federal-initiated amendments to WAC 296-155-48527, 296-155-48529, and 296-155-48531 are to make existing state standards at least as effective as the comparable federal final rules by incorporating OSHA recommendations dated June 26, 1991. These recommendations are in response to changes adopted by Administrative Order of Adoption Number 90-10 on August 13, 1990, and the state plan change of September 5, 1990.

Statutory Authority for Adoption: Chapter 49.17 RCW.

Statute Being Implemented: RCW 49.17.040, [49.17.]050, and [49.17.]060.

Summary: See Purpose above.

Reasons Supporting Proposal: To ensure a safe and healthful workplace for all employees in Washington state.

Name of Agency Personnel Responsible for Drafting: Ray V. Wax, 805 Plum Street, Olympia, WA, 753-6381; Implementation and Enforcement: J. N. Kirchoff, 805 Plum Street, Olympia, WA, 753-6500.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is necessary because of federal law, Federal Register, Volume 57, Number 36, dated February 24, 1992.

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

Proposal Changes the Following Existing Rules: See Purpose above.

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

The department has considered whether these rule changes are subject to the Regulatory Fairness Act and has determined that they are not for the following reasons: Chapter 296-24 WAC, General safety and health standards, federal-initiated amendments to WAC 296-24-19517, 296-24-20700, 296-24-20730, and 296-24-76555 are made solely to conform to federal OSHA recommendations dated June 19, 1991; chapter 296-52 WAC, Safety standards for the possession, handling and use of explosives, federal-initiated amendments to WAC 296-52-401 are made solely to conform or comply with federal laws and regulations. Federal-initiated amendments to WAC 296-52-461, 296-52-489, and 296-52-493 are made solely to conform to federal OSHA recommendations dated April 26, 1991; chapter 296-67 WAC, Safety standards for process safety management of highly hazardous chemicals, federal-initiated new sections WAC 296-67-001 through 296-67-293 are made solely to conform or comply with federal laws and regulations; and chapter 296-155 WAC, Safety standards for construction work, federal-initiated amendments to WAC 296-155-48527, 296-155-48529, and 296-155-48531 are made solely to conform to federal OSHA recommendations dated June 26, 1991.

Hearing Location: General Administration Building Auditorium, Olympia, Washington 98504, on July 9, 1992, at 9:30 a.m.

Submit Written Comments to: J. N. Kirchoff, Assistant Director, Division of Industrial Safety and Health, by July 9, 1992, 5:00 p.m.

Date of Intended Adoption: August 10, 1992.

June 3, 1992  
Joseph A. Dear  
Director

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-48527 SELF PROPELLED ELEVATING WORK PLATFORMS. (1) All applicable rules for design, construction, maintenance, operation, testing and use of self propelled elevating work platforms shall be in accordance with ANSI A92.6-1979.

(2) Minimum rated work load.

(a) The minimum rated work load of work platforms shall not be less than two hundred fifty pounds.

(b) All structural load-supporting elements of the work platform shall have a structural safety factor of not less than two based on the minimum yield strength of the material.

(c) All structural load-supporting elements of the work platform that are made of nonductile material (such as cast iron and fiberglass) shall have a structural safety factor of not less than five based on the minimum ultimate strength of the material.

(d) Design and stability tests shall be in accordance with ANSI A92.6-1979.

(e) Each production unit on level ground shall sustain a load test ~~((which shall include the movement of the platform))~~ with a platform load at least one hundred fifty percent of the rated capacity imposed ~~(( ))~~. The test shall include the movement of the platform through its entire range of motion.

(3) Driving interlock.

(a) The unit shall use interlock means that will prevent driving the unit unless the platform height, platform configuration, or any combination of ~~((the foregoing))~~ these, are adjusted to meet the stability test requirements.

(b) A work platform limited in driveable height by the interlock means may be elevated and used while stationary up to the maximum platform heights at which it will maintain stability during the following static test. At the maximum platform height, on level ground, with the platform carrying the rated work load, apply a horizontal test force of one hundred fifty pounds or fifteen percent of the rated platform load (whichever is greater) at the point on the perimeter of the platform most likely to cause overturning.

(4) Platform outrigger interlocks. Where outriggers, stabilizers, or extendable axles are required to meet the side load test, interlocks shall prevent the platform from being raised above the height at which these devices are required unless the required devices are extended. Interlocks shall also prevent the retraction of these devices while the platform is above that level.

(5) Platform requirement.

(a) A guardrail or other structure shall be provided around its upper periphery, which shall be approximately forty-two inches plus or minus three inches in height, a midrail, and toeboards which shall be not less than four inches high (nominal dimension). Guardrail and midrail chains, or the equivalent, may be substituted across an access opening. Toeboards may be omitted at the access opening.

(b) The work platform shall have a minimum width of eighteen inches ~~((and))~~. Proper access shall be provided for personnel to use in reaching the platform deck when it is in the lowered position ~~((shall be provided))~~.

(c) ~~((The))~~ A floor surface shall be provided for both the platform and the access ~~((shall be provided))~~ that will minimize slipping.

(6) System safety factors.

(a) ~~((Where))~~ When the platform ~~((is supporting))~~ supports its rated work load by a system of wire ropes or chains, or both, the safety factor of the wire rope or chains shall not be less than eight to one, based on ultimate strength.

(b) All critical hydraulic components, all pneumatic components, and all hoses of hydraulic or pneumatic systems shall have a minimum bursting strength of at least four times the operating pressure for which the system is designed.

(c) Noncritical hydraulic components shall have a minimum bursting strength of at least ~~((two times))~~ twice the operating pressure for which the system is designed.

(7) Safety design requirements.

(a) Where the elevation of the platform is accomplished by an electromechanical assembly, the system shall be designed to prevent free descent in the event of a generator or power failure.

(b) Where the elevation of the platform is accomplished by a hydraulic or pneumatic cylinder assembly, the system shall be so equipped as to prevent free descent in the event of a hydraulic or pneumatic line failure.

(c) Where the platform is horizontally extendable beyond the base of the machine, the system shall be so equipped as to prevent descent in the event of a hydraulic or pneumatic line failure.

(d) Where the elevation of the platform is accomplished by a single hoist cable, the system shall be protected by a broken-cable safety device that will prevent free descent of the platform.

(e) In addition to the primary operator controls, the work platform shall be equipped with an emergency stop device located at the primary control station that will deactivate all powered functions.

(f) Hydraulically or pneumatically actuated outriggers or stabilizers, or both, shall be designed to prevent their retraction in the event of a hydraulic or pneumatic line failure.

(g) Any work platform equipped with a powered elevating assembly shall be supplied with clearly marked emergency lowering means readily accessible from ground level.

(h) Mechanical power transmission apparatus shall be guarded in accordance with WAC 296-24-205, General safety and health standards.

(8) Directional controls.

(a) ~~((A))~~ Directional controls shall move in the direction of the function they control ~~((and))~~. The controls shall be of the type that automatically return to the off or the neutral position when released.

(b) Such controls shall be protected against inadvertent operation and shall be clearly marked.

(9) Engine requirement.

(a) Fuel lines of internal-combustion-engine-powered work platforms shall be supported to keep chafing to a minimum ~~((and))~~. They shall be located to keep exposure to engine and exhaust heat to a minimum.

(b) Liquid fuel lines shall be hard except where flexible connections are required for isolation from vibration.

(c) LP gas fuel systems shall use flexible LP gas hose or hard lines.

(d) Exhaust lines shall be equipped with mufflers ~~((and))~~. The lines shall be located to minimize the exposure ~~((to))~~ of noise and fumes ~~((of))~~ to operators and personnel ~~((located in the proximity of such))~~ near the units.

(10) Each work platform shall be equipped with a mechanical parking brake, which will hold the unit on any slope it is capable of climbing. Wheel chocks shall be installed before using an aerial lift on an incline, provided they can be safely installed.

(11) Specifications display. The following information shall be displayed on all work platforms in a clearly visible, accessible area and in as permanent a manner as possible:

(a) Warnings, cautions, or restrictions for safe operation in accordance with ANSI Z35.1-1972 and ANSI Z35.4-1973.

(b) Make, model, serial number, and manufacturer's name and address.

(c) Rated work load.

(d) Maximum platform height.

(e) Nominal voltage of the batteries if battery powered.

(f) A notice to study the operating/maintenance manual before using the equipment.

(g) Alternative configuration statement. If a work platform is susceptible to several alternative configurations, then the manufacturer shall clearly describe these alternatives, including the rated capacity in each situation. If the rated work load of a work platform is the same in any configuration, these additional descriptions are not necessary.

(h) A clear statement of whether or not the platform and its enclosure are electrically insulated. If insulated, the level of protection and the applicable test standard shall be stated, in accordance with ANSI 92.2-1979.

(i) The rated work load shall be clearly displayed at each entrance to the platform.

(12) Lift manual requirement. Each work platform shall be provided with an appropriate manual. The manual shall contain:

(a) Descriptions, specifications, and ratings of the work platform, including the data specified in subsection (11)(h) and (i) of this section.

(b) The maximum system pressure and the maximum voltage of the electrical systems that are part of the work platform.

(c) Instructions regarding operation, maintenance, and weld specifications.

(d) Replacement parts information.

(13) Inspection and maintenance.

(a) Each work platform shall be inspected, maintained, repaired and kept in proper working order in accordance with the manufacturer's maintenance and repair manuals.

(b) Any work platform not in safe operating condition shall be removed from service until it is repaired.

(c) All repairs shall be made by a qualified service person in conformance with the manufacturer's maintenance and repair manuals.

(14) Operator requirements. Only trained and authorized personnel shall be permitted to operate the work platform. Before using the work platform, the operator shall ~~((have))~~:

(a) Read and ~~((understood))~~ understand the manufacturer's operating instructions and safety rules, ~~((or been))~~ and be trained by a qualified person on the contents of the manufacturer's instructions and safety rules.

(b) Read and ~~((understood))~~ understand all decals, warnings, and instructions on the work platform.

(c) On a daily basis, before the work platform is used, it shall be given a thorough inspection, which shall include:

(i) Inspection for defects such as cracked welds, hydraulic leaks, damaged control cable, loose wire connections, and tire damage.

(ii) Inspection of functional controls for proper operation.

(d) Any suspect items discovered through inspection shall be carefully examined and a determination made by a qualified service person as to whether they constitute a safety hazard. All unsafe items shall be corrected before further use of the work platform.

(e) Before the work platform is used, the operator shall survey the area for hazards such as:

(i) Untamped earth fills.

(ii) Ditches.

(iii) Dropoffs or holes.

(iv) Bumps and floor obstructions.

(v) Debris.

(vi) Overhead obstructions and high-voltage conductors.

(vii) Other possible hazardous conditions.

(15) Requirement for operations. The work platform shall be used only in accordance with the Manufacturer's Operating Instructions and Safety Rules, ANSI A92.6-1979, and this standard.

(a) Only trained and authorized personnel shall be permitted to operate the work platform.

(b) Before each elevation of the work platform, the operator shall:

(i) Check for overhead obstructions and high-voltage conductors. A minimum distance of ten feet from energized high-voltage conductors shall be maintained at all times between the conductors and the operator and platform equipment.

(ii) Ensure that the work platform is elevated only on a firm and level surface.

(iii) Ensure that the load and its distribution on the platform are in accordance with the manufacturer's rated capacity. The manufacturer's recommended load limits shall never be exceeded.

(iv) Ensure that outriggers and stabilizers are used if the manufacturer's instructions require their use.

(v) Ensure that guardrails are properly installed, and gates or openings are closed.

(c) Before and during driving while the platform is elevated, the operator shall:

(i) Be required to look in the direction of, and keep a clear view of, the path of travel and assure that the path of travel is firm and level.

(ii) Maintain a safe distance from obstacles, debris, dropoffs, holes, depressions, ramps, or other hazards to safe elevated travel.

(iii) Maintain a safe distance from overhead obstacles.

(d) ~~((Under all travel conditions))~~ The operator shall limit travel speed ~~((in accordance with))~~ according to conditions ~~((of))~~. Conditions to be observed are: Ground surface, congestion, slope, location of personnel, and other factors ~~((which))~~ that may create a hazard of collision or injury to personnel.

(e) Stunt driving and horseplay shall not be permitted.

(f) Personnel shall maintain a firm footing on the platform while working thereon unless they are secured by safety harness and lanyard devices fixed to manufacturer-approved hard points. Use of railings or planks, ladders or any other device on the work platform for achieving additional height shall be prohibited.

(g) The operator shall immediately report defects or malfunctions which become evident during operation and shall ~~((discontinue))~~ stop use of the work platform until correction has been made.

(h) Altering or disabling of safety devices or interlocks shall be prohibited.

(i) Care shall be taken to prevent ropes, electric cords, hoses, etc., from ~~((becoming entangled in))~~ tangling with the work platform when the platform is being elevated, lowered, or moved.

(j) Work platform rated capacities shall not be exceeded when loads are transferred to the platform at elevated heights.

(k) The operator shall ensure that the area surrounding the work platform is clear of personnel and equipment before lowering the platform.

(16) Fuel tanks shall not be filled while the engine is running. Spillage shall be avoided.

(17) Batteries shall not be charged except in an open, well-ventilated area, free of flame, smoking, spark, or fire.

(18) Modifications. All modifications and alterations to work platforms shall be certified in writing as being in conformance with ANSI A92.6-1979 by the manufacturer or ~~((by))~~ any ~~((other))~~ equivalent entity, such as a nationally recognized testing laboratory ~~((as being in conformance with all applicable provisions of ANSI A92.6-1979))~~.

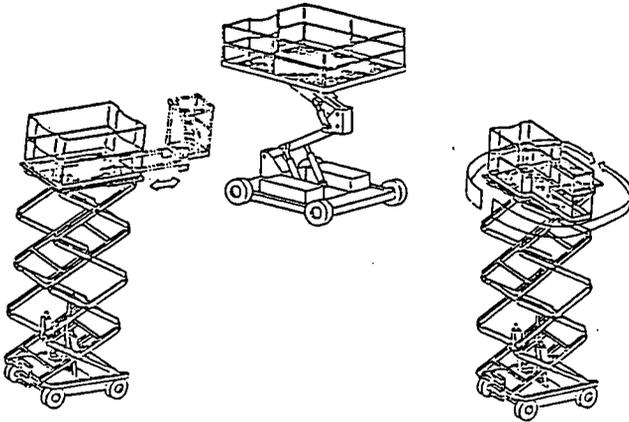


FIG. 1  
Examples of Boom Platforms

**AMENDATORY SECTION** (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

**WAC 296-155-48529 BOOM SUPPORTED ELEVATING WORK PLATFORMS.** (1) All applicable rules for design, construction, maintenance, operation, testing and use of boom supported elevating work platforms shall be in accordance with ANSI A92.5-1980.

(2) Minimum rated work load. The minimum rated work load of a work platform shall be three hundred pounds. Either single or multiple ratings may be used.

(a) Work platforms with single ratings shall include means which clearly present the rated work load to the operator at the platform control station.

(b) Work platforms having multiple configurations with multiple ratings shall have means which clearly describe the rated work load of each configuration to the operator at the platform control station. Examples of multiple configurations are:

(i) Outriggers extended to firm footing versus outriggers not extended.

(ii) Large platform versus small platform.

(iii) Extendable boom retracted versus extended.

(iv) Boom elevated versus lowered.

(v) Extendable axles extended versus retracted.

(3) Boom angle indicator: When the rated capacity of the alternate configuration depends on the angle the boom makes with the horizontal, the manufacturer shall install means by which that angle can be determined. Such means shall be clearly displayed to the operator at the platform control station.

(4) Structural safety.

(a) All load-supporting structural elements of the work platform shall have a structural safety factor of not less than two to one based on the minimum yield strength of the materials used.

(b) The load-supporting structural elements of the work platform that are made of nonductile material which will not deform plastically before breaking shall have a structural safety factor of not less than five to one based on the minimum ultimate strength of the materials used.

(c) The design stress used in determining the structural safety factor shall be the maximum stresses developed within the element with the machine operating at its rated work load, used in the type of service for which it was designed, and operated in accordance with manufacturer's operation instructions.

(d) The design stress shall include the effects of stress concentration and dynamic loading as shown in ANSI A92.5-1980.

(5) Platform stability.

(a) Each work platform shall be capable of maintaining stability while sustaining a static load equal to one and one-third times its rated work load, concentrated anywhere twelve inches inside the perimeter of the platform, throughout its entire range of motion while on a slope of five degrees from the horizontal in the direction most likely to cause overturning.

(i) If having the outriggers, stabilizers, or extendable axles in contact with the supporting surface is part of the normal configuration to meet the stability requirements, they shall be extended.

(ii) A visual inspection shall be made to determine whether this test has produced an adverse effect on any component.

(b) Each work platform shall sustain on level ground a test load equal to one and one-half times its rated work load throughout the entire range of motion in which the boom can be placed.

(i) The test load shall be placed with its center of gravity twelve inches inboard from the guardrail while the unit is in the least stable position.

(ii) The work platform shall remain stable during this test.

(iii) A visual inspection shall be made to determine whether this test has produced an adverse effect on any component.

(c) Each work platform shall be capable of maintaining stability when positioned on a five degree slope in its backward stability configuration in the direction and condition most likely to cause overturning, while sustaining a horizontal force of one hundred fifty pounds or fifteen percent of rated capacity, whichever is greater, applied to the upper perimeter of the platform in the direction most likely to cause overturning (see Fig. 1). Note that the most adverse condition may be with zero or with rated work load (concentrated one foot inside perimeter of platform), depending on basket configuration.

(i) If having the outriggers, stabilizers, or extendable axles in contact with the supporting surface is part of the normal configuration to meet stability requirements, they shall be extended.

(ii) A visual inspection shall be made to determine whether this test has produced an adverse effect on any component.

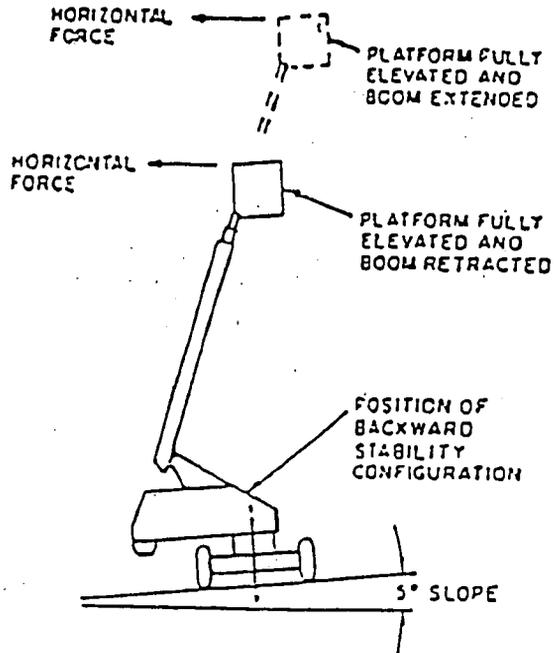


Fig. 1

(6) Work platform design requirement. The work platform shall be provided with a guardrail or other structure approximately forty-two inches plus or minus three inches high around its upper periphery, with

a midrail, and with toeboards not less than four inches high. Guardrails and midrail chains or the equivalent may be substituted across an access opening.

(a) All stepping, standing, and working surfaces shall be skid resistant.

(b) Attachment points shall be provided for a body belt and lanyard for each person occupying the platform.

(7) Work platform controls. Work platforms shall have both primary and secondary controls.

(a) Primary controls shall be readily accessible to the operator on the platform.

(b) Secondary controls shall be designed to override the primary controls and shall be readily accessible from ground level.

(c) Both primary and secondary controls shall be clearly marked, using permanent legible identification which can be easily understood.

(d) All directional controls shall move in the direction of the function which they control when possible, and shall be of the type which automatically returns to the "off" or the neutral position when released.

(e) Such controls shall be protected against inadvertent operation.

(8) Outrigger interlocks. Where the work platform is equipped with outriggers, stabilizers, or extendable axles, interlocks shall be provided to ensure that the platform cannot be positioned beyond the maximum travel height unless the outriggers, stabilizers, or extendable axles are properly set. Control circuits shall ensure that the driving motor(s) cannot be activated unless the outriggers or stabilizers are disengaged and the platform has been lowered to the maximum travel height (MTH).

(9) Auxiliary operating means: All work platforms shall be provided with an auxiliary means of lowering, retracting, and rotating in the event of primary power loss.

(10) Emergency stop: All work platforms shall be equipped with an emergency stop device, readily accessible to the operator, which will effectively de-energize all powered systems in case of a malfunction.

(11) Tilt alarm: All work platforms shall be fitted with an alarm or other suitable warning at the platform, which will be activated automatically when the machine base is more than five degrees out of level in any direction.

(12) System safety factors.

(a) Where the platform is supporting its rated work load by a system of wire ropes or lift chains, or both, the safety factor of the wire rope or chain shall not be less than eight to one, based on ultimate strength.

(b) All critical components and hoses of hydraulic and pneumatic systems shall have a minimum bursting strength of four times the operating pressure for which the system is designed.

(c) Noncritical components shall have a minimum bursting strength of two times the operating pressure for which the system is designed.

(d) Critical components are defined as those in which a malfunction would result in a free descent of the platform.

(13) Failsafe requirements.

(a) Where the elevation of the platform is accomplished by an electromechanical assembly, the system shall be so designed as to prevent free descent in the event of a generator or power failure.

(b) Where the elevation of the platform is accomplished by a hydraulic or pneumatic cylinder assembly, the system shall be so equipped as to prevent free descent in the event a hydraulic or pneumatic line bursts.

(c) Hydraulically or pneumatically actuated outriggers or stabilizers, or both, shall be so designed as to prevent their retraction in the event a hydraulic or pneumatic line bursts.

(14) Engine requirement.

(a) Fuel lines of internal-combustion-engine-powered work platforms shall be supported to keep chafing to a minimum and located to keep exposure to engine and exhaust heat to a minimum.

(b) Liquid fuel lines shall be hard except where flexible connections are required for isolation from vibration.

(c) LP gas fuel systems shall use flexible LP gas hose or hard lines.

(d) Exhaust lines shall be equipped with mufflers and shall be located to minimize the exposure to noise and fumes of operators and personnel located in the proximity of such units.

(15) Specifications display. There shall be displayed on all work platforms, in a permanent manner, at a readily visible location, the following information:

(a) Special warnings, cautions, or restrictions necessary for safe operation in accordance with ANSI Z35.1-1972 and Z35.4-1973.

(b) Make, model, serial number, and manufacturer's name and address.

(c) Rated work load.

(d) Maximum platform height and maximum travel height.

(e) Reference to studying operating instructions in manual before use.

(f) Alternative configuration statement. If a work platform is capable of several alternative configurations and loads, the alternatives shall be clearly described.

(g) A clear statement of whether or not the platform and its enclosure are electrically insulated. If they are electrically insulated, the voltage at which the platform is rated and the applicable test standard shall be stated.

(h) The rated work load shall be clearly displayed at each entrance to the platform and the operator control station.

(16) Lift manual requirements. Each work platform shall be provided with a manufacturer's manual(s) containing the following information:

(a) Descriptions, specifications, and ratings of the work platform, including the data specified in subsection (17) of this section.

(b) The maximum hydraulic operating pressure and the maximum voltage of the electrical systems which are part of the platform.

(c) Instructions regarding operation, safety rules, maintenance, and repair.

(d) Replacement parts information.

(17) Inspection and maintenance.

(a) Each work platform shall be inspected, maintained, repaired, and kept in proper working condition in accordance with the manufacturer's maintenance and repair manuals.

(b) Any work platform found not to be in safe operating condition shall be removed from service until repaired.

(c) All repairs shall be made by a qualified person in conformance with the manufacturer's maintenance and repair manual(s).

(18) Operator requirements. Only trained and authorized persons shall be permitted to operate the work platform. Before using the work platform, the operator shall:

(a) Be instructed by a qualified person in the intended purpose and function of each of the controls.

(b) Read and understand the manufacturer's operating instructions and safety rules, or be trained by a qualified person on the contents of the manufacturer's operating instructions and safety rules.

(c) Understand by reading or by having a qualified person explain all decals, warnings, and instructions displayed on the work platform.

(d) Prior to use on each work shift, the work platform shall be inspected for defects that would affect its safe operation and use. The inspection shall consist of the following:

(i) Visual inspection for cracked welds or other structural defects, hydraulic leaks, damaged control cables, loose wire connections, and tire damage.

(ii) Function test of the operating controls to ensure that they perform their intended functions. Any suspect items shall be carefully examined and a determination made by a qualified person as to whether they constitute a safety hazard. All unsafe items shall be corrected before further use of the work platform.

(iii) Before the work platform is used and during use, the job site shall be checked for hazards such as ditches, dropoffs or holes, bumps and floor obstructions, debris, overhead obstructions and high-voltage conductors, and other possible hazardous conditions.

(19) Requirements for operation. The work platform shall be used only in accordance with the manufacturer's operating instructions and safety rules, ANSI 92.6-1979 and this standard.

(a) Only trained and authorized personnel shall be permitted to operate the work platform.

(b) Before each elevation of the work platform, the operator shall:

(i) Check for overhead obstructions and high-voltage conductors. A minimum distance of ten feet from energized high-voltage conductors shall be maintained at all times between the conductors and the operator and platform equipment.

(ii) Ensure the work platform is elevated only on a firm and level surface.

(iii) Ensure that the load and its distribution on the platform are in accordance with the manufacturer's rated capacity. The manufacturer's rated work load shall never be exceeded.

(iv) Ensure that outriggers or stabilizers are used in accordance with manufacturer's instructions. Wheel chocks shall be installed before using an aerial lift on an incline, provided they can be safely installed.

(v) Ensure that platform guardrails are properly installed and gates or openings are closed.

(vi) Check to see that all occupants' full body harnesses are on and properly attached.

(c) Before and during driving while elevated, the operator shall:

(i) Be required to look in the direction of, and keep a clear view of, the path of travel and make sure that the path is firm and level.

(ii) Maintain a safe distance from obstacles, debris, dropoffs, holes, depressions, ramps, and other hazards to safe elevated travel.

(iii) Maintain a safe distance from overhead obstacles.

(d) Under all travel conditions the operator shall limit speed according to conditions of ground surface, congestion, slope, location of personnel, and other factors which may create a hazard of collision or injury to personnel.

(e) Stunt driving and horseplay shall not be permitted.

(f) Personnel shall maintain a firm footing on the platform while working thereon. Safety harness and lanyard devices fixed to attachment points provided and approved by the manufacturer shall be used by all occupants. Use of railings, planks, ladders, or any other device on the work platform (~~(- except as provided in subsection (24) of this section;)~~) for achieving additional height shall be prohibited.

(g) The operators shall immediately report to their supervisor any defects or malfunctions which become evident during operation. Any defects or malfunctions that affect the safety of operation shall be repaired prior to continued use of the work platform.

(h) Altering, modifying, or disabling safety devices or interlocks is prohibited.

(i) Care shall be taken to prevent ropes, electric cords, hoses, and the like from becoming entangled in the work platform when it is being elevated, lowered, or moved.

(j) Work platform rated capacities shall not be exceeded when live loads are transferred to the platform at elevated heights.

(k) The operator shall ensure that the area surrounding the work platform is clear of personnel and equipment before lowering the platform.

(20) Refueling: Fuel tanks shall not be filled while the engine is running. Caution shall be used while filling tanks to avoid spilling fuel.

(21) Battery charging: Batteries shall not be charged except in an open, well ventilated area free of flame, smoking, spark, and fire.

(22) Modifications: There shall be no modification or alteration to work platforms without the modifications being approved and certified in writing by the manufacturer or other equivalent entity, such as a nationally recognized testing laboratory, to be in conformance with all applicable provisions of ANSI A92.5-1980 and this standard.

#### AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-155-48531 VEHICLE MOUNTED ELEVATING AND ROTATING AERIAL DEVICES. (1) All applicable rules for design, construction, maintenance, operation, testing, and use of vehicle mounted elevating and rotating aerial devices shall be in (~~accordance~~) conformance with American National Standards for "Vehicle Mounted Elevating and Rotating Work Platforms," ANSI A92.2-1969 and as amended through ANSI A92.2-1979.

(2) Application:

(a) Aerial lifts acquired before February 21, 1986, which do not meet the requirements of ANSI A92.2-1979, may not be used after January 1, 1976, unless they shall have been modified so as to conform with the applicable design and construction requirements of ANSI A92.2-1969.

(b) Aerial devices include the following:

(i) Extensible boom platforms;

(ii) Aerial ladders;

(iii) Articulating boom platforms;

(iv) Vertical towers; and

(v) A combination of any of the above.

(3) Specification display. The aerial device shall have manufacturers statement clearly stating the minimum values for the following characteristics of vehicles required to provide a stable and structurally sound carrier for the aerial device:

(a) The front gross axle weight rating (GAWR front).

(b) The rear gross axle weight rating (GAWR rear).

(c) The gross vehicle weight rating (GVWR).

(d) The frame section modulus.

(e) The yield strength of the vehicle frame.

(f) The frame resisting bending moment (RBM).

(g) The wheelbase dimension (WB).

(h) The rear of cab to rear axle centerline dimension (CA).

(4) Data display: The following information shall be clearly (~~state~~) stated in the manufacturers manual and on the aerial device.

(a) Make and model.

(b) Rated load capacity.

(c) Aerial device height and reach.

(d) Maximum pressure of the hydraulic system and voltage of the electrical system.

(e) Cautions and restrictions of operations.

(5) Types of rated load: Rated load capacity is of two distinct types:

(a) The platform load consisting of the weight of personnel and all items carried on or in the platform.

(b) Supplemental loads which may be fixed directly to the boom(s), or to load-carrying attachments on the aerial device.

(i) The capacity rating in either case shall be designated with boom or booms extended to the position of maximum overturning moment attainable throughout full rotation of the pedestal.

(ii) Capacities of the aerial device in other positions shall be specified separately.

(iii) The manual and placards affixed to the aerial device shall state all applicable capacity ratings.

(6) Multiple configuration rated load. If the aerial device is specified in multiple configurations, these configurations shall be clearly described including the rated load capacity of each, in the manufacturers manual and on the aerial device. Examples of alternate configurations are:

(a) With outriggers extended to firm footing versus outriggers not extended.

(b) With chassis suspension locking device engaged versus disengaged.

(c) With one platform versus more than one platform.

(d) Used as a personnel-carrying device only versus used as a personnel-carrying and material-handling device.

(e) With extensible aerial device retracted or extended.

(f) With digger attached to boom versus with digger removed from boom. If the rated load capacity of the alternate configuration is related to an angle which a boom(s) makes with the horizontal, the manufacturer shall install a means by which the angle of the boom(s) can be determined.

(7) Maximum elevation determination: Height shall be determined at maximum elevation, from the floor of the platform to the ground, with the aerial device assumed to be mounted on a vehicle having a chassis frame height of thirty-six inches.

(8) Maximum reach determination: Reach, as a maximum, shall be measured in the horizontal plane, from the centerline of rotation to the outer edge (rail) of the platform.

(9) Insulated aerial devices.

(a) The aerial device manufacturers manual and instruction plate(s) shall clearly state whether the aerial device is insulated or noninsulated.

(b) In the case of insulated aerial devices.

(i) The manual and instruction plate(s) shall clearly state the qualification voltage for which the aerial device has been satisfactorily tested in accordance with this standard.

(ii) The manual and instruction plate(s) shall clearly state the design voltage for which the aerial device can be tested.

(iii) All components bridging the insulated portions of the aerial device shall have electrical insulating values consistent with the design voltage rating of the upper boom, and, when provided, of the lower insulator.

(iv) Test electrodes on articulating-boom aerial devices rated over 69 kV, and optionally at 69 kV, shall be installed permanently on the inside and outside surfaces of the insulated portion of the upper boom for the purposes of monitoring electrical leakage current.

(v) The test electrodes shall be two to six inches from the metal portion of the lower end of the insulated upper boom.

(vi) All hydraulic and pneumatic lines bridging the insulated portion of the upper boom shall have metallic couplings which connect the inside and outside of any hose and shall be adjacent to the insulated boom test electrodes.

(vii) The test electrode on the outside surface of the insulated boom on extensible-boom aerial devices shall be removable.

(viii) The location of the removable test electrode shall be permanently marked or recorded to facilitate repeating future tests of the apparatus.

(10) Quality control. The design and manufacture of the aerial device shall comply with the principles outlined in this subsection. The

manufacture of the aerial device shall include a quality control system which will ensure compliance with ANSI A92.2-1979 and this standard. The drawings and manual shall specify those welds that are considered critical and that must conform to the following standards:

- (a) Structural Welding Code, AWS D1.1-1979.
- (b) Specifications for Welding Industrial and Mill Cranes, AWS D14.1-1970.
- (c) Standards for Qualifications of Welding Procedures and Welders for Piping and Tubing, AWS D10.9-1969.
- (i) The manufacture and installation of aerial devices shall include applicable welding quality control procedures for all weldments.
- (ii) Methods of nondestructive testing shall be described in the quality control procedures.
- (iii) The quality control procedures shall designate the welds to be examined, the extent of examination, and the method of testing.
- (iv) Appropriate inspection methods of welds are recommended by the American Welding Society.
- (v) The structural load-supporting elements of the aerial device which support the platform, and which are made of a ductile material, shall have a design stress of not more than fifty percent of the minimum yield strength of the material, based on the combined rated load and weight of the support structure.
- (vi) The structural load-supporting elements of the aerial device which support the platform, and which are made of a nonductile material, shall have a design stress of not more than twenty percent of the minimum ultimate strength of the material, based on the combined rated load and weight of the support structure.
- (vii) The same structural safety factors stated above shall also apply to the platform.
- (11) Aerial lift specification. Articulating-boom and extensible-boom aerial devices primarily designed as personnel carriers shall have both upper and lower controls.
  - (a) Upper controls shall be in or beside the platform, readily visible ((to)) and available within easy reach of the operator, and protected from damage and inadvertent actuation.
  - (b) Lower controls shall be easily accessible and shall provide for overriding the upper controls. Lower level controls shall not be operated unless permission has been obtained from the employee in the lift, except in case of emergency.
  - (c) These and all other controls shall be plainly identified as to their function.
  - (d) The controls shall return to their neutral position when released by the operator.
  - (e) Vehicle-mounted articulating and telescoping cranes or derricks equipped with accessory platforms need not have controls at the platform station.
  - (f) Aerial ladders that are designed and manufactured with upper controls shall comply with the requirements of this subsection.
  - (g) Mechanical ladders that are counterbalanced for ease in raising to, and lowering from, an operating position shall be equipped with a locking device to secure the ladder in the lower traveling position.
  - (h) Each aerial device, when mounted on a vehicle meeting the manufacturer's minimum vehicle specifications, and used in a specific configuration, shall comprise a mobile unit capable of sustaining a static load one and one-half times its rated load capacity, in every position in which the load can be placed within the definition of the specific configuration, when the vehicle is on a firm and level surface. If having the outriggers extended to a firm footing is part of the definition of the configuration, they shall be extended to provide leveling for the purpose of determining whether the mobile unit meets the stability requirements.
  - (i) Each aerial device, when mounted on a vehicle meeting the manufacturer's minimum vehicle specifications, and used in a specific configuration, shall comprise a mobile unit capable of sustaining a static load one and one-third times its rated load capacity in every position in which the load can be placed within the definition of the specific configuration when the vehicle is on a slope of five degrees downward in the direction most likely to cause overturning. If having the outriggers extended to a firm footing is part of the definition of the configuration, they shall be extended to provide leveling for the purpose of determining whether the mobile unit meets the stability requirements.
  - (j) If other facilities, such as a means of turntable leveling, are provided to minimize the effect of the sloping surface, then those facilities shall be utilized for the purpose of determining whether the mobile unit meets the stability requirements.
  - (k) Vertical towers designed specifically for operation only on a level surface shall be excluded from this requirement.

(l) None of the stability tests described in this subsection shall produce instability of the mobile unit as defined herein or cause permanent deformation of any component.

(m) The lifting of a tire or outrigger on the opposite side of the load does not necessarily indicate a condition of instability.

(12) Hydraulic components.

(a) All hydraulic components whose failure could result in free and unrestricted motion of the boom(s) shall have a minimum bursting strength of at least four times the operating pressure for which the system is designed.

(b) All hydraulic components normally rated according to bursting strength, such as hose, tubing, and fittings, shall have a minimum bursting strength of at least three times the operating pressure for which the system is designed.

(c) All hydraulic components normally rated according to performance criteria, such as rated flow and pressure, life cycles, pressure drop, rpm, torque, and speed, shall have a minimum bursting strength of at least two times the operating pressure for which the system is designed. Such components generally include pumps, motors, directional controls, and similar functional components.

(13) Power failure.

(a) Where the operation of the aerial device is accomplished by hydraulic means, the system shall be equipped with appropriate devices to prevent free and unrestricted motion of the aerial device in the event of hydraulic line failure.

(b) Where the operation of the aerial device is accomplished electrically, the system shall be designed to prevent free and unrestricted motion in the event of generator or power failure.

(c) This protection shall also apply to components used to stabilize a mobile unit where a system failure would result in instability.

(14) Platforms.

(a) Platform walls shall be approximately forty-two inches plus or minus three inches high when buckets or baskets are used as platforms, or the platforms shall be provided with a rail or other device around the periphery that also shall be approximately forty-two inches plus or minus three inches above the floor with a midrail and a kick plate that is at least four inches high, or its equivalent.

(b) A means shall be provided that allows personnel to attach a safety strap or lanyard to the platform or boom.

(c) Steps of all platforms shall be provided with nonskid surfaces.

(d) The platform wall height of any unit made in conformance with ANSI A92.2-1979 shall be acceptable.

(e) After the effective date of this standard, units shall conform to the requirements of this subsection.

(f) Platforms with folding-type floors and steps or rungs may be used without rails and kick plates if a method is provided to allow personnel equipped with a body belt and safety strap or lanyard to attach themselves to the platform or boom.

(g) Platforms for aerial ladders shall have a kick plate at least four inches high or its equivalent, around three sides of the platform.

(h) Provision shall be made to allow personnel equipped in accordance with WAC 296-155-24510 with a full body harness and safety strap or lanyard to attach themselves to the ladder rail.

(15) Specifications display. The aerial device shall have identification, operation, and instruction placards, decals, plates, or the equivalent, which are legible, permanent, and readily visible. There shall be installed on each aerial device applicable markings or provide these markings with appropriate installation instructions. The markings on the aerial device shall not be removed, defaced, or altered. All missing or defective markings shall be replaced.

(a) An aerial device shall have the following markings:

(i) Identification markings.

(ii) Operation markings.

(iii) Instruction markings.

(b) Aerial devices shall have markings to indicate the following:

(i) Make.

(ii) Model.

(iii) Insulated or noninsulated.

(iv) Qualification voltage and date of test.

(v) Serial number.

(vi) Rated load capacity.

(vii) Height.

(viii) Aerial device system pressure or aerial device system voltage, or both.

(c) Aerial devices shall have markings describing the function of each control. Markings shall be determined by the manufacturer or the

manufacturer and user jointly to indicate hazards inherent in the operation of an aerial device and those hazards for which the aerial device does not provide protection. The following instruction markings shall be provided for:

(i) Electrical hazards involved in the operation of the machine to warn that an aerial device does not provide protection to the operator from contact with or in proximity to an electrically charged conductor when he is in contact with or in proximity to another conductor.

(ii) Electrical hazards involved in the operation of the machine to warn that an aerial device, when working on or in proximity to energized conductors, shall be considered energized, and that contact with the aerial device or vehicle under those conditions may cause serious injuries.

(iii) Hazards that result from failure to operate the equipment in a prescribed manner.

(iv) Information related to the use and load rating of the equipment for material handling.

(v) Information related to the use and load rating of the aerial device for alternate configurations.

(vi) Information related to operator cautions.

(d) The color, format, and substance shall conform to:

(i) American National Standard for Accident Prevention Signs, ANSI Z35.1-1972.

(ii) American National Standard for Accident Prevention Tags, ANSI Z35.2-1968.

(iii) American National Standard for Informational Signs Complementary to ANSI Z35.1-1972 Accident Prevention Signs, ANSI Z35.4-1973.

(16) Testing of new aerial devices: In addition to the manufacturer's prototype tests and quality control measures, each new aerial device, including mechanisms, shall be tested to the extent necessary to ensure compliance with the operational requirements of this subsection.

(a) Operational tests shall include the following:

(i) Boom(s) elevating and lowering mechanism.

(ii) Boom extension mechanism.

(iii) Rotating mechanism.

(iv) Stability tests.

(v) Safety devices.

(b) A visual inspection of the finished unit shall be made to determine whether the operational test has produced an adverse effect on any component. Whoever mounts an aerial device upon a vehicle shall, before the mobile unit is placed in operation, perform stability tests in accordance with the requirements of subsection (11) of this section, and the operational and visual tests in accordance with this subsection.

(17) Electrical tests: All electrical tests shall be performed in accordance with ANSI A92.2-1979.

(18) Test reports: A certified report of the tests, specified in this subsection, signed by a registered professional engineer, or an equivalent entity shall be provided with each unit.

(19) Manual requirement: Aerial devices shall comply with the requirements of this standard and shall be provided with manuals. The manuals shall contain:

(a) Descriptions, specifications, and ratings of the aerial device.

(b) The maximum system pressure and the maximum voltage of electrical systems which are part of the aerial device.

(c) Instructions regarding operation, maintenance, and specified welds.

(d) Replacement part information.

(e) Instructions for installing or mounting the aerial device.

(20) Inspections:

(a) Prior to initial use, all new or modified mobile units shall be inspected and tested by the owners and users to ensure compliance with the provisions of this standard and ANSI A92.2-1979.

(b) The inspection procedure for mobile units in regular service is divided into two classifications based upon the intervals at which inspections and tests shall be performed. Safe intervals shall be set by the user, within the limits recommended by the manufacturer, and are dependent upon the nature of the critical components of the mobile unit and the degree of their exposure to wear, deterioration, or malfunction. The two classifications are designated as "frequent" and "periodic" with respective intervals between inspections and tests, as defined below:

(i) Frequent inspection and test: Daily to monthly intervals, or before use, if not used regularly.

(ii) Periodic inspection and test: One to twelve month intervals.

(21) Frequent inspections: Items such as, but not limited to the following shall be inspected for defects at the intervals as defined in subsection (20)(b)(i) of this section or as specifically indicated, including observation during operation, for any defects which might appear between regular inspections. These tests and inspections shall be performed by the operator. Any suspected items shall be carefully examined and a determination made by a qualified person as to whether they constitute a safety hazard. All unsafe items shall be corrected before further use.

(a) Operating controls and associated mechanisms for conditions interfering with proper operation.

(b) Operating controls and associated mechanisms for excessive component wear and contamination by foreign material.

(c) Visual and audible safety devices for malfunction.

(d) Hydraulic or pneumatic systems for observable deterioration or excessive leakage.

(e) Fiberglass and other insulating components for visible damage or contamination.

(f) Electrical apparatus for malfunction, signs of excessive, dirt, and moisture accumulation.

(22) Periodic inspection. An inspection of the mobile unit shall be performed at the intervals defined in subsection (20)(b)(ii) of this section, depending upon its activity, severity of service, and environment, or as specifically indicated below. Any suspect items shall be carefully examined and a determination made by a qualified person as to whether they constitute a safety hazard. All unsafe items shall be corrected before further use. Nondestructive inspection and testing methods shall be used where there are questionable structural components.

(a) Deformed, cracked, or corroded members in the aerial device structure.

(b) Worn, cracked or distorted parts, such as pins, bearings, shafts, gears, rollers, locking devices, chains, chain sprockets, wire ropes, and sheaves.

(c) Hydraulic and pneumatic relief valve settings.

(d) Hydraulic system for proper oil level.

(e) Hydraulic and pneumatic fittings, hoses, and tubing for evidence of leakage, abnormal deformation, or excessive abrasion.

(f) Compressors, pumps, motors, and generators for loose fasteners, leaks, unusual noises or vibrations, loss of operating speed, and excessive heating.

(g) Hydraulic and pneumatic valves for cracks in the valve housing, leaks, and sticking spools.

(h) Hydraulic and pneumatic cylinders and holding valves for malfunction and visible damage.

(i) Hydraulic and pneumatic filters for cleanliness and the presence of foreign material in the system indicating other component deterioration.

(j) Performance test of all boom movements.

(k) Condition and tightness of bolts and other fasteners.

(l) Welds, as specified by the manufacturer.

(m) Legible and proper markings of controls, ratings, and instructions.

(23) Electrical insulation rating tests: If the aerial device is considered, rated, and used as an insulated device, the electrical insulating components and system, after a thorough inspection for lack of cleanliness and other hazards, shall be tested for compliance with the rating of the aerial device in accordance with one of the following applicable methods and procedures:

(a) In accordance with section 5.2 of ANSI A92.2-1979 where adequate test facilities are available.

(b) In the field if the aerial device is equipped with electrical test electrodes. The insulated boom may be raised into a high voltage line whose voltage is as high as or higher than the voltage to be worked but not exceeding the design voltage of the aerial device. The electrical leakage current shall not exceed 1 microampere per line to ground per kilovolt applied.

(c) For units rated 69 kV and under, by placing a fused and protected ammeter in the circuit between a test powerline and the conductive metal assembly at the bucket end of the insulated boom.

(i) The lower end of the boom section to be tested shall be grounded.

(ii) The ammeter shall be shielded from any stray electrical currents, and shall give the measurement of any leakage current across the boom and controls, or any capacitive currents involved from the platform to ground, or both.

(iii) The minimum voltage of the test line shall be that of any circuit on which the aerial device is to be used but not exceeding the design voltage of the aerial device.

(iv) During a three minute test period, the total current through the ammeter shall not exceed the following limits at the corresponding rated line voltages:

Line Voltage (kV)	Maximum Current (Microamperers)
69	1000
34.5	500
13.2	200

(d) For units rated 69 kV and under and not used for bare hand application, a dc test voltage and procedure shall be used. The dc potential and leakage current limit shall be specified by the aerial device manufacturer or an equivalent entity.

(e) For platform liners, a retest at seventy percent of the original factory test voltage in accordance with the procedures of section 5.2.2.5 of ANSI A92.2-1979, or the equivalent shall be made.

(f) All electrical tests shall be performed only by qualified persons who are aware of the dangers.

(24) Inspection documentation:

(a) A check sheet or list of items to be inspected shall be provided to the operator or other authorized person for use in making frequent inspections. Records of frequent inspections need not be made. However, where a safety hazard is found, it shall be reported in writing to a person responsible for the corrective action and that report and a record of the correction shall be maintained.

(b) Written, dated, and signed reports and records shall be made of periodic inspections and tests and retained for a period of time consistent with need. Records shall be readily available. Manufacturer's recommendations as to the necessity and frequency of maintenance shall be followed.

(25) Modifications: No modifications or additions which affect the mechanical, hydraulic, or electrical integrity or the safe operation of the aerial device shall be made without the written approval of the manufacturer or an equivalent entity.

(a) If such modification or changes are made, the capacity, operation, and maintenance instruction markings shall be changed accordingly.

(b) In no case shall the safety factors be reduced below those specified in this standard, ANSI A92.2-1979, or below the manufacturer's design factors, whichever are greater.

(c) Changes in loading or additions made to the mobile unit after the final acceptance that affect weight distribution shall meet applicable loading regulations of the National Traffic and Motor Vehicle Safety Act of 1966 sections on Certification.

(26) Qualified operators: The user shall select and authorize only those persons qualified by training or experience, or both, to operate the aerial devices. Each operator shall be instructed in the safe and proper operation of the aerial device in accordance with the manufacturer's operator's manual and the user's work instructions.

(27) The truck shall not be moved until the boom or ladder is cradled and/or fastened down, the outrigger(s) retracted, and the power take-off disengaged, except for equipment which is specifically designed for this type of operation in accordance with provisions of subsections (1) and (2) of this section.

**AMENDATORY SECTION** (Amending Order 88-25, filed 11/14/88)

**WAC 296-24-19517 PRESENCE SENSING DEVICE INITIATION (PSDI). (1) General.**

(a) The requirements of this section shall apply to all part revolution mechanical power presses used in the PSDI mode of operation.

(b) The relevant requirements of WAC 296-24-19503 through 296-24-19515 of this part also shall apply to all presses used in the PSDI mode of operation, whether or not cross referenced in this section. Such cross-referencing of specific requirements from WAC 296-24-19503 through 296-24-19515 of this part is intended only to enhance convenience and understanding in relating to the new provisions to the existing standard, and is not to be construed as limiting the applicability of other provisions in WAC 296-24-19503 through 296-24-19515 of this part.

(c) Full revolution mechanical power presses shall not be used in the PSDI mode of operation.

(d) Mechanical power presses with a configuration which would allow a person to enter, pass through, and become clear of the sensing field into the hazardous portion of the press shall not be used in the PSDI mode of operation.

(e) The PSDI mode of operation shall be used only for normal production operations. Die-setting and maintenance procedures shall comply with WAC 296-24-19503 through 296-24-19515 of this part, and shall not be done in the PSDI mode.

(2) Brake and clutch requirements.

(a) Presses with flexible steel band brakes or with mechanical linkage actuated brakes or clutches shall not be used in the PSDI mode.

(b) Brake systems on presses used in the PSDI mode shall have sufficient torque so that each average value of stopping times (Ts) for stops initiated at approximately forty-five degrees, sixty degrees, and ninety degrees, respectively, of crankshaft angular position, shall not be more than one hundred twenty-five percent of the average value of the stopping time at the top crankshaft position. Compliance with this requirement shall be determined by using the heaviest upper die to be used on the press, and operating at the fastest press speed if there is speed selection.

(c) Where brake engagement and clutch release is effected by spring action, such spring(s) shall operate in compression on a rod or within a hole or tube, and shall be of noninterleaving design.

(3) Pneumatic systems.

(a) Air valve and air pressure supply/control.

(i) The requirements of WAC 296-24-19505 (7)(m) and (n), (10), (12) and WAC 296-24-19507 (5)(c) of this part apply to the pneumatic systems of machines used in the PSDI mode.

(ii) The air supply for pneumatic clutch/brake control valves shall incorporate a filter, an air regulator, and, when necessary for proper operation, a lubricator.

(iii) The air pressure supply for clutch/brake valves on machines used in the PSDI mode shall be regulated to pressures less than or equal to the air pressure used when making the stop time measurements required by subsection (2)(b) of this section.

(b) Air counterbalance systems.

(i) Where presses that have slide counterbalance systems are used in the PSDI mode, the counterbalance system shall also meet the requirements of WAC 296-24-19505(9) of this part.

(ii) Counterbalances shall be adjusted in accordance with the press manufacturer's recommendations to assure correct counterbalancing of the slide attachment (upper die) weight for all operations performed on presses used in the PSDI mode. The adjustments shall be made before performing the stopping time measurements required by subsections (2)(b), (5)(c), and (9)(f) of this section.

(4) Flywheels and bearings. Presses whose designs incorporate flywheels running on journals on the crankshaft or back shaft, or bull gears running on journals mounted on the crankshaft, shall be inspected, lubricated, and maintained as provided in subsection (10) of this section to reduce the possibility of unintended and uncontrolled press strokes caused by bearing seizure.

(5) Brake monitoring.

(a) Presses operated in the PSDI mode shall be equipped with a brake monitor that meets the requirements of subsections ~~((3))~~ (13) and (14) of this section. In addition, the brake monitor shall be adjusted during installation certification to prevent successive stroking of the press if increases in stopping time cause an increase in the safety distance above that required by subsection (9)(f) of this section.

(b) Once the PSDI safety system has been certified/validated, adjustment of the brake monitor shall not be done without prior approval of the validation organization for both the brake monitor adjustment and the corresponding adjustment of the safety distance. The validation organization shall in its installation validation, state that in what circumstances, if any, the employer has advance approval for adjustment, when prior oral approval is appropriate and when prior approval must be in writing. The adjustment shall be done under the supervision of an authorized person whose qualifications include knowledge of safety distance requirements and experience with the brake system and its adjustment. When brake wear or other factors extend press stopping time beyond the limit permitted by the brake monitor, adjustment, repair, or maintenance shall be performed on the brake or other press system element that extends the stopping time.

(c) The brake monitor setting shall allow an increase of no more than ten percent of the longest stopping time for the press, or ten milliseconds, whichever is longer, measured at the top of the stroke.

(6) Cycle control and control systems.

(a) The control system on presses used in the PSDI mode shall meet the applicable requirements of WAC 296-24-19503 (7), (8), and (13) and 296-24-19507(5) of this part.

(b) The control system shall incorporate a means of dynamically monitoring for decoupling of the rotary position indicating mechanism

drive from the crankshaft. This monitor shall stop slide motion and prevent successive press strokes if decoupling occurs, or if the monitor itself fails.

(c) The mode selection means of WAC 296-24-19503 (7)(c) of this part shall have at least one position for selection of the PSDI mode. Where more than one interruption of the light sensing field is used in the initiation of a stroke, either the mode selection means must have one position for each function, or a separate selection means shall be provided which becomes operable when the PSDI mode is selected. Selection of PSDI mode and the number of interruptions/withdrawals of the light sensing field required to initiate a press cycle shall be by means capable of supervision by the employer.

(d) A PSDI set-up/reset means shall be provided which requires an overt action by the operator, in addition to PSDI mode selection, before operation of the press by means of PSDI can be started.

(e) An indicator visible to the operator and readily seen by the employer shall be provided which shall clearly indicate that the system is set-up for cycling in the PSDI mode.

(f) The control system shall incorporate a timer to deactivate PSDI when the press does not stroke within the period of time set by the timer. The timer shall be manually adjustable, to a maximum time of thirty seconds. For any timer setting greater than fifteen seconds, the adjustment shall be made by the use of a special tool available only to authorized persons. Following a deactivation of PSDI by the timer, the system shall make it necessary to reset the set-up/reset means in order to reactivate the PSDI mode.

(g) Reactivation of PSDI operation following deactivation of the PSDI mode from any other cause, such as activation of the red color stop control required by WAC 296-24-19503 (7)(~~(b)~~)(d) of this part, interruption of the presence sensing field, opening of an interlock, or reselection of the number of sensing field interruptions/withdrawals required to cycle the press, shall require resetting of the set-up/reset means.

(h) The control system shall incorporate an automatic means to prevent initiation or continued operation in the PSDI mode unless the press drive motor is energized in the forward direction of crankshaft rotation.

(i) The control design shall preclude any movement of the slide caused by operation of power on, power off, or selector switches, or from checks for proper operations as required by ~~((this))~~ subsection (m) of this section.

(j) All components and subsystems of the control system shall be designed to operate together to provide total control system compliance with the requirements of this section.

(k) Where there is more than one operator of a press used for PSDI, each operator shall be protected by a separate, independently functioning, presence sensing device. The control system shall require that each sensing field be interrupted the selected number of times prior to initiating a stroke. Further, each operator shall be provided with a set-up/reset means that meets the requirements of this subsection, and which must be actuated to initiate operation of the press in the PSDI mode.

(l) The control system shall incorporate interlocks for supplemental guards, if used, which will prevent stroke initiation or will stop a stroke in progress if any supplemental guard fails or is deactivated.

(m) The control system shall perform checks for proper operation of all cycle control logic element switches and contacts at least once each cycle. Control elements shall be checked for correct status after power "on" and before the initial PSDI stroke.

(n) The control system shall have provisions for an "inch" operating means meeting the requirements of WAC 296-24-19503 (7)(b) of this part. Die-setting shall not be done in the PSDI mode. Production shall not be done in the "inch" mode.

(o) The control system shall permit only a single stroke per initiation command.

(p) Controls with internally stored programs (e.g., mechanical, electro-mechanical, or electronic) shall meet the requirements of WAC 296-24-19505(13) of this part, and shall default to a predetermined safe condition in the event of any single failure within the system. Programmable controllers which meet the requirements for controls with internally stored programs stated above shall be permitted only if all logic elements affecting the safety system and point of operation safety are internally stored and protected in such a manner that they cannot be altered or manipulated by the user to an unsafe condition.

(7) Environmental requirements. Control components shall be selected, constructed, and connected together in such a way as to withstand expected operational and environmental stresses, at least including those outlined in WAC 296-24-20700. Such stresses shall not so affect the control system as to cause unsafe operation.

(8) Safety system.

(a) Mechanical power presses used in the PSDI mode shall be operated under the control of a safety system which, in addition to meeting the applicable requirements of WAC 296-24-19505(13) and 296-24-19507(5) and other applicable provisions of this part, shall function such that a single failure or single operating error shall not cause injury to personnel from point of operation hazards.

(b) The safety system shall be designed, constructed, and arranged as an integral total system, including all elements of the press, the controls, the safeguarding and any required supplemental safeguarding, and their interfaces with the operator and that part of the environment which has effect on the protection against point of operation hazards.

(9) Safeguarding the point of operation.

(a) The point of operation of presses operated in the PSDI mode shall be safeguarded in accordance with the requirements of WAC 296-24-19507 of this part, except that the safety distance requirements of (f) of this subsection shall be used for PSDI operation.

(b) PSDI shall be implemented only by use of light curtain (photo-electric) presence sensing devices which meet the requirements of WAC 296-24-19507 (3)(c)(iii) of this part unless the requirements of (c) of this subsection have been met.

(c) Alternatives to photo-electric light curtains may be used for PSDI when the employer can demonstrate, through tests and analysis by the employer or the manufacturer, that the alternative is as safe as the photo-electric light curtain, that the alternative meets the conditions of this section, has the same long-term reliability as light curtains and can be integrated into the entire safety system as provided for in this section. Prior to use, both the employer and manufacturer must certify that these requirements and all the other applicable requirements of this section are met and these certifications must be validated by an OSHA-recognized third-party validation organization to meet these additional requirements and all the other applicable requirements of WAC 296-24-19503 through 296-24-19515 and 296-24-20700 of this part. Three months prior to the operation of any alternative system, the employer must notify the OSHA Directorate of Safety Standards Programs of the name of the system to be installed, the manufacturer and the OSHA-recognized third-party validation organization immediately. Upon request, the employer must make available to that office all tests and analyses for OSHA review.

(d) Individual sensing fields of presence sensing devices used to initiate strokes in the PSDI mode shall cover only one side of the press.

(e) Light curtains used for PSDI operation shall have minimum object sensitivity not to exceed one and one-fourth inches (31.75 mm). Where light curtain object sensitivity is user-adjustable, either discretely or continuously, design features shall limit the minimum object sensitivity adjustment not to exceed one and one-fourth inches (31.75 mm). Blanking of the sensing field is not permitted.

(f) The safety distance (Ds) from the sensing field of the presence sensing device to the point of operation shall be greater than or equal to the distance determined by the formula:

$$Ds = Hs(Ts + Tp + Tr + 2Tm) + Dp$$

Where:

Ds = Minimum safety distance.

Hs = Hand speed constant of sixty-three inches per second (1.6 m/s).

Ts = Longest press stopping time, in seconds, computed by taking averages of multiple measurements at each of three positions (forty-five degrees, sixty degrees, and ninety degrees) of crankshaft angular position; the longest of the three averages is the stopping time to use. (Ts is defined as the sum of the kinetic energy dissipation time plus the pneumatic/magnetic/hydraulic reaction time of the clutch/brake operating mechanism(s).)

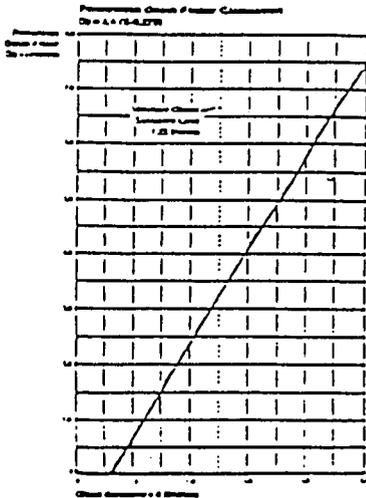
Tp = Longest presence sensing device response time, in seconds.

Tr = Longest response time, in seconds, of all interposing control elements between the presence sensing device and the clutch/brake operating mechanism(s).

Tm = Increase in the press stopping time at the top of the stroke, in

seconds, allowed by the brake monitor for brake wear. The time increase allowed shall be limited to no more than ten percent of the longest press stopping time measured at the top of the stroke, or ten milliseconds, whichever is longer.

Dp=Penetration depth factor, required to provide for possible penetration through the presence sensing field by fingers or hand before detection occurs. The penetration depth factor shall be determined from Graph A-1 using the minimum object sensitivity size.



(g) The presence sensing device location shall either be set at each tool change and set-up to provide at least the minimum safety distance, or fixed in location to provide a safety distance greater than or equal to the minimum safety distance for all tooling set-ups which are to be used on that press.

(h) Where presence sensing device location is adjustable, adjustment shall require the use of a special tool available only to authorized persons.

(i) Supplemental safeguarding shall be used to protect all areas of access to the point of operation which are unprotected by the PSDI presence sensing device. Such supplemental safeguarding shall consist of either additional light curtain (photo-electric) presence sensing devices or other types of guards which meet the requirements of WAC 296-24-19507 and 296-24-19515 of this part.

(A) Presence sensing devices used as supplemental safeguarding shall not initiate a press stroke, and shall conform to the requirements of WAC 296-24-19507 (3)(c) and other applicable provisions of this part, except that the safety distance shall comply with (f) of this subsection.

(B) Guards used as supplemental safeguarding shall conform to the design, construction and application requirements of WAC 296-24-19507(2) of this part, and shall be interlocked with the press control to prevent press PSDI operation if the guard fails, is removed, or is out of position.

(j) Barriers shall be fixed to the press frame or bolster to prevent personnel from passing completely through the sensing field, where safety distance or press configuration is such that personnel could pass through the PSDI presence sensing field and assume a position where the point of operation could be accessed without detection by the PSDI presence sensing device. As an alternative, supplemental presence sensing devices used only in the safeguard mode may be provided. If used, these devices shall be located so as to detect all operator locations and positions not detected by the PSDI sensing field, and shall prevent stroking or stop a stroke in process when any supplemental sensing field(s) are interrupted.

(k) Hand tools. Where tools are used for feeding, removal of scrap, lubrication of parts, or removal of parts that stick on the die in PSDI operations:

(i) The minimum diameter of the tool handle extension shall be greater than the minimum object sensitivity of the presence sensing device(s) used to initiate press strokes; or

(ii) The length of the hand tool shall be such as to ensure that the operator's hand will be detected for any safety distance required by the press set-ups.

(10) Inspection and maintenance.

(a) Any press equipped with presence sensing devices for use in PSDI, or for supplemental safeguarding on presses used in the PSDI mode, shall be equipped with a test rod of diameter specified by the presence sensing device manufacturer to represent the minimum object sensitivity of the sensing field. Instructions for use of the test rod shall be noted on a label affixed to the presence sensing device.

(b) The following checks shall be made at the beginning of each shift and whenever a die change is made.

(i) A check shall be performed using the test rod according to the presence sensing device manufacturer's instructions to determine that the presence sensing device used for PSDI is operational.

(ii) The safety distance shall be checked for compliance with subsection (9)(f) of this section.

(iii) A check shall be made to determine that all supplemental safeguarding is in place. Where presence sensing devices are used for supplemental safeguarding, a check for proper operation shall be performed using a test rod according to the presence sensing device manufacturer's instructions.

(iv) A check shall be made to assure that the barriers and/or supplemental presence sensing devices required by subsection (9)(j) of this section are operating properly.

(v) A system or visual check shall be made to verify correct counterbalance adjustment for die weight according to the press manufacturer's instructions, when a press is equipped with a slide counterbalance system.

(c) When presses used in the PSDI mode have flywheel or bullgear running on crankshaft mounted journals and bearings, or a flywheel mounted on back shaft journals and bearings, periodic inspections following the press manufacturer's recommendations shall be made to ascertain that bearings are in good working order, and that automatic lubrication systems for these bearings (if automatic lubrication is provided) are supplying proper lubrication. On presses with provision for manual lubrication of flywheel or bullgear bearings, lubrication shall be provided according to the press manufacturer's recommendations.

(d) Periodic inspections of clutch and brake mechanisms shall be performed to assure they are in proper operating condition. The press manufacturer's recommendations shall be followed.

(e) When any check of the press, including those performed in accordance with the requirements of (b), (c), or (d) of this subsection, reveals a condition of noncompliance, improper adjustment, or failure, the press shall not be operated until the condition has been corrected by adjustment, replacement, or repair.

(f) It shall be the responsibility of the employer to ensure the competence of personnel caring for, inspecting, and maintaining power presses equipped for PSDI operation, through initial and periodic training.

(11) Safety system certification/validation.

(a) Prior to the initial use of any mechanical press in the PSDI mode, two sets of certification and validation are required:

(i) The design of the safety system required for the use of a press in the PSDI mode shall be certified and validated prior to installation. The manufacturer's certification shall be validated by an OSHA-recognized third-party validation organization to meet all applicable requirements of WAC 296-24-19503 through 296-24-19515 and 296-24-20700 of this part.

(ii) After a press has been equipped with a safety system whose design has been certified and validated in accordance with ((this section)) (a) of this subsection, the safety system installation shall be certified by the employer, and then shall be validated by an OSHA-recognized third-party validation organization to meet all applicable requirements of WAC 296-24-19503 through 296-24-19515 and 296-24-20700 of this part.

(b) At least annually thereafter, the safety system on a mechanical power press used in the PSDI mode shall be recertified by the employer and revalidated by an OSHA-recognized third-party validation organization to meet all applicable requirements of WAC 296-24-19503 through 296-24-19515 and 296-24-20700 of this part. Any press whose safety system has not been recertified and revalidated within the preceding twelve months shall be removed from service in the PSDI mode until the safety system is recertified and revalidated.

(c) A label shall be affixed to the press as part of each installation certification/validation and the most recent recertification/revalidation. The label shall indicate the press serial number, the minimum safety distance (Ds) required by subsection (9)(f) of this section, the

fulfillment of design certification/validation, the employer's signed certification, the identification of the OSHA-recognized third-party validation organization, its signed validation, and the date the certification/validation and recertification/revalidation are issued.

(d) Records of the installation certification and validation and the most recent recertification and revalidation shall be maintained for each safety system equipped press by the employer as long as the press is in use. The records shall include the manufacture and model number of each component and subsystem, the calculations of the safety distance as required by subsection (9)(f) of this section, and the stopping time measurements required by subsection (2)(b) of this section. The most recent records shall be made available to OSHA upon request.

(e) The employer shall notify the OSHA-recognized third-party validation organization within five days whenever a component or a subsystem of the safety system fails or modifications are made which may affect the safety of the system. The failure of a critical component shall necessitate the removal of the safety system from service until it is recertified and revalidated, except recertification by the employer without revalidation is permitted when a noncritical component or subsystem is replaced by one of the same manufacture and design as the original, or determined by the third-party validation organization to be equivalent by similarity analysis, as set forth in WAC 296-24-20700.

(f) The employer shall notify the OSHA-recognized third-party validation organization within five days of the occurrence of any point of operation injury while a press is used in the PSDI mode. This is in addition to the report of injury required by WAC 296-24-19515 of this part; however, a copy of that report may be used for this purpose.

(12) Die setting and work set-up.

(a) Die setting on presses used in the PSDI mode shall be performed in accordance with WAC 296-24-19509.

(b) The PSDI mode shall not be used for die setting or set-up. An alternative manual cycle initiation and control means shall be supplied for use in die setting which meets the requirements of WAC 296-24-19505(7).

(c) Following a die change, the safety distance, the proper application of supplemental safeguarding, and the slide counterbalance adjustment (if the press is equipped with a counterbalance) shall be checked and maintained by authorized persons whose qualifications include knowledge of the safety distance, supplemental safeguarding requirements, and the manufacturer's specifications for counterbalance adjustment. Adjustment of the location of the PSDI presence sensing device shall require use of a special tool available only to the authorized persons.

(13) Operator training.

(a) The operator training required by WAC 296-24-19513(2) shall be provided to the employee before the employee initially operates the press and as needed to maintain competence, but not less than annually thereafter. It shall include instruction relative to the following items for presses used in the PSDI mode.

(i) The manufacturer's recommended test procedures for checking operation of the presence sensing device. This shall include the use of the test rod required by subsection (10)(a) of this section.

(ii) The safety distance required.

(iii) The operation, function, and performance of the PSDI mode.

(iv) The requirements for handtools that may be used in the PSDI mode.

(v) The severe consequences that can result if the operator attempts to circumvent or by-pass any of the safeguard or operating functions of the PSDI system.

(b) The employer shall certify that employees have been trained by preparing a certification record which includes the identity of the person trained, the signature of the employer or the person who conducted the training, and the date the training was completed. The certification record shall be prepared at the completion of training and shall be maintained on file for the duration of the employee's employment. The certification record shall be made available upon request to the Assistant Secretary for Occupational Safety and Health.

**AMENDATORY SECTION** (Amending Order 90-01 [91-07], filed 4/10/90 [11/22/91], effective 5/25/90 [12/24/91])

WAC 296-24-20700 APPENDIX A TO WAC 296-24-195. Mandatory requirements for certification/validation of safety systems for presence sensing device initiation of mechanical power presses.

(1) Purpose. The purpose of the certification/validation of safety systems for presence sensing device initiation (PSDI) of mechanical

power presses is to ensure that the safety systems are designed, installed, and maintained in accordance with all applicable requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A.

(2) General.

(a) The certification/validation process shall utilize an independent third-party validation organization recognized by OSHA in accordance with the requirements specified in WAC 296-24-20720 Appendix C.

(b) While the employer is responsible for assuring that the certification/validation requirements in WAC 296-24-19517(11) are fulfilled, the design certification of PSDI safety systems may be initiated by manufacturers, employers, and/or their representatives. The term "manufacturers" refers to the manufacturer of any of the components of the safety system. An employer who assembles a PSDI safety system would be a manufacturer as well as employer for purposes of this standard and Appendix.

(c) The certification/validation process includes two stages. For design certification, in the first stage, the manufacturer (which can be an employer) certifies that the PSDI safety system meets the requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A, based on appropriate design criteria and tests. In the second stage, the OSHA-recognized third-party validation organization validates that the PSDI safety system meets the requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A and the manufacturer's certification by reviewing the manufacturer's design and test data and performing any additional reviews required by this standard or which it believes appropriate.

(d) For installation certification/validation and annual recertification/revalidation, in the first stage the employer certifies or recertifies that the employer is installing or utilizing a PSDI safety system validated as meeting the design requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A by an OSHA-recognized third-party validation organization and that the installation, operation and maintenance meet the requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A. In the second stage, the OSHA-recognized third-party validation organization validates or revalidates that the PSDI safety system installation meets the requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A and the employer's certification, by reviewing that the PSDI safety system has been certified; the employer's certification, designs and tests, if any; the installation, operation, maintenance and training; and by performing any additional tests and reviews which the validation organization believes is necessary.

(3) Summary. The certification/validation of safety systems of PSDI shall consider the press, controls, safeguards, operator, and environment as an integrated system which shall comply with all of the requirements in WAC 296-24-19503 through 296-24-19517 and this Appendix A. The certification/validation process shall verify that the safety system complies with the OSHA safety requirements as follows:

(a) Design certification/validation.

(i) The major parts, components, and subsystems used shall be defined by part number or serial number, as appropriate, and by manufacturer to establish the configuration of the system.

(ii) The identified parts, components, and subsystems shall be certified by the manufacturer to be able to withstand the functional and operational environments of the PSDI safety system.

(iii) The total system design shall be certified by the manufacturer as complying with all requirements in WAC 296-24-19503 through 296-24-19517 and this Appendix A.

(iv) The third-party validation organization shall validate the manufacturer's certification under (a)(i) and (ii) of this subsection.

(b) Installation certification/validation.

(i) The employer shall certify that the PSDI safety system has been design certified and validated, that the installation meets the operational and environmental requirements specified by the manufacturer, that the installation drawings are accurate, and that the installation meets the requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A. (The operational and installation requirements of the PSDI safety system may vary for different applications.)

(ii) The third-party validation organization shall validate the employer's certifications that the PSDI safety system is design certified and validated, that the installation meets the installation and environmental requirements specified by the manufacturer, and that the installation meets the requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A.

(c) Recertification/revalidation.

(i) The PSDI safety system shall remain under certification/validation for the shorter of one year or until the system hardware is changed, modified or refurbished, or operating conditions are changed (including environmental, application or facility changes), or a failure of a critical component has occurred.

(ii) Annually, or after a change specified in (c)(i) of this subsection, the employer shall inspect and recertify the installation as meeting the requirements set forth under subsection (3)(b) of this section, Installation certification/validation.

(iii) The third-party validation organization, annually or after a change specified in (c)(i) of this subsection, shall validate the employer's certification that the requirements of subsection (b) of this section, Installation certification/validation have been met.

Note: Such changes in operational conditions as die changes of press relocations not involving disassembly or revision to the safety system would not require recertification/revalidation.

(4) Certification/validation requirements.

(a) General design certification/validation requirements.

(i) Certification/validation program requirements. The manufacturer shall certify and the OSHA-recognized third-party validation organization shall validate that:

(A) The design of components, subsystems, software, and assemblies meets OSHA performance requirements and are ready for the intended use; and

(B) The performance of combined subsystems meets OSHA's operational requirements.

(ii) Certification/validation program level of risk evaluation requirements. The manufacturer shall evaluate and certify, and the OSHA-recognized third-party validation organization shall validate, the design and operation of the safety system by determining conformance with the following:

(A) The safety system shall have the ability to sustain a single failure or a single operating error and not cause injury to personnel from point of operation hazards. Acceptable design features shall demonstrate, in the following order or precedence, that:

(I) No single failure points may cause injury; or

(II) Redundancy, and comparison and/or diagnostic checking, exist for the critical items that may cause injury, and the electrical, electronic, electromechanical and mechanical parts and components are selected so that they can withstand operational and external environments. The safety factor and/or derated percentage shall be specifically noted and complied with.

(B) The manufacturer shall design, evaluate, test and certify, and the third-party validation organization shall evaluate and validate, that the PSDI safety system meets appropriate requirements in the following areas.

(I) Environmental limits

- Temperature
- Relative humidity
- Vibration
- Fluid compatibility with other materials

(II) Design limits

- Power requirements
- Power transient tolerances
- Compatibility of materials used
- Material stress tolerances and limits
- Stability to long term power fluctuations
- Sensitivity to signal acquisition
- Repeatability of measured parameter without inadvertent initiation of a press stroke

- Operational life of components in cycles, hours, or both
- Electromagnetic tolerance to:

- Specific operational wave lengths; and
- Externally generated wave lengths
- New design certification/validation. Design certification/validation for a new safety system, i.e., a new design or new integration of specifically identified components and subsystems, would entail a single certification/validation which would be applicable to all identical safety systems. It would not be necessary to repeat the tests on individual safety systems of the same manufacture or design. Nor would it be necessary to repeat these tests in the case of modifications where determined by the manufacturer and validated by the third-party validation organization to be equivalent by similarity analysis. Minor modifications not affecting the safety of the system may be made by the manufacturer without revalidation.

(III) Substantial modifications would require testing as a new safety system, as deemed necessary by the validation organization.

(b) Additional detailed design certification/validation requirements.

(i) General. The manufacturer or the manufacturer's representative shall certify to and submit to an OSHA-recognized third-party validation organization the documentation necessary to demonstrate that the PSDI safety system design is in full compliance with the requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A, as applicable, by means of analysis, tests, or combination of both, establishing that the following additional certification/validation requirements are fulfilled.

(ii) Reaction times. For the purpose of demonstrating compliance with the reaction time required by WAC 296-24-19517, the tests shall use the following definitions and requirements:

(A) "Reaction time" means the time, in seconds, it takes the signal, required to activate/deactivate the system, to travel through the system, measured from the time of signal initiation to the time the function being measured is completed.

(B) "Full stop" or "no movement of the slide or ram" means when the crankshaft rotation has slowed to two or less revolutions per minute, just before stopping completely.

(C) "Function completion" means for, electrical, electromechanical and electronic devices, when the circuit produces a change of state in the output element of the device.

(D) When the change of state is motion, the measurement shall be made at the completion of the motion.

(E) The generation of the test signal introduced into the system for measuring reaction time shall be such that the initiation time can be established with an error of less than 0.5 percent of the reaction time measured.

(F) The instrument used to measure reaction time shall be calibrated to be accurate to within 0.001 second.

(iii) Compliance with WAC 296-24-19517 (2)(b).

(A) For compliance with these requirements, the average value of the stopping time,  $T_s$ , shall be the arithmetic mean of at least twenty-five stops for each stop angle initiation measured with the brake and/or clutch unused, fifty percent worn, and ninety percent worn. The recommendations of the brake system manufacturer shall be used to simulate or estimate the brake wear. The manufacturer's recommended minimum lining depth shall be identified and documented, and an evaluation made that the minimum depth will not be exceeded before the next (annual) recertification/revalidation. A correlation of the brake and/or clutch degradation based on the above tests and/or estimates shall be made and documented. The results shall document the conditions under which the brake and/or clutch will and will not comply with the requirement. Based upon this determination, a scale shall be developed to indicate the allowable ten percent of the stopping time at the top of the stroke for slide or ram overtravel due to brake wear. The scale shall be marked to indicate that brake adjustment and/or replacement is required. The explanation and use of the scale shall be documented.

(B) The test specification and procedure shall be submitted to the validation organization for review and validation prior to the test. The validation organization representative shall witness at least one set of tests.

(iv) Compliance with WAC 296-24-19517 (5)(c) and (9)(f). Each reaction time required to calculate the safety distance, including the brake monitor setting, shall be documented in separate reaction time tests. These tests shall specify the acceptable tolerance band sufficient to assure that tolerance build-up will not render the safety distance unsafe.

(A) Integrated test of the press fully equipped to operate in the PSDI mode shall be conducted to establish the total system reaction time.

(B) Brakes which are the adjustable type shall be adjusted properly before the test.

(v) Compliance with WAC 296-24-19517 (2)(c).

(A) Prior to conducting the brake system test required by WAC 296-24-19517 (2)(b), a visual check shall be made of the springs. The visual check shall include a determination that the spring housing or rod does not show damage sufficient to degrade the structural integrity of the unit, and the spring does not show any tendency to interleave.

(B) Any detected broken or unserviceable springs shall be replaced before the test is conducted. The test shall be considered successful if the stopping time remains within that which is determined by WAC 296-24-19517 (9)(f) for the safety distance setting. If the increase in press stopping time exceeds the brake monitor setting limit defined in WAC 296-24-19517 (5)(c), the test shall be considered unsuccessful, and the cause of the excessive stopping time shall be investigated. It

shall be ascertained that the springs have not been broken and that they are functioning properly.

(vi) Compliance with WAC 296-24-19517(7).

(A) Tests which are conducted by the manufacturers of electrical components to establish stress, life, temperature and loading limits must be tests which are in compliance with the provisions of chapter 296-24 WAC Part L.

(B) Electrical and/or electronic cards or boards assembled with discreet components shall be considered a subsystem and shall require separate testing that the subsystems do not degrade in any of the following conditions:

(I) Ambient temperature variation from  $-20^{\circ}\text{C}$  to  $+50^{\circ}\text{C}$ .

(II) Ambient relative humidity of ninety-nine percent.

(III) Vibration of 45G for one millisecond per stroke when the item is to be mounted on the press frame.

(IV) Electromagnetic interference at the same wavelengths used for the radiation sensing field, at the power line frequency fundamental and harmonics, and also from autogenous radiation due to system switching.

(V) Electrical power supply variations of  $(+)\pm 15$  percent.

(C) The manufacturer shall specify the test requirements and procedures from existing consensus tests in compliance with the provisions of chapter 296-24 WAC Part L.

(D) Tests designed by the manufacturer shall be made available upon request to the validation organization. The validation organization representative shall witness at least one set of each of these tests.

(vii) Compliance with WAC 296-24-19517 (9)(d).

(A) The manufacturer shall design a test to demonstrate that the prescribed minimum object sensitivity of the presence sensing device is met.

(B) The test specifications and procedures shall be made available upon request to the validation organization.

(viii) Compliance with WAC 296-24-19517 (9)(k).

(A) The manufacturer shall design a test(s) to establish the hand tool extension diameter allowed for variations in minimum object sensitivity response.

(B) The test(s) shall document the range of object diameter sizes which will produce both single and double break conditions.

(C) The test(s) specifications and procedures shall be made available upon request to the validation organization.

(ix) Integrated tests certification/validation.

(A) The manufacturer shall design a set of integrated tests to demonstrate compliance with the following requirements:

WAC 296-24-19517 (6)(b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), and (o).

(B) The integrated test specifications and procedures shall be made available to the validation organization.

(x) Analysis. The manufacturer shall submit to the validation organization the technical analysis such as hazard analysis, failure mode and effect analysis, stress analysis, component and material selection analysis, fluid compatibility, and/or other analyses which may be necessary to demonstrate compliance with the following requirements:

WAC 296-24-19517 (8)(a) and (b); (2)(b) and (c); (3)(a)(i) and (iv) and (b); (5)(a), (b) and (c); (6)(a), (c), (d), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), and (p); (7)(a) and (b); (9)(d), (f), (i), (j) and (k); (10)(a) and (b).

(xi) Types of tests acceptable for certification/validation.

(A) Test results obtained from development testing may be used to certify/validate the design.

(B) The test results shall provide the engineering data necessary to establish confidence that the hardware and software will meet specifications, the manufacturing process has adequate quality control and the data acquired was used to establish processes, procedures, and test levels supporting subsequent hardware design, production, installation and maintenance.

(xii) Validation for design certification/validation. If, after review of all documentation, tests, analyses, manufacturer's certifications, and any additional tests which the third-party validation organization believes are necessary, the third-party validation organization determines that the PSDI safety system is in full compliance with the applicable requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A, it shall validate the manufacturer's certification that it so meets the stated requirements.

(c) Installation certification/validation requirements.

(i) The employer shall evaluate and test the PSDI system installation, shall submit to the OSHA-recognized third-party validation organization the necessary supporting documentation, and shall certify

that the requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A have been met and that the installation is proper.

(ii) The OSHA-recognized third-party validation organization shall conduct tests, and/or review and evaluate the employer's installation tests, documentation and representations. If it so determines, it shall validate the employer's certification that the PSDI safety system is in full conformance with all requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A.

(d) Recertification/revalidation requirements.

(i) A PSDI safety system which has received installation certification/validation shall undergo recertification/revalidation the earlier of:

(A) Each time the systems hardware is significantly changed, modified, or refurbished;

(B) Each time the operational conditions are significantly changed (including environmental, application or facility changes, but excluding such changes as die changes or press relocations not involving revision to the safety system);

(C) When a failure of a significant component has occurred or a change has been made which may affect safety; or

(D) When one year has elapsed since the installation certification/validation or the last recertification/revalidation.

(ii) Conduct or recertification/revalidation. The employer shall evaluate and test the PSDI safety system installation, shall submit to the OSHA-recognized third-party validation organization the necessary supporting documentation, and shall recertify that the requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A are being met. The documentation shall include, but not be limited to, the following items:

(A) Demonstration of a thorough inspection of the entire press and PSDI safety system to ascertain that the installation, components and safeguarding have not been changed, modified or tampered with since the installation certification/validation or last recertification/revalidation was made.

(B) Demonstrations that such adjustments as may be needed (such as to the brake monitor setting) have been accomplished with proper changes made in the records and on such notices as are located on the press and safety system.

(C) Demonstration that review has been made of the reports covering the design certification/validation, the installation certification/validation, and all recertification/revalidation, in order to detect any degradation to an unsafe condition, and that necessary changes have been made to restore the safety system to previous certification/validation levels.

(iii) The OSHA-recognized third-party validation organization shall conduct tests, and/or review and evaluate the employer's installation, tests, documentation and representations. If it so determines, it shall revalidate the employer's recertification that the PSDI system is in full conformance with all requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A.

**Reviser's note:** The bracketed material preceding the section above was supplied by the code reviser's office.

#### AMENDATORY SECTION (Amending Order 88-25, filed 11/14/88)

WAC 296-24-20730 APPENDIX D TO WAC 296-24-195. Nonmandatory supplementary information.

(1) This Appendix provides nonmandatory supplementary information and guidelines to assist in the understanding and use of WAC 296-24-19517 to allow presence sensing device initiation (PSDI) of mechanical power presses. Although this Appendix as such is not mandatory, it references sections and requirements which are made mandatory by other parts of the PSDI standard and appendices.

(2) General. OSHA intends that PSDI continue to be prohibited where present state-of-the-art technology will not allow it to be done safely. Only part revolution type mechanical power presses are approved for PSDI. Similarly, only presses with a configuration such that a person's body cannot completely enter the bed area are approved for PSDI.

(3) Brake and clutch.

(a) Flexible steel band brakes do not possess a long-term reliability against structural failure as compared to other types of brakes, and therefore are not acceptable on presses used in the PSDI mode of operation.

(b) Fast and consistent stopping times are important to safety for the PSDI mode of operation. Consistency of braking action is enhanced by high brake torque. The requirement in WAC 296-24-19517

(2)(b) defines a high torque capability which should ensure fast and consistent stopping times.

(c) Brake design parameters important to PSDI are high torque, low moment of inertia, low air volume (if pneumatic) mechanisms, noninterleaving engagement springs, and structural integrity which is enhanced by over-design. The requirement in WAC 296-24-19517 (2)(c) reduces the possibility of significantly increased stopping time if a spring breaks.

(d) As an added precaution to the requirements in WAC 296-24-19517 (2)(c), brake adjustment locking means should be secured. Where brake springs are externally accessible, lock nuts or other means may be provided to reduce the possibility of backing off of the compression nut which holds the springs in place.

(4) Pneumatic systems. Elevated clutch/brake air pressure results in longer stopping time. The requirement in WAC 296-24-19517 (3)(a)(iii) is intended to prevent degradation in stopping speed from higher air pressure. Higher pressures may be permitted, however, to increase clutch torque to free "jammed" dies, provided positive measures are provided to prevent the higher pressure at other times.

(5) Flywheels and bearings. Lubrication of bearings is considered the single greatest deterrent to their failure. The manufacturer's recommended procedures for maintenance and inspection should be closely followed.

(6) Brake monitoring.

(a) The approval of brake monitor adjustments, as required in WAC 296-24-19517 (5)(b), is not considered a recertification, and does not necessarily involve an on-site inspection by a representative of the validation organization. It is expected that the brake monitor adjustment normally could be evaluated on the basis of the effect on the safety system certification/validation documentation retained by the validation organization.

(b) Use of a brake monitor does not eliminate the need for periodic brake inspection and maintenance to reduce the possibility of catastrophic failures.

(7) Cycle control and control systems.

(a) The PSDI set-up/reset means required by WAC 296-24-19517 (6)(d) may be initiated by the actuation of a special momentary push-button or by the actuation of a special momentary pushbutton and the initiation of a first stroke with two hand controls.

(b) It would normally be preferable to limit the adjustment of the time required in WAC 296-24-19517 (6)(b) to a maximum of fifteen seconds. However, where an operator must do many operations outside the press, such as lubricating, trimming, deburring, etc., a longer interval up to thirty seconds is permitted.

(c) When a press is equipped for PSDI operation, it is recommended that the presence sensing device be active as a guarding device in other production modes. This should enhance the reliability of the device and ensure that it remains operable.

(d) An acceptable method for interlocking supplemental guards as required by WAC 296-24-19517 (6)(h) would be to incorporate the supplemental guard and the PSDI presence sensing device into a hinged arrangement in which the alignment of the presence sensing device serves, in effect, as the interlock. If the supplemental guards are moved, the presence sensing device would become misaligned and the press control would be deactivated. No extra microswitches or interlocking sensors would be required.

(e) WAC 296-24-19517 (6)((a))(n) of the standard requires that the control system have provisions for an "inch" operating means; that die-setting not be done in the PSDI mode; and that production not be done in the "inch" mode. It should be noted that the sensing device would be by-passed in the "inch" mode. For that reason, the prohibitions against die-setting in the PSDI mode, and against production in the "inch" mode are cited to emphasize that "inch" operation is of reduced safety and is not compatible with PSDI or other production modes.

(8) Environmental requirements. It is the intent of WAC 296-24-19517(7) that control components be provided with inherent design protection against operating stresses and environmental factors affecting safety and reliability.

(9) Safety system.

(a) The safety system provision continues the concept of WAC 296-24-19505(13) that the probability of two independent failures in the length of time required to make one press cycle is so remote as to be a negligible risk factor in the total array of equipment and human factors. The emphasis is on an integrated total system including all elements affecting point of operation safety.

(b) It should be noted that this does not require redundancy for press components such as structural elements, clutch/brake mechanisms, plates, etc., for which adequate reliability may be achieved by proper design, maintenance, and inspection.

(10) Safeguarding the point of operation.

(a) The intent of WAC 296-24-19517 (9)(c) is to prohibit use of mirrors to "bend" a single light curtain sensing field around corners to cover more than one side of a press. This prohibition is needed to increase the reliability of the presence sensing device in initiating a stroke only when the desired work motion has been completed.

(b) "Object sensitivity" describes the capability of a presence sensing device to detect an object in the sensing field, expressed as the linear measurement of the smallest interruption which can be detected at any point in the field. Minimum object sensitivity describes the largest acceptable size of the interruption in the sensing field. A minimum object sensitivity of one and one-fourth inches (31.75 mm) means that a one and one-fourth inch (31.75 mm) diameter object will be continuously detected at all locations in the sensing field.

(c) In deriving the safety distance required in WAC 296-24-19517 (9)(f), all stopping time measurements should be made with clutch/brake air pressure regulated to the press manufacturer's recommended value for full clutch torque capability. The stopping time measurements should be made with the heaviest upper die that is planned for use in the press. If the press has a slide counterbalance system, it is important that the counterbalance be adjusted correctly for upper die weight according to the manufacturer's instructions. While the brake monitor setting is based on the stopping time it actually measures, i.e., the normal stopping time at the top of the stroke, it is important that the safety distance be computed from the longest stopping time measured at any of the indicated three downstroke stopping positions listed in the explanation of Ts. The use in the formula of twice the stopping time increase, Tm, allowed by the brake monitor for brake wear allows for greater increases in the downstroke stopping time than occur in normal stopping time at the top of the stroke.

(11) Inspection and maintenance. [Reserved]

(12) Safety system certification/validation. Mandatory requirements for certification/validation of the PSDI safety system are provided in WAC 296-24-20700, Appendix A, and 296-24-20720, Appendix C to this standard. Nonmandatory supplementary information and guidelines relating to certification/validation of the PSDI safety system are provided in WAC 296-24-20710, Appendix B to this standard.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

#### AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-24-76555 **ALTERNATING TREAD-TYPE STAIRS.** Alternating tread-type stairs have a series of steps between 50 and 70 degrees from horizontal, attached to a center support rail in an alternating manner so that a user of the stairs never has both feet at the same level at the same time. (See Figure D-12.)

(1) Alternating tread-type stairs shall ~~((meet the requirements for fixed industrial stairs as defined in WAC 296-24-76507, 296-24-76511, through 296-24-76523 as appropriate))~~ be designed, installed, used, and maintained in accordance with approved manufacturer's specifications, and shall have the following:

(a) ~~((A minimum of 17 inches between handrails;~~

(b) ~~A minimum tread depth of 8 inches, a minimum tread width of 7 inches and a maximum rise of 9 1/2 inches to the tread surface of the next alternating tread;))~~ Stair rails on all open sides;

(b) Handrails on both sides of enclosed stairs;

(c) Stair rails and handrails of such configuration as to provide an adequate handhold for a user grasping it to avoid a fall;

(d) A minimum of 17 inches between handrails;

(e) A minimum width of 22 inches overall;

(f) A minimum tread depth of 8 inches;

(g) A minimum tread width of 7 inches; and

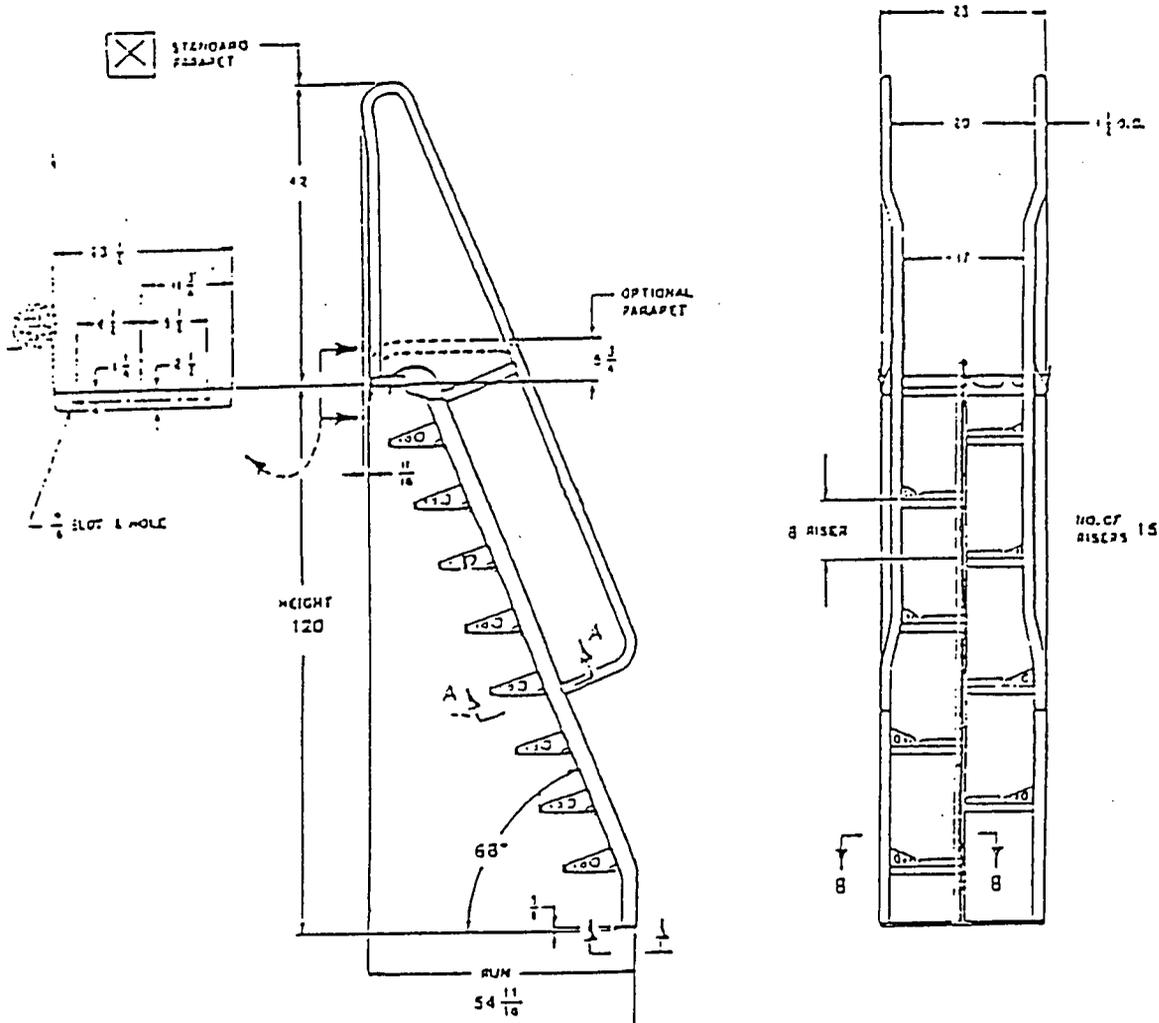
(h) A maximum rise of 9 1/2 inches to the tread surface of the next alternating tread.

(2) Alternating tread-type stairs shall not have more than a 20-foot continuous rise. Where more than a 20-foot rise is necessary to reach the top of a required stair, one or more intermediate platforms shall be provided in accordance with WAC 296-24-76515.

(3) Stairs and platforms shall be installed so the top landing of the alternating tread stair is flush with the top of the landing platform.

- (4) Stair design and construction shall sustain a load of not less than five times the normal live load, but never less strength than to carry safely a moving concentrated load of 1,000 pounds.
- (5) Treads shall be equipped with slip-resistant surfaces.

- (6) Where a platform or landing is used, the width shall not be less than the width of the stair nor less than 30-inch depth in the direction of travel. Stairs shall be flush with the top of the landing platform.



**AMENDATORY SECTION** (Amending Order 88-25, filed 11/14/88)

WAC 296-52-401 SCOPE AND APPLICATION. (1) This chapter is adopted pursuant to the State Explosives Act, RCW 70.74-.020, in accordance with chapter ((34.04)) 34.05 RCW, the Administrative Procedure Act, and chapter 49.17 RCW, the Washington Industrial Safety and Health Act.

(2) This chapter shall be identified as chapter 296-52 WAC, "safety standards for possession, handling and use of explosives" and hereafter be called the "explosive code."

(3) This chapter shall apply to:

(a) All aspects of manufacture, possession, storage, selling, purchase, transportation, and the use of explosives or blasting agents as defined in this chapter.

(b) Any person, partnership, company, corporation, or other entity, including governmental agencies, except:

(i) Storage, handling, and use of (noncommercial) military explosives while under the control of the United States Government and/or United States Military authorities.

(ii) Those instances and actions identified by RCW 70.74.191, "Exemptions."

(4) The manufacture of explosives as defined in WAC 296-52-417(24) shall also meet the requirements contained in WAC 296-62-450.

(5) The manufacture of pyrotechnics as defined in WAC 296-52-417(58) shall also meet the requirements contained in WAC 296-62-450.

(6) The enforcing authority of this chapter, the department of labor and industries, recognizes the obligation of other law enforcement agencies to enforce specific aspects or sections of chapter 70.74 RCW, the State Explosives Act, under local ordinance and with joint and shared authority as granted by RCW 70.74.201. The division of industrial safety and health shall cooperate with all other law enforcement agencies in carrying out the intent of the explosive code and the State Explosives Act.

((5)) (7) In all activities governed by the State Explosives Act, chapter 70.74 RCW, the director shall administer this chapter with the full resources of the division of industrial safety and health, (WISHA). Where materials classified by this chapter as explosives or blasting agents may be found or where the director has reasonable cause to expect they exist, administration of this chapter shall include the right of entry for inspection purposes into any location, facility, or equipment at any such times as the director or his designated representative deems appropriate and to issue penalty sanctions for all instances found not to be in compliance with the requirements of this chapter.

**AMENDATORY SECTION** (Amending Order 89-20, filed 1/11/90, effective 2/26/90)

WAC 296-52-461 STORAGE OF EXPLOSIVES. (1) General. All Class A, Class B, Class C explosives, and special industrial explosives, and any newly developed and unclassified explosives, shall be kept in magazines which meet the requirements as defined in chapter 70.74 RCW and chapter 296-52 WAC, unless they are in the process

of manufacture, being physically handled in the operating process, being used or being transported to a place of storage or use. No explosives and no detonators (blasting caps) in quantities of 1,001 or more shall be stored in any building or structure except a Class 1, permanent, magazine that has been approved and licensed. Class 3 storage magazines, when stored indoors, shall be painted red and appropriately labeled for ready identification in case of fire.

Note 1: Separate storage of components capable of detonation when mixed. Any two components which, when mixed, become capable of detonation by a number 6 cap must be stored in separate locked containers or in a licensed, approved magazine.

Note 2: Electromagnetic radiation. Blasting operations or storage of electrical detonators shall be prohibited in vicinity of operating radio frequency (RF) transmitter stations except where the clearances, as referenced in WAC 296-52-493(g), can be observed.

Note 3: Blasting caps, electric blasting caps, detonating primers and primed cartridges shall not be stored in the same magazine with other explosives.

(2) Quantity restrictions. Explosive materials in excess of 300,000 pounds or blasting caps in excess of 20,000,000 shall not be stored in one storage magazine.

(3) Inventory and responsibility.

(a) Magazines shall be in the charge of a competent person at all times who shall be at least twenty-one years of age, and who shall be held responsible for the enforcement of all safety precautions.

(b) All explosives shall be accounted for at all times. Explosives not being used shall be kept in a locked magazine, unavailable to persons not authorized to handle them. The employer shall maintain an inventory and use record of all explosives.

(c) Appropriate authorities shall be notified of any loss, theft, or unauthorized entry into a magazine.

(4) Surrounding area.

(a) Firearms (except firearms carried by guards) shall not be permitted inside of or within 50 feet of magazines.

(b) The land surrounding a magazine shall be kept clear of all combustible materials, brush, dried grass, leaves and other materials for a distance of at least 25 feet.

(c) Combustible materials shall not be stored within 50 feet of magazines.

(d) Smoking, matches, open flames, and spark-producing devices are not permitted:

(i) In any magazine;

(ii) Within 50 feet of any outdoor magazine; or

(iii) Within any room containing an indoor magazine.

(5) Signs. The premises on which a magazine is located shall be conspicuously marked with signs containing the words "EXPLOSIVES - KEEP OFF" in letters at least three inches high. Such signs shall warn any person approaching the magazine of the presence of explosives, but shall be so located that a bullet passing directly through the face of the sign will not strike the magazine.

(6) Temporary storage at a site for blasting operations shall be located away from neighboring inhabited buildings, railways, highways, and other magazines. A distance of at least one hundred and fifty feet shall be maintained between magazines and the work in progress when the quantity of explosives kept therein is in excess of 25 pounds, and at least 50 feet when the quantity of explosives is 25 pounds or less.

(7) Explosives recovered from blasting misfires shall be placed in a separate magazine until competent personnel ~~(has)~~ have determined from the manufacturer the method of disposal. Caps recovered from blasting misfires shall not be reused. Such explosives and caps shall then be disposed of in the manner recommended by the manufacturer.

(8) Storage within magazines.

(a) Packages of explosives shall be laid flat with top side up. Black powder when stored in magazines with other explosives shall be stored separately. Black powder stored in kegs shall be stored on ends, bungs down, or on side, seams down. Corresponding grades and brands shall be stored together in such a manner that brands and grade marks show. All stocks shall be stored so as to be easily counted and checked. Explosive materials within a magazine shall not be placed directly against interior walls, and must not be stored so as to interfere with ventilation. Packages of explosives shall be piled in a stable manner. When any kind of explosive is removed from a magazine for use, the oldest explosive of that particular kind shall always be taken first.

(b) Packages of explosives shall not be unpacked or repacked in a magazine nor within 50 feet of a magazine or in close proximity to other explosives.

(c) Tools used for opening packages of explosives shall be constructed of nonsparking materials, except that nonsparking metallic slitters may be used for opening fiberboard boxes. A wood wedge and a fiber, rubber, or wood mallet shall be used for opening or closing wood packages of explosives. Opened packages of explosives shall be securely closed before being returned to a magazine.

(d) Magazines shall not be used for the storage of any metal tools nor any commodity except explosives, but this restriction shall not apply to the storage of blasting agents and blasting supplies.

(e) Magazine floors shall be regularly swept, kept clean, dry, free of grit, paper, empty used packages, and rubbish. Brooms and other cleaning utensils shall not have any spark-producing metal parts. Sweepings from floors of magazines shall be properly disposed of. Magazine floors stained with nitroglycerin shall be cleaned according to instructions by the manufacturer.

(f) When any explosive has deteriorated to an extent that it is in an unstable or dangerous condition, or if nitroglycerin leaks from any explosives, then the person in possession of such explosive shall immediately proceed to destroy such explosive in accordance with the instructions of the manufacturer. Only experienced persons shall be allowed to do the work of destroying explosives.

(g) When magazines need inside repairs, all explosives shall be removed therefrom and the floors cleaned. In making outside repairs, if there is a possibility of causing sparks or fire the explosives shall be removed from the magazine. Explosives removed from a magazine under repair shall either be placed in another magazine or placed a safe distance from the magazine where they shall be properly guarded and protected until repairs have been completed, when they shall be returned to the magazine.

(9) Underground storage.

(a) Explosives and related materials shall be stored in approved facilities required under the provisions of chapter 296-52 WAC.

(b) No explosives or blasting agents shall be permanently stored in any underground operation until the operation has been developed to the point where at least two modes of exit have been developed.

(c) Permanent underground storage magazines shall be at least 300 feet from any shaft, adit, or active underground working area.

(d) Permanent underground magazines containing detonators shall not be located closer than 50 feet to any magazine containing other explosives or blasting agents.

(e) Upon the approach of an electrical storm, unless a greater hazard would be created thereby, explosives at the adit or the top of any shaft leading to where persons are working shall be moved away from such location a distance equal to that required for inhabited buildings, as listed in the American table of distances for storage of explosive materials.

(10) All explosive manufacturing buildings and magazines in which explosives or blasting agents, except small arms ammunition and smokeless powder are had, kept, or stored, must be located at distances from inhabited buildings, railroads, highways, and public utility transmission systems in conformity with the following quantity and distance tables, and these tables shall be the basis on which applications for license for storage shall be made and license for storage issued, as provided in RCW 70.74.110 and 70.74.120. Blasting and electric blasting caps in strength through number 8 should be rated as one and one-half pounds of explosives per one thousand caps. Blasting and electric blasting caps of strength higher than number 8 should be computed on the combined weight of explosives.

**TABLE H-20**  
**TABLE OF DISTANCES FOR STORAGE OF EXPLOSIVES**

Column 1 Quantity that may be had, kept or stored		Column 2 Distance From Nearest Inhabited Building		Column 3 Distance from Nearest Railroad		Column 4 Distance from Nearest Highway & Pub. Util. Trans. System	
EXPLOSIVES							
Pounds over	Pounds not over	Barricaded Feet	UnBarricaded Feet	Barricaded Feet	UnBarricaded Feet	Barricaded Feet	UnBarricaded Feet
2	5	70	140	51	102	30	60
5	10	90	180	64	128	35	70
10	20	110	220	81	162	45	90
20	30	125	250	93	186	50	100
30	40	140	280	103	206	55	110
40	50	150	300	110	220	60	120
50	75	170	340	128	254	70	140
75	100	190	380	139	278	75	150
100	125	200	400	150	300	80	160
125	150	215	430	159	318	85	170
150	200	235	470	175	350	95	190
200	250	255	510	189	378	105	210
250	300	270	540	201	402	110	220
300	400	295	590	221	442	120	240
400	500	320	640	238	476	130	260
500	600	340	680	253	506	135	270
600	700	355	710	266	532	145	290
700	800	375	750	278	556	150	300
800	900	390	780	289	578	155	310
900	1,000	400	800	300	600	160	320
1,000	1,200	425	850	318	636	165	330
1,200	1,400	450	900	336	672	170	340
1,400	1,600	470	940	351	702	175	350
1,600	1,800	490	980	366	732	180	360
1,800	2,000	505	1,010	378	756	185	370
2,000	2,500	545	1,090	408	816	190	380
2,500	3,000	580	1,160	432	864	195	390
3,000	4,000	635	1,270	474	948	210	420
4,000	5,000	685	1,370	513	1,026	225	450
5,000	6,000	730	1,460	546	1,092	235	470
6,000	7,000	770	1,540	573	1,146	245	490
7,000	8,000	800	1,600	600	1,200	250	500
8,000	9,000	835	1,670	624	1,248	255	510
9,000	10,000	865	1,730	645	1,290	260	520
10,000	12,000	875	1,750	687	1,374	270	540
12,000	14,000	885	1,770	723	1,446	275	550
14,000	16,000	900	1,800	756	1,512	280	560
16,000	18,000	940	1,880	786	1,572	285	570

18,000	20,000	975	1,950	813	1,626	290	580
20,000	25,000	1,055	2,000	876	1,752	315	630
25,000	30,000	1,130	2,000	933	1,866	340	680
30,000	35,000	1,205	2,000	981	1,962	360	720
35,000	40,000	1,275	2,000	1,026	2,000	380	760
40,000	45,000	1,340	2,000	1,068	2,000	400	800
45,000	50,000	1,400	2,000	1,104	2,000	420	840
50,000	55,000	1,460	2,000	1,140	2,000	440	880
55,000	60,000	1,515	2,000	1,173	2,000	455	910
60,000	65,000	1,565	2,000	1,206	2,000	470	940
65,000	70,000	1,610	2,000	1,236	2,000	485	970
70,000	75,000	1,655	2,000	1,263	2,000	500	1,000
75,000	80,000	1,695	2,000	1,293	2,000	510	1,020
80,000	85,000	1,730	2,000	1,317	2,000	520	1,040
85,000	90,000	1,760	2,000	1,344	2,000	530	1,060
90,000	95,000	1,790	2,000	1,368	2,000	540	1,080
95,000	100,000	1,815	2,000	1,392	2,000	545	1,090
100,000	110,000	1,835	2,000	1,437	2,000	550	1,100
110,000	120,000	1,855	2,000	1,479	2,000	555	1,110
120,000	130,000	1,875	2,000	1,521	2,000	560	1,120
130,000	140,000	1,890	2,000	1,557	2,000	565	1,130
140,000	150,000	1,900	2,000	1,593	2,000	570	1,140
150,000	160,000	1,935	2,000	1,629	2,000	580	1,160
160,000	170,000	1,965	2,000	1,662	2,000	590	1,180
170,000	180,000	1,990	2,000	1,695	2,000	600	1,200
180,000	190,000	2,010	2,010	1,725	2,000	605	1,210
190,000	200,000	2,030	2,030	1,755	2,000	610	1,220
200,000	210,000	2,050	2,055	1,782	2,000	620	1,240
210,000	230,000	2,100	2,100	1,836	2,000	635	1,270
230,000	250,000	2,155	2,155	1,890	2,000	650	1,300
250,000	275,000	2,215	2,215	1,950	2,000	670	1,340
275,000	300,000	2,275	2,275	2,000	2,000	690	1,380

(11) When two or more storage magazines are located on the same property, each magazine must comply with the minimum distances specified from inhabited buildings, railways, and highways, and in addition, they should be separated from each other by not less than the distances shown for "separation of magazines", except that the quantity of explosives contained in cap magazines shall govern in regard to the spacing of said cap magazines from magazines containing other explosives. If any two or more magazines are separated from each other by less than the specified "separation of magazines" distances, then such two or more magazines, as a group, must be considered as one magazine, and the total quantity of explosives stored in such group must be treated as if stored in a single magazine located on the site of any magazine of the group, and must comply with the minimum of distances specified from other magazines, inhabited buildings, railways and highways.

**AMENDATORY SECTION** (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-52-489 TRANSPORTATION. (1) The transportation of explosives by vehicle on public highways shall be administered by the United States Department of Transportation, CFR 49-1978, Parts 100 through 199, and the Washington state patrol under RCW 46.48-.170. The following sections cover the transportation of explosives on the job site.

(a) No employee shall be allowed to smoke, carry matches or any other flame-producing device, or carry any firearms or loaded cartridges while in or near a motor vehicle transporting explosives; or drive, load, or unload such vehicle in a careless or reckless manner.

(b) Explosives shall not be carried on any vehicle while vehicle is being used to transport workers other than driver and two persons.

(c) Explosives shall be transferred from ((the)) a disabled vehicle to another, only when proper and qualified supervision is provided. Local fire and police departments shall be promptly notified in congested areas. In remote areas they shall be notified if appropriate.

(d) Other materials or supplies shall not be placed on or in the cargo space of a conveyance containing explosives, detonation cord or detonators, except carrying safety fuse, and properly secured, nonsparking equipment used expressly in the handling of such explosives will be permissible.

(2) Transportation vehicles. Vehicles used for transporting explosives shall be strong enough to carry the load without difficulty and be in good mechanical condition. If vehicles do not have a closed body, the body shall be covered with a flameproof and moisture-proof tarpaulin or other effective protection against moisture and sparks. Whenever tarpaulins are used for covering explosives, both the tarpaulin and the explosives container shall be secured to the body of the truck bed by means of rope, wire, or other equally efficient tie downs. All vehicles used for the transportation of explosives shall have tight floors and any exposed spark-producing metal on the inside of the body shall be covered with wood or other nonsparking materials to prevent contact with packages of explosives. Packages of explosives shall not be loaded above the sides of an open-body vehicle.

(3) Vehicles shall be placarded and displayed as specified by the United States Department of Transportation, CFR 49-1981, Parts 100 through 199.

(4)(a) Each motor vehicle used for transporting explosives shall be equipped with a minimum of two extinguishers, each having a rating of at least 10-BC. The driver shall be trained in the use of the extinguishers on the vehicle.

(i) Only extinguishers listed or approved by a nationally recognized testing laboratory shall be deemed suitable for use on explosives-carrying vehicles. Refer to WAC 296-24-58501(19) for definition of

listed, and federal regulation 29 CFR 1910.7 for nationally recognized testing laboratory.

(ii) Extinguishers shall be filled and ready for immediate use and readily available. Extinguishers shall be examined periodically by a competent person.

(b) A motor vehicle used for transporting explosives shall be given the following inspection to determine that it is in proper condition for safe transportation of explosives:

(i) Fire extinguishers shall be filled and in working order.

(ii) All electrical wiring shall be completely protected and securely fastened to prevent short-circuiting.

(iii) Chassis, motor, pan, and underside of body shall be reasonably clean and free of excess oil and grease.

(iv) Fuel tank and feedline shall be secure and have no leaks.

(v) Brakes, lights, horn, windshield wipers, and steering apparatus shall function properly.

(vi) Tires shall be checked for proper inflation and defects.

(vii) The vehicle shall be in proper condition in every other respect and acceptable for handling explosives.

(c) Motor vehicles or conveyances carrying explosives, blasting agents, or blasting supplies, shall not be taken inside a garage or shop for repairs or servicing.

(5) Operation of transportation vehicles.

(a) Vehicles transporting explosives shall only be driven by and be in the charge of a licensed driver who is not less than twenty-one years of age, physically fit, careful, capable, reliable, able to read and write the English language, and not addicted to the use, or under the influence of intoxicants, narcotics, or other dangerous drugs. This rule does not apply to persons taking prescription drugs and/or narcotics as directed by a physician providing such use shall not endanger the worker or others. They shall be familiar with the traffic regulations, state laws, and the provisions of this section.

(b) Except under emergency conditions, no vehicle transporting explosives shall be parked before reaching its destination, even though attended.

(c) Every motor vehicle transporting any quantity of Class A or Class B explosives shall, at all times, be attended by a driver or other attendant of the motor carrier. This attendant shall have been made aware of the class of the explosive material in the vehicle and of its inherent dangers, and shall have been instructed in the measures and procedures to be followed in order to protect the public from those dangers. The attendant shall have been made familiar with the vehicle to which assigned, and shall be trained, supplied with the necessary means, and authorized to move the vehicle when required.

(i) For the purpose of this subdivision, a motor vehicle shall be deemed "attended" only when the driver or other attendant is physically on or in the vehicle, or has the vehicle within his field of vision and can reach it quickly and without any kind of interference; "attended" also means that the driver or attendant is awake, alert, and not engaged in other duties or activities which may divert his attention from the vehicle.

(ii) However, an explosive-laden vehicle may be left unattended if parked within a securely fenced or walled area properly barricaded with all gates or entrances locked where parking of such vehicle is otherwise permissible, or at a magazine site established solely for the purpose of storing explosives.

(d) No spark-producing metal, spark-producing tools, oils, matches, firearms, electric storage batteries, flammable substances, acids, oxidizing materials, or corrosive compounds shall be carried in the body of any motor truck and/or vehicle transporting explosives, unless the loading of such dangerous articles and the explosives comply with U.S. Department of Transportation regulations.

(e) Vehicles transporting explosives shall avoid congested areas and heavy traffic.

(f) Delivery shall only be made to authorized persons and into authorized magazines of authorized temporary storage or handling area.

(6) Transporting of explosives and blasting caps or electric blasting caps in the same vehicle. Blasting caps, blasting caps with safety fuse, blasting caps with metal clad mild detonating fuse and/or electric blasting caps may be transported in the same vehicle with other explosives, provided the following condition is complied with:

The top, lid or door, sides and bottom of each container must be of laminate construction consisting of A/C grade or better exterior plywood, solid hardwood, asbestos board or sheetrock and sheet metal. In order of arrangement, from inside to outside, the laminate must consist of the following with the minimum thickness of each lamination as indicated: 1/4-inch plywood, 1-inch solid hardwood, 1/2-inch plywood,

1/2-inch sheetrock or 1/4-inch asbestos board, and 22-gauge sheet metal constructed inside to outside in that order.

(7) When primers are made up at a central primer house for use in high speed tunneling, the following shall apply:

(a) Only enough primers shall be made up for ((one day's usage)) each round of blasting.

(b) The primers shall be placed in separate containers or bins, categorized by degree of delay in such a manner so as to prevent them from physical impact.

(c) Explosives carried in the same magazine shall be separated by 1/4-inch steel, covered on each side by four inches of hardwood planking, or equivalent.

(d) Hoist operators shall be notified before explosives or blasting agents are transported in a shaft conveyance.

(e) Only a state approved powder car or vehicle shall be used underground.

(f) The number of primers for one round will be removed from the state approved car or vehicle at the face or heading after the drilling has been completed and the holes readied for loading. After loading the charge, the powder car or vehicle will be withdrawn from the tunnel.

(g) Wires on electric caps shall be kept shunted until wired to the bus wires.

(h) The powder car or vehicle shall be inspected daily for lights, brakes and external damage to electrical circuitry. The electrical system shall be checked weekly to detect any failures that may constitute an electrical hazard and a written record of such inspection shall be kept on file for the duration of the job.

(i) The installation of auxiliary lights on truck beds, which are powered by the truck's electrical system, shall be prohibited.

(j) No one, except the operator, the helper, and/or the powderman, shall be permitted to ride on a conveyor transporting explosives and blasting agents.

(k) No person shall ride in any shaft conveyance transporting explosives and blasting agents.

(l) No explosives or blasting agents shall be transported on a man-haul trip.

(m) The car or conveyance containing explosives or blasting agents shall be pulled, not pushed, whenever possible.

(n) The powder car or conveyance especially built for the purpose of transporting explosives or blasting agents shall bear a reflectorized sign on each side with the word "explosives" in letters not less than 4 inches in height; upon a background of sharply contrasting color.

(o) Compartments for transporting detonators and explosives in the same car or conveyance shall be physically separated by a distance of 24 inches or by a solid partition at least 6 inches thick.

(p) Detonators and other explosives shall not be transported at the same time in any shaft conveyance.

(q) Explosives and/or blasting agents, not in original containers, shall be placed in a suitable container when transported manually.

(r) No explosives or blasting agents shall be transported on any locomotive. At least two car lengths shall separate the locomotive from the powder car.

(8) When explosives are carried to the blasting site from the main storage magazines by the blaster or helper:

(a) Special insulated containers shall be used for this purpose, either boxes or bags, one container for explosives and one for detonators.

(b) Detonators or explosives shall never be carried in pockets of clothing.

#### AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

#### WAC 296-52-493 USE OF EXPLOSIVES AND BLASTING AGENTS. (1) General provisions.

(a) While explosives are being handled or used, smoking, matches, or any other source of fire or flame shall not be allowed within 100 feet of the blast site. No person shall be allowed to handle explosives while under the influence of intoxicating liquors, narcotics, or other dangerous drugs. This rule does not apply to persons taking prescription drugs and/or narcotics as directed by a physician providing such use shall not endanger the worker or others.

(b) Original containers or day box magazines shall be used for taking detonators and other explosives from storage magazines to the blast site.

(c) When blasting is done in congested areas or in close proximity to a structure, railway, or highway or any other installation that may be

damaged, the blast shall be covered before firing with a mat or material that is capable of preventing fragments from being thrown.

(d) Persons authorized to prepare explosive charges or conduct blasting operations shall use every reasonable precaution, including but not limited to warning signals, flags and barricades or woven wire mats to insure the safety of the general public and workers.

(e) Blasting operations shall be conducted during daylight hours whenever possible.

(f) Whenever blasting is being conducted in the vicinity of gas, electric, water, fire alarm, telephone, telegraph, and steam utilities, the user (blaster) shall notify the appropriate representatives of such utilities at least twenty-four hours in advance of blasting, specifying the location and intended time of such blasting. Verbal notice shall be confirmed with written notice.

(g) Due precautions shall be taken to prevent accidental discharge of electric blasting caps from current induced by radar, radio transmitters, lightning, adjacent powerlines, dust storms, or other sources of extraneous electricity. These precautions shall include:

(i) The suspension of all blasting operations and removal of persons from the blast site during the approach and progress of an electric storm.

(ii) The posting of signs, warning against the use of mobile radio transmitters, on all roads shall be in accordance with the applicable provisions of the American National Standards Institute D6.1-1971, Manual on Uniform Traffic Control Devices for Streets and Highways, as amended by Washington State Department of Highways Manual M24-01 (HT), (February 22, 1972).

(iii) Ensuring that mobile radio transmitters which are less than 100 feet away from electric blasting caps, when the caps are in other than original containers, shall be deenergized and effectively locked.

(iv) Compliance with the recommendations of The Institute of the Makers of Explosives (IME) with regard to blasting in the vicinity of radio transmitters as stipulated in Radio Frequency Energy—A Potential Hazard in the Use of Electric Blasting Caps, IME Publication No. 20, September 1971.

(v) When electric blasting caps are being used in blasting operations in the proximity of fixed radio transmitters, the following table of distances must be observed, unless it is determined by designated test procedures that there is not sufficient radio frequency energy present to create a hazard. The test procedure shall be to attach a No. 47 radio pilot lamp in place of the cap in the blasting circuit progressively as the circuit is connected, starting with the initial hole. In the event the lamp glows, the length of the wires connecting the circuit shall be altered by adding or cutting off wire until the lamp does not glow. A radio frequency field strength meter may be used in lieu of the test lamp.

Electromagnetic radiation. Blasting operations or storage of electrical detonators shall be prohibited in vicinity of operating radio frequency (RF) transmitter stations except where the clearances given below can be observed.

Transmitter Power Except FM Mobile (Watts)	Minimum Distance (Feet)
5 - 25	100
25 - 50	150
50 - 100	220
100 - 250	350
250 - 500	450
500 - 1,000	650
1,000 - 2,500	1,000
2,500 - 5,000	1,500
5,000 - 10,000	2,200
10,000 - 25,000	3,500
25,000 - 50,000	5,000
50,000 - 100,000	7,000

Transmitter Power FM Mobile (Watts)	Minimum Distance (Feet)
1 - 10	5
10 - 30	10
30 - 60	15
60 - 250	30

(vi) When necessary to perform blasting operations at distances less than those shown in table, detonating type fuse or other approved type systems shall be used.

(h) No fire shall be fought where the fire is in imminent danger of contact with explosives. All employees shall be removed to a safe area and the fire area guarded against intruders.

(i) Electric detonators shall be shunted until wired into the blasting circuit.

(j) Explosives shall not be handled near open flames, uncontrolled sparks or open electric circuits.

(k) Delivery and issue of explosives shall only be made by and to authorized persons and into authorized magazines or approved temporary storage or handling area.

(l) All loading and firing shall be directed and supervised by competent, licensed persons thoroughly experienced in this field.

(m) The employer shall permit only persons having proof of valid safety explosive training to handle explosives at the blasting site.

(n) No explosive shall be loaded or used underground in the presence of combustible gases or combustible dusts.

(2) Storage at use sites.

(a) Empty boxes and paper and fiber packing materials which have previously contained high explosives shall not be used again for any purpose, but shall be destroyed by burning at an approved isolated location out of doors, and no person shall be nearer than 100 feet after the burning has started.

(b) When opening kegs or wooden cases, no sparking metal tools shall be used; wooden wedges and either wood, fiber or rubber mallets shall be used. Nonsparking metallic slitters may be used for opening fiberboard cases.

(c) Should cartridges or packages of explosives show signs of discoloration or deterioration, the manufacturer or the department shall be notified. Such explosives must be carefully set aside and properly disposed of.

(3) Loading of explosives or blasting agents in blast holes.

(a) Procedures that permit safe and efficient loading shall be established before loading is started.

(b) All drill holes shall be sufficiently large to admit freely the insertion of the cartridges of explosives.

(c) Tamping shall be done only with wood rods or with approved plastic tamping poles without exposed metal parts, but nonsparking metal connectors may be used for jointed poles. Violent tamping shall be avoided. The primer shall never be tamped.

(d) No holes shall be loaded except those to be fired in the next round of blasting. After loading, all remaining explosives and detonators shall be immediately returned to an authorized magazine.

(e) Drilling shall not be started until all remaining butts of old holes are examined for unexploded charges, and if any are found, they shall be refired before work proceeds.

(f) When a charge of explosives has been exploded in a bore hole to enlarge or "spring" it, an interval of at least two hours must be allowed to pass before an additional charge of explosives can be loaded into the hole.

Note: There may be an exception made to this rule provided the sprung hole is thoroughly wet down with water before it is loaded.

(g) No person shall be allowed to deepen drill holes which have contained explosives or blasting agents.

(h) No explosives or blasting agents shall be left unattended unless stored in a licensed magazine.

(i) Users (blasters) shall not load, store or use explosives closer than the length of the steel being used for drilling and in no event nearer than fifty feet of drilling operations.

(j) Machines and all tools not used for loading explosives into bore holes shall be removed from the immediate location of holes being loaded with explosives. Equipment shall not be operated within 50 feet of loaded holes except when equipment is needed to add burden, mats or tracking of drills out of the loading area.

(k) Powerlines and portable electric cables for equipment being used shall be kept a safe distance from explosives or blasting agents being loaded into drill holes. Cables in the proximity of the blast area shall be deenergized and locked out by the blaster.

(l) Holes shall not be drilled where there is danger of intersecting a charged or misfired hole.

(m) All blast holes in open work shall be stemmed to the collar or to a point which will confine the charge.

(n) No explosives for underground operations other than those in Fume Class 1, as set forth by the Institute of Makers of Explosives, shall be used; however, explosives complying with the requirements of

Fume Class 2 and Fume Class 3 may be used if adequate ventilation has been provided.

(o) Warning signs, indicating a blast area, shall be maintained at all approaches to the blast area. The warning sign lettering shall not be less than 4 inches in height on a contrasting background. All loaded stumps must be marked for identification on logging sites.

(p) A bore hole shall never be sprung when it is adjacent to or near a hole which has been loaded. Flashlight batteries shall not be used for springing holes.

(q) No loaded holes shall be left unattended or unprotected.

(r) The user (blaster) shall keep an accurate, up-to-date record of explosives, blasting agents, and blasting supplies used in a blast and shall keep an accurate running inventory of all explosives and blasting agents stored on the operation.

(s) When loading blasting agents pneumatically over electric blasting caps, semiconductive delivery hose shall be used and the equipment shall be bonded and grounded.

(4) Initiation of explosive charges – electric blasting.

(a) Only electric blasting caps shall be used for blasting operations in congested districts, or on highways, or adjacent to highways open to traffic, except where sources of extraneous electricity make such use dangerous. Blasting cap leg wires shall be kept short-circuited (shunted) until they are connected into the circuit for firing.

(b) Before adopting any system of electrical firing, the user (blaster) shall conduct a thorough survey for extraneous currents, and all dangerous currents shall be eliminated before any holes are loaded.

(c) In any single blast using electric blasting caps, all caps shall be of the same style or function and be of the same manufacture.

(d) Electric blasting shall be carried out by using blasting circuits or power circuits in accordance with the electric blasting cap manufacturer's recommendations.

(e) The firing line shall be checked with an approved testing device at the terminals before being connected to the blasting machine or other power source.

(f) The circuit including all caps shall be tested with an approved testing device before being connected to the firing line.

(g) When firing a circuit of electric blasting caps, care shall be exercised to ensure that an adequate quantity of delivered current is available, in accordance with the manufacturer's recommendations.

(h) Connecting wires and lead wires shall be insulated single solid wires of sufficient current-carrying capacity, and shall not be less than twenty gauge (American wire gauge) solid core insulated wire.

(i) Firing line or leading wires shall be solid single wires of sufficient current-carrying capacity, and shall be not less than fourteen gauge (American wire gauge) solid core insulated wire. Bus wires – depends on the size of the blast, fourteen gauge (American wire gauge) copper is recommended.

(j) The ends of lead wires which are to be connected to a firing device shall be shorted by twisting them together or otherwise connecting them before they are connected to the leg wires or connecting wires, and they shall be kept in the possession of the person who is doing the loading until loading is completed and the leg wires attached. Lead wires shall not be attached to the firing device until the blaster is ready to fire the shot and must be attached by the user (blaster) themselves.

(k) The ends of the leg wires on electric detonators shall be shorted in a similar manner and not separated until all holes are loaded and the loader is ready to connect the leg wires to the connecting wires or lead wires.

(l) When firing electrically, the insulation on all firing lines shall be adequate and in good condition.

(m) A power circuit used for firing electric blasting caps shall not be grounded.

(n) In underground operations when firing from a power circuit, a safety switch shall be placed at intervals in the permanent firing line. This switch shall be made so it can be locked only in the "off" position and shall be provided with a short-circuiting arrangement of the firing lines to the cap circuit.

(o) In underground operations there shall be a "lightning" gap of at least 5 feet in the firing system ahead of the main firing switch; that is, between this switch and the source of power. This gap shall be bridged by a flexible jumper cord just before firing the blast.

(p) When firing from a power circuit, the firing switch shall be locked in the open or "off" position at all times, except when firing. It shall be so designed that the firing lines to the cap circuit are automatically short-circuited when the switch is in the "off" position. Keys to this switch shall be entrusted only to the user (blaster).

(q) Blasting machines shall be in good condition and the efficiency of the machine shall be tested periodically to make certain that it can deliver power at its rated capacity.

(r) When firing with blasting machines, the connections shall be made as recommended by the manufacturer of the electric blasting caps used.

(s) The number of electric blasting caps connected to a blasting machine shall not be in excess of its rated capacity. Furthermore, in primary blasting, a series circuit shall contain no more caps than the limits recommended by the manufacturer of the electric blasting caps in use.

(t) The user (blaster) shall be in charge of the blasting machines, and no other person shall connect the leading wires to the machine.

(u) Users (blasters), when testing circuits to charged holes, shall use only blasting testers especially designed for this purpose.

(v) Whenever the possibility exists that a leading line or blasting wire might be thrown over ~~((a))~~ live overhead powerlines, communication lines, utility services, or other services or structures by the force of an explosion, care shall be taken to see that the total length of wires are kept too short to hit the lines, ~~((or))~~ that the wires are securely anchored to the ground and owners or operators are notified. If ~~((neither of these))~~ those requirements can not be satisfied, a nonelectric system shall be used.

(w) In electrical firing, only the person making leading wire connections shall fire the shot. All connections shall be made from the bore hole back to the source of firing current, and the leading wires shall remain shorted and not be connected to the blasting machine or other source of current until the charge is to be fired.

(x) After firing an electric blast from a blasting machine, the leading wires shall be immediately disconnected from the machine and short-circuited.

(y) When electric blasting caps have been used, workers shall not return to misfired holes for at least thirty minutes.

(5) Use of safety fuse.

(a) A fuse that is deteriorated or damaged in any way shall not be used.

(b) The hanging of fuse on nails or other projections which will cause a sharp bend to be formed in the fuse is prohibited.

(c) Before capping safety fuse, a short length shall be cut from the end of the supply reel so as to assure a fresh cut end in each blasting cap.

(d) Only a cap crimper of approved design shall be used for attaching blasting caps to safety fuse. Crimpers shall be kept in good repair and accessible for use.

(e) No unused cap or short capped fuse shall be placed in any hole to be blasted; such unused detonators shall be removed from the working place and disposed of or stored in licensed magazine.

(f) No fuse shall be capped, or primers made up, in any magazine or near any possible source of ignition.

(g) Capping of fuse and making of primers shall only be done in a place selected for this purpose and at least one hundred feet distant from any storage magazine.

(h) Fuse must be cut long enough to reach beyond the collar of the bore hole and in no case less than three feet. When shooting choker holes, not less than three feet of fuse shall be used.

(i) At least two persons shall be present when multiple cap and fuse blasting is done by hand lighting methods.

(j) Not more than 12 fuses shall be lighted by each blaster when hand lighting devices are used. However, when two or more safety fuses in a group are lighted as one by means of igniter cord, or other similar fuse-lighting devices, they may be considered as one fuse.

(k) The so-called "drop fuse" method of dropping or pushing a primer or any explosive with a lighted fuse attached is prohibited.

(l) Cap and fuse shall not be used for firing mudcap charges unless charges are separated sufficiently to prevent one charge from dislodging other shots in the blast.

(m) When blasting with safety fuses, consideration shall be given to the length and burning rate of the fuse. Sufficient time, with a margin of safety, shall always be provided for the blaster to reach a place of safety.

(n) The burning rate of the safety fuse in use at any time shall be measured, posted in conspicuous locations, and brought to the attention of all workers concerned with blasting. No fuse shall be used that burns faster than one foot in forty seconds or slower than one foot in fifty-five seconds.

(o) For use in wet places the joint between the cap and fuse shall be waterproofed with a compound prepared for this purpose.

(p) In making up primers only nonsparking skewers shall be used for punching the hole in the cartridge to insert the capped fuse. No blasting cap shall be inserted in the explosives without first making a hole in the cartridge of proper size or using a standard cap crimper.

(q) Only sufficient primers for one day's use shall be made up at one time. They shall be stored in a box type magazine in which no other explosives are stored.

(r) Any loose cartridges of explosives, detonators, primers and capped fuse unused at the end of the shift shall be returned to their respective magazines and locked up.

(6) Use of detonating cord.

(a) Care shall be taken to select a detonating cord consistent with the type and physical condition of the bore hole and stemming and the type of explosives used.

(b) Detonating cord shall be handled and used with the same respect and care given other explosives.

(c) For quantity and distance purposes detonating fuse up to 60 grains per foot should be calculated as equivalent to 9 lbs. of high explosives per 1,000 feet. Heavier cord loads should be rated proportionately.

(d) If using a detonating type cord for blasting the double-trunk-line or loop systems shall be used.

(e) Trunk lines in multiple-row blasts shall make one or more complete loops, with crossties between loops at intervals of not over two hundred feet.

(f) All detonating cord knots shall be tight and all connections shall be kept at right angles to the trunk lines.

(g) The line of detonating cord extending out of a bore hole or from a charge shall be cut from the supply spool before loading the remainder of the bore hole or placing additional charges.

(h) Detonating cord shall be handled and used with care to avoid damaging or severing the cord during and after loading and hooking-up.

(i) Detonating cord connections shall be competent and positive in accordance with approved and recommended methods. Knot-type or other cord-to-cord connections shall be made only with detonating cord in which the explosive core is dry.

(j) All detonating cord trunklines and branchlines shall be free of loops, sharp kinks, or angles that direct the cord back toward the oncoming line of detonation.

(k) All detonating cord connections shall be inspected before firing the blast.

(l) When detonating cord millisecond-delay connectors or short-interval-delay electric blasting caps are used with detonating cord, the practice shall conform strictly to the manufacturer's recommendations.

(m) When connecting a blasting cap or an electric blasting cap to detonating cord, the cap shall be taped or otherwise attached securely along the side or the end of the detonating cord, with the end of the cap containing the explosive charge pointed in the direction in which the detonation is to proceed.

(n) Detonators for firing the trunkline shall not be brought to the loading area nor attached to the detonating cord until everything else is in readiness for the blast.

(7) Firing the blast.

(a) A code of blasting signals equivalent to Table T-1 shall be posted on one or more conspicuous places at the operation, and all employees shall be required to familiarize themselves with the code and conform to it. Danger signs shall be placed at suitable locations.

(b) All charges shall be covered with blasting mats before firing, where blasting may cause injury or damage by flying rock or debris.

(c) Before a blast is fired, a loud warning signal shall be given by the blaster in charge, who has made certain that all surplus explosives are in a safe place and all employees, vehicles, and equipment are at a safe distance, or under sufficient cover.

(d) Flagmen shall be safely stationed on highways which pass through the danger zone so as to stop traffic during blasting operations.

(e) It shall be the duty of the blaster to fix the time of blasting. The blaster shall conduct all blasting operations and no shot shall be fired without the blasters' approval.

(f) Before firing an underground blast, warning shall be given, and all possible entries into the blasting area, and any entrances to any working place where a drift, raise, or other opening is about to hole through, shall be carefully guarded. The blaster shall make sure that all employees are out of the blast area before firing a blast.

TABLE T-1

WARNING SIGNAL	— A 1-minute series of long blasts 5 minutes prior to blast signal.
BLAST SIGNAL	— A series of short blasts 1 minute prior to the shot.
ALL CLEAR SIGNAL	— A prolonged blast following the inspection of blast area.

(8) Inspection after blasting.

(a) Immediately after the blast has been fired, the firing line shall be disconnected from the blasting machine, or where power switches are used, they shall be locked open or in the off position.

(b) Sufficient time shall be allowed, not less than fifteen minutes in tunnels, for the smoke and fumes to leave the blasted area before returning to the shot. An inspection of the area and the surrounding rubble shall be made by the user (blaster) to determine if all charges have been exploded before employees are allowed to return to the operation, and in tunnels, after the muck pile has been wetted down.

(9) Misfires.

(a) If a misfire is found, the user (blaster) shall provide proper safeguards for excluding all employees from the danger zone.

(b) No other work shall be done except that necessary to remove the hazard of the misfire and only those employees necessary to do the work shall remain in the danger zone.

(c) No attempt shall be made to extract explosives from any charged or misfired hole; a new primer shall be put in and the hole re-blasted. If re-firing of the misfired hole presents a hazard, the explosives may be removed by washing out with water or, where the misfire is under water, blown out with air.

(d) If there are any misfires while using cap and fuse, all employees shall remain away from the charge for at least one hour. Misfires shall be handled under the direction of the person in charge of the blasting. All wires shall be carefully traced and a search made for unexploded charges.

(e) When electric blasting caps have been used, workers shall not return to misfired holes for at least thirty minutes. All wires shall be carefully traced and a search made for unexploded charges.

(f) If explosives are suspected of burning in a hole, all persons in the endangered area shall move to a safe location and no one shall return to the hole until the danger has passed, but in no case within one hour.

(g) No drilling, digging, or picking shall be permitted until all missed holes have been detonated or the authorized representative has approved that work can proceed.

(10) Underwater blasting.

(a) A user (blaster) shall conduct all blasting operations, and no shot shall be fired without the blasters' approval.

(b) Loading tubes and casings of dissimilar metals shall not be used because of possible electric transient currents from galvanic action of the metals and water.

(c) Only water-resistant blasting caps and detonating cords shall be used for all underwater blasting. Loading shall be done through a non-sparking metal loading tube when tube is necessary.

(d) No blast shall be fired while any vessel under way is closer than 1,500 feet to the blasting area. Those on board vessels or craft moored or anchored within 1,500 feet shall be notified before a blast is fired.

(e) No blast shall be fired while any swimming or diving operations are in progress in the vicinity of the blasting area. If such operations are in progress, signals and arrangements shall be agreed upon to assure that no blast shall be fired while any persons are in the water.

(f) Blasting flags shall be displayed.

(g) The storage and handling of explosives aboard vessels used in underwater blasting operations shall be according to provisions outlined herein on handling and storing explosives.

(h) When more than one charge is placed under water, a float device shall be attached to an element of each charge in such manner that it will be released by the firing. Misfires shall be handled in accordance with the requirements of WAC 296-52-493(9).

(11) Blasting in excavation work in pressurized air locks.

(a) Detonators and explosives shall not be stored or kept in tunnels, shafts, or caissons. Detonators and explosives for each round shall be taken directly from the magazines to the blasting zone and immediately loaded. Detonators and explosives left over after loading a round shall be removed from the working chamber before the connecting wires are connected up. Explosives in transit shall not be left unattended.

(b) When detonators or explosives are brought into an air lock, no employee except the powderman, user (blaster), lock tender and the

employees necessary for carrying, shall be permitted to enter the air lock. No material, supplies, or equipment shall be brought through with the explosives.

(c) Primers, detonators and explosives shall be taken separately into pressure working chambers.

(d) The user (blaster) or powderman shall be responsible for the receipt, unloading, storage, and on-site transportation of explosives and detonators.

(e) All metal pipes, rails, air locks, and steel tunnel lining shall be electrically bonded together and grounded at or near the portal or shaft, and such pipes and rails shall be cross-bonded together at not less than 1,000-foot intervals throughout the length of the tunnel. In addition, each air supply pipe shall be grounded at its delivery end.

(f) The explosives suitable for use in wet holes shall be water-resistant and shall be Fume Class 1, or other approved explosives.

(g) When tunnel excavation in rock face is approaching mixed face, and when tunnel excavation is in mixed face, blasting shall be performed with light charges and with light burden on each hole. Advance drilling shall be performed as tunnel excavation in rock face approaches mixed face, to determine the general nature and extent of rock cover and the remaining distance ahead to soft ground as excavation advances.

(12) Vibration and damage control. Blasting operations in or adjacent to cofferdams, piers, underwater structures, buildings, structures, or other facilities shall be carefully planned with full consideration for all forces and conditions involved.

(13) Black blasting powder shall not be used for blasting except when a desired result cannot be obtained with another type of explosive such as in quarrying certain types of dimension stone.

(14) In the use of black blasting powder:

(a) Containers shall not be opened in, or within fifty feet of any magazine; within any building in which a fuel-fired or exposed-element electric heater is in operation; where electrical or incandescent-particle sparks could result in powder ignition; or within fifty feet of any open flame.

(b) Granular powder shall be transferred from containers only by pouring.

(c) Spills of granular powder shall be cleaned up promptly with nonsparking equipment, contaminated powder shall be put into a container of water and its content disposed of promptly after the granules have disintegrated, or the spill area shall be flushed with a copious amount of water to completely disintegrate the granules.

(d) Containers of powder shall be kept securely closed at all times other than when the powder is being transferred from or into a container.

(e) Containers of powder transported by vehicles shall be in a wholly enclosed cargo space.

(f) Misfires shall be disposed of by:

(i) Washing the stemming and powder charge from the bore hole, and

(ii) Removal and disposal of the initiator as a damaged explosive.

(iii) Bore holes of shots that fire but fail to break, or fail to break promptly, shall not be recharged for at least twelve hours.

(15) No person shall store, handle, or transport explosives or blasting agents when such storage, handling, and transportation of explosives or blasting agents constitutes an undue hazard to life.

(16) It shall be unlawful for any person to abandon explosives or explosive substances.

#### Chapter 296-67 WAC

### SAFETY STANDARDS FOR PROCESS SAFETY MANAGEMENT OF HIGHLY HAZARDOUS CHEMICALS

#### NEW SECTION

WAC 296-67-001 PROCESS SAFETY MANAGEMENT OF HIGHLY HAZARDOUS CHEMICALS. (1) Purpose. This section contains requirements for preventing or minimizing the consequences of catastrophic releases of toxic, reactive, flammable, or explosive chemicals. These releases may result in toxic, fire, or explosion hazards.

(2) Application.

(a) This part applies to the following:

(i) A process which involves a chemical at or above the specified threshold quantities listed in WAC 296-67-285, Appendix A;

(ii) A process which involves a flammable liquid or gas (as defined in WAC 296-62-05405) on site in one location, in a quantity of 10,000 pounds (4535.9 kg) or more except for:

(A) Hydrocarbon fuels used solely for workplace consumption as a fuel (e.g., propane used for comfort heating, gasoline for vehicle refueling), if such fuels are not a part of a process containing another highly hazardous chemical covered by this standard;

(B) Flammable liquids stored in atmospheric tanks or transferred which are kept below their normal boiling point without benefit of chilling or refrigeration.

(b) This part does not apply to:

(i) Retail facilities;

(ii) Oil or gas well drilling or servicing operations; or

(iii) Normally unoccupied remote facilities.

#### NEW SECTION

WAC 296-67-005 DEFINITIONS. "Atmospheric tank" means a storage tank which has been designed to operate at pressures from atmospheric through 0.5 p.s.i.g. (pounds per square inch gauge, 3.45 Kpa).

"Boiling point" means the boiling point of a liquid at a pressure of 14.7 pounds per square inch absolute (p.s.i.a.) (760 mm.). For the purposes of this part, where an accurate boiling point is unavailable for the material in question, or for mixtures which do not have a constant boiling point, the 10 percent point of a distillation performed in accordance with the Standard Method of Test for Distillation of Petroleum Products, ASTM D-86-62, may be used as the boiling point of the liquid.

"Catastrophic release" means a major uncontrolled emission, fire, or explosion, involving one or more highly hazardous chemicals, that presents serious danger to employees in the workplace.

"Facility" means the buildings, containers, or equipment which contain a process.

"Highly hazardous chemical" means a substance possessing toxic, reactive, flammable, or explosive properties and specified by WAC 296-67-001 (2)(a).

"Hot work" means work involving electric or gas welding, cutting, brazing, or similar flame or spark-producing operations.

"Normally unoccupied remote facility" means a facility which is operated, maintained, or serviced by employees who visit the facility only periodically to check its operation and to perform necessary operating or maintenance tasks. No employees are permanently stationed at the facility. Facilities meeting this definition are not contiguous with, and must be geographically remote from all other buildings, processes, or persons.

"Process" means any activity involving a highly hazardous chemical including any use, storage, manufacturing, handling, or the on-site movement of such chemicals, or combination of these activities. For purposes of this definition, any group of vessels which are interconnected and separate vessels which are located such that a highly hazardous chemical could be involved in a potential release shall be considered a single process.

"Replacement in kind" means a replacement which satisfies the design specification.

"Trade secret" means any confidential formula, pattern, process, device, information, or compilation of information that is used in an employer's business, and that gives the employer an opportunity to obtain an advantage over competitors who do not know or use it. WAC 296-67-293, Appendix D sets out the criteria to be used in evaluating trade secrets.

#### NEW SECTION

WAC 296-67-009 EMPLOYEE PARTICIPATION. (1) Employers shall develop a written plan of action regarding the implementation of the employee participation required by this section.

(2) Employers shall consult with employees and their representatives on the conduct and development of process hazards analyses and on the development of the other elements of process safety management in this standard.

(3) Employers shall provide to employees and their representatives access to process hazard analyses and to all other information required to be developed under this standard.

#### NEW SECTION

WAC 296-67-013 PROCESS SAFETY INFORMATION. In accordance with the schedule set forth in WAC 296-67-017, the employer shall complete a compilation of written process safety information before conducting any process hazard analysis required by the

standard. The compilation of written process safety information is to enable the employer and the employees involved in operating the process to identify and understand the hazards posed by those processes involving highly hazardous chemicals. This process safety information shall include information pertaining to the hazards of the highly hazardous chemicals used or produced by the process, information pertaining to the technology of the process, and information pertaining to the equipment in the process.

(1) Information pertaining to the hazards of the highly hazardous chemicals in the process. This information shall consist of at least the following:

- (a) Toxicity information;
- (b) Permissible exposure limits;
- (c) Physical data;
- (d) Reactivity data;
- (e) Corrosivity data;
- (f) Thermal and chemical stability data; and
- (g) Hazardous effects of inadvertent mixing of different materials that could foreseeably occur.

Note: Material Safety Data Sheets meeting the requirements of WAC 296-62-05413 may be used to comply with this requirement to the extent they contain the information required by this section.

(2) Information pertaining to the technology of the process.

(a) Information concerning the technology of the process shall include at least the following:

- (i) A block flow diagram or simplified process flow diagram (see WAC 296-67-289, Appendix B);
- (ii) Process chemistry;
- (iii) Maximum intended inventory;
- (iv) Safe upper and lower limits for such items as temperatures, pressures, flows, or compositions; and
- (v) An evaluation of the consequences of deviations, including those affecting the safety and health of employees.

(b) Where the original technical information no longer exists, such information may be developed in conjunction with the process hazard analysis in sufficient detail to support the analysis.

(3) Information pertaining to the equipment in the process.

(a) Information pertaining to the equipment in the process shall include:

- (i) Materials of construction;
- (ii) Piping and instrument diagrams (P&IDs);
- (iii) Electrical classification;
- (iv) Relief system design and design basis;
- (v) Ventilation system design;
- (vi) Design codes and standards employed;
- (vii) Material and energy balances for processes built after May 26, 1992; and
- (viii) Safety systems (e.g., interlocks, detection, or suppression systems).

(b) The employer shall document that equipment complies with recognized and generally accepted good engineering practices.

(c) For existing equipment designed and constructed in accordance with codes, standards, or practices that are no longer in general use, the employer shall determine and document that the equipment is designed, maintained, inspected, tested, and operating in a safe manner.

#### NEW SECTION

WAC 296-67-017 PROCESS HAZARD ANALYSIS. (1) The employer shall perform an initial process hazard analysis (hazard evaluation) on processes covered by this standard. The process hazard analysis shall be appropriate to the complexity of the process and shall identify, evaluate, and control the hazards involved in the process. Employers shall determine and document the priority order for conducting process hazard analyses based on a rationale which includes such considerations as extent of the process hazards, number of potentially affected employees, age of the process, and operating history of the process. The process hazard analysis shall be conducted as soon as possible, but not later than the following schedule:

- (a) No less than 25 percent of the initial process hazards analyses shall be completed by May 26, 1994;
- (b) No less than 50 percent of the initial process hazards analyses shall be completed by May 26, 1995;
- (c) No less than 75 percent of the initial process hazards analyses shall be completed by May 26, 1996;
- (d) All initial process hazards analyses shall be completed by May 26, 1997;

(e) Process hazards analyses completed after May 26, 1987, which meet the requirements of this section are acceptable as initial process hazards analyses. These process hazard analyses shall be updated and revalidated, based on their completion date, in accordance with this section.

(2) The employer shall use one or more of the following methodologies that are appropriate to determine and evaluate the hazards of the process being analyzed.

- (a) What-If;
- (b) Checklist;
- (c) What-If/Checklist;
- (d) Hazard and Operability Study (HAZOP);
- (e) Failure Mode and Effects Analysis (FMEA);
- (f) Fault Tree Analysis; or
- (g) An appropriate equivalent methodology.

(3) The process hazard analysis shall address:

- (a) The hazards of the process;
- (b) The identification of any previous incident which had a likely potential for catastrophic consequences in the workplace;

(c) Engineering and administrative controls applicable to the hazards and their interrelationships such as appropriate application of detection methodologies to provide early warning of releases. (Acceptable detection methods might include process monitoring and control instrumentation with alarms, and detection hardware such as hydrocarbon sensors);

(d) Consequences of failure of engineering and administrative controls;

- (e) Facility siting;
- (f) Human factors; and
- (g) A qualitative evaluation of a range of the possible safety and health effects of failure of controls on employees in the workplace.

(4) The process hazard analysis shall be performed by a team with expertise in engineering and process operations, and the team shall include at least one employee who has experience and knowledge specific to the process being evaluated. Also, one member of the team must be knowledgeable in the specific process hazard analysis methodology being used.

(5) The employer shall establish a system to promptly address the team's findings and recommendations; assure that the recommendations are resolved in a timely manner and that the resolution is documented; document what actions are to be taken; complete actions as soon as possible; develop a written schedule of when these actions are to be completed; communicate the actions to operating, maintenance, and other employees whose work assignments are in the process and who may be affected by the recommendations or actions.

(6) At least every five years after the completion of the initial process hazard analysis, the process hazard analysis shall be updated and revalidated by a team meeting the requirements of this section, to assure that the process hazard analysis is consistent with the current process.

(7) Employers shall retain process hazards analyses and updates or revalidations for each process covered by this part, as well as the documented resolution of recommendations described in this section for the life of the process.

#### NEW SECTION

WAC 296-67-021 OPERATING PROCEDURES. (1) The employer shall develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information and shall address at least the following elements.

(a) Steps for each operating phase:

- (i) Initial startup;
- (ii) Normal operations;
- (iii) Temporary operations;
- (iv) Emergency shutdown including the conditions under which emergency shutdown is required, and the assignment of shutdown responsibility to qualified operators to ensure that emergency shutdown is executed in a safe and timely manner;
- (v) Emergency operations;
- (vi) Normal shutdown; and
- (vii) Startup following a turnaround, or after an emergency shutdown.

(b) Operating limits:

- (i) Consequences of deviation; and
  - (ii) Steps required to correct or avoid deviation.
- (c) Safety and health considerations:

(i) Properties of, and hazards presented by, the chemicals used in the process;

(ii) Precautions necessary to prevent exposure, including engineering controls, administrative controls, and personal protective equipment;

(iii) Control measures to be taken if physical contact or airborne exposure occurs;

(iv) Quality control for raw materials and control of hazardous chemical inventory levels; and

(v) Any special or unique hazards.

(d) Safety systems and their functions.

(2) Operating procedures shall be readily accessible to employees who work in or maintain a process.

(3) The operating procedures shall be reviewed as often as necessary to assure that they reflect current operating practice, including changes that result from changes in process chemicals, technology, and equipment, and changes to facilities.

(4) The employer shall certify annually that these operating procedures are current and accurate.

(5) The employer shall develop and implement safe work practices to provide for the control of hazards during operations such as lockout/tagout; confined space entry; opening process equipment or piping; and control over entrance into a facility by maintenance, contractor, laboratory, or other support personnel. These safe work practices shall apply to employees and contractor employees.

#### NEW SECTION

WAC 296-67-025 TRAINING. (1) Initial training.

(a) Each employee presently involved in operating a process, and each employee before being involved in operating a newly assigned process, shall be trained in an overview of the process and in the operating procedures as specified in WAC 296-67-021. The training shall include emphasis on the specific safety and health hazards, emergency operations including shutdown, and safe work practices applicable to the employee's job tasks.

(b) In lieu of initial training for those employees already involved in operating a process on May 26, 1992, an employer may certify in writing that the employee has the required knowledge, skills, and abilities to safely carry out the duties and responsibilities as specified in the operating procedures.

(2) Refresher training. Refresher training shall be provided at least every three years, and more often if necessary, to each employee involved in operating a process to assure that the employee understands and adheres to the current operating procedures of the process. The employer, in consultation with the employees involved in operating the process, shall determine the appropriate frequency of refresher training.

(3) Training documentation. The employer shall ascertain that each employee involved in operating a process has received and understood the training required by this section. The employer shall prepare a record which contains the identity of the employee, the date of training, and the means used to verify that the employee understood the training.

#### NEW SECTION

WAC 296-67-029 CONTRACTORS. (1) Application. This section applies to contractors performing maintenance or repair, turnaround, major renovation, or specialty work on or adjacent to a covered process. It does not apply to contractors providing incidental services which do not influence process safety, such as janitorial work, food and drink services, laundry, delivery, or other supply services.

(2) Employer responsibilities.

(a) The employer, when selecting a contractor, shall obtain and evaluate information regarding the contract employer's safety performance and programs.

(b) The employer shall inform contract employers of the known potential fire, explosion, or toxic release hazards related to the contractor's work and the process.

(c) The employer shall explain to contract employers the applicable provisions of the emergency action plan required by WAC 296-67-053.

(d) The employer shall develop and implement safe work practices consistent with WAC 296-67-021, to control the entrance, presence, and exit of contract employers and contract employees in covered process areas.

(e) The employer shall periodically evaluate the performance of contract employers in fulfilling their obligations as specified in subsection (3) of this section.

(f) The employer shall maintain a contract employee injury and illness log related to the contractor's work in process areas.

(3) Contract employer responsibilities.

(a) The contract employer shall assure that each contract employee is trained in the work practices necessary to safely perform his/her job.

(b) The contract employer shall assure that each contract employee is instructed in the known potential fire, explosion, or toxic release hazards related to his/her job and the process, and the applicable provisions of the emergency action plan.

(c) The contract employer shall document that each contract employee has received and understood the training required by this paragraph. The contract employer shall prepare a record which contains the identity of the contract employee, the date of training, and the means used to verify that the employee understood the training.

(d) The contract employer shall assure that each contract employee follows the safety rules of the facility including the safe work practices required by WAC 296-67-021.

(e) The contract employer shall advise the employer of any unique hazards presented by the contract employer's work, or of any hazards found by the contract employer's work.

#### NEW SECTION

WAC 296-67-033 PRESTARTUP SAFETY REVIEW. (1) The employer shall perform a prestartup safety review for new facilities and for modified facilities when the modification is significant enough to require a change in the process safety information.

(2) The prestartup safety review shall confirm that prior to the introduction of highly hazardous chemicals to a process:

(a) Construction and equipment is in accordance with design specifications;

(b) Safety, operating, maintenance, and emergency procedures are in place and are adequate;

(c) For new facilities, a process hazard analysis has been performed and recommendations have been resolved or implemented before startup; and modified facilities meet the requirements contained in management of change, WAC 296-67-045.

(d) Training of each employee involved in operating a process has been completed.

#### NEW SECTION

WAC 296-67-037 MECHANICAL INTEGRITY. (1) Application. WAC 296-67-037 (2) through (6) apply to the following process equipment:

(a) Pressure vessels and storage tanks;

(b) Piping systems (including piping components such as valves);

(c) Relief and vent systems and devices;

(d) Emergency shutdown systems;

(e) Controls (including monitoring devices and sensors, alarms, and interlocks); and

(f) Pumps.

(2) Written procedures. The employer shall establish and implement written procedures to maintain the ongoing integrity of process equipment.

(3) Training for process maintenance activities. The employer shall train each employee involved in maintaining the ongoing integrity of process equipment in an overview of that process and its hazards and in the procedures applicable to the employee's job tasks to assure that the employee can perform the job tasks in a safe manner.

(4) Inspection and testing.

(a) Inspections and tests shall be performed on process equipment.

(b) Inspection and testing procedures shall follow recognized and generally accepted good engineering practices.

(c) The frequency of inspections and tests of process equipment shall be consistent with applicable manufacturers' recommendations and good engineering practices, and more frequently if determined to be necessary by prior operating experience.

(d) The employer shall document each inspection and test that has been performed on process equipment. The documentation shall identify the date of the inspection or test, the name of the person who performed the inspection or test, the serial number or other identifier of the equipment on which the inspection or test was performed, a description of the inspection or test performed, and the results of the inspection or test.

(5) Equipment deficiencies. The employer shall correct deficiencies in equipment that are outside acceptable limits (defined by the process safety information in WAC 296-67-013) before further use or in a safe and timely manner when necessary means are taken to assure safe operation.

(6) Quality assurance.

(a) In the construction of new plants and equipment, the employer shall assure that equipment as it is fabricated is suitable for the process application for which they will be used.

(b) Appropriate checks and inspections shall be performed to assure that equipment is installed properly and consistent with design specifications and the manufacturer's instructions.

(c) The employer shall assure that maintenance materials, spare parts and equipment are suitable for the process application for which they will be used.

**NEW SECTION**

WAC 296-67-041 **HOT WORK PERMIT.** (1) The employer shall issue a hot work permit for hot work operations conducted on or near a covered process.

(2) The permit shall document that the fire prevention and protection requirements in WAC 296-24-695 have been implemented prior to beginning the hot work operations; it shall indicate the date(s) authorized for hot work; and identify the object on which hot work is to be performed.

(3) The permit shall be kept on file until completion of the hot work operations.

**NEW SECTION**

WAC 296-67-045 **MANAGEMENT OF CHANGE.** (1) The employer shall establish and implement written procedures to manage changes (except for "replacements in kind") to process chemicals, technology, equipment, and procedures; and, changes to facilities that affect a covered process.

(2) The procedures shall assure that the following considerations are addressed prior to any change:

- (a) The technical basis for the proposed change;
- (b) Impact of change on safety and health;
- (c) Modifications to operating procedures;
- (d) Necessary time period for the change; and
- (e) Authorization requirements for the proposed change.

(3) Employees involved in operating a process and maintenance and contract employees whose job tasks will be affected by a change in the process shall be informed of, and trained in, the change prior to start-up of the process or affected part of the process.

(4) If a change covered by this section results in a change in the process safety information required by WAC 296-67-013, such information shall be updated accordingly.

(5) If a change covered by this section results in a change in the operating procedures or practices required by WAC 296-67-021, such procedures or practices shall be updated accordingly.

**NEW SECTION**

WAC 296-67-049 **INCIDENT INVESTIGATION.** (1) The employer shall investigate each incident which resulted in, or could reasonably have resulted in a catastrophic release of highly hazardous chemical in the workplace.

(2) An incident investigation shall be initiated as promptly as possible, but not later than 48 hours following the incident.

(3) An incident investigation team shall be established and consist of at least one person knowledgeable in the process involved, including a contract employee if the incident involved work of the contractor, and other persons with appropriate knowledge and experience to thoroughly investigate and analyze the incident.

(4) A report shall be prepared at the conclusion of the investigation which includes at a minimum:

- (a) Date of incident;
- (b) Date investigation began;
- (c) A description of the incident;
- (d) The factors that contributed to the incident; and
- (e) Any recommendations resulting from the investigation.

(5) The employer shall establish a system to promptly address and resolve the incident report findings and recommendations. Resolutions and corrective actions shall be documented.

(6) The report shall be reviewed with all affected personnel whose job tasks are relevant to the incident findings including contract employees where applicable.

(7) Incident investigation reports shall be retained for five years.

**NEW SECTION**

WAC 296-67-053 **EMERGENCY PLANNING AND RESPONSE.** The employer shall establish and implement an emergency action plan for the entire plant in accordance with the provisions of WAC 296-24-567. In addition, the emergency action plan shall include procedures for handling small releases. Employers covered under this standard may also be subject to the hazardous waste and emergency response provisions contained in chapter 296-62 WAC, Part P.

**NEW SECTION**

WAC 296-67-057 **COMPLIANCE AUDITS.** (1) Employers shall certify that they have evaluated compliance with the provisions of this section at least every three years to verify that the procedures and practices developed under the standard are adequate and are being followed.

(2) The compliance audit shall be conducted by at least one person knowledgeable in the process.

(3) A report of the findings of the audit shall be developed.

(4) The employer shall promptly determine and document an appropriate response to each of the findings of the compliance audit, and document that deficiencies have been corrected.

(5) Employers shall retain the two most recent compliance audit reports.

**NEW SECTION**

WAC 296-67-061 **TRADE SECRETS.** (1) Employers shall make all information necessary to comply with the section available to those persons responsible for compiling the process safety information (required by WAC 296-67-013), those assisting in the development of the process hazard analysis (required by WAC 296-67-017), those responsible for developing the operating procedures (required by WAC 296-67-021), and those involved in incident investigations (required by WAC 296-67-049), emergency planning and response (WAC 296-67-053) and compliance audits (WAC 296-67-057) without regard to possible trade secret status of such information.

(2) Nothing in this section shall preclude the employer from requiring the persons to whom the information is made available under WAC 296-67-061 to enter into confidentiality agreements not to disclose the information as set forth in WAC 296-62-054.

(3) Subject to the rules and procedures set forth in WAC 296-62-05417 (1) through (14), employees and their designated representatives shall have access to trade secret information contained within the process hazard analysis and other documents required to be developed by this standard.

**NEW SECTION**

WAC 296-67-285 **APPENDIX A—LIST OF HIGHLY HAZARDOUS CHEMICALS, TOXICS AND REACTIVES (MANDATORY).** This appendix contains a listing of toxic and reactive highly hazardous chemicals which present a potential for a catastrophic event at or above the threshold quantity.

CHEMICAL NAME	CAS*	TQ**
Acetaldehyde	75-07-0	2500
Acrolein (2-Propenal)	107-02-8	150
Acrylyl Chloride	814-68-6	250
Allyl Chloride	107-05-1	1000
Allylamine	107-11-9	1000
Alkylaluminums	Varies	5000
Ammonia, Anhydrous	7664-41-7	10000
Ammonia solutions (</=44% ammonia by weight)	7664-41-7	15000
Ammonium Perchlorate	7790-98-9	7500
Ammonium Permanganate	7787-36-2	7500
Arsine (also called Arsenic Hydride)	7784-42-1	100
Bis(Chloromethyl) Ether	542-88-1	100
Boron Trichloride	10294-34-5	52500
Boron Trifluoride	7637-07-2	250
Bromine	7726-95-6	1500

CHEMICAL NAME	CAS*	TQ**	CHEMICAL NAME	CAS*	TQ**
Bromine Chloride	13863-41-7	1500	Methyl Bromide	74-83-9	2500
Bromine Pentafluoride	7789-30-2	2500	Methyl Chloride	74-87-3	15000
Bromine Trifluoride	7787-71-5	15000	Methyl Chloroformate	79-22-1	500
3-Bromopropyne (also called Propargyl Bromide)	106-96-7	100	Methyl Ethyl Ketone Peroxide (concentration $\leq$ 60%)	1338-23-4	5000
Butyl Hydroperoxide (Tertiary)	75-91-2	5000	Methyl Fluoroacetate	453-18-9	100
Butyl Perbenzoate (Tertiary)	614-45-9	7500	Methyl Fluorosulfate	421-20-5	100
Carbonyl Chloride (see Phosgene)	75-44-5	100	Methyl Hydrazine	60-34-4	100
Carbonyl Fluoride	353-50-4	2500	Methyl Iodide	74-88-4	7500
Cellulose Nitrate (concentration $\leq$ 12.6% nitrogen)	9004-70-0	2500	Methyl Isocyanate	624-83-9	250
Chlorine	7782-50-5	1500	Methyl Mercaptan	74-93-1	5000
Chlorine Dioxide	10049-04-4	1000	Methyl Vinyl Ketone	79-84-4	100
Chlorine Pentafluoride	13637-63-3	1000	Methyltrichlorosilane	75-79-6	500
Chlorine Trifluoride	7790-91-2	1000	Nickel Carbonyl (Nickel Tetracarbonyl)	13463-39-3	1500
Chlorodiethylaluminum (also called Diethylaluminum Chloride)	96-10-6	5000	Nitric Acid (94.5% by weight or greater)	7697-37-2	500
1-Chloro-2,4-Dinitrobenzene	97-00-7	5000	Nitric Oxide	10102-43-9	2500
Chloromethyl Methyl Ether	107-30-2	500	Nitroaniline (para Nitroaniline)	100-01-6	5000
Chloropicrin	76-06-2	500	Nitromethane	75-52-5	2500
Chloropicrin and Methyl Bromide mixture	None	1500	Nitrogen Dioxide	10102-44-0	2500
Chloropicrin and Methyl Chloride mixture	None	1500	Nitrogen Oxides (NO; NO <sub>2</sub> ; N <sub>2</sub> O <sub>4</sub> ; N <sub>2</sub> O <sub>3</sub> )	10102-44-0	2500
Cumene Hydroperoxide	80-15-9	5000	Nitrogen Tetroxide (also called Nitrogen Peroxide)	10544-72-6	2500
Cyanogen	460-19-5	2500	Nitrogen Trifluoride	7783-54-2	5000
Cyanogen Chloride	506-77-4	500	Nitrogen Trioxide	10544-73-7	2500
Cyanuric Fluoride	675-14-9	100	Oleum (65% to 80% by weight; also called Fuming Sulfuric Acid)	8014-94-7	1000
Diacetyl Peroxide (Concentration $\leq$ 70%)	110-22-5	5000	Osmium Tetroxide	20816-12-0	1000
Diazomethane	334-88-3	500	Oxygen Difluoride (Fluorine Monoxide)	7783-41-7	100
Dibenzoyl Peroxide	94-36-0	7500	Ozone	10028-15-6	1000
Diborane	19287-45-7	1000	Pentaborane	19624-22-7	1000
Dibutyl Peroxide (Tertiary)	110-05-4	5000	Peracetic Acid (concentration $\leq$ 60% Acetic Acid; also called Peroxyacetic Acid)	79-21-0	1000
Dichloro Acetylene	7572-29-4	250	Perchloric Acid (concentration $\leq$ 60% by weight)	7601-90-3	5000
Dichlorosilane	4109-96-0	2500	Perchloromethyl Mercaptan	594-42-3	150
Diethylzinc	557-20-0	10000	Perchloryl Fluoride	7616-94-6	5000
Diisopropyl Peroxydicarbonate	105-64-6	7500	Peroxyacetic Acid (concentration $\leq$ 60% Acetic Acid; also called Peracetic Acid)	79-21-0	1000
Dilaluroyl Peroxide	105-74-8	7500	Phosgene (also called Carbonyl Chloride)	75-44-5	100
Dimethyldichlorosilane	75-78-5	1000	Phosphine (Hydrogen Phosphide)	7803-51-2	100
Dimethylhydrazine, 1,1-	57-14-7	1000	Phosphorus Oxychloride (also called Phosphoryl Chloride)	10025-87-3	1000
Dimethylamine, Anhydrous	124-40-3	2500	Phosphorus Trichloride	7719-12-2	1000
2,4-Dinitroaniline	97-02-9	5000	Phosphoryl Chloride (also called Phosphorus Oxychloride)	10025-87-3	1000
Ethyl Methyl Ketone Peroxide (also Methyl Ethyl Ketone Peroxide; concentration $\leq$ 60%)	1338-23-4	5000	Propargyl Bromide	106-96-7	100
Ethyl Nitrite	109-95-5	5000	Propyl Nitrate	627-3-4	2500
Ethylamine	75-04-7	7500	Sarin	107-44-8	100
Ethylene Fluorohydrin	371-62-0	100	Selenium Hexafluoride	7783-79-1	1000
Ethylene Oxide	75-21-8	5000	Stibine (Antimony Hydride)	7803-52-3	500
Ethyleneimine	151-56-4	1000	Sulfur Dioxide (liquid)	7446-09-5	1000
Fluorine	7782-41-4	1000	Sulfur Pentafluoride	5714-22-7	250
Formaldehyde (Formalin)	50-00-0	1000	Sulfur Tetrafluoride	7783-60-0	250
Furan	110-00-9	500	Sulfur Trioxide (also called Sulfuric Anhydride)	7446-11-9	1000
Hexafluoroacetone	684-16-2	5000	Sulfuric Anhydride (also called Sulfur Trioxide)	7446-11-9	1000
Hydrochloric Acid, Anhydrous	7647-01-0	5000	Tellurium Hexafluoride	7783-80-4	250
Hydrofluoric Acid, Anhydrous	7664-39-3	1000	Tetrafluoroethylene	116-14-3	5000
Hydrogen Bromide	10035-10-6	5000	Tetrafluorohydrazine	10036-47-2	2500
Hydrogen Chloride	7647-01-0	5000	Tetramethyl Lead	75-74-1	1000
Hydrogen Cyanide, Anhydrous	74-90-8	1000	Thionyl Chloride	7719-09-7	250
Hydrogen Fluoride	7664-39-3	1000	Trichloro (chloromethyl) Silane	1558-25-4	100
Hydrogen Peroxide (52% by weight or greater)	7722-84-1	7500	Trichloro (dichlorophenyl) Silane	27137-85-2	2500
Hydrogen Selenide	7783-07-5	150	Trichlorosilane	10025-78-2	5000
Hydrogen Sulfide	7783-06-4	1500	Trifluorochloroethylene	79-38-9	10000
Hydroxylamine	7803-49-8	2500	Trimethoxy silane	2487-90-3	1500
Iron, Pentacarbonyl	13463-40-6	2500			
Isopropylamine	75-31-0	5000			
Ketene	463-51-4	100			
Methacrylaldehyde	78-85-3	1000			
Methacryloyl Chloride	920-46-7	150			
Methacryloyloxyethyl Isocyanate	30674-80-7	1000			
Methyl Acrylonitrile	126-98-7	250			
Methylamine, Anhydrous	74-89-5	1000			

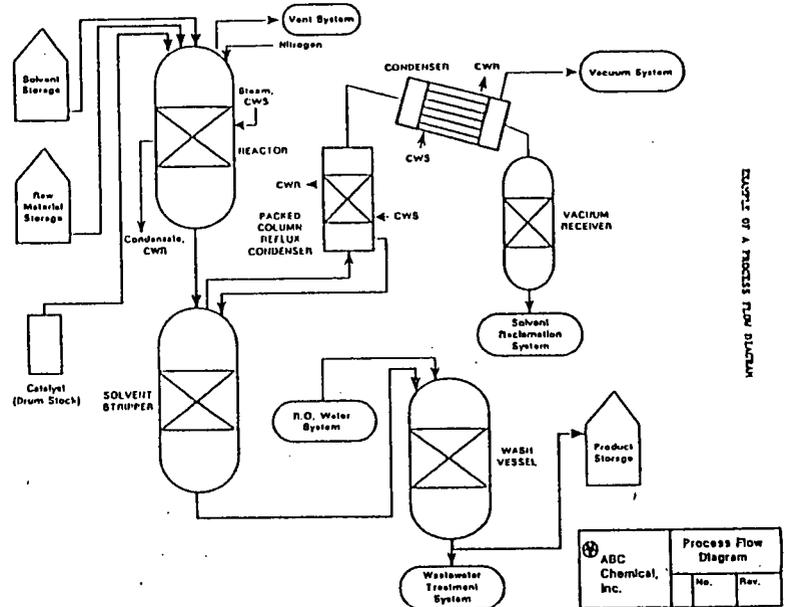
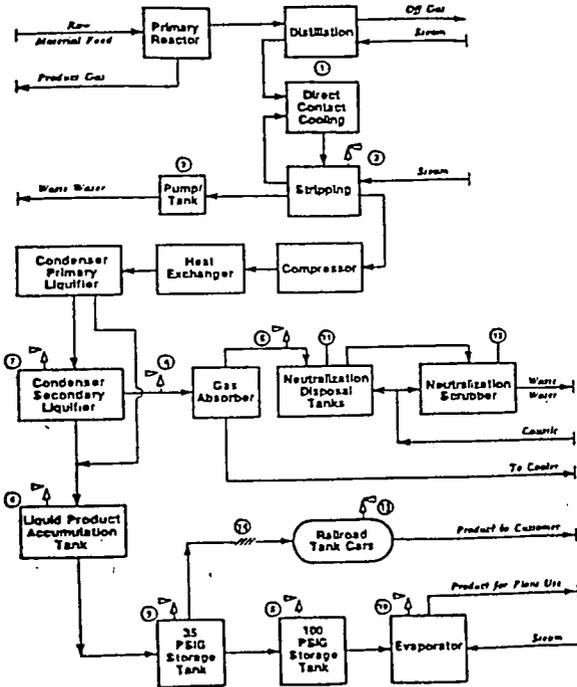
\* Chemical Abstract Service Number.

\*\* Threshold Quantity in Pounds (Amount necessary to be covered by this standard).

**NEW SECTION**

**WAC 296-67-289 APPENDIX B—BLOCK FLOW DIAGRAM AND SIMPLIFIED PROCESS FLOW DIAGRAM (NONMANDATORY).**

EXAMPLE OF A BLOCK FLOW DIAGRAM



EXAMPLE OF A PROCESS FLOW DIAGRAM

**NEW SECTION**

**WAC 296-67-291 APPENDIX C—COMPLIANCE GUIDELINES AND RECOMMENDATIONS FOR PROCESS SAFETY MANAGEMENT (NONMANDATORY).** This appendix serves as a nonmandatory guideline to assist employers and employees in complying with the requirements of this section, as well as provides other helpful recommendations and information. Examples presented in this appendix are not the only means of achieving the performance goals in the standard. This appendix neither adds nor detracts from the requirements of the standard.

(1) Introduction to process safety management. The major objective of process safety management of highly hazardous chemicals is to prevent unwanted releases of hazardous chemicals especially into locations which could expose employees and others to serious hazards. An effective process safety management program requires a systematic approach to evaluating the whole process. Using this approach the process design, process technology, operational and maintenance activities and procedures, nonroutine activities and procedures, emergency preparedness plans and procedures, training programs, and other elements which impact the process are all considered in the evaluation. The various lines of defense that have been incorporated into the design and operation of the process to prevent or mitigate the release of hazardous chemicals need to be evaluated and strengthened to assure their effectiveness at each level. Process safety management is the proactive identification, evaluation and mitigation or prevention of chemical releases that could occur as a result of failures in process, procedures, or equipment. The process safety management standard targets highly hazardous chemicals that have the potential to cause a catastrophic incident. This standard as a whole is to aid employers in their efforts to

prevent or mitigate episodic chemical releases that could lead to a catastrophe in the workplace and possibly to the surrounding community. To control these types of hazards, employers need to develop the necessary expertise, experiences, judgment, and proactive initiative within their workforce to properly implement and maintain an effective process safety management program as envisioned in the WISHA standard. This WISHA standard is required by the Clean Air Act amendments as is the Environmental Protection Agency's Risk Management Plan. Employers, who merge the two sets of requirements into their process safety management program, will better assure full compliance with each as well as enhancing their relationship with the local community. While WISHA believes process safety management will have a positive effect on the safety of employees in workplaces and also offers other potential benefits to employers (increased productivity), smaller businesses which may have limited resources available to them at this time, might consider alternative avenues of decreasing the risks associated with highly hazardous chemicals at their workplaces. One method which might be considered is the reduction in the inventory of the highly hazardous chemical. This reduction in inventory will result in a reduction of the risk or potential for a catastrophic incident. Also, employers including small employers may be able to establish more efficient inventory control by reducing the quantities of highly hazardous chemicals on site below the established threshold quantities. This reduction can be accomplished by ordering smaller shipments and maintaining the minimum inventory necessary for efficient and safe operation. When reduced inventory is not feasible, then the employer might consider dispersing inventory to several locations on site. Dispersing storage into locations where a release in one location will not cause a release in another location is a practical method to also reduce the risk or potential for catastrophic incidents.

(2) Employee involvement in process safety management. Section 304 of the Clean Air Act amendments states that employers are to consult with their employees and their representatives regarding the employers efforts in the development and implementation of the process safety management program elements and hazard assessments. Section 304 also requires employers to train and educate their employees and to inform affected employees of the findings from incident investigations required by the process safety management program. Many employers, under their safety and health programs, have already established means and methods to keep employees and their representatives informed about relevant safety and health issues and employers may be able to adapt these practices and procedures to meet their obligations under this standard. Employers who have not implemented an occupational safety and health program may wish to form a safety and health committee of employees and management representatives to help the employer meet the obligations specified by this standard. These committees can become a significant ally in helping the employer to implement and maintain an effective process safety management program for all employees.

(3) Process safety information. Complete and accurate written information concerning process chemicals, process technology, and process equipment is essential to an effective process safety management program and to a process hazards analysis. The compiled information will be a necessary resource to a variety of users including the team that will perform the process hazards analysis as required under WAC 296-67-017; those developing the training programs and the operating procedures; contractors whose employees will be working with the process; those conducting the prestartup reviews; local emergency preparedness planners; and incurrence and enforcement officials. The information to be compiled about the chemicals, including process intermediates, needs to be comprehensive enough for an accurate assessment of the fire and explosion characteristics, reactivity hazards, the safety and health hazards to workers, and the corrosion and erosion effects on the process equipment and monitoring tools. Current material safety data sheet (MSDS) information can be used to help meet this requirement which must be supplemented with process chemistry information including runaway reaction and over pressure hazards if applicable. Process technology information will be a part of the process safety information package and it is expected that it will include diagrams of the type shown in WAC 296-67-289, Appendix B of this part as well as employer established criteria for maximum inventory levels for process chemicals; limits beyond which would be considered upset conditions; and a qualitative estimate of the consequences or results of deviation that could occur if operating beyond the established process limits. Employers are encouraged to use diagrams which will help users understand the process. A block flow diagram is used to show the major process equipment and interconnecting process flow lines and show flow rates, stream composition, temperatures, and pressures when necessary for clarity. The block flow diagram is a simplified diagram. Process flow diagrams are more complex and will show all main flow streams including valves to enhance the understanding of the process, as well as pressures and temperatures on all feed and product lines within all major vessels, in and out of headers and heat exchangers, and points of pressure and temperature control. Also, materials of construction information, pump capacities and pressure heads, compressor horsepower and vessel design pressures and temperatures are shown when necessary for clarity. In addition, major components of control loops are usually shown along with key utilities on process flow diagrams. Piping and instrument diagrams (P&IDs) may be the more appropriate type of diagrams to show some of the above details and to display the information for the piping designer and engineering staff. The P&IDs are to be used to describe the relationships between equipment and instrumentation as well as other relevant information that will enhance clarity. Computer software programs which do P&IDs or other diagrams useful to the information package, may be used to help meet this requirement. The information pertaining to process equipment design must be documented. In other words, what were the codes and standards relied on to establish good engineering practice. These codes and standards are published by such organizations as the American Society of Mechanical Engineers, American Petroleum Institute, American National Standards Institute, National Fire Protection Association, American Society for Testing and Materials, National Board of Boiler and Pressure Vessel Inspectors, National Association of Corrosion Engineers, American Society of Exchange Manufacturers Association, and model building code groups. In addition, various engineering societies issue technical reports which impact process design. For example, the American Institute of Chemical Engineers has published

technical reports on topics such as two phase flow for venting devices. This type of technically recognized report would constitute good engineering practice. For existing equipment designed and constructed many years ago in accordance with the codes and standards available at that time and no longer in general use today, the employer must document which codes and standards were used and that the design and construction along with the testing, inspection and operation are still suitable for the intended use. Where the process technology requires a design which departs from the applicable codes and standards, the employer must document that the design and construction is suitable for the intended purpose.

(4) Process hazard analysis. A process hazard analysis (PHA), sometimes called a process hazard evaluation, is one of the most important elements of the process safety management program. A PHA is an organized and systematic effort to identify and analyze the significance of potential hazards associated with the processing or handling of highly hazardous chemicals. A PHA provides information which will assist employers and employees in making decisions for improving safety and reducing the consequences of unwanted or unplanned releases of hazardous chemicals. A PHA is directed toward analyzing potential causes and consequences of fires, explosions, releases of toxic or flammable chemicals and major spills of hazardous chemicals. The PHA focuses on equipment, instrumentation, utilities, human actions (routine and nonroutine), and external factors that might impact the process. These considerations assist in determining the hazards and potential failure points or failure modes in a process. The selection of a PHA methodology or technique will be influenced by many factors including the amount of existing knowledge about the process. Is it a process that has been operated for a long period of time with little or no innovation and extensive experience has been generated with its use? Or, is it a new process or one which has been changed frequently by the inclusion of innovative features? Also, the size and complexity of the process will influence the decision as to the appropriate PHA methodology to use. All PHA methodologies are subject to certain limitations. For example, the checklist methodology works well when the process is very stable and no changes are made, but it is not as effective when the process has undergone extensive change. The checklist may miss the most recent changes and consequently the changes would not be evaluated. Another limitation to be considered concerns the assumptions made by the team or analyst. The PHA is dependent on good judgment and the assumptions made during the study need to be documented and understood by the team and reviewer and kept for a future PHA. The team conducting the PHA need to understand the methodology that is going to be used. A PHA team can vary in size from two people to a number of people with varied operational and technical backgrounds. Some team members may only be a part of the team for a limited time. The team leader needs to be fully knowledgeable in the proper implementation of the PHA methodology that is to be used and should be impartial in the evaluation. The other full or part time team members need to provide the team with expertise in areas such as process technology, process design, operating procedures and practices, including how the work is actually performed, alarms, emergency procedures, instrumentation, maintenance procedures, both routine and nonroutine tasks, including how the tasks are authorized, procurement of parts and supplies, safety and health, and any other relevant subject as the need dictates. At least one team member must be familiar with the process. The ideal team will have an intimate knowledge of the standards, codes, specifications and regulations applicable to the process being studied. The selected team members need to be compatible and the team leader needs to be able to manage the team, and the PHA study. The team needs to be able to work together while benefiting from the expertise of others on the team or outside the team, to resolve issues, and to forge a consensus on the findings of the study and recommendations. The application of a PHA to a process may involve the use of different methodologies for various parts of the process. For example, a process involving a series of unit operations of varying sizes, complexities, and ages may use different methodologies and team members for each operation. Then the conclusions can be integrated into one final study and evaluation. A more specific example is the use of a checklist PHA for a standard boiler or heat exchanger and the use of a hazard and operability PHA for the overall process. Also, for batch type processes like custom batch operations, a generic PHA of a representative batch may be used where there are only small changes of monomer or other ingredient ratios and the chemistry is documented for the full range and ratio of batch ingredients. Another process that might consider using a generic type of PHA is a gas plant. Often these plants are simply moved from site to

site and therefore, a generic PHA may be used for these movable plants. Also, when an employer has several similar size gas plants and no sour gas is being processed at the site, then a generic PHA is feasible as long as the variations of the individual sites are accounted for in the PHA. Finally, when an employer has a large continuous process which has several control rooms for different portions of the process such as for a distillation tower and a blending operation, the employer may wish to do each segment separately and then integrate the final results. Additionally, small businesses which are covered by this rule, will often have processes that have less storage volume, less capacity, and less complicated than processes at a large facility. Therefore, WISHA would anticipate that the less complex methodologies would be used to meet the process hazard analysis criteria in the standard. These process hazard analyses can be done in less time and with a few people being involved. A less complex process generally means that less data, PDs, and process information is needed to perform a process hazard analysis. Many small businesses have processes that are not unique, such as cold storage lockers or water treatment facilities. Where employer associations have a number of members with such facilities, a generic PHA, evolved from a checklist or what-if questions, could be developed and used by each employer effectively to reflect his/her particular process; this would simplify compliance for them. When the employer has a number of processes which require a PHA, the employer must set up a priority system of which PHAs to conduct first. A preliminary or gross hazard analysis may be useful in prioritizing the processes that the employer has determined are subject to coverage by the process safety management standard. Consideration should first be given to those processes with the potential of adversely affecting the largest number of employees. This prioritizing should consider the potential severity of a chemical release, the number of potentially affected employees, the operating history of the process such as the frequency of chemical releases, the age of the process and any other relevant factors. These factors would suggest a ranking order and would suggest either using a weighing factor system or a systematic ranking method. The use of a preliminary hazard analysis would assist an employer in determining which process should be of the highest priority and thereby the employer would obtain the greatest improvement in safety at the facility. Detailed guidance on the content and application of process hazard analysis methodologies is available from the American Institute of Chemical Engineers' Center for Chemical Process Safety (see WAC 296-67-293, Appendix D).

(5) Operating procedures and practices. Operating procedures describe tasks to be performed, data to be recorded, operating conditions to be maintained, samples to be collected, and safety and health precautions to be taken. The procedures need to be technically accurate, understandable to employees, and revised periodically to ensure that they reflect current operations. The process safety information package is to be used as a resource to better assure that the operating procedures and practices are consistent with the known hazards of the chemicals in the process and that the operating parameters are accurate. Operating procedures should be reviewed by engineering staff and operating personnel to ensure that they are accurate and provide practical instructions on how to actually carry out job duties safely. Operating procedures will include specific instructions or details on what steps are to be taken or followed in carrying out the stated procedures. These operating instructions for each procedure should include the applicable safety precautions and should contain appropriate information on safety implications. For example, the operating procedures addressing operating parameters will contain operating instructions about pressure limits, temperature ranges, flow rates, what to do when an upset condition occurs, what alarms and instruments are pertinent if an upset condition occurs, and other subjects. Another example of using operating instructions to properly implement operating procedures is in starting up or shutting down the process. In these cases, different parameters will be required from those of normal operation. These operating instructions need to clearly indicate the distinctions between startup and normal operations such as the appropriate allowances for heating up a unit to reach the normal operating parameters. Also the operating instructions need to describe the proper method for increasing the temperature of the unit until the normal operating temperature parameters are achieved. Computerized process control systems add complexity to operating instructions. These operating instructions need to describe the logic of the software as well as the relationship between the equipment and the control system; otherwise, it may not be apparent to the operator. Operating procedures and instructions are important for training operating personnel. The operating procedures are often viewed as the standard operating practices (SOPs) for operations.

Control room personnel and operating staff, in general, need to have a full understanding of operating procedures. If workers are not fluent in English then procedures and instructions need to be prepared in a second language understood by the workers. In addition, operating procedures need to be changed when there is a change in the process as a result of the management of change procedures. The consequences of operating procedure changes need to be fully evaluated and the information conveyed to the personnel. For example, mechanical changes to the process made by the maintenance department (like changing a valve from steel to brass or other subtle changes) need to be evaluated to determine if operating procedures and practices also need to be changed. All management of change actions must be coordinated and integrated with current operating procedures and operating personnel must be oriented to the changes in procedures before the change is made. When the process is shut down in order to make a change, then the operating procedures must be updated before startup of the process. Training in how to handle upset conditions must be accomplished as well as what operating personnel are to do in emergencies such as when a pump seal fails or a pipeline ruptures. Communication between operating personnel and workers performing work within the process area, such as nonroutine tasks, also must be maintained. The hazards of the tasks are to be conveyed to operating personnel in accordance with established procedures and to those performing the actual tasks. When the work is completed, operating personnel should be informed to provide closure on the job.

(6) Employee training. All employees, including maintenance and contractor employees, involved with highly hazardous chemicals need to fully understand the safety and health hazards of the chemicals and processes they work with for the protection of themselves, their fellow employees and the citizens of nearby communities. Training conducted in compliance with WAC 296-62-054, the hazard communication standard, will help employees to be more knowledgeable about the chemicals they work with as well as familiarize them with reading and understanding MSDS. However, additional training in subjects such as operating procedures and safety work practices, emergency evacuation and response, safety procedures, routine and nonroutine work authorization activities, and other areas pertinent to process safety and health will need to be covered by an employer's training program. In establishing their training programs, employers must clearly define the employees to be trained and what subjects are to be covered in their training. Employers in setting up their training program will need to clearly establish the goals and objectives they wish to achieve with the training that they provide to their employees. The learning goals or objectives should be written in clear measurable terms before the training begins. These goals and objectives need to be tailored to each of the specific training modules or segments. Employers should describe the important actions and conditions under which the employee will demonstrate competence or knowledge as well as what is acceptable performance. Hands-on-training where employees are able to use their senses beyond listening, will enhance learning. For example, operating personnel, who will work in a control room or at control panels, would benefit by being trained at a simulated control panel or panels. Upset conditions of various types could be displayed on the simulator, and then the employee could go through the proper operating procedures to bring the simulator panel back to the normal operating parameters. A training environment could be created to help the trainee feel the full reality of the situation but, of course, under controlled conditions. This realistic type of training can be very effective in teaching employees correct procedures while allowing them to also see the consequences of what might happen if they do not follow established operating procedures. Other training techniques using videos or on-the-job training can also be very effective for teaching other job tasks, duties, or other important information. An effective training program will allow the employee to fully participate in the training process and to practice their skill or knowledge. Employers need to periodically evaluate their training programs to see if the necessary skills, knowledge, and routines are being properly understood and implemented by their trained employees. The means or methods for evaluating the training should be developed along with the training program goals and objectives. Training program evaluation will help employers to determine the amount of training their employees understood, and whether the desired results were obtained. If, after the evaluation, it appears that the trained employees are not at the level of knowledge and skill that was expected, the employer will need to revise the training program, provide retraining, or provide more frequent refresher training sessions until the deficiency is resolved. Those who conducted

the training and those who received the training should also be consulted as to how best to improve the training process. If there is a language barrier, the language known to the trainees should be used to reinforce the training messages and information. Careful consideration must be given to assure that employees including maintenance and contract employees receive current and updated training. For example, if changes are made to a process, impacted employees must be trained in the changes and understand the effects of the changes on their job tasks (e.g., any new operating procedures pertinent to their tasks). Additionally, as already discussed the evaluation of the employee's absorption of training will certainly influence the need for training.

(7) Contractors. Employers who use contractors to perform work in and around processes that involve highly hazardous chemicals, will need to establish a screening process so that they hire and use contractors who accomplish the desired job tasks without compromising the safety and health of employees at a facility. For contractors, whose safety performance on the job is not known to the hiring employer, the employer will need to obtain information on injury and illness rates and experience and should obtain contractor references. Additionally, the employer must assure that the contractor has the appropriate job skills, knowledge and certifications (such as for pressure vessel welders). Contractor work methods and experiences should be evaluated. For example, does the contractor conducting demolition work swing loads over operating processes or does the contractor avoid such hazards? Maintaining a site injury and illness log for contractors is another method employers must use to track and maintain current knowledge of work activities involving contract employees working on or adjacent to covered processes. Injury and illness logs of both the employer's employees and contract employees allow an employer to have full knowledge of process injury and illness experience. This log will also contain information which will be of use to those auditing process safety management compliance and those involved in incident investigations. Contract employees must perform their work safely. Considering that contractors often perform very specialized and potentially hazardous tasks such as confined space entry activities and non-routine repair activities it is quite important that their activities be controlled while they are working on or near a covered process. A permit system or work authorization system for these activities would also be helpful to all affected employers. The use of a work authorization system keeps an employer informed of contract employee activities, and as a benefit the employer will have better coordination and more management control over the work being performed in the process area. A well run and well maintained process where employee safety is fully recognized will benefit all of those who work in the facility whether they be contract employees or employees of the owner.

(8) Prestartup safety. For new processes, the employer will find a PHA helpful in improving the design and construction of the process from a reliability and quality point of view. The safe operation of the new process will be enhanced by making use of the PHA recommendations before final installations are completed. PeDs are to be completed along with having the operating procedures in place and the operating staff trained to run the process before startup. The initial startup procedures and normal operating procedures need to be fully evaluated as part of the prestartup review to assure a safe transfer into the normal operating mode for meeting the process parameters. For existing processes that have been shutdown for turnaround, or modification, etc., the employer must assure that any changes other than "replacement in kind" made to the process during shutdown go through the management of change procedures. PeDs will need to be updated as necessary, as well as operating procedures and instructions. If the changes made to the process during shutdown are significant and impact the training program, then operating personnel as well as employees engaged in routine and nonroutine work in the process area may need some refresher or additional training in light of the changes. Any incident investigation recommendations, compliance audits or PHA recommendations need to be reviewed as well to see what impacts they may have on the process before beginning the startup.

(9) Mechanical integrity. Employers will need to review their maintenance programs and schedules to see if there are areas where "breakdown" maintenance is used rather than an ongoing mechanical integrity program. Equipment used to process, store, or handle highly hazardous chemicals needs to be designed, constructed, installed, and maintained to minimize the risk of releases of such chemicals. This requires that a mechanical integrity program be in place to assure the continued integrity of process equipment. Elements of a mechanical integrity program include the identification and categorization of

equipment and instrumentation, inspections and tests, testing and inspection frequencies, development of maintenance procedures, training of maintenance personnel, the establishment of criteria for acceptable test results, documentation of test and inspection results, and documentation of manufacturer recommendations as to meantime to failure for equipment and instrumentation. The first line of defense an employer has available is to operate and maintain the process as designed, and to keep the chemicals contained. This line of defense is backed up by the next line of defense which is the controlled release of chemicals through venting to scrubbers or flares, or to surge or overflow tanks which are designed to receive such chemicals, etc. These lines of defense are the primary lines of defense or means to prevent unwanted releases. The secondary lines of defense would include fixed fire protection systems like sprinklers, water spray, or deluge systems, monitor guns, etc., dikes, designed drainage systems, and other systems which would control or mitigate hazardous chemicals once an unwanted release occurs. These primary and secondary lines of defense are what the mechanical integrity program needs to protect and strengthen these primary and secondary lines of defenses where appropriate. The first step of an effective mechanical integrity program is to compile and categorize a list of process equipment and instrumentation for inclusion in the program. This list would include pressure vessels, storage tanks, process piping, relief and vent systems, fire protection system components, emergency shutdown systems, and alarms and interlocks and pumps. For the categorization of instrumentation and the listed equipment the employer would prioritize which pieces of equipment require closer scrutiny than others. Meantime to failure of various instrumentation and equipment parts would be known from the manufacturers data or the employer's experience with the parts, which would then influence the inspection and testing frequency and associated procedures. Also, applicable codes and standards such as the National Board Inspection Code, or those from the American Society for Testing and Material, American Petroleum Institute, National Fire Protection Association, American National Standards Institute, American Society of Mechanical Engineers, and other groups, provide information to help establish an effective testing and inspection frequency, as well as appropriate methodologies. The applicable codes and standards provide criteria for external inspections for such items as foundation and supports, anchor bolts, concrete or steel supports, guy wires, nozzles and sprinklers, pipe hangers, grounding connections, protective coatings and insulation, and external metal surfaces of piping and vessels, etc. These codes and standards also provide information on methodologies for internal inspection, and a frequency formula based on the corrosion rate of the materials of construction. Also, erosion both internal and external needs to be considered along with corrosion effects for piping and valves. Where the corrosion rate is not known, a maximum inspection frequency is recommended, and methods of developing the corrosion rate are available in the codes. Internal inspections need to cover items such as vessel shell, bottom and head; metallic linings; nonmetallic linings; thickness measurements for vessels and piping; inspection for erosion, corrosion, cracking and bulges; internal equipment like trays, baffles, sensors, and screens for erosion, corrosion or cracking and other deficiencies. Some of these inspections may be performed by state of local government inspectors under state and local statutes. However, each employer needs to develop procedures to ensure that tests and inspections are conducted properly and that consistency is maintained even where different employees may be involved. Appropriate training is to be provided to maintenance personnel to ensure that they understand the preventive maintenance program procedures, safe practices, and the proper use and application of special equipment or unique tools that may be required. This training is part of the overall training program called for in the standard. A quality assurance system is needed to help ensure that the proper materials of construction are used, that fabrication and inspection procedures are proper, and that installation procedures recognize field installation concerns. The quality assurance program is an essential part of the mechanical integrity program and will help to maintain the primary and secondary lines of defense that have been designed into the process to prevent unwanted chemical releases or those which control or mitigate a release. "As built" drawings, together with certifications of coded vessels and other equipment, and materials of construction need to be verified and retained in the quality assurance documentation. Equipment installation jobs need to be properly inspected in the field for use of proper materials and procedures and to assure that qualified craftsmen are used to do the job. The use of appropriate gaskets, packing, bolts, valves, lubricants, and welding rods need to be verified in the field. Also procedures for installation of safety devices need to be

verified, such as the torque on the bolts on ruptured disc installations, uniform torque on flange bolts, proper installation of pump seals, etc. If the quality of parts is a problem, it may be appropriate to conduct audits of the equipment supplier's facilities to better assure proper purchases of required equipment which is suitable for its intended service. Any changes in equipment that may become necessary will need to go through the management of change procedures.

(10) Nonroutine work authorizations. Nonroutine work which is conducted in process areas needs to be controlled by the employer in a consistent manner. The hazards identified involving the work that is to be accomplished must be communicated to those doing the work, but also to those operating personnel whose work could affect the safety of the process. A work authorization notice or permit must have a procedure that describes the steps the maintenance supervisor, contractor representative or other person needs to follow to obtain the necessary clearance to get the job started. The work authorization procedures need to reference and coordinate, as applicable, lockout/tagout procedures, line breaking procedures, confined space entry procedures and hot work authorizations. This procedure also needs to provide clear steps to follow once the job is completed in order to provide closure for those that need to know the job is now completed and equipment can be returned to normal.

(11) Managing change. To properly manage changes to process chemicals, technology, equipment and facilities, one must define what is meant by change. In this process safety management standard, change includes all modifications to equipment, procedures, raw materials and processing conditions other than "replacement in kind." These changes need to be properly managed by identifying and reviewing them prior to implementation of the change. For example, the operating procedures contain the operating parameters (pressure limits, temperature ranges, flow rates, etc.) and the importance of operating within these limits. While the operator must have the flexibility to maintain safe operation within the established parameters, any operation outside of these parameters requires review and approval by a written management of change procedure. Management of change covers such as changes in process technology and changes to equipment and instrumentation. Changes in process technology can result from changes in production rates, raw materials, experimentation, equipment unavailability, new equipment, new product development, change in catalyst and changes in operating conditions to improve yield or quality. Equipment changes include among others change in materials of construction, equipment specifications, piping prearrangements, experimental equipment, computer program revisions and changes in alarms and interlocks. Employers need to establish means and methods to detect both technical changes and mechanical changes. Temporary changes have caused a number of catastrophes over the years, and employers need to establish ways to detect temporary changes as well as those that are permanent. It is important that a time limit for temporary changes be established and monitored since, without control, these changes may tend to become permanent. Temporary changes are subject to the management of change provisions. In addition, the management of change procedures are used to insure that the equipment and procedures are returned to their original or designed conditions at the end of the temporary change. Proper documentation and review of these changes is invaluable in assuring that the safety and health considerations are being incorporated into the operating procedures and the process. Employers may wish to develop a form or clearance sheet to facilitate the processing of changes through the management of change procedures. A typical change form may include a description and the purpose of the change, the technical basis for the change, safety and health considerations, documentation of changes for the operating procedures, maintenance procedures, inspection and testing, PeDs, electrical classification, training and communications, prestartup inspection, duration if a temporary change, approvals and authorization. Where the impact of the change is minor and well understood, a check list reviewed by an authorized person with proper communication to others who are affected may be sufficient. However, for a more complex or significant design change, a hazard evaluation procedure with approvals by operations, maintenance, and safety departments may be appropriate. Changes in documents such as PeDs, raw materials, operating procedures, mechanical integrity programs, electrical classifications, etc., need to be noted so that these revisions can be made permanent when the drawings and procedure manuals are updated. Copies of process changes need to be kept in an accessible location to ensure that design changes are available to operating personnel as well as to PHA team members when a PHA is being done or one is being updated.

(12) Investigation of incidents. Incident investigation is the process of identifying the underlying causes of incidents and implementing steps to prevent similar events from occurring. The intent of an incident investigation is for employers to learn from past experiences and thus avoid repeating past mistakes. The incidents for which WISHA expects employers to become aware and to investigate are the types of events which result in or could reasonably have resulted in a catastrophic release. Some of the events are sometimes referred to as "near misses," meaning that a serious consequence did not occur, but could have. Employers need to develop in-house capability to investigate incidents that occur in their facilities. A team needs to be assembled by the employer and trained in the techniques of investigation including how to conduct interviews of witnesses, needed documentation and report writing. A multidisciplinary team is better able to gather the facts of the event and to analyze them and develop plausible scenarios as to what happened, and why. Team members should be selected on the basis of their training, knowledge and ability to contribute to a team effort to fully investigate the incident. Employees in the process area where the incident occurred should be consulted, interviewed, or made a member of the team. Their knowledge of the events form a significant set of facts about the incident which occurred. The report, its findings and recommendations are to be shared with those who can benefit from the information. The cooperation of employees is essential to an effective incident investigation. The focus of the investigation should be to obtain facts, and not to place blame. The team and the investigation process should clearly deal with all involved individuals in a fair, open, and consistent manner.

(13) Emergency preparedness. Each employer must address what actions employees are to take when there is an unwanted release of highly hazardous chemicals. Emergency preparedness or the employer's tertiary (third) lines of defense are those that will be relied on along with the secondary lines of defense when the primary lines of defense which are used to prevent an unwanted release fail to stop the release. Employers will need to decide if they want employees to handle and stop small or minor incidental releases. Whether they wish to mobilize the available resources at the plant and have them brought to bear on a more significant release. Or whether employers want their employees to evacuate the danger area and promptly escape to a pre-planned safe zone area, and allow the local community emergency response organizations to handle the release. Or whether the employer wants to use some combination of these actions. Employers will need to select how many different emergency preparedness or tertiary lines of defense they plan to have and then develop the necessary plans and procedures, and appropriately train employees in their emergency duties and responsibilities and then implement these lines of defense. Employers at a minimum must have an emergency action plan which will facilitate the prompt evacuation of employees due to an unwanted release of a highly hazardous chemical. This means that the employer will have a plan that will be activated by an alarm system to alert employees when to evacuate and, that employees who are physically impaired, will have the necessary support and assistance to get them to the safe zone as well. The intent of these requirements is to alert and move employees to a safe zone quickly. Delaying alarms or confusing alarms are to be avoided. The use of process control centers or similar process buildings in the process area as safe areas is discouraged. Recent catastrophes have shown that a large life loss has occurred in these structures because of where they have been sited and because they are not necessarily designed to withstand over-pressures from shockwaves resulting from explosions in the process area. Unwanted incidental releases of highly hazardous chemicals in the process area must be addressed by the employer as to what actions employees are to take. If the employer wants employees to evacuate the area, then the emergency action plan will be activated. For outdoor processes where wind direction is important for selecting the safe route to a refuge area, the employer should place a wind direction indicator such as a wind sock or pennant at the highest point that can be seen throughout the process area. Employees can move in the direction of cross wind to upwind to gain safe access to the refuge area by knowing the wind direction. If the employer wants specific employees in the release area to control or stop the minor emergency or incidental release, these actions must be planned for in advance and procedures developed and implemented. Preplanning for handling incidental releases for minor emergencies in the process area needs to be done, appropriate equipment for the hazards must be provided, and training conducted for those employees who will perform the emergency work before they respond to handle an actual release. The employer's training program, including the hazard communication standard training is to address the training

needs for employees who are expected to handle incidental or minor releases. Preplanning for releases that are more serious than incidental releases is another important line of defense to be used by the employer. When a serious release of a highly hazardous chemical occurs, the employer through preplanning will have determined in advance what actions employees are to take. The evacuation of the immediate release area and other areas as necessary would be accomplished under the emergency action plan. If the employer wishes to use plant personnel such as a fire brigade, spill control team, a hazardous materials team, or use employees to render aid to those in the immediate release area and control or mitigate the incident, these actions are covered by WAC 296-62-300, the hazardous waste operations and emergency response (HAZWOPER) standard. If outside assistance is necessary, such as through mutual aid agreements between employers or local government emergency response organizations, these emergency responders are also covered by HAZWOPER. The safety and health protections required for emergency responders are the responsibility of their employers and of the on-scene incident commander. Responders may be working under very hazardous conditions and therefore the objective is to have them competently led by an on-scene incident commander and the commander's staff, properly equipped to do their assigned work safely, and fully trained to carry out their duties safely before they respond to an emergency. Drills, training exercises, or simulations with the local community emergency response planners and responder organizations is one means to obtain better preparedness. This close cooperation and coordination between plant and local community emergency preparedness managers will also aid the employer in complying with the Environmental Protection Agency's risk management plan criteria. One effective way for medium to large facilities to enhance coordination and communication during emergencies for on plant operations and with local community organizations is for employers to establish and equip an emergency control center. The emergency control center would be sited in a safe zone area so that it could be occupied throughout the duration of an emergency. The center would serve as the major communication link between the on-scene incident commander and plant or corporate management as well as with the local community officials. The communication equipment in the emergency control center should include a network to receive and transmit information by telephone, radio, or other means. It is important to have a backup communication network in case of power failure or one communication means fails. The center should also be equipped with the plant layout and community maps, utility drawings including fire water, emergency lighting, appropriate reference materials such as a government agency notification list, company personnel phone list, SARA Title III reports and material safety data sheets, emergency plans and procedures manual, a listing with the location of emergency response equipment, mutual aid information, and access to meteorological or weather condition data and any dispersion modeling data.

(14) Compliance audits. Employers need to select a trained individual or assemble a trained team of people to audit the process safety management system and program. A small process or plant may need only one knowledgeable person to conduct an audit. The audit is to include an evaluation of the design and effectiveness of the process safety management system and a field inspection of the safety and health conditions and practices to verify that the employer's systems are effectively implemented. The audit should be conducted or lead by a person knowledgeable in audit techniques and who is impartial towards the facility or area being audited. The essential elements of an audit program include planning, staffing, conducting the audit, evaluation and corrective action, follow-up and documentation. Planning in advance is essential to the success of the auditing process. Each employer needs to establish the format, staffing, scheduling, and verification methods prior to conducting the audit. The format should be designed to provide the lead auditor with a procedure or checklist which details the requirements of each section of the standard. The names of the audit team members should be listed as part of the format as well. The checklist, if properly designed, could serve as the verification sheet which provides the auditor with the necessary information to expedite the review and assure that no requirements of the standard are omitted. This verification sheet format could also identify those elements that will require evaluation or a response to correct deficiencies. This sheet could also be used for developing the follow-up and documentation requirements. The selection of effective audit team members is critical to the success of the program. Team members should be chosen for their experience, knowledge, and training and should be familiar

with the processes and with auditing techniques, practices, and procedures. The size of the team will vary depending on the size and complexity of the process under consideration. For a large, complex, highly instrumented plant, it may be desirable to have team members with expertise in process engineering and design, process chemistry, instrumentation and computer controls, electrical hazards and classifications, safety and health disciplines, maintenance, emergency preparedness, warehousing or shipping, and process safety auditing. The team may use part-time members to provide for the depth of expertise required as well as for what is actually done or followed, compared to what is written. An effective audit includes a review of the relevant documentation and process safety information, inspection of the physical facilities, and interviews with all levels of plant personnel. Utilizing the audit procedure and checklist developed in the preplanning stage, the audit team can systematically analyze compliance with the provisions of the standard and any other corporate policies that are relevant. For example, the audit team will review all aspects of the training program as part of the overall audit. The team will review the written training program for adequacy of content, frequency of training, effectiveness of training in terms of its goals and objectives as well as to how it fits into meeting the standard's requirements, documentation, etc. Through interviews, the team can determine the employee's knowledge and awareness of the safety procedures, duties, rules, emergency response assignments, etc. During the inspection, the team can observe actual practices such as safety and health policies, procedures, and work authorization practices. This approach enables the team to identify deficiencies and determine where corrective actions or improvements are necessary. An audit is a technique used to gather sufficient facts and information, including statistical information, to verify compliance with standards. Auditors should select as part of their preplanning a sample size sufficient to give a degree of confidence that the audit reflects the level of compliance with the standard. The audit team, through this systematic analysis, should document areas which require corrective action as well as those areas where the process safety management system is effective and working in an effective manner. This provides a record of the audit procedures and findings, and serves as a baseline of operation data for future audits. It will assist future auditors in determining changes or trends from previous audits. Corrective action is one of the most important parts of the audit. It includes not only addressing the identified deficiencies, but also planning, followup, and documentation. The corrective action process normally begins with a management review of the audit findings. The purpose of this review is to determine what actions are appropriate, and to establish priorities, timetables, resource allocations, and requirements and responsibilities. In some cases, corrective action may involve a simple change in procedure or minor maintenance effort to remedy the concern. Management of change procedures need to be used, as appropriate, even for what may seem to be a minor change. Many of the deficiencies can be acted on promptly, while some may require engineering studies or indepth review of actual procedures and practices. There may be instances where no action is necessary and this is a valid response to an audit finding. All actions taken, including an explanation where no action is taken on a finding, needs to be documented as to what was done and why. It is important to assure that each deficiency identified is addressed, the corrective action to be taken noted, and the audit person or team responsible be properly documented by the employer. To control the corrective action process, the employer should consider the use of a tracking system. This tracking system might include periodic status reports shared with affected levels of management, specific reports such as completion of an engineering study, and a final implementation report to provide closure for audit findings that have been through management of change, if appropriate, and then shared with affected employees and management. This type of tracking system provides the employer with the status of the corrective action. It also provides the documentation required to verify that appropriate corrective actions were taken on deficiencies identified in the audit.

#### NEW SECTION

WAC 296-67-293 APPENDIX D—SOURCES OF FURTHER INFORMATION (NONMANDATORY). (1) Center for Chemical Process Safety, American Institute of Chemical Engineers, 345 East 47th Street, New York, NY 10017, (212) 705-7319.

(2) "Guidelines for Hazard Evaluation Procedures," American Institute of Chemical Engineers; 345 East 47th Street, New York, NY 10017.

(3) "Guidelines for Technical Management of Chemical Process Safety," Center for Chemical Process Safety of the American Institute of Chemical Engineers; 345 East 47th Street, New York, NY 10017.

(4) "Evaluating Process Safety in the Chemical Industry," Chemical Manufacturers Association; 2501 M Street NW, Washington, DC 20037.

(5) "Safe Warehousing of Chemicals," Chemical Manufacturers Association; 2501 M Street NW, Washington, D.C. 20037.

(6) "Management of Process Hazards," American Petroleum Institute (API Recommended Practice 750); 1220 L Street, N.W., Washington, D.C. 20005.

(7) "Improving Owner and Contractor Safety Performance," American Petroleum Institute (API Recommended Practice 2220); API, 1220 L Street N.W., Washington, D.C. 20005.

(8) Chemical Manufacturers Association (CMA's Manager Guide), First Edition, September 1991; CMA, 2501 M Street, N.W., Washington, D.C. 20037.

(9) "Improving Construction Safety Performance," Report A-3, The Business Roundtable; The Business Roundtable, 200 Park Avenue, New York, NY 10166. (Report includes criteria to evaluate contractor safety performance and criteria to enhance contractor safety performance).

(10) "Recommended Guidelines for Contractor Safety and Health," Texas Chemical Council; Texas Chemical Council, 1402 Nueces Street, Austin, TX 78701-1534.

(11) "Loss Prevention in the Process Industries," Volumes I and II; Frank P. Lees, Butterworth; London 1983.

(12) "Safety and Health Program Management Guidelines," 1989; U.S. Department of Labor, Occupational Safety and Health Administration.

(13) "Safety and Health Guide for the Chemical Industry," 1986, (OSHA 3091); U.S. Department of Labor, Occupational Safety and Health Administration; 200 Constitution Avenue, N.W., Washington, D.C. 20210.

(14) "Review of Emergency Systems," June 1988; U.S. Environmental Protection Agency (EPA), Office of Solid Waste and Emergency Response, Washington, D.C. 20460.

(15) "Technical Guidance for Hazards Analysis, Emergency Planning for Extremely Hazardous Substances," December 1987; U.S. Environmental Protection Agency (EPA), Federal Emergency Management Administration (FEMA) and U.S. Department of Transportation (DOT), Washington, D.C. 20460.

(16) "Accident Investigation \* \* \* A New Approach," 1983, National Safety Council; 444 North Michigan Avenue, Chicago, IL 60611-3991.

(17) "Fire Explosion Index Hazard Classification Guide," 6th Edition, May 1987, Dow Chemical Company; Midland, Michigan 48674.

(18) "Chemical Exposure Index," May 1988, Dow Chemical Company; Midland, Michigan 48674.

## WSR 92-12-088

### PROPOSED RULES

#### DEPARTMENT OF HEALTH

[Filed June 3, 1992, 10:55 a.m.]

#### Original Notice.

Title of Rule: Amending WAC 246-838-010 Definitions, 246-838-030 Standards of conduct for discipline, 246-838-050 Licensing examination and passing score and 246-838-240 Curriculum content; and new section WAC 246-838-320 Executive secretary qualifications.

Purpose: To bring WAC in concurrence with RCW.

Statutory Authority for Adoption: RCW 18.78.050.

Summary: Housekeeping changes to bring WAC in concurrence with RCW and to eliminate outdated WAC references. New section, executive secretary qualifications removed from RCW added to WAC.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Susan Boots, 1300

S.E. Quince Street, P.O. Box 47865, Olympia, WA 98504-7865, 753-2807.

Name of Proponent: Washington State Board of Practical Nursing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Definition change in RCW added to WAC definitions and outdated WAC references corrected. Executive secretary qualifications removed from RCW are being placed under WAC authority.

Proposal Changes the Following Existing Rules: Housekeeping changes.

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

Hearing Location: WestCoast Sea-Tac Hotel, 18220 Pacific Highway South, Seattle, WA 98188, Cascade Room, on August 5, 1992, at 9:00 a.m.

Submit Written Comments to: Board of Practical Nursing, 1300 S.E. Quince Street, P.O. Box 47865, Olympia, WA 98504-7865, by August 4, 1992.

Date of Intended Adoption: August 5, 1992.

May 11, 1992

Susan L. Boots

Executive Secretary

AMENDATORY SECTION (Amending Order 231B, filed 12/27/91, effective 1/27/92)

WAC 246-838-010 DEFINITIONS. (1) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(2) "Beginning practitioner" means a newly licensed practical nurse beginning to function in the practical nurse role.

(3) "Behavioral objectives" means the measurable outcomes of specific content.

(4) "Client" means the person who receives the services of the practical nurse.

(5) "Client advocate" means a supporter of client rights and choices.

(6) "Competencies" means the tasks necessary to perform the standards.

(7) "Conceptual framework" means the theoretical base around which the curriculum is developed.

(8) "Minimum standards of competency" means the functions that are expected of the beginning level licensed practical nurse.

(9) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(10) "Philosophy" means the beliefs and principles upon which the curriculum is based.

(11) "Program" means a division or department within a state supported educational institution, or other institution of higher learning charged with the responsibility of preparing persons to qualify for the licensing examination.

(12) "Standards" means the overall behavior which is the desired outcome.

(13) "Terminal objectives" means the statements of goals which reflect the philosophy and are the measurable outcomes of the total curriculum.

(14) "Immediate supervision" shall mean the person supervising the licensed practical nurse is on the premises and is within audible and visual range of the licensed practical nurse and the patient(s) has been assessed by the supervising person prior to the beginning of care.

(15) "Direct supervision" shall mean the person supervising the licensed practical nurse is on the premises, is quickly and easily available and the patient has been assessed by the supervising person prior to the beginning of care.

(16) "Indirect supervision" shall mean the supervising person is not on the premises, but has given either written or oral instructions for the care and treatment of the patient(s).

AMENDATORY SECTION (Amending Order 231B, filed 12/27/91, effective 1/27/92)

WAC 246-838-030 STANDARDS OF CONDUCT FOR DISCIPLINE. The standards of conduct for discipline serve as guidelines for the licensed practical nurse. Violation of these standards may be grounds for disciplinary action pursuant to RCW 18.130.180(7). The licensed practical nurse assumes a measure of responsibility, trust and the corresponding obligation to adhere to the standards of conduct, which include, but are not limited to the following:

(1) The licensed practical nurse, functioning under the direction and supervision of other licensed health care professionals as provided in RCW 18.78.010(5), shall be responsible and accountable for his or her own nursing judgments, actions and competence.

(2) The licensed practical nurse shall practice practical nursing in the state of Washington only with a current Washington license.

(3) The licensed practical nurse shall not permit his or her license to be used by another person for any purpose.

(4) The licensed practical nurse shall have knowledge of the statutes and rules governing licensed practical nurse practice and shall function within the legal scope of licensed practical nurse practice.

(5) The licensed practical nurse shall not aid, abet or assist any other person in violating or circumventing the laws or rules pertaining to the conduct and practice of licensed practical nursing.

(6) The licensed practical nurse shall not disclose the contents of any licensing examination or solicit, accept or compile information regarding the contents of any examination before, during or after its administration.

(7) The licensed practical nurse shall delegate activities only to persons who are competent and qualified to undertake and perform the delegated activities, and shall not delegate to unlicensed persons those functions that are to be performed only by licensed nurses.

(8) The licensed practical nurse, in delegating functions, shall supervise the persons to whom the functions have been delegated.

(9) The licensed practical nurse shall act to safeguard clients from unsafe practices or conditions, abusive acts, and neglect.

(10) The licensed practical nurse shall report unsafe acts and practices, unsafe practice conditions, and illegal acts to the appropriate supervisory personnel or to the appropriate state disciplinary board.

(11) The licensed practical nurse shall respect the client's privacy by protecting confidential information, unless required by law to disclose such information.

(12) The licensed practical nurse shall make accurate, intelligible entries into records required by law, employment or customary practice of nursing, and shall not falsify, destroy, alter or knowingly make incorrect or unintelligible entries into client's records or employer or employee records.

(13) The licensed practical nurse shall not sign any record attesting to the wastage of controlled substances unless the wastage was personally witnessed.

(14) The licensed practical nurse shall observe and record the conditions of a client, and report significant changes to appropriate persons.

(15) The licensed practical nurse may withhold or modify client care which has been authorized by an appropriate health care provider, only after receiving directions from an appropriate person, unless in a life threatening situation.

(16) The licensed practical nurse shall leave a nursing assignment only after properly reporting to and notifying appropriate persons and shall not abandon clients.

(17) The licensed practical nurse shall not misrepresent his or her education and ability to perform nursing procedures safely.

(18) The licensed practical nurse shall respect the property of the client and employer and shall not take equipment, materials, property or drugs for his or her own use or benefit nor shall the licensed practical nurse solicit or borrow money, materials or property from clients.

(19) The licensed practical nurse shall not obtain, possess, distribute or administer legend drugs or controlled substances to any person, including self, except as directed by a person authorized by law to prescribe drugs.

(20) The licensed practical nurse shall not practice nursing while affected by alcohol or drugs, or by a mental, physical or emotional condition to the extent that there is an undue risk that he or she, as a licensed practical nurse, would cause harm to him or herself or other persons.

(21) It is inconsistent for a licensed practical nurse to perform functions below the minimum standards of competency as expressed in WAC (~~308-117-400~~) 246-838-260.

AMENDATORY SECTION (Amending Order 109B, filed 12/17/90, effective 1/31/91)

WAC 246-838-050 LICENSING EXAMINATION AND PASSING SCORE. (1) The current series of the National Council of State Board of Nursing Practical Nurse Examination (NCLEX) shall be the official examination for practical nurse licensure.

(2) The NCLEX will consist of two tests with the score for the total examination reported as either pass or fail.

(3) Examinations shall be conducted twice a year, in April and October.

(4) The executive secretary of the board shall negotiate with the National Council of State Boards of Nursing, Inc. (NCSBN) for the use of the NCLEX.

(5) The examination shall be administered in accord with the NCSBN security measures and contract. All appeals of examination scores shall be managed in accord with policies in the NCSBN contract.

AMENDATORY SECTION (Amending Order 109B, filed 12/17/90, effective 1/31/91)

WAC 246-838-240 CURRICULUM CONTENT. Content of the curriculum shall include:

(1) Concepts of social, behavioral, and related foundation subjects.

(a) Normal growth and development.

(b) Psychology - social facts and principles; communication techniques and defense mechanisms, normal and abnormal behavior; loss, grief and dying.

(c) Personal and vocational relationships.

(2) Biological and related foundation subjects.

(a) Anatomy and physiology.

(b) Microbiology - elementary concepts.

(c) Chemistry and physics - elementary concepts.

(d) Nutrition and diet therapy.

(e) Pharmacology and applied mathematics.

(3) Principles and practice of practical nursing consistent with the practical nursing role of the beginning practitioner as provided by the standards of competency identified in WAC (~~308-117-400~~) 246-838-260.

(a) Nursing ethics, nursing history and trends, vocational and legal aspects of nursing.

(b) Fundamentals of nursing.

(c) Medical and surgical nursing.

(d) Parent/child nursing with only an assisting role in the care of clients during labor and delivery and those with abnormal complications.

(e) Geriatric nursing.

(f) Mental health nursing.

(g) All nursing courses shall include components of restorative, rehabilitative and supportive care.

(h) Laboratory and clinical practice in the functions of the practical nurse including but not limited to administration of medications, common medical surgical techniques and related client teaching.

(i) Concepts of client care management.

NEW SECTION

WAC 246-838-320 EXECUTIVE SECRETARY QUALIFICATIONS. The executive secretary shall have the following qualifications:

(1) License to practice as a registered nurse in this state;

(2) Master's degree in nursing from an accredited college or university;

(3) At least five years experience in the field of nursing to include at least two years prior to the time of appointment; and

(4) At least two years experience in nursing education.

**WSR 92-12-089**

**PERMANENT RULES**

**DEPARTMENT OF HEALTH  
(Board of Medical Examiners)**

[Order 278B—Filed June 3, 1992, 10:59 a.m.]

Date of Adoption: May 22, 1992.

Purpose: Amendments are necessary to eliminate unnecessary language and to correct existing language. The new sections clarify the terms used consistently throughout the chapter; apprise applicants and licensees there are no refunds; notifies applicants they cannot withdraw their application and provides applicants who do not meet the minimum requirements for licensure the ability to request a hearing.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-918-020 Physicians' assistants—Scope of jurisdiction, 246-918-040 Emergency narcotic administration, 246-918-060 Physicians assistants—Program approval, 246-918-100 Physician assistants—Responsibility of supervising physician, 246-918-190 Categories of creditable continuing medical education activities, 246-918-200 Continuing medical education clock hour credit requirements, 246-918-210 Prior activity approval not required, 246-918-220 Certification of compliance, 246-918-240 Noncertified physician assistant—Surgical assistant, 246-918-270 Major surgical procedures, 246-918-280 Surgical assistant program requirements reconsideration, 246-918-290 Acupuncture assistant education, 246-918-300 Acupuncture—Program approval, 246-918-320 Acupuncture equivalency examination, 246-918-330 Acupuncture examination review procedures, 246-918-340 Investigation, 246-918-360 X-rays and laboratory tests and 246-918-370 Ethical considerations; and amending WAC 246-918-030 Prescriptions issued by physician assistants, 246-918-035 Certified physician assistants, 246-918-090 Physician assistant and certified physician assistant utilization, 246-918-110 Termination of sponsorship or supervision, 246-918-120 Remote site-utilization—Limitations, 246-918-130 Physician assistants, 246-918-140 Certified physician assistants, 246-918-160 Physician assistant and certified physician assistant disciplinary actions, 246-918-170 Physician assistant and certified physician assistant AIDS prevention and information education requirements, 246-918-180 Continuing medical education requirements, 246-918-250 Basic surgical assistant duties, and 246-918-260 Surgical assistant—Utilization and supervision.

Statutory Authority for Adoption: RCW 18.71.017.

Pursuant to notice filed as WSR 92-08-063 on March 27, 1992.

Effective Date of Rule: Thirty-one days after filing.

May 22, 1992

Patti Rathbun

Administrator

### NEW SECTION

WAC 246-918-005 DEFINITIONS. The following terms used in this chapter shall have the meanings set forth in this section unless the context clearly indicates otherwise:

(1) "Certified physician assistant" means an individual who has successfully completed an American Medical Association accredited and board approved physician assistant program and has passed the initial national

boards examination administered by the National Commission on Certification of Physician Assistants (NCCPA).

(2) "Physician assistant" means an individual who has:

(a) Successfully completed an American Medical Association accredited and board approved physician assistant program and is eligible for the NCCPA examination;

(b) Qualified based on work experience and education; or

(c) Graduated from a foreign medical school and was licensed prior to July 1, 1989.

(3) "Surgical assistant" means an individual who was licensed as a physician assistant between September 30, 1989, and December 31, 1989, to function in a limited extent as authorized in WAC 246-918-230.

(4) "Licensee" means an individual licensed as a certified physician assistant or a physician assistant.

(5) "Board approved program" means a physician assistant program that maintains Committee on Allied Health Education and Accreditation standards as defined in the "essentials" of the council of medical education of the American Medical Association.

(6) "Sponsoring physician" means the physician who is responsible for consulting with a certified physician assistant. An appropriate degree of supervision is involved.

(7) "Supervising physician" means the physician who is responsible for closely supervising, consulting, and reviewing the work of a physician assistant.

### NEW SECTION

WAC 246-918-006 REFUNDS. Application, registration, or license fees are not refundable or transferable.

### NEW SECTION

WAC 246-918-007 APPLICATION WITHDRAWALS. An application for a license may not be withdrawn after the board or the reviewing board member determines that grounds for denial of the license or the issuance of a conditional license may be appropriate. Applications which are subject to investigation for unprofessional conduct or impaired practice may not be withdrawn.

### NEW SECTION

WAC 246-918-008 BRIEF ADJUDICATIVE PROCEEDINGS—DENIALS BASED ON FAILURE TO MEET EDUCATION, EXPERIENCE, OR EXAMINATION PREREQUISITES FOR LICENSURE. The board adopts RCW 34.05.482 and 34.05.485 through 34.05.494 for adjudicative proceedings requested by applicants, who are denied a license under chapter 18.71A RCW for failure to meet the education, experience, or examination prerequisites for licensure. The sole issue at the adjudicative proceeding shall be whether the applicant meets the education, experience, and examination prerequisites for the issuance of a license.

AMENDATORY SECTION (Amending Order 153B, filed 3/26/91, effective 4/26/91)

WAC 246-918-030 (~~NONCERTIFIED~~) PRESCRIPTIONS ISSUED BY PHYSICIAN ASSISTANTS (PRESCRIPTIONS). A (~~noncertified~~) physician assistant may issue written or oral prescriptions as provided herein when approved by the board and assigned by the supervising physician(s).

(1) A (~~noncertified~~) physician assistant may not prescribe controlled substances unless (~~especially~~) specifically approved by the board. A (~~noncertified~~) physician assistant may issue prescriptions for legend drugs for a patient who is under the care of the physician(s) responsible for the supervision of the (~~noncertified~~) physician assistant.

(a) Written prescriptions shall include the name, address, and telephone number of the physician or medical group; the name and address of the patient and the date on which the prescription was written.

(b) The (~~noncertified~~) physician assistant shall sign such a prescription using his or her own name followed by the letters "P.A." (~~Written prescriptions must include the noncertified physician assistant's license number.~~)

(c) Written prescriptions for schedule two through five must include the physician assistant's D.E.A. registration number, or, if none, the supervising physician's D.E.A. registration number, followed by the letters "P.A." and the physician assistant's license number.

(2) A (~~noncertified~~) physician assistant employed or extended privileges by a hospital, nursing home or other health care institution may, if permissible under the by-laws, rules and regulations of the institution, order pharmaceutical agents for inpatients under the care of the physician(s) responsible for his or her supervision.

(3) The license of a (~~noncertified~~) physician assistant who issues a prescription in violation of these provisions shall be subject to revocation or suspension.

(4) (~~Noncertified~~) Physician assistants may dispense medications the (~~noncertified~~) physician assistant has prescribed from office supplies. The (~~noncertified~~) physician assistant shall comply with the state laws concerning prescription labeling requirements.

AMENDATORY SECTION (Amending Order 153B, filed 3/26/91, effective 4/26/91)

WAC 246-918-035 CERTIFIED PHYSICIAN ASSISTANT PRESCRIPTIONS. A certified physician assistant may issue written or oral prescriptions as provided herein when approved by the board.

(1) Written prescriptions shall include the name, address, and telephone number of the physician or medical group; the name and address of the patient and the date on which the prescription was written.

(a) The certified physician assistant shall sign such a prescription using his or her own name followed by the letters "P.A.-C." (~~Written prescriptions must include the certified physician assistant's license number.~~)

(b) The written prescriptions for schedule two through five must include the physician assistant's D.E.A. registration number, or, if none, the (~~supervising~~) sponsoring physician's D.E.A. registration number, followed by the letters "P.A.-C" and the physician assistant's license number.

(2) A certified physician assistant employed or extended privileges by a hospital, nursing home or other health care institution may, if permissible under the by-laws, rules and regulations of the institution, order pharmaceutical agents for inpatients under the care of the sponsoring physician(s) (~~responsible for his or her supervision~~).

(3) The license of a certified physician assistant who issues a prescription in violation of these provisions shall be subject to revocation or suspension.

(4) Certified physician assistants may dispense medications the certified physician assistant has prescribed from office supplies. The certified physician assistant shall comply with the state laws concerning prescription labeling requirements.

AMENDATORY SECTION (Amending Order 147B, filed 2/26/91, effective 3/29/91)

WAC 246-918-090 PHYSICIAN ASSISTANT(=) AND CERTIFIED PHYSICIAN ASSISTANT UTILIZATION. ((+)) Limitations, number:

(a)) No physician shall (~~supervise~~) serve as primary supervisor or sponsor for more than ((two graduate physician assistants)) three licensees without special authorization by the board.

((b)) ~~The number of physician assistants in excess of two who may be supervised by a single physician in settings as outlined in subsection (2) of this section shall be established by the board on an individual basis.~~

(2) Limitations, health care institutions. A physician assistant working in or for a hospital, clinic, long term care facility, or other health care organization shall be registered and supervised in the same manner as any other physician assistant and his or her functions shall be limited to those approved by the board. The extent to which a physician assistant may practice and write orders is subject to the bylaws of the facility. His or her responsibilities, if any, to other physicians must be defined in the application for registration. The physician may be permitted, at the discretion of the board, to utilize the physician assistant in a manner consistent with the standards set forth in WAC 308-52-150.

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

AMENDATORY SECTION (Amending Order 147B, filed 2/26/91, effective 3/29/91)

WAC 246-918-110 TERMINATION OF SPONSORSHIP OR SUPERVISION. Upon termination of

~~((employment)) the working relationship, the board shall require the sponsoring or supervising physician and ((physician assistant)) the licensee to each submit a ((written report including the reasons for termination of the relationship and an evaluation of the physician assistant's performance. Such report shall be submitted to the board within fifteen days following termination of supervision)) letter indicating the relationship has been terminated and may summarize their observations of the working relationship. Exceptions to this requirement may be authorized by the board or its designee.~~

AMENDATORY SECTION (Amending Order 147B, filed 2/26/91, effective 3/29/91)

WAC 246-918-120 REMOTE SITE—UTILIZATION—LIMITATIONS, GEOGRAPHIC. (1) No ~~((physician assistant)) licensee shall be utilized in a ((place geographically separated from the supervising physician)) remote site without ((the express permission of)) approval by the board. A remote site ~~((shall be))~~ is defined as a setting physically separate from the sponsoring or supervising physician's primary place for meeting patients or a setting where ~~((a supervising))~~ the physician is present less than twenty-five percent of the practice time of the ~~((physician assistant)) licensee.~~~~

(2) ~~((Special permission)) Approval by the board may be granted to utilize a ((physician assistant)) licensee in a remote site if:~~

(a) There is a demonstrated need for such utilization;

(b) Adequate provision for immediate communication between the primary or alternate physician and the ~~((physician assistant)) licensee exists;~~

(c) ~~((A mechanism has been developed to provide for the establishment of a direct physician-patient relationship between the supervising physician and patients who may be seen initially by the physician assistant;~~

~~((d))~~ The responsible sponsoring or supervising physician spends at least ten percent of the practice time of the ~~((physician assistant)) licensee in the remote ((office)) site. In the case of part time or unique practice settings, the ((sponsoring)) physician may petition the board to modify the on-site requirement providing the sponsoring physician demonstrates that adequate supervision is being maintained by an alternate method. The board will consider each request on an individual basis;~~

~~((e)) All patient activities, functions, services and treatment measures are properly documented in written form by the physician assistant and reviewed and countersigned by the supervising physician;~~

~~((f)) The provisions of WAC 308-52-141(4) are met;~~

~~((g)) The waiting room and offices of all facilities approved as remote sites must have posted a printed announcement that the (named) sponsor is responsible for all care rendered, and the (named) individual providing the care is a physician assistant. Identification of the clinic on the outside facade must include the names of the physician sponsor and the physician assistant.)~~ (d) The names of the sponsoring or supervising physician and the licensee shall be prominently displayed at the entrance to the clinic or in the reception area.

AMENDATORY SECTION (Amending Order 147B, filed 2/26/91, effective 3/29/91)

WAC 246-918-130 ~~((NONCERTIFIED))~~ PHYSICIAN ASSISTANTS. (1) ~~((Individuals will be considered as noncertified physician assistants as follows:~~

(a) ~~Individuals who have graduated from a board approved training program and who have not passed the National Commission on Certification of Physician's Assistants (NCCPA) initial certification examination.~~

(b) ~~Individuals who are foreign medical graduates who have been certified by the Educational Commission for Foreign Medical Graduates (ECFMG).~~

(2) ~~On or after March 1, 1988, applicants for original registration will be designated noncertified and considered for registration as follows:~~

(a) ~~A noncertified physician assistant may perform services for which he or she has been trained as outlined in the procedure reference and guideline established by the board.~~

~~((i))~~ A physician assistant may perform only those services as outlined in the procedures reference and guidelines established by the board. If said assistant is being trained to perform additional procedures beyond those established by the board, the training must be carried out under the direct, personal supervision of the supervising physician or a qualified person mutually agreed upon by the supervising physician and the physician assistant. Requests for approval of newly acquired skills shall be submitted to the board and may be granted by a reviewing board member or at any regular meeting of the board.

(2) ~~The ((noncertified)) physician assistant may not practice in a remote site, or prescribe controlled substances unless ((specially)) specifically approved by the board.~~

~~((ii))~~ (3) ~~A ((noncertified)) physician assistant and supervising physician shall ensure that, with respect to each patient, all activities, functions, services and treatment measures are immediately and properly documented in written form by the ((noncertified)) physician assistant. Every written entry shall be reviewed and countersigned by the supervising physician within two working days unless a different time period is authorized by the board.~~

~~((3))~~ The application for registration of a noncertified physician assistant must include a detailed plan describing the manner in which the noncertified physician assistant will be utilized. The board will grant specific approval for the tasks which may be performed by the specialized, noncertified physician assistant based upon the curriculum of the program from which the noncertified physician assistant graduated as contained in the files of the board. In the case of the noncertified family practice (primary care) and noncertified pediatric physician assistants, the board will issue a list of tasks which noncertified physician assistants are commonly trained to perform. No physician assistant shall be registered to perform tasks not contained in the program approval.)

(4) It shall be the responsibility of the physician assistant and the supervising physician to ensure that adequate supervision and review of the work of the ~~((non-certified))~~ physician assistant ~~((is))~~ are provided.

~~((a))~~ (5) In the temporary absence of the supervising physician, ~~((the noncertified physician assistant may carry out those tasks for which they are registered, if))~~ the supervisory and review mechanisms ~~((noted above are))~~ shall be provided by a ~~((delegated alternate physician))~~ designated alternate supervisor(s).

~~((b))~~ ~~The noncertified physician assistant may not function as such if these supervisory and review functions are impossible.~~

~~((5))~~ (6) The ~~((noncertified))~~ physician assistant, at all times when meeting or treating patients, must wear ~~((an identifying))~~ a badge ~~((in a prominent place on his or her person))~~ identifying him or her as a physician assistant.

~~((6))~~ (7) No ~~((noncertified))~~ physician assistant may ~~((advertise themselves))~~ be presented in any manner which would tend to mislead the public ~~((generally or the patients of the physician as to their role))~~ as to his or her title.

#### AMENDATORY SECTION (Amending Order 147B, filed 2/26/91, effective 3/29/91)

WAC 246-918-140 CERTIFIED PHYSICIAN ASSISTANTS. (1) ~~((On or after March 1, 1988, individuals who have graduated from a board approved training program and who have passed the National Commission on Certification of Physician's Assistants (NCCPA) initial certification examination will be considered as certified physician assistants.~~

(2) A certified physician assistant may provide those services which he or she is competent to perform and which are consistent with the certified physician assistant's education, training, and experience.

(3) The supervising physician shall be responsible for determining the tasks and degree of supervision required for performance of special tasks in accordance with the board approved standard utilization plan. Any task or level of supervision in excess of those authorized must be supported by a written explanation describing the physician assistant's training, experience and demonstrated ability. The board may approve expanded tasks or supervision levels on an individual basis. If the certified physician assistant is being trained to perform additional tasks beyond those authorized, such training may be carried out only under the direct, personal supervision of the supervising physician or a qualified person designated by him or her. Evidence that is satisfactory to the board must be submitted demonstrating that he or she has been trained in that function and his or her competence has been properly and adequately tested. Requests for approval of newly acquired skill may be considered by a reviewing board member or at any regular meeting of the board.

(4) The functions of the certified physician assistant include performing diagnostic, therapeutic preventive and health maintenance services in any setting in which the physician renders care in order to allow more effective and focused application of the physician's particular

knowledge and skills. ~~The certified physician assistant is accountable for their own actions.~~

~~((5))~~ A certified physician assistant may perform only those services as outlined in the procedure reference and guidelines established by the board. If said assistant is being trained to perform additional procedures beyond those established by the board, the training must be carried out under the direct, personal supervision of the sponsoring physician or a qualified person mutually agreed upon by the sponsoring physician and the certified physician assistant. Requests for approval of newly acquired skills shall be submitted to the board and may be granted by a reviewing board member or at any regular meeting of the board.

(2) It shall be the responsibility of the ~~((supervising))~~ certified physician assistant and the sponsoring physician to ensure ~~((adequate supervision and review of the work of the physician assistant is))~~ that appropriate consultation and review of work are provided.

~~((a))~~ The supervising physician shall review and countersign pertinent notes and orders concerning patient care provided by the physician assistant, if such care is rendered without direct consultation with the physician. The time period for such review and countersignature shall be established in the utilization plan and will depend upon the practice setting. Patient charts which reflect physician assistant care rendered with direct physician consultation need not be countersigned.

~~((b))~~ (3) In the temporary absence of the ~~((supervising))~~ sponsoring physician, the ~~((physician assistant may carry out those tasks for which they are registered, of the supervisory and review mechanisms noted above are))~~ consultation and review of work shall be provided by a ~~((delegated))~~ designated alternate ~~((physician supervisor))~~ sponsor(s).

~~((c))~~ The certified physician assistant may not function as such if these supervisory and review functions are impossible.

~~((6))~~ (4) The certified physician assistant must, at all times when meeting or treating patients, wear ~~((an identifying))~~ a badge ~~((in a prominent place on his or her person))~~ identifying him or her as a certified physician assistant.

~~((7))~~ (5) No certified physician assistant may ~~((advertise themselves))~~ be presented in any manner which would tend to mislead the public ~~((generally or the patients of the physician as to their role))~~ as to his or her title.

#### AMENDATORY SECTION (Amending Order 147B, filed 2/26/91, effective 3/29/91)

WAC 246-918-160 PHYSICIAN ASSISTANT ~~((APPLICATIONS DENIAL))~~ AND CERTIFIED PHYSICIAN ASSISTANT DISCIPLINARY ACTIONS. ~~((1))~~ Applications may only be denied or modified by a vote of the board. The executive secretary or application committee may refer an application to the board without giving approval.

(2) An application by a physician to supervise a physician assistant may be denied or modified under any of the following conditions:

~~(a) The physician assistant has not graduated from an approved program or a foreign medical school acceptable to the board;~~

~~(b) The utilization plan submitted does not meet the requirements for utilization or supervision as outlined in the regulations;~~

~~(c) The physician assistant is found to not be physically or mentally capable of safely carrying on the practice of medicine. The board may require any applicant to submit to such examination or examinations as it deems necessary to determine an applicant's physical and/or mental capability to safely practice medicine;~~

~~(d) The physician assistant's registration or other professional license(s) has been revoked, suspended or restricted by any licensing agency, or he or she has been guilty of any conduct which would constitute grounds for refusal, revocation or suspension of such registration under the laws of the state of Washington.~~

~~(e) The utilization plan delegates to the physician assistant tasks for which he or she is not adequately trained to perform;~~

~~(f) The physician sponsor or alternate has had his or her license revoked or suspended, or restricted to such degree that it could reasonably affect his or her ability to properly supervise a physician assistant. A physician's mental or physical impairment could also affect his or her ability to supervise;~~

~~(g) The physician assistant has filed with the board, any false, fraudulent or forged statement or documents for the purpose of obtaining the registration.~~

~~(3) In the event an application is denied or modified, the physician applying may request a hearing to present evidence as to why the application should be approved. Only the sponsoring physician may appeal a board decision. PROVIDED, HOWEVER, That if the decision reflects on the character, competence or conduct of the physician assistant, he or she will be given the opportunity to exonerate him or herself.) An applicant or a licensee is subject to disciplinary action, including but not limited to, denial or practice restrictions, under any of the following conditions:~~

~~(1) The licensee or other health care professional license(s) has been subject to disciplinary action by any licensing agency, or he or she has been guilty of any conduct which would constitute grounds for disciplinary action of such license under the laws of the state of Washington;~~

~~(2) The physician sponsor, supervisor, or alternate has had his or her license subject to disciplinary action in a manner which restricts or places conditions upon some or all aspects of the practitioner's scope or manner of practice.~~

**AMENDATORY SECTION** (Amending Order 147B, filed 2/26/91, effective 3/29/91)

**WAC 246-918-170 PHYSICIAN ASSISTANT AND CERTIFIED PHYSICIAN ASSISTANT AIDS PREVENTION AND INFORMATION EDUCATION REQUIREMENTS.** (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of human immunodeficiency virus (HIV-related) illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of ~~((Social and))~~ health ~~((Services or any successor department))~~ with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for ~~((registration))~~ licensure. Effective July 1, 1989, persons who submit an application for ~~((physician assistant registration))~~ licensure shall submit, prior to being granted a ~~((registration))~~ license and in addition to the other requirements, evidence to show compliance with the educational requirements of subsection (4) ~~((or shall certify that such requirements will be satisfied by the date of the applicant's first renewal))~~ of this section.

(3) 1989 renewal of ~~((registration))~~ license. Effective with the renewal period beginning July 1, 1989, through June 30, 1990, all ~~((persons))~~ licensees making application for ~~((physician assistant))~~ renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4) of this section. Renewal applicants who have documented ~~((hardship))~~ circumstances which prevent~~((s))~~ obtaining the required education on AIDS may petition the board for an extension.

(4) AIDS education and training.

(a) Acceptable education and training. The board will accept education and training that qualifies for continuing medical education credit. Such education and training shall be a minimum of four clock hours regarding the prevention, transmission and treatment of AIDS, and may include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective July 1, 1989, the requirement for ~~((registration))~~ licensure, renewal, or reinstatement of any ~~((registration))~~ license that is lapsed, inactive, or revoked or actually suspended for a term during which the ~~((physician assistant))~~ licensee did not obtain the required AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of ~~((subsection))~~ (a) of this subsection.

(c) Documentation. The ~~((physician assistant))~~ licensee or applicant for ~~((registration))~~ licensure shall:

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

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

(iii) Be prepared to validate, through submission of these records, that education and training has taken place.

AMENDATORY SECTION (Amending Order 147B, filed 2/26/91, effective 3/29/91)WAC 246-918-180 ((GENERAL)) CONTINUING MEDICAL EDUCATION REQUIREMENTS.

(1) ((All registered physician assistants will be required to show evidence of fifty credit hours of continuing medical education by their registration renewal date in 1982.)) Each licensee is required to have and attest to one hundred hours of continuing medical education every two years for renewal. A licensee shall be required to submit evidence of compliance upon request by the board.

(2) In lieu of ((fifty)) one hundred hours of continuing medical education the board will accept a current certification with the National Commission for the Certification of Physician Assistants and will consider approval of other programs as they are developed.

(3) If a ((registered physician assistant)) licensee fails to meet the requirements because of illness or other extenuating circumstances, each case will be considered by the board or its designee on an individual basis. ((When circumstances justify it, the board may grant an extension of time.)) (4) The board approves the following categories of creditable continuing medical education. A minimum of forty credit hours must be earned in Category I.

Category I Continuing medical education activities with accredited sponsorship

Category II Continuing medical education activities with nonaccredited sponsorship and other meritorious learning experience.

(5) The board adopts the standards approved by the American Academy of Physician Assistants for the evaluation of continuing medical education requirements in determining the acceptance and category of any continuing medical education experience.

(6) One clock hour shall equal one credit hour for the purpose of satisfying the one hundred hour continuing medical education requirement.

(7) It will not be necessary to inquire into the prior approval of any continuing medical education. The board will accept any continuing medical education that reasonably falls within these regulations and relies upon each licensee's integrity in complying with this requirement.

(8) Continuing medical education sponsors need not apply for nor expect to receive prior board approval for a formal continuing medical education program. The continuing medical education category will depend solely upon the accredited status of the organization or institution. The number of hours may be determined by counting the contact hours of instruction and rounding to the nearest quarter hour. The board relies upon the integrity of the program sponsors to present continuing medical education for licensees that constitutes a meritorious learning experience.

AMENDATORY SECTION (Amending Order 147B, filed 2/26/91, effective 3/29/91)

WAC 246-918-250 BASIC SURGICAL ASSISTANT DUTIES. The surgical assistant who is not eligible to take the NCCPA certifying exam shall:

(1) Function only in the operating room as approved by the board;

(2) Only be allowed to close skin and subcutaneous tissue, placing suture ligatures, clamping, tying and clipping of blood vessels, use of cautery for hemostasis under direct supervision;

(3) Not be allowed to perform any independent surgical procedures, even under direct supervision, and will be allowed to only assist the operating surgeon;

(4) Have no prescriptive authority; and

(5) Not write any progress notes or order(s) on hospitalized patients, except operative notes.

AMENDATORY SECTION (Amending Order 147B, filed 2/26/91, effective 3/29/91)

WAC 246-918-260 SURGICAL ASSISTANT—UTILIZATION AND SUPERVISION. (1) Utilization plan. The transfer or dual application for ((registration of)) licensure as a surgical assistant must include a detailed plan describing the manner in which the surgical assistant will be utilized. Such utilization plan shall specify which surgical assistant tasks set forth in WAC ((308-52-650)) 246-918-250 will be performed by the surgical assistant.

(2) Limitations, geographic. No surgical assistant shall be utilized in a place geographically separated from the institution in which the assistant and the supervising physician are authorized to practice.

(3) Responsibility of supervising physician(s). Each surgical assistant shall perform those tasks he or she is authorized to perform only under the supervision and control of the supervising physician(s), but such supervision and control shall not be construed to necessarily require the personal presence of the supervising physician at the place where the services are rendered. It shall be the responsibility of the supervising physician(s) to insure that:

(a) The operating surgeon in each case directly supervises and reviews the work of the surgical assistant. Such supervision and review shall include remaining in the surgical suite until the surgical procedure is complete;

(b) The surgical assistant, at all times when meeting with patients, shall wear((s an identifying)) a badge ((in a prominent place on his or her person)) identifying him or her as a surgical assistant (((noncertified)) physician assistant);

(c) The surgical assistant ((does not advertise himself or herself)) is not presented in any manner which would tend to mislead the public ((or patients as to his or her role)) as to his or her title.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 246-918-020 PHYSICIANS' ASSISTANTS—SCOPE OF JURISDICTION.  
 WAC 246-918-040 EMERGENCY NARCOTIC ADMINISTRATION.  
 WAC 246-918-060 PHYSICIAN ASSISTANTS—PROGRAM APPROVAL.  
 WAC 246-918-100 PHYSICIAN ASSISTANTS—RESPONSIBILITY OF SUPERVISING PHYSICIAN.  
 WAC 246-918-190 CATEGORIES OF CREDITABLE CONTINUING MEDICAL EDUCATION ACTIVITIES.  
 WAC 246-918-200 CONTINUING MEDICAL EDUCATION CLOCK HOUR CREDIT REQUIREMENT.  
 WAC 246-918-210 PRIOR ACTIVITY APPROVAL NOT REQUIRED.  
 WAC 246-918-220 CERTIFICATION OF COMPLIANCE.  
 WAC 246-918-240 NONCERTIFIED PHYSICIAN ASSISTANT—SURGICAL ASSISTANT.  
 WAC 246-918-270 MAJOR SURGICAL PROCEDURES.  
 WAC 246-918-280 SURGICAL ASSISTANT PROGRAM REQUIREMENTS RECONSIDERATION.  
 WAC 246-918-290 ACUPUNCTURE ASSISTANT EDUCATION.  
 WAC 246-918-300 ACUPUNCTURE—PROGRAM APPROVAL.  
 WAC 246-918-320 ACUPUNCTURE EQUIVALENCY EXAMINATION.  
 WAC 246-918-330 ACUPUNCTURE EXAMINATION REVIEW PROCEDURES.  
 WAC 246-918-340 INVESTIGATION.  
 WAC 246-918-350 ENGLISH FLUENCY.  
 WAC 246-918-360 X-RAYS AND LABORATORY TESTS.  
 WAC 246-918-370 ETHICAL CONSIDERATIONS.

**WSR 92-12-090**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
**(Chiropractic Board of Examiners)**  
 [Filed June 3, 1992, 11:02 a.m.]

Original Notice.

Title of Rule: WAC 246-806-060 Examinations; 246-806-070 Chiropractic examination scores; 246-806-085 Thirty day permit; 246-806-090 Board approved continuing education; 246-806-180 Preceptor or direct supervisory doctor; and 246-806-050 Examination review and appeal procedures.

Purpose: To adopt, amend, and repeal rules to bring them up to date with legislation passed in 1991.

Statutory Authority for Adoption: RCW 18.25.017.

Statute Being Implemented: RCW 18.25.020.

Summary: WAC 246-806-060, due to a change in the examination subjects, we need to amend this rule;

WAC 246-806-070, the need to amend this rule is due to the fact that we no longer examine in five sections; WAC 246-806-085, due to legislation passed during the 1991 legislative session, a rule regarding temporary permits must be adopted before we are able to issue; WAC 246-806-090, the board wants to allow chiropractors who are teachers/lecturers the option of using part of the preparation and presentation time to be used towards their required continuing education hours; WAC 246-806-180, the need to amend is required in that the current written rule is in conflict with the RCW; and repealing WAC 246-806-050.

Reasons Supporting Proposal: To bring the rules current with present statute.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Connie Glasgow, 1300 S.E. Quince Street, 586-1931.

Name of Proponent: Chiropractic Board of Examiners, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To adopt, amend, and repeal rules to bring them up to date with new legislation passed in 1991.

Proposal Changes the Following Existing Rules: [No information supplied by agency.]

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

Hearing Location: WestCoast Sea-Tac Hotel, 18220 Pacific Highway South, Seattle, WA 98188, on July 9, 1992, at 1:00 p.m.

Submit Written Comments to: Connie M. Glasgow, 1300 S.E. Quince Street, Olympia, WA 98504-7868, by July 7, 1992.

Date of Intended Adoption: July 9, 1992.

May 19, 1992  
 Connie M. Glasgow  
 Program Manager

AMENDATORY SECTION (Amending Order 111B, filed 2/12/91, effective 3/15/91)

WAC 246-806-060 (~~(NATIONAL BOARD)~~) EXAMINATIONS (~~(REQUIRED)~~). (1) Effective January 1, 1990, in order to be eligible to take the (~~(practical)~~) board administered examination, all applicants shall satisfactorily pass the National Board of Chiropractic Examiners test parts I and II which covers the subjects set forth in RCW 18.25.030 (~~(and which shall be in lieu of the conduct of said examinations by the board)~~).

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

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

- (a) Practical x-ray;
- (b) Practical technique.

AMENDATORY SECTION (Amending Order 111B, filed 2/12/91, effective 3/15/91)

WAC 246-806-070 CHIROPRACTIC EXAMINATION SCORES. (~~((+)) Applicants who pass at least three of the following examination sections may carry their scores in those sections forward only to the next examination administered by the board. The sections are:~~

- (a) ~~Written technique;~~
- (b) ~~Written x-ray;~~
- (c) ~~Principles and practice;~~
- (d) ~~Practical x-ray;~~
- (e) ~~Practical technique.~~

(2) Applicants who fail one or two sections and who do not take the next examination offered by the board may not carry any scores forward and must retake the entire examination.

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

NEW SECTION

WAC 246-806-085 THIRTY-DAY PERMIT. A chiropractor practicing under authority of RCW 18.25.190(1) shall register with the board by:

- (1) Notifying the board of the nature and dates of his or her practice in the state of Washington;
(2) Submitting a copy of his or her current, valid license in the other jurisdiction in which he or she is licensed; and
(3) Submitting a declaration under penalty of perjury attesting to the possession of a current, valid license and not having had a license to practice chiropractic suspended, revoked, or conditioned in any jurisdiction in the preceding five years. The declaration shall be in the following form:

I, ....., possess a current, valid license to practice chiropractic in (the state of/territory of/province of/country of) ..... and have not had any license to practice chiropractic suspended, revoked, or conditioned in any jurisdiction in the preceding five years.
I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

..... Date and Place Signature

No fee shall be charged to register under this section.

AMENDATORY SECTION (Amending Order 111B, filed 2/12/91, effective 3/15/91)

WAC 246-806-090 BOARD APPROVED CONTINUING EDUCATION. (1) Licensed chiropractors will be responsible for obtaining 25 hours of board approved continuing education over the preceding year to be submitted with annual renewal of their license.

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

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

(4) A formal video continuing education program that meets the requirements of ((WAC 114-12-155)) this section is acceptable provided that the video viewing is accompanied by a moderator and/or a panel knowledgeable in the video contents to comment thereon and answer questions or conduct discussions.

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

(6) Licensed chiropractors serving as teachers or lecturers in board approved continuing education programs may count a maximum of ten hours toward their annual continuing education. The ten hours of credit for teaching or lecturing in an approved program may only be counted once regardless of the number of times that program may be taught or presented by the licensed chiropractor.

AMENDATORY SECTION (Amending Order 229B, filed 12/23/91, effective 1/23/92)

WAC 246-806-180 ((PRECEPTORSHIP PROGRAM)) PRECEPTOR OR DIRECT SUPERVISORY DOCTOR. ((+)) Definitions:

- (a) "Preceptor" is a licensed doctor of chiropractic who supervises an undergraduate or post graduate intern in accordance with the requirements of this section.
(b) "Undergraduate intern" is an individual studying at an approved chiropractic college, who is in the final academic year prior to receiving a degree in chiropractic.
(c) "Board" means the Washington board of chiropractic examiners.
(d) "Approved chiropractic college" means a chiropractic college approved by the board of chiropractic examiners.
(2) Requirements of preceptor participation. A preceptor shall:
(a) Be approved for participation by the board;
(b) Be approved for participation by an approved chiropractic college;
(c) Have a current Washington chiropractic license;
(d) Have been in practice for five years or more;
(e) Provide evidence of malpractice insurance for himself/herself and the intern;
(f) Not misuse alcohol, controlled substances, or legend drugs;
(g) Be of good moral character; and
(h) Have not been found in violation of board rules for the preceding five years.

(3) Program requirements.
(a) The preceptor and intern shall comply with all requirements of the institution sponsoring the preceptorship program.

(b) The preceptorship shall operate within the scope of practice authorized in chapter 18.25 RCW and chapter 246-807 WAC.

(c) The preceptor shall be present on the premises at all times that the intern is practicing chiropractic as defined in RCW 18.25.005 and the preceptor shall meet with the patient prior to the commencement of chiropractic treatment by the intern.

(d) Postgraduate intern must be matriculated in an approved chiropractic college.) A preceptor is a doctor of chiropractic who is approved by the board to provide direct supervision to an unlicensed chiropractic doctor as set forth in RCW 18.25.190. The board shall maintain a list of approved preceptors.

- (1) An approved preceptor shall:
(a) Provide direct supervision and control;
(b) Be on the premises any time the unlicensed chiropractic doctor treats patients in accordance with WAC 246-807-190; and
(c) Meet with the patient prior to commencement of chiropractic care.

(2) To apply for board approval to function as a preceptor, a doctor of chiropractic shall submit to the board:

- (a) Proof of licensure as a Washington chiropractic doctor for the preceding five years, during which time the license has not been suspended, revoked, or conditioned;
(b) A completed application provided by the department;
(c) Verification of approval to participate in the program by an approved chiropractic college;
(d) Evidence of malpractice insurance for the unlicensed chiropractic doctor and the preceptor applicant; and
(e) A fee as specified in WAC 246-806-990.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-806-050 EXAMINATION REVIEW AND APPEAL PROCEDURES.

**WSR 92-12-091  
PROPOSED RULES  
LOTTERY COMMISSION**  
[Filed June 3, 1992, 11:10 a.m.]

**Original Notice.**

Title of Rule: WAC 315-11-810, 315-11-811 and 315-11-812, Definitions, criteria and ticket validation requirements for Instant Game No. 81 ("Joker Poker"); 315-11-820, 315-11-821 and 315-11-822, Definitions, criteria and ticket validation requirements for Instant Game No. 82 ("10th Anniversary Game"); 315-11-830, 315-11-831 and 315-11-832, Definitions, criteria and ticket validation requirements for Instant Game No. 83 ("Surprise Package"); 315-11-840, 315-11-841 and 315-11-842, Definitions, criteria and ticket validation requirements for Instant Game No. 84 ("Fat Cat"); 315-11-850, 315-11-851 and 315-11-852, Definitions, criteria and ticket validation requirements for Instant Game No. 85 ("7-11-21"); 315-31-060 Drawings; 315-33A-060 Drawings; and 315-33B-060 Drawings.

Purpose: To establish the game play rules and criteria for determining winners of Instant Game Nos. 81 ("Joker Poker"), 82 ("10th Anniversary Game"), 83 ("Surprise Package"), and 84 ("Fat Cat"), and 85 ("7-11-21"); to amend WAC 315-33A-060 and 315-33B-060 to authorize twice weekly Quinto and Beat the State drawings; and to amend WAC 315-31-060 to provide for Daily Game drawings seven days per week.

Statutory Authority for Adoption: RCW 67.70.040.

Statute Being Implemented: RCW 67.70.040.

Summary: See Purpose above.

Reasons Supporting Proposal: See Explanation of Rule below.

Name of Agency Personnel Responsible for Drafting: Jeff Burkhardt, Contracts Specialist, Olympia, 586-6583; Implementation and Enforcement: Evelyn Y. Sun, Director, Olympia, 753-3330.

Name of Proponent: Washington State Lottery Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 315-11-810, 315-11-811, 315-11-812, 315-11-820, 315-11-821, 315-11-822, 315-11-830, 315-11-831, 315-11-832, 315-11-840, 315-11-841, 315-11-842, 315-11-850, 315-11-851, and 315-11-852, for each game, certain terms must be defined in order to provide consistency in the game play rules. The play criteria will explain how the game functions to licensed retailers and players. Rigid validation requirements are set forth which will prevent the lottery or its retailers from paying out prize money on invalid tickets.

Proposal Changes the Following Existing Rules: WAC 315-33A-060 and 315-33B-060 are amended to authorize twice weekly Quinto and Beat the State drawings; and WAC 315-31-060 is amended to authorize Daily Game drawings seven days per week.

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

The lottery has considered whether these rules are subject to the Regulatory Fairness Act, chapter 19.85 RCW, and has determined that they are not for the following reasons: The rules have no economic impact on business' cost of equipment, supplies, labor or administrative costs. The rules are designed to establish rules and procedures for the playing of instant lottery games; and the rules will have a negligible impact, if any, on business because they are interpretive. They have been promulgated for the purpose of stating policy, procedure and practice and do not include requirements for forms, fees, appearances or other actions by business.

Hearing Location: Washington State Lottery, 5963 Corson Avenue South, Suite 106, Seattle, WA 98108, on July 10, 1992, at 10:00 a.m.

Submit Written Comments to: Jeff Burkhardt, Lottery, P.O. Box 43025, Olympia, WA 98504-3025, by July 9, 1992.

Date of Intended Adoption: July 10, 1992.

July 1, 1992  
Evelyn P. Yenson  
Director

NEW SECTION

WAC 315-11-810 DEFINITIONS FOR INSTANT GAME NUMBER 81 ("JOKER POKER"). (1) Play symbols: The following are the "play symbols": "A"; "K"; "Q"; "J"; "10"; "9"; "8"; "7"; "6"; "5"; "4"; and "Q". One of these play symbols appears in each of the ten play spots under the latex covering on the front of the ticket. The ten play spots are divided into two horizontal rows ("hands") of five adjoining spots. Each horizontal set of five adjoining play spots shall constitute one game and shall be known as a playfield. Each ticket shall have two playfields.

(2) Captions: The small printed characters appearing below each play symbol which verify and correspond with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 81, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
Q	JKR
A	ACE
K	KNG
Q	QUE
J	JAC
10	TEN
9	NIN
8	EGT
7	SVN
6	SIX
5	FIV
4	FOR

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

(4) Pack-ticket number: The eleven-digit number of the form 08100001-000 printed on the front of the ticket. The first eight digits of the pack-ticket number for Instant Game Number 81 constitute the "pack number" which starts at 08100001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(5) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25.00 and less. For Instant Game Number 81, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of eight locations among the play symbols on the front of the ticket. The retailer verification codes are:

VERIFICATION CODE	PRIZE
ONE	\$1.00
TWO	\$2.00 (\$2; \$1 and \$1)
FOR	\$4.00 (\$4; \$2 and \$2)
SVN	\$7.00
SVT	\$17.00

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

**NEW SECTION**

WAC 315-11-811 CRITERIA FOR INSTANT GAME NUMBER 81. (1) The price of each instant game ticket shall be \$1.00.

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

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

Two 9's - win	\$1.00
Two 10's - win	\$2.00
Two J's - win	\$4.00
Two Q's - win	\$7.00
Two K's - win	\$17.00
Two A's - win	\$50.00
Two @'s - win	\$21,000

(b) Play symbols from one playfield may not be mixed, combined, or intermingled with play symbols from the other playfield.

(c) The ticket shall bear a legend which lists the winning play symbols and their corresponding prizes.

(d) The bearer of a ticket having winning play symbols in both games shall win the total amount of the prizes won in each game.

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

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 81 set forth in WAC 315-11-812, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

(a) Vary the length of Instant Game Number 81; and/or

(b) Vary the number of tickets sold in Instant Game Number 81 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

**NEW SECTION**

WAC 315-11-812 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 81. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 81 all of the following validation requirements apply.

(a) Exactly one play symbol must appear in each of the ten play spots under the latex covering on the front of the ticket.

(b) Each of the ten play symbols must have a caption below the play symbol, and each must agree with its caption.

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

Play Symbols	Play Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retail Verification Code	Validation Font

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

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-810(1) and each of the captions must be exactly one of those described in WAC 315-11-810(2).

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

**NEW SECTION**

WAC 315-11-820 DEFINITIONS FOR INSTANT GAME NUMBER 82 ("10TH ANNIVERSARY GAME"). (1) Play symbols: The following are the "play symbols": "\$1.00"; "\$2.00"; "\$4.00"; "\$10.00"; "\$20.00"; "\$100.00"; and "\$10,000." One of these play symbols appears in each of the nine play spots under the latex covering on the front of the ticket.

(2) Play symbol captions: The small printed characters appearing below each play symbol which verify and correspond with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 82, the captions which correspond with and verify the play symbols are:

PLAY SYMBOL	CAPTION
\$1.00	ONE DOL
\$2.00	TWO DOL
\$4.00	FOR DOL
\$10.00	TEN DOL
\$20.00	TWY DOL
\$100.00	ONEHUND
\$10,000	TENTHOU

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

(4) Pack-ticket number: The eleven-digit number of the form 08200001-000 printed on the front of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 82 constitute the "pack number" which starts at 08200001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(5) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25.00 or less. For Instant Game Number 82, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of six locations among the play symbols on the front of the ticket. The retailer verification codes are:

VERIFICATION CODE	PRIZE
ONE	\$ 1.00
TWO	\$ 2.00
FOR	\$ 4.00
TEN	\$ 10.00
TWY	\$ 20.00

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

**NEW SECTION**

WAC 315-11-821 CRITERIA FOR INSTANT GAME NUMBER 82. (1) The price of each instant game ticket shall be \$1.00.

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

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

Three \$ 1.00 play symbols	-	Win \$ 1.00
Three \$ 2.00 play symbols	-	Win \$ 2.00
Three \$ 4.00 play symbols	-	Win \$ 4.00
Three \$ 10.00 play symbols	-	Win \$ 10.00
Three \$ 20.00 play symbols	-	Win \$ 20.00
Three \$ 100.00 play symbols	-	Win \$ 100.00
Three \$ 10,000 play symbols	-	Win \$ 10,000

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

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 82 set forth in WAC 315-11-822, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

(a) Vary the length of Instant Game Number 82; and/or

(b) Vary the number of tickets sold in Instant Game Number 82 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

**NEW SECTION**

WAC 315-11-822 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 82. (1) A valid instant game ticket for Instant Game Number 82 shall meet all of the following validation requirements as well as all other requirements in these rules and regulations.

(a) Exactly one play symbol must appear in each of the nine play spots under the removable latex covering on the front of the ticket.

(b) Each of the nine play symbols must have a caption below it, and each must agree with its caption.

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

Play Symbols	Play Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retail Verification Code	Validation Font

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

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-820(1) and each of the captions must be exactly one of those described in WAC 315-11-820(2).

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

**NEW SECTION**

WAC 315-11-830 DEFINITIONS FOR INSTANT GAME NUMBER 83 ("SURPRISE PACKAGE"). (1) Play symbols: The following are the "play symbols": "\$1.00"; "\$2.00"; "\$4.00"; "\$8.00"; "\$14.00"; "\$24.00"; "\$40.00"; "\$80.00"; and "\$5,000." One of these play symbols appears in each of the nine play spots under the latex covering on the front of the ticket.

(2) Play symbol captions: The small printed characters appearing below each play symbol which verify and correspond with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 83, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
\$1.00	ONE DOL
\$2.00	TWO DOL
\$4.00	FOR DOL
\$8.00	EGT DOL
\$14.00	FORTEEN
\$24.00	TWYFOR\$
\$40.00	\$FORTY\$
\$80.00	EIGHTY
\$5,000	FIVTHOU

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

(4) Pack-ticket number: The eleven-digit number of the form 08300001-000 printed on the front of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 83 constitute the "pack number" which starts at 08300001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(5) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25.00 or less. For Instant Game Number 83, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of six locations among the play symbols on the front of the ticket. The retailer verification codes are:

VERIFICATION CODE

ONE	\$ 1.00
TWO	\$ 2.00
FOR	\$ 4.00
EGT	\$ 8.00
FRN	\$ 14.00
TTF	\$ 24.00

PRIZE

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

**NEW SECTION**

WAC 315-11-831 CRITERIA FOR INSTANT GAME NUMBER 83. (1) The price of each instant game ticket shall be \$1.00.

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

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

Three	\$1.00 play symbols - Win	\$1.00
Three	\$2.00 play symbols - Win	\$2.00
Three	\$4.00 play symbols - Win	\$4.00
Three	\$8.00 play symbols - Win	\$8.00
Three	\$14.00 play symbols - Win	\$14.00
Three	\$24.00 play symbols - Win	\$24.00
Three	\$40.00 play symbols - Win	\$40.00
Three	\$80.00 play symbols - Win	\$80.00
Three	\$5,000 play symbols - Win	\$5,000

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

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 83 set forth in WAC 315-11-832, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

(a) Vary the length of Instant Game Number 83; and/or

(b) Vary the number of tickets sold in Instant Game Number 83 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

**NEW SECTION**

WAC 315-11-832 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 83. (1) A valid instant game ticket for Instant Game Number 83 shall meet all of the following validation requirements as well as all other requirements in these rules and regulations.

(a) Exactly one play symbol must appear in each of the nine play spots under the removable latex covering on the front of the ticket.

(b) Each of the nine play symbols must have a caption below it, and each must agree with its caption.

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

Play Symbols	Play Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retail Verification Code	Validation Font

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

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-830(1) and each of the captions must be exactly one of those described in WAC 315-11-830(2).

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

**NEW SECTION**

WAC 315-11-840 DEFINITIONS FOR INSTANT GAME NUMBER 84 ("FAT CAT"). (1) Play symbols: The following are the

"play symbols": "X"; "\$1.00"; "\$2.00"; "\$4.00"; "\$9.00"; "\$19.00"; "\$50.00"; "\$100.00"; "\$10,000." One of these symbols appears in each of the six blocks under the scratch-off material covering the game play data.

(2) Play symbol captions: The small printed characters appearing below each play symbol which verify and correspond with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 84, the captions which correspond with and verify the play symbols are:

PLAY SYMBOL	CAPTION
X	FAT CAT
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 4.00	FOR DOL
\$ 9.00	NIN DOL
\$ 19.00	NINETEEN
\$ 50.00	\$FIFTY\$
\$ 100.00	ONEHUND
\$ 10,000	TENTHOU

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

(4) Pack-ticket number: The eleven-digit number of the form 08400001-000 printed on the front of the ticket. The first eight digits of the pack-ticket number for Instant Game Number 84 constitute the "pack number" which starts at 08400001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(5) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25.00 or less. For Instant Game Number 84, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

VERIFICATION CODE	PRIZE
ONE	\$ 1.00
TWO	\$ 2.00
FOR	\$ 4.00
NIN	\$ 9.00
NIT	\$19.00

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

**NEW SECTION**

WAC 315-11-841 CRITERIA FOR INSTANT GAME NUMBER 84. (1) The price of each instant game ticket shall be \$1.00.

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

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

Three \$ 1.00 play symbols	-	Win \$ 1.00
Three \$ 2.00 play symbols	-	Win \$ 2.00
Three \$ 4.00 play symbols	-	Win \$ 4.00
Three \$ 9.00 play symbols	-	Win \$ 9.00
Three \$ 19.00 play symbols	-	Win \$ 19.00
Three \$ 50.00 play symbols	-	Win \$ 50.00
Three \$ 100.00 play symbols	-	Win \$ 100.00
Three \$ 10,000 play symbols	-	Win \$ 10,000

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

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 84 set forth in WAC 315-11-842, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(5) There will be a grand prize drawing held in conjunction with Instant Game Number 84. It will be conducted at a time and place and pursuant to procedures to be established and announced by the director. Qualifying entries from Instant Game Number 84 will be entered into the grand prize drawing.

(a) To be eligible for entry into the drawings held pursuant to this section, an entrant must:

(i) Be eligible to win a prize pursuant to chapter 67.70 RCW and Title 315 WAC.

(ii) Collect three tickets each of which have one play symbol.

(iii) Write or print legibly the entrant's name and address on each and every ticket. An entry containing more than one name shall be disqualified.

(iv) Place the tickets in an envelope. An envelope which contains extraneous material or which has had the exterior altered for the apparent sole purpose of making the envelope more prominent shall be disqualified.

(v) Mail the envelope with proper postage and a legible return address of the entrant to the address specified in the player's brochure, or deliver it in person during normal business hours to lottery headquarters or any of the regional offices at the address listed in the player's brochure.

(b) There is no limit to the number of entries a person may submit, but each entry must be submitted in a separate envelope and both the entry and the entrant of each must meet the qualifications set forth above.

(c) An entry which contains one or more stolen tickets may be disqualified by the director.

(d) A nonconforming entry, at the sole discretion of the director, may be disqualified.

(e) The lottery shall not be responsible for any other material, including winning tickets, mailed or delivered to the "GRAND PRIZE DRAWING." All mail not drawn will be shredded unopened.

(f) The lottery shall not be responsible for any entries mailed or delivered to the wrong address.

(6) Selection of the winning grand prize drawing entrants shall be made in the following manner:

(a) Weekly drawings will be held to select a total of fifty winners who will each be awarded a \$1,000 prize. Entries addressed to Grand Prize Drawing and received by the lottery at its grand prize drawing P.O. Box, or at lottery headquarters or at one of the regional offices by 5:00 p.m. local time two business days prior to each weekly drawing shall be entitled to participation in that week's drawing. The weekly drawings will be conducted at times and places and pursuant to procedures established and announced by the director.

(b) A drawing will be held to select ten grand prize drawing finalists from the fifty \$1,000 winners.

(c) The ten finalists selected for participation in the grand prize drawing will each win a prize ranging in amount from \$10,000 to \$100,000. In the event that the aggregate prize amount won by the ten finalist at the grand prize drawing is less than \$550,000, each finalist shall also receive one-tenth of the difference between \$550,000 and the aggregate amount won.

(d) An entrant must be eligible for entry into the drawings held pursuant to these rules to participate in the grand prize drawing or to receive any prize money.

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

(a) Vary the length of Instant Game Number 84; and/or

(b) Vary the number of tickets sold in Instant Game Number 84 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

**NEW SECTION**

WAC 315-11-842 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 84. (1) A valid instant game ticket for Instant Game Number 84 shall meet all of the following validation requirements as well as all other requirements in these rules and regulations:

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

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

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

Play Symbols	Play Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retail Verification Code	Validation Font

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

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-840(1) and each of the captions must be exactly one of those described in WAC 315-11-840(2).

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

**NEW SECTION**

WAC 315-11-850 DEFINITIONS FOR INSTANT GAME NUMBER 85 ("7-11-21"). (1) Play symbols: The following are the "play symbols": "0"; "1"; "2"; "3"; "4"; "5"; "6"; and "9." One of these play symbols appears in each of the six play spots under the latex covering on the front of the ticket. The six play spots are divided into two horizontal rows of three adjoining spots. Each horizontal set of three adjoining play spots shall constitute one game and shall be known as a playfield. Each ticket shall have two playfields.

(2) Play symbol captions: The small printed characters appearing below each play symbol which verify and correspond with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 85, the captions which correspond with and verify the play symbols are:

PLAY SYMBOL	CAPTION
0	ZRO
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
9	NIN

(3) Prize symbols: The following are the "prize symbols": "\$1.00"; "\$2.00"; "\$4.00"; "\$7.00"; "\$11.00"; "\$21.00"; "\$70.00"; "\$1,100"; and "\$21,000." One of these prize symbols appears under the box on front of the ticket which has "PRIZE" printed on the latex covering. The prize box shall be contiguous to the playfield.

(4) Prize symbol captions: The small printed characters appearing below the prize symbol which verify and correspond with the prize symbol. The caption is a spelling out, in full or abbreviated form, of the prize symbol. Only one caption appears under the prize symbol. For Instant Game Number 85, the captions which correspond with and verify the prize symbols are:

PRIZE SYMBOL	CAPTION
\$1.00	ONE DOL
\$2.00	TWO DOL
\$4.00	FOR DOL
\$7.00	SEV DOL
\$11.00	ELV DOL
\$21.00	TTN DOL
\$70.00	\$\$VNTY\$
\$1,100	ELVHDRD
\$21,000	TTNTHOU

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

(6) Pack-ticket number: The eleven-digit number of the form 08500001-000 printed on the front of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 85 constitute the "pack number" which starts at 08500001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(7) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25.00 or less. For Instant Game Number 85, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of six locations among the play symbols on the front of the ticket. The retailer verification codes are:

VERIFICATION CODE	PRIZE
ONE	\$1.00
TWO	\$2.00
FOR	\$4.00
SVN	\$7.00
ELV	\$11.00
TTN	\$21.00

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

**NEW SECTION**

WAC 315-11-851 CRITERIA FOR INSTANT GAME NUMBER 85. (1) The price of each instant game ticket shall be \$1.00.

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

(a) The bearer of a ticket in which the sum of the three play symbols in one game is 7, 11, or 21 shall win the prize specified in the prize box.

(b) Play symbols from one playfield may not be mixed, combined, or intermingled with play symbols from the other playfield.

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

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 85 set forth in WAC 315-11-852, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

(a) Vary the length of Instant Game Number 85; and/or

(b) Vary the number of tickets sold in Instant Game Number 85 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

**NEW SECTION**

WAC 315-11-852 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 85. (1) A valid instant game ticket for Instant Game Number 85 shall meet all of the following validation requirements as well as all other requirements in these rules and regulations.

(a) Exactly one play symbol must appear in each of the six play spots under the removable latex covering on the front of the ticket.

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

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

Play Symbols	Play Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retail Verification Code	Validation Font

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

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-850(1) and each of the play symbol captions must be exactly one of those described in WAC 315-11-850(2). The prize symbol must be exactly one of those described in WAC 315-11-850(3) and the prize symbol caption must be exactly one of those described in WAC 315-11-850(4).

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

**AMENDATORY SECTION** (Amending Order 116, filed 6/1/89)

WAC 315-31-060 DRAWINGS. (1) Drawings for Daily Game shall be held on a daily basis, Monday through ((Saturday)) Sunday, except that the director may exclude certain holidays from the drawing schedule.

(2) The drawing shall determine, at random, three winning digits or symbols with the aid of mechanical drawing equipment which shall be

tested before and after each drawing. Any drawn digits are not declared winning digits until the drawing is certified by the lottery. The winning digits shall be used in determining all Daily Game winners for the day of the drawing. If a drawing is not certified, another drawing will be conducted to determine actual winners.

(3) The winning digits shall not be invalidated based on the liability of the lottery.

**AMENDATORY SECTION** (Amending WSR 91-20-062, filed 9/25/91, effective 10/26/91)

WAC 315-33A-060 DRAWINGS. (1) The Quinto drawing pursuant to this chapter shall be held once each Wednesday and Saturday (~~evening beginning November 2, 1991~~), except that the director may change the drawing schedule if Wednesday or Saturday is a holiday.

(2) The drawing will be conducted by lottery officials.

(3) Each drawing shall determine, at random, five winning sets with the aid of mechanical drawing equipment which shall be tested before and after that drawing. Any drawn sets are not declared winners until the drawing is certified by the lottery. The winning sets shall be used in determining all Quinto winners for that drawing. If a drawing is not certified, another drawing will be conducted to determine actual winners.

(4) The drawing shall not be invalidated based on the liability of the lottery.

**AMENDATORY SECTION** (Amending WSR 92-08-002, filed 3/18/92, effective 4/18/92)

WAC 315-33B-060 DRAWINGS. (1) The "Beat the State" drawing held pursuant to this chapter shall be once each Wednesday and Saturday (~~beginning May 16, 1992~~), in conjunction with the Quinto drawing held pursuant to chapter 315-33A WAC, except that the director may change the drawing schedule if Wednesday or Saturday is a holiday.

(2) The drawing of the state's hand will be overseen by lottery officials.

(3) The state's hand shall be determined by a random drawing of one hand from 52 possibilities, which shall be as follows:

Number of possibilities for Royal Flush:	1
Number of possibilities for Straight Flush:	1
Number of possibilities for Four of a Kind:	2
Number of possibilities for Full House:	2
Number of possibilities for Flush:	3
Number of possibilities for Straight:	5
Number of possibilities for Three of a Kind:	7
Number of possibilities for Two Pair:	12
Number of possibilities for One Pair:	14
Number of possibilities for Fold:	5
<b>Total possibilities</b>	<b>52</b>

(4) The state's hand shall not be declared official until certified by the lottery. If the state's hand is not certified, another drawing will be conducted to determine the state's hand.

(5) The drawing shall not be invalidated based on the liability of the lottery.

**WSR 92-12-092  
PERMANENT RULES  
DEPARTMENT OF  
GENERAL ADMINISTRATION**

[Filed June 3, 1992, 11:25 a.m., effective July 1, 1992]

Date of Adoption: June 1, 1992.

Purpose: To govern local government self-insurance transactions and to implement regulations regarding safe and sound managerial and operational requirements with individual and joint local government self-insurance programs.

Statutory Authority for Adoption: Chapter 48.62 RCW.

Pursuant to notice filed as WSR 92-09-155 on April 22, 1992.

Changes Other than Editing from Proposed to Adopted Version: Added "self-insurance" to second sentence, WAC 236-22-100(1); added "referenced in subsection (1) of this section," to first sentence, WAC 236-22-100(4); and added "health and welfare benefit" to first sentence, WAC 236-22-100(5) for clarification purposes.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: These rules, WAC 236-22-010 and 236-22-100, are to become effective on July 1, 1992. Immediate adoption of these rules is necessary as there is imminent peril to the public welfare arising from local government self-insurance programs. Protection of public monies and public employees' welfare require the expeditious adoption of these rules.

Effective Date of Rule: July 1, 1992.

June 1, 1992  
Betty Reed  
Assistant Director

**Chapter 236-22 WAC  
SELF-INSURANCE REQUIREMENTS AS TO LOCAL GOVERNMENTS**

**NEW SECTION**

WAC 236-22-010 PREAMBLE AND AUTHORITY. These rules and regulations governing local government self-insurance transactions are adopted by the state risk manager to implement chapter 48.62 RCW relating to individual and joint local government self-insurance programs. The rules set forth in this chapter do not supersede the rules which govern the operation of self-insured employee benefit plans by school districts and educational service districts under chapter 392-130 WAC.

**NEW SECTION**

WAC 236-22-100 INITIAL EXPENSES AND OPERATING COST ASSESSMENT. (1) The state risk manager, with concurrence from the two advisory boards, shall fix assessments to cover initial expenses and operating costs of the boards and the state risk manager's office in administering chapter 48.62 RCW. Such assessments shall be levied against each joint property and liability self-insurance program and each individual and joint health and welfare benefit self-insurance program regulated by chapter 48.62 RCW. Such assessments shall be based upon each self-insurance program's share of the initial expenses and operating costs of the property and liability advisory board, the health and welfare advisory board, and the state risk manager's office.

(2) The state risk manager, with concurrence from the advisory boards, shall determine the assessment rate on a fiscal year basis prescribing the self-insurance program's share pursuant to the provisions of subsection (1) of this section until the regulatory program for local

government self-insurance programs is fully implemented.

(3) These assessments shall be payable by the assessed program to the state of Washington, division of risk management, on July 1 and January 1 of each year until the regulatory program for local government self-insurance programs is fully implemented. Any program failing to remit its assessment when due is subject to denial of permission to operate or to a cease and desist order until the assessment is paid.

(4) A self-insurance program referenced in subsection (1) of this section, which has voluntarily or involuntarily terminated, shall pay an administrative cost assessment. This assessment shall continue until such time as all liabilities and all responsibilities of the self-insurance program have been satisfied.

(5) The state risk manager shall assess each prospective joint self-insurance program, and each prospective individual health and welfare benefit self-insurance program, an initial investigation fee at a rate determined annually by the state risk manager, with the concurrence of the advisory boards. Such fee shall be sufficient to cover the costs for the initial review and approval of that self-insurance program.

**WSR 92-12-093**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed June 3, 1992, 11:47 a.m.]

Original Notice.

Title of Rule: Chapter 296-125 WAC, Nonagricultural employment of minors.

Purpose: To clarify language in existing WACs; to increase protection of health and safety of minors as mandated by chapter 49.12 RCW; and to effect better school attendance as mandated by chapter 49.12 RCW.

Other Identifying Information: The above-referenced purpose shall be carried out by the addition of proposed new sections WAC 296-125-011, 296-125-012, 296-125-024, 296-125-026, 296-125-028; the amendment of WAC 296-125-010, 296-125-015, 296-125-020, 296-125-027, 296-125-030, 296-125-033, 296-125-050, 296-125-060; and the repeal of WAC 296-125-023, 296-125-055, 296-125-110, 296-125-115, 296-125-120, 296-125-125, 296-125-130, 296-125-135, 296-125-140, 296-125-145, 296-125-155, 296-125-160, 296-125-165, 296-125-170 and 296-125-175.

Statutory Authority for Adoption: Chapter 49.12 RCW and RCW 26.28.060.

Summary: The proposed rules amend and clarify the previously existing nonagricultural child labor rules, chapter 296-125 WAC, regarding the protection of minors in the workforce.

Reasons Supporting Proposal: Based on input from business, labor, parents, educators, and health care professionals about the needs of young people and the changing nature of work and the workplace, modification and clarification of the existing rules is necessary to

meet the department's mandate to protect the health, safety, and welfare of minors in the workforce.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mark M. McDermott, 406 Legion Way S.E., Olympia, WA, (206) 753-3487.

Name of Proponent: Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This chapter of the administrative code applies to all employers in Washington state that wish to employ workers under 18 years of age. The chapter establishes basic criteria which must be met by all employers who employ minors: Obtaining and maintaining a current minor work permit, compliance with parent/school authorization, and compliance with standards of employment related to hours of work, prohibited and hazardous duties in which minors may not engage, and basic recordkeeping requirements. It also includes variance language which is designed to provide relief from the rules related to prohibited duties and maximum weekly hours where good cause can be demonstrated while not compromising the statutory mandate (chapter 49.12 RCW) to assure the health, safety, welfare and school attendance of minors. The proposed changes do not impact previous requirements related to the minor work permit, the parent/school authorization form, or the recordkeeping requirements. The substantive changes are related to prohibited employment and hours minors may work.

Proposal Changes the Following Existing Rules: WAC 296-125-110, 296-125-115, 296-125-120, 296-125-125, 296-125-130, 296-125-135, 296-125-140, 296-125-145, 296-125-155, 296-125-160, 296-125-165, 296-125-170 and 296-125-175, regarding house-to-house sales were repealed and the language was incorporated into new section WAC 296-125-024; WAC 296-125-023, regarding posting was repealed and the language incorporated into amended WAC 296-125-050, WAC 296-125-055, regarding revocation of permits was repealed and the language incorporated into amended WAC 296-125-020; WAC 296-125-010, was amended to meet statutory requirements regarding applicability; WAC 296-125-015, was amended to add definitions; WAC 296-125-027, regarding hours of work was amended to meet statutory requirement to assure school attendance; WAC 296-125-030, regarding prohibited duties and hazardous employment for all minors was amended to meet statutory mandate to protect minors' safety and health; WAC 296-125-033, regarding prohibited duties and hazardous employment for minors under the age of sixteen was amended to meet statutory mandate to protect minors' safety and health; and WAC 296-125-060, was amended to clarify criteria for granting variances.

**SMALL BUSINESS ECONOMIC IMPACT STATEMENT**

This chapter of the administrative code applies to all employers in Washington state that wish to employ workers under 18 years of age. The chapter establishes

basic criteria which must be met by all employers who employ minors: Obtaining and maintaining a current minor work permit, compliance with parent and school authorization requirements, and compliance with standards of employment related to hours of work, prohibited and hazardous duties in which minors may not engage, and basic recordkeeping requirements. Chapter 296-125 WAC also includes variance language which is designed to provide relief from the rules related to prohibited duties and maximum weekly hours where good cause can be demonstrated while not compromising the statutory mandate (chapter 49.12 RCW) to assure the health, safety, welfare and school attendance of minors. The proposed changes to chapter 296-125 WAC do not impact previous requirements related to the minor work permit, the parent/school authorization form, or the recordkeeping requirements. The substantive changes are related to prohibited employment and the hours a minor may work.

**Small Business Impact:** The revisions to chapter 296-125 WAC may have an economic impact on small business, specifically, limits on duties minors may perform (prohibited duties), and limits on hours minors may work (especially during school sessions). These costs would possibly be associated with replacing child labor with adult workers due to limits on hours of work and/or prohibited duty limitations.

**Assessment and Mitigation:** Limits of hours of work for minors (start/end times, total hours/day, week, could lead to substituting adult labor for child (minor) labor. Whether this would have an adverse impact on cost related to small business is difficult to determine—it is not clear that adults would lead to higher labor cost. Many service industry employers already retain adult workers interchangeably with minors in numerous entry level positions and pay them the same rates. Discussions with industry representatives indicates that they do not believe it would be more costly to hire adults as opposed to children. A large portion of the adult labor pool is flexible vis-a-vis accepting part-time hours, making it easier to obtain workers to fill unique shift patterns.

The economic impact of prohibited and hazardous employment limitations are similar to the limits on hours. Employers may always employ adults at the same labor cost. Further, the protection of minor workers related to safety and health is clearly a statutory mandate under chapter 49.12 RCW thus mitigation is not required. The enabling statute does not permit the department to distinguish between the measure of protection afforded minor workers based simply on the size of the employer. A minor working for a small business is just as likely to be injured on the job as a minor working for a large employer. Further, these revisions were based on advisory committee recommendation based on the testimony of many safety and health experts.

Finally, the department does offer a variance procedure (WAC 296-125-060) which is designed to allow for some mitigation from maximum hours limitations and prohibited duties. This procedure is used by numerous employers, and the proposed rules clarify the procedure and the applicable criteria to ease use.

In summary, the proposed changes are in response to numerous discussions with business, labor, education, and parents. They represent an effort to clarify and simplify the rules thus increasing the ease of compliance. The department acknowledges that there may be some slight economic impact on small business. The department feels that as much mitigation as is statutorily acceptable has been done. The department believes that any economic impact represented by these proposed rules can be mitigated by substituting adult labor for minor labor and/or using the variance procedure provided.

**Hearing Location:** On Monday, July 13, 1992, at 9:00 a.m., at Skagit Valley Community College, Ford Hall, Room 101, 2405 College Way, Mt. Vernon, WA; on Tuesday, July 14, 1992, at 1:00 p.m., at the Red Lion Inn, Selah Room, Yakima, WA; on Thursday, July 16, 1992, at 1:30 p.m., at the Marshall Center, Oak and Elm Room, 109 East McLoughlin, Vancouver, WA; on Tuesday, July 21, 1992, at 9:00 a.m., at the Seattle Center, Conference Center Room A, Seattle, Washington; on Wednesday, July 22, 1992, at 9:00 a.m., at Spokane Community College, Littlefoot A and B, Spokane, Washington; and on Thursday, July 23, 1992, at 9:00 a.m., at the Capitol Campus, OB-2 Auditorium, Olympia, Washington.

**Submit Written Comments to:** Mark M. McDermott, ESAC Division, P.O. Box 44500, Olympia, WA 98504-4500, by July 24, 1992.

**Date of Intended Adoption:** September 1, 1992.

June 3, 1992

Joseph A. Dear  
Director

Chapter 296-125 WAC  
~~((ISSUANCE OF MINOR WORK PERMITS))~~ NONAGRICULTURAL EMPLOYMENT OF MINORS

AMENDATORY SECTION (Amending Order 76-15, filed 5/17/76)

WAC 296-125-010 APPLICABILITY. ~~((Unless exempted by Washington state or federal law.))~~ This chapter applies to every employer ((who)) that employs one or more minors ((workers on and after the effective date of these regulations must previously have obtained a valid permit to employ minors from the state division of industrial relations, department of labor and industries)), or who permits, allows, or suffers one or more minors to work at a site or workplace, on premises, or under work conditions controlled by that employer, except for those employers statutorily exempted, as follows: This chapter does not apply to newspaper vendors or carriers; to domestic or casual labor in or about private residences; to parents or stepparents who employ their own children for house-to-house sales; to agricultural labor as defined by RCW 50.04.150; or, to employers expressly exempted by federal statute from the coverage of state law.

NEW SECTION

WAC 296-125-011 MINIMUM AGE FOR EMPLOYMENT.

(1) Every person who shall employ, and every parent, guardian, or other person having the care, custody, or control of such child, who shall permit to be employed, by another, any child under the age of fourteen years at any labor whatever, in or in connection with any store, shop, factory, mine, or any inside employment not connected with farm or housework, without the written permit thereto of a judge of a superior court of the county wherein such child may live, shall be guilty of a misdemeanor.

(2) No employer shall employ a minor under the age of sixteen in house-to-house sales, unless the division grants a variance to an employer for that specific purpose.

NEW SECTION

WAC 296-125-012 PREREQUISITES TO EMPLOYING MINORS. Prior to hiring a minor or allowing a minor to work, an employer that seeks to employ one or more minors must:

(1) Obtain, maintain, and post a valid minor work permit from the department of labor and industries for each workplace at which minors will be employed, pursuant to WAC 296-125-020.

(2) If employing minors for house-to-house sales:

(a) Obtain and maintain a valid house-to-house sales registration certificate from the department of labor and industries, pursuant to WAC 296-125-024, in addition to a minor work permit, and in addition to parent/school authorization forms pursuant to WAC 296-125-026 (see subsection (3) of this section);

(b) If the employer seeks to transport a minor out of the state of Washington for house-to-house sales, obtain and keep on file express written authorization from each minor's parent or legal guardian to transport each minor worker out of the state;

(c) Obtain from the division and issue valid identification cards with photographs for each minor employee, pursuant to WAC 296-125-024.

(3) Obtain and keep on file at the minor's workplace(s) a completed Parent/School Authorization Form for each minor, pursuant to WAC 296-125-026. In the case of minors employed for house-to-house sales, the forms shall be kept on file at the employer's primary place of business within the state of Washington.

AMENDATORY SECTION (Amending WSR 89-23-003, filed 11/3/89, effective 11/20/89)

WAC 296-125-015 DEFINITIONS. For the purposes of this chapter:

(1) ~~((A "minor" is a person of either sex who is under the age of 18 years.~~

~~(2) "Employ" means to engage, suffer or permit to work.~~

~~(3) "Employee" means any minor employed by an employer.~~

~~(4) "Employer" means any person, association, partnership, private or public corporation who employs or exercises control over the wages, hours or working conditions of a minor.~~

~~(5)) "Division" means employment standards, apprenticeship and crime victims compensation division, Washington state department of labor and industries.~~

~~(2) "Employ" means to engage, suffer or permit to work, and includes entering into any arrangement with a minor whereby the minor works as an independent contractor in house-to-house sales. The term "employ" does not include the use of voluntary or donated services performed for an educational, charitable, religious, or nonprofit organization, or state or local government body or agency, and without expectation or contemplation of compensation for the services performed.~~

~~(3) "Employee" means any minor employed by an employer, including minors who work as independent contractors in house-to-house sales, but does not include newspaper vendors or carriers, domestic or casual labor in or about private residences, minors employed in agricultural labor, or minors employed for house-to-house sales by their parents or stepparents.~~

~~(4) "Employer" means any person, association, partnership, private or public corporation that employs or exercises control over the wages, hours, working conditions, or workplace of a minor, and for purposes of house-to-house sales includes any distributor or other person, association, partnership, private or public corporation that enters into any arrangement with a minor whereby the minor works as an independent contractor in house-to-house sales; but does not include employers of agricultural labor as defined by RCW 50.04.150, or parents or stepparents employing their own minor children for house-to-house sales.~~

~~(5) "House-to-house sales" means a sale or other transaction in consumer goods, the demonstration of products or equipment, the obtaining of orders for consumer goods, or the obtaining of contracts for services, in which an employee personally solicits the sale or transaction at a place other than the place of business of the employer or the residence of the employee.~~

~~(6) "Minor" means a person under the age of eighteen years.~~

~~(7) "School holiday" means a day of a school week on which the school at which a minor employee is enrolled is scheduled to be closed.~~

~~(8) "School vacation" means the spring break, winter break, and summer break of the school at which a minor employee is enrolled.~~

~~(9) "Transport" means the conveyance, provision of a means of conveyance, or reimbursement or payment for the cost of conveyance at~~

~~the direction or under the control of an employer or an employer's agent.~~

~~(10) "Workplace" means any worksite, premises, or location where minors work.~~

AMENDATORY SECTION (Amending Order 76-15, filed 5/17/76)

~~WAC 296-125-020 ((FILING OF APPLICATION FOR PERMITS TO EMPLOY MINORS)) MINOR WORK PERMITS. ((Prior to the employment of one or more minors, each employer shall file with the division or its authorized agent an application for a permit to employ minors within a specified work place.)) (1) Issuance. Each employer shall receive from the division, and shall maintain, a valid minor work permit prior to employing a minor, or prior to allowing a minor to work at a workplace or under work conditions controlled by the employer. A valid minor work permit must remain in full force and effect at all times that minors are employed by, or are working at a workplace or under work conditions controlled by, the employer.~~

~~Separate permits shall be obtained and maintained by each employer for each workplace where minors are employed. In instances where an employer places minor workers in a workplace controlled by another employer, both or all employers shall obtain and maintain minor work permits covering that workplace prior to the employment of minors in that workplace. In instances where an employer employs minor workers in multiple workplaces, the employer shall obtain and maintain a minor work permit covering each workplace. When ((validated by the signature of the division's supervisor of employment standards.)) duly issued by the division, and unless modified or revoked, such a permit will authorize ((the)) an employer to employ any number of minor workers in the workplace specified ((work place)), in accordance with the ((conditions established below)) provisions of this chapter and with any limitations listed on the permit.~~

~~(2) Posting. At least one copy of a valid permit to employ minors must be posted in plain view of all employees at each workplace specified in the permit. In the case of employers of minors employed in house-to-house sales, the permit shall be posted in plain view of all employees at the employer's primary place of business within the state of Washington.~~

~~(3) Renewal. Minor work permits shall be valid for a one-year period. Filing of an application for renewal of a permit does not result in an automatic extension of the one-year period. The division may refuse to renew a minor work permit if the division in its sound judgment finds that a condition of the previous permit period has not been satisfied, that the employer has violated the requirements of this chapter, or that any other conditions exist that are or could be detrimental to the health, safety, or welfare of a minor.~~

~~(4) Revocation, suspension, and modification. The division may revoke, suspend, or modify an employer's permit to employ minors if the division in its sound judgment finds that a condition of the permit's issuance is not being satisfied, that the employer has violated the requirements of this chapter, or that any other conditions exist which are detrimental to the health, safety, or welfare of a minor. In the event the division finds that conditions exist which are or could be detrimental to the health, safety, or welfare of a minor, the division may issue an order of emergency restraint; in such instances, an appeal of the department's action shall not stay the revocation, suspension, or modification during the pendency of the appeal.~~

~~(5) Appeals. An appeal of an action by the department to refuse to issue or renew, or to revoke or suspend an employer's minor work permit must be filed in writing with the division within thirty days of the division's action, pursuant to the procedures established by RCW 49.12.161 and 49.12.400. Such appeal shall not stay the effectiveness of an order of immediate restraint issued by the department pursuant to RCW 49.12.390.~~

NEW SECTION

WAC 296-125-024 HOUSE-TO-HOUSE SALES. (1) Minimum age. No minor under the age of sixteen years may be employed in house-to-house sales, unless the division grants a variance to an employer for that specific purpose. A variance must be obtained prior to an employer's employment of any minor under the age of sixteen.

(2) Registration certificates. Each employer of minors in house-to-house sales, or person seeking to advertise to employ a person in house-to-house sales with an advertisement specifically stating a minimum age requirement that is under the age of twenty-one, shall receive from the division, and shall maintain, a valid house-to-house sales registration certificate prior to employing a sixteen or seventeen-

year-old minor for house-to-house sales and prior to advertising for employment.

Employers also must obtain and maintain a valid minor work permit, pursuant to WAC 296-125-020, and parent/school authorization forms, pursuant to WAC 296-125-126, prior to employing minors for house-to-house sales. If an employer seeks to transport a minor out of the state of Washington for house-to-house sales, the employer must obtain and keep on file express written authorization from each minor's parent or legal guardian to transport each minor worker out of the state.

A valid registration certificate and a valid minor work permit must remain in full force and effect at all times that minors are employed by the employer. When duly issued by the division, and unless modified, suspended, or revoked, such a certificate will authorize the employer to employ any number of sixteen or seventeen-year-old minors for house-to-house sales in accordance with the provisions of this chapter and in accordance with any limitations listed on the certificate.

(3) Adult supervision requirements.

(a) The employer shall ensure that there is one adult supervisor for every five minor employees employed in house-to-house sales during all work hours. A supervisor may not supervise more than one group of five minor employees.

(b) The employer shall ensure that each supervisor of minor employees is a responsible adult who is at least twenty-one years of age.

(c) The employer shall ensure that each supervisor has contact, by sight or sound, with each minor employee at least once every fifteen minutes. The contact with minor employees may be made by remote means such as telephone or walkie-talkie. The employer shall ensure that each supervisor is within one-half mile of each supervised minor employee during all working hours.

(d) The employer shall ensure that each minor employee is returned by the employer or its agent to the minor's home or rendezvous point promptly at the end of the minor's work hours. If the minor is returned to a rendezvous point, the employer shall ensure that the rendezvous point is one in which the minor will be protected from risk of injury from moving vehicles.

(4) Hours restrictions and rest periods. Minors may not be employed in house-to-house sales prior to 7:00 a.m. or after 9:00 p.m., nor during school hours. In addition, employers of minors in house-to-house sales must comply with the further requirements of WAC 296-125-027, concerning maximum number of hours per day and per week, and WAC 296-125-028, concerning mandatory rest and meal breaks.

(5) Employee identification cards.

(a) An employer shall issue to each minor employed in house-to-house sales an identification card with the employee's picture. The identification cards issued shall be exclusively from forms obtained in blank from the division.

(b) An identification card shall be in the possession of each minor employed in house-to-house sales during all working hours, and shall be shown to each customer or potential customer.

(6) Posting. At least one copy of a valid house-to-house sales registration certificate shall be posted in plain view of all employees at the employer's primary place of business within the state of Washington.

(7) Renewal. House-to-house sales registration certificates shall be valid for a one-year period. The filing of an application for renewal of registration does not result in an automatic extension of the one-year registration period. The division may refuse to renew a registration certificate if the division in its sound judgment finds that a condition of the previous registration period has not been satisfied, that the employer has violated the requirements of this chapter, or that any other conditions exist that are or would be detrimental to the health, safety, or welfare of a minor.

(8) Revocation, suspension, and modification. The division may revoke, suspend, or modify an employer's registration for house-to-house sales if the division in its sound judgment finds that a condition of registration is not being satisfied, that the employer has violated the requirements of this chapter, or that any other conditions exist which are or could be detrimental to the health, safety, or welfare of a minor. In the event the division finds that conditions exist which are or could be detrimental to the health, safety, or welfare of a minor, the division may take emergency action to revoke or suspend a house-to-house sales registration; in such instances, an appeal of the department's action shall not stay the revocation, suspension, or modification during the pendency of the appeal.

(9) Appeals. An appeal of an action by the department to refuse to issue or renew, or to revoke or suspend an employer's house-to-house

sales registration must be filed in writing with the director of the department of labor and industries within thirty days of the division's action. Such appeal shall be conducted in accordance with the rules of practice and procedure established in chapter 296-10 WAC.

### NEW SECTION

WAC 296-125-026 PARENT/SCHOOL AUTHORIZATION FORMS. Prior to allowing a minor employee to work, an employer shall obtain a fully completed parent/school authorization form, as further provided by this section, and shall keep a copy of the completed form at the minor employee's workplace(s) at all times. If an employer seeks to transport a minor out of the state of Washington for house-to-house sales, the employer must obtain and keep on file at the employer's primary place of business within the state of Washington express written authorization from each minor's parent or legal guardian to transport each minor worker out of the state.

The authorization form used shall be one issued by the division. Each parent/school authorization expires on the fifteenth day of September each year; a newly completed and signed parent/school authorization form must be obtained by an employer for each minor employee prior to that date.

The following persons shall complete and sign the authorization form in the following sequence:

(1) The minor employee shall enter:

(a) Her or his name;

(b) Address;

(c) Date of birth (accompanied by proof);

(d) Whether the minor is employed at any other job, and if so, the total number of hours worked at such job(s); and

(e) Signature.

The minor's date of birth may be proven with one of the following documents: Birth certificate, together with Social Security card; driver's license; baptismal record, together with Social Security card; or, notarized statement of parent or guardian.

(2) The minor employee's employer shall enter on the form:

(a) The location of the minor employee's workplace(s);

(b) A description of the minor employee's duties;

(c) The earliest and latest hours during which the minor employee would work per week;

(d) The employer's minor work permit number, minor work permit expiration date, and unified business identifier number;

(e) Description of the minor employee's specific meal and rest breaks; and

(f) The signature of the employer or of the employer's authorized agent.

(3) If the minor employee will be working during a school year, a designated agent of the minor employee's school shall indicate that the school authorizes or does not authorize the minor to work according to the terms listed by the employer, and shall sign the form as the school's authorized agent. If a minor employee has been working for an employer during a school vacation and seeks to continue working after the resumption of school, the minor's employer must obtain school authorization at that time. Authorization shall be based on the maintenance of an acceptable record of scholastic achievement, a good attendance record, and satisfactory progress toward graduation.

(4) A parent or legal guardian of the minor employee shall indicate that she or he authorizes or does not authorize the minor to work according to the terms listed by the employer, and shall sign the form.

If the minor employee is to be employed for house-to-house sales, and is to be transported out of the state for this purpose, this must be expressly stated by the employer and authorized by the parent or legal guardian.

(5) The parent or legal guardian may, at her or his discretion, revoke her or his authorization at any time.

### AMENDATORY SECTION (Amending Order 76-15, filed 5/17/76)

WAC 296-125-027 HOURS OF WORK (~~(- MEALS AND REST PERIODS))~~ FOR MINORS. (~~((+)) Minors under age 16 may not be employed during school hours (except by special permission from school officials as outlined in RCW 28A.27.010 and 28A.27.090) nor before 7 a.m. nor after 7 p.m. during the school year, nor after 9 p.m. during the summer vacation season.~~)

(2) ~~Minors under age 16 may not be employed more than three hours per day on school days, nor more than 18 hours per week during school weeks.~~

(3) No minor shall be employed more than eight hours per day nor more than five days in any one week. Minors employed past 8 p.m. in service occupations must be supervised by a responsible adult who is required to be on the premises:

(4) No minor shall be employed on consecutive nights, both of which precede a school day, unless working no later than 9:00 p.m.

(5) No minor shall be employed more than five hours without a meal period of at least 30 minutes:

(6) Every minor employee shall be given a rest period of at least 10 minutes in every 4-hour period of employment, except as otherwise provided in WAC 296-126-092.) Employers shall restrict the hours of minors' employment as follows:

(1) During the school year:

(a) Minors may work the following total of hours:

(i) Fourteen and fifteen-year-old minors:

(A) Maximum of three hours per day on any day preceding a school day or a maximum of four hours per day on any day preceding a school holiday or Saturday;

(B) Maximum of five days per week; and

(C) Maximum of fifteen hours per week;

(D) Except that no minors of this age shall work in house-to-house sales at all.

(ii) Sixteen and seventeen-year-old minors:

(A) Maximum of four hours per day on Mondays through Thursdays;

(B) Maximum of eight hours per day on Fridays, Saturdays, Sundays, and on the day preceding and on the day of a school holiday;

(C) Maximum of five days per week; and

(D) Maximum of twenty hours per week;

(E) Except that minors of this age who have been issued a certificate of educational competence pursuant to RCW 28A.04.135 may work the total hours permitted during school vacations.

(b) Minors shall work during the following hours only:

(i) Fourteen and fifteen-year-old minors:

(A) No earlier than 7:00 a.m.;

(B) No later than 7:00 p.m. on Sundays through Thursdays;

(C) No later than 9:00 p.m. on Fridays, Saturdays, and the day preceding a school holiday provided that minors employed past 8:00 p.m. in service occupations shall be supervised by a responsible adult who is on the premises at all times; and

(D) Not during school hours;

(E) Except that minors of this age shall not be employed in house-to-house sales at all.

(ii) Sixteen and seventeen-year-old minors:

(A) No earlier than 7:00 a.m.;

(B) No later than 9:00 p.m. on Sundays through Thursdays;

(C) No later than 10:00 p.m. on Fridays, Saturdays, and the day preceding a school holiday, provided that minors employed past 8:00 p.m. in service occupations shall be supervised by a responsible adult who is on the premises at all times; and

(D) Not during school hours, unless the minor has been excused from school attendance by the minor's school district superintendent or her or his authorized agent;

(E) Except that minors of this age who have been issued a certificate of educational competence pursuant to RCW 28A.04.135 may work during the hours permitted during school vacations.

(c) Any minor not attending school while school is in session and not exempted by virtue of having obtained a certificate of educational competence (RCW 28A.305.190) shall be treated in accordance with the hours limitations of subsection (1) of this section based on the hours of operation of the school district in which the minor resides.

(2) During school vacations:

(a) Minors may work the following total of hours:

(i) Fourteen and fifteen-year-old minors:

(A) Maximum of eight hours per day;

(B) Maximum of five days per week; and

(C) Maximum of forty hours per week;

(D) Except that no minors of this age shall work in house-to-house sales at all.

(ii) Sixteen and seventeen-year-old minors:

(A) Maximum of eight hours per day;

(B) Maximum of five days per week; and

(C) Maximum of forty hours per week.

(b) Minors shall work during the following hours only:

(i) Fourteen and fifteen-year-old minors:

(A) No earlier than 7:00 a.m.; and

(B) No later than 9:00 p.m.

(ii) Sixteen and seventeen-year-old minors:

(A) No earlier than 7:00 a.m.; and

(B) No later than 11:00 p.m., except no later than 9:00 p.m. for minors employed in house-to-house sales, and provided that minors employed past 8:00 p.m. in service occupations shall be supervised by a responsible adult who is on the premises at all times.

#### NEW SECTION

WAC 296-125-028 MEAL AND REST BREAKS FOR MINORS. (1) Minor employees shall not work more than four hours without being provided a meal period of at least thirty minutes. The meal period shall be separate and distinct from, and in addition to, rest breaks mandated by this section.

(2) Minor employees shall be provided a rest break of at least ten minutes, on the employer's time, for each four hours of working time. No minor employee shall be required to work more than two hours without either a ten-minute rest break or a thirty-minute meal period.

(3) Meal periods and rest breaks shall be provided in a manner so as to provide rest from work, and, therefore, shall not be scheduled near the beginning of a minor employee's work shift.

AMENDATORY SECTION (Amending WSR 89-23-003, filed 11/3/89, effective 11/20/89)

WAC 296-125-030 PROHIBITED AND HAZARDOUS EMPLOYMENT—ALL MINORS. ((+)) The following employment((s)) and occupations listed in this subsection are prohibited for all minors(~~(, unless specifically permitted in the text of the hazardous occupations orders in nonagricultural occupations of the child labor provisions of the Federal Fair Labor Standards Act, as now or hereafter amended)~~).

((+)) (1) Occupations in or about plants or establishments manufacturing or storing explosives or articles containing explosive components.

((+)) (2) Occupations involving regular driving of motor vehicles. Occasional driving is permissible if: The minor has a valid state driver's license for the type of driving involved; driving is restricted to daylight hours((;)); such driving is only occasional, and is incidental to the minor's employment; vehicle gross weight is under 6,000 pounds; the minor has completed a state-approved driver education course; and seat belts are provided in the vehicle and the minor(~~(s have))~~ has been instructed to use them.

((+)) (3) All mining operations.

((+)) (4) Logging occupations and occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage-stock mill.

((+)) (5) Occupations involving operation of power-driven wood-working machines, power-driven metal-forming punching and shearing machines, power-driven bakery machines, power-driven paper products machines, circular saws, band-saws and guillotine shears, machine tools, elevators and other power-driven hoisting apparatus.

((+)) (6) Occupations involving potential exposure to radioactive substances and to ionizing radiations.

((+)) (7) Occupations involving slaughtering, meat-packing or processing and rendering.

((+)) (8) Occupations involving wrecking, demolition and ship-breaking operations.

((+)) (9) All roofing operations.

((+)) (10) Occupations involving excavations.

((+)) (11) Occupations involving manufacturing of brick, tile and kindred products.

((+)) The following types of work are prohibited for all minors:

((+)) (12) Work involving operation or tending of or working in proximity to earth-moving machines, power-driven machinery, moving motor vehicles, hoisting apparatus, cranes, garbage compactors, paper bailers, or other heavy equipment (~~(of similar nature)~~) such as, but not limited to, graders, bulldozers, earth compactors, backhoes, and tractors.

((+)) (13) Work in establishments or work places being picketed during the course of a labor dispute.

((+)) (14) Work as a nurses' aide, unless the minor is a student in a bona fide nursing training program or has successfully completed such a program.

((+)) (15) Work as a maid or bell-hop in motels or hotels, unless the minor is accompanied by a responsible adult whenever the work requires the minor to enter (~~(assigned)~~) guest rooms.

~~((te)) (16) Work in ((shooting galleries, penny arcades, sauna-massage) sauna or massage parlors ((or)), body painting or tattoo studios, or adult entertainment establishments.~~

~~(17) Work in all service occupations after 8:00 p.m., unless the minor is supervised by a responsible adult employee who is on the premises at all times.~~

~~(18) In occupations requiring the wearing of personal protective equipment or wearing apparel as defined and required by statutes and rules and regulations governed by the division of industrial safety and health, except those occupations where the only requirement is the wearing of gloves or boots and the occupation is not otherwise declared prohibited and hazardous.~~

~~(19) In occupations involving fire fighting and fire suppression duties.~~

~~(20) Occupations where there is a risk of exposure to body fluids or transmission of infectious agents, such as Hepatitis B and HIV, including lab work which entails the cleaning of medical equipment used to draw or store blood or other contaminated tissue; duties which involve venipuncture; and laundry facilities for health care settings.~~

~~(21) Employed in any service in connection with the sale, handling, serving, or stocking liquor, beer, or wine.~~

~~(22) Occupations involving potential exposure to hazardous substances which are considered to be carcinogenic, corrosive, highly toxic, toxic, sensitizes, or which have been determined to cause reproductive health effects or irreversible end organ damage.~~

~~(23) In selling to passing motorists newspapers, candy, flowers, or other merchandise or commodities.~~

~~(24) In the following specific areas of retail, food service, or gasoline service station operations:~~

~~(a) Work performed in or about boiler or engine rooms.~~

~~(b) Work that involves working from window sills, scaffolds, or their substitutes.~~

~~(c) Work in freezers, meat coolers, and all work in preparing meats for sale. (Wrapping, sealing, labeling, weighing, pricing, and stocking are permitted if work is performed away from meat-cutting and preparation areas.)~~

~~(d) Loading and unloading goods to or from trucks, railroad cars, or conveyors.~~

#### AMENDATORY SECTION (Amending Order 76-15, filed 5/17/76)

WAC 296-125-033 PROHIBITED AND HAZARDOUS EMPLOYMENT—SPECIAL RESTRICTIONS FOR MINORS UNDER THE AGE OF 16. Employment of minors under age 16 is subject to the following additional restrictions. They are prohibited from working:

(1) In any manufacturing occupation.

(2) In any processing operations (such as filleting of fish, dressing poultry, cracking nuts, commercial processing, canning, freezing or drying of foods, laundering as performed by commercial laundries and dry cleaning).

~~(3) ((In work rooms or work places where goods are manufactured, mined or otherwise processed:~~

~~((4)) In any public messenger service, including work that is performed by foot, bicycle, or public transportation.~~

~~((5)) (4) In occupations connected with ((transportation,)) warehouse and storage((, communications and public utilities, or construction)). (Office ((or sales) work related to these occupations is permitted ((if none of the minor's work is performed on the transportation media or construction site)).)~~

~~((6) In occupations requiring operation or tending of any power-driven machinery or hoisting apparatus:~~

~~((7)) (5) In the following specific areas of retail, food service or gasoline service station operations:~~

~~(a) ((Work performed in or about boiler or engine rooms:~~

~~((b)) Maintenance or repair work.~~

~~((c) Outside)) (b) Window washing or other work requiring worker to be positioned at higher than ground level.~~

~~((d)) (c) Cooking and baking.~~

~~((e)) (d) Operating, setting up, adjusting, cleaning, oiling or repairing power-driven food slicers and grinders, food choppers and cutters and bakery-type mixers.~~

~~((f) Work in freezers, meat coolers and all work in preparing meats for sale. (Wrapping, sealing, labeling, weighing, pricing and stocking are permitted if work is performed away from meat-cutting and preparation areas.)~~

~~((g) Loading and unloading goods to or from trucks, railroad cars or conveyors:)) (6) In occupations involving work in the operation of amusement parks, street carnivals, and traveling shows.~~

#### AMENDATORY SECTION (Amending Order 76-15, filed 5/17/76)

WAC 296-125-050 POSTING, RECORDKEEPING, AND AUTHORITY TO ENTER, INSPECT, AND INVESTIGATE. (1) Posting. Each employer, as defined in WAC 296-125-015, shall post a copy of a valid minor work permit, issued pursuant to WAC 296-125-020, in plain view of all employees at each workplace specified in the permit. In the case of employers of minors employed in house-to-house sales, the permit shall be posted, along with the employer's house-to-house sales registration certificate, issued pursuant to WAC 296-125-024, in plain view of all employees at the employer's primary place of business within the state of Washington.

(2) Recordkeeping. The employer shall be responsible for obtaining and keeping on file for three years from the last date of employment the following information concerning each minor employee:

((+)) (a) Proof of age by means of a copy of one of the following: Birth certificate, together with a copy of the minor's Social Security card; driver's license((:)); baptismal record, together with the minor's Social Security card; ((Bible record; insurance policy at least one year old indicating birth date; or witnessed)) or notarized statement of parent or legal guardian.

((2)) (b) Personal data relating to the minor, including(((:)) name ((and)), address, and ((sex)), if available, telephone number.

((3)) (c) Description of employment: Earliest and latest hours of employment; descriptions of specific meal and rest periods; and complete description of duties.

((4)) (d) Parental authorization for employment by signature of parent or legal guardian on ((a form provided by the division)) the parent/school authorization form, pursuant to WAC 296-125-026. If a minor employee is to be or has been transported out of the state for house-to-house sales, the parental authorization must include express written authorization for the minor to be transported out of the state for this purpose.

((5)) (e) School authorization for employment during any part of the school year, ((on a form provided by the division)) pursuant to WAC 296-125-026.

((6) The employer shall make any or all of the above information available to the division or any of its authorized agents upon request:))

(3) Authority to enter, inspect, investigate, and interview. In order to carry out the purposes of this chapter, the director or the director's authorized representative is authorized:

(a) To enter without delay any workplace where work is or has been performed by a minor, or where employment records are, or are required to be, maintained; and

(b) To inspect, transcribe, and copy all pertinent records, and to inspect and investigate any workplace and all pertinent conditions, structures, machines, apparatus, devices, equipment, supplies, and materials therein, and to question privately any employer, owner, operator, agent, or employee.

#### AMENDATORY SECTION (Amending Order 76-15, filed 5/17/76)

WAC 296-125-060 VARIANCES. ((Variances permitting specific employment of minors in occupations prohibited by these rules may be granted in accordance with procedures outlined in WAC 296-126-130:))

(1) Upon written application from an employer, a variance from any standard herein may be granted by the director or her/his designee if an employer demonstrates that there is good cause for the issuance of such a variance. The employer shall give timely notice of the employer's variance request to the employees at the workplace for which a variance is sought or, if a collective bargaining agreement exists, to the employees' representative, in order that the employees may submit their written views to the director or her/his designee on any variance request. No variance from federal regulations will be issued except where the employer can show exemption from the Fair Labor Standards Act. Variances will be given only from (a) prohibited occupations and (b) maximum hours allowed per week up to twenty-eight hours. Variances will be granted for residential schools, apprenticeship programs registered with the state of Washington, and DECA or WECE programs.

(2) The director or her/his designee may request or receive additional information from the applicant or other interested parties related to variance requests.

(3) Variances will be issued only to employers with valid minor work permits and each variance shall expire upon the expiration of the employer's minor work permit that was in effect at the time of issuance of the variance. Upon renewal of a minor work permit, the employer must apply for a new variance.

(4) "Good cause" shall mean, at a minimum, those situations in which the employer demonstrates to the division in its sound judgment that the employer's circumstance warrants an alternative procedure, and where the employer is able to demonstrate to the division in its sound judgment that such alternative would not have a harmful effect on the health, safety, and welfare, including the variance's impact on school attendance and performance, of the minor employee(s) affected. Financial need may also be a consideration where a minor's family earns no more than one hundred twenty-five percent of the federal government's poverty guideline.

(5) Revocation, suspension, and modification. The division may revoke, suspend, or modify an employer's variance if the division in its sound judgment finds that a condition of the variance's issuance is not being satisfied, that the employer has violated the requirements of this chapter, or that any other conditions exist which are or could be detrimental to the health, safety, or welfare of a minor.

(6) Appeals. An appeal of an action by the department to refuse to issue or renew, or to revoke or suspend a variance must be filed in writing with the division within thirty days of the division's action, pursuant to the procedures established by RCW 49.12.161 and 49.12.400. Such appeal shall not stay the effectiveness of an order of immediate restraint issued by the department pursuant to RCW 49.12.390.

(7) House-to-house sales. An employer seeking a variance to employ minors under the age of sixteen in house-to-house sales must demonstrate good cause for the issuance of such a variance and shall file a sworn statement, signed under the penalties of perjury, that the employer will ensure that the following minimum criteria will be satisfied at all times:

(a) All house-to-house sales visits will be conducted exclusively during daylight hours;

(b) A responsible adult will be in the minor's presence at all times;

(c) No house-to-house sales visits will be conducted in inclement weather; and

(d) The minor will be employed only for a specific, time-limited period, not to exceed six week(s).

#### **REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 296-125-023 POSTING.  
 WAC 296-125-055 REVOCATION OF PERMITS.  
 WAC 296-125-110 APPLICABILITY.  
 WAC 296-125-115 DEFINITIONS.  
 WAC 296-125-120 FILING OF REGISTRATION CERTIFICATE.  
 WAC 296-125-125 APPLICATION FOR INITIAL AND RE-NEWED REGISTRATION.  
 WAC 296-125-130 POSTING.  
 WAC 296-125-135 IDENTIFICATION CARDS.  
 WAC 296-125-140 HOUSE TO HOUSE EMPLOYMENT STANDARDS.  
 WAC 296-125-145 TRANSPORTING MINORS OUT-OF-STATE.  
 WAC 296-125-155 RECORDKEEPING.  
 WAC 296-125-160 REVOCATION OF REGISTRATION CERTIFICATE.  
 WAC 296-125-165 DENIAL OF REGISTRATION CERTIFICATE.  
 WAC 296-125-170 EMPLOYMENT OF MINORS UNDER THE AGE OF SIXTEEN.  
 WAC 296-125-175 LENGTH OF REGISTRATION PERIOD.

## Table of WAC Sections Affected

### KEY TO TABLE

**Symbols:**

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule

**Suffixes:**

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- S = Supplemental notice
- W = Withdrawal of proposed action
- No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
4-25-190	REP-W 92-03-062	16-228-180	AMD-P 92-03-133	16-230-840	AMD-E 92-07-060
16-10-010	NEW-P 92-06-084	16-228-180	AMD 92-07-084	16-230-840	RESCIND 92-08-026
16-10-010	NEW-W 92-10-009	16-228-214	NEW-P 92-11-077	16-230-840	AMD-E 92-08-027
16-10-020	NEW-P 92-06-084	16-228-400	NEW-P 92-03-133	16-230-845	AMD-P 92-03-134
16-10-020	NEW-W 92-10-009	16-228-400	NEW 92-07-084	16-230-845	AMD-S 92-07-059
16-10-030	NEW-P 92-06-084	16-228-410	NEW-P 92-03-133	16-230-845	AMD-E 92-07-060
16-10-030	NEW-W 92-10-009	16-228-410	NEW 92-07-084	16-230-845	RESCIND 92-08-026
16-141-010	NEW-E 92-07-070	16-228-420	NEW-P 92-03-133	16-230-845	AMD-E 92-08-027
16-156-001	AMD-P 92-07-052	16-228-420	NEW 92-07-084	16-230-850	AMD-P 92-03-134
16-156-001	AMD 92-11-001	16-228-430	NEW-P 92-03-133	16-230-850	AMD-S 92-07-059
16-156-003	NEW-P 92-07-052	16-228-430	NEW 92-07-084	16-230-850	AMD-E 92-07-060
16-156-003	NEW 92-11-001	16-228-900	REP-P 92-06-083	16-230-850	RESCIND 92-08-026
16-156-005	AMD-P 92-07-052	16-228-900	REP-W 92-10-008	16-230-850	AMD-E 92-08-027
16-156-005	AMD 92-11-001	16-228-905	NEW-P 92-06-083	16-230-855	AMD-P 92-03-134
16-156-010	AMD-P 92-07-052	16-228-905	NEW-W 92-10-008	16-230-855	AMD-S 92-07-059
16-156-010	AMD 92-11-001	16-228-910	NEW-P 92-06-083	16-230-855	AMD-E 92-07-060
16-156-020	AMD-P 92-07-052	16-228-910	NEW-W 92-10-008	16-230-855	RESCIND 92-08-026
16-156-020	AMD 92-11-001	16-228-915	NEW-P 92-06-083	16-230-855	AMD-E 92-08-027
16-156-030	AMD-P 92-07-052	16-228-915	NEW-W 92-10-008	16-230-860	AMD-P 92-03-134
16-156-030	AMD 92-11-001	16-228-920	NEW-P 92-06-083	16-230-860	AMD-S 92-07-059
16-156-035	AMD-P 92-07-052	16-228-920	NEW-W 92-10-008	16-230-860	AMD-E 92-07-060
16-156-035	AMD 92-11-001	16-228-925	NEW-P 92-06-083	16-230-860	RESCIND 92-08-026
16-156-050	AMD-P 92-07-052	16-228-925	NEW-W 92-10-008	16-230-860	AMD-E 92-08-027
16-156-050	AMD 92-11-001	16-228-930	NEW-P 92-06-083	16-230-861	AMD-P 92-03-134
16-162-010	NEW-P 92-07-052	16-228-930	NEW-W 92-10-008	16-230-861	AMD-S 92-07-059
16-162-010	NEW 92-11-001	16-230	AMD-C 92-07-005	16-230-861	AMD-E 92-07-060
16-162-025	NEW-P 92-07-052	16-230-640	AMD-E 92-08-028	16-230-861	RESCIND 92-08-026
16-162-025	NEW 92-11-001	16-230-645	AMD-E 92-08-028	16-230-861	AMD-E 92-08-027
16-162-030	NEW-P 92-07-052	16-230-810	AMD-P 92-03-134	16-230-862	NEW-P 92-03-134
16-162-030	NEW 92-11-001	16-230-810	AMD-S 92-07-059	16-230-862	NEW-S 92-07-059
16-162-031	NEW-P 92-07-052	16-230-810	AMD-E 92-07-060	16-230-862	NEW-E 92-07-060
16-162-031	NEW 92-11-001	16-230-810	RESCIND 92-08-026	16-230-862	RESCIND 92-08-026
16-162-032	NEW-P 92-07-052	16-230-810	AMD-E 92-08-027	16-230-862	NEW-E 92-08-027
16-162-032	NEW 92-11-001	16-230-813	NEW-P 92-03-134	16-230-863	NEW-P 92-03-134
16-162-033	NEW-P 92-07-052	16-230-813	NEW-S 92-07-059	16-230-863	NEW-S 92-07-059
16-162-033	NEW 92-11-001	16-230-813	NEW-E 92-07-060	16-230-863	NEW-E 92-07-060
16-162-050	NEW-P 92-07-052	16-230-813	RESCIND 92-08-026	16-230-863	RESCIND 92-08-026
16-162-050	NEW 92-11-001	16-230-813	NEW-E 92-08-027	16-230-863	NEW-E 92-08-027
16-162-060	NEW-P 92-07-052	16-230-825	AMD-P 92-03-134	16-230-864	NEW-P 92-03-134
16-162-070	NEW-P 92-07-052	16-230-825	AMD-S 92-07-059	16-230-864	NEW-S 92-07-059
16-162-070	NEW 92-11-001	16-230-825	AMD-E 92-07-060	16-230-864	NEW-E 92-07-060
16-162-100	NEW-P 92-07-052	16-230-825	RESCIND 92-08-026	16-230-864	RESCIND 92-08-026
16-162-100	NEW 92-11-001	16-230-825	AMD-E 92-08-027	16-230-864	NEW-E 92-08-027
16-212-020	AMD-P 92-11-073	16-230-835	AMD-P 92-03-134	16-230-865	REP-P 92-03-134
16-212-060	AMD-P 92-11-073	16-230-835	AMD-S 92-07-059	16-230-865	REP-S 92-07-059
16-212-070	AMD-P 92-11-073	16-230-835	AMD-E 92-07-060	16-230-865	REP-E 92-07-060
16-212-080	AMD-P 92-11-073	16-230-835	RESCIND 92-08-026	16-230-865	RESCIND 92-08-026
16-212-082	AMD-P 92-11-073	16-230-835	AMD-E 92-08-027	16-230-865	REP-E 92-08-027
16-228-010	AMD-P 92-03-133	16-230-840	AMD-P 92-03-134	16-230-866	NEW-P 92-03-134
16-228-010	AMD 92-07-084	16-230-840	AMD-S 92-07-059	16-230-866	NEW-S 92-07-059

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
16-230-866	NEW-E 92-07-060	16-316-280	AMD-E 92-06-048	16-461-010	AMD 92-06-085
16-230-866	RESCIND 92-08-026	16-316-280	AMD-P 92-09-075	16-469-010	REP-P 92-09-074
16-230-866	NEW-E 92-08-027	16-316-280	AMD 92-12-025	16-469-020	REP-P 92-09-074
16-230-867	NEW-P 92-03-134	16-316-285	AMD-E 92-06-048	16-469-030	REP-P 92-09-074
16-230-868	NEW-P 92-03-134	16-316-285	AMD-P 92-09-075	16-469-040	REP-P 92-09-074
16-230-868	NEW-S 92-07-059	16-316-285	AMD 92-12-025	16-469-050	REP-P 92-09-074
16-230-868	NEW-E 92-07-060	16-316-290	AMD-E 92-06-048	16-469-060	REP-P 92-09-074
16-230-868	RESCIND 92-08-026	16-316-290	AMD-P 92-09-075	16-470-500	REP 92-06-024
16-230-868	NEW-E 92-08-027	16-316-290	AMD 92-12-025	16-470-510	REP 92-06-024
16-230-870	NEW-P 92-03-134	16-316-315	AMD-P 92-09-150	16-470-520	REP 92-06-024
16-230-870	NEW-S 92-07-059	16-316-327	AMD-P 92-09-150	16-470-530	REP 92-06-024
16-230-870	NEW-E 92-07-060	16-316-340	AMD-P 92-09-150	16-470-600	REP 92-06-023
16-230-870	RESCIND 92-08-026	16-316-350	AMD-P 92-09-150	16-470-605	REP 92-06-023
16-230-870	NEW-E 92-08-027	16-316-355	AMD-P 92-09-150	16-470-610	REP 92-06-023
16-231	REP-C 92-07-005	16-316-360	AMD-P 92-09-150	16-470-615	REP 92-06-023
16-231-001	REP-P 92-03-134	16-316-370	AMD-P 92-09-150	16-470-620	REP 92-06-023
16-231-001	REP-S 92-07-059	16-316-470	AMD-P 92-09-150	16-470-625	REP 92-06-023
16-231-001	REP-E 92-07-060	16-316-474	AMD-P 92-09-150	16-470-630	REP 92-06-023
16-231-001	RESCIND 92-08-026	16-316-525	AMD-P 92-09-150	16-470-635	REP 92-06-023
16-231-001	REP-E 92-08-027	16-316-622	AMD-P 92-09-150	16-470-900	NEW-P 92-03-104
16-231-005	REP-P 92-03-134	16-316-715	AMD-P 92-09-150	16-470-900	NEW 92-07-023
16-231-005	REP-S 92-07-059	16-316-717	AMD-P 92-09-150	16-470-905	NEW-P 92-03-104
16-231-005	REP-E 92-07-060	16-316-719	AMD-P 92-09-150	16-470-905	NEW 92-07-023
16-231-005	RESCIND 92-08-026	16-316-727	AMD-P 92-09-150	16-470-910	NEW-P 92-03-104
16-231-005	REP-E 92-08-027	16-316-800	AMD-P 92-09-150	16-470-910	NEW 92-07-023
16-231-010	REP-P 92-03-134	16-316-810	AMD-P 92-09-150	16-470-915	NEW-P 92-03-104
16-231-010	REP-S 92-07-059	16-316-815	AMD-P 92-09-150	16-470-915	NEW 92-07-023
16-231-010	REP-E 92-07-060	16-316-820	AMD-P 92-09-150	16-470-920	NEW-P 92-03-104
16-231-010	RESCIND 92-08-026	16-316-830	AMD-P 92-09-150	16-470-920	NEW 92-07-023
16-231-010	REP-E 92-08-027	16-316-832	AMD-P 92-09-150	16-494-010	AMD-E 92-06-050
16-231-015	REP-P 92-03-134	16-316-833	AMD-P 92-09-150	16-494-010	AMD-P 92-09-075
16-231-015	REP-S 92-07-059	16-316-980	AMD-P 92-09-150	16-494-010	AMD 92-12-025
16-231-015	REP-E 92-07-060	16-316-995	AMD-P 92-09-150	16-494-013	AMD-E 92-06-050
16-231-015	RESCIND 92-08-026	16-316-997	AMD-P 92-09-150	16-494-013	AMD-P 92-09-075
16-231-015	REP-E 92-08-027	16-328-010	AMD-P 92-12-056	16-494-013	AMD 92-12-025
16-231-020	REP-P 92-03-134	16-333-040	AMD-P 92-12-056	16-494-046	AMD-E 92-06-050
16-231-020	REP-S 92-07-059	16-400-210	AMD-E 92-04-032	16-494-046	AMD-P 92-09-075
16-231-020	REP-E 92-07-060	16-400-210	AMD 92-06-022	16-494-046	AMD 92-12-025
16-231-020	RESCIND 92-08-026	16-401-040	AMD-P 92-10-040	16-494-064	AMD-E 92-06-050
16-231-020	REP-E 92-08-027	16-403-143	NEW-P 92-11-074	16-494-064	AMD-P 92-09-075
16-231-025	REP-P 92-03-134	16-403-160	AMD-P 92-11-074	16-494-064	AMD 92-12-025
16-231-025	REP-S 92-07-059	16-403-190	AMD-P 92-11-074	16-494-100	NEW-E 92-06-049
16-231-025	REP-E 92-07-060	16-403-200	AMD-P 92-11-074	16-494-100	NEW-P 92-09-075
16-231-025	RESCIND 92-08-026	16-403-220	AMD-P 92-11-074	16-494-100	NEW 92-12-025
16-231-025	REP-E 92-08-027	16-403-240	AMD-P 92-11-074	16-494-110	NEW-E 92-06-049
16-231-030	REP-P 92-03-134	16-436-100	AMD-P 92-08-106	16-494-110	NEW-P 92-09-075
16-231-030	REP-S 92-07-059	16-436-100	AMD 92-11-076	16-494-110	NEW 92-12-025
16-231-030	REP-E 92-07-060	16-436-110	AMD-P 92-08-106	16-494-120	NEW-E 92-06-049
16-231-030	RESCIND 92-08-026	16-436-110	AMD 92-11-076	16-494-120	NEW-P 92-09-075
16-231-030	REP-E 92-08-027	16-436-130	REP-P 92-08-106	16-494-120	NEW 92-12-025
16-231-110	AMD-E 92-08-028	16-436-130	REP 92-11-076	16-494-130	NEW-E 92-06-049
16-231-115	AMD-E 92-08-028	16-436-140	AMD-P 92-08-106	16-494-130	NEW-P 92-09-075
16-231-119	AMD-E 92-08-028	16-436-140	AMD 92-11-076	16-494-130	NEW 92-12-025
16-231-125	AMD-E 92-08-028	16-436-150	AMD-P 92-08-106	16-494-140	NEW-E 92-06-049
16-231-210	AMD-E 92-08-028	16-436-150	AMD 92-11-076	16-494-140	NEW-P 92-09-075
16-231-215	AMD-E 92-08-028	16-436-166	NEW-P 92-08-106	16-494-140	NEW 92-12-025
16-231-220	AMD-E 92-08-028	16-436-166	NEW 92-11-076	16-494-150	NEW-E 92-06-049
16-231-225	AMD-E 92-08-028	16-436-170	REP-P 92-08-106	16-494-150	NEW-P 92-09-075
16-231-315	AMD-E 92-08-028	16-436-170	REP 92-11-076	16-494-150	NEW 92-12-025
16-231-910	AMD-E 92-08-028	16-436-185	AMD-P 92-08-106	16-494-160	NEW-E 92-06-049
16-231-912	AMD-E 92-08-028	16-436-185	AMD 92-11-076	16-494-160	NEW-P 92-09-075
16-232-010	AMD-E 92-08-028	16-436-186	NEW-P 92-08-106	16-494-160	NEW 92-12-025
16-232-015	AMD-E 92-08-028	16-436-186	NEW 92-11-076	16-494-170	NEW-E 92-06-049
16-232-020	AMD-E 92-08-028	16-436-187	NEW-P 92-08-106	16-494-170	NEW-P 92-09-075
16-232-027	AMD-E 92-08-028	16-436-187	NEW 92-11-076	16-494-170	NEW 92-12-025
16-304-110	AMD-P 92-09-150	16-436-190	AMD-P 92-08-106	16-495-004	AMD-P 92-09-150
16-304-130	AMD-P 92-09-150	16-436-190	AMD 92-11-076	16-495-010	AMD-P 92-09-150
16-316-235	AMD-P 92-09-150	16-436-200	AMD-P 92-08-106	16-495-050	AMD-P 92-09-150
16-316-240	AMD-P 92-09-150	16-436-200	AMD 92-11-076	16-495-110	AMD-P 92-09-150
16-316-245	AMD-P 92-09-150	16-436-210	AMD-P 92-08-106	16-532-010	AMD-P 92-06-071
16-316-250	AMD-P 92-09-150	16-436-210	AMD 92-11-076	16-532-010	AMD 92-09-068
16-316-266	NEW-E 92-06-048	16-436-220	AMD-P 92-08-106	16-532-020	AMD-P 92-06-071
16-316-266	NEW-P 92-09-075	16-436-220	AMD 92-11-076	16-532-020	AMD 92-09-068
16-316-266	NEW 92-12-025	16-436-225	NEW-P 92-08-106	16-532-030	AMD-P 92-06-071
16-316-270	AMD-E 92-06-048	16-436-225	NEW 92-11-076	16-532-030	AMD 92-09-068
16-316-270	AMD-P 92-09-075	16-461	AMD 92-06-085	16-532-065	NEW-P 92-06-071
16-316-270	AMD 92-12-025	16-461-006	NEW 92-06-085	16-532-065	NEW 92-09-068

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #		
16-532-110	AMD-P	92-06-071	51-20-0419	NEW-W	92-09-110		
16-532-110	AMD	92-09-068	51-20-0504	NEW-W	92-09-110		
16-555-020	AMD-P	92-05-071	51-20-0516	NEW-W	92-09-110		
16-555-020	AMD-E	92-12-004	51-20-0554	NEW-W	92-09-110		
16-555-020	AMD	92-12-006	51-20-0555	NEW-W	92-09-110		
16-555-040	AMD-P	92-05-071	51-20-0610	NEW-W	92-09-110		
16-555-040	AMD-E	92-12-004	51-20-1216	NEW-W	92-09-110		
16-555-040	AMD	92-12-006	51-20-1251	NEW-W	92-09-110		
16-561-020	AMD-P	92-05-070	51-20-3200	NEW-W	92-09-110		
16-561-020	AMD	92-12-003	51-20-3207	NEW-W	92-09-110		
16-570-030	AMD-P	92-08-055	51-20-3305	NEW-W	92-09-110		
16-570-030	AMD	92-11-013	51-20-91200	NEW-W	92-09-110		
16-604-010	AMD	92-06-013	51-20-91223	NEW-W	92-09-110		
16-604-015	NEW	92-06-013	51-20-91224	NEW-W	92-09-110		
16-622-050	AMD-P	92-03-069	51-20-91225	NEW-W	92-09-110		
16-622-050	AMD-E	92-03-070	51-20-91226	NEW-W	92-09-110		
16-622-050	AMD	92-07-030	51-20-91227	NEW-W	92-09-110		
16-622-060	NEW-P	92-03-069	51-20-91228	NEW-W	92-09-110		
16-622-060	NEW-E	92-03-070	51-20-91229	NEW-W	92-09-110		
16-622-060	NEW	92-07-030	51-20-91230	NEW-W	92-09-110		
16-752-500	NEW-P	92-03-105	51-20-91231	NEW-W	92-09-110		
16-752-500	NEW	92-07-024	51-20-91232	NEW-W	92-09-110		
16-752-505	NEW-P	92-03-105	51-20-91233	NEW-W	92-09-110		
16-752-505	NEW	92-07-024	51-20-91234	NEW-W	92-09-110		
16-752-507	NEW	92-07-024	51-20-93121	NEW-W	92-05-086		
16-752-510	NEW-P	92-03-105	51-24-79809	NEW-P	92-09-156		
16-752-510	NEW	92-07-024	51-24-79901	NEW-P	92-09-156		
16-752-515	NEW-P	92-03-105	51-24-99300	NEW-W	92-05-087		
16-752-515	NEW	92-07-024	51-24-99350	NEW-W	92-05-087		
16-752-520	NEW-P	92-03-105	51-24-99351	NEW-W	92-05-087		
16-752-520	NEW	92-07-024	51-24-99352	NEW-W	92-05-087		
16-752-525	NEW-P	92-03-105	55-01-010	AMD-P	92-09-157		
16-752-525	NEW	92-07-024	55-01-020	AMD-P	92-09-157		
16-752-600	NEW-P	92-03-106	55-01-030	AMD-P	92-09-157		
16-752-600	NEW	92-07-025	55-01-050	AMD-P	92-09-157		
16-752-605	NEW	92-07-025	55-01-060	AMD-P	92-09-157		
16-752-610	NEW-P	92-03-106	67-25-446	AMD-P	92-06-036		
16-752-610	NEW	92-07-025	67-25-446	AMD	92-09-090		
16-752-620	NEW-P	92-03-106	67-35-030	AMD-P	92-07-011		
16-752-620	NEW	92-07-025	67-35-030	AMD	92-10-024		
16-752-630	NEW-P	92-03-106	67-35-060	AMD-P	92-07-011		
16-752-630	NEW	92-07-025	67-35-060	AMD	92-10-024		
16-752-640	NEW-P	92-03-106	67-35-070	AMD-P	92-07-011		
16-752-640	NEW	92-07-025	67-35-070	AMD-E	92-07-012		
16-752-650	NEW-P	92-03-106	67-35-070	AMD	92-10-024		
16-752-650	NEW	92-07-025	67-35-080	REP-P	92-07-011		
16-752-660	NEW-P	92-03-106	67-35-080	REP-E	92-07-012		
16-752-660	NEW	92-07-025	67-35-080	REP	92-10-024		
44-10-010	AMD	92-11-037	67-75-040	AMD-P	92-06-036		
44-10-020	NEW-W	92-11-036	67-75-040	AMD	92-09-090		
44-10-060	AMD	92-11-037	67-75-042	NEW-P	92-06-036		
44-10-205	NEW-W	92-11-036	67-75-042	NEW	92-09-090		
50-12-116	AMD	92-04-027	67-75-044	NEW-P	92-06-036		
50-14-020	NEW	92-06-041	67-75-044	NEW	92-09-090		
50-14-030	NEW	92-06-041	67-75-070	AMD-P	92-06-036		
50-14-040	NEW	92-06-041	67-75-070	AMD	92-09-090		
50-14-050	NEW	92-06-041	67-75-075	AMD-P	92-06-036		
50-14-060	NEW	92-06-041	67-75-075	AMD	92-09-090		
50-14-070	NEW	92-06-041	131-08-005	AMD-P	92-09-138		
50-14-080	NEW	92-06-041	131-08-007	AMD-P	92-09-138		
50-14-090	NEW	92-06-041	131-08-008	AMD-P	92-09-138		
50-14-100	NEW	92-06-041	131-16-060	AMD-P	92-09-139		
50-14-110	NEW	92-06-041	131-16-060	AMD-W	92-12-085		
50-14-120	NEW	92-06-041	131-16-062	AMD-P	92-09-139		
50-14-130	NEW	92-06-041	131-28-025	AMD-E	92-10-033		
50-14-140	NEW	92-06-041	131-28-025	AMD-P	92-10-042		
50-30-010	NEW	92-02-105	131-28-026	AMD-E	92-10-033		
50-30-020	NEW	92-02-105	131-28-026	AMD-P	92-10-042		
50-30-030	NEW	92-02-105	131-28-028	NEW-E	92-10-033		
50-30-040	NEW	92-02-105	131-28-028	NEW-P	92-10-042		
50-30-050	NEW	92-02-105	131-32-040	AMD-P	92-09-140		
50-30-060	NEW	92-02-105	132B-104	NEW-C	92-07-064		
50-30-070	NEW	92-02-105	132B-104-010	NEW	92-08-043		
50-30-080	NEW	92-02-105	132B-108	NEW-C	92-07-063		
50-30-090	NEW	92-02-105	132B-108-010	NEW	92-09-041		
50-30-100	NEW	92-02-105	132B-108-020	NEW	92-09-041		
50-30-110	NEW	92-02-105	132B-108-030	NEW	92-09-041		
					132B-108-040	NEW	92-09-041
					132B-108-050	NEW	92-09-041
					132B-108-060	NEW	92-09-041
					132B-108-070	NEW	92-09-041
					132B-108-080	NEW	92-09-041
					132B-130	NEW-C	92-07-065
					132B-130-010	NEW	92-08-044
					132B-130-020	NEW	92-08-044
					132B-131	NEW-C	92-07-065
					132B-131-010	NEW	92-08-044
					132B-132	NEW-C	92-07-065
					132B-132-010	NEW	92-08-044
					132B-133	NEW-C	92-07-064
					132B-133-010	NEW	92-08-043
					132B-133-020	NEW	92-08-043
					132G-152-040	NEW-P	92-04-055
					132G-152-040	NEW	92-08-040
					132H-105-010	REP-E	92-07-071
					132H-105-010	REP-P	92-09-057
					132H-105-020	REP-E	92-07-071
					132H-105-020	REP-P	92-09-057
					132H-105-030	REP-E	92-07-071
					132H-105-030	REP-P	92-09-057
					132H-105-040	REP-E	92-07-071
					132H-105-040	REP-P	92-09-057
					132H-105-050	REP-E	92-07-071
					132H-105-050	REP-P	92-09-057
					132H-105-060	REP-E	92-07-071
					132H-105-060	REP-P	92-09-057
					132H-105-070	REP-E	92-07-071
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					132H-105-090	REP-E	92-07-071
					132H-105-090	REP-P	92-09-057
					132H-105-100	REP-E	92-07-071
					132H-105-100	REP-P	92-09-057
					132H-105-110	REP-E	92-07-071
					132H-105-110	REP-P	92-09-057
					132H-105-120	REP-E	92-07-071
					132H-105-120	REP-P	92-09-057
					132H-105-130	REP-E	92-07-071
					132H-105-130	REP-P	92-09-057
					132H-105-140	REP-E	92-07-071
					132H-105-140	REP-P	92-09-057
					132H-105-150	REP-E	92-07-071
					132H-105-150	REP-P	92-09-057
					132H-105-160	REP-E	92-07-071
					132H-105-160	REP-P	92-09-057
					132H-105-170	REP-E	92-07-071
					132H-105-170	REP-P	92-09-057
					132H-106-010	NEW-E	92-07-071
					132H-106-010	NEW-P	92-09-057
					132H-106-020	NEW-E	92-07-071
					132H-106-020	NEW-P	92-09-057
					132H-106-030	NEW-E	92-07-071
					132H-106-030	NEW-P	92-09-057
					132H-106-040	NEW-E	92-07-071
					132H-106-040	NEW-P	92-09-057
					132H-106-050	NEW-E	92-07-071
					132H-106-050	NEW-P	92-09-057
					132H-106-060	NEW-E	92-07-071
					132H-106-060	NEW-P	92-09-057
					132H-112-003	REP-E	92-07-074
					132H-112-003	REP-P	92-09-058
					132H-112-006	REP-E	92-07-074
					132H-112-006	REP-P	92-09-058
					132H-112-009	REP-E	92-07-074
					132H-112-009	REP-P	92-09-058
					132H-112-012	REP-E	92-07-074
					132H-112-012	REP-P	92-09-058
					132H-112-015	REP-E	92-07-074
					132H-112-015	REP-P	92-09-058
					132H-112-018	REP-E	92-07-074
					132H-112-018	REP-P	92-09-058
					132H-112-021	REP-E	92-07-074
					132H-112-021	REP-P	92-09-058
					132H-112-024	REP-E	92-07-074
					132H-112-024	REP-P	92-09-058





Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
132K-12-630	REP	92-03-031	132M-120-020	AMD-P	92-04-059	132Q-05-080	AMD-P	92-10-052
132K-12-640	REP	92-03-031	132M-120-020	AMD	92-09-094	132Q-05-090	AMD-P	92-10-052
132K-12-650	REP	92-03-031	132M-120-025	NEW-P	92-04-059	132Q-05-100	AMD-P	92-10-052
132K-12-660	REP	92-03-031	132M-120-025	NEW	92-09-094	132Q-05-120	AMD-P	92-10-052
132K-12-670	REP	92-03-031	132M-120-030	AMD-P	92-04-059	132Q-06-020	AMD-P	92-10-057
132K-12-680	REP	92-03-031	132M-120-030	AMD	92-09-094	132Q-06-025	AMD-P	92-10-057
132K-12-690	REP	92-03-031	132M-120-040	AMD-P	92-04-059	132Q-06-030	AMD-P	92-10-057
132K-12-700	REP	92-03-031	132M-120-040	AMD	92-09-094	132Q-06-040	AMD-P	92-10-057
132K-12-710	REP	92-03-031	132M-120-050	REP-P	92-04-059	132Q-12-010	AMD-P	92-10-056
132K-12-720	REP	92-03-031	132M-120-050	REP	92-09-094	132Q-16-003	REP-P	92-10-058
132K-12-725	REP	92-03-031	132M-120-065	NEW-P	92-04-059	132Q-16-006	REP-P	92-10-058
132K-12-730	REP	92-03-031	132M-120-065	NEW	92-09-094	132Q-16-009	REP-P	92-10-058
132K-12-740	REP	92-03-031	132M-120-070	REP-P	92-04-059	132Q-16-012	REP-P	92-10-058
132K-12-750	REP	92-03-031	132M-120-070	REP	92-09-094	132Q-16-015	REP-P	92-10-058
132K-12-760	REP	92-03-031	132M-120-080	REP-P	92-04-059	132Q-16-018	REP-P	92-10-058
132K-12-770	REP	92-03-031	132M-120-080	REP	92-09-094	132Q-16-021	REP-P	92-10-058
132K-12-780	REP	92-03-031	132M-120-095	NEW-P	92-04-059	132Q-16-024	REP-P	92-10-058
132K-12-790	REP	92-03-031	132M-120-095	NEW	92-09-094	132Q-16-027	REP-P	92-10-058
132K-12-800	REP	92-03-031	132M-120-100	NEW-P	92-04-059	132Q-16-030	REP-P	92-10-058
132K-12-810	REP	92-03-031	132M-120-100	NEW	92-09-094	132Q-16-033	REP-P	92-10-058
132K-12-820	REP	92-03-031	132M-120-110	NEW-P	92-04-059	132Q-16-036	REP-P	92-10-058
132K-12-830	REP	92-03-031	132M-120-110	NEW	92-09-094	132Q-16-039	REP-P	92-10-058
132K-12-840	REP	92-03-031	132M-120-120	NEW-P	92-04-059	132Q-16-042	REP-P	92-10-058
132M-108-010	NEW-P	92-04-058	132M-120-120	NEW	92-09-094	132Q-16-045	REP-P	92-10-058
132M-108-010	NEW	92-09-005	132M-120-130	NEW-P	92-04-059	132Q-16-048	REP-P	92-10-058
132M-108-020	NEW-P	92-04-058	132M-120-130	NEW	92-09-094	132Q-16-051	REP-P	92-10-058
132M-108-020	NEW	92-09-005	132M-120-200	NEW-P	92-04-059	132Q-16-054	REP-P	92-10-058
132M-108-030	NEW-P	92-04-058	132M-120-200	NEW	92-09-094	132Q-16-057	REP-P	92-10-058
132M-108-030	NEW	92-09-005	132M-120-210	NEW-P	92-04-059	132Q-16-060	REP-P	92-10-058
132M-108-040	NEW-P	92-04-058	132M-120-210	NEW	92-09-094	132Q-16-063	REP-P	92-10-058
132M-108-040	NEW	92-09-005	132M-120-220	NEW-P	92-04-059	132Q-20-020	AMD-P	92-10-051
132M-108-050	NEW-P	92-04-058	132M-120-220	NEW	92-09-094	132Q-20-040	AMD-P	92-10-051
132M-108-050	NEW	92-09-005	132M-120-300	NEW-P	92-04-059	132Q-20-060	AMD-P	92-10-051
132M-108-060	NEW-P	92-04-058	132M-120-300	NEW	92-09-094	132Q-20-090	AMD-P	92-10-051
132M-108-060	NEW	92-09-005	132M-120-310	NEW-P	92-04-059	132Q-20-110	AMD-P	92-10-051
132M-108-070	NEW-P	92-04-058	132M-120-310	NEW	92-09-094	132Q-20-130	AMD-P	92-10-051
132M-108-070	NEW	92-09-005	132M-120-320	NEW-P	92-04-059	132Q-20-160	AMD-P	92-10-051
132M-108-080	NEW-P	92-04-058	132M-120-320	NEW	92-09-094	132Q-20-170	AMD-P	92-10-051
132M-108-080	NEW	92-09-005	132M-136-020	AMD-P	92-04-063	132Q-20-200	AMD-P	92-10-051
132M-110-130	AMD-P	92-04-057	132M-136-020	AMD	92-09-009	132Q-20-210	AMD-P	92-10-051
132M-110-130	AMD	92-09-004	132M-136-060	AMD-P	92-04-063	132Q-20-220	AMD-P	92-10-051
132M-112-010	REP-P	92-04-064	132M-136-060	AMD	92-09-009	132Q-20-240	AMD-P	92-10-051
132M-112-010	REP	92-09-092	132M-136-100	NEW-P	92-04-063	132Q-20-250	AMD-P	92-10-051
132M-112-011	REP-P	92-04-064	132M-136-100	NEW	92-09-009	132Q-20-260	AMD-P	92-10-051
132M-112-011	REP	92-09-092	132M-140-010	REP-P	92-04-063	132Q-108-050	AMD-P	92-10-054
132M-113-010	AMD-P	92-04-065	132M-140-010	REP	92-09-009	132Q-113-010	AMD-P	92-10-055
132M-113-010	AMD	92-09-093	132M-160-010	AMD-P	92-04-062	132Y-100-008	AMD-P	92-04-067
132M-113-015	AMD-P	92-04-065	132M-160-010	AMD	92-09-008	132Y-100-008	AMD	92-09-055
132M-113-015	AMD	92-09-093	132M-300-001	NEW-P	92-04-064	132Y-100-010	REP-P	92-04-067
132M-113-020	AMD-P	92-04-065	132M-300-001	NEW	92-09-052	132Y-100-010	REP	92-09-055
132M-113-020	AMD	92-09-093	132M-300-010	NEW-P	92-04-064	132Y-100-028	AMD-P	92-04-067
132M-113-025	AMD-P	92-04-065	132M-300-010	NEW	92-09-092	132Y-100-028	AMD	92-09-055
132M-113-025	AMD	92-09-093	132M-400-010	NEW-P	92-04-060	132Y-100-036	REP-P	92-04-067
132M-113-030	AMD-P	92-04-065	132M-400-010	NEW	92-09-006	132Y-100-036	REP	92-09-055
132M-113-030	AMD	92-09-093	132M-400-020	NEW-P	92-04-060	132Y-100-040	REP-P	92-04-067
132M-113-035	REP-P	92-04-065	132M-400-020	NEW	92-09-006	132Y-100-040	REP	92-09-055
132M-113-035	REP	92-09-093	132M-400-030	NEW-P	92-04-060	132Y-100-044	AMD-P	92-04-067
132M-113-045	REP-P	92-04-065	132M-400-030	NEW	92-09-006	132Y-100-044	AMD	92-09-055
132M-113-045	REP	92-09-093	132M-400-040	NEW-P	92-04-060	132Y-100-048	REP-P	92-04-067
132M-113-050	NEW-P	92-04-065	132M-400-040	NEW	92-09-006	132Y-100-048	REP	92-09-055
132M-113-050	NEW	92-09-093	132Q-04-020	AMD-P	92-10-053	132Y-100-066	NEW-P	92-04-067
132M-113-055	NEW-P	92-04-065	132Q-04-095	AMD-P	92-10-053	132Y-100-066	NEW	92-09-055
132M-113-055	NEW	92-09-093	132Q-04-096	NEW-P	92-10-053	132Y-100-072	AMD-P	92-04-067
132M-115-001	NEW-P	92-04-061	132Q-04-120	AMD-P	92-10-053	132Y-100-072	AMD	92-09-055
132M-115-001	NEW	92-09-007	132Q-04-130	AMD-P	92-10-053	132Y-100-100	AMD-P	92-04-067
132M-115-010	REP-P	92-04-061	132Q-04-140	AMD-P	92-10-053	132Y-100-100	AMD	92-09-055
132M-115-010	REP	92-09-007	132Q-04-170	AMD-P	92-10-053	132Y-100-104	AMD-P	92-04-067
132M-115-020	REP-P	92-04-061	132Q-04-180	AMD-P	92-10-053	132Y-100-104	AMD	92-09-055
132M-115-020	REP	92-09-007	132Q-04-190	AMD-P	92-10-053	132Y-100-112	AMD-P	92-04-067
132M-115-030	REP-P	92-04-061	132Q-04-200	AMD-P	92-10-053	132Y-100-112	AMD	92-09-055
132M-115-030	REP	92-09-007	132Q-04-210	AMD-P	92-10-053	132Y-100-116	AMD-P	92-04-067
132M-115-040	REP-P	92-04-061	132Q-04-250	AMD-P	92-10-053	132Y-100-116	AMD	92-09-055
132M-115-040	REP	92-09-007	132Q-04-260	AMD-P	92-10-053	132Y-100-120	AMD-P	92-04-067
132M-120	AMD-P	92-04-059	132Q-04-280	AMD-P	92-10-053	132Y-100-120	AMD	92-09-055
132M-120	AMD	92-09-094	132Q-05-050	AMD-P	92-10-052	136-01-010	AMD-P	92-08-068
132M-120-010	AMD-P	92-04-059	132Q-05-060	AMD-P	92-10-052	136-01-020	AMD-P	92-08-068
132M-120-010	AMD	92-09-094	132Q-05-070	AMD-P	92-10-052	136-01-030	AMD-P	92-08-068

**Table of WAC Sections Affected**

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
136-03-010	NEW-P	92-08-069	172-124-210	REP-P	92-05-056	173-175-220	NEW	92-12-055
136-03-020	NEW-P	92-08-069	172-124-210	REP	92-09-105	173-175-230	NEW-P	92-06-091
136-03-030	NEW-P	92-08-069	172-124-220	REP-P	92-05-056	173-175-230	NEW	92-12-055
136-03-040	NEW-P	92-08-069	172-124-220	REP	92-09-105	173-175-240	NEW-P	92-06-091
136-03-050	NEW-P	92-08-069	172-144-010	AMD-P	92-05-053	173-175-240	NEW	92-12-055
136-03-060	NEW-P	92-08-069	172-144-010	AMD	92-09-102	173-175-250	NEW-P	92-06-091
136-03-070	NEW-P	92-08-069	172-144-020	AMD-P	92-05-053	173-175-250	NEW	92-12-055
136-03-080	NEW-P	92-08-069	172-144-020	AMD	92-09-102	173-175-260	NEW-P	92-06-091
136-03-090	NEW-P	92-08-069	172-144-030	REP-P	92-05-053	173-175-260	NEW	92-12-055
136-03-100	NEW-P	92-08-069	172-144-030	REP	92-09-102	173-175-270	NEW-P	92-06-091
136-03-110	NEW-P	92-08-069	172-144-040	AMD-P	92-05-053	173-175-270	NEW	92-12-055
136-130-030	AMD-P	92-08-070	172-144-040	AMD	92-09-102	173-175-350	NEW-P	92-06-091
136-130-050	AMD-P	92-08-070	172-144-045	NEW-P	92-05-053	173-175-350	NEW	92-12-055
136-130-060	AMD-P	92-08-070	172-144-045	NEW	92-09-102	173-175-360	NEW-P	92-06-091
136-130-070	AMD-P	92-08-070	172-144-050	REP-P	92-05-053	173-175-360	NEW	92-12-055
136-160-050	AMD-P	92-08-071	172-144-050	REP	92-09-102	173-175-370	NEW-P	92-06-091
136-160-060	AMD-P	92-08-071	172-325-010	AMD-P	92-05-055	173-175-370	NEW	92-12-055
136-210-020	AMD-P	92-08-072	172-325-010	AMD	92-09-104	173-175-380	NEW-P	92-06-091
136-210-020	AMD-W	92-12-005	173-19-130	AMD-P	92-07-091	173-175-380	NEW	92-12-055
136-210-030	AMD-P	92-08-072	173-19-1701	AMD	92-03-132	173-175-390	NEW-P	92-06-091
136-210-030	AMD-W	92-12-005	173-19-230	AMD-P	92-04-080	173-175-390	NEW	92-12-055
142-12-026	AMD-P	92-10-031	173-19-230	AMD	92-09-135	173-175-400	NEW-P	92-06-091
142-40-010	NEW-P	92-10-032	173-19-2503	AMD-P	92-07-090	173-175-400	NEW	92-12-055
142-40-020	NEW-P	92-10-032	173-19-2511	AMD-P	92-07-087	173-175-500	NEW-P	92-06-091
142-40-030	NEW-P	92-10-032	173-19-2515	AMD-P	92-03-128	173-175-500	NEW	92-12-055
172-04-010	NEW-P	92-04-085	173-19-2515	AMD-C	92-09-131	173-175-510	NEW-P	92-06-091
172-04-010	NEW	92-09-101	173-19-2515	AMD	92-11-044	173-175-510	NEW	92-12-055
172-06-010	NEW-P	92-04-083	173-19-2521	AMD-P	92-07-088	173-175-520	NEW-P	92-06-091
172-06-010	NEW	92-09-099	173-19-2521	AMD-C	92-09-128	173-175-520	NEW	92-12-055
172-65	AMD-P	92-05-054	173-19-2523	AMD-P	92-09-132	173-175-530	NEW	92-12-055
172-65	AMD	92-09-103	173-19-2601	AMD	92-04-081	173-175-600	NEW-P	92-06-091
172-65-010	AMD-P	92-05-054	173-19-2602	AMD-P	92-03-129	173-175-600	NEW	92-12-055
172-65-010	AMD	92-09-103	173-19-2602	AMD-C	92-09-127	173-175-610	NEW-P	92-06-091
172-65-020	AMD-P	92-05-054	173-19-2602	AMD-C	92-12-054	173-175-610	NEW	92-12-055
172-65-020	AMD	92-09-103	173-19-360	AMD-P	92-11-042	173-175-620	NEW-P	92-06-091
172-65-030	AMD-P	92-05-054	173-19-4205	AMD-P	92-03-130	173-175-620	NEW	92-12-055
172-65-030	AMD	92-09-103	173-19-4205	AMD	92-09-134	173-175-630	NEW-P	92-06-091
172-65-040	AMD-P	92-05-054	173-19-430	AMD-P	92-07-089	173-175-630	NEW	92-12-055
172-65-040	AMD	92-09-103	173-175-010	NEW-P	92-06-091	173-180D-010	NEW-P	92-06-087
172-65-050	AMD-P	92-05-054	173-175-010	NEW	92-12-055	173-180D-020	NEW-P	92-06-087
172-65-050	AMD	92-09-103	173-175-020	NEW-P	92-06-091	173-180D-030	NEW-P	92-06-087
172-65-060	AMD-P	92-05-054	173-175-020	NEW	92-12-055	173-180D-040	NEW-P	92-06-087
172-65-060	AMD	92-09-103	173-175-030	NEW-P	92-06-091	173-180D-050	NEW-P	92-06-087
172-65-070	AMD-P	92-05-054	173-175-030	NEW	92-12-055	173-180D-055	NEW-P	92-06-087
172-65-070	AMD	92-09-103	173-175-040	NEW-P	92-06-091	173-180D-060	NEW-P	92-06-087
172-65-080	AMD-P	92-05-054	173-175-040	NEW	92-12-055	173-180D-065	NEW-P	92-06-087
172-65-080	AMD	92-09-103	173-175-050	NEW-P	92-06-091	173-180D-070	NEW-P	92-06-087
172-65-090	AMD-P	92-05-054	173-175-050	NEW	92-12-055	173-180D-075	NEW-P	92-06-087
172-65-090	AMD	92-09-103	173-175-060	NEW-P	92-06-091	173-180D-080	NEW-P	92-06-087
172-108-010	NEW-P	92-04-084	173-175-060	NEW	92-12-055	173-180D-085	NEW-P	92-06-087
172-108-010	NEW	92-09-100	173-175-070	NEW-P	92-06-091	173-180D-090	NEW-P	92-06-087
172-108-020	NEW-P	92-04-084	173-175-070	NEW	92-12-055	173-180D-098	NEW-P	92-06-087
172-108-020	NEW	92-09-100	173-175-100	NEW-P	92-06-091	173-183	NEW-C	92-09-034
172-108-030	NEW-P	92-04-084	173-175-100	NEW	92-12-055	173-183-010	NEW	92-10-005
172-108-030	NEW	92-09-100	173-175-110	NEW-P	92-06-091	173-183-020	NEW	92-10-005
172-108-040	NEW-P	92-04-084	173-175-110	NEW	92-12-055	173-183-030	NEW	92-10-005
172-108-040	NEW	92-09-100	173-175-120	NEW-P	92-06-091	173-183-100	NEW	92-10-005
172-108-050	NEW-P	92-04-084	173-175-120	NEW	92-12-055	173-183-200	NEW	92-10-005
172-108-050	NEW	92-09-100	173-175-130	NEW-P	92-06-091	173-183-210	NEW	92-10-005
172-108-060	NEW-P	92-04-084	173-175-130	NEW	92-12-055	173-183-220	NEW	92-10-005
172-108-060	NEW	92-09-100	173-175-140	NEW-P	92-06-091	173-183-230	NEW	92-10-005
172-108-070	NEW-P	92-04-084	173-175-140	NEW	92-12-055	173-183-240	NEW	92-10-005
172-108-070	NEW	92-09-100	173-175-150	NEW-P	92-06-091	173-183-250	NEW	92-10-005
172-108-080	NEW-P	92-04-084	173-175-150	NEW	92-12-055	173-183-260	NEW	92-10-005
172-108-080	NEW	92-09-100	173-175-160	NEW-P	92-06-091	173-183-270	NEW	92-10-005
172-108-090	NEW-P	92-04-084	173-175-160	NEW	92-12-055	173-183-300	NEW	92-10-005
172-108-090	NEW	92-09-100	173-175-170	NEW-P	92-06-091	173-183-310	NEW	92-10-005
172-124	AMD-P	92-05-056	173-175-170	NEW	92-12-055	173-183-320	NEW	92-10-005
172-124	AMD	92-09-105	173-175-180	NEW-P	92-06-091	173-183-330	NEW	92-10-005
172-124-010	AMD-P	92-05-056	173-175-180	NEW	92-12-055	173-183-340	NEW	92-10-005
172-124-010	AMD	92-09-105	173-175-190	NEW-P	92-06-091	173-183-350	NEW-W	92-11-038
172-124-020	AMD-P	92-05-056	173-175-190	NEW	92-12-055	173-183-400	NEW	92-10-005
172-124-020	AMD	92-09-105	173-175-200	NEW-P	92-06-091	173-183-410	NEW	92-10-005
172-124-100	REP-P	92-05-056	173-175-200	NEW	92-12-055	173-183-420	NEW	92-10-005
172-124-100	REP	92-09-105	173-175-210	NEW-P	92-06-091	173-183-430	NEW	92-10-005
172-124-200	REP-P	92-05-056	173-175-210	NEW	92-12-055	173-183-440	NEW	92-10-005
172-124-200	REP	92-09-105	173-175-220	NEW-P	92-06-091	173-183-450	NEW	92-10-005

### Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
173-183-460	NEW	92-10-005	173-422-040	AMD-P	92-09-133	180-51-085	AMD-P	92-05-067
173-183-470	NEW	92-10-005	173-422-050	AMD-P	92-09-133	180-51-085	AMD	92-08-078
173-183-500	NEW	92-10-005	173-422-060	AMD-P	92-09-133	180-75-016	NEW	92-04-044
173-183-600	NEW	92-10-005	173-422-065	NEW-P	92-09-133	180-75-055	AMD	92-04-044
173-183-610	NEW	92-10-005	173-422-070	AMD-P	92-09-133	180-75-065	AMD	92-04-044
173-183-620	NEW	92-10-005	173-422-075	NEW-P	92-09-133	180-75-080	REP	92-04-044
173-183-700	NEW	92-10-005	173-422-080	REP-P	92-09-133	180-75-085	AMD	92-04-044
173-183-710	NEW	92-10-005	173-422-090	AMD-P	92-09-133	180-75-087	AMD	92-04-044
173-183-800	NEW	92-10-005	173-422-095	NEW-P	92-09-133	180-75-089	NEW	92-04-044
173-183-810	NEW	92-10-005	173-422-100	AMD-P	92-09-133	180-75-090	AMD	92-04-044
173-183-820	NEW	92-10-005	173-422-110	REP-P	92-09-133	180-75-110	NEW	92-04-044
173-183-830	NEW	92-10-005	173-422-120	AMD-P	92-09-133	180-77-040	AMD	92-05-039
173-183-840	NEW	92-10-005	173-422-130	AMD-P	92-09-133	180-77-045	AMD	92-05-039
173-183-850	NEW	92-10-005	173-422-140	AMD-P	92-09-133	180-77-050	AMD	92-05-039
173-183-860	NEW	92-10-005	173-422-150	REP-P	92-09-133	180-77-065	AMD	92-05-039
173-183-865	NEW	92-10-005	173-422-160	AMD-P	92-09-133	180-77-100	NEW	92-05-039
173-183-870	NEW	92-10-005	173-422-170	AMD-P	92-09-133	180-77-105	NEW	92-05-039
173-183-880	NEW	92-10-005	173-422-180	REP-P	92-09-133	180-77-110	NEW	92-05-039
173-183-890	NEW	92-10-005	173-425-010	AMD-P	92-12-026	180-78-165	AMD	92-06-027
173-183-900	NEW	92-10-005	173-425-020	AMD-P	92-12-026	180-78-200	NEW-W	92-09-108
173-183-910	NEW	92-10-005	173-425-030	AMD-P	92-12-026	180-79-047	AMD	92-04-044
173-183-920	NEW	92-10-005	173-425-036	REP-P	92-12-026	180-79-049	AMD	92-04-044
173-201-010	REP-P	92-11-041	173-425-040	NEW-P	92-12-026	180-79-075	AMD	92-04-044
173-201-025	REP-P	92-11-041	173-425-045	REP-P	92-12-026	180-79-080	AMD	92-04-044
173-201-035	REP-P	92-11-041	173-425-050	NEW-P	92-12-026	180-79-086	AMD	92-04-044
173-201-045	REP-P	92-11-041	173-425-055	REP-P	92-12-026	180-79-115	AMD	92-04-044
173-201-047	REP-P	92-11-041	173-425-060	NEW-P	92-12-026	180-79-120	AMD	92-04-044
173-201-070	REP-P	92-11-041	173-425-065	REP-P	92-12-026	180-79-123	NEW	92-04-044
173-201-080	REP-P	92-11-041	173-425-070	NEW-P	92-12-026	180-79-129	REP	92-04-044
173-201-085	REP-P	92-11-041	173-425-075	REP-P	92-12-026	180-79-131	AMD	92-04-044
173-201-090	REP-P	92-11-041	173-425-080	NEW-P	92-12-026	180-79-136	AMD	92-04-044
173-201-100	REP-P	92-11-041	173-425-085	REP-P	92-12-026	180-79-230	AMD	92-04-044
173-201-110	REP-P	92-11-041	173-425-090	NEW-P	92-12-026	180-79-241	AMD-P	92-08-077
173-201-120	REP-P	92-11-041	173-425-095	REP-P	92-12-026	180-79-310	REP	92-04-044
173-201A-010	NEW-P	92-11-041	173-425-100	AMD-P	92-12-026	180-79-311	NEW	92-04-044
173-201A-020	NEW-P	92-11-041	173-425-110	NEW-P	92-12-026	180-79-333	NEW	92-04-044
173-201A-030	NEW-P	92-11-041	173-425-115	REP-P	92-12-026	180-79-379	NEW	92-04-044
173-201A-040	NEW-P	92-11-041	173-425-120	REP-P	92-12-026	180-85-045	AMD	92-04-044
173-201A-050	NEW-P	92-11-041	173-425-130	REP-P	92-12-026	180-85-077	NEW	92-04-044
173-201A-060	NEW-P	92-11-041	173-425-140	REP-P	92-12-026	180-85-115	AMD	92-04-044
173-201A-070	NEW-P	92-11-041	173-433-100	AMD-P	92-09-035	180-86-150	AMD-P	92-08-077
173-201A-080	NEW-P	92-11-041	173-433-110	AMD-P	92-09-035	180-86-155	AMD-P	92-08-077
173-201A-100	NEW-P	92-11-041	173-433-170	AMD-P	92-09-035	182-12-111	AMD	92-03-040
173-201A-110	NEW-P	92-11-041	173-433-170	AMD-E	92-10-022	182-12-115	AMD-P	92-04-001
173-201A-120	NEW-P	92-11-041	173-492-010	NEW-P	92-06-088	182-12-115	AMD-C	92-07-046
173-201A-130	NEW-P	92-11-041	173-492-010	NEW-S	92-11-043	182-12-115	AMD	92-08-003
173-201A-140	NEW-P	92-11-041	173-492-020	NEW-P	92-06-088	192-12-017	REP-P	92-07-104
173-201A-150	NEW-P	92-11-041	173-492-020	NEW-S	92-11-043	192-12-019	REP-P	92-07-104
173-201A-160	NEW-P	92-11-041	173-492-030	NEW-P	92-06-088	192-12-072	AMD-P	92-07-104
173-201A-170	NEW-P	92-11-041	173-492-030	NEW-S	92-11-043	192-12-300	AMD-P	92-03-145
173-201A-180	NEW-P	92-11-041	173-492-040	NEW-P	92-06-088	192-12-305	AMD-P	92-03-145
173-202-020	AMD-E	92-05-084	173-492-040	NEW-S	92-11-043	192-12-310	AMD-P	92-03-145
173-202-020	AMD-P	92-07-085	173-492-050	NEW-P	92-06-088	192-12-320	AMD-P	92-03-145
173-202-020	AMD-S	92-11-068	173-492-050	NEW-S	92-11-043	192-12-370	NEW-P	92-03-145
173-224-015	AMD	92-03-131	173-492-060	NEW-P	92-06-088	192-12-400	NEW-P	92-07-104
173-224-020	AMD	92-03-131	173-492-060	NEW-S	92-11-043	192-12-405	NEW-P	92-07-104
173-224-030	AMD	92-03-131	173-492-070	NEW-P	92-06-088	192-32-120	NEW	92-05-051
173-224-040	AMD	92-03-131	173-492-070	NEW-S	92-11-043	192-32-125	NEW	92-05-051
173-224-050	AMD	92-03-131	173-492-080	NEW-P	92-06-088	196-24-050	AMD-P	92-04-008
173-224-090	AMD	92-03-131	173-492-080	NEW-S	92-11-043	196-24-050	AMD	92-09-089
173-224-100	AMD	92-03-131	173-492-090	NEW-P	92-06-088	196-24-105	AMD-P	92-12-053
173-224-120	AMD	92-03-131	173-492-090	NEW-S	92-11-043	204-24-030	AMD	92-05-016
173-303-145	AMD-P	92-03-127	173-492-100	NEW-P	92-06-088	204-24-040	AMD	92-05-016
173-303-145	AMD-C	92-11-040	173-492-100	NEW-S	92-11-043	204-24-050	AMD	92-05-016
173-303-506	NEW-E	92-11-045	173-563-015	NEW-E	92-07-055	204-24-070	AMD	92-05-016
173-305-060	REP-P	92-05-083	173-564-010	NEW-E	92-07-054	204-38-030	AMD-P	92-05-015
173-305-060	REP	92-10-043	173-564-020	NEW-E	92-07-054	204-38-030	AMD	92-11-032
173-305-070	REP-P	92-05-083	173-564-030	NEW-E	92-07-054	204-38-040	AMD-P	92-05-015
173-305-070	REP	92-10-043	173-564-040	NEW-E	92-07-054	204-38-040	AMD	92-11-032
173-305-080	REP-P	92-05-083	178-01-010	NEW-C	92-03-055	204-74A-060	AMD	92-09-050
173-305-080	REP	92-10-043	178-01-010	NEW-E	92-03-056	220-16	AMD-C	92-11-083
173-305-090	REP-P	92-05-083	178-01-010	NEW	92-09-002	220-16	AMD-S	92-11-083
173-305-090	REP	92-10-043	180-16-200	AMD	92-05-047	220-16-040	AMD-P	92-09-137
173-422-010	AMD-P	92-09-133	180-16-205	AMD	92-05-047	220-16-046	NEW-P	92-09-137
173-422-020	AMD-P	92-09-133	180-16-222	AMD	92-04-044	220-20-020	AMD-P	92-10-081
173-422-030	AMD-P	92-09-133	180-16-223	AMD	92-04-044	220-20-021	AMD-P	92-10-081
173-422-035	AMD-P	92-09-133	180-25-031	NEW	92-04-043	220-24-02000L	NEW-E	92-09-130

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
220-32-05100J	REP-E	92-04-051	220-56-235	AMD-P	92-03-151	220-57-435	AMD	92-11-012
220-32-05100K	NEW-E	92-04-051	220-56-235	AMD	92-11-012	220-57-450	AMD-P	92-03-151
220-32-05100L	REP-E	92-07-007	220-56-23500G	NEW-E	92-09-083	220-57-450	AMD	92-11-012
220-32-05100L	NEW-E	92-07-007	220-56-240	AMD-P	92-03-151	220-57-455	AMD-P	92-03-151
220-32-05500A	NEW-E	92-09-047	220-56-240	AMD	92-11-012	220-57-455	AMD	92-11-012
220-32-05500A	REP-E	92-09-106	220-56-24000G	NEW-E	92-09-083	220-57-460	AMD-P	92-03-151
220-32-05500B	NEW-E	92-09-106	220-56-24500K	NEW-E	92-10-039	220-57-460	AMD	92-11-012
220-32-057001	NEW-E	92-03-022	220-56-24500K	REP-E	92-12-002	220-57-46000Y	NEW-E	92-07-035
220-32-057001	REP-E	92-05-004	220-56-24500L	NEW-E	92-12-002	220-57-465	AMD-P	92-03-151
220-32-05700J	NEW-E	92-04-051	220-56-250	AMD-P	92-03-151	220-57-465	AMD	92-11-012
220-32-05700J	REP-E	92-07-007	220-56-250	AMD	92-11-012	220-57-470	AMD-W	92-04-011
220-32-05700K	NEW-E	92-08-090	220-56-25000E	NEW-E	92-09-083	220-57-490	AMD-P	92-03-151
220-33-01000D	REP-E	92-05-004	220-56-25500L	NEW-E	92-10-039	220-57-490	AMD-W	92-04-011
220-33-01000E	NEW-E	92-05-004	220-56-25500L	REP-E	92-12-002	220-57-490	AMD	92-11-012
220-33-03000D	NEW-E	92-11-066	220-56-25500M	NEW-E	92-12-002	220-57-50500T	NEW-E	92-08-031
220-40-027	AMD-P	92-10-081	220-56-28000A	NEW-E	92-07-015	220-57-51500H	NEW-E	92-08-031
220-44-030	AMD-P	92-03-150	220-56-282	AMD-P	92-03-151	220-57A-180	AMD-P	92-03-151
220-44-030	AMD	92-07-008	220-56-285	AMD-P	92-03-151	220-57A-180	AMD	92-11-012
220-44-04000B	NEW-E	92-10-064	220-56-285	AMD	92-11-012	220-69-25000A	NEW-E	92-11-004
220-44-050	AMD-P	92-03-150	220-56-28500F	NEW-E	92-09-083	220-88-010	NEW-P	92-09-129
220-44-050	AMD	92-07-008	220-56-310	AMD-P	92-03-151	220-88-020	NEW-P	92-09-129
220-44-05000R	REP-E	92-03-030	220-56-310	AMD	92-11-012	220-88-030	NEW-P	92-09-129
220-44-05000S	NEW-E	92-03-030	220-56-31000K	NEW-E	92-09-083	220-88-040	NEW-P	92-09-129
220-44-05000S	REP-E	92-08-007	220-56-315	AMD-P	92-03-151	220-88-050	NEW-P	92-09-129
220-44-05000T	NEW-E	92-08-007	220-56-315	AMD	92-11-012	220-110-010	AMD-P	92-11-082
220-44-05000T	REP-E	92-09-084	220-56-31500A	NEW-E	92-09-083	220-110-020	AMD-P	92-11-082
220-44-05000U	NEW-E	92-09-084	220-56-320	AMD-P	92-03-151	220-110-030	AMD-P	92-11-082
220-44-05000U	REP-E	92-11-021	220-56-320	AMD	92-11-012	220-110-035	NEW-P	92-11-082
220-44-05000V	NEW-E	92-11-021	220-56-32000C	NEW-E	92-09-083	220-110-050	AMD-P	92-11-082
220-44-05000V	REP-E	92-12-018	220-56-32500U	NEW-E	92-10-020	220-110-060	AMD-P	92-11-082
220-44-05000W	NEW-E	92-12-018	220-56-32500U	REP-E	92-11-065	220-110-070	AMD-P	92-11-082
220-44-09000A	NEW-E	92-11-004	220-56-32500V	NEW-E	92-11-065	220-110-080	AMD-P	92-11-082
220-47	AMD-C	92-11-083	220-56-335	AMD-P	92-03-151	220-110-090	REP-P	92-11-082
220-47	AMD-S	92-11-083	220-56-335	AMD	92-11-012	220-110-100	AMD-P	92-11-082
220-47-301	AMD-P	92-09-137	220-56-33500G	NEW-E	92-09-083	220-110-110	REP-P	92-11-082
220-47-302	AMD-P	92-09-137	220-56-350	AMD-P	92-03-151	220-110-120	AMD-P	92-11-082
220-47-304	AMD-P	92-09-137	220-56-350	AMD	92-11-012	220-110-130	AMD-P	92-11-082
220-47-307	AMD-P	92-09-137	220-56-35000P	NEW-E	92-09-083	220-110-140	AMD-P	92-11-082
220-47-311	AMD-P	92-09-137	220-56-360	AMD-P	92-03-151	220-110-150	AMD-P	92-11-082
220-47-319	AMD-P	92-09-137	220-56-360	AMD	92-11-012	220-110-160	AMD-P	92-11-082
220-47-401	AMD-P	92-09-137	220-56-380	AMD-P	92-03-151	220-110-170	AMD-P	92-11-082
220-47-411	AMD-P	92-09-137	220-56-380	AMD	92-11-012	220-110-180	AMD-P	92-11-082
220-47-412	AMD-P	92-09-137	220-56-38000J	NEW-E	92-09-083	220-110-190	AMD-P	92-11-082
220-47-500	AMD-P	92-09-137	220-56-400	AMD-P	92-03-151	220-110-200	AMD-P	92-11-082
220-48-005	AMD-P	92-06-092	220-56-400	AMD	92-11-012	220-110-210	AMD-P	92-11-082
220-48-005	AMD-C	92-08-079	220-56-40000B	NEW-E	92-09-083	220-110-220	AMD-P	92-11-082
220-48-005	AMD	92-11-011	220-57-160	AMD-P	92-03-151	220-110-223	NEW-P	92-11-082
220-48-00500A	NEW-E	92-09-073	220-57-160	AMD	92-11-012	220-110-224	NEW-P	92-11-082
220-48-011	AMD-P	92-06-092	220-57-16000L	NEW-E	92-04-050	220-110-225	NEW-P	92-11-082
220-48-011	AMD-C	92-08-079	220-57-16000M	NEW-E	92-08-059	220-110-250	AMD-P	92-11-082
220-48-042	AMD-P	92-06-092	220-57-16000N	NEW-E	92-09-083	220-110-260	REP-P	92-11-082
220-48-042	AMD-C	92-08-079	220-57-175	AMD-P	92-03-151	220-110-270	AMD-P	92-11-082
220-48-042	AMD	92-11-011	220-57-175	AMD	92-11-012	220-110-280	AMD-P	92-11-082
220-48-052	AMD-P	92-06-092	220-57-17500W	NEW-E	92-09-083	220-110-285	NEW-P	92-11-082
220-48-052	AMD-C	92-08-079	220-57-195	AMD-W	92-04-011	220-110-290	AMD-P	92-11-082
220-48-052	AMD	92-11-011	220-57-205	AMD-P	92-03-151	220-110-300	AMD-P	92-11-082
220-49-02000D	NEW-E	92-08-022	220-57-205	AMD-W	92-04-011	220-110-320	AMD-P	92-11-082
220-52-05100J	NEW-E	92-10-002	220-57-205	AMD	92-11-012	220-110-330	AMD-P	92-11-082
220-52-05100K	NEW-E	92-10-020	220-57-210	AMD-P	92-03-151	220-110-340	AMD-P	92-11-082
220-52-05100K	REP-E	92-11-065	220-57-210	AMD-W	92-04-011	220-110-350	AMD-P	92-11-082
220-52-05100L	NEW-E	92-11-008	220-57-210	AMD	92-11-012	220-110-360	NEW-P	92-11-082
220-52-07300H	NEW-E	92-06-054	220-57-255	AMD-P	92-03-151	222-12-040	AMD-S	92-11-069
220-56-10500A	NEW-E	92-08-031	220-57-255	AMD	92-11-012	222-12-046	NEW-P	92-07-093
220-56-116	AMD-P	92-03-151	220-57-265	AMD-W	92-04-011	222-12-046	NEW-S	92-11-069
220-56-116	AMD	92-11-012	220-57-29000M	NEW-E	92-11-020	222-12-090	AMD-P	92-07-093
220-56-145	AMD-P	92-03-151	220-57-31500V	NEW-E	92-08-031	222-12-090	AMD-S	92-11-069
220-56-156	AMD-P	92-03-151	220-57-385	AMD-P	92-03-151	222-16-010	AMD	92-03-028
220-56-156	AMD	92-11-012	220-57-385	AMD	92-11-012	222-16-010	AMD-E	92-06-004
220-56-15600E	NEW-E	92-09-083	220-57-38500T	NEW-E	92-07-035	222-16-010	AMD-P	92-07-093
220-56-160	AMD-P	92-03-151	220-57-405	AMD-P	92-03-151	222-16-010	AMD-S	92-11-069
220-56-19000S	NEW-E	92-10-017	220-57-405	AMD	92-11-012	222-16-010	AMD-E	92-12-038
220-56-19000S	REP-E	92-12-013	220-57-425	AMD-P	92-03-151	222-16-020	AMD-P	92-07-093
220-56-19000T	NEW-E	92-12-013	220-57-425	AMD	92-11-012	222-16-020	REP-S	92-11-069
220-56-195	AMD-P	92-03-151	220-57-430	AMD-P	92-03-151	222-16-030	AMD-P	92-07-093
220-56-195	AMD	92-11-012	220-57-430	AMD-W	92-04-011	222-16-030	AMD-S	92-11-069
220-56-205	AMD-P	92-03-151	220-57-430	AMD	92-11-012	222-16-035	NEW-P	92-07-093
220-56-205	AMD	92-11-012	220-57-435	AMD-P	92-03-151	222-16-035	NEW-S	92-11-069

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
222-16-046	NEW-E 92-09-064	230-20-685	NEW-C 92-08-057	232-28-714	REP 92-06-019
222-16-050	AMD-E 92-06-004	230-50-580	AMD-E 92-06-033	236-12-001	AMD 92-04-036
222-16-050	AMD-P 92-07-093	232-12-021	AMD-P 92-02-086	236-12-010	REP 92-04-036
222-16-050	AMD-S 92-11-069	232-12-021	AMD-C 92-05-018	236-12-011	REP 92-04-036
222-16-050	AMD-E 92-12-038	232-12-021	AMD-W 92-12-057	236-12-011	AMD-W 92-11-039
222-16-070	NEW-E 92-06-004	232-12-074	AMD-P 92-02-086	236-12-012	REP 92-04-036
222-16-070	NEW-P 92-07-093	232-12-074	AMD-C 92-05-018	236-12-013	REP 92-04-036
222-16-070	NEW-S 92-11-069	232-12-074	AMD-W 92-12-057	236-12-014	REP 92-04-036
222-16-070	NEW-E 92-12-038	232-12-077	AMD-P 92-02-086	236-12-015	NEW 92-04-036
222-16-080	NEW-P 92-07-093	232-12-077	AMD-C 92-05-018	236-12-040	REP 92-04-036
222-16-080	NEW-S 92-11-069	232-12-077	AMD-W 92-12-057	236-12-050	REP 92-04-036
222-22-010	NEW-P 92-07-093	232-12-147	AMD-P 92-06-072	236-12-060	REP 92-04-036
222-22-010	NEW-S 92-11-069	232-12-147	AMD-E 92-08-066	236-12-061	REP 92-04-036
222-22-020	NEW-P 92-07-093	232-12-147	AMD 92-11-078	236-12-120	REP 92-04-036
222-22-020	NEW-S 92-11-069	232-12-160	NEW 92-09-076	236-12-130	REP 92-04-036
222-22-030	NEW-P 92-07-093	232-12-170	NEW 92-09-076	236-12-131	REP 92-04-036
222-22-030	NEW-S 92-11-069	232-12-171	NEW 92-09-076	236-12-132	REP 92-04-036
222-22-040	NEW-P 92-07-093	232-12-175	NEW 92-09-076	236-12-133	REP 92-04-036
222-22-040	NEW-S 92-11-069	232-12-180	NEW 92-09-076	236-12-160	NEW 92-09-076
222-22-050	NEW-P 92-07-093	232-12-267	AMD-P 92-02-086	236-12-170	NEW 92-09-076
222-22-050	NEW-S 92-11-069	232-12-267	AMD-C 92-05-018	236-12-171	NEW 92-09-076
222-22-060	NEW-P 92-07-093	232-12-267	AMD 92-12-064	236-12-175	NEW 92-09-076
222-22-060	NEW-S 92-11-069	232-12-277	AMD-P 92-02-086	236-12-180	NEW 92-09-076
222-22-070	NEW-P 92-07-093	232-12-277	AMD-C 92-05-018	236-12-185	NEW 92-04-036
222-22-070	NEW-S 92-11-069	232-12-277	AMD 92-12-064	236-12-186	NEW 92-04-036
222-22-080	NEW-P 92-07-093	232-28-022	AMD-P 92-02-085	236-12-187	NEW 92-04-036
222-22-080	NEW-S 92-11-069	232-28-022	AMD 92-06-017	236-12-188	NEW 92-04-036
222-22-090	NEW-P 92-07-093	232-28-022	AMD-P 92-09-042	236-12-189	NEW 92-04-036
222-22-090	NEW-S 92-11-069	232-28-022	AMD 92-12-065	236-12-190	NEW 92-04-036
222-22-100	NEW-P 92-07-093	232-28-226	AMD-P 92-06-075	236-12-191	NEW 92-04-036
222-22-100	NEW-S 92-11-069	232-28-226	AMD 92-12-058	236-12-200	AMD 92-04-036
222-24-010	AMD-P 92-07-093	232-28-227	AMD-P 92-06-076	236-12-220	AMD 92-04-036
222-24-010	AMD-S 92-11-069	232-28-227	AMD 92-12-059	236-12-225	REP 92-04-036
222-24-020	AMD-P 92-07-093	232-28-22701	NEW-E 92-12-019	236-12-290	AMD 92-04-037
222-24-020	AMD-S 92-11-069	232-28-228	AMD-P 92-02-087	236-12-300	AMD 92-04-037
222-24-025	AMD-P 92-07-093	232-28-228	AMD 92-06-018	236-12-320	AMD 92-04-036
222-24-025	AMD-S 92-11-069	232-28-228	AMD-P 92-06-077	236-12-340	REP 92-04-036
222-24-030	AMD-P 92-07-093	232-28-228	AMD 92-12-060	236-12-350	NEW 92-04-036
222-24-030	AMD-S 92-11-069	232-28-229	REP-P 92-06-078	236-12-351	NEW 92-04-036
222-24-035	AMD-P 92-07-093	232-28-229	REP 92-12-061	236-12-360	NEW 92-04-036
222-24-035	AMD-S 92-11-069	232-28-230	REP-P 92-06-079	236-12-361	NEW 92-04-036
222-24-040	AMD-P 92-07-093	232-28-230	REP 92-12-062	236-12-362	NEW 92-04-036
222-24-040	AMD-S 92-11-069	232-28-231	REP-P 92-06-080	236-12-365	NEW 92-04-036
222-24-050	AMD-P 92-07-093	232-28-231	REP 92-12-063	236-12-370	NEW 92-04-036
222-24-050	AMD-S 92-11-069	232-28-233	NEW-P 92-06-078	236-12-371	NEW 92-04-036
222-24-060	AMD-P 92-07-093	232-28-233	NEW 92-12-061	236-12-372	NEW 92-04-036
222-24-060	AMD-S 92-11-069	232-28-234	NEW-P 92-06-079	236-14-010	NEW-P 92-10-082
222-30-010	AMD-P 92-07-093	232-28-234	NEW 92-12-062	236-14-015	NEW-P 92-10-082
222-30-010	AMD-S 92-11-069	232-28-235	NEW-P 92-06-080	236-14-100	NEW-P 92-10-082
222-30-020	AMD-P 92-07-093	232-28-235	NEW 92-12-063	236-14-900	NEW-P 92-10-082
222-30-020	AMD-S 92-11-069	232-28-61825	NEW-E 92-03-013	236-22-010	NEW-P 92-09-155
222-30-025	NEW-P 92-07-093	232-28-61826	NEW-E 92-05-022	236-22-010	NEW 92-12-092
222-30-025	NEW-S 92-11-069	232-28-61827	NEW-E 92-05-021	236-22-100	NEW-P 92-09-155
222-30-040	AMD-P 92-07-093	232-28-61828	NEW-E 92-05-019	236-22-100	NEW 92-12-092
222-30-040	AMD-S 92-11-069	232-28-61829	NEW-E 92-05-024	236-48-190	AMD-P 92-05-042
222-30-050	AMD-P 92-07-093	232-28-61830	NEW-E 92-08-067	236-48-190	AMD 92-09-016
222-30-050	AMD-S 92-11-069	232-28-61831	NEW-E 92-08-064	240-10-040	AMD-E 92-09-096
222-30-060	AMD-P 92-07-093	232-28-61901	NEW-P 92-02-088	240-15-005	AMD-P 92-08-060
222-30-060	AMD-S 92-11-069	232-28-61901	NEW 92-07-038	240-15-005	AMD 92-11-017
222-30-070	AMD-P 92-07-093	232-28-61902	NEW-P 92-02-089	240-15-010	AMD-P 92-08-060
222-30-070	AMD-S 92-11-069	232-28-61902	NEW 92-07-039	240-15-010	AMD 92-11-017
222-30-090	AMD-P 92-07-093	232-28-61903	NEW-P 92-02-090	240-15-015	AMD-P 92-08-060
222-30-090	AMD-S 92-11-069	232-28-61903	NEW-W 92-07-037	240-15-015	AMD 92-11-017
222-30-100	AMD-P 92-07-093	232-28-61904	NEW-P 92-02-091	240-15-020	AMD-P 92-08-060
222-30-100	AMD-S 92-11-069	232-28-61904	NEW 92-07-040	240-15-020	AMD 92-11-017
222-30-110	NEW-P 92-07-093	232-28-61905	NEW-P 92-02-092	240-15-025	AMD-P 92-08-060
222-30-110	NEW-S 92-11-069	232-28-61905	NEW 92-07-041	240-15-025	AMD 92-11-017
222-30-120	NEW 92-08-025	232-28-61906	NEW-P 92-02-093	240-15-030	AMD-P 92-08-060
222-34-040	AMD-P 92-07-093	232-28-61906	NEW 92-07-042	240-15-030	AMD 92-11-017
222-38-010	AMD-P 92-07-093	232-28-61907	NEW-E 92-05-020	240-15-035	AMD-P 92-08-060
222-38-010	AMD-S 92-11-069	232-28-61907	NEW-P 92-06-073	240-15-035	AMD 92-11-017
222-38-020	AMD-P 92-07-093	232-28-61907	NEW 92-11-079	246-08-390	NEW 92-07-080
222-38-020	AMD-S 92-11-069	232-28-61908	NEW-P 92-06-074	246-205	AMD-S 92-03-143
222-38-030	NEW-P 92-07-093	232-28-61908	NEW 92-11-080	246-205	AMD-S 92-04-071
222-38-030	NEW-S 92-11-069	232-28-61909	NEW-P 92-09-136	246-205	AMD 92-10-027
222-38-040	NEW-P 92-07-093	232-28-61909	NEW-E 92-12-020	246-205-001	AMD-S 92-03-143
222-38-040	NEW-S 92-11-069	232-28-714	REP-P 92-02-094	246-205-001	AMD-S 92-04-071

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
246-205-001	AMD	92-10-027	246-215-130	NEW	92-08-112	246-290-480	AMD	92-04-070
246-205-010	AMD-S	92-04-071	246-215-139	REP-P	92-03-142	246-290-990	PREP	92-10-025
246-205-010	AMD	92-10-027	246-215-139	REP	92-08-112	246-310-020	AMD	92-05-057
246-205-520	NEW-S	92-03-143	246-215-140	NEW-P	92-03-142	246-310-132	AMD-P	92-09-086
246-205-520	NEW-S	92-04-071	246-215-140	NEW	92-08-112	246-310-132	AMD-E	92-09-087
246-205-520	NEW	92-10-027	246-215-149	REP-P	92-03-142	246-310-135	NEW	92-05-057
246-205-530	NEW-S	92-03-143	246-215-149	REP	92-08-112	246-310-136	NEW	92-05-057
246-205-530	NEW-S	92-04-071	246-215-150	NEW-P	92-03-142	246-310-250	REP	92-12-015
246-205-530	NEW	92-10-027	246-215-150	NEW	92-08-112	246-310-261	NEW	92-12-015
246-205-540	NEW-S	92-03-143	246-215-159	REP-P	92-03-142	246-310-262	NEW	92-12-015
246-205-540	NEW-S	92-04-071	246-215-159	REP	92-08-112	246-316-990	AMD-P	92-07-097
246-205-540	NEW	92-10-027	246-215-160	NEW-P	92-03-142	246-316-990	AMD	92-12-086
246-205-550	NEW-S	92-03-143	246-215-160	NEW	92-08-112	246-318-990	AMD-P	92-07-097
246-205-550	NEW-S	92-04-071	246-215-169	REP-P	92-03-142	246-318-990	AMD	92-12-028
246-205-550	NEW	92-10-027	246-215-169	REP	92-08-112	246-322-990	AMD-P	92-07-097
246-205-560	NEW-S	92-03-143	246-215-170	NEW-P	92-03-142	246-322-990	AMD	92-12-028
246-205-560	NEW-S	92-04-071	246-215-170	NEW	92-08-112	246-322-991	AMD-P	92-07-097
246-205-560	NEW	92-10-027	246-215-179	REP-P	92-03-142	246-322-991	AMD	92-12-028
246-205-570	NEW-S	92-03-143	246-215-179	REP	92-08-112	246-323-990	AMD-P	92-10-014
246-205-570	NEW-S	92-04-071	246-215-180	NEW-P	92-03-142	246-325-990	AMD-P	92-10-014
246-205-570	NEW	92-10-027	246-215-180	NEW	92-08-112	246-326-990	AMD-P	92-07-097
246-205-580	NEW-S	92-03-143	246-215-189	REP-P	92-03-142	246-326-990	AMD	92-12-028
246-205-580	NEW-S	92-04-071	246-215-189	REP	92-08-112	246-327-990	AMD-P	92-10-013
246-205-580	NEW	92-10-027	246-215-190	NEW-P	92-03-142	246-331-990	AMD-P	92-10-013
246-215-001	AMD-P	92-03-142	246-215-190	NEW	92-08-112	246-336-990	AMD-P	92-10-013
246-215-001	AMD	92-08-112	246-215-199	REP-P	92-03-142	246-358-001	AMD	92-04-082
246-215-009	REP-P	92-03-142	246-215-199	REP	92-08-112	246-358-010	AMD	92-04-082
246-215-009	REP	92-08-112	246-215-200	NEW-P	92-03-142	246-358-025	AMD	92-04-082
246-215-010	NEW-P	92-03-142	246-215-200	NEW	92-08-112	246-358-035	AMD	92-04-082
246-215-010	NEW	92-08-112	246-215-209	REP-P	92-03-142	246-358-045	AMD	92-04-082
246-215-019	REP-P	92-03-142	246-215-209	REP	92-08-112	246-358-055	AMD	92-04-082
246-215-019	REP	92-08-112	246-215-210	NEW-P	92-03-142	246-358-075	AMD	92-04-082
246-215-020	NEW-P	92-03-142	246-215-210	NEW	92-08-112	246-358-095	AMD	92-04-082
246-215-020	NEW	92-08-112	246-215-219	REP-P	92-03-142	246-358-105	AMD	92-04-082
246-215-029	REP-P	92-03-142	246-215-219	REP	92-08-112	246-358-115	AMD	92-04-082
246-215-029	REP	92-08-112	246-215-220	NEW-P	92-03-142	246-358-125	AMD	92-04-082
246-215-030	NEW-P	92-03-142	246-215-220	NEW	92-08-112	246-358-135	AMD	92-04-082
246-215-030	NEW	92-08-112	246-215-229	REP-P	92-03-142	246-358-145	AMD	92-04-082
246-215-039	REP-P	92-03-142	246-215-229	REP	92-08-112	246-358-155	AMD	92-04-082
246-215-039	REP	92-08-112	246-215-230	NEW-P	92-03-142	246-358-175	AMD	92-04-082
246-215-040	NEW-P	92-03-142	246-215-230	NEW	92-08-112	246-390-001	NEW-P	92-07-078
246-215-040	NEW	92-08-112	246-215-239	REP-P	92-03-142	246-390-010	NEW-P	92-07-078
246-215-049	REP-P	92-03-142	246-215-239	REP	92-08-112	246-390-020	NEW-P	92-07-078
246-215-049	REP	92-08-112	246-215-240	NEW-P	92-03-142	246-390-030	NEW-P	92-07-078
246-215-050	NEW-P	92-03-142	246-215-240	NEW	92-08-112	246-390-040	NEW-P	92-07-078
246-215-050	NEW	92-08-112	246-215-250	NEW-P	92-03-142	246-390-050	NEW-P	92-07-078
246-215-059	REP-P	92-03-142	246-215-250	NEW	92-08-112	246-390-060	NEW-P	92-07-078
246-215-059	REP	92-08-112	246-215-260	NEW-P	92-03-142	246-390-070	NEW-P	92-07-078
246-215-060	NEW-P	92-03-142	246-215-260	NEW	92-08-112	246-390-100	NEW-P	92-07-078
246-215-060	NEW	92-08-112	246-215-270	NEW-P	92-03-142	246-510-400	NEW-P	92-07-077
246-215-069	REP-P	92-03-142	246-215-270	NEW	92-08-112	246-762-010	AMD-P	92-02-096
246-215-069	REP	92-08-112	246-215-280	NEW-P	92-03-142	246-762-010	AMD	92-06-067
246-215-070	NEW-P	92-03-142	246-215-280	NEW	92-08-112	246-762-020	AMD-P	92-02-096
246-215-070	NEW	92-08-112	246-215-290	NEW-P	92-03-142	246-762-020	AMD	92-06-067
246-215-079	REP-P	92-03-142	246-215-290	NEW	92-08-112	246-762-040	AMD-P	92-02-096
246-215-079	REP	92-08-112	246-215-300	NEW-P	92-03-142	246-762-040	AMD	92-06-067
246-215-080	NEW-P	92-03-142	246-215-300	NEW	92-08-112	246-806-050	REP-P	92-12-090
246-215-080	NEW	92-08-112	246-215-500	REP-P	92-03-142	246-806-060	AMD-P	92-12-090
246-215-089	REP-P	92-03-142	246-215-500	REP	92-08-112	246-806-070	AMD-P	92-12-090
246-215-089	REP	92-08-112	246-215-900	REP-P	92-03-142	246-806-085	NEW-P	92-12-090
246-215-090	NEW-P	92-03-142	246-215-900	REP	92-08-112	246-806-090	AMD-P	92-12-090
246-215-090	NEW	92-08-112	246-217-030	AMD-P	92-09-144	246-806-180	AMD-P	92-12-090
246-215-099	REP-P	92-03-142	246-221-090	AMD	92-06-008	246-806-990	AMD-P	92-03-140
246-215-099	REP	92-08-112	246-225-160	NEW	92-05-011	246-806-990	AMD	92-07-017
246-215-100	NEW-P	92-03-142	246-232-050	AMD	92-06-008	246-807-300	AMD-E	92-09-080
246-215-100	NEW	92-08-112	246-235-075	NEW	92-06-008	246-807-300	RESCIND	92-12-007
246-215-109	REP-P	92-03-142	246-239-010	AMD	92-06-008	246-807-300	AMD-E	92-12-008
246-215-109	REP	92-08-112	246-239-025	NEW	92-06-008	246-807-480	NEW-P	92-06-065
246-215-110	NEW-P	92-03-142	246-240-010	NEW	92-06-008	246-807-480	NEW-E	92-06-066
246-215-110	NEW	92-08-112	246-240-050	NEW	92-06-008	246-807-480	NEW	92-11-009
246-215-119	REP-P	92-03-142	246-243-050	AMD	92-06-008	246-815-031	AMD	92-03-006
246-215-119	REP	92-08-112	246-243-190	AMD	92-06-008	246-815-090	AMD-P	92-11-014
246-215-120	NEW-P	92-03-142	246-290-010	AMD	92-04-070	246-815-115	NEW	92-03-126
246-215-120	NEW	92-08-112	246-290-300	AMD	92-04-070	246-816-050	AMD	92-05-012
246-215-129	REP-P	92-03-142	246-290-310	AMD	92-04-070	246-816-160	NEW-P	92-02-098
246-215-129	REP	92-08-112	246-290-320	AMD	92-04-070	246-816-160	NEW-W	92-06-007
246-215-130	NEW-P	92-03-142	246-290-330	AMD	92-04-070	246-816-201	AMD	92-05-012

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
246-816-210	AMD	92-05-012	246-851-480	NEW-P	92-02-095	246-869-220	AMD	92-12-035
246-816-230	AMD	92-05-012	246-851-480	NEW	92-06-030	246-869-240	AMD-P	92-04-040
246-816-250	AMD	92-05-012	246-851-490	NEW-P	92-02-095	246-869-240	AMD	92-08-058
246-816-260	AMD	92-05-012	246-851-490	NEW	92-06-030	246-871-040	AMD-P	92-07-098
246-816-301	AMD	92-05-012	246-851-990	AMD	92-06-029	246-871-040	AMD	92-12-035
246-816-310	AMD	92-05-012	246-853-990	AMD-P	92-06-028	246-873-060	AMD-P	92-07-098
246-816-360	AMD	92-05-012	246-857-020	AMD-P	92-07-098	246-873-060	AMD	92-12-035
246-816-370	AMD	92-05-012	246-857-020	AMD	92-12-035	246-873-080	AMD-P	92-07-098
246-816-390	AMD	92-05-012	246-857-180	AMD-P	92-07-098	246-873-080	AMD	92-12-035
246-816-410	AMD	92-05-012	246-857-180	AMD	92-12-035	246-875-020	AMD-P	92-07-098
246-816-510	AMD	92-05-012	246-857-320	AMD-P	92-07-098	246-875-020	AMD	92-12-035
246-816-610	NEW-W	92-05-085	246-857-320	AMD	92-12-035	246-875-060	AMD-P	92-07-098
246-816-620	NEW-W	92-05-085	246-857-330	AMD-P	92-07-098	246-875-060	AMD	92-12-035
246-816-630	NEW-W	92-05-085	246-857-330	AMD	92-12-035	246-875-070	AMD-P	92-07-098
246-816-640	NEW-W	92-05-085	246-857-340	AMD-P	92-07-098	246-875-070	AMD	92-12-035
246-816-650	NEW-W	92-05-085	246-857-340	AMD	92-12-035	246-875-080	AMD-P	92-07-098
246-816-660	NEW-W	92-05-085	246-858-020	AMD-P	92-07-098	246-875-080	AMD	92-12-035
246-816-670	NEW-W	92-05-085	246-858-020	AMD	92-12-035	246-875-090	REP-P	92-07-098
246-816-680	NEW-W	92-05-085	246-858-030	AMD-P	92-07-098	246-875-090	REP	92-12-035
246-816-701	NEW-W	92-06-063	246-858-030	AMD	92-12-035	246-879-010	AMD-P	92-10-070
246-816-701	NEW-P	92-06-064	246-858-040	AMD-P	92-07-098	246-879-020	AMD-P	92-07-098
246-816-701	NEW	92-09-069	246-858-040	AMD	92-12-035	246-879-020	AMD-W	92-10-026
246-816-710	NEW-W	92-06-063	246-858-060	AMD-P	92-07-098	246-879-020	AMD-P	92-10-070
246-816-710	NEW-P	92-06-064	246-858-060	AMD	92-12-035	246-879-030	AMD-P	92-07-098
246-816-710	NEW	92-09-069	246-858-070	AMD-P	92-07-098	246-879-030	AMD-W	92-10-026
246-816-720	NEW-W	92-06-063	246-858-070	AMD	92-12-035	246-879-030	AMD-P	92-10-070
246-816-720	NEW-P	92-06-064	246-861-010	NEW	92-03-029	246-879-040	AMD-P	92-07-098
246-816-720	NEW	92-09-069	246-861-020	AMD	92-03-029	246-879-040	AMD-W	92-10-026
246-816-730	NEW-W	92-06-063	246-861-030	AMD	92-03-029	246-879-040	AMD-P	92-10-070
246-816-730	NEW-P	92-06-064	246-861-040	AMD	92-03-029	246-879-050	AMD-P	92-10-070
246-816-730	NEW	92-09-069	246-861-050	AMD	92-03-029	246-879-060	AMD-P	92-10-070
246-816-740	NEW-W	92-06-063	246-861-060	AMD	92-03-029	246-879-070	AMD-P	92-07-098
246-816-740	NEW-P	92-06-064	246-861-070	REP	92-03-029	246-879-070	AMD-W	92-10-026
246-816-740	NEW	92-09-069	246-861-080	REP	92-03-029	246-879-070	AMD-P	92-10-070
246-828-005	NEW-W	92-09-109	246-861-090	AMD	92-03-029	246-879-080	AMD-P	92-07-098
246-830-401	AMD-P	92-03-139	246-861-095	NEW	92-03-029	246-879-080	AMD-W	92-10-026
246-830-410	AMD-P	92-03-139	246-861-100	REP	92-03-029	246-879-080	AMD-P	92-10-070
246-830-420	AMD-P	92-03-139	246-861-110	REP	92-03-029	246-879-110	NEW-P	92-10-070
246-830-430	AMD-P	92-03-139	246-861-120	AMD	92-03-029	246-879-110	NEW-P	92-10-070
246-830-440	AMD-P	92-03-139	246-863-060	AMD-P	92-07-098	246-883-020	AMD-P	92-03-096
246-830-450	AMD-P	92-03-139	246-863-060	AMD	92-12-035	246-883-020	AMD	92-09-070
246-836-210	NEW-P	92-02-097	246-863-070	AMD-P	92-07-098	246-883-025	NEW-P	92-04-041
246-836-210	NEW	92-06-020	246-863-070	AMD	92-12-035	246-883-025	NEW	92-09-072
246-838-010	AMD-P	92-12-088	246-863-080	AMD-P	92-03-124	246-883-030	AMD-P	92-03-096
246-838-030	AMD-P	92-12-088	246-863-080	AMD-P	92-07-098	246-883-030	AMD-W	92-09-001
246-838-050	AMD-P	92-12-088	246-863-080	AMD-W	92-08-061	246-883-040	AMD-P	92-07-098
246-838-240	AMD-P	92-12-088	246-863-080	AMD	92-12-035	246-883-040	AMD	92-12-035
246-838-320	NEW-P	92-12-088	246-863-090	AMD-P	92-07-098	246-883-050	NEW-P	92-03-096
246-847-010	AMD-P	92-09-153	246-863-090	AMD	92-12-035	246-883-050	NEW	92-09-070
246-847-055	NEW-P	92-09-153	246-863-110	AMD-P	92-07-098	246-886-020	AMD-P	92-07-098
246-847-065	AMD-P	92-09-153	246-863-110	AMD	92-12-035	246-886-020	AMD	92-12-035
246-847-068	NEW-P	92-09-153	246-865-030	AMD-P	92-07-098	246-886-030	AMD-P	92-07-098
246-847-070	AMD-P	92-09-153	246-865-030	AMD	92-12-035	246-886-030	AMD	92-12-035
246-847-080	AMD-P	92-09-153	246-865-060	AMD-P	92-07-098	246-886-060	AMD-P	92-07-098
246-847-110	AMD-P	92-09-153	246-865-060	AMD	92-12-035	246-886-060	AMD	92-12-035
246-847-117	NEW-P	92-09-153	246-865-070	AMD-P	92-07-098	246-887-020	AMD	92-04-029
246-847-125	NEW-P	92-09-153	246-865-070	AMD	92-12-035	246-887-040	AMD	92-04-029
246-847-340	NEW-P	92-09-153	246-867-010	AMD-P	92-07-098	246-887-050	AMD-P	92-07-098
246-847-350	NEW-P	92-09-153	246-867-010	AMD	92-12-035	246-887-050	AMD	92-12-035
246-847-360	NEW-P	92-09-153	246-867-060	AMD-P	92-07-098	246-887-060	AMD-P	92-07-098
246-847-370	NEW-P	92-09-153	246-867-060	AMD	92-12-035	246-887-060	AMD	92-12-035
246-851-030	REP-P	92-02-095	246-869-020	AMD-P	92-07-098	246-887-070	AMD-P	92-07-098
246-851-030	REP	92-06-030	246-869-020	AMD	92-12-035	246-887-070	AMD	92-12-035
246-851-050	REP-P	92-02-095	246-869-050	AMD-P	92-07-098	246-887-100	AMD	92-04-029
246-851-050	REP	92-06-030	246-869-050	AMD	92-12-035	246-887-140	AMD	92-04-029
246-851-090	AMD-P	92-02-095	246-869-070	AMD-P	92-07-098	246-887-160	AMD	92-04-029
246-851-090	AMD	92-06-030	246-869-070	AMD	92-12-035	246-887-170	AMD	92-04-029
246-851-270	PREP	92-03-032	246-869-095	NEW-P	92-03-095	246-887-200	AMD-P	92-07-098
246-851-360	PREP	92-03-032	246-869-100	AMD-P	92-07-098	246-887-200	AMD	92-12-035
246-851-440	NEW-P	92-02-095	246-869-100	AMD	92-12-035	246-887-210	NEW-P	92-04-042
246-851-440	NEW	92-06-030	246-869-120	AMD-P	92-07-098	246-887-210	NEW	92-09-071
246-851-450	NEW-P	92-02-095	246-869-120	AMD	92-12-035	246-889-020	AMD-P	92-07-098
246-851-450	NEW	92-06-030	246-869-190	AMD-P	92-07-098	246-889-020	AMD	92-12-035
246-851-460	NEW-P	92-02-095	246-869-190	AMD	92-12-035	246-889-030	AMD-P	92-07-098
246-851-460	NEW	92-06-030	246-869-210	AMD-P	92-07-098	246-889-030	AMD	92-12-035
246-851-470	NEW-P	92-02-095	246-869-210	AMD	92-12-035	246-889-040	AMD-P	92-07-098
246-851-470	NEW	92-06-030	246-869-220	AMD-P	92-07-098	246-889-040	AMD	92-12-035

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
246-893-020	AMD-P	92-07-098	246-918-035	AMD	92-12-089	246-926-130	AMD	92-05-010
246-893-020	AMD	92-12-035	246-918-040	REP-P	92-08-063	246-926-150	AMD	92-05-010
246-893-030	AMD-P	92-07-098	246-918-040	REP	92-12-089	246-926-160	AMD	92-05-010
246-893-030	AMD	92-12-035	246-918-060	REP-P	92-08-063	246-926-170	AMD	92-05-010
246-893-040	AMD-P	92-07-098	246-918-060	REP	92-12-089	246-926-190	AMD	92-05-010
246-893-040	AMD	92-12-035	246-918-090	AMD-P	92-08-063	246-926-200	AMD	92-05-010
246-893-090	AMD-P	92-07-098	246-918-090	AMD	92-12-089	246-926-990	AMD	92-05-010
246-893-090	AMD	92-12-035	246-918-100	REP-P	92-08-063	246-928-020	AMD-P	92-10-071
246-893-120	AMD-P	92-07-098	246-918-100	REP	92-12-089	246-928-085	NEW-P	92-10-071
246-893-120	AMD	92-12-035	246-918-110	AMD-P	92-08-063	246-928-990	AMD-P	92-10-071
246-893-130	AMD-P	92-07-098	246-918-110	AMD	92-12-089	246-930-010	AMD-P	92-07-079
246-893-130	AMD	92-12-035	246-918-120	AMD-P	92-08-063	246-930-010	AMD	92-12-027
246-893-998	AMD-P	92-07-098	246-918-120	AMD	92-12-089	246-930-020	AMD-P	92-07-079
246-893-998	AMD	92-12-035	246-918-130	AMD-P	92-08-063	246-930-020	AMD	92-12-027
246-895-020	AMD-P	92-07-098	246-918-130	AMD	92-12-089	246-930-030	AMD-P	92-07-079
246-895-020	AMD	92-12-035	246-918-140	AMD-P	92-08-063	246-930-030	AMD	92-12-027
246-895-040	AMD-P	92-07-098	246-918-140	AMD	92-12-089	246-930-040	AMD-P	92-07-079
246-895-040	AMD	92-12-035	246-918-160	AMD-P	92-08-063	246-930-040	AMD	92-12-027
246-895-080	AMD-P	92-07-098	246-918-160	AMD	92-12-089	246-930-050	AMD-P	92-07-079
246-895-080	AMD	92-12-035	246-918-170	AMD-P	92-08-063	246-930-050	AMD	92-12-027
246-895-100	AMD-P	92-07-098	246-918-170	AMD	92-12-089	246-930-060	AMD-P	92-07-079
246-895-100	AMD	92-12-035	246-918-180	AMD-P	92-08-063	246-930-060	AMD	92-12-027
246-895-120	AMD-P	92-07-098	246-918-180	AMD	92-12-089	246-930-075	AMD-P	92-07-079
246-895-120	AMD	92-12-035	246-918-190	REP-P	92-08-063	246-930-075	AMD	92-12-027
246-895-130	AMD-P	92-07-098	246-918-190	REP	92-12-089	246-930-200	AMD-P	92-07-079
246-895-130	AMD	92-12-035	246-918-200	REP-P	92-08-063	246-930-200	AMD	92-12-027
246-895-140	AMD-P	92-07-098	246-918-200	REP	92-12-089	246-930-210	AMD-P	92-07-079
246-895-140	AMD	92-12-035	246-918-210	REP-P	92-08-063	246-930-210	AMD	92-12-027
246-895-160	AMD-P	92-07-098	246-918-210	REP	92-12-089	246-930-220	AMD-P	92-07-079
246-895-160	AMD	92-12-035	246-918-220	REP-P	92-08-063	246-930-220	AMD	92-12-027
246-895-170	AMD-P	92-07-098	246-918-220	REP	92-12-089	246-930-300	AMD-P	92-07-079
246-895-170	AMD	92-12-035	246-918-240	REP-P	92-08-063	246-930-300	AMD	92-12-027
246-897-040	AMD-P	92-07-098	246-918-240	REP	92-12-089	246-930-301	AMD-P	92-07-079
246-897-040	AMD	92-12-035	246-918-250	AMD-P	92-08-063	246-930-301	AMD	92-12-027
246-897-050	AMD-P	92-07-098	246-918-250	AMD	92-12-089	246-930-310	AMD-P	92-07-079
246-897-050	AMD	92-12-035	246-918-260	AMD-P	92-08-063	246-930-310	AMD	92-12-027
246-897-150	AMD-P	92-07-098	246-918-260	AMD	92-12-089	246-930-320	AMD-P	92-07-079
246-897-150	AMD	92-12-035	246-918-270	REP-P	92-08-063	246-930-320	AMD	92-12-027
246-899-040	AMD-P	92-07-098	246-918-270	REP	92-12-089	246-930-330	AMD-P	92-07-079
246-899-040	AMD	92-12-035	246-918-280	REP-P	92-08-063	246-930-330	AMD	92-12-027
246-899-050	AMD-P	92-07-098	246-918-280	REP	92-12-089	246-930-340	AMD-P	92-07-079
246-899-050	AMD	92-12-035	246-918-290	REP-P	92-08-063	246-930-340	AMD	92-12-027
246-901-020	AMD-P	92-07-098	246-918-290	REP	92-12-089	246-930-400	AMD-P	92-07-079
246-901-020	AMD	92-12-035	246-918-300	REP-P	92-08-063	246-930-400	AMD	92-12-027
246-903-010	AMD-P	92-07-098	246-918-300	REP	92-12-089	246-930-410	NEW-P	92-07-079
246-903-010	AMD	92-12-035	246-918-320	REP-P	92-08-063	246-930-410	NEW	92-12-027
246-907-020	AMD-P	92-03-124	246-918-320	REP	92-12-089	246-930-499	AMD-P	92-07-079
246-907-020	AMD	92-07-099	246-918-330	REP-P	92-08-063	246-930-499	AMD	92-12-027
246-907-030	AMD-P	92-03-124	246-918-330	REP	92-12-089	246-930-990	AMD-P	92-07-079
246-907-030	AMD	92-07-099	246-918-340	REP-P	92-08-063	246-930-990	AMD	92-12-027
246-915-010	AMD	92-08-039	246-918-340	REP	92-12-089	246-933-250	AMD	92-03-074
246-915-015	AMD	92-08-039	246-918-350	REP-P	92-08-063	246-933-280	AMD	92-03-074
246-915-015	REP-P	92-08-111	246-918-350	REP	92-12-089	246-933-300	NEW	92-03-074
246-915-030	AMD-W	92-08-110	246-918-360	REP-P	92-08-063	246-933-305	NEW	92-03-074
246-915-030	AMD-P	92-08-111	246-918-360	REP	92-12-089	246-933-980	AMD-P	92-03-125
246-915-075	NEW-P	92-08-111	246-918-370	REP-P	92-08-063	246-933-980	AMD	92-07-036
246-915-120	AMD	92-08-039	246-918-370	REP	92-12-089	246-933-990	AMD-P	92-03-125
246-915-150	AMD	92-08-039	246-920-030	AMD-E	92-07-058	246-933-990	AMD	92-07-036
246-915-180	AMD	92-08-039	246-920-030	RESCIND	92-07-096	246-935-125	NEW-P	92-03-125
246-915-185	NEW	92-08-039	246-920-030	AMD-E	92-07-096	246-935-125	NEW	92-07-036
246-915-200	AMD	92-08-039	246-920-030	AMD-P	92-10-069	246-935-990	AMD-P	92-03-125
246-917-125	NEW	92-08-021	246-922-990	AMD-P	92-06-058	246-935-990	AMD	92-07-036
246-917-126	NEW	92-08-021	246-924-991	NEW-E	92-03-107	248-14-120	AMD-P	92-03-015
246-917-990	AMD	92-08-062	246-924-991	NEW-P	92-03-141	248-14-120	AMD	92-08-074
246-918-005	NEW-P	92-08-063	246-924-991	NEW-W	92-07-016	248-14-250	AMD-P	92-03-015
246-918-005	NEW	92-12-089	246-924-992	NEW-E	92-03-107	248-14-250	AMD	92-08-074
246-918-006	NEW-P	92-08-063	246-924-992	NEW-P	92-03-141	248-14-285	AMD-P	92-03-015
246-918-006	NEW	92-12-089	246-924-992	NEW-W	92-07-016	248-14-285	AMD	92-08-074
246-918-007	NEW-P	92-08-063	246-926-020	AMD	92-05-010	250-20-021	AMD-C	92-08-076
246-918-007	NEW	92-12-089	246-926-030	AMD	92-05-010	250-20-021	AMD-C	92-09-141
246-918-008	NEW-P	92-08-063	246-926-040	AMD	92-05-010	250-20-021	AMD	92-11-022
246-918-008	NEW	92-12-089	246-926-060	AMD	92-05-010	250-20-021	AMD-E	92-11-022
246-918-020	REP-P	92-08-063	246-926-070	AMD	92-05-010	250-25-010	NEW	92-03-002
246-918-020	REP	92-12-089	246-926-080	AMD	92-05-010	250-25-020	NEW	92-03-002
246-918-030	AMD-P	92-08-063	246-926-090	AMD	92-05-010	250-25-030	NEW	92-03-002
246-918-030	AMD	92-12-089	246-926-110	AMD	92-05-010	250-25-040	NEW	92-03-002
246-918-035	AMD-P	92-08-063	246-926-120	AMD	92-05-010	250-25-045	NEW	92-03-002

**Table of WAC Sections Affected**

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
250-25-050	NEW	92-03-002	251-12-072	AMD-W	92-07-018	284-66-073	NEW	92-06-021
250-25-060	NEW	92-03-002	251-12-072	AMD-P	92-09-126	284-66-077	NEW	92-06-021
250-25-070	NEW	92-03-002	251-12-090	REP-P	92-09-124	284-66-080	AMD	92-06-021
250-25-080	NEW	92-03-002	251-12-290	AMD-P	92-09-125	284-66-090	REP	92-06-021
250-25-090	NEW	92-03-002	251-17	AMD-C	92-05-029	284-66-092	NEW	92-06-021
250-67-010	REP	92-03-002	251-17-010	AMD-W	92-07-018	284-66-100	REP	92-06-021
250-67-020	REP	92-03-002	251-17-040	AMD-W	92-07-018	284-66-110	AMD	92-06-021
250-67-030	REP	92-03-002	251-17-040	AMD-P	92-09-122	284-66-120	AMD	92-06-021
250-67-040	REP	92-03-002	251-17-060	AMD-W	92-07-018	284-66-130	AMD	92-06-021
250-67-050	REP	92-03-002	251-17-060	AMD-P	92-09-122	284-66-140	REP	92-06-021
250-67-060	REP	92-03-002	251-17-070	AMD-W	92-07-018	284-66-142	NEW	92-06-021
250-68-001	REP	92-03-002	251-17-070	AMD-P	92-09-122	284-66-150	REP	92-06-021
250-68-010	REP	92-03-002	251-17-090	AMD-W	92-07-018	284-66-160	AMD	92-06-021
250-68-020	REP	92-03-002	251-17-110	AMD-W	92-07-018	284-66-170	AMD	92-06-021
250-68-030	REP	92-03-002	251-17-120	AMD-W	92-07-018	284-66-180	REP	92-06-021
250-68-035	REP	92-03-002	251-17-160	AMD-W	92-07-018	284-66-190	REP	92-06-021
250-68-040	REP	92-03-002	251-17-160	AMD-P	92-09-122	284-66-200	AMD	92-06-021
250-68-050	REP	92-03-002	251-17-165	NEW-W	92-07-018	284-66-203	NEW	92-06-021
250-68-060	REP	92-03-002	251-17-165	NEW-P	92-09-122	284-66-210	AMD	92-06-021
250-68-070	REP	92-03-002	251-17-170	AMD-W	92-07-018	284-66-220	AMD	92-06-021
250-75-010	REP	92-03-002	251-17-170	AMD-P	92-09-122	284-66-230	REP	92-06-021
250-75-020	REP	92-03-002	251-17-190	AMD-W	92-07-018	284-66-232	NEW	92-06-021
250-75-030	REP	92-03-002	251-17-200	AMD-W	92-07-018	284-66-240	AMD	92-06-021
250-75-040	REP	92-03-002	251-17-200	AMD-P	92-09-122	284-66-243	NEW	92-06-021
250-75-050	REP	92-03-002	251-18-180	AMD	92-05-034	284-66-250	AMD	92-06-021
250-75-060	REP	92-03-002	251-22-215	REP-W	92-05-025	284-66-260	AMD	92-06-021
250-75-070	REP	92-03-002	260-13-100	AMD-P	92-12-067	284-66-270	AMD	92-06-021
250-75-080	REP	92-03-002	260-13-175	NEW-P	92-12-066	284-66-300	AMD	92-06-021
250-76-010	NEW	92-04-018	260-13-370	AMD-P	92-12-067	284-66-310	AMD	92-06-021
250-76-020	NEW	92-04-018	260-13-390	AMD-P	92-12-067	284-66-320	AMD	92-06-021
250-76-030	NEW	92-04-018	260-13-400	AMD-P	92-12-067	284-66-323	NEW	92-06-021
250-76-040	NEW	92-04-018	260-24-280	AMD-P	92-12-068	284-66-330	AMD	92-06-021
250-76-050	NEW	92-04-018	260-56-065	NEW-P	92-12-066	284-66-340	AMD	92-06-021
250-76-060	NEW	92-04-018	260-88-010	AMD-P	92-12-068	284-66-350	AMD	92-06-021
250-76-070	NEW	92-04-018	275-16-030	AMD-P	92-06-043	284-66-400	AMD	92-06-021
251-01-010	REP	92-05-034	275-16-030	AMD-E	92-06-044	296-14-015	NEW	92-03-053
251-01-075	AMD-C	92-05-026	275-16-030	AMD	92-09-118	296-17-66002	REP-W	92-06-034
251-01-075	AMD-W	92-07-018	275-25-020	AMD-P	92-06-059	296-17-66003	NEW-W	92-06-034
251-01-075	AMD-P	92-09-120	275-25-020	AMD	92-09-115	296-17-885	AMD-W	92-06-034
251-01-120	AMD-C	92-05-026	275-25-530	AMD-P	92-09-045	296-17-895	AMD-W	92-06-034
251-01-120	AMD-W	92-07-018	275-25-530	AMD-E	92-09-046	296-20-01002	AMD	92-05-041
251-01-120	AMD-P	92-09-120	275-25-530	RESCIND	92-09-051	296-20-030	AMD-E	92-07-100
251-01-145	AMD-C	92-05-026	275-27-020	AMD-P	92-06-059	296-20-030	RECSIND	92-08-097
251-01-145	AMD-W	92-07-018	275-27-020	AMD	92-09-115	296-20-03001	AMD-E	92-07-100
251-01-147	NEW-C	92-05-026	275-27-026	AMD	92-04-004	296-20-03001	RECSIND	92-08-097
251-01-147	NEW-W	92-07-018	275-27-219	NEW-P	92-09-113	296-20-091	AMD	92-05-041
251-01-147	NEW-P	92-09-120	275-27-219	NEW-E	92-09-119	296-23-50001	AMD	92-05-041
251-01-150	AMD-C	92-05-026	275-27-220	AMD-P	92-05-076	296-23-610	AMD-E	92-07-100
251-01-150	AMD-W	92-07-018	275-27-220	AMD-E	92-05-077	296-23-610	RESCIND	92-08-097
251-01-155	REP	92-05-034	275-27-220	AMD	92-09-114	296-24-19517	AMD-P	92-12-087
251-01-210	AMD-C	92-05-026	275-27-223	AMD-P	92-05-076	296-24-20700	AMD-P	92-12-087
251-01-210	AMD-W	92-07-018	275-27-223	AMD-E	92-05-077	296-24-20730	AMD-P	92-12-087
251-01-255	AMD-W	92-03-079	275-27-223	AMD	92-09-114	296-24-76555	AMD-P	92-12-087
251-01-255	AMD-P	92-05-072	275-56-005	AMD-P	92-07-033	296-30-081	AMD-E	92-09-149
251-01-255	AMD-W	92-07-019	275-56-005	AMD-E	92-07-034	296-30-081	AMD-P	92-11-071
251-01-320	REP	92-05-034	275-56-005	AMD	92-11-055	296-46-910	AMD-P	92-03-136
251-01-350	AMD-C	92-05-026	275-56-015	AMD-P	92-07-033	296-46-910	AMD	92-08-102
251-01-350	AMD-W	92-07-018	275-56-015	AMD-E	92-07-034	296-46-910	AMD-E	92-08-103
251-01-350	AMD-P	92-09-120	275-56-015	AMD	92-11-055	296-46-915	AMD-P	92-03-136
251-01-385	REP-C	92-05-026	275-56-088	AMD-P	92-07-033	296-46-915	AMD	92-08-102
251-01-385	REP-W	92-07-018	275-56-088	AMD-E	92-07-034	296-46-915	AMD-E	92-08-103
251-01-390	AMD-C	92-05-026	275-56-088	AMD	92-11-055	296-52-401	AMD-P	92-12-087
251-01-390	AMD-W	92-07-018	275-56-447	NEW-E	92-07-034	296-52-461	AMD-P	92-12-087
251-01-395	AMD-W	92-03-079	275-56-447	NEW	92-11-055	296-52-489	AMD-P	92-12-087
251-01-395	AMD-P	92-05-073	284-44-240	NEW-P	92-06-056	296-52-493	AMD-P	92-12-087
251-01-395	AMD-W	92-07-019	284-44-240	NEW	92-09-044	296-62	PREP	92-03-135
251-01-410	AMD-C	92-05-026	284-46-575	NEW-P	92-06-055	296-62-08001	NEW-P	92-03-137
251-01-410	AMD-W	92-07-018	284-46-575	NEW	92-09-044A	296-62-08001	NEW	92-08-100
251-04-060	AMD-P	92-09-123	284-66-010	AMD	92-06-021	296-62-08050	NEW-P	92-03-137
251-09-025	AMD	92-05-034	284-66-020	AMD	92-06-021	296-67-001	NEW	92-08-100
251-09-030	AMD	92-05-034	284-66-030	AMD	92-06-021	296-67-005	NEW-P	92-12-087
251-09-071	NEW-P	92-05-075	284-66-040	AMD	92-06-021	296-67-009	NEW-P	92-12-087
251-09-071	NEW-W	92-07-019	284-66-050	AMD	92-06-021	296-67-013	NEW-P	92-12-087
251-10-030	AMD-C	92-05-027	284-66-060	AMD	92-06-021	296-67-017	NEW-P	92-12-087
251-10-030	AMD-W	92-07-018	284-66-063	NEW	92-06-021	296-67-021	NEW-P	92-12-087
251-10-030	AMD-P	92-09-121	284-66-066	NEW	92-06-021	296-67-025	NEW-P	92-12-087
251-12-072	AMD-C	92-05-028	284-66-070	REP	92-06-021			

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-67-029	NEW-P	92-12-087	296-155-48529	AMD-P	92-12-087	308-20-180	AMD	92-04-006
296-67-033	NEW-P	92-12-087	296-155-48531	AMD-P	92-12-087	308-20-205	AMD	92-04-006
296-67-037	NEW-P	92-12-087	296-306	PREP	92-08-098	308-20-208	NEW	92-04-006
296-67-041	NEW-P	92-12-087	296-306	PREP	92-11-072	308-20-210	AMD	92-04-006
296-67-045	NEW-P	92-12-087	296-401-175	AMD-P	92-03-136	308-20-210	AMD-P	92-10-079
296-67-049	NEW-P	92-12-087	296-401-175	AMD	92-09-010	308-20-310	NEW-P	92-10-079
296-67-053	NEW-P	92-12-087	296-401-175	AMD-E	92-09-011	308-20-500	NEW-P	92-10-079
296-67-057	NEW-P	92-12-087	304-12-030	AMD-P	92-04-076	308-20-510	NEW-P	92-10-079
296-67-061	NEW-P	92-12-087	304-12-030	AMD	92-08-023	308-20-520	NEW-P	92-10-079
296-67-285	NEW-P	92-12-087	306-01-010	NEW-P	92-11-064	308-20-530	NEW-P	92-10-079
296-67-289	NEW-P	92-12-087	306-01-020	NEW-P	92-11-064	308-20-540	NEW-P	92-10-079
296-67-291	NEW-P	92-12-087	306-01-030	NEW-P	92-11-064	308-20-545	NEW-P	92-10-079
296-67-293	NEW-P	92-12-087	306-01-040	NEW-P	92-11-064	308-20-550	NEW-P	92-10-079
296-104-010	AMD-P	92-08-087	306-01-050	NEW-P	92-11-064	308-20-560	NEW-P	92-10-079
296-104-010	AMD	92-11-070	306-01-060	NEW-P	92-11-064	308-20-570	NEW-P	92-10-079
296-104-018	NEW-P	92-08-087	306-01-070	NEW-P	92-11-064	308-20-590	NEW-P	92-10-079
296-104-018	NEW	92-11-070	306-01-080	NEW-P	92-11-064	308-20-600	NEW-P	92-10-079
296-104-200	AMD-P	92-08-087	308-10-005	AMD-P	92-05-088	308-20-610	NEW-P	92-10-079
296-104-200	AMD	92-11-070	308-10-005	AMD	92-09-107	308-20-630	NEW-P	92-10-079
296-104-500	AMD-P	92-08-087	308-10-010	AMD-P	92-05-088	308-20-640	NEW-P	92-10-079
296-104-500	AMD	92-11-070	308-10-010	AMD	92-09-107	308-20-670	NEW-P	92-10-079
296-104-501	AMD-P	92-08-087	308-10-015	AMD-P	92-05-088	308-20-680	NEW-P	92-10-079
296-104-501	AMD	92-11-070	308-10-015	AMD	92-09-107	308-20-690	NEW-P	92-10-079
296-104-530	AMD-P	92-08-087	308-10-020	AMD-P	92-05-088	308-20-700	NEW-P	92-10-079
296-104-530	AMD	92-11-070	308-10-020	AMD	92-09-107	308-56A-010	AMD-P	92-11-048
296-116-075	PREP	92-07-075	308-10-025	AMD-P	92-05-088	308-56A-040	AMD-P	92-11-048
296-116-075	AMD-P	92-12-079	308-10-025	AMD	92-09-107	308-56A-140	AMD	92-03-077
296-116-080	AMD-P	92-08-049	308-10-030	AMD-P	92-05-088	308-56A-250	AMD-P	92-11-048
296-116-080	AMD-E	92-08-053	308-10-030	AMD	92-09-107	308-56A-260	REP-P	92-11-048
296-116-082	AMD-P	92-04-075	308-10-040	AMD-P	92-05-088	308-56A-450	AMD-P	92-11-048
296-116-082	AMD	92-08-051	308-10-040	AMD	92-09-107	308-56A-455	AMD-P	92-11-048
296-116-082	AMD-E	92-08-054	308-10-045	AMD-P	92-05-088	308-56A-460	AMD-P	92-11-048
296-116-110	AMD-E	92-03-108	308-10-045	AMD	92-09-107	308-56A-465	AMD-P	92-11-048
296-116-110	AMD-P	92-04-073	308-10-050	AMD-P	92-05-088	308-56A-470	NEW	92-03-077
296-116-110	AMD	92-08-050	308-10-050	AMD	92-09-107	308-57-230	AMD-P	92-11-048
296-116-185	AMD-P	92-08-048	308-10-055	AMD-P	92-05-088	308-58-020	AMD-P	92-11-047
296-116-185	AMD-C	92-11-035	308-10-055	AMD	92-09-107	308-58-040	AMD-P	92-11-047
296-116-2051	AMD-P	92-04-074	308-10-060	AMD-P	92-05-088	308-89-020	AMD-P	92-09-145
296-116-2051	AMD	92-08-052	308-10-060	AMD	92-09-107	308-89-020	AMD	92-12-036
296-116-300	AMD-P	92-07-076	308-10-070	AMD-P	92-05-088	308-89-040	AMD-P	92-09-145
296-125	AMD-P	92-12-093	308-10-070	AMD	92-09-107	308-89-040	AMD	92-12-036
296-125-010	AMD-P	92-12-093	308-11-100	AMD-P	92-09-097	308-89-050	AMD-P	92-09-145
296-125-011	NEW-P	92-12-093	308-11-130	NEW-P	92-09-097	308-89-050	AMD	92-12-036
296-125-012	NEW-P	92-12-093	308-13-032	AMD-P	92-05-013	308-89-060	NEW-P	92-09-145
296-125-015	AMD-P	92-12-093	308-13-032	AMD	92-10-030	308-89-060	NEW	92-12-036
296-125-020	AMD-P	92-12-093	308-13-040	AMD-P	92-05-013	308-90-150	AMD	92-06-009
296-125-023	REP-P	92-12-093	308-13-040	AMD	92-10-030	308-93-050	AMD	92-03-075
296-125-024	NEW-P	92-12-093	308-13-041	REP-P	92-05-013	308-93-070	AMD	92-03-075
296-125-026	NEW-P	92-12-093	308-13-041	REP	92-10-030	308-93-241	NEW-P	92-11-046
296-125-027	AMD-P	92-12-093	308-13-042	REP-P	92-05-013	308-93-242	NEW-P	92-11-046
296-125-028	NEW-P	92-12-093	308-13-042	REP	92-10-030	308-93-243	NEW-P	92-11-046
296-125-030	AMD-P	92-12-093	308-20	AMD	92-04-006	308-93-244	NEW-P	92-11-046
296-125-033	AMD-P	92-12-093	308-20-001	NEW-P	92-10-079	308-93-245	NEW-P	92-11-046
296-125-050	AMD-P	92-12-093	308-20-005	NEW-P	92-10-079	308-93-290	AMD	92-03-075
296-125-055	REP-P	92-12-093	308-20-010	AMD	92-04-006	308-93-295	AMD	92-06-009
296-125-060	AMD-P	92-12-093	308-20-020	AMD	92-04-006	308-94-030	AMD-P	92-11-049
296-125-110	REP-P	92-12-093	308-20-030	AMD	92-04-006	308-94-080	AMD-P	92-11-049
296-125-115	REP-P	92-12-093	308-20-040	AMD	92-04-006	308-94-200	AMD-P	92-11-049
296-125-120	REP-P	92-12-093	308-20-045	NEW-P	92-10-079	308-96A-005	AMD	92-02-100
296-125-125	REP-P	92-12-093	308-20-050	AMD	92-04-006	308-96A-005	AMD-P	92-11-050
296-125-130	REP-P	92-12-093	308-20-060	AMD	92-04-006	308-96A-026	AMD-P	92-11-050
296-125-135	REP-P	92-12-093	308-20-070	AMD	92-04-006	308-96A-035	AMD-P	92-11-050
296-125-140	REP-P	92-12-093	308-20-080	AMD	92-04-006	308-96A-040	AMD	92-02-100
296-125-145	REP-P	92-12-093	308-20-090	AMD	92-04-006	308-96A-046	AMD	92-02-100
296-125-155	REP-P	92-12-093	308-20-100	AMD	92-04-006	308-96A-100	AMD	92-03-076
296-125-160	REP-P	92-12-093	308-20-105	AMD	92-04-006	308-96A-136	AMD	92-02-100
296-125-165	REP-P	92-12-093	308-20-107	AMD	92-04-006	308-96A-161	AMD-P	92-11-050
296-125-170	REP-P	92-12-093	308-20-109	AMD	92-04-006	308-96A-162	AMD-P	92-11-050
296-125-175	REP-P	92-12-093	308-20-110	AMD	92-04-006	308-96A-201	NEW	92-02-100
296-127-018	NEW	92-08-101	308-20-120	AMD	92-04-006	308-96A-205	AMD	92-02-100
296-131-006	NEW-P	92-10-078	308-20-130	AMD	92-04-006	308-96A-206	NEW	92-02-100
296-131-120	AMD-P	92-10-078	308-20-140	AMD	92-04-006	308-96A-207	NEW	92-02-100
296-131-130	AMD-P	92-10-078	308-20-150	AMD	92-04-006	308-96A-208	NEW	92-02-100
296-155-110	AMD-P	92-03-137	308-20-155	AMD	92-04-006	308-96A-210	AMD	92-02-100
296-155-110	AMD-C	92-08-099	308-20-171	AMD	92-04-006	308-96A-220	AMD	92-02-100
296-155-110	AMD	92-09-148	308-20-172	NEW	92-04-006	308-96A-260	AMD	92-02-100
296-155-48527	AMD-P	92-12-087	308-20-175	AMD	92-04-006	308-96A-275	AMD	92-02-100

### Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
308-96A-275	AMD-P	92-11-050	308-104-340	NEW	92-08-045	315-11-820	NEW-P	92-12-091
308-96A-300	AMD	92-02-100	308-300-220	AMD-P	92-07-095	315-11-821	NEW-P	92-12-091
308-96A-306	AMD	92-03-076	308-300-220	AMD	92-10-010	315-11-822	NEW-P	92-12-091
308-96A-310	AMD	92-03-076	308-300-230	AMD-P	92-07-095	315-11-830	NEW-P	92-12-091
308-96A-315	AMD	92-03-076	308-300-230	AMD	92-10-010	315-11-831	NEW-P	92-12-091
308-96A-320	AMD	92-03-076	308-300-240	AMD-P	92-07-095	315-11-832	NEW-P	92-12-091
308-96A-325	AMD	92-03-076	308-300-240	AMD	92-10-010	315-11-840	NEW-P	92-12-091
308-96A-330	AMD	92-03-076	308-300-250	AMD-P	92-07-095	315-11-841	NEW-P	92-12-091
308-96A-335	AMD	92-03-076	308-300-250	AMD	92-10-010	315-11-842	NEW-P	92-12-091
308-96A-340	NEW	92-03-076	308-300-270	AMD-P	92-07-095	315-11-850	NEW-P	92-12-091
308-102-002	NEW-P	92-05-061	308-300-270	AMD	92-10-010	315-11-851	NEW-P	92-12-091
308-102-002	NEW	92-08-045	308-300-280	AMD-P	92-07-095	315-11-852	NEW-P	92-12-091
308-102-004	NEW-P	92-05-061	308-300-280	AMD	92-10-010	315-30-020	AMD-P	92-08-093
308-102-004	NEW	92-08-045	314-12-015	NEW-P	92-08-085	315-30-020	AMD	92-11-033
308-102-006	NEW-P	92-05-061	314-12-090	REP-P	92-08-084	315-30-030	AMD-P	92-08-093
308-102-006	NEW	92-08-045	314-16-190	AMD-P	92-08-086	315-30-030	AMD	92-11-033
308-102-008	NEW-P	92-05-061	314-16-196	AMD-P	92-08-088	315-30-040	AMD-P	92-08-093
308-102-008	NEW	92-08-045	314-16-197	AMD-P	92-08-089	315-30-040	AMD	92-11-033
308-102-010	AMD-P	92-05-061	314-20-020	AMD	92-03-109	315-31-060	AMD-P	92-08-093
308-102-010	AMD	92-08-045	314-20-070	AMD-P	92-09-143	315-31-060	AMD-W	92-11-010
308-102-011	AMD-P	92-05-061	314-24-040	AMD	92-03-110	315-31-060	AMD-P	92-12-091
308-102-011	AMD	92-08-045	314-60-040	AMD-P	92-09-142	315-33A-010	AMD-P	92-08-093
308-102-020	AMD-P	92-05-061	315-11-691	AMD	92-03-048	315-33A-010	AMD	92-11-033
308-102-020	AMD	92-08-045	315-11-710	NEW	92-03-048	315-33A-020	AMD-P	92-08-093
308-102-040	REP-P	92-05-061	315-11-711	NEW	92-03-048	315-33A-020	AMD	92-11-033
308-102-040	REP	92-08-045	315-11-712	NEW	92-03-048	315-33A-060	AMD-P	92-12-091
308-102-100	AMD-P	92-05-061	315-11-730	NEW	92-03-048	315-33B-010	NEW-P	92-03-146
308-102-100	AMD	92-08-045	315-11-731	NEW	92-03-048	315-33B-010	NEW	92-08-002
308-102-110	REP-P	92-05-061	315-11-732	NEW	92-03-048	315-33B-020	NEW-P	92-03-146
308-102-110	REP	92-08-045	315-11-740	NEW	92-03-048	315-33B-020	NEW	92-08-002
308-102-120	REP-P	92-05-061	315-11-741	NEW	92-03-048	315-33B-030	NEW-P	92-03-146
308-102-120	REP	92-08-045	315-11-742	NEW	92-03-048	315-33B-030	NEW	92-08-002
308-102-125	REP-P	92-05-061	315-11-750	NEW-P	92-03-146	315-33B-040	NEW-P	92-03-146
308-102-125	REP	92-08-045	315-11-750	NEW-W	92-05-069	315-33B-040	NEW	92-08-002
308-102-130	AMD-P	92-05-061	315-11-751	NEW-P	92-03-146	315-33B-050	NEW-P	92-03-146
308-102-130	AMD	92-08-045	315-11-751	NEW-W	92-05-069	315-33B-050	NEW	92-08-002
308-102-140	AMD-P	92-05-061	315-11-752	NEW-P	92-03-146	315-33B-060	NEW-P	92-03-146
308-102-140	AMD	92-08-045	315-11-752	NEW-W	92-05-069	315-33B-060	NEW	92-08-002
308-102-150	REP-P	92-05-061	315-11-753	NEW	92-08-002	315-33B-060	AMD-P	92-12-091
308-102-150	REP	92-08-045	315-11-754	NEW	92-08-002	315-33B-070	NEW-P	92-03-146
308-102-160	REP-P	92-05-061	315-11-755	NEW	92-08-002	315-33B-070	NEW	92-08-002
308-102-160	REP	92-08-045	315-11-760	NEW-P	92-03-146	315-34-010	AMD-P	92-08-093
308-102-170	REP-P	92-05-061	315-11-760	NEW	92-08-002	315-34-010	AMD	92-11-033
308-102-170	REP	92-08-045	315-11-761	NEW-P	92-03-146	315-34-020	AMD-P	92-08-093
308-102-180	REP-P	92-05-061	315-11-761	NEW	92-08-002	315-34-020	AMD	92-11-033
308-102-180	REP	92-08-045	315-11-762	NEW-P	92-03-146	315-34-040	AMD-P	92-03-146
308-102-190	AMD-P	92-05-061	315-11-762	NEW	92-08-002	315-34-040	AMD	92-07-014
308-102-190	AMD	92-08-045	315-11-770	NEW-P	92-03-146	315-34-040	AMD-P	92-08-093
308-102-200	AMD-P	92-05-061	315-11-770	NEW-P	92-08-093	315-34-040	AMD	92-11-033
308-102-200	AMD	92-08-045	315-11-770	NEW	92-11-033	315-40-010	NEW	92-03-048
308-102-210	REP-P	92-05-061	315-11-771	NEW-P	92-03-146	315-40-020	NEW	92-03-048
308-102-210	REP	92-08-045	315-11-771	NEW-P	92-08-093	315-40-030	NEW	92-03-048
308-102-220	REP-P	92-05-061	315-11-771	NEW	92-11-033	315-40-040	NEW	92-03-048
308-102-220	REP	92-08-045	315-11-772	NEW-P	92-03-146	315-40-050	NEW	92-03-048
308-102-230	REP-P	92-05-061	315-11-772	NEW-P	92-08-093	315-40-060	NEW	92-03-048
308-102-230	REP	92-08-045	315-11-772	NEW	92-11-033	315-40-070	NEW	92-03-048
308-102-240	REP-P	92-05-061	315-11-780	NEW-P	92-08-093	315-40-080	NEW	92-03-048
308-102-240	REP	92-08-045	315-11-780	NEW	92-11-033	315-41-50100	NEW	92-03-048
308-102-250	AMD-P	92-05-061	315-11-781	NEW-P	92-08-093	315-41-50110	NEW	92-03-048
308-102-250	AMD	92-08-045	315-11-781	NEW	92-11-033	315-41-50120	NEW	92-03-048
308-102-255	NEW-P	92-05-061	315-11-782	NEW-P	92-08-093	315-41-50200	NEW	92-03-048
308-102-255	NEW	92-08-045	315-11-782	NEW	92-11-033	315-41-50210	NEW	92-03-048
308-102-260	AMD-P	92-05-061	315-11-790	NEW-P	92-08-093	315-41-50220	NEW	92-03-048
308-102-260	AMD	92-08-045	315-11-790	NEW	92-11-033	315-41-50300	NEW	92-03-048
308-102-265	AMD-P	92-05-061	315-11-791	NEW-P	92-08-093	315-41-50310	NEW	92-03-048
308-102-265	AMD	92-08-045	315-11-791	NEW	92-11-033	315-41-50320	NEW	92-03-048
308-102-270	REP-P	92-05-061	315-11-792	NEW-P	92-08-093	315-41-50400	NEW-P	92-03-146
308-102-270	REP	92-08-045	315-11-792	NEW	92-11-033	315-41-50400	NEW	92-08-094
308-102-280	REP-P	92-05-061	315-11-800	NEW-P	92-08-093	315-41-50410	NEW-P	92-03-146
308-102-280	REP	92-08-045	315-11-800	NEW	92-11-033	315-41-50410	NEW	92-08-094
308-102-290	AMD-P	92-05-061	315-11-801	NEW-P	92-08-093	315-41-50420	NEW-P	92-03-146
308-102-290	AMD	92-08-045	315-11-801	NEW	92-11-033	315-41-50420	NEW	92-08-094
308-102-295	REP-P	92-05-061	315-11-802	NEW-P	92-08-093	315-41-50500	NEW-P	92-03-146
308-102-295	REP	92-08-045	315-11-802	NEW	92-11-033	315-41-50500	NEW	92-08-094
308-104-160	AMD-P	92-05-061	315-11-810	NEW-P	92-12-091	315-41-50510	NEW-P	92-03-146
308-104-160	AMD	92-08-045	315-11-811	NEW-P	92-12-091	315-41-50510	NEW	92-08-094
308-104-340	NEW-P	92-05-061	315-11-812	NEW-P	92-12-091	315-41-50520	NEW-P	92-03-146

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
315-41-50520	NEW	92-08-094	326-08-040	AMD-P	92-11-018	326-20-080	RESCIND	92-07-102
315-41-50600	NEW-P	92-03-146	326-08-040	AMD-E	92-11-019	326-20-080	AMD-E	92-07-102
315-41-50600	NEW	92-08-094	326-08-050	AMD-E	92-07-001	326-20-080	AMD-P	92-07-103
315-41-50610	NEW-P	92-03-146	326-08-050	AMD-P	92-11-018	326-20-080	AMD	92-11-007
315-41-50610	NEW	92-08-094	326-08-050	AMD-E	92-11-019	326-20-081	AMD-E	92-07-001
315-41-50620	NEW-P	92-03-146	326-08-051	NEW-E	92-07-001	326-20-081	RESCIND	92-07-102
315-41-50620	NEW	92-08-094	326-08-051	NEW-P	92-11-018	326-20-081	AMD-E	92-07-102
318-04-030	AMD	92-03-061	326-08-051	NEW-E	92-11-019	326-20-081	AMD-P	92-07-103
326-02-010	AMD-E	92-07-001	326-08-060	REP-E	92-07-001	326-20-081	AMD	92-11-007
326-02-010	RESCIND	92-07-102	326-08-060	REP-P	92-11-018	326-20-091	REP-E	92-07-001
326-02-010	AMD-E	92-07-102	326-08-060	REP-E	92-11-019	326-20-091	RESCIND	92-07-102
326-02-010	AMD-P	92-07-103	326-08-070	AMD-E	92-07-001	326-20-091	REP-E	92-07-102
326-02-010	AMD	92-11-007	326-08-070	AMD-P	92-11-018	326-20-091	REP-P	92-07-103
326-02-020	AMD-E	92-07-001	326-08-070	AMD-E	92-11-019	326-20-091	REP	92-11-007
326-02-020	RESCIND	92-07-102	326-08-080	AMD-E	92-07-001	326-20-092	AMD-E	92-07-001
326-02-020	AMD-E	92-07-102	326-08-080	AMD-P	92-11-018	326-20-092	RESCIND	92-07-102
326-02-020	AMD-P	92-07-103	326-08-080	AMD-E	92-11-019	326-20-092	AMD-E	92-07-102
326-02-020	AMD	92-11-007	326-08-090	AMD-E	92-07-001	326-20-092	AMD-P	92-07-103
326-02-030	AMD-E	92-07-001	326-08-090	AMD-P	92-11-018	326-20-092	AMD	92-11-007
326-02-030	RESCIND	92-07-102	326-08-090	AMD-E	92-11-019	326-20-093	REP-E	92-07-001
326-02-030	AMD-E	92-07-102	326-08-095	AMD-E	92-07-001	326-20-093	RESCIND	92-07-102
326-02-030	AMD-P	92-07-103	326-08-095	AMD-P	92-11-018	326-20-093	REP-E	92-07-102
326-02-030	AMD	92-11-007	326-08-095	AMD-E	92-11-019	326-20-093	REP-P	92-07-103
326-02-040	AMD-E	92-07-001	326-08-100	AMD-E	92-07-001	326-20-093	REP	92-11-007
326-02-040	RESCIND	92-07-102	326-08-100	AMD-P	92-11-018	326-20-094	AMD-E	92-07-001
326-02-040	AMD-E	92-07-102	326-08-100	AMD-E	92-11-019	326-20-094	RESCIND	92-07-102
326-02-040	AMD-P	92-07-103	326-08-105	NEW-E	92-07-001	326-20-094	AMD-E	92-07-102
326-02-040	AMD	92-11-007	326-08-105	NEW-P	92-11-018	326-20-094	AMD-P	92-07-103
326-02-045	NEW-E	92-07-001	326-08-105	NEW-E	92-11-019	326-20-094	AMD	92-11-007
326-02-045	RESCIND	92-07-102	326-08-110	AMD-E	92-07-001	326-20-094	AMD-E	92-07-001
326-02-045	NEW-E	92-07-102	326-08-110	AMD-P	92-11-018	326-20-095	RESCIND	92-07-102
326-02-045	NEW-P	92-07-103	326-08-110	AMD-E	92-11-019	326-20-095	AMD-E	92-07-102
326-02-045	NEW	92-11-007	326-08-120	AMD-E	92-07-001	326-20-095	AMD-P	92-07-103
326-02-050	AMD-E	92-07-001	326-08-120	AMD-P	92-11-018	326-20-095	AMD	92-11-007
326-02-050	RESCIND	92-07-102	326-08-120	AMD-E	92-11-019	326-20-096	AMD-E	92-07-001
326-02-050	AMD-E	92-07-102	326-08-130	AMD-E	92-07-001	326-20-096	RESCIND	92-07-102
326-02-050	AMD-P	92-07-103	326-08-130	AMD-P	92-11-018	326-20-096	AMD-E	92-07-102
326-02-050	AMD	92-11-007	326-08-130	AMD-E	92-11-019	326-20-096	AMD-P	92-07-103
326-02-060	AMD-E	92-07-001	326-08-140	NEW-E	92-07-001	326-20-096	AMD	92-11-007
326-02-060	RESCIND	92-07-102	326-08-140	NEW-P	92-11-018	326-20-097	REP-E	92-07-001
326-02-060	AMD-E	92-07-102	326-08-140	NEW-E	92-11-019	326-20-097	RESCIND	92-07-102
326-02-060	AMD-P	92-07-103	326-20-010	AMD-E	92-07-001	326-20-097	REP-E	92-07-102
326-02-060	AMD	92-11-007	326-20-010	RESCIND	92-07-102	326-20-097	REP-P	92-07-103
326-02-070	AMD-E	92-07-001	326-20-010	AMD-E	92-07-102	326-20-097	REP	92-11-007
326-02-070	RESCIND	92-07-102	326-20-010	AMD-P	92-07-103	326-20-098	AMD-E	92-07-001
326-02-070	AMD-E	92-07-102	326-20-010	AMD	92-11-007	326-20-098	RESCIND	92-07-102
326-02-070	AMD-P	92-07-103	326-20-020	REP-E	92-07-001	326-20-098	AMD-E	92-07-102
326-02-070	AMD	92-11-007	326-20-020	RESCIND	92-07-102	326-20-098	AMD-P	92-07-103
326-02-080	AMD-E	92-07-001	326-20-020	REP-E	92-07-102	326-20-098	AMD	92-11-007
326-02-080	RESCIND	92-07-102	326-20-020	REP-P	92-07-103	326-20-110	AMD-E	92-07-001
326-02-080	AMD-E	92-07-102	326-20-020	REP	92-11-007	326-20-110	RESCIND	92-07-102
326-02-080	AMD-P	92-07-103	326-20-030	AMD-E	92-07-001	326-20-110	AMD-E	92-07-102
326-02-080	AMD	92-11-007	326-20-030	RESCIND	92-07-102	326-20-110	AMD-P	92-07-103
326-02-090	AMD-E	92-07-001	326-20-030	AMD-E	92-07-102	326-20-110	AMD	92-11-007
326-02-090	RESCIND	92-07-102	326-20-030	AMD-P	92-07-103	326-20-115	AMD-E	92-07-001
326-02-090	AMD-E	92-07-102	326-20-030	AMD	92-11-007	326-20-115	RESCIND	92-07-102
326-02-090	AMD-P	92-07-103	326-20-040	AMD-E	92-07-001	326-20-115	AMD-E	92-07-102
326-02-090	AMD	92-11-007	326-20-040	RESCIND	92-07-102	326-20-115	AMD-P	92-07-103
326-08-010	AMD-E	92-07-001	326-20-040	AMD-E	92-07-102	326-20-115	AMD	92-11-007
326-08-010	AMD-P	92-11-018	326-20-040	AMD-P	92-07-103	326-20-120	AMD-E	92-07-001
326-08-010	AMD-E	92-11-019	326-20-040	AMD	92-11-007	326-20-120	RESCIND	92-07-102
326-08-015	AMD-E	92-07-001	326-20-050	AMD-E	92-07-001	326-20-120	AMD-E	92-07-102
326-08-015	AMD-P	92-11-018	326-20-050	RESCIND	92-07-102	326-20-120	AMD-P	92-07-103
326-08-015	AMD-E	92-11-019	326-20-050	AMD-E	92-07-102	326-20-120	AMD	92-11-007
326-08-016	NEW-E	92-07-001	326-20-050	AMD-P	92-07-103	326-20-130	AMD-E	92-07-001
326-08-016	NEW-P	92-11-018	326-20-050	AMD	92-11-007	326-20-130	RESCIND	92-07-102
326-08-016	NEW-E	92-11-019	326-20-060	AMD-E	92-07-001	326-20-130	AMD-E	92-07-102
326-08-018	NEW-E	92-07-001	326-20-060	RESCIND	92-07-102	326-20-130	AMD-P	92-07-103
326-08-018	NEW-P	92-11-018	326-20-060	AMD-E	92-07-102	326-20-130	AMD	92-11-007
326-08-018	NEW-E	92-11-019	326-20-060	AMD-P	92-07-103	326-20-140	AMD-E	92-07-001
326-08-020	AMD-E	92-07-001	326-20-060	AMD	92-11-007	326-20-140	RESCIND	92-07-102
326-08-020	AMD-P	92-11-018	326-20-070	AMD-E	92-07-001	326-20-140	AMD-E	92-07-102
326-08-020	AMD-E	92-11-019	326-20-070	RESCIND	92-07-102	326-20-140	AMD-P	92-07-103
326-08-035	NEW-E	92-07-001	326-20-070	AMD-E	92-07-102	326-20-140	AMD	92-11-007
326-08-035	NEW-P	92-11-018	326-20-070	AMD-P	92-07-103	326-20-150	AMD-E	92-07-001
326-08-035	NEW-E	92-11-019	326-20-070	AMD	92-11-007	326-20-150	RESCIND	92-07-102
326-08-040	AMD-E	92-07-001	326-20-080	AMD-E	92-07-001	326-20-150	AMD-E	92-07-102

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
326-20-150	AMD-P 92-07-103	326-40-030	NEW-P 92-09-151	356-18-220	AMD 92-12-033
326-20-150	AMD 92-11-007	326-40-040	NEW-P 92-09-151	356-22-035	NEW-P 92-10-066
326-20-160	AMD-E 92-07-001	326-40-050	NEW-P 92-09-151	356-22-036	NEW-P 92-10-066
326-20-160	RESCIND 92-07-102	326-40-060	NEW-P 92-09-151	356-34-010	AMD-P 92-08-096
326-20-160	AMD-E 92-07-102	326-40-070	NEW-P 92-09-151	356-34-010	AMD-W 92-12-032
326-20-160	AMD-P 92-07-103	326-40-075	NEW-P 92-09-151	356-34-060	AMD-P 92-04-034
326-20-160	AMD 92-11-007	326-40-080	NEW-P 92-09-151	356-34-060	AMD 92-08-009
326-20-170	AMD-E 92-07-001	326-40-090	NEW-P 92-09-151	356-47-040	AMD 92-03-100
326-20-170	RESCIND 92-07-102	326-40-100	AMD-P 92-09-151	356-47-045	AMD-P 92-10-065
326-20-170	AMD-E 92-07-102	332-10-170	AMD-P 92-12-074	356-47-060	AMD-P 92-10-065
326-20-170	AMD-P 92-07-103	332-18-010	AMD-W 92-10-068	365-80-010	REP-P 92-09-146
326-20-170	AMD 92-11-007	332-18-130	NEW-W 92-10-068	365-80-010	REP-E 92-09-147
326-20-171	AMD-E 92-07-001	332-22-020	AMD 92-06-003	365-80-020	REP-P 92-09-146
326-20-171	RESCIND 92-07-102	332-22-050	AMD-W 92-12-075	365-80-020	REP-E 92-09-147
326-20-171	AMD-E 92-07-102	332-22-070	NEW-W 92-12-075	365-80-030	REP-P 92-09-146
326-20-171	AMD-P 92-07-103	332-22-100	AMD-W 92-12-075	365-80-030	REP-E 92-09-147
326-20-171	AMD 92-11-007	332-22-105	AMD-W 92-12-075	365-80-040	REP-P 92-09-146
326-20-172	AMD-E 92-07-001	332-22-160	NEW 92-06-003	365-80-040	REP-E 92-09-147
326-20-172	RESCIND 92-07-102	332-22-170	NEW 92-06-003	365-80-050	REP-P 92-09-146
326-20-172	AMD-E 92-07-102	332-22-180	NEW 92-06-003	365-80-050	REP-E 92-09-147
326-20-172	AMD-P 92-07-103	332-22-190	NEW 92-06-003	365-80-060	REP-P 92-09-146
326-20-172	AMD 92-11-007	332-22-200	NEW 92-06-003	365-80-060	REP-E 92-09-147
326-20-173	AMD-E 92-07-001	332-22-210	NEW 92-06-003	365-80-070	REP-P 92-09-146
326-20-173	RESCIND 92-07-102	332-22-220	NEW 92-06-003	365-80-070	REP-E 92-09-147
326-20-173	AMD-E 92-07-102	332-22-230	NEW 92-06-003	365-80-080	REP-P 92-09-146
326-20-173	AMD-P 92-07-103	332-22-240	NEW 92-06-003	365-80-080	REP-E 92-09-147
326-20-173	AMD 92-11-007	332-24-201	AMD-P 92-11-075	365-80-090	REP-P 92-09-146
326-20-180	AMD-E 92-07-001	332-24-205	AMD-P 92-11-075	365-80-090	REP-E 92-09-147
326-20-180	RESCIND 92-07-102	332-24-211	AMD-P 92-11-075	365-80-100	NEW-P 92-09-146
326-20-180	AMD-E 92-07-102	332-24-215	REP-P 92-11-075	365-80-100	NEW-E 92-09-147
326-20-180	AMD-P 92-07-103	332-24-217	NEW-P 92-11-075	365-80-110	NEW-P 92-09-146
326-20-180	AMD 92-11-007	332-24-221	AMD-P 92-11-075	365-80-110	NEW-E 92-09-147
326-20-185	AMD-E 92-07-001	332-24-231	REP-P 92-11-075	365-80-120	NEW-P 92-09-146
326-20-185	RESCIND 92-07-102	332-24-232	REP-P 92-11-075	365-80-120	NEW-E 92-09-147
326-20-185	AMD-E 92-07-102	332-24-234	REP-P 92-11-075	365-80-130	NEW-P 92-09-146
326-20-185	AMD-P 92-07-103	332-24-236	REP-P 92-11-075	365-80-130	NEW-E 92-09-147
326-20-185	AMD 92-11-007	332-24-238	REP-P 92-11-075	365-80-140	NEW-P 92-09-146
326-20-190	AMD-E 92-07-001	332-24-240	REP-P 92-11-075	365-80-140	NEW-E 92-09-147
326-20-190	RESCIND 92-07-102	332-24-242	REP-P 92-11-075	365-80-150	NEW-P 92-09-146
326-20-190	AMD-E 92-07-102	332-24-244	REP-P 92-11-075	365-80-150	NEW-E 92-09-147
326-20-190	AMD-P 92-07-103	332-24-271	NEW-P 92-11-075	365-80-160	NEW-P 92-09-146
326-20-190	AMD 92-11-007	332-24-656	REP-P 92-11-075	365-80-160	NEW-E 92-09-147
326-20-200	REP-E 92-07-001	332-26-080	NEW-E 92-09-061	365-80-170	NEW-P 92-09-146
326-20-200	RESCIND 92-07-102	332-52-065	AMD 92-05-036	365-80-170	NEW-E 92-09-147
326-20-200	REP-E 92-07-102	332-130-010	AMD 92-03-007	365-80-180	NEW-P 92-09-146
326-20-200	REP-P 92-07-103	332-130-020	AMD 92-03-007	365-80-180	NEW-E 92-09-147
326-20-200	REP 92-11-007	332-130-025	NEW 92-03-007	365-80-190	NEW-P 92-09-146
326-20-220	AMD-E 92-07-001	352-32-011	AMD 92-04-072	365-80-190	NEW-E 92-09-147
326-20-220	RESCIND 92-07-102	352-32-235	AMD-P 92-12-080	365-80-200	NEW-P 92-09-146
326-20-220	AMD-E 92-07-102	352-32-250	AMD-P 92-07-083	365-80-200	NEW-E 92-09-147
326-20-220	AMD-P 92-07-103	352-32-250	AMD 92-10-018	365-180-030	AMD 92-03-019
326-20-220	AMD 92-11-007	352-32-25002	AMD 92-05-002	365-180-060	AMD 92-03-019
326-30	AMD-P 92-09-151	352-32-260	AMD-P 92-12-012	365-180-090	AMD 92-03-019
326-30-010	AMD-P 92-09-151	352-32-265	AMD-P 92-09-160	365-200-010	NEW 92-06-005
326-30-020	AMD-P 92-09-151	352-32-265	AMD-W 92-11-081	365-200-020	NEW 92-06-005
326-30-030	AMD-P 92-09-151	352-32-270	AMD-P 92-09-159	365-200-030	NEW 92-06-005
326-30-035	REP-P 92-09-151	352-32-270	AMD-W 92-12-052	365-200-040	NEW 92-06-005
326-30-036	REP-P 92-09-151	352-32-270	AMD-P 92-12-081	365-200-050	NEW 92-06-005
326-30-037	REP-P 92-09-151	352-32-295	AMD-P 92-09-158	365-200-060	NEW 92-06-005
326-30-038	REP-P 92-09-151	352-32-295	AMD-W 92-11-025	365-200-070	NEW 92-06-005
326-30-039	REP-P 92-09-151	352-32-295	AMD-P 92-12-082	374-50-010	NEW-P 92-06-060
326-30-03901	REP-P 92-09-151	352-40-090	AMD-P 92-07-062	374-50-010	NEW 92-09-091
326-30-03902	REP-P 92-09-151	352-40-090	AMD 92-10-019	374-50-020	NEW-P 92-06-060
326-30-03903	REP-P 92-09-151	356-05-214	NEW 92-03-099	374-50-020	NEW 92-09-091
326-30-040	REP-P 92-09-151	356-05-355	AMD-P 92-04-034	374-50-030	NEW-P 92-06-060
326-30-041	NEW-P 92-09-151	356-05-355	AMD 92-08-009	374-50-030	NEW 92-09-091
326-30-046	NEW-P 92-09-151	356-06-055	AMD-P 92-06-089	374-50-040	NEW-P 92-06-060
326-30-050	REP-P 92-09-151	356-06-055	AMD-C 92-10-011	374-50-040	NEW 92-09-091
326-30-051	NEW-P 92-09-151	356-06-055	AMD-C 92-12-030	374-50-050	NEW-P 92-06-060
326-30-060	REP-P 92-09-151	356-15-060	AMD-P 92-06-090	374-50-050	NEW 92-09-091
326-30-070	REP-P 92-09-151	356-15-060	AMD-C 92-10-012	374-50-060	NEW-P 92-06-060
326-30-080	REP-P 92-09-151	356-15-060	AMD-C 92-12-029	374-50-060	NEW 92-09-091
326-30-090	REP-P 92-09-151	356-15-063	AMD-P 92-08-092	374-50-070	NEW-P 92-06-060
326-30-100	REP-P 92-09-151	356-15-063	AMD-C 92-12-031	374-50-070	NEW 92-09-091
326-30-110	AMD-P 92-09-151	356-18-060	AMD 92-03-098	374-50-080	NEW-P 92-06-060
326-40-010	AMD-P 92-09-151	356-18-116	AMD 92-03-101	374-50-080	NEW 92-09-091
326-40-020	AMD-P 92-09-151	356-18-220	AMD-P 92-08-091	374-50-090	NEW-P 92-06-060

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
374-50-090	NEW	92-09-091	388-24-255	AMD	92-09-025	388-51-115	NEW-E	92-04-014
383-07-020	AMD-P	92-04-077	388-24-265	AMD-P	92-03-118	388-51-115	NEW	92-08-033
383-07-020	AMD	92-09-048	388-24-265	AMD	92-09-026	388-51-120	NEW-P	92-04-013
383-07-030	AMD-P	92-04-077	388-28-535	AMD	92-03-090	388-51-120	NEW-E	92-04-014
383-07-030	AMD	92-09-048	388-28-570	AMD-P	92-04-013	388-51-120	NEW	92-08-033
383-07-040	AMD-P	92-04-077	388-28-570	AMD-E	92-04-014	388-51-123	NEW-P	92-04-013
383-07-040	AMD	92-09-048	388-28-570	AMD	92-08-033	388-51-123	NEW-E	92-04-014
383-07-045	AMD-P	92-04-077	388-28-575	AMD-P	92-05-005	388-51-123	NEW	92-08-033
383-07-045	AMD	92-09-048	388-28-575	AMD-E	92-05-008	388-51-125	NEW-P	92-04-013
383-07-050	AMD-P	92-04-077	388-28-575	AMD	92-09-029	388-51-125	NEW-E	92-04-014
383-07-050	AMD	92-09-048	388-29-001	AMD-P	92-07-050	388-51-125	NEW	92-08-033
383-07-060	AMD-P	92-04-077	388-29-001	AMD	92-10-048	388-51-130	NEW-P	92-04-013
383-07-060	AMD	92-09-048	388-29-005	REP-P	92-11-002	388-51-130	NEW-E	92-04-014
383-07-070	AMD-P	92-04-077	388-29-270	AMD-P	92-05-035	388-51-130	NEW	92-08-033
383-07-070	AMD	92-09-048	388-29-270	AMD	92-09-033	388-51-132	NEW-P	92-04-013
383-07-080	AMD-P	92-04-077	388-33-015	AMD-P	92-07-049	388-51-132	NEW-E	92-04-014
383-07-080	AMD	92-09-048	388-33-015	AMD	92-10-047	388-51-135	NEW-P	92-04-013
383-07-090	AMD-P	92-04-077	388-33-377	REP-P	92-11-002	388-51-135	NEW-E	92-04-014
383-07-090	AMD	92-09-048	388-33-379	NEW-P	92-11-002	388-51-135	NEW	92-08-033
383-07-100	AMD-P	92-04-077	388-33-389	AMD-P	92-11-002	388-51-140	NEW-P	92-04-013
383-07-100	AMD	92-09-048	388-33-460	AMD	92-03-089	388-51-140	NEW-E	92-04-014
383-07-115	NEW-P	92-04-077	388-33-480	REP	92-03-085	388-51-140	NEW	92-08-033
383-07-115	NEW	92-09-048	388-37-031	REP-P	92-07-048	388-73	AMD-C	92-04-035
383-07-120	AMD-P	92-04-077	388-37-031	REP	92-10-049	388-73	AMD-C	92-06-011
383-07-120	AMD	92-09-048	388-37-038	AMD-P	92-02-102	388-73-012	AMD	92-08-056
383-07-130	AMD-P	92-04-077	388-37-038	AMD-C	92-04-023	388-73-014	AMD	92-08-056
383-07-130	AMD	92-09-048	388-37-038	AMD	92-08-036	388-73-016	AMD	92-08-056
388-11	AMD-C	92-04-021	388-37-039	NEW-P	92-07-048	388-73-018	AMD	92-08-056
388-11-015	AMD-P	92-08-001	388-37-039	NEW	92-10-049	388-73-018	AMD	92-08-056
388-11-032	NEW-P	92-08-001	388-37-135	AMD	92-03-047	388-73-01950	AMD-P	92-12-009
388-11-040	AMD-P	92-08-001	388-47-115	AMD-P	92-09-081	388-73-024	AMD	92-08-056
388-11-043	NEW-P	92-08-001	388-47-115	AMD	92-12-045	388-73-026	AMD	92-08-056
388-11-048	NEW-P	92-08-001	388-49-020	AMD-P	92-08-010	388-73-028	AMD	92-08-056
388-11-055	AMD	92-08-034	388-49-020	AMD-E	92-08-014	388-73-030	AMD	92-08-056
388-11-060	AMD-P	92-08-001	388-49-020	AMD	92-11-059	388-73-034	AMD	92-08-056
388-11-065	AMD-P	92-08-001	388-49-110	AMD-P	92-05-044	388-73-036	AMD	92-08-056
388-11-140	AMD	92-08-034	388-49-110	AMD-E	92-05-046	388-73-038	AMD	92-08-056
388-11-155	AMD-P	92-08-001	388-49-110	AMD	92-09-032	388-73-042	AMD	92-08-056
388-11-195	REP	92-08-034	388-49-180	AMD-P	92-07-047	388-73-052	AMD	92-08-056
388-11-200	REP	92-08-034	388-49-180	AMD	92-09-116	388-73-054	AMD	92-08-056
388-11-205	AMD	92-08-034	388-49-310	AMD-P	92-10-028	388-73-056	AMD	92-08-056
388-11-210	AMD	92-08-034	388-49-310	AMD-E	92-10-029	388-73-057	AMD	92-08-056
388-14-020	AMD-P	92-08-001	388-49-330	AMD-P	92-08-012	388-73-060	AMD	92-08-056
388-14-200	AMD-P	92-08-001	388-49-330	AMD-E	92-08-015	388-73-060	AMD-P	92-12-009
388-14-203	NEW-P	92-08-001	388-49-330	AMD	92-11-058	388-73-062	AMD	92-08-056
388-14-205	AMD-P	92-08-001	388-49-410	AMD-P	92-06-042	388-73-064	AMD	92-08-056
388-14-270	AMD-P	92-08-001	388-49-410	AMD-E	92-06-045	388-73-069	AMD-P	92-12-009
388-14-273	NEW-P	92-08-001	388-49-410	AMD	92-09-117	388-73-070	AMD	92-08-056
388-14-275	AMD-P	92-08-001	388-49-470	AMD	92-03-119	388-73-077	AMD	92-08-056
388-14-300	AMD-P	92-08-001	388-49-470	AMD-P	92-08-108	388-73-078	AMD	92-08-056
388-14-310	AMD-P	92-08-001	388-49-470	AMD-E	92-08-109	388-73-080	AMD	92-08-056
388-14-415	AMD-P	92-08-001	388-49-470	AMD	92-11-063	388-73-100	AMD	92-08-056
388-14-425	AMD-P	92-08-001	388-49-500	AMD-P	92-05-043	388-73-102	AMD	92-08-056
388-14-460	NEW-P	92-08-001	388-49-500	AMD-E	92-05-045	388-73-102	AMD-P	92-12-009
388-14-470	NEW-P	92-08-001	388-49-500	AMD	92-09-031	388-73-103	AMD	92-08-056
388-14-480	NEW-P	92-08-001	388-49-520	AMD	92-03-086	388-73-104	AMD	92-08-056
388-14-490	NEW-P	92-08-001	388-49-560	AMD-P	92-12-041	388-73-106	AMD	92-08-056
388-15-170	AMD-E	92-08-029	388-49-580	AMD-C	92-04-020	388-73-108	AMD	92-08-056
388-15-170	AMD-P	92-08-030	388-49-580	AMD	92-08-035	388-73-108	AMD-P	92-12-009
388-15-170	AMD	92-11-062	388-49-590	AMD-P	92-09-066	388-73-110	AMD	92-08-056
388-22-030	AMD-P	92-07-051	388-49-590	AMD	92-12-042	388-73-112	AMD	92-08-056
388-22-030	AMD	92-10-050	388-49-640	AMD-P	92-09-037	388-73-116	AMD	92-08-056
388-24-074	AMD-C	92-04-024	388-49-640	AMD	92-12-043	388-73-118	AMD	92-08-056
388-24-074	AMD	92-08-041	388-49-660	AMD-P	92-09-028	388-73-118	AMD-P	92-12-009
388-24-074	AMD-P	92-10-034	388-49-660	AMD	92-12-044	388-73-120	AMD	92-08-056
388-24-125	AMD-P	92-08-005	388-49-700	AMD-P	92-09-066	388-73-126	AMD	92-08-056
388-24-125	AMD-E	92-08-006	388-49-700	AMD-P	92-12-042	388-73-128	AMD	92-08-056
388-24-125	AMD	92-11-056	388-51-010	AMD	92-04-013	388-73-130	AMD	92-08-056
388-24-250	AMD-P	92-03-113	388-51-010	AMD-P	92-04-014	388-73-132	AMD	92-08-056
388-24-250	AMD	92-09-021	388-51-010	AMD-E	92-08-033	388-73-134	AMD	92-08-056
388-24-252	NEW-P	92-03-114	388-51-100	AMD	92-08-033	388-73-136	AMD	92-08-056
388-24-252	NEW	92-09-022	388-51-100	REP-P	92-04-013	388-73-138	AMD	92-08-056
388-24-253	AMD-P	92-03-115	388-51-100	REP-E	92-04-014	388-73-140	AMD	92-08-056
388-24-253	AMD	92-09-023	388-51-100	REP	92-08-033	388-73-142	AMD	92-08-056
388-24-254	AMD-P	92-03-116	388-51-110	NEW-P	92-04-013	388-73-143	AMD	92-08-056
388-24-254	AMD	92-09-024	388-51-110	NEW-E	92-04-014	388-73-144	AMD	92-08-056
388-24-255	AMD-P	92-03-117	388-51-110	NEW	92-08-033	388-73-146	AMD	92-08-056
			388-51-115	NEW-P	92-04-013	388-73-202	AMD	92-08-056

### Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-73-208	AMD	92-08-056	388-83-032	AMD	92-11-057	388-95-360	AMD	92-10-046
388-73-210	AMD	92-08-056	388-83-033	AMD	92-03-083	388-99-030	AMD-P	92-03-111
388-73-210	AMD-P	92-12-009	388-83-033	AMD-P	92-08-080	388-99-030	AMD-E	92-03-122
388-73-212	AMD	92-08-056	388-83-033	AMD-E	92-08-081	388-99-030	AMD	92-07-027
388-73-212	AMD-P	92-12-009	388-83-033	AMD-E	92-09-019	388-320-110	REP-W	92-09-038
388-73-213	NEW	92-08-056	388-83-033	AMD	92-11-057	388-320-135	REP-W	92-09-038
388-73-214	AMD	92-08-056	388-83-036	AMD-P	92-11-054	388-330-030	AMD-P	92-02-101
388-73-216	AMD	92-08-056	388-83-036	AMD-E	92-12-047	388-330-030	AMD-E	92-03-148
388-73-216	AMD-P	92-12-009	388-83-041	AMD-P	92-05-006	388-330-030	AMD-C	92-04-022
388-73-302	AMD	92-08-056	388-83-041	AMD-E	92-05-007	388-330-030	AMD	92-08-038
388-73-304	AMD	92-08-056	388-83-041	AMD	92-09-030	390-05-215	NEW	92-05-081
388-73-306	AMD	92-08-056	388-86-005	AMD	92-03-084	390-05-300	AMD	92-05-080
388-73-308	AMD	92-08-056	388-86-00901	REP-P	92-10-074	390-05-305	AMD	92-05-080
388-73-310	AMD	92-08-056	388-86-00901	REP-E	92-10-076	390-12-040	AMD-W	92-03-005
388-73-312	AMD	92-08-056	388-86-00902	NEW-P	92-10-074	390-16-011	AMD-P	92-12-084
388-73-400	AMD-P	92-12-009	388-86-00902	NEW-E	92-10-076	390-16-012	AMD-P	92-12-084
388-73-409	AMD	92-08-056	388-86-011	NEW-P	92-08-107	390-16-041	AMD	92-05-080
388-73-414	AMD	92-08-056	388-86-011	NEW	92-11-003	390-16-041	AMD-P	92-12-084
388-73-420	REP-P	92-12-009	388-86-019	AMD	92-03-120	390-16-125	AMD	92-05-079
388-73-422	REP-P	92-12-009	388-86-047	AMD-P	92-10-075	390-16-125	AMD-P	92-12-084
388-73-423	REP-P	92-12-009	388-86-047	AMD-E	92-10-077	390-16-310	AMD	92-05-079
388-73-424	REP-P	92-12-009	388-86-080	AMD-P	92-03-041	390-18-040	AMD-P	92-08-104
388-73-426	REP-P	92-12-009	388-86-080	AMD-E	92-03-043	390-18-040	AMD	92-12-037
388-73-428	REP-P	92-12-009	388-86-080	AMD	92-07-026	390-24-202	NEW-S	92-05-078
388-73-450	REP-P	92-12-009	388-86-080	AMD	92-03-120	390-24-202	NEW-E	92-05-082
388-73-452	REP-P	92-12-009	388-86-09601	AMD	92-03-120	390-24-202	NEW	92-08-105
388-73-454	REP-P	92-12-009	388-87-032	NEW-P	92-08-107	390-28-202	NEW	92-05-080
388-73-458	REP-P	92-12-009	388-87-032	NEW	92-11-003	390-28-025	AMD	92-05-080
388-73-460	REP-P	92-12-009	388-88-001	AMD-P	92-03-015	390-32-020	AMD-P	92-12-084
388-73-504	AMD	92-08-056	388-88-001	AMD	92-08-074	392-100	AMD	92-03-138
388-73-506	AMD	92-08-056	388-88-075	AMD-P	92-03-015	392-100-100	NEW	92-03-138
388-73-512	AMD	92-08-056	388-88-075	AMD	92-08-074	392-100-101	NEW	92-03-138
388-73-602	AMD	92-08-056	388-88-080	AMD-P	92-03-015	392-100-102	NEW	92-03-138
388-73-604	AMD	92-08-056	388-88-080	AMD	92-08-074	392-105-007	NEW-P	92-06-052
388-73-606	AMD	92-08-056	388-88-081	AMD-P	92-03-015	392-105-007	NEW	92-10-016
388-73-608	REP	92-08-056	388-88-081	AMD	92-08-074	392-105-013	REP-P	92-06-052
388-73-610	AMD	92-08-056	388-88-082	REP-P	92-03-015	392-105-013	REP	92-10-016
388-73-702	AMD	92-08-056	388-88-082	AMD	92-08-074	392-105-015	AMD-P	92-06-052
388-73-704	AMD	92-08-056	388-88-083	REP-P	92-03-015	392-105-015	AMD	92-10-016
388-73-706	AMD	92-08-056	388-88-083	REP	92-08-074	392-105-020	AMD-P	92-06-052
388-73-708	AMD	92-08-056	388-88-084	REP-P	92-03-015	392-105-020	AMD	92-10-016
388-73-710	AMD	92-08-056	388-88-084	REP	92-08-074	392-105-025	AMD-P	92-06-052
388-73-712	AMD	92-08-056	388-88-095	AMD-P	92-03-015	392-105-025	AMD	92-10-016
388-73-714	AMD	92-08-056	388-88-095	AMD	92-08-074	392-105-030	AMD-P	92-06-052
388-73-716	REP	92-08-056	388-88-097	AMD-P	92-03-015	392-105-030	AMD	92-10-016
388-73-720	AMD	92-08-056	388-88-097	AMD	92-08-074	392-105-035	AMD-P	92-06-052
388-73-722	AMD	92-08-056	388-88-098	AMD-P	92-03-015	392-105-035	AMD	92-10-016
388-73-804	AMD	92-08-056	388-88-098	AMD	92-08-074	392-105-040	NEW-P	92-06-052
388-73-815	NEW	92-08-056	388-88-099	AMD-P	92-03-015	392-105-040	NEW	92-10-016
388-73-820	AMD	92-08-056	388-88-099	AMD	92-08-074	392-105-045	NEW-P	92-06-052
388-73-901	NEW	92-08-056	388-88-100	REP-P	92-03-015	392-105-045	NEW	92-10-016
388-73-901	AMD-P	92-12-009	388-88-100	REP	92-08-074	392-105-050	NEW-P	92-06-052
388-73-902	AMD	92-08-056	388-88-101	REP-P	92-03-015	392-105-050	NEW	92-10-016
388-77-256	REP	92-04-003	388-88-101	REP	92-08-074	392-105-055	NEW-P	92-06-052
388-80-005	AMD-W	92-04-019	388-88-102	AMD-P	92-03-015	392-105-055	NEW	92-10-016
388-80-005	RESCIND	92-04-019	388-88-102	AMD	92-08-074	392-105-060	NEW-P	92-06-052
388-81-017	NEW	92-05-050	388-88-125	NEW-P	92-03-015	392-105-060	NEW	92-10-016
388-81-038	NEW	92-03-084	388-88-125	NEW	92-08-074	392-122-201	NEW	92-03-045
388-81-047	AMD-P	92-03-112	388-88-130	NEW-P	92-03-015	392-122-202	NEW	92-03-045
388-81-047	AMD-E	92-03-121	388-88-130	NEW	92-08-074	392-122-205	AMD	92-03-045
388-81-047	AMD	92-07-029	388-88-135	NEW-P	92-03-015	392-122-206	AMD	92-03-045
388-81-050	AMD-P	92-03-042	388-88-135	NEW	92-08-074	392-122-207	NEW	92-03-045
388-81-050	AMD-E	92-03-044	388-88-140	NEW-P	92-03-015	392-122-210	AMD	92-03-045
388-81-050	AMD	92-07-028	388-88-145	NEW-P	92-03-015	392-122-211	NEW	92-03-045
388-82-115	AMD	92-03-046	388-88-145	NEW	92-08-074	392-122-212	NEW	92-03-045
388-82-140	AMD-P	92-08-080	388-88-145	NEW	92-08-074	392-122-213	NEW	92-03-045
388-82-140	AMD-E	92-08-081	388-92-025	AMD-P	92-11-053	392-122-214	NEW	92-03-045
388-82-140	AMD	92-11-057	388-92-025	AMD-E	92-12-046	392-122-214	NEW	92-03-045
388-82-160	AMD-P	92-08-080	388-92-034	AMD-P	92-08-011	392-122-220	NEW	92-03-045
388-82-160	AMD-E	92-08-081	388-92-034	AMD-E	92-08-016	392-122-221	NEW	92-03-045
388-82-160	AMD	92-11-057	388-92-034	AMD	92-11-060	392-122-225	NEW	92-03-045
388-83-012	AMD-P	92-08-013	388-92-045	AMD-C	92-04-025	392-122-230	AMD	92-03-045
388-83-012	AMD-E	92-08-017	388-92-045	AMD	92-08-037	392-122-255	AMD	92-03-045
388-83-012	AMD	92-11-061	388-95-337	AMD	92-03-088	392-122-260	AMD	92-03-045
388-83-013	AMD	92-03-087	388-95-360	AMD-P	92-03-147	392-122-265	AMD	92-03-138
388-83-032	AMD-P	92-08-080	388-95-360	AMD-E	92-03-149	392-122-270	AMD	92-03-045
388-83-032	AMD-E	92-08-081	388-95-360	AMD-C	92-07-053	392-122-275	AMD	92-03-045
			388-95-360	AMD	92-08-082	392-122-300	NEW	92-03-138
			388-95-360	AMD-E	92-08-083	392-122-301	NEW	92-03-138



Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
392-163-590	NEW-P	92-10-062	434-30-010	NEW	92-10-038	434-53-060	NEW	92-12-083
392-163-595	NEW-P	92-10-062	434-30-020	NEW	92-10-038	434-53-070	NEW-S	92-09-112
392-163-600	NEW-P	92-10-062	434-30-030	NEW	92-10-038	434-53-070	NEW	92-12-083
392-163-605	NEW-P	92-10-062	434-30-040	NEW	92-10-038	434-53-080	NEW-S	92-09-112
392-163-610	NEW-P	92-10-062	434-30-050	NEW	92-10-038	434-53-080	NEW	92-12-083
392-163-615	NEW-P	92-10-062	434-30-060	NEW	92-10-038	434-53-090	NEW-S	92-09-112
392-163-620	NEW-P	92-10-062	434-30-070	NEW	92-10-038	434-53-090	NEW	92-12-083
392-163-625	NEW-P	92-10-062	434-30-080	NEW	92-10-038	434-53-100	NEW-S	92-09-112
392-163-630	NEW-P	92-10-062	434-30-090	NEW	92-10-038	434-53-100	NEW	92-12-083
392-163-635	NEW-P	92-10-062	434-30-100	NEW	92-10-038	434-53-110	NEW-S	92-09-112
392-163-640	NEW-P	92-10-062	434-30-110	NEW	92-10-038	434-53-110	NEW	92-12-083
392-163-645	NEW-P	92-10-062	434-30-120	NEW	92-10-038	434-53-120	NEW-S	92-09-112
392-165-105	AMD-P	92-11-028	434-30-130	NEW	92-10-038	434-53-120	NEW	92-12-083
392-165-115	AMD-P	92-11-028	434-30-140	NEW	92-10-038	434-53-130	NEW-S	92-09-112
392-165-120	AMD-P	92-11-028	434-30-150	NEW	92-10-038	434-53-130	NEW	92-12-083
392-165-130	AMD-P	92-11-028	434-30-160	NEW	92-10-038	434-53-140	NEW-S	92-09-112
392-165-170	AMD-P	92-11-028	434-30-170	NEW	92-10-038	434-53-140	NEW	92-12-083
392-165-240	REP-P	92-11-028	434-30-180	NEW	92-10-038	434-53-150	NEW-S	92-09-112
392-165-260	AMD-P	92-11-028	434-30-190	NEW	92-10-038	434-53-150	NEW	92-12-083
392-165-304	AMD-P	92-11-028	434-30-200	NEW	92-10-038	434-53-160	NEW-S	92-09-112
392-165-310	AMD-P	92-11-028	434-30-210	NEW	92-10-038	434-53-160	NEW	92-12-083
392-165-320	AMD-P	92-11-028	434-30-220	NEW	92-10-038	434-53-170	NEW-S	92-09-112
392-165-322	AMD-P	92-11-028	434-34-010	NEW-S	92-09-112	434-53-170	NEW	92-12-083
392-165-325	AMD-P	92-11-028	434-34-010	NEW	92-12-083	434-53-180	NEW-S	92-09-112
392-165-327	REP-P	92-11-028	434-34-015	NEW-S	92-09-112	434-53-180	NEW	92-12-083
392-165-330	AMD-P	92-11-028	434-34-015	NEW	92-12-083	434-53-190	NEW-S	92-09-112
392-165-332	REP-P	92-11-028	434-34-020	NEW-S	92-09-112	434-53-190	NEW	92-12-083
392-165-340	AMD-P	92-11-028	434-34-020	NEW	92-12-083	434-53-200	NEW-S	92-09-112
392-165-342	REP-P	92-11-028	434-34-025	NEW-S	92-09-112	434-53-200	NEW	92-12-083
392-165-345	AMD-P	92-11-028	434-34-025	NEW	92-12-083	434-53-210	NEW-S	92-09-112
392-165-347	NEW-P	92-11-028	434-34-030	NEW-S	92-09-112	434-53-210	NEW	92-12-083
392-165-360	AMD-P	92-11-028	434-34-030	NEW	92-12-083	434-53-220	NEW-S	92-09-112
392-165-362	NEW-P	92-11-028	434-34-035	NEW-S	92-09-112	434-53-220	NEW	92-12-083
392-165-415	NEW-P	92-11-028	434-34-035	NEW	92-12-083	434-53-230	NEW-S	92-09-112
392-165-420	NEW-P	92-11-028	434-34-040	NEW-S	92-09-112	434-53-230	NEW	92-12-083
392-165-425	AMD-P	92-11-028	434-34-040	NEW	92-12-083	434-53-240	NEW-S	92-09-112
392-165-430	AMD-P	92-11-028	434-34-045	NEW-S	92-09-112	434-53-240	NEW	92-12-083
392-165-460	AMD-P	92-11-028	434-34-045	NEW	92-12-083	434-53-250	NEW-S	92-09-112
392-165-500	AMD-P	92-11-028	434-34-050	NEW-S	92-09-112	434-53-250	NEW	92-12-083
392-165-510	NEW-P	92-11-028	434-34-050	NEW	92-12-083	434-53-260	NEW-S	92-09-112
392-175-001	NEW-P	92-06-053	434-34-055	NEW-S	92-09-112	434-53-260	NEW	92-12-083
392-175-005	NEW-P	92-06-053	434-34-055	NEW	92-12-083	434-53-270	NEW-S	92-09-112
392-175-010	NEW-P	92-06-053	434-34-060	NEW-S	92-09-112	434-53-270	NEW	92-12-083
392-175-015	NEW-P	92-06-053	434-34-060	NEW	92-12-083	434-53-280	NEW-S	92-09-112
392-175-020	NEW-P	92-06-053	434-34-065	NEW-S	92-09-112	434-53-280	NEW	92-12-083
392-175-025	NEW-P	92-06-053	434-34-065	NEW	92-12-083	434-53-290	NEW-S	92-09-112
392-196-005	AMD	92-05-068	434-34-070	NEW-S	92-09-112	434-53-290	NEW	92-12-083
392-196-045	AMD	92-05-068	434-34-070	NEW	92-12-083	434-53-300	NEW-S	92-09-112
392-196-080	AMD	92-05-068	434-34-075	NEW-S	92-09-112	434-53-300	NEW	92-12-083
392-196-085	AMD	92-05-068	434-34-075	NEW	92-12-083	434-53-310	NEW-S	92-09-112
392-196-090	REP	92-05-068	434-34-080	NEW-S	92-09-112	434-53-310	NEW	92-12-083
392-196-100	AMD	92-05-068	434-34-080	NEW	92-12-083	434-53-320	NEW-S	92-09-112
392-202-110	AMD-W	92-03-063	434-34-085	NEW-S	92-09-112	434-53-320	NEW	92-12-083
392-202-115	AMD-W	92-03-063	434-34-085	NEW	92-12-083	434-53-330	NEW-W	92-12-076
392-202-120	AMD-W	92-03-063	434-34-090	NEW-S	92-09-112	434-53-340	NEW-W	92-12-076
399-30-030	AMD	92-03-052	434-34-090	NEW	92-12-083	434-61-010	NEW	92-10-038
399-30-040	AMD	92-03-052	434-34-095	NEW-S	92-09-112	434-61-020	NEW	92-10-038
399-30-042	AMD	92-03-052	434-34-095	NEW	92-12-083	434-61-030	NEW	92-10-038
399-30-045	AMD	92-03-052	434-34-100	NEW-S	92-09-112	434-61-040	NEW	92-10-038
399-30-050	AMD	92-03-052	434-34-100	NEW	92-12-083	434-61-050	NEW	92-10-038
399-30-060	AMD	92-03-052	434-34-105	NEW-S	92-09-112	434-61-060	NEW	92-10-038
399-30-065	AMD	92-03-052	434-34-105	NEW	92-12-083	434-62-150	NEW-S	92-09-112
399-40-020	AMD	92-03-051	434-34-110	NEW-S	92-09-112	434-62-150	NEW	92-12-083
415-108-670	NEW-E	92-11-027	434-34-110	NEW	92-12-083	434-62-160	NEW-S	92-09-112
415-112-560	NEW-E	92-11-027	434-34-115	NEW-S	92-09-112	434-62-160	NEW	92-12-083
415-115-080	AMD-E	92-11-027	434-34-115	NEW	92-12-083	434-62-170	NEW-S	92-09-112
415-115-080	AMD-P	92-12-048	434-53-010	NEW-S	92-09-112	434-62-170	NEW	92-12-083
415-115-110	REP-E	92-11-027	434-53-010	NEW	92-12-083	434-62-180	NEW-S	92-09-112
415-115-110	REP-P	92-12-048	434-53-020	NEW-S	92-09-112	434-62-180	NEW	92-12-083
434-28-012	AMD-S	92-09-112	434-53-020	NEW	92-12-083	434-62-190	NEW-S	92-09-112
434-28-012	AMD	92-12-083	434-53-030	NEW-S	92-09-112	434-62-190	NEW	92-12-083
434-28-020	AMD-S	92-09-112	434-53-030	NEW	92-12-083	434-62-200	NEW-S	92-09-112
434-28-020	AMD	92-12-083	434-53-040	NEW-S	92-09-112	434-62-200	NEW	92-12-083
434-28-050	NEW-S	92-09-112	434-53-040	NEW	92-12-083	434-75-240	AMD-P	92-05-023
434-28-050	NEW	92-12-083	434-53-050	NEW-S	92-09-112	434-75-240	AMD	92-08-032
434-28-060	NEW-S	92-09-112	434-53-050	NEW	92-12-083	434-75-250	AMD-P	92-05-023
434-28-060	NEW	92-12-083	434-53-060	NEW-S	92-09-112	434-75-250	AMD	92-08-032

**Table of WAC Sections Affected**

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
434-166-010	NEW-E	92-02-103	434-166-260	NEW	92-10-023	458-18-010	PREP	92-04-068
434-166-010	NEW-P	92-02-104	434-166-270	NEW-E	92-02-103	458-18-010	AMD-P	92-04-078
434-166-010	NEW	92-10-023	434-166-270	NEW-P	92-02-104	458-18-010	AMD-E	92-06-038
434-166-020	NEW-E	92-02-103	434-166-270	NEW	92-10-023	458-18-020	PREP	92-04-068
434-166-020	NEW-P	92-02-104	434-166-280	NEW-E	92-02-103	458-18-020	AMD-P	92-04-078
434-166-020	NEW	92-10-023	434-166-280	NEW-P	92-02-104	458-18-020	AMD-E	92-06-038
434-166-030	NEW-E	92-02-103	434-166-280	NEW	92-10-023	458-20-105	AMD-P	92-03-066
434-166-030	NEW-P	92-02-104	434-166-290	NEW-E	92-02-103	458-20-105	AMD	92-06-082
434-166-030	NEW	92-10-023	434-166-290	NEW-P	92-02-104	458-20-132	AMD	92-05-066
434-166-040	NEW-E	92-02-103	434-166-290	NEW	92-10-023	458-20-164	AMD-P	92-03-067
434-166-040	NEW-P	92-02-104	434-166-300	NEW-E	92-02-103	458-20-166	AMD	92-05-064
434-166-040	NEW	92-10-023	434-166-300	NEW-P	92-02-104	458-20-18601	NEW-P	92-03-065
434-166-050	NEW-E	92-02-103	434-166-300	NEW	92-10-023	458-20-18601	NEW	92-06-081
434-166-050	NEW-P	92-02-104	434-166-310	NEW-E	92-02-103	458-20-18801	AMD	92-05-065
434-166-050	NEW	92-10-023	434-166-310	NEW-P	92-02-104	458-20-199	AMD	92-03-026
434-166-060	NEW-E	92-02-103	434-166-310	NEW	92-10-023	458-20-228	AMD	92-03-025
434-166-060	NEW-P	92-02-104	434-166-320	NEW-E	92-02-103	458-20-229	AMD-P	92-05-017
434-166-060	NEW	92-10-023	434-166-320	NEW-P	92-02-104	458-20-260	NEW-E	92-04-015
434-166-070	NEW-E	92-02-103	434-166-320	NEW	92-10-023	458-20-260	PREP	92-05-052
434-166-070	NEW-P	92-02-104	434-166-330	NEW-E	92-02-103	458-20-260	NEW-P	92-07-092
434-166-070	NEW	92-10-023	434-166-330	NEW-P	92-02-104	458-20-260	NEW	92-10-006
434-166-080	NEW-E	92-02-103	434-166-330	NEW	92-10-023	458-30-262	AMD	92-03-068
434-166-080	NEW-P	92-02-104	434-166-340	NEW-E	92-02-103	458-40-615	NEW-E	92-08-018
434-166-080	NEW	92-10-023	434-166-340	NEW-P	92-02-104	458-40-615	PREP	92-10-060
434-166-090	NEW-E	92-02-103	434-166-340	NEW	92-10-023	458-40-650	AMD-E	92-06-040
434-166-090	NEW-P	92-02-104	434-166-350	NEW-E	92-02-103	458-40-650	AMD-E	92-06-057
434-166-090	NEW	92-10-023	434-166-350	NEW-P	92-02-104	458-40-650	AMD-P	92-10-061
434-166-100	NEW-E	92-02-103	434-166-350	NEW	92-10-023	458-40-660	PREP	92-06-037
434-166-100	NEW-P	92-02-104	434-166-360	NEW-E	92-02-103	458-40-660	AMD-E	92-06-040
434-166-100	NEW	92-10-023	434-166-360	NEW-P	92-02-104	458-40-660	AMD-E	92-06-057
434-166-110	NEW-E	92-02-103	434-630-010	NEW-P	92-09-017	458-40-660	AMD-P	92-10-061
434-166-110	NEW-P	92-02-104	434-630-020	NEW-P	92-09-017	458-40-670	PREP	92-06-037
434-166-110	NEW	92-10-023	434-630-030	NEW-P	92-09-017	458-40-670	AMD-E	92-06-040
434-166-120	NEW-E	92-02-103	434-630-040	NEW-P	92-09-017	458-40-670	AMD-E	92-06-057
434-166-120	NEW-P	92-02-104	434-630-050	NEW-P	92-09-017	458-40-670	AMD-P	92-10-061
434-166-120	NEW	92-10-023	434-630-060	NEW-P	92-09-017	458-40-684	AMD-P	92-10-061
434-166-130	NEW-E	92-02-103	434-635-010	NEW-P	92-09-018	463-06-020	AMD-P	92-02-099
434-166-130	NEW-P	92-02-104	434-635-020	NEW-P	92-09-018	463-06-020	AMD	92-09-013
434-166-130	NEW	92-10-023	434-635-030	NEW-P	92-09-018	463-06-030	AMD-P	92-02-099
434-166-140	NEW-E	92-02-103	434-635-040	NEW-P	92-09-018	463-06-030	AMD	92-09-013
434-166-140	NEW-P	92-02-104	434-635-050	NEW-P	92-09-018	463-06-040	AMD-P	92-02-099
434-166-140	NEW	92-10-023	434-635-060	NEW-P	92-09-018	463-06-040	AMD	92-09-013
434-166-150	NEW-E	92-02-103	434-640-010	NEW	92-05-060	463-06-050	AMD-P	92-02-099
434-166-150	NEW-P	92-02-104	434-640-020	NEW	92-05-060	463-06-050	AMD	92-09-013
434-166-150	NEW	92-10-023	434-640-030	NEW	92-05-060	463-06-070	AMD-P	92-02-099
434-166-160	NEW-E	92-02-103	434-677-010	NEW-P	92-04-026	463-06-070	AMD	92-09-013
434-166-160	NEW-P	92-02-104	434-677-010	NEW	92-08-020	463-06-150	AMD-P	92-02-099
434-166-160	NEW	92-10-023	434-677-020	NEW-P	92-04-026	463-06-150	AMD	92-09-013
434-166-170	NEW-E	92-02-103	434-677-020	NEW	92-08-020	463-26-030	REP-P	92-02-099
434-166-170	NEW-P	92-02-104	434-677-030	NEW-P	92-04-026	463-26-030	REP	92-09-013
434-166-170	NEW	92-10-023	434-677-030	NEW	92-08-020	463-39-005	NEW-P	92-02-099
434-166-180	NEW-E	92-02-103	434-677-040	NEW-P	92-04-026	463-39-005	NEW	92-09-013
434-166-180	NEW-P	92-02-104	434-677-040	NEW	92-08-020	463-39-010	AMD-P	92-02-099
434-166-180	NEW	92-10-023	434-677-050	NEW-P	92-04-026	463-39-010	AMD	92-09-013
434-166-190	NEW-E	92-02-103	434-677-050	NEW	92-08-020	463-39-030	AMD-P	92-02-099
434-166-190	NEW-P	92-02-104	434-677-060	NEW-P	92-04-026	463-39-030	AMD	92-09-013
434-166-190	NEW	92-10-023	434-677-060	NEW	92-08-020	463-39-040	REP-P	92-02-099
434-166-200	NEW-E	92-02-103	434-677-070	NEW-P	92-04-026	463-39-040	REP	92-09-013
434-166-200	NEW-P	92-02-104	434-677-070	NEW	92-08-020	463-39-050	REP-P	92-02-099
434-166-200	NEW	92-10-023	434-677-080	NEW-P	92-04-026	463-39-050	REP	92-09-013
434-166-210	NEW-E	92-02-103	434-677-080	NEW	92-08-020	463-39-060	REP-P	92-02-099
434-166-210	NEW-P	92-02-104	446-16-025	AMD-P	92-11-051	463-39-060	REP	92-09-013
434-166-210	NEW	92-10-023	446-16-030	AMD-P	92-11-051	463-39-080	REP-P	92-02-099
434-166-220	NEW-E	92-02-103	446-16-080	AMD-P	92-11-051	463-39-080	REP	92-09-013
434-166-220	NEW-P	92-02-104	446-16-090	AMD-P	92-11-051	463-39-110	REP-P	92-02-099
434-166-220	NEW	92-10-023	446-20-285	AMD-P	92-11-052	463-39-110	REP	92-09-013
434-166-230	NEW-E	92-02-103	446-20-290	AMD-P	92-11-052	463-39-115	AMD-P	92-02-099
434-166-230	NEW-P	92-02-104	446-20-300	AMD-P	92-11-052	463-39-115	AMD	92-09-013
434-166-230	NEW	92-10-023	446-20-420	AMD-P	92-11-052	463-39-120	AMD-P	92-02-099
434-166-240	NEW-E	92-02-103	446-20-440	AMD-P	92-11-052	463-39-120	AMD	92-09-013
434-166-240	NEW-P	92-02-104	446-20-520	AMD-P	92-11-052	463-39-150	REP-P	92-02-099
434-166-240	NEW	92-10-023	458-16-013	PREP	92-04-069	463-39-150	REP	92-09-013
434-166-250	NEW-E	92-02-103	458-16-013	AMD-P	92-04-079	463-42-055	AMD-P	92-02-099
434-166-250	NEW-P	92-02-104	458-16-013	AMD-E	92-06-039	463-42-055	AMD	92-09-013
434-166-250	NEW	92-10-023	458-16-020	PREP	92-04-069	463-42-165	AMD-P	92-02-099
434-166-260	NEW-E	92-02-103	458-16-020	AMD-P	92-04-079	463-42-165	AMD	92-09-013
434-166-260	NEW-P	92-02-104	458-16-020	AMD-E	92-06-039	463-42-195	AMD-P	92-02-099

### Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
463-42-195	AMD	92-09-013	478-160-090	REP	92-12-011	480-04-080	REP	92-07-006
463-42-225	AMD-P	92-02-099	478-160-105	AMD-P	92-08-065	480-04-090	AMD	92-07-006
463-42-225	AMD	92-09-013	478-160-105	AMD	92-12-011	480-04-095	NEW	92-07-006
463-42-265	AMD-P	92-02-099	478-160-115	AMD-P	92-08-065	480-04-110	AMD	92-07-006
463-42-265	AMD	92-09-013	478-160-115	AMD	92-12-011	480-04-120	AMD	92-07-006
463-42-345	AMD-P	92-02-099	478-160-120	AMD-P	92-08-065	480-04-130	AMD	92-07-006
463-42-345	AMD	92-09-013	478-160-120	AMD	92-12-011	480-09-100	AMD	92-07-006
463-42-445	AMD-P	92-02-099	478-160-130	AMD-P	92-08-065	480-09-210	AMD	92-07-006
463-42-445	AMD	92-09-013	478-160-130	AMD	92-12-011	480-12-375	AMD-P	92-05-092
463-42-455	AMD-P	92-02-099	478-160-140	AMD-P	92-08-065	480-12-375	AMD	92-09-014
463-42-455	AMD	92-09-013	478-160-140	AMD	92-12-011	480-70-350	AMD	92-03-082
463-42-465	AMD-P	92-02-099	478-160-150	AMD-P	92-08-065	480-80-047	AMD-W	92-10-067
463-42-465	AMD	92-09-013	478-160-150	AMD	92-12-011	480-80-048	NEW	92-07-010
463-42-595	AMD-P	92-02-099	478-160-155	REP-P	92-08-065	480-80-049	NEW-P	92-05-089
463-42-595	AMD	92-09-013	478-160-155	REP	92-12-011	480-80-049	NEW	92-08-075
463-42-625	AMD-P	92-02-099	478-160-160	AMD-P	92-08-065	480-92-011	NEW	92-03-050
463-42-625	AMD	92-09-013	478-160-160	AMD	92-12-011	480-92-021	NEW	92-03-050
463-42-685	NEW-P	92-02-099	478-160-200	REP-P	92-08-065	480-92-031	NEW	92-03-050
463-42-685	NEW-P	92-06-070	478-160-200	REP	92-12-011	480-92-050	NEW	92-03-050
463-42-685	NEW-W	92-07-002	478-160-205	REP-P	92-08-065	480-92-060	NEW	92-03-050
463-42-685	NEW	92-10-001	478-160-205	REP	92-12-011	480-92-070	NEW	92-03-050
463-42-690	NEW-P	92-02-099	478-160-210	AMD-P	92-08-065	480-92-080	NEW	92-03-050
463-42-690	NEW	92-09-013	478-160-210	AMD	92-12-011	480-92-090	NEW	92-03-050
463-47-051	AMD-P	92-02-099	478-160-215	REP-P	92-08-065	480-92-100	NEW	92-03-050
463-47-051	AMD	92-09-013	478-160-215	REP	92-12-011	480-92-110	NEW	92-03-050
463-47-090	AMD-P	92-02-099	478-160-216	REP-P	92-08-065	480-93-002	AMD-P	92-06-086
463-47-090	AMD	92-09-013	478-160-216	REP	92-12-011	480-93-005	AMD-P	92-06-086
468-51-010	NEW-P	92-10-041	478-160-220	REP-P	92-08-065	480-93-010	AMD-P	92-06-086
468-51-020	NEW-P	92-10-041	478-160-220	REP	92-12-011	480-93-015	NEW-P	92-06-086
468-51-030	NEW-P	92-10-041	478-160-225	REP-P	92-08-065	480-93-017	NEW-P	92-06-086
468-51-040	NEW-P	92-10-041	478-160-225	REP	92-12-011	480-93-018	NEW-P	92-06-086
468-51-050	NEW-P	92-10-041	478-160-230	AMD-P	92-08-065	480-93-020	AMD-P	92-06-086
468-51-060	NEW-P	92-10-041	478-160-230	AMD	92-12-011	480-93-030	AMD-P	92-06-086
468-51-070	NEW-P	92-10-041	478-160-231	AMD-P	92-08-065	480-93-082	NEW-P	92-06-086
468-51-080	NEW-P	92-10-041	478-160-231	AMD	92-12-011	480-93-110	AMD-P	92-06-086
468-51-090	NEW-P	92-10-041	478-160-232	REP-P	92-08-065	480-93-111	NEW-P	92-06-086
468-51-100	NEW-P	92-10-041	478-160-232	REP	92-12-011	480-93-112	NEW-P	92-06-086
468-51-110	NEW-P	92-10-041	478-160-240	AMD-P	92-08-065	480-93-115	NEW-P	92-06-086
468-51-120	NEW-P	92-10-041	478-160-240	AMD	92-12-011	480-93-120	AMD-P	92-06-086
468-51-130	NEW-P	92-10-041	478-160-246	AMD-P	92-08-065	480-93-124	NEW-P	92-06-086
468-51-140	NEW-P	92-10-041	478-160-246	AMD	92-12-011	480-93-140	AMD-P	92-06-086
468-51-150	NEW-P	92-10-041	478-160-256	AMD-P	92-08-065	480-93-155	NEW-P	92-06-086
468-66-010	AMD-P	92-06-010	478-160-256	AMD	92-12-011	480-93-161	NEW-P	92-06-086
468-66-010	AMD	92-09-043	478-160-260	AMD-P	92-08-065	480-93-175	NEW-P	92-06-086
468-66-090	AMD-P	92-06-010	478-160-260	AMD	92-12-011	480-93-180	AMD-P	92-06-086
468-66-090	AMD	92-09-043	478-160-265	AMD-P	92-08-065	480-93-183	NEW-P	92-06-086
468-66-140	AMD-P	92-06-010	478-160-265	AMD	92-12-011	480-93-185	AMD-P	92-06-086
468-66-140	AMD	92-09-043	478-160-270	AMD-P	92-08-065	480-93-18601	AMD-P	92-06-086
478-138-010	AMD-P	92-09-154	478-160-270	AMD	92-12-011	480-93-187	AMD-P	92-06-086
478-138-020	AMD-P	92-09-154	478-160-271	NEW-P	92-08-065	480-93-188	AMD-P	92-06-086
478-138-030	AMD-P	92-09-154	478-160-271	NEW	92-12-011	480-93-190	AMD-P	92-06-086
478-138-040	AMD-P	92-09-154	478-160-275	AMD-P	92-08-065	480-93-200	AMD-P	92-06-086
478-138-050	REP-P	92-09-154	478-160-275	AMD	92-12-011	480-93-210	AMD-P	92-06-086
478-138-060	NEW-P	92-09-154	478-160-280	AMD-P	92-08-065	480-93-230	AMD-P	92-06-086
478-160-020	AMD-P	92-08-065	478-160-280	AMD	92-12-011	480-110-018	NEW-P	92-05-091
478-160-020	AMD	92-12-011	478-160-285	AMD-P	92-08-065	480-110-018	NEW	92-09-078
478-160-025	AMD-P	92-08-065	478-160-285	AMD	92-12-011	480-110-021	AMD-P	92-05-090
478-160-025	AMD	92-12-011	478-160-290	AMD-P	92-08-065	480-110-066	AMD-P	92-05-090
478-160-030	AMD-P	92-08-065	478-160-290	AMD	92-12-011	480-120-340	NEW	92-03-049
478-160-030	AMD	92-12-011	478-160-295	AMD-P	92-08-065	480-146-091	NEW-C	92-05-001
478-160-035	AMD-P	92-08-065	478-160-295	AMD	92-12-011	480-146-091	NEW	92-07-009
478-160-035	AMD	92-12-011	478-160-305	AMD-P	92-08-065	495A-104-010	NEW-P	92-07-101
478-160-040	AMD-P	92-08-065	478-160-305	AMD	92-12-011	495A-104-010	NEW-E	92-08-004
478-160-040	AMD	92-12-011	478-160-310	AMD-P	92-08-065	495A-104-010	NEW	92-12-017
478-160-045	AMD-P	92-08-065	478-160-310	AMD	92-12-011	495A-104-020	NEW-P	92-07-101
478-160-045	AMD	92-12-011	478-160-320	AMD-P	92-08-065	495A-104-020	NEW-E	92-08-004
478-160-050	AMD-P	92-08-065	478-160-320	AMD	92-12-011	495A-104-020	NEW	92-12-017
478-160-050	AMD	92-12-011	479-01-020	AMD-P	92-08-095	495A-104-030	NEW-P	92-07-101
478-160-055	AMD-P	92-08-065	479-01-020	AMD	92-12-014	495A-104-030	NEW-E	92-08-004
478-160-055	AMD	92-12-011	480-04-010	REP	92-07-006	495A-104-030	NEW	92-12-017
478-160-060	AMD-P	92-08-065	480-04-020	AMD	92-07-006	495A-108-010	NEW-P	92-07-101
478-160-060	AMD	92-12-011	480-04-030	AMD	92-07-006	495A-108-010	NEW-E	92-08-004
478-160-065	AMD-P	92-08-065	480-04-040	REP	92-07-006	495A-108-010	NEW	92-12-017
478-160-065	AMD	92-12-011	480-04-050	AMD	92-07-006	495A-108-020	NEW-P	92-07-101
478-160-085	AMD-P	92-08-065	480-04-060	AMD	92-07-006	495A-108-020	NEW-E	92-08-004
478-160-085	AMD	92-12-011	480-04-065	NEW	92-07-006	495A-108-020	NEW	92-12-017
478-160-090	REP-P	92-08-065	480-04-070	AMD	92-07-006	495A-108-030	NEW-P	92-07-101





## Table of WAC Sections Affected

WAC #		WSR #
495D-276-070	NEW-P	92-12-049
495D-276-080	NEW-P	92-12-049
495D-276-090	NEW-P	92-12-049
495D-276-100	NEW-P	92-12-049
495D-276-110	NEW-P	92-12-049
495D-276-120	NEW-P	92-12-049
495D-276-130	NEW-P	92-12-049
495D-276-140	NEW-P	92-12-049
495D-280-010	NEW-P	92-12-049
495D-280-015	NEW-P	92-12-049
495D-280-020	NEW-P	92-12-049
495D-280-030	NEW-P	92-12-049
495D-280-040	NEW-P	92-12-049
495D-280-050	NEW-P	92-12-049
495D-280-060	NEW-P	92-12-049
495D-280-070	NEW-P	92-12-049
495D-280-080	NEW-P	92-12-049
495D-280-090	NEW-P	92-12-049
495D-280-100	NEW-P	92-12-049
495D-280-110	NEW-P	92-12-049
495D-280-120	NEW-P	92-12-049
495D-300-010	NEW-P	92-12-049
495D-300-015	NEW-P	92-12-049
495D-300-020	NEW-P	92-12-049
495D-300-030	NEW-P	92-12-049
495D-300-040	NEW-P	92-12-049
495D-325-010	NEW-P	92-12-049
508-12-280	REP-P	92-06-091
508-12-280	REP	92-12-055
508-12-290	REP-P	92-06-091
508-12-290	REP	92-12-055
508-12-300	REP-P	92-06-091
508-12-300	REP	92-12-055
508-12-310	REP-P	92-06-091
508-12-310	REP	92-12-055
508-12-320	REP-P	92-06-091
508-12-320	REP	92-12-055
508-12-330	REP-P	92-06-091
508-12-330	REP	92-12-055
508-12-340	REP-P	92-06-091
508-12-340	REP	92-12-055
508-12-350	REP-P	92-06-091
508-12-350	REP	92-12-055
508-12-360	REP-P	92-06-091
508-12-360	REP	92-12-055
508-12-370	REP-P	92-06-091
508-12-370	REP	92-12-055
508-12-380	REP-P	92-06-091
508-12-380	REP	92-12-055
516-12-400	AMD	92-06-068
516-12-430	AMD	92-06-068
516-13-080	AMD	92-06-068
516-13-090	NEW	92-06-068

**Subject/Agency Index**  
(Citations in **bold type** refer to material in this issue)

<b>ACCOUNTANCY, BOARD OF</b>		<b>AGRICULTURE, DEPARTMENT OF—cont.</b>	
Experience requirement for license	92-03-062	Livestock markets, public	
<b>AGRICULTURE, DEPARTMENT OF</b>		brand inspection work area	
Alfalfa		standards	92-01-111
certification	92-09-150		92-06-013
Annual bluegrass quarantine	92-09-150	Noxious weed seed and plant quarantine	92-03-106
Apparatus display signs	92-11-077		92-07-025
Apple advertising commission		Nurseries	
meetings	92-01-024	dealer license fees	92-10-040
Apples		research projects, fee surcharge	
apple ermine moth quarantine	92-02-071	to support	92-10-040
	92-06-024	Organic foods	
		meat and dairy products, production	
apple maggot survey and detection		standards	92-07-052
program			92-11-001
funds	92-02-069	Peaches	
	92-04-032	grade standards	92-08-106
	92-06-022		92-11-076
grade standards	92-11-074	Pesticides	
Aquatic and wetland weed quarantine	92-03-105	penalty matrix schedule	92-03-064
	92-07-024		92-06-083
Azalea flower spot quarantine	92-09-074		92-10-008
Bean seed		restrictions	92-03-134
bean seedborne viral disease quarantine	92-06-048		92-07-005
	92-06-049		92-07-059
	92-06-050		92-07-060
	92-09-075		92-08-026
	<b>92-12-025</b>		92-08-027
certification standards	92-09-075	violations, rights of persons aggrieved	
Beef commission		by	92-06-084
meetings	92-03-034		92-10-009
Blueberry commission		Phytosanitary certification	92-09-150
meetings	92-04-031	Potatoes	
Bulb commission		negotiating session between producers and	
meetings	92-01-017	processors, recordkeeping	92-03-069
Caneberries			92-03-070
certification fees	<b>92-12-056</b>		92-07-030
Corn		Rapeseed	
negotiating session between producers		off type varieties, registration	92-08-055
and processors, recordkeeping	92-03-069		92-11-013
	92-03-070	Red raspberry commission	
	92-07-030	commodity board	
Egg commission		membership	92-05-070
meetings	92-03-123		<b>92-12-003</b>
Eggs		powers and duties	92-05-070
grading and packing facilities,			<b>92-12-003</b>
standards	92-01-091	meetings	92-03-007
Fees and charges for department		Seeds	
services	92-03-104	assessment fees	92-09-150
	92-07-023	Strawberries	
	92-11-073	plant certification fees	<b>92-12-056</b>
Food distributors		Strawberry commission	
licenses	92-07-070	commodity board	
Food processors		assessments	92-05-071
licenses	92-07-070		<b>92-12-004</b>
Fruits and vegetables			<b>92-12-006</b>
movement from production area		term limitations	92-05-071
inspection requirements	92-01-121		<b>92-12-004</b>
	92-06-085	meetings	<b>92-12-006</b>
Fryer commission			92-03-058
meetings	92-06-026	Tree fruit research commission	
Grain and commodity inspection points	92-11-073	assessment rates	92-01-009
Grass		Varroa mite quarantine	92-01-013
certification	92-09-150		92-02-070
sod quality standards	92-09-150	Weeds	92-06-023
sudangrass certification	92-09-150	aquatic and wetland, quarantine	92-03-105
Herbicides			92-07-024
restrictions	92-08-028	noxious weed seed and plant	
Hop commission		quarantine	92-03-106
assessments	92-06-071		92-07-025
	92-09-068	Weights and measures	
	92-06-071	national type evaluation program	
board member activities	92-09-068	uniform regulations	92-03-018
	92-01-063	Wetland and aquatic weed quarantine	92-03-105
meetings	92-11-073		92-07-024
Inspection and/or weighing fees			
Landscape applications			
apparatus display signs	92-11-077		

**Subject/Agency Index**  
(Citations in **bold type** refer to material in this issue)

<b>AGRICULTURE, DEPARTMENT OF—cont.</b>		<b>BATES TECHNICAL COLLEGE—cont.</b>	
Wine commission meetings	92-02-048 92-09-036	State Environmental Policy Act compliance	92-07-101 92-08-004 <b>92-12-017</b>
Wood destroying organisms inspection and reporting criteria	92-03-133 92-07-084	Student conduct code	92-07-101 92-08-004 <b>92-12-017</b>
<b>ASIAN AMERICAN AFFAIRS, COMMISSION ON</b>		Tuition and fee schedule	92-07-101 92-08-004 <b>92-12-017</b>
Meetings	92-02-028	<b>BELLEVEUE COMMUNITY COLLEGE</b>	
<b>ATTORNEY GENERAL'S OFFICE</b>		Affirmative action policy	92-07-073 92-09-060
Motor vehicles		Bargaining agent selection	92-07-074 92-09-058
arbitration special master, powers and duties	92-11-037	Bylaws and standing orders	92-07-071 92-09-057
consumer rights notice	92-11-036	Meetings	92-02-037
lemon law arbitration	92-11-036	Parking and traffic rules	92-09-062 92-09-063
subsequent transferee, definition	92-11-037	Reduction in force policy	92-07-072 92-09-059
Opinions		<b>BELLINGHAM TECHNICAL COLLEGE</b>	
collection agencies, dishonored check notice (1992, No. 2)	92-06-061	Meetings	92-01-046 92-03-035 92-03-059 92-04-016 92-05-031 92-07-020 92-07-082 92-09-012 92-09-040 92-10-059 92-11-034
launch service operations (1992, No. 7)	<b>92-12-039</b>	<b>BLIND, DEPARTMENT OF SERVICES FOR THE</b>	
presumptive death certificate, when authorized (1992, No. 6)	<b>92-12-016</b>	Administrative procedures	92-06-036 92-09-090
rent control, local government authority to impose (1992, No. 5)	92-10-035	Eligibility for services	92-06-036 92-09-090
school district real estate purchase (1991, No. 34)	92-02-005	Vending facilities	
trust requirement, land granted to Washington Territory (1992, No. 3)	92-06-062	vendor or licensee selection	92-07-011 92-07-012 92-10-024 92-06-036 92-09-090
weed control, authority of counties (1991, No. 1)	92-06-051	Vocational rehabilitation	
wildlife regulations (1992, No. 4)	92-07-032	<b>BLIND, WASHINGTON STATE SCHOOL FOR THE</b>	
<b>BASIC HEALTH PLAN</b>		Rules coordinator	92-01-021
Advisory council		<b>BOILER RULES, BOARD OF (See LABOR AND INDUSTRIES, DEPARTMENT OF)</b>	
meetings	<b>92-12-024</b>	<b>BUILDING CODE COUNCIL</b>	
Benefits schedules	92-09-157	Barrier-free facilities regulations	92-01-130 92-01-145 92-09-110 92-01-140
Disenrollment	92-09-157	Energy code	
Enrollment	92-09-157	Fueling tanks	
Premiums and copayments	92-09-157	motor vehicle refueling	92-09-156
<b>BATES TECHNICAL COLLEGE</b>		Housing for indigent persons	
Board of trustees	92-07-101 92-08-004 <b>92-12-017</b>	building code exemptions	92-01-069
Debts, services withheld for outstanding debts	92-07-101 92-08-004 <b>92-12-017</b>	Indoor air quality maintenance requirements	92-01-129
Discrimination	92-07-101 92-08-004 <b>92-12-017</b>	Plumbing fixtures	
Facilities use	92-07-101 92-08-004 <b>92-12-017</b>	water conservation performance standards	92-01-068
Financial aid	92-07-101 92-08-004 <b>92-12-017</b>	Rules coordinator	<b>92-12-010</b>
Grievance procedures	92-07-101 92-08-004 <b>92-12-017</b>	Tank trucks	
Meetings	92-01-043	motor vehicle refueling	92-09-156
Organization and operation	92-07-101 92-08-004 <b>92-12-017</b>	Uniform codes	
Practice and procedure	92-07-101 92-08-004 <b>92-12-017</b>	building code	92-01-145 92-05-086 92-09-110
Public records, availability	92-07-101 92-08-004 <b>92-12-017</b>		
Rules coordinator	92-07-101 92-08-004 <b>92-12-017</b>		
Scholarships	92-07-101 92-08-004 <b>92-12-017</b>		

**Subject/Agency Index**  
(Citations in **bold type** refer to material in this issue)

<b>BUILDING CODE COUNCIL—cont.</b>		<b>COMMUNITY DEVELOPMENT, DEPARTMENT OF</b>	
fire code and fire code standards	92-01-065	—cont.	
	92-05-087	Development loan fund	
	92-09-156	meetings	92-03-081
mechanical code	92-01-064	Energy matchmakers program	92-03-019
plumbing code	92-01-066	Fire protection services	
plumbing code standards	92-01-067	state facilities in cities and towns	92-09-146
Water conservation performance standards	92-01-068		92-09-147
Wildland/urban interface areas		Fire protection policy board	
building and fire standards	92-01-128	meetings	92-06-014
			92-10-003
<b>BUSINESS ASSISTANCE CENTER</b>		Low-income weatherization assistance	92-03-019
(See <b>TRADE AND ECONOMIC</b>		Public hearings	
<b>DEVELOPMENT, DEPARTMENT OF</b> )		natural resources of state-wide	
<b>CENTRAL WASHINGTON UNIVERSITY</b>		significance	92-01-134
Affirmative action		Public works board	
grievance procedure	92-02-006	loan and financing guarantees	92-03-052
policy	92-02-006	meetings	92-01-108
Meetings	92-04-010		92-06-032
Rules coordinator	92-01-107	State Environmental Policy Act compliance	92-03-051
<b>CENTRALIA COLLEGE</b>		<b>CONVENTION AND TRADE CENTER</b>	
Meetings	92-01-088	Meetings	92-01-025
<b>CLARK COLLEGE</b>			92-02-078
Meetings	92-02-008		92-03-009
<b>CLEMENCY AND PARDONS BOARD</b>			92-05-063
Meetings	92-03-038		92-07-056
<b>CLOVER PARK TECHNICAL COLLEGE</b>			92-09-049
Board of trustees	<b>92-12-050</b>		92-11-029
Debts, services withheld for outstanding	<b>92-12-050</b>	<b>COUNTY ROAD ADMINISTRATION BOARD</b>	
Facilities use	<b>92-12-050</b>	Organization and operation	92-08-068
Financial aid	<b>92-12-050</b>	Public records, availability	92-08-069
Grievance procedures	<b>92-12-050</b>	Rules coordinator	92-02-047
Library use	<b>92-12-050</b>		92-04-017
Meetings	92-04-038	Rural arterial programs	
	92-10-037	design standards	92-08-072
Organization and operation	<b>92-12-050</b>		<b>92-12-005</b>
Parking and traffic	<b>92-12-050</b>	funds allocation	92-08-071
Practice and procedure	<b>92-12-050</b>	project prioritization	92-08-070
Public records, availability	<b>92-12-050</b>	<b>CRIMINAL JUSTICE TRAINING COMMISSION</b>	
Rules coordinator	92-04-038	Firearms certification	
	<b>92-12-050</b>	instructors	92-02-042
Scholarships	<b>92-12-050</b>	private detectives	92-02-041
State Environmental Policy Act compliance	<b>92-12-050</b>	private security guards	92-02-040
Student conduct code	<b>92-12-050</b>	records	92-02-042
Tuition and fee schedule	<b>92-12-050</b>	<b>DAIRY PRODUCTS COMMISSION</b>	
<b>CODE REVISER'S OFFICE</b>		Assessment rate	92-10-031
Rules coordinator	92-01-001	Promotional hosting expenditures	92-10-032
<b>COLUMBIA RIVER GORGE COMMISSION</b>		<b>DEAF, WASHINGTON STATE SCHOOL</b>	
Alterations to existing structures	92-07-057	<b>FOR THE</b>	
	92-09-020	Rules coordinator	92-01-020
Management plan amendment process	92-09-095	<b>EASTERN WASHINGTON UNIVERSITY</b>	
	92-11-005	Adjudicative proceedings	92-04-084
Urban area boundary revision			92-05-053
application procedures	92-05-009		92-05-056
	92-11-006		92-09-100
			92-09-102
<b>COMBINED FUND DRIVE COMMITTEE,</b>			92-09-105
<b>WASHINGTON STATE EMPLOYEE</b>		Alcoholic beverages	
(See <b>GOVERNOR, OFFICE OF THE</b> )		use by students twenty-one and older	
<b>COMMUNITY AND TECHNICAL COLLEGES,</b>		in student housing	92-05-054
<b>BOARD FOR</b>			92-09-103
Course and enrollment information,		Employees	
dissemination	92-09-140	assessed financial obligations	92-05-053
Meetings	92-01-054		92-09-102
Organization and operations	92-09-138	paycheck deductions	92-05-053
Retirement plan			92-09-102
options for members terminating		Meetings	92-02-031
employment	92-09-139		92-04-085
	<b>92-12-085</b>		92-09-101
Tuition and fees	92-10-033	Organization and operation	92-04-083
	92-10-042		92-09-099
<b>COMMUNITY DEVELOPMENT, DEPARTMENT OF</b>		Rules coordinator	92-02-030
Affordable housing program	92-06-005		92-04-054
			92-11-024
		Scholarships	92-02-052

**Subject/Agency Index**  
(Citations in **bold type** refer to material in this issue)

**EASTERN WASHINGTON UNIVERSITY—cont.**

State Environmental Policy Act compliance 92-05-055  
92-09-104  
Student records, availability 92-02-053  
Students  
assessed financial obligations 92-05-056  
92-09-105

**ECOLOGY, DEPARTMENT OF**

Air quality  
motor vehicle emission inspection 92-09-133  
open burning **92-12-026**  
oxygenated gasoline standards 92-06-088  
92-11-043  
Boatyard permit 92-07-086  
Carbon monoxide emissions  
oxygenated gasoline standards 92-06-088  
92-11-043  
Chlorofluorocarbon refrigerants  
recycling requirements 92-11-045  
Conservation and renewable energy system  
approval of application to form  
notice of intention to consider  
application to form 92-06-046  
Dam safety regulations 92-06-091  
**92-12-055**  
Dangerous waste  
spill and discharge reporting  
requirements 92-03-127  
92-11-040  
Forest practices  
aquatic habitat protection 92-07-085  
92-11-068  
classification 92-05-084  
water quality protection 92-07-085  
92-11-068  
wetlands protection 92-07-085  
92-11-068  
Hazardous waste  
fees 92-05-083  
92-10-043  
Mixed waste  
facilities, permit fees 92-10-021  
Motor vehicle emission inspection 92-09-133  
Motor vehicle fuel  
oxygenated gasoline standards 92-06-088  
92-11-043  
Oil spills  
compensation schedule 92-01-095  
92-09-034  
92-10-005  
92-11-038  
facility oil spill prevention plan  
standards 92-06-087  
natural resource damage assessment 92-01-095  
92-09-034  
92-10-005  
92-11-038  
Open burning  
permits **92-12-026**  
prohibited materials **92-12-026**  
violations **92-12-026**  
Pesticide use 92-05-084  
Refrigerants  
recycling requirements 92-11-045  
Rules coordinator 92-01-094  
92-06-047  
Rules review  
small business impact 92-11-067  
Shoreline master programs  
Bellevue, city of 92-07-090  
Bremerton, city of 92-04-081  
Bridgeport, city of 92-03-132  
Clallam County 92-07-091  
Island County 92-04-080  
92-09-135  
Kent, city of 92-07-087

**ECOLOGY, DEPARTMENT OF—cont.**

Mercer Island, city of 92-03-128  
92-09-131  
92-11-044  
Normandy Park, city of 92-01-096  
Pateros, city of 92-01-097  
Port Orchard, city of 92-03-129  
92-09-127  
**92-12-054**  
San Juan County 92-11-042  
Seattle, city of 92-07-088  
92-09-128  
92-09-132  
Snoqualmie, city of 92-03-130  
Tumwater, city of 92-09-134  
92-07-089  
Wahkiakum County  
Small business impacts  
rules review 92-11-067  
Solid fuel burning devices  
masonry fireplaces, retail sales  
fee 92-01-098  
92-09-035  
92-10-022  
92-01-098  
92-09-035  
92-10-022  
retail sales fee  
State/environmental protection  
agency agreement 92-09-054  
Waste  
mixed waste facilities  
permit fees 92-10-021  
Wastewater  
discharge permit  
fee schedule 92-03-131  
Water  
boatyard permit 92-07-086  
surface water quality standards 92-11-041  
Water rights  
Columbia River water withdrawal 92-07-055  
Snake River water withdrawal 92-07-054  
Watershed analysis implementation 92-05-084  
Woodstove regulation 92-01-098  
92-09-035

**ECONOMIC DEVELOPMENT FINANCE  
AUTHORITY**

Operations and procedures 92-03-055  
92-03-056  
92-09-002

**EDMONDS COMMUNITY COLLEGE**

Meetings 92-01-002  
92-05-040  
92-07-081  
92-09-052  
**92-12-001**  
92-04-067  
92-09-055  
Parking and traffic

**EDUCATION, STATE BOARD OF**

Appeal procedures 92-08-077  
Certification  
general requirements 92-01-126  
92-04-044  
vocational instructors 92-01-125  
92-05-039  
Internship certificate 92-08-077  
Meetings 92-01-022  
Physical education requirement 92-05-067  
92-08-078  
School districts with restructuring plan  
program hour requirements, waiver 92-01-124  
92-05-047  
teacher contact hours requirements,  
waiver 92-01-124  
92-05-047  
Special study activities  
state reimbursement 92-01-123  
92-04-043

## Subject/Agency Index

(Citations in bold type refer to material in this issue)

### EDUCATION, STATE BOARD OF—cont.

Teachers  
 certification requirements 92-01-126  
 92-01-127  
 92-04-044  
 92-06-027  
 92-09-108  
 teacher preparation programs 92-01-126  
 92-01-127  
 92-04-044  
 92-06-027  
 92-09-108  
 Vocational instructors  
 certification standards 92-01-125  
 92-05-039

### EMPLOYMENT SECURITY DEPARTMENT

Employer notice and separation  
 determination 92-03-145  
 Timber impact areas  
 dislocated workers 92-02-076  
 92-05-051  
 Unemployment insurance  
 benefit charge relief 92-07-104  
 predecessor/successor relationship 92-07-104

### ENERGY FACILITY SITE EVALUATION COUNCIL

Air pollution sources 92-02-099  
 92-07-002  
 92-09-013  
 Environmental regulations 92-02-099  
 92-07-002  
 92-09-013  
 Federal, state, and local requirements 92-06-070  
 92-10-001  
 Organization and operation 92-02-099  
 92-07-002  
 92-09-013  
 Site certification 92-02-099  
 92-06-070  
 92-07-002  
 92-09-013  
 92-10-001

### ENERGY OFFICE

Energy efficiency services account 92-01-120

### ENGINEERS AND LAND SURVEYORS

Evaluation of license candidates 92-01-101  
 Examinations 92-01-100  
 92-01-101  
 92-04-008  
 92-09-089  
**92-12-053**  
 92-01-101  
 Experience records 92-01-101  
 Seals  
 usage 92-01-099

### ENVIRONMENTAL HEARINGS OFFICE

Rules coordinator 92-03-008

### EVERETT COMMUNITY COLLEGE

Meetings 92-01-133

### FAMILY INDEPENDENCE PROGRAM

(See SOCIAL AND HEALTH SERVICES,  
 DEPARTMENT OF)

### FISHERIES, DEPARTMENT OF

Commercial  
 baitfish  
 seasons 92-08-022  
 bottomfish  
 coastal bottomfish  
 catch limits 92-02-058  
 92-03-030  
 92-03-150  
 92-07-008  
 92-08-007  
 92-09-084  
 92-11-021  
**92-12-018**

### FISHERIES, DEPARTMENT OF—cont.

gear 92-02-058  
 92-03-150  
 92-07-008  
 hold inspections 92-11-004  
 nontreaty fish receiving tickets 92-11-004  
 seasons 92-10-064  
 Puget Sound bottomfish,  
 catch limits and gear 92-06-092  
 92-08-079  
 92-09-073  
 92-11-011  
 commercial fisheries permits  
 emerging 92-09-129  
 experimental 92-09-129  
 trial 92-09-129  
 crabs, seasons and areas 92-01-034  
 92-02-039  
 salmon  
 Columbia River and tributaries 92-09-047  
 92-09-106  
 Columbia River  
 above Bonneville, seasons 92-04-051  
 92-07-007  
 below Bonneville, seasons 92-05-004  
 Puget Sound  
 net fisheries 92-09-137  
 92-11-083  
 92-01-033  
 restrictions and closures  
 troll, seasons and gear 92-09-130  
 Willapa Bay, seasons 92-10-081  
 sea urchins, seasons and areas 92-06-054  
 shad  
 Columbia River, seasons and gear 92-11-066  
 shrimp  
 Hood Canal 92-10-020  
 92-11-065  
 Puget Sound fishery 92-10-002  
 92-11-008  
 sturgeon  
 Columbia River  
 above Bonneville, seasons 92-03-022  
 92-07-007  
 92-08-090  
 below Bonneville, seasons 92-05-004  
 maximum size 92-10-081  
 personal retention 92-10-081  
 Hydraulic project regulations 92-11-082  
Personal use  
 abalone  
 bag limit 92-03-151  
 92-09-083  
 92-11-012  
 size limit 92-03-151  
 92-09-083  
 92-11-012  
 carp  
 gear 92-07-015  
 clams  
 areas and seasons  
 hardshell 92-03-151  
 92-09-083  
 92-11-012  
 razor 92-03-151  
 92-09-083  
 92-11-012  
 crabs, areas and seasons 92-01-035  
 92-03-151  
 92-09-083  
 92-11-012  
 crayfish, gear 92-03-151  
 92-11-012  
 food fish  
 species identification 92-03-151  
 92-11-012

**Subject/Agency Index**  
(Citations in **bold type** refer to material in this issue)

**FISHERIES, DEPARTMENT OF—cont.**

halibut  
  areas and seasons 92-10-039  
                          **92-12-002**

  bag limits 92-10-039  
                          **92-12-002**

lingcod, areas and seasons 92-03-151  
                          92-09-083  
                          92-11-012

oysters  
  areas and seasons 92-03-151  
                          92-09-083  
                          92-11-012

river mouth definitions 92-08-031

rockfish, areas and seasons 92-03-151  
                          92-09-083  
                          92-11-012

salmon  
  areas and seasons 92-03-151  
                          92-11-012  
                          **92-12-013**

  bag limits 92-03-151  
                          92-11-012  
                          **92-12-013**

  Canadian origin 92-09-083

  Columbia River 92-04-050  
                          92-08-059  
                          92-09-047  
                          92-09-083

  Cowlitz River 92-09-083

  gear 92-03-151  
                          92-11-012

  Hood Canal 92-04-011

  Icicle River 92-11-020

  Klickitat River 92-08-031

  Little White Salmon River 92-08-031

  Quillayute River 92-07-035

  Soleduck River 92-07-035

  Strait of Juan de Fuca 92-10-017

  Wind River 92-08-031

shellfish  
  gear 92-09-083

shrimp

  Hood Canal 92-11-065

sturgeon  
  areas and seasons 92-09-083

  Columbia River below Bonneville  
  sanctuary 92-03-151  
                          92-11-012

**FOREST PRACTICES BOARD**

Archaeological and historical sites 92-11-069  
                          **92-12-038**

Chemical handling, storage, and application 92-07-093  
                          92-11-069  
                          92-07-093

Cumulative effects 92-07-093

Environmental review 92-06-004  
  forest practices subject to review 92-11-069  
                          **92-12-038**

"Forest trees" defined 92-03-028

Meetings 92-01-117  
                          92-04-005  
                          92-07-013  
                          92-09-065  
                          92-10-080  
                          92-11-069  
                          **92-12-038**

Pesticides application 92-07-093  
                          92-11-069  
                          **92-12-038**

Road construction and maintenance 92-07-093  
                          92-11-069  
                          **92-12-038**

Rules coordinator 92-01-118

State Environmental Policy Act  
  forest practices subject to review 92-06-004  
                          92-07-093  
                          92-11-069  
                          **92-12-038**

**FOREST PRACTICES BOARD—cont.**

Stream shade cover 92-07-093  
                          92-11-069

Timber harvest rate monitoring 92-02-055  
                          92-08-025

Timber harvest size and timing 92-07-093  
                          92-11-069

Watershed analysis system 92-01-119  
                          92-07-093  
                          92-09-064  
                          92-11-069

Wetlands typing system 92-07-093  
                          92-11-069

Wildlife  
  critical wildlife habitats 92-11-069

  tree and log retention for habitat 92-11-069

**GAMBLING COMMISSION**

Adjudicative proceedings  
  forms 92-06-033

Amusement games  
  wager and prize limitations 92-08-057

Meetings 92-03-037

Rules coordinator 92-03-036

**GENERAL ADMINISTRATION,  
DEPARTMENT OF**

Banking, division of  
  check cashiers and sellers  
  regulation 92-02-105

  investment in investment companies 92-01-092  
                          92-04-027

  mutual holding companies  
  establishment and operation 92-01-093  
                          92-06-041

Capitol grounds  
  parking fee payments 92-01-143  
                          92-04-037

  skateboarding prohibited on 92-01-144  
                          92-09-076  
                          92-11-039

  traffic and parking regulations 92-01-142  
                          92-04-036

Local government  
  self-insurance 92-09-155  
                          **92-12-092**

Office facilities, state-owned  
  parking fees 92-10-082

Rules coordinator 92-05-037

Self-insurance  
  local government entities 92-09-155  
                          **92-12-092**

Skateboarding on state capitol grounds 92-01-144  
                          92-09-076  
                          92-11-039

State-owned office facilities  
  parking fees 92-10-082

Surplus property  
  disposal priorities 92-05-042  
                          92-09-016

**GOVERNOR, OFFICE OF THE**

Combined fund drive committee,  
  state employee 92-09-096

  public nonprofit charities, inclusion 92-10-036

Drug-free work place policy 92-01-109

Electronic message systems 92-08-060

Log export regulations 92-11-017

**GRAYS HARBOR COLLEGE**

Adjudicative proceedings 92-01-056  
                          92-07-063  
                          92-09-041

Board of trustees 92-01-057  
                          92-07-064  
                          92-08-043  
                          92-01-058  
                          92-07-065  
                          92-08-044

Financial aid

## Subject/Agency Index

(Citations in **bold type** refer to material in this issue)

### GRAYS HARBOR COLLEGE—cont.

Meetings	92-01-047
	92-01-057
	92-07-064
	92-08-043
Organization and operation	92-01-057
	92-07-064
	92-08-043
Scholarships	92-01-058
	92-08-044
Tuition and fees	92-01-058
	92-07-065
	92-08-044

### GREEN RIVER COMMUNITY COLLEGE

Meetings	92-02-033
----------	-----------

### GROWTH PLANNING HEARINGS BOARDS

Practice and procedure	<b>92-12-023</b>
Rules coordinator	<b>92-12-022</b>

### HARDWOODS COMMISSION

(See **TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF**)

### HEALTH, BOARD OF

(See **HEALTH, DEPARTMENT OF**)

### HEALTH CARE AUTHORITY

Eligibility	
employees, retirees, and dependents	92-04-001
	92-07-046
	92-08-003
Eligible entities	92-03-040
Rules coordinator	92-06-001
	92-07-061

### HEALTH, DEPARTMENT OF

Adult residential rehabilitation centers	
fees	92-10-014
Alcoholism treatment facilities	
fee schedule	92-07-097
	<b>92-12-028</b>
Boarding homes	
fee schedule	92-07-097
	<b>92-12-086</b>
Cancer cases	
identifying and reporting, criteria and procedures	92-01-050
information access standards	92-01-050
Certificate of need	
open heart surgery services review	92-09-086
	92-09-087
	<b>92-12-015</b>
Chiropractic disciplinary board	
meetings	92-03-097
peer review	92-01-070
peer review committee	
fees	92-06-065
	92-06-066
	92-11-009
	92-04-049
	92-05-058
rules coordinator	92-01-048
scope of practice	92-09-080
	<b>92-12-007</b>
	<b>92-12-008</b>
Chiropractic examiners, board of	
chiropractic x-ray technicians	
preceptorship program	92-02-022
reciprocity	92-02-022
regulation	92-02-022
temporary permits	92-02-022
continuing education	<b>92-12-090</b>
examinations	<b>92-12-090</b>
fees	92-03-140
	92-07-017
meetings	92-01-008
preceptor or supervisory doctor	<b>92-12-090</b>
rules coordinator	92-01-048

### HEALTH, DEPARTMENT OF—cont.

temporary permits	<b>92-12-090</b>
Community health clinics	
eligibility determination and funds distribution	92-07-077
Dental disciplinary board	
amalgam restoration practice standards	92-02-044
	92-02-098
	92-06-007
infection control in dental offices	92-06-063
	92-06-064
	92-09-069
mandatory reporting requirements	92-05-085
rules coordinator	92-01-048
rules update	92-05-012
Dental examiners, board of	
examinations	92-01-122
licensure	92-01-122
rules coordinator	92-01-048
Dental hygienists	
expanded functions education program	
application procedures	92-03-126
requirements	92-03-006
practical examination review	
procedures	92-11-014
Drinking water certification	92-07-078
Drug manufacturing or storage sites, illegal, contractor certification for decontamination of	92-02-017
	92-03-143
	92-04-071
	92-10-027
Health, board of	
drug manufacturing or storage sites, illegal, contractor certification for decontamination of	92-02-017
	92-03-143
	92-04-071
food service rules and regulations	92-03-142
	92-08-112
food worker permits	
fees	92-09-144
local health officers	
drug manufacturing or storage sites	
contractor certification for decontamination	92-03-143
	92-04-071
	92-10-027
	92-03-143
responsibilities	
public water systems	
coliform monitoring and follow-up	92-04-070
rules coordinator	92-01-048
rules, housekeeping changes	92-02-019
	92-02-021
temporary worker housing standards	92-04-082
water recreation facilities	92-02-020
water safety teaching stations	92-02-020
Health care information	
acquisition, retention, and security	92-01-061
	92-01-062
	92-07-080
Hearing aid council	
licenses	
activities requiring	92-09-109
rules coordinator	92-01-048
Home care agencies	
licensing fees	92-10-013
Home health agencies	
licensing fees	92-10-013
Hospice agencies	
licensing fees	92-10-013
Hospitals	
fee schedules	92-07-097
	<b>92-12-028</b>
Housing	
temporary worker housing standards	92-04-082
Mammography	
quality assurance standards	92-05-011

**Subject/Agency Index**  
(Citations in **bold type** refer to material in this issue)

**HEALTH, DEPARTMENT OF—cont.**

Massage board	
educational institutions	
approval	92-03-139
curriculum	92-03-139
national educational institutions	92-03-139
educational requirements	92-03-139
rules coordinator	92-01-048
Medical disciplinary board	
cooperation with investigation	92-07-058
	92-07-096
	92-10-069
	92-01-048
rules coordinator	
Medical examiners, board of	
meetings	92-02-045
physicians assistants	
adjudicative proceedings	92-08-063
	<b>92-12-089</b>
AIDS prevention and information education	92-08-063
	<b>92-12-089</b>
certified physician assistants	92-08-063
	<b>92-12-089</b>
continuing medical education	92-08-063
	<b>92-12-089</b>
disciplinary actions	92-08-063
	<b>92-12-089</b>
licensure	92-08-063
	<b>92-12-089</b>
prescriptions	92-08-063
	<b>92-12-089</b>
supervision or sponsorship	92-08-063
	<b>92-12-089</b>
utilization	92-08-063
	<b>92-12-089</b>
physicians and surgeons	
temporary permits	
fees	92-01-072
	92-08-062
issuance and duration	92-01-049
	92-08-021
recognized jurisdictions	92-01-049
	92-08-021
rules coordinator	92-01-048
surgical assistants	
duties	92-08-063
	<b>92-12-089</b>
supervision	92-08-063
	<b>92-12-089</b>
utilization	92-08-063
	<b>92-12-089</b>
Naturopathic physicians	
medications, authority to use,	
prescribe, dispense, and order	92-02-097
	92-06-020
Nursing, board of	
catheterization in the schools	92-01-023
rules coordinator	92-01-048
supervision of care and	
delegation of tasks	92-02-023
Nursing home administrators, board	
of examiners for	
rules coordinator	92-01-048
Nursing homes	
ethnic minority nursing home beds	
certificate of need review	92-01-110
	92-05-057
Occupational therapy practice board	
examinations	92-09-153
licenses	
applicants licensed in other states	92-09-153
continuing competency	92-09-153
exemptions	92-09-153
expired license, reinstatement	92-09-153
inactive status	92-09-153
initial applicants	92-09-153
rules coordinator	92-01-048
substance abuse monitoring programs	92-09-153

**HEALTH, DEPARTMENT OF—cont.**

temporary practice permits	92-09-153
Open heart surgery services, certificate of	
need review	92-09-086
	92-09-087
	<b>92-12-015</b>
Optometry board	
contact lens	
"prescription" defined	92-03-032
records retention	92-03-032
continuing education	92-02-095
	92-06-030
fees	92-01-071
	92-06-029
prescriptions	
identification	92-03-032
rules coordinator	92-01-048
substance abuse monitoring	
programs	92-02-095
	92-06-030
temporary practice permit	92-02-095
	92-06-030
Osteopathic medicine and surgery,	
board of	
licenses	
fees	92-06-028
examination and licensure	92-02-095
rules coordinator	92-01-048
Pharmacy, board of	
anabolic steroids	92-04-029
continuing education requirements	92-03-029
controlled substances	
anabolic steroids	92-04-029
registration, recordkeeping, and	
storage requirements	92-04-029
schedule	92-04-029
facsimile prescription order	
transmission	92-03-095
legend drugs	
identification	92-03-096
	92-09-001
	92-09-070
restrictions	92-03-096
	92-09-001
	92-09-070
samples	
distribution	92-04-041
	92-09-072
distribution reports	92-04-042
	92-09-071
licenses	
fees	92-03-124
	92-07-099
	92-08-061
renewal	92-03-124
	92-07-099
	92-08-061
nonnarcotic stimulant drugs	92-04-029
pharmaceutical wholesalers	
licenses	92-10-070
record retention requirements	92-10-070
regulation	92-10-070
standards	92-10-070
pharmacist's professional responsibilities	92-04-040
	92-08-058
practice and procedure	92-07-098
	92-10-026
	<b>92-12-035</b>
record retention requirements	92-07-098
	92-10-026
	<b>92-12-035</b>
rules coordinator	92-01-048
rules update	92-07-098
	92-10-026
	<b>92-12-035</b>
State Environmental Policy Act compliance	92-07-098
	<b>92-12-035</b>

**Subject/Agency Index**  
(Citations in **bold type** refer to material in this issue)

**HEALTH, DEPARTMENT OF—cont.**

Physical therapy, board of  
 aide supervision ratio 92-08-039  
 examination appeal procedures 92-08-039  
 92-08-111  
 examination scores 92-08-110  
 92-08-111  
 meetings 92-01-078  
 professional conduct 92-08-039  
 records, requirements 92-08-039  
 rules coordinator 92-01-048  
 standards for appropriateness  
 of care 92-08-039  
 temporary permits 92-08-111  
 unapproved schools, applicants  
 from 92-08-039  
**Podiatric medical board**  
 fees 92-06-058  
 rules coordinator 92-01-048  
**Practical nursing board**  
 approved substance abuse  
 monitoring program 92-02-046  
 curriculum standards in approved program 92-02-046  
**92-12-088**  
 definitions 92-02-046  
**92-12-088**  
 discipline, standards of conduct 92-02-046  
**92-12-088**  
 documents indicating authorization to  
 practice 92-02-046  
 examinations **92-12-088**  
 executive secretary, qualifications **92-12-088**  
 rules coordinator 92-01-048  
**Psychology, examining board of**  
 health care information  
 acquisition and retention 92-03-107  
 92-03-141  
 92-07-016  
 release 92-03-107  
 92-03-141  
 92-07-016  
 meetings 92-03-144  
 92-09-088  
 92-01-048  
 rules coordinator 92-06-008  
**Radiation protection, general provisions**  
**Radiologic technologists**  
 x-ray technicians, registration 92-05-010  
**Residential treatment facilities for**  
 psychiatrically impaired children  
 and youth 92-10-014  
 fees  
**Respiratory care practitioners**  
 educational programs 92-10-071  
 fees 92-10-071  
 temporary practice permits 92-10-071  
 Rules coordinator 92-01-048  
 Rules, housekeeping changes 92-02-018  
 Scoliosis screening 92-02-096  
 92-06-067  
 Sex offender treatment providers  
 continuing education requirements 92-07-079  
**92-12-027**  
 Veterinary board of governors  
 animal technicians  
 applications 92-02-057  
 examination eligibility 92-02-056  
 post high school courses 92-02-056  
 registration  
 fees 92-03-125  
 92-07-036  
 92-03-125  
 92-07-036  
 renewal 92-02-057  
 92-02-056  
 92-03-074  
 supervision of  
 board investigations

**HEALTH, DEPARTMENT OF—cont.**

examinations 92-03-074  
 licenses  
 fees 92-03-125  
 92-07-036  
 92-03-125  
 renewal 92-07-036  
 92-03-074  
 retired active 92-03-074  
 speciality 92-01-048  
 rules coordinator 92-07-078  
 Water, drinking water certification 92-02-020  
 Water recreation facilities 92-02-020  
 Water safety teaching stations 92-10-025  
 Water system evaluation and project  
 review and approval 92-10-025  
 fees  
 X-ray technicians 92-05-010  
 registration  
**HIGHER EDUCATION COORDINATING BOARD**  
 American Indian endowed scholarship  
 program 92-04-018  
 Health professional loan repayment and  
 scholarship program 92-03-002  
 State need grant program 92-08-076  
 cost of attendance 92-09-141  
 92-11-022  
 92-11-023  
**HIGHER EDUCATION PERSONNEL BOARD**  
 Appeals  
 certified records' transmission  
 to superior court 92-09-125  
 receipt procedure 92-09-124  
 rights of applicants 92-02-062  
 92-05-028  
 92-07-018  
 92-09-126  
 92-09-123  
 92-01-028  
 92-01-081  
 92-02-025  
 92-05-034  
 92-02-060  
 92-02-063  
 92-05-026  
 92-05-029  
 92-07-018  
 92-09-120  
 92-09-122  
 92-02-061  
 92-05-027  
 92-07-018  
 92-09-121  
 92-02-059  
 92-02-064  
 92-03-079  
 92-05-072  
 92-07-019  
 Layoff options  
 Leave of absence without pay,  
 excepted work period 92-02-066  
 92-05-025  
 Meetings 92-01-029  
 Overtime 92-01-028  
 92-01-081  
 92-02-025  
 92-05-034  
 92-02-060  
 92-07-018  
 Reemployment, reasonable accommodation 92-01-031  
 Rules coordinator 92-01-030  
 92-06-069  
 Schedule changes 92-01-028  
 92-01-081  
 92-02-025  
 92-05-034

**Subject/Agency Index**  
(Citations in **bold type** refer to material in this issue)

**HIGHER EDUCATION PERSONNEL BOARD—cont.**

Supervisor, definition 92-01-028  
92-01-081  
92-02-024  
92-02-065  
92-03-079  
92-05-073  
92-07-019  
92-05-075  
92-07-019

Supervisor, premium pay

**HIGHLINE COMMUNITY COLLEGE**

Administrative procedures 92-09-152  
Admission and registration 92-09-152  
Athletes, loss of eligibility for  
unlawful drug use, procedure 92-09-152  
Board of trustees 92-09-152  
Debts, services withheld for  
outstanding debts 92-09-152  
Disciplinary hearings 92-09-152  
Discrimination 92-09-152  
Facilities use 92-09-152  
Financial aid 92-09-152  
Organization 92-09-152  
Parking and traffic rules 92-09-152  
Policies and procedures 92-09-152  
Public records, availability 92-09-152  
Rules coordinator 92-09-152  
Scholarships 92-09-152  
Sexual harassment 92-09-152  
State Environmental Policy Act compliance 92-09-152  
Student records 92-09-152  
Student rights and responsibilities 92-09-152  
Tuition and fee schedule 92-09-152

**HISPANIC AFFAIRS, COMMISSION ON**

Meetings 92-03-014  
92-08-046

**HORSE RACING COMMISSION**

Appeals 92-12-068  
Racing facility  
applicant, defined 92-12-066  
license applications 92-12-067  
management, disclosure 92-12-067  
Stewards  
decisions 92-12-066  
punishment, authority to award 92-12-068

**HUMAN RIGHTS COMMISSION**

Meetings 92-01-075  
92-01-076  
92-02-077  
92-05-074  
92-06-031  
92-07-094  
92-09-082  
92-10-073  
92-12-077

**INDUSTRIAL INSURANCE APPEALS,  
BOARD OF**

Rules coordinator 92-04-002

**INFORMATION SERVICES, DEPARTMENT OF**

Information services board meetings 92-02-004  
Rules coordinator 92-01-039

**INSURANCE COMMISSIONER, OFFICE OF**

Health care service contractors  
participating provider contracts 92-06-056  
92-09-044

Health maintenance organizations  
participating provider contracts 92-06-055  
92-09-044A

Medicare supplement insurance  
standardized policy forms 92-01-045  
92-06-021  
92-01-032

Rules coordinator

**INTEREST RATES**

(See inside front cover)

**INVESTMENT BOARD**

Meetings 92-01-090  
92-12-051

**JUDICIAL CONDUCT, COMMISSION ON**

Meetings 92-03-020  
92-09-056  
92-02-029

Rules coordinator

**LABOR AND INDUSTRIES,  
DEPARTMENT OF**

Agricultural labor  
emancipated minors 92-10-078  
entry and inspection, department  
authority 92-10-078  
Agricultural safety standards 92-08-098  
92-11-072

Boiler rules, board of  
definitions 92-08-087  
92-11-070  
meetings 92-01-006  
new construction standards 92-08-087  
92-11-070  
nonnuclear repairs and alterations 92-08-087  
92-11-070  
rule interpretation and revision 92-08-087  
92-11-070

Chiropractic services  
treatment limitation 92-07-100  
92-08-097

Construction  
safety standards 92-03-137  
92-08-099  
92-09-148  
92-12-087

Crime victim compensation  
allowed charges for hospital services 92-09-149  
92-11-071

Electrical inspections  
fees 92-03-136  
92-08-102  
92-08-103  
92-09-010  
92-09-011

Electricians  
contractor licensing fees 92-03-136  
92-08-102  
92-08-103  
92-09-010  
92-09-011  
fees 92-03-136  
92-08-102  
92-08-103  
92-09-010  
92-09-011

Explosives  
safety standards 92-12-087

Hazardous chemicals  
safety standards 92-12-087

Indoor air quality standards  
solicitation of preproposal comment 92-03-135

Medical services  
nursing services and attendant care 92-05-041

Minors  
nonagricultural employment 92-12-093  
Nonagricultural employment of minors 92-12-093  
Occupational health standards  
general 92-03-137  
92-08-100

Prevailing wages  
terms and procedures used to determine  
for public works projects 92-01-104  
92-08-101  
92-05-038

Rules coordinator  
Safety and health standards  
construction work 92-12-087  
explosives 92-12-087  
general 92-12-087  
hazardous chemicals 92-12-087

**Subject/Agency Index**  
(Citations in bold type refer to material in this issue).

<b>LABOR AND INDUSTRIES, DEPARTMENT OF—cont.</b>		<b>LICENSING, DEPARTMENT OF—cont.</b>	
Workers' compensation		license fees	
labor/management cooperation program	92-03-053	monthly abatement	92-02-100
rules, classifications, rates, and rating		license renewals	92-11-050
system revisions	92-06-034	off-road and nonhighway vehicle use	
<b>LAKE WASHINGTON TECHNICAL COLLEGE</b>		permits	92-11-049
Board of trustees	92-12-049	registration	92-02-100
Debts, services withheld for outstanding	92-12-049		92-11-048
Facilities use	92-12-049	snowmobiles	
Financial aid	92-12-049	registration	92-11-049
Grievance procedures	92-12-049	temporary permits, departmental	92-03-077
Library use	92-12-049	transit permits	92-11-050
Meetings	92-02-034	travel trailers and campers	
Organization and operation	92-12-049	title purpose only documents	
Parking and traffic	92-12-049	issuance	92-11-048
Practice and procedure	92-12-049	veterans	
Public records, availability	92-12-049	free license	92-02-100
Rules coordinator	92-12-049	Motorcycle safety advisory board	
Scholarships	92-12-049	meetings	92-01-011
State Environmental Policy Act compliance	92-12-049	Public records	
Student conduct code	92-12-049	disclosure	92-05-088
Tuition and fee schedule	92-12-049		92-09-107
<b>LAW REVISION COMMISSION</b>		Real estate commission	
Meetings	92-11-064	meetings	92-03-016
Membership and duties	92-11-064		92-03-033
Organization and operation	92-11-064	Rules coordinator	92-03-001
Public records, availability	92-11-064	Special fuel tax rules	
Research projects	92-11-064	mitigation of penalties and interest	92-01-016
<b>LEGAL FOUNDATION OF WASHINGTON</b>		user license	92-01-014
Meetings	92-08-008	Master license application	
	92-11-031	trade name searches, fees	92-07-095
<b>LICENSING, DEPARTMENT OF</b>			92-10-010
Administrative procedures	92-05-061	Vessel registration	
	92-08-045	confidential vessel registration	92-11-046
Aircraft fuel tax rules		exemptions	92-03-075
mitigation of penalties and interest	92-01-015	ownership transfer	92-03-075
Architects, board of registration for		temporary permit to operate	92-06-009
meetings	92-01-019	title or registration application	92-03-075
	92-05-062	title transfer	92-06-009
Auctioneers		<b>LIQUOR CONTROL BOARD</b>	
records requirements	92-09-097	Alcohol raffle permit	92-01-079
suit or complaint notification	92-09-097	Bad order claims, procedures	92-09-143
Business license services		Barquet permit functions	
trade name searches, fees	92-07-095	liquor sources, purchase, and delivery	92-01-080
	92-10-010	Beer	
Cosmetology, barbers, manicurists, and estheticians	92-04-006	bad order claims, procedures	92-09-143
	92-10-079	label approval	92-03-109
Disabled persons		Conduct on licensed premises, regulation	92-01-105
parking privileges	92-03-076	Licenses	
Financial Responsibility Act		applicant certification	92-08-085
administrative procedures	92-05-061	class A and/or D criteria	92-08-089
	92-08-045	class H criteria	92-08-086
For hire vehicles			92-08-088
permits and certificates, fees	92-09-145	Licensed premises	
	92-12-036	managers	92-08-084
Franchises		Meetings	92-09-142
accredited investor, defined	92-02-054	Operations and procedure	92-09-142
selling agent record requirements	92-02-054	Rules coordinator	92-03-017
uniform franchise offering circular	92-02-054	Wholesalers	
Landscape architects		stock movement	92-02-014
examinations	92-05-013	Wine	
	92-10-030	label approval	92-03-110
Motor vehicles		<b>LOTTERY COMMISSION</b>	
certificate of title	92-11-048	Beat the State	
destroyed vehicle rebuilt	92-11-047	definitions	92-03-146
destroyed vehicle reporting	92-11-047		92-05-069
disabled persons, parking privileges	92-03-076	drawings	92-08-002
fleet vehicles			92-03-146
license fee and excise tax abatement	92-11-048		92-05-069
registration	92-11-050		92-08-002
for hire vehicles		play	92-12-091
permits and certificates, fees	92-09-145		92-03-146
	92-12-036		92-05-069
gross weight license	92-02-100	price	92-08-002
			92-03-146
			92-05-069
			92-08-002

## Subject/Agency Index

(Citations in bold type refer to material in this issue)

### LOTTERY COMMISSION—cont.

prizes	92-03-146 92-05-069 92-08-002
purchases	92-03-146 92-05-069 92-08-002
suspension or termination	92-03-146 92-05-069 92-08-002
Daily Game drawings	92-08-093 92-11-033 <b>92-12-091</b>
<u>Instant game number 69 – Gold Rush</u> criteria	92-03-048
<u>Instant game number 71 – Lucky 7's II</u> criteria definitions ticket validation	92-03-048 92-03-048 92-03-048
<u>Instant game number 73 – Whirlwin</u> criteria definitions ticket validation	92-03-048 92-03-048 92-03-048
<u>Instant game number 74 – Grand Slam II</u> criteria definitions ticket validation	92-03-048 92-03-048 92-03-048
<u>Instant game number 75 – Movie Mania</u> criteria  definitions  ticket validation	92-03-146 92-05-069 92-03-146 92-05-069 92-03-146 92-05-069
<u>Instant game number 75 – Wildcard</u> criteria definitions ticket validation	92-08-002 92-08-002 92-08-002
<u>Instant game number 76 – Gold &amp; Glory</u> criteria  definitions  ticket validation	92-03-146 92-08-002 92-03-146 92-08-002 92-03-146 92-08-002
<u>Instant game number 77 – Wildcard</u> criteria definitions ticket validation	92-03-146 92-03-146 92-03-146
<u>Instant game number 77 – Three Cards Up</u> criteria  definitions  ticket validation	92-08-093 92-11-033 92-08-093 92-11-033 92-08-093 92-11-033
<u>Instant game number 78 – Applebucks</u> criteria  definitions  ticket validations	92-08-093 92-11-033 92-08-093 92-11-033 92-08-093 92-11-033
<u>Instant game number 79 – Movie Money</u> criteria  definitions  ticket validation	92-08-093 92-11-033 92-08-093 92-11-033 92-08-093 92-11-033

### LOTTERY COMMISSION—cont.

<u>Instant game number 80 – Bowling for Bucks</u> criteria	92-08-093 92-11-033
definitions	92-08-093 92-11-033
ticket validation	92-08-093 92-11-033
<u>Instant game number 81 – Joker Poker</u> criteria definitions ticket validation	<b>92-12-091</b> <b>92-12-091</b> <b>92-12-091</b>
<u>Instant game number 82 – 10th Anniversary Game</u> criteria definitions ticket validation	<b>92-12-091</b> <b>92-12-091</b> <b>92-12-091</b>
<u>Instant game number 83 – Surprise Package</u> criteria definitions ticket validation	<b>92-12-091</b> <b>92-12-091</b> <b>92-12-091</b>
<u>Instant game number 84 – Fat Cat</u> criteria definitions ticket validation	<b>92-12-091</b> <b>92-12-091</b> <b>92-12-091</b>
<u>Instant game number 85 – 7-11-21</u> criteria definitions ticket validation	<b>92-12-091</b> <b>92-12-091</b> <b>92-12-091</b>
Lotto definitions	92-08-093 92-11-033
play prize	92-08-093
prizes	92-11-033 92-03-146 92-07-014 92-08-093 92-11-033
On-line games criteria	92-08-093 92-11-033
definitions	92-08-093 92-11-033
drawings	92-08-093 92-11-010 92-11-033
<u>Paper scratch game number 501 – Jackpot</u> criteria definitions ticket validation	92-03-048 92-03-048 92-03-048
<u>Paper scratch game number 502 – Lucky Charm</u> criteria definitions ticket validation	92-03-048 92-03-048 92-03-048
<u>Paper scratch game number 503 – Jacks-R-Better</u> criteria definitions ticket validation	92-03-048 92-03-048 92-03-048
<u>Paper scratch game number 504 – Treasure Hunt</u> criteria  definitions  ticket validation	92-03-146 92-08-094 92-03-146 92-08-094 92-03-146 92-08-094
<u>Paper scratch game number 505 – Rooster Tail</u> criteria  definitions  ticket validation	92-03-146 92-08-094 92-03-146 92-08-094 92-03-146 92-08-094
<u>Paper scratch game number 506 – Criss Cross</u> criteria  definitions  ticket validation	92-03-146 92-08-094 92-03-146 92-08-094 92-03-146

**Subject/Agency Index**  
(Citations in **bold type** refer to material in this issue)

<b>LOTTERY COMMISSION—cont.</b>		<b>NATURAL RESOURCES, DEPARTMENT OF—cont.</b>	
Paper scratch games	92-08-094	Forest closures	
authorization		closed season	92-09-061
criteria	92-03-048	Forest practices board	
definitions	92-03-048	see <b>FOREST PRACTICES BOARD</b>	
retailer settlement	92-03-048	Geothermal resources development	92-06-003
ticket validation	92-03-048	Land boundary surveys and geodetic	
Quinto		control surveys, standards	92-03-007
definitions	92-08-093	Land descriptions, guidelines	92-03-007
	92-11-033	Leasing of state-owned lands	
drawings	<b>92-12-091</b>	geothermal resources development	92-06-003
play price	92-08-093	performance security	92-06-003
	92-11-033	procedure	<b>92-12-075</b>
<b>LOWER COLUMBIA COLLEGE</b>		Milwaukee road corridor, recreational	
Adjudicative proceedings	92-04-058	use	92-05-036
	92-09-005	Natural heritage advisory council	
Admission, registration and graduation	92-04-062	meetings	92-10-072
	92-09-008	Natural resources, board of	
Athletes, loss of eligibility for		meetings	92-03-054
unlawful drug use	92-04-060	Public records	
	92-09-006	copying fees	<b>92-12-074</b>
Discrimination, grievance procedure	92-04-064	Rules coordinator	92-01-026
	92-09-092	Surface mining	
Facilities use	92-04-063	"segment" defined	92-10-068
	92-09-009	<b>OLYMPIC AIR POLLUTION CONTROL</b>	
Grievance procedure for discriminatory		<b>AUTHORITY</b>	
conduct	92-04-064	Solid fuel burning devices	
	92-09-092	requirements if failure to	
Records index	92-04-057	meet attainment	92-03-012
	92-09-004	Violations	
Sexual harassment, grievance procedure	92-04-064	civil penalties	92-05-048
	92-09-092		92-09-079
Student records access	92-04-065	notice and hearing	92-05-048
	92-09-093		92-09-079
Student rights and responsibilities	92-04-059	Woodstoves	
	92-09-094	requirements if failure to	
Tenure	92-04-061	meet attainment	92-03-012
	92-09-007	<b>OUTDOOR RECREATION, INTERAGENCY</b>	
<b>MARINE SAFETY, OFFICE OF</b>		<b>COMMITTEE FOR</b>	
Marine overnight board		Meetings	92-01-005
meetings	<b>92-12-069</b>		92-04-052
Regional marine safety committees			92-04-053
meetings	<b>92-12-070</b>		92-05-030
	<b>92-12-071</b>		<b>92-12-078</b>
	<b>92-12-072</b>	<b>PARKS AND RECREATION COMMISSION</b>	
	<b>92-12-073</b>	Environmental learning centers	92-07-083
Rules coordinator	92-05-014		92-10-018
<b>MARITIME COMMISSION</b>		Field operations	
Assessments		staff dress standards	92-01-106
rates and terms	92-03-061		92-04-072
Meetings	92-02-027	Fort Worden	
	92-08-073	reservation system	92-01-038
Rules coordinator	92-05-003		92-05-002
<b>MINORITY AND WOMEN'S BUSINESS</b>		Land exchange	
<b>ENTERPRISES, OFFICE OF</b>		fee	92-09-158
Adjudicative proceedings	92-11-018		92-11-025
	92-11-019	Meetings	<b>92-12-082</b>
Administrative procedures	92-07-001	Metal detectors	92-01-036
	92-07-102	use in state parks	<b>92-12-080</b>
	92-07-103	Public records	
	92-11-007	copying fees	92-07-062
Bid specifications	92-09-151		92-10-019
Contract substitutions	92-09-151	Rules coordinator	92-01-037
Goals and goal setting	92-09-151	Sno-park permit	
Joint ventures	92-09-151	decal display	92-09-160
Reporting requirements	92-09-151		92-11-081
Meetings	92-02-084	fees	<b>92-12-012</b>
<b>NATURAL RESOURCES, DEPARTMENT OF</b>			92-09-159
Adjudicative proceedings	92-01-027		<b>92-12-052</b>
Burning permit program		<b>PERSONNEL APPEALS BOARD</b>	<b>92-12-081</b>
requirements and exceptions	92-11-075	Briefing schedules	92-05-049
Fees		Motions	
public records, copying	<b>92-12-074</b>	filing deadlines	92-05-049
		Rules coordinator	92-03-027

**Subject/Agency Index**  
(Citations in **bold type** refer to material in this issue)

<b>PERSONNEL APPEALS BOARD—cont.</b>		<b>PILOTAGE COMMISSIONERS, BOARD OF—cont.</b>	
Service requirements	92-05-049	Puget Sound pilotage district	92-07-076
<b>PERSONNEL BOARD</b>		Vessel certification form	92-04-074
Career executive program			92-08-052
employee selection	92-10-065	<b>POLLUTION LIABILITY INSURANCE AGENCY</b>	
position nomination procedures	92-03-100	Eligibility assessment reimbursement	92-06-060
removal from program	92-10-065		92-09-091
Certification		Rules coordinator	92-04-033
errors and correction	92-02-009	<b>PUBLIC DISCLOSURE COMMISSION</b>	
classified and exempt service, movement between	92-06-089	Advertising	
	92-10-011	"reelect," "retain," or "return"	
	<b>92-12-030</b>	used in political advertising	92-08-104
College recruitment program	92-10-066		<b>92-12-037</b>
Disciplinary actions	92-08-096	Campaigns	
	<b>92-12-032</b>	contributions and expenditures form	<b>92-12-084</b>
Dismissal		filing	<b>92-12-084</b>
unauthorized leave, procedures	92-04-034	registration statements	<b>92-12-084</b>
	92-08-009	reporting, abbreviated	92-05-079
Exempt and classified service, movement between	92-06-089		<b>92-12-084</b>
	92-10-011	Compensation	
	<b>92-12-030</b>	sales commissions, reporting	92-05-078
Family care requirements	92-03-098		92-05-082
	92-03-101	Contributions	92-08-105
Leave		contribution and expenditure form	92-01-131
family care needs	92-03-098		92-05-080
	92-03-101	limitations	<b>92-12-084</b>
without pay, effects	92-08-091	"receipt" defined	92-05-079
	<b>92-12-033</b>	Disclosure petition form	92-05-081
"Manager" defined	92-03-099		92-01-131
Nurses		Organization	92-05-080
shift premium provisions	92-08-092	Redistricting	92-03-005
	<b>92-12-031</b>	"reelect," "retain," or "return"	
Paid sick leave	92-03-098	used in political advertising	92-08-104
Part-time employees, promotional rights	92-02-010		<b>92-12-037</b>
Promotional rights, part-time employees	92-02-010	Reporting requirements	
Reinstatement following appeal	92-04-034	hearing to modify	92-01-131
	92-08-009		92-05-080
Shift premium provisions and compensation	92-06-090	suspension of	92-01-131
	92-08-092		92-05-080
	92-10-012	Sales commissions	
	<b>92-12-029</b>	reporting requirements	92-05-078
	<b>92-12-031</b>		92-05-082
Sick leave, paid			92-08-105
family care requirements	92-03-098	<b>PUBLIC INSTRUCTION, SUPERINTENDENT OF</b>	
Unauthorized leave		Allocations, 1991-93	
presumption of abandonment, procedures	92-04-034	early intervention services	92-02-026
	92-08-009	special	92-03-023
<b>PERSONNEL, DEPARTMENT OF</b>		Budget extension, filing deadline	92-03-024
Rules coordinator	92-01-087	Early intervention services	
<b>PIERCE COLLEGE</b>		allocations	92-02-026
Meetings	92-01-003	Elementary and secondary school amendments	
Personnel rules	92-01-085	of 1988 compliance	92-11-028
	92-03-031	Excellence in education awards	92-03-063
Rules coordinator	92-01-004	Financial assistance to local	
<b>PILOTAGE COMMISSIONERS, BOARD OF</b>		school districts	
Licenses		compliance with federal regulations	92-10-062
pilots	92-08-049		92-11-028
	92-08-053	Institutional education program	92-03-045
reinstatement	92-08-050	Learning assistance programs	
renewal	92-03-108	waiver of regulations	92-06-053
	92-04-073	Local school districts	
	92-08-050	financial assistance, state compliance	
retired pilots	92-03-108	with federal regulations	92-10-062
New pilots		Public records, availability	92-06-052
licensing	92-08-049		92-10-016
	92-08-053	Special education	
limitations	92-04-075	waiver of regulations	92-06-053
	92-08-051	Teacher assistance program	92-01-082
	92-08-054		92-05-068
qualifications	92-07-075	Traffic safety education program	
	<b>92-12-079</b>	low-income student tuition	
Pilotage tariff rates		assistance	92-03-138
Grays Harbor pilotage district	92-08-048	minimum hour requirements	92-03-138
	92-11-035		

**Subject/Agency Index**  
(Citations in **bold type** refer to material in this issue)

**PUBLIC INSTRUCTION, SUPERINTENDENT OF**

—cont.  
Transportation  
allocations for operations 92-04-009  
92-08-024

**PUBLIC WORKS BOARD**  
(See **COMMUNITY DEVELOPMENT, DEPARTMENT OF**)

**PUGET SOUND AIR POLLUTION CONTROL AGENCY**

Acceptable source impact levels 92-03-092  
Aerators and sterilizers  
ethylene oxide emission control 92-03-091  
Chromic acid plating and anodizing 92-03-091  
Compliance dates 92-03-102  
Definitions 92-03-092  
92-03-102  
Fees 92-01-089  
Gasoline  
loading terminals 92-03-073  
stations 92-03-073  
Outdoor fires  
exemptions from prohibitions 92-04-056  
92-09-098  
prohibited areas 92-04-056  
92-09-098  
prohibited types 92-04-056  
92-09-098  
Perchloroethylene dry cleaner  
Registration program, fee schedule 92-03-092  
Sterilizers and aerators 92-01-089  
ethylene oxide emission control 92-03-091

**PUGET SOUND WATER QUALITY AUTHORITY**

Meetings 92-07-004  
92-09-015  
Water quality management plan programs 92-01-141

**RETIREMENT SYSTEMS, DEPARTMENT OF**

Early retirement 92-11-027  
Fees  
untimely or inaccurate reports  
by employees 92-11-027  
92-12-048  
Rules coordinator 92-01-077  
92-11-026

**REVENUE, DEPARTMENT OF**

Accounting  
accrual method, tax reporting  
duties 92-03-026  
cash receipts reporting 92-03-026  
Agricultural land valuation 92-03-068  
Business and occupation tax  
life insurance agents, brokers,  
and solicitors, definition 92-02-002  
92-03-067  
Cigarette vendor licenses 92-02-003  
92-03-065  
92-06-081  
Computer software  
definitions 92-01-132  
valuation and taxation 92-01-132  
Cosmetologists, barbers, and manicurists  
"engaging in business" defined 92-03-066  
92-06-082  
Employees distinguished from persons  
engaging in business 92-02-001  
92-03-066  
92-06-082  
Hotels and motels  
telephone service, taxation on 92-01-041  
92-05-064  
Interest and penalties 92-03-025

**REVENUE, DEPARTMENT OF—cont.**

Life insurance agents, brokers, and  
solicitors  
"employee" defined 92-03-066  
92-03-067  
92-06-082  
92-02-002  
taxability of amounts received by  
Lodging, persons selling  
services and other business  
activities, taxation on 92-01-041  
92-05-064  
Oil spill response and administration  
tax  
offloading crude oil or petroleum  
product from vessel 92-04-015  
92-07-092  
92-10-006  
solicitation of preproposal comment 92-05-052  
Penalties and interest 92-03-025  
Persons engaging in business, definition 92-02-001  
92-06-082  
Property tax  
deferral of assessments and/or tax 92-04-068  
92-04-078  
92-06-038  
disabled persons, exemption 92-04-069  
92-04-079  
92-06-039  
senior citizens, exemption 92-04-069  
92-04-079  
92-06-039  
Refunds for overpayment of taxes 92-05-017  
Rules coordinator 92-01-055  
Sales tax  
legend drugs, exemption 92-01-042  
92-05-065  
prosthetic and orthotic devices,  
ostomic items, and medically  
prescribed oxygen, exemption 92-01-042  
92-05-065  
Special assessments  
deferral 92-04-068  
92-04-078  
92-06-038  
Timber excise tax  
stumpage sales reporting 92-10-060  
stumpage values 92-02-067  
92-06-037  
92-06-040  
92-06-057  
92-08-018  
92-10-061  
Use tax  
automobile dealers  
demonstrator and executive vehicles 92-01-044  
92-05-066  
legend drugs, exemption 92-01-042  
92-05-065  
prosthetic and orthotic devices,  
ostomic items, and medically  
prescribed oxygen, exemption 92-01-042  
92-05-065  
**RULES COORDINATORS**  
Bates Technical College 92-07-101  
Blind, Washington state school for the 92-01-021  
Building code council 92-12-010  
Central Washington University 92-01-107  
Chiropractic disciplinary board 92-01-048  
Chiropractic examining board 92-01-048  
Clover Park Technical College 92-04-038  
92-12-050  
Code reviser's office 92-01-001  
County road administration board 92-02-047  
92-04-017  
Deaf, Washington state school for the 92-01-020  
Dental disciplinary board 92-01-048

**Subject/Agency Index**  
(Citations in bold type refer to material in this issue)

**RULES COORDINATORS—cont.**

Dental examining board 92-01-048  
 Eastern Washington University 92-02-030  
 92-04-054  
 92-11-024  
 Ecology, department of 92-01-094  
 92-06-047  
 Environmental hearings office 92-03-008  
 Forest practices board 92-01-118  
 Gambling commission 92-03-036  
 General administration, department of 92-05-037  
 Growth planning hearings boards 92-12-022  
 Health, board of 92-01-048  
 Health care authority 92-06-001  
 92-07-061  
 Health, department of 92-01-048  
 Hearing aids council 92-01-048  
 Higher education personnel board 92-01-030  
 92-06-069  
 Highline Community College 92-09-152  
 Industrial insurance appeals, board of 92-04-002  
 Information services, department of 92-01-039  
 Insurance commissioner, office of 92-01-032  
 Judicial conduct, commission on 92-02-029  
 Labor and industries, department of 92-05-038  
 Lake Washington Technical College 92-12-049  
 Licensing, department of 92-03-001  
 Liquor control board 92-03-017  
 Marine safety, office of 92-05-014  
 Maritime commission 92-05-003  
 Massage board 92-01-048  
 Medical disciplinary board 92-01-048  
 Medical examiners, board of 92-01-048  
 Natural resources, department of 92-01-026  
 Nursing, board of 92-01-048  
 Nursing home administrators, board of examiners for 92-01-048  
 Occupational therapy practice, board of 92-01-048  
 Optometry board 92-01-048  
 Osteopathic medicine and surgery board 92-01-048  
 Parks and recreation commission 92-01-037  
 Personnel appeals board 92-03-027  
 Personnel, department of 92-01-087  
 Pharmacy, board of 92-01-048  
 Physical therapy, board of 92-01-048  
 Pierce college 92-01-004  
 Podiatric medical board 92-01-048  
 Pollution liability insurance agency 92-04-033  
 Practical nursing, board of 92-01-048  
 Psychology, examining board of 92-01-048  
 Retirement systems, department of 92-01-077  
 92-11-026  
 Revenue, department of 92-01-055  
 Shoreline Community College 92-02-043  
 Skagit Valley College 92-03-060  
 Social and health services, department of 92-03-072  
 Tax appeals, board of 92-01-060  
 Trade and economic development, department of 92-03-071  
 Traffic safety commission 92-04-066  
 Transportation commission 92-03-003  
 Transportation improvement board 92-05-059  
 Transportation, department of 92-03-004  
 University of Washington 92-02-036  
 Utilities and transportation commission 92-01-113  
 Veterinary board of governors 92-01-048  
 Washington state patrol 92-01-010  
 Washington State University 92-06-016  
 Whatcom Community College 92-03-011  
 Wildlife, department of 92-12-021

**SEATTLE COMMUNITY COLLEGES**

Meetings 92-02-032  
 92-04-012  
 92-06-025  
 92-08-019  
 92-09-003

**SECRETARY OF STATE**

Absentee ballot procedures 92-05-023  
 Archives and records management, division of  
 archives/public records access 92-12-076  
 local records, disposition authorization 92-09-018  
 local records committee, membership and duties 92-09-017  
 public records, disposal methods 92-05-060  
 92-02-068  
 recycling, disposal of records by 92-05-060  
 92-04-026  
 security microfilm storage 92-08-020  
 Elections  
 absentee ballot procedures 92-05-023  
 presidential preference primary 92-05-023  
 92-08-032  
 procedures 92-09-112  
 92-10-038  
 92-12-083  
 International student exchange agencies  
 registration 92-02-103  
 92-02-104  
 92-10-023  
 Local records committee  
 membership and duties 92-09-017  
 records, disposition authorization 92-09-018  
 Presidential preference primary  
 absentee ballot procedures 92-05-023  
 92-08-032  
 Productivity board  
 teamwork incentive program 92-04-077  
 92-09-048  
 Security microfilm storage 92-04-026  
 92-08-020

**SHORELINE COMMUNITY COLLEGE**

Hepatitis B immunization for health occupations students 92-04-055  
 92-08-040  
 Immunization for health occupations students 92-04-055  
 92-08-040  
 Meetings 92-03-057  
 Rules coordinator 92-02-043

**SKAGIT VALLEY COLLEGE**

Meetings 92-01-102  
 92-05-032  
 Rules coordinator 92-03-060

**SOCIAL AND HEALTH SERVICES, DEPARTMENT OF**

Adult family homes  
 licensing requirements 92-04-035  
 92-06-011  
 92-08-056  
 92-12-009  
 Aid to families with dependent children  
 child day care services 92-08-029  
 92-08-030  
 92-11-062  
 eligibility 92-08-005  
 92-08-006  
 92-10-034  
 92-11-056  
 emergent situations  
 requirements 92-05-035  
 92-09-033  
 fair hearing process 92-11-002  
 income and resources disregard 92-05-005  
 92-05-008  
 92-09-029  
 income assistance child care program 92-01-136  
 JOBS program participation 92-10-034  
 medical programs eligibility 92-05-006  
 92-05-007

**Subject/Agency Index**  
(Citations in **bold type** refer to material in this issue)

**SOCIAL AND HEALTH SERVICES,  
DEPARTMENT OF—cont.**

quarter of work, definition  
     92-09-030  
     92-02-072  
     92-02-074  
     92-04-024  
     92-08-041

registration with public employment  
     agency  
     92-10-034

Alcohol or drug addiction  
     program eligibility  
     92-03-047  
     referral criteria  
     92-03-047

Child care  
     day care  
         general and seasonal services  
         92-08-029  
         92-08-030  
         92-11-062  
         92-04-035  
         92-06-011  
         92-08-056  
         92-12-009

licensing requirements

disqualification from authority to  
     care for children  
     92-02-101  
     92-04-022  
     92-08-038

providers  
     criminal history inquiry  
     92-03-148

Child support  
     assignment of support rights  
     92-08-001  
     eligibility for services  
     92-08-001  
     enforcement  
     92-08-001  
     obligations  
     92-02-049  
     92-02-050  
     92-04-021  
     92-08-001  
     92-08-034

responsibilities of office of  
     support enforcement  
     92-08-001

Developmentally disabled  
     eligibility for services  
     92-04-004  
     family support services  
     92-05-076  
     92-05-077  
     92-09-113  
     92-09-114  
     92-09-119

funds distribution to counties  
     92-09-045  
     92-09-046  
     92-09-051  
     92-06-059  
     92-09-115

plan development and submission  
     92-05-076  
     92-05-077  
     92-09-114

service need levels

Drug or alcohol addiction  
     program eligibility  
     92-03-047  
     referral criteria  
     92-03-047

Family independence program  
     employability reassessment  
     92-04-003  
     medical programs eligibility  
     92-05-006  
     92-05-007  
     92-09-030  
     92-01-138

meetings

Food stamp program  
     alien eligibility  
     92-10-028  
     92-10-029

benefits, restoration of lost  
     92-01-139  
     92-04-020  
     92-08-035

coupons  
     issuance  
     92-12-041

food coupon authorization  
     use during validity period  
     92-12-041

general assistance clients,  
     categorical eligibility  
     92-07-047  
     92-09-116

**SOCIAL AND HEALTH SERVICES,  
DEPARTMENT OF—cont.**

homeless shelter deduction  
     92-05-043  
     92-05-044  
     92-05-045  
     92-05-046  
     92-09-031  
     92-09-032  
     92-03-119

income exclusions  
     92-08-108  
     92-08-109  
     92-11-063

intentional program violations  
     92-09-028  
     92-12-044

monthly reporting  
     92-09-066  
     92-12-042

overissuances  
     92-09-037  
     92-12-043

resources exemptions  
     92-06-042  
     92-06-045  
     92-09-117

"student" defined  
     92-08-010  
     92-08-014  
     92-11-059

student eligibility  
     92-08-012  
     92-08-015  
     92-08-108  
     92-08-109  
     92-11-058  
     92-11-063

General assistance  
     alcoholism or drug addiction  
         program eligibility  
         92-03-047  
     assistance units  
         composition  
         92-07-048  
         92-10-049  
         92-07-050  
         92-07-051  
         92-10-048  
         92-10-050  
         92-07-049  
         92-10-047  
         92-11-002  
         92-07-047  
         92-09-116  
         definitions  
         92-02-102  
         92-04-023  
         92-08-036

persons included

fair hearing process

food stamps, categorical eligibility

incapacity, waiver of medical  
     documentation

Income assistance  
     child care program  
     92-01-136  
     92-04-013  
     92-04-014  
     92-08-033

consolidated emergency assistance  
     program  
     assistance units  
     92-03-118  
     92-09-026  
     92-03-117  
     92-09-025  
     92-03-113  
     92-09-021  
     92-03-115  
     92-09-023

benefit amounts  
     92-03-117  
     92-09-025  
     92-03-113  
     92-09-021

eligibility

exempt income and resources  
     92-03-115  
     92-09-023

income determination  
     92-03-116  
     92-09-024  
     92-03-114  
     92-09-022

persons included in grant

direct rental payments to  
     landlords, pilot program  
     92-03-085  
     earned income disregards  
     92-03-090  
     prospective income budgeting  
     92-03-086

Index of interpretive and policy  
     statements  
     92-09-038

**Subject/Agency Index**  
(Citations in **bold type** refer to material in this issue)

<b>SOCIAL AND HEALTH SERVICES, DEPARTMENT OF—cont.</b>		<b>SOCIAL AND HEALTH SERVICES, DEPARTMENT OF—cont.</b>	
Job opportunities and basic skills training program (JOBS)		oxygen service	92-03-041 92-03-043
aid to families with dependent children employable parent, JOBS participation	92-10-034	recovery from estates	92-07-026 92-03-112 92-03-121 92-07-029
funding approval priority groups	92-09-081 92-12-045	Mental health definitions	92-07-033 92-07-034 92-11-055
Medicaid		employment services	92-07-033 92-07-034 92-11-055
advance directives	92-05-050	facilities, fees	92-06-043 92-06-044 92-09-118
children to eighteen years of age, eligibility	92-03-083	regional support networks community support services	92-07-033 92-07-034 92-11-055
cooperation in securing medical support	92-03-087	Nursing facilities	
restitution	92-03-042 92-03-044 92-07-028	admission and screening	92-03-015 92-08-074
Medical assistance		contract noncompliance	92-03-015 92-08-074
advance directives	92-05-050	placement	92-03-015 92-08-074
advanced registered nurse practitioners services provided	92-08-107 92-11-003	resident assessment	92-03-015 92-08-074
allocation of excess income, spenddown	92-03-111 92-03-122 92-07-027	utilization review	92-03-015 92-08-074
allocation of income institutionalized recipient	92-03-147 92-03-149 92-07-053 92-08-082 92-08-083 92-10-046	Nursing homes	
assignment of rights	92-08-013 92-08-017 92-11-061	pharmaceutical services	92-03-015 92-08-074
availability of resources	92-03-088 92-08-011 92-08-016 92-11-060	physician services	92-03-015 92-08-074
categorically needy, eligibility definitions	92-03-046 92-04-019	residential care units	92-03-015 92-08-074
financial responsibility of relatives	92-11-053 92-12-046	Public records	
hospice services		availability	92-09-038
eligibility	92-10-075 92-10-077	disclosure exemptions	92-09-038
Kitsap Physicians Service—Sound Care Plan	92-10-074 92-10-076	fees	92-09-038
mandatory prepaid health care plans eligibility	92-10-074 92-10-076	Rules coordinator	92-03-072
medical care programs		Supplemental security income medical programs eligibility	92-05-006 92-05-007 92-09-030
definitions	92-04-019	Support enforcement, office of	
eligibility	92-05-006 92-05-007 92-08-080 92-08-081 92-09-019 92-11-053 92-11-057	assignment of support rights	92-08-001
excluded resources	92-02-073 92-02-075 92-04-025 92-08-037	eligibility for services	92-08-001
services provided	92-01-137 92-08-107 92-11-003	enforcement	92-08-001
medical services requests	92-03-084	responsibilities of office	92-08-001
medically indigent		support obligation	92-02-049 92-02-050 92-04-021 92-08-001 92-08-034 92-03-089
scope of care	92-01-137 92-03-120	Vendor payments	
monthly maintenance standard for client not in own home	92-11-054 92-12-047	<b>SOUTH PUGET SOUND COMMUNITY COLLEGE</b>	
		Meetings	92-07-003 92-07-044 92-11-016
		<b>SOUTHWEST AIR POLLUTION CONTROL AUTHORITY</b>	
		Fee schedules	92-03-078 92-04-030 92-06-015
		<b>SPOKANE, COMMUNITY COLLEGES OF</b>	
		Adjudicative procedures	92-10-054
		Employees classified	
		employment and dismissal	92-10-056
		Employer-employee relations	
		representing organization, election	92-10-058

**Subject/Agency Index**  
(Citations in **bold type** refer to material in this issue)

**SPOKANE, COMMUNITY COLLEGES OF—cont.**

Legislative liaisons 92-10-055  
 Parking and traffic 92-10-051  
 Student records, availability 92-10-057  
 Student rules of conduct 92-10-053  
 Student suspension 92-10-052

**SPOKANE COUNTY AIR POLLUTION CONTROL AUTHORITY**

Confidential information 92-04-046  
 92-07-067  
 Penalties 92-04-048  
 92-07-069  
 Policy 92-04-045  
 92-07-066  
 Violations 92-04-047  
 92-07-068

**SUPREME COURT**

Admission to practice  
 APR 6(a) 92-06-002  
 Cameras in the courtroom (GR 16) 92-01-040  
 Law clerk program fee schedule (APR 6(a)) 92-07-021  
 Limited practice board  
 Rule 19 for APR 12 92-07-022

**TACOMA COMMUNITY COLLEGE**

Meetings 92-01-007

**TAX APPEALS, BOARD OF**

Meetings 92-01-059  
 Rules coordinator 92-01-060

**TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF**

Business assistance center meetings 92-03-080  
 92-08-047  
**92-12-040**  
 92-02-015  
 Child care facility fund  
 Community economic revitalization board meetings 92-07-043  
 Hardwoods commission meetings 92-06-012  
 92-09-067  
 92-11-015  
 Rules coordinator 92-03-071

**TRAFFIC SAFETY COMMISSION**

Rules coordinator 92-04-066

**TRANSPORTATION COMMISSION**

Meetings 92-01-018  
 92-01-103  
 92-02-011  
 92-02-012  
 92-04-028  
 92-06-035  
 92-10-015  
**92-12-034**  
 92-03-003  
 Rules coordinator

**TRANSPORTATION, DEPARTMENT OF**

Billboard relocation 92-06-010  
 92-09-043  
 Highway access management access permits 92-10-041  
 Highway advertising control 92-06-010  
 92-09-043  
 Rules coordinator 92-03-004

**TRANSPORTATION IMPROVEMENT BOARD**

Meetings 92-02-051  
 92-07-031  
 92-08-095  
 92-09-027  
 92-10-063  
**92-12-014**  
 Rules coordinator 92-05-059

**UNIVERSITY OF WASHINGTON**

Admission and registration procedures 92-08-065  
**92-12-011**  
 Meetings 92-01-074  
 92-02-038  
 92-02-079  
 92-03-021  
 92-03-093  
 92-03-094  
 92-03-103  
 92-08-042  
 Rules coordinator 92-02-036  
 Registration and admission procedures 92-08-065  
**92-12-011**  
 Stadium boat moorage facilities 92-09-154

**USURY RATES**

(See inside front cover)

**UTILITIES AND TRANSPORTATION COMMISSION**

Address of commission 92-07-006  
 Administrative hearing guidelines 92-01-135  
 Affiliated transactions, reporting of 92-02-080  
 92-05-001  
 92-07-009  
 Auto transportation companies 92-02-082  
 Brokers and forwarders bond requirements 92-05-092  
 92-09-014  
 Contract carriers new contracts with shippers 92-01-053  
 Electrical companies affiliated transactions, reporting of 92-02-080  
 92-05-001  
 92-07-009  
 Forwarders and brokers bond requirements 92-05-092  
 92-09-014  
 Gas companies affiliated transactions, reporting of 92-02-080  
 92-05-001  
 92-07-009  
 gas safety rules 92-06-086  
 Local exchange companies affiliated transactions, reporting of 92-02-080  
 92-05-001  
 92-07-009  
 92-01-051  
 Log shipments, intrastate rates  
 Low-level radioactive waste disposal sites and site operators 92-03-050  
 92-01-112  
 Meetings 92-01-112  
 Motor carriers regulations 92-01-116  
 92-02-016  
 Passenger charter carriers 92-02-082  
 Public records, availability 92-07-006  
 Public service companies construction budget 92-02-083  
 Refusal of service 92-01-115  
 Rules coordinator 92-01-113  
 Solid waste accounts, uniform system of 92-03-082  
 annual reports 92-03-082  
 collection companies 92-01-052  
 92-02-081  
 Telecommunications access charges 92-07-010  
 92-10-067  
 caller identification service 92-05-089  
 92-08-075  
 92-03-049  
 enhanced 911 services  
 interexchange telecommunications companies deposit or security 92-01-114  
 Water companies "control" defined 92-05-091  
 92-09-078  
 service installations and connections 92-05-090

**Subject/Agency Index**  
(Citations in **bold type** refer to material in this issue)

<b>VOCATIONAL EDUCATION, COUNCIL ON</b>		<b>WILDLIFE, COMMISSION AND</b>	
Meetings	92-09-077	<b>DEPARTMENT—cont.</b>	
	92-10-007	Hamilton Creek	92-05-022
<b>WALLA WALLA COMMUNITY COLLEGE</b>		Lake Sammamish	92-02-013
Meetings	92-02-007	Lake Washington	92-02-013
<b>WASHINGTON STATE LIBRARY</b>		Lake Washington Ship Canal	92-02-013
Continuing education, council on membership	92-04-076	Lewis River	92-05-022
	92-08-023	Nisqually River	92-03-013
Library commission meetings	92-05-033	Nooksack River	92-05-019
	92-09-085	Puyallup River	92-05-019
	92-10-045	Rock Creek	92-05-022
<b>WASHINGTON STATE PATROL</b>		Salmon Bay	92-02-013
Approved traction tires	92-05-016	Salmon Creek	92-05-022
Conviction records		Samish River	92-02-013
fees	92-11-052		92-05-019
Fingerprint background checks		Sammamish River	92-02-013
fees	92-11-052	Sauk River	92-02-035
Hazardous materials response teams vehicles			92-05-019
flashing amber lights	92-05-015	Skagit River	92-02-035
	92-11-032		92-05-019
Identification section address	92-11-051	Skykomish River	92-08-067
Rules coordinator	92-01-010	Snohomish River	92-02-013
School buses		Snoqualmie River	92-05-019
hazard strobe lamp use	92-09-050	Stillaguamish River	92-05-019
Snow removal vehicles		Tokol Creek	92-02-013
traction tire use exemption	92-05-016		92-05-019
Traction tires, approved	92-05-016	Washougal River	92-05-022
<b>WASHINGTON STATE UNIVERSITY</b>		game fish seasons and catch limits,	
Meetings	92-01-086	1992-94	
	92-09-111	bass	92-06-073
	92-10-004		92-11-079
Rules coordinator	92-06-016	Carbon River	92-05-024
<b>WESTERN WASHINGTON UNIVERSITY</b>		Clear Lake	92-02-090
Bicycles			92-07-037
dismount zone, enforcement	92-01-073	Columbia River	92-08-064
	92-06-068	Deep Creek	92-09-136
Meetings	92-06-006		<b>92-12-020</b>
	92-07-045	Echo Lake	92-02-090
<b>WHATCOM COMMUNITY COLLEGE</b>			92-07-037
Meetings	92-03-010	Green River	92-05-019
	92-04-039		92-08-067
	92-09-039	Kettle River	92-06-074
Rules coordinator	92-03-011		92-11-080
<b>WILDLIFE, COMMISSION AND DEPARTMENT</b>		Lake Desire	92-02-088
Field identification			92-07-038
game species and sex evidence	92-02-086	Morton Lake	92-02-090
	92-05-018		92-07-037
	<b>92-12-057</b>	Nooksack River	92-05-019
	<b>92-12-064</b>	Pipers Creek	92-02-089
taxidermists and furdealers, records	92-02-086		92-07-039
	92-05-018	Puyallup River	92-05-019
	<b>92-12-057</b>	Samish River	92-05-019
	<b>92-12-064</b>	Sauk River	92-05-019
Fishing		Serene Lake	92-02-090
bass daily catch limits	92-05-020		92-07-037
	92-06-073	Skagit River	92-05-019
	92-11-079		92-08-067
game fish seasons and catch limits		Skykomish River	92-02-092
adoption of 1992-94			92-07-041
regulations	92-01-084	Snohomish River	92-05-019
repeal of 1990-92 regulations	92-01-083	Snoqualmie River	92-05-019
game fish seasons and catch limits, 1990-92		Stillaguamish River	92-05-019
Big White Salmon River	92-05-022	Tokol Creek	92-02-093
Carbon River	92-05-024		92-05-019
Cascade River	92-02-035	walleye	92-02-091
Cedar River	92-02-013		92-07-040
Deep Creek	92-05-021	lines and hooks, maximum number	92-06-072
Green River	92-02-013		92-08-066
	92-05-019	snagging and gaffing	92-11-078
	92-08-067		92-06-072
			92-11-078

**Subject/Agency Index**  
(Citations in **bold type** refer to material in this issue)

**WILDLIFE, COMMISSION AND  
DEPARTMENT—cont.**  
steelhead fishing regulations

92-05-019  
92-05-022  
92-05-024  
92-08-064  
92-08-067

**Furdealers  
records**

92-02-086  
92-05-018  
**92-12-057**  
**92-12-064**

**Game**

import and retention of game  
and nonresident wildlife

92-02-086  
92-05-018  
**92-12-057**  
**92-12-064**

taxidermists and furdealers, records

92-02-086  
92-05-018  
**92-12-057**  
**92-12-064**

**Game management units  
boundary descriptions**

92-02-085  
92-06-017  
92-09-042  
**92-12-065**

**Hunting seasons**

bear, 1991-92, 1992-93, 1993-94

92-06-075  
**92-12-058**

Canada goose season, early closure  
deer, 1991-92, 1992-93, 1993-94

92-01-012  
92-06-075  
92-06-079  
**92-12-058**  
**92-12-062**

elk, 1991-92, 1992-93, 1993-94

92-06-076  
92-06-079  
**92-12-019**  
**92-12-059**  
**92-12-062**

small game, 1991-92, 1992-93, 1993-94

92-06-077  
**92-12-060**

special closure areas, 1991-92, 1992-93

92-06-078  
**92-12-061**

special species, 1991-92, 1992-93

92-06-080  
**92-12-063**

turkey seasons

1991 spring season

92-02-094  
92-06-019

1992-94 seasons

92-02-087  
92-06-018

**Rules coordinator**

**92-12-021**

**Taxidermists**

identification of game species  
and sex

92-02-086  
92-05-018  
**92-12-057**  
**92-12-064**

import and retention of game  
and nonresident wildlife

92-02-086  
92-05-018  
**92-12-057**  
**92-12-064**

records

92-02-086  
92-05-018  
**92-12-057**  
**92-12-064**

**WINE COMMISSION**

(See AGRICULTURE, DEPARTMENT OF)

**WORKFORCE TRAINING AND EDUCATION  
COORDINATING BOARD**

Meetings

92-03-039  
92-09-053  
92-11-030











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