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filed not later than May 4, 1994

CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 34.05 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (206) 753-7470 (SCAN 234-7470).

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CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

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

The maximum allowable interest rate applicable for the month of May 1994 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.

WASHINGTON STATE REGISTER

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

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following six sections:

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

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

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

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

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

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

4. EFFECTIVE DATE OF RULES

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

5. EDITORIAL CORRECTIONS

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

1993 - 1994

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

<u>Issue No.</u>	<u>Closing Dates¹</u>			<u>Distribution Date</u>	<u>First Agency Hearing Date³</u>
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
<i>For Inclusion in--</i>	<i>File no later than--</i>			<i>Count 20 days from--</i>	<i>For hearing on or after</i>
93-16	Jul 7	Jul 21	Aug 4	Aug 18	Sep 7
93-17	Jul 21	Aug 4	Aug 18	Sep 1	Sep 21
93-18	Aug 4	Aug 18	Sep 1	Sep 15	Oct 5
93-19	Aug 25	Sep 8	Sep 22	Oct 6	Oct 26
93-20	Sep 8	Sep 22	Oct 6	Oct 20	Nov 9
93-21	Sep 22	Oct 6	Oct 20	Nov 3	Nov 23
93-22	Oct 6	Oct 20	Nov 3	Nov 17	Dec 7
93-23	Oct 20	Nov 3	Nov 17	Dec 1	Dec 21
93-24	Nov 3	Nov 17	Dec 1	Dec 15	Jan 4, 1994
94-01	Nov 24	Dec 8	Dec 22, 1993	Jan 5, 1994	Jan 25
94-02	Dec 8	Dec 22, 1993	Jan 5, 1994	Jan 19	Feb 8
94-03	Dec 22, 1993	Jan 5, 1994	Jan 19	Feb 2	Feb 22
94-04	Jan 5	Jan 19	Feb 2	Feb 16	Mar 8
94-05	Jan 19	Feb 2	Feb 16	Mar 2	Mar 22
94-06	Feb 2	Feb 16	Mar 2	Mar 16	Apr 5
94-07	Feb 23	Mar 9	Mar 23	Apr 6	Apr 26
94-08	Mar 9	Mar 23	Apr 6	Apr 20	May 10
94-09	Mar 23	Apr 6	Apr 20	May 4	May 24
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94-23	Oct 26	Nov 9	Nov 23	Dec 7	Dec 27
94-24	Nov 9	Nov 23	Dec 7	Dec 21	Jan 10, 1995

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

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

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

Regulatory Fairness Act

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

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

AN SBEIS IS REQUIRED

When:

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

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

AN SBEIS IS NOT REQUIRED

When:

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

There is no economic impact on business;

The rule **REDUCES** costs to business;

There is only minor or negligible economic impact;

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

The rule is pure restatement of statute.

WSR 94-10-001
PROPOSED RULES
HIGHER EDUCATION
COORDINATING BOARD
 [Filed April 20, 1994, 1:55 p.m.]

Original Notice.

Title of Rule: Amendments modifying regulations for the administration of the displaced homemaker program, chapter 250-44 WAC.

Purpose: This statement of purpose is written in compliance with section 2, chapter 186, Laws of 1980, and to accompany the notice of intention to adopt, amend or repeal rules by the Higher Education Coordinating Board.

Statutory Authority for Adoption: RCW 28B.10.806.

Statute Being Implemented: Chapter 28B.04 RCW, as amended.

Summary: These amendments make the following changes to the regulations for the administration of the displaced homemaker program. These amendments remove the detailed language of each contract period by relying on the public document - the contract application guidelines - RFP.

Reasons Supporting Proposal: These amendments are not substantive changes, removes board review which is technical in nature and remains in compliance with the intent of RCW 28B.04.040(2) and 34.05.010(2).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dawn Hitchens, 917 Lakeridge Way, Olympia, 586-8108.

Name of Proponent: The Higher Education Coordinating Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These amendments remove on-going housekeeping items for the board, eliminates administrative costs for the program, yet preserves the intent of the Displaced Homemaker Act. The specific details of the contract period and funding levels will be clearly defined in the contract application guidelines which are issued every two years.

Proposal Changes the Following Existing Rules: WAC 250-44-050, 250-44-110, and 250-44-130.

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

Hearing Location: Higher Education Coordinating Board, Large Conference Room, P.O. Box 43430, Olympia, WA 98504-3430, on June 7, 1994, at 2:00 p.m.

Submit Written Comments to: Ms. Dawn Hitchens, Higher Education Coordinating Board, P.O. Box 43430, Olympia, WA 98504-3430, by June 9, 1994.

Date of Intended Adoption: June 23, 1994.

April 20, 1994
 Elson S. Floyd
 Executive Director

AMENDATORY SECTION (Amending Resolution No. 93-8, filed 3/17/93, effective 4/17/93)

WAC 250-44-050 Utilization of available contract funds. (1) Each biennium the executive director shall issue contract application guidelines which shall establish criteria

for specific utilization of available contract funds. The guidelines shall set forth:

(a) The maximum contract amount for a multipurpose service center to be provided depending on available funds under the act during the ~~((1993-1995))~~ upcoming biennium ~~((shall not exceed \$4,708.33 per month)).~~

(b) The maximum contract amount for a contract for a program or programs of service depending on available funds under the act during the ~~((1993-1995))~~ upcoming biennium ~~((shall not exceed \$3,292 per month)).~~

(c) A reservation of funds for contracts to provide state-wide outreach and information services and/or training for service providers.

(2) At least two multipurpose service centers, each located in a highly populated area, will be supported under the displaced homemaker program, provided adequate funds have been appropriated.

(3) Remaining funds will be used for contracts selected to provide geographic dispersion of displaced homemaker multipurpose service centers and programs of service.

AMENDATORY SECTION (Amending Resolution No. 93-8, filed 3/17/93, effective 4/17/93)

WAC 250-44-110 Length of contract periods.

Contract periods for contracts awarded under the act shall be in accordance with each application proposal, subject to contract application guidelines issued by the executive director, but shall not begin before the starting date or extend beyond the end date of the upcoming biennium.

~~((1) Contracts for operation of multipurpose service centers during the 1993-1995 biennium may cover operations beginning as early as July 1, 1993, and ending June 30, 1995.~~

~~((2) Contracts for operation of programs of services during the 1993-1995 biennium may cover operations beginning as early as July 1, 1993, and ending June 30, 1995.))~~

AMENDATORY SECTION (Amending Resolution No. 93-8, filed 3/17/93, effective 4/17/93)

WAC 250-44-130 Calendar and closing dates for letters of intent, applications and awards. (1) ~~((Sponsor- ing))~~ Organizations wishing to apply for contracts to operate multipurpose service centers, shall submit to the executive director a letter of intent, accompanied by appropriate documentation of public or nonprofit status ~~((in the case of nonpublic applicants, by Friday, February 19, 1993)),~~ as specified in the contract application guidelines.

(2) The executive director or the director's designee will screen the letters of intent for multipurpose service centers, prepare a list of all eligible ~~((sponsoring))~~ organizations which filed letters of intent and distribute the list to all ~~((organizations on the list, by Tuesday, March 2, 1993, or))~~ applicants within seven days from the filing date for letters of intent as specified in the contract application guidelines.

(3) Applications for contracts for multipurpose service centers may be submitted by ~~((sponsoring))~~ organizations on the list pursuant to subsection (2) of this section. ~~((The closing dates for such))~~ Applications ~~((by Friday, March 19, 1993,))~~ must be submitted by the date as specified in the contract application guidelines.

(4) ~~((Sponsoring))~~ Organizations wishing to apply for contracts to operate programs of service shall submit to the executive director a letter of intent, accompanied by appropriate documentation of public or nonprofit status ~~((in the case of nonpublic applicants, by Friday, February 19, 1993))~~ by the date specified in the guidelines.

(5) The executive director or the director's designee will screen the letters of intent for programs of service ~~((and a state-wide outreach and information services program)),~~ prepare a list of all eligible ~~((sponsoring))~~ organizations which filed letters of intent, and distribute the list to all organizations on the list, ~~((by Tuesday, March 2, 1993, or))~~ within seven days from the filing date for letters of intent as specified in the contract application guidelines.

(6) Applications for contracts for programs of service ~~((and a state-wide outreach and information services program))~~ may be submitted by ~~((sponsoring))~~ organizations on the list pursuant to subsection (5) of this section by ~~((Friday, March 19, 1993, as))~~ the date specified in the contract application guidelines.

(7) The executive director of the board will approve awards of contracts, provided qualifying applications were received by the closing dates specified in this section and in the guidelines.

(8) In the event that available funds for contracts under the act are not fully utilized after approval of contracts the executive director may either establish a new calendar for further consideration of applications and award of contracts or award supplemental funds to existing centers and programs by amendment of contracts in effect.

WSR 94-10-003
PROPOSED RULES
LIQUOR CONTROL BOARD
 [Filed April 21, 1994, 8:53 a.m.]

Original Notice.

Title of Rule: WAC 314-25-050 Sales limits by ships chandlers.

Purpose: Sets forth limits of no more than nine liters of beer or one liter of wine per crew member per week of each voyage. Also prescribes additional limits of beer and wine in lieu of spirits. Prohibits combined sale of tax paid and tax free liquor products exceeding specific amounts.

Statutory Authority for Adoption: RCW 66.08.030.

Statute Being Implemented: RCW 66.24.530.

Summary: Prescribes specific limits of wine and beer which may be sold to a ship by a ships chandler for use by crew members of the ship.

Reasons Supporting Proposal: Following an investigation into the activities of ships chandlers, it was determined that a rule needed to be adopted to limit the beer and wine sold. The rule mirrors policy of the Department of the Treasury, Unites States Customs Service.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Gary Gilbert, Enforcement Division Chief, 1025 East Union, Olympia, (206) 586-3052.

Name of Proponent: Washington State Liquor Control Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule will set limits of beer and wine which may be sold to a ship by a ships chandler for crew consumption. It also limits the combined sale of tax paid and tax free liquor products to set levels. The intent is to limit such products to only that amount to be used by the crew members and thus reduce the potential for liquor products to be distributed illegally.

Proposal does not change existing rules.

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

No impact is anticipated. The limitations are the same as those set by United States Customs and thus should not be of impact to anyone who is operating in a legal manner.

Hearing Location: Washington State Liquor Control Board, Fifth Floor Conference Room, 1025 East Union, Olympia, WA, on June 8, 1994, at 9:30 a.m.

Submit Written Comments to: M. Carter Mitchell, Information Officer, Washington State Liquor Control Board, P.O. Box 43080, Olympia, WA 98504-3080, FAX (206) 664-9689, by June 7, 1994.

Date of Intended Adoption: June 8, 1994.

April 19, 1994

Joseph L. McGavick
 Chairman

NEW SECTION

WAC 314-25-050 Sales limits. Sales of beer and wine by a ships chandler to a vessel in foreign commerce or a contracted CCI-1 carrier or their employees thereof must be limited in quantity to no more than nine liters of beer or one liter of wine per crew member per week for duration of the voyage. Additional beer or wine may be purchased at the rate of nine liters of beer or one liter of wine per crew member per week of each voyage in lieu of the purchase of 2 liters of spirits as allowed by the Department of Treasury, U.S. Customs policy 3137.5. Under no circumstances can the combined sale of tax paid and tax free liquor products exceed this amount.

WSR 94-10-004
PROPOSED RULES
LIQUOR CONTROL BOARD
 [Filed April 21, 1994, 8:55 a.m.]

Original Notice.

Title of Rule: WAC 314-16-199 Cocktail lounge declassification—Sunday dining events.

Purpose: To put the board's "Sunday brunch policy" into rule form.

Statutory Authority for Adoption: RCW 66.08.030.

Summary: The proposed language would allow the board to classify a class H lounge as a restaurant for Sunday dining events and allow class H licensees to use their lounge on Sundays as a restaurant for dining events.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Gary W. Gilbert, 1025 East Union, Olympia, WA, (206) 586-3052.

Name of Proponent: Washington State Liquor Control Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The new rule would allow the board to classify a class H lounge as a restaurant for Sunday dining events and allow class H licensees to use their lounge on Sundays as a restaurant for dining events. The proposed language also sets forth the conditions of such activity.

Proposal does not change existing rules.

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

Hearing Location: Liquor Control Board, 5th Floor Board Room, 1025 East Union, Olympia, WA 98504, on June 8, 1994, at 9:30 a.m.

Submit Written Comments to: M. Carter Mitchell, Public Information Officer, Washington State Liquor Control Board, P.O. Box 43080, Olympia, WA 98504-3080, FAX (206) 664-9689, by June 7, 1994.

Date of Intended Adoption: June 8, 1994.

April 19, 1994

Joseph L. McGavick
Chairman

NEW SECTION

WAC 314-16-199 Cocktail lounge declassification—Sunday dining events (1) Pursuant to RCW 66.44.310(2), the board may classify the cocktail lounge portion of a Class H premises as a restaurant for Sunday dining events.

(2) Class H licensees may utilize their cocktail lounge for all age dining events on Sundays subject to the following conditions, (a) written board approval, (b) no preparation, sale or service of liquor from within the cocktail lounge area, (c) all entertainment is prohibited except recorded and live background music which requires prior approval of the board, (d) withdrawal of approval if violations occur.

WSR 94-10-005

PROPOSED RULES

GAMBLING COMMISSION

[Filed April 21, 1994, 1:29 p.m.]

Original Notice.

Title of Rule: WAC 230-12-040 No firearms as prizes; WAC 230-12-050 Extension of credit, loans, or gifts prohibited, limited exception; WAC 230-12-070 Conduct of gambling activity; WAC 230-20-103 Bingo cards to be sold upon premises—Exceptions; and WAC 230-20-244 Electronic bingo card daubers—Definition—Operating restriction—Standards.

Purpose: WAC 230-12-040, 230-12-050, and 230-12-070, housekeeping change to amend RCW reference; WAC 230-20-103, new rule will allow bingo operators to presell an entry guarantee to persons desiring to reserve the right to participate in special bingo games; and WAC 230-20-244, new rule establishes operating restrictions and standards of electronic bingo card daubers.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: Chapter 9.46 RCW.

Summary: WAC 230-12-040, 230-12-050, and 230-12-070, minor housekeeping change to amend RCW reference; WAC 230-20-103, new rule will allow bingo operators to presell an entry guarantee to persons desiring to reserve the right to participate in special bingo games; and WAC 230-20-244, new rule establishes operating restrictions and standards of electronic bingo card daubers.

Name of Agency Personnel Responsible for Drafting: Shanna Lingel, Rules Coordinator, Lacey, 438-7685; Implementation: Frank L. Miller, Director, Lacey, 438-7640; and Enforcement: Neal Nunamaker, Deputy Director, Lacey, 438-7690.

Name of Proponent: [Gambling Commission], governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed amendments to WAC 230-12-040, 230-12-050 and 230-12-070 are minor housekeeping changes to RCW references. WAC 230-12-103 is a new section to allow bingo operators to presell an entry guarantee to persons desiring to reserve the right to participate in special bingo games. WAC 230-20-244 is a new rule to establish operating restrictions and standards for electronic bingo card daubers.

Proposal Changes the Following Existing Rules: Amends WAC 230-12-040, 230-12-050 and 230-12-070 to change RCW references. New section WAC 230-12-103 allows bingo operators to presell an entry to guarantee to persons desiring to reserve the right to participate in special bingo games. New section WAC 230-20-244 establishes operating restrictions and standards for electronic bingo card daubers.

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

The agency has considered whether these rule changes would create an economic impact on small businesses as defined in chapter 19.85 RCW. It has determined that there are no economic impacts to small business as a result of these proposals for the following reasons: No cost or expenditure of resources; no affect on industry; and no substantive change in existing regulatory scheme.

Hearing Location: Whitman Inn/Nendels, 107 North Second Street, Walla Walla, WA 98362, on June 10, 1994, at 10:00 a.m.

Submit Written Comments to: Shanna R. Lingel, Washington State Gambling Commission, P.O. Box 42400, Olympia, WA 98504-2400, by June 8, 1994.

Date of Intended Adoption: June 10, 1994.

April 21, 1994

Shanna R. Lingel
Rules Coordinator

AMENDATORY SECTION (Amending Order 158, filed 6/13/86)

WAC 230-12-040 No firearms as prizes. No firearms, air guns which are capable of discharging dangerous projectiles, including but not limited to, BB's; or CO² guns, including but not limited to, rifles, shotguns, pistols, or revolvers; shall be offered or awarded as a prize or in lieu of a prize for winning at any of the activities authorized by

chapter 9.46 RCW ((9.46.030)): *Provided*, That bona fide charitable or nonprofit organizations licensed to conduct a raffle, may award legal shotguns or hunting rifles as merchandise prizes not deemed unlawful as defined by WAC 232-12-047: *Provided further*, That the organization shall not award the actual prize but will provide a certificate for the prize redeemable at a licensed firearms dealer.

AMENDATORY SECTION (Amending Order 186, filed 2/13/89)

WAC 230-12-050 Extension of credit, loans, or gifts prohibited, limited exception. No licensee, member or employee thereof shall extend credit, make a loan, or grant a gift to any person playing in an authorized activity, or which enables a person to play in an authorized activity. The consideration required to participate in the activity shall be collected in full, by cash or check, prior to participation. *Provided*, this prohibition shall not apply to the following situations:

(1) The consideration paid for the opportunity to play a punchboard or pull tab series may be collected immediately after the play is completed only when such consideration is ten dollars or less; or

(2) When a bona fide charitable or bona fide nonprofit organization conducting any of the activities authorized by chapter 9.46 RCW ((9.46.030)) or commission rules has a regular billing system for all of the activities of its members with such organization, such billing system may be utilized in connection with the playing of any of the activities authorized hereunder if:

(a) The playing of such activity is limited to regular members of such organization who have become regular members prior to the commencement of such activity and whose qualifications for membership were not dependent upon, or in any way related to, the playing of such activity; and

(b) The commission has given its prior written consent to the use of such billing system in connection with the conduct of activities authorized under these rules.

AMENDATORY SECTION (Amending Order 53, filed 5/25/76)

WAC 230-12-070 Conduct of gambling activity. No person operating any activity authorized by chapter 9.46 RCW ((9.46.030)) shall, directly or indirectly, in the course of such operation:

(1) Employ any device, scheme or artifice to defraud;

(2) Make any untrue statement of a fact, or omit to state a fact necessary in order to make a statement not misleading, in consideration of the circumstance under which such statement was made;

(3) Engage in any act, practice, or course of operation as would operate as a fraud or deceit upon any person.

NEW SECTION

WAC 230-20-103 Bingo cards to be sold upon the premises—Exceptions. Bingo cards shall be sold upon the licensed premises during or immediately preceding the session for which the cards are intended for play: *Provided*, That licensees may sell an entry guarantee to persons

desiring to reserve the right to participate in special bingo games. Such shall not be deemed sales of bingo cards for purposes of this title if licensees comply with the following restrictions:

(1) Entry guarantee events are limited to four sessions each calendar year: *Provided*, That each separate event shall be completed in its entirety, including all refunds authorized by subsection (6)(b) of this section, prior to beginning sales for another event;

(2) Tickets must be used to document the sale of an entry guarantee. All requirements of WAC 230-20-101 (2)(a), (b), and (d) shall be followed. The following additional information must be imprinted on the tickets:

(a) The name of the organization sponsoring the event;
 (b) The time, date, and location of the event;
 (c) The total number of tickets available for the event; and

(d) Any conditions or contingencies related to redemption of the ticket, refunds if available, or cancellation of the event;

(3) The number of tickets sold shall not exceed the seating capacity of the premises;

(4) The value of an entry guarantee ticket shall not exceed fifty percent of the minimum "buy-in" for the event;

(5) Tickets shall not be sold prior to sixty days in advance of the event;

(6) Tickets shall only be redeemed for bingo cards upon the licensed premises immediately preceding start of the session: *Provided*, That unredeemed tickets may, at the organization's option, be refunded after the event is completed and net proceeds for the session have been deposited. If refunds are allowed, the following procedures apply:

(a) All restrictions or conditions must be printed on the ticket;

(b) Refunds must be made within thirty days following the event. After thirty days all unredeemed tickets shall be written off as contributions to the organization;

(c) The name, address, and phone number of the person receiving the refund shall be recorded on the back of the ticket; and

(d) All refunded tickets shall be retained as a part of the records for the event;

(7) Tickets shall be closely controlled. Tickets that are unaccounted for shall be treated as a cash shortage at the redemption value;

(8) Tickets redeemed for bingo cards shall be immediately canceled by use of a hand stamp that imprints "REDEEMED" on each ticket. Daily bingo records shall be modified to document the number and dollar value of tickets sold and redeemed. The reconciliation of gross gambling receipts to "cash on hand" shall include an entry documenting the dollar value of tickets redeemed; and

(9) Gross receipts from the sale of tickets shall be deposited separately into the gambling account no later than two banking days after receipt.

NEW SECTION

WAC 230-20-244 Electronic bingo card daubers—Definition—Operating restriction—Standards. The commission deems that any device, apparatus, or scheme that allows a player in any gambling activity a material advan-

tage over other players is against public policy; restriction of such is in the public's interest. Electronic bingo card marking devices or daubers are deemed to provide a player a material advantage unless operated in accordance with subsection (2) of this section. For purposes of this title, the following definitions, restrictions, and standards apply to such devices:

(1) Electronic bingo card daubers are defined as electronic appliances used by players to identify bingo cards that contain numbers or symbols input by a player. These devices electronically store preprinted bingo cards purchased by player, provide a means for players to input numbers or symbols called by the operator, compare the numbers or symbols input by the player to bingo cards previously stored in an electronic data base, and identify to the player those stored bingo cards that contain the numbers or symbols input by the player: *Provided*, That player-owned devices which are not directly interfaced with or connected to equipment used to conduct bingo games or the electronic data base in which electronically generated bingo cards are stored in any manner, are not "electronic bingo card daubers" for purposes of this title;

(2) Electronic bingo card daubers will not be deemed to provide players a material advantage and may be used by players in bingo games when operated in the following manner:

- (a) The player performs at least the following functions:
 - (i) Inputs the number or symbol called by the operator into the memory of the unit;
 - (ii) Notifies the operator when a winning pattern or "bingo" occurs; and
 - (iii) Identifies the winning card and displays the card to the operator;
- (b) Each player using such a device is limited to playing a maximum of sixty-six cards during any game;
- (c) The number of devices allowed in play by an operator does not exceed ten percent of the maximum seating capacity of the game;
- (d) Electronic daubers owned, leased, or otherwise controlled by an operator must be made available to all players on a first come, first served basis: *Provided*, That when demand exceeds availability, operators may devise schemes for assignment of devices to players if such schemes allow all players an equal opportunity: *Provided further*, That operators shall reserve at least one device for players with disabilities. If there are no requests for use of this device prior to five minutes before the scheduled session, it may be released for use by other players;
- (e) Operators may charge players a fee for use of the devices. Such fees must be a flat fee and shall not be based on the number or dollar value of cards purchased;
- (f) Each player utilizing such a device must have in their possession cards that meet all requirements of WAC 230-20-240 and 230-20-101(3). Electronic images of cards or faces stored in such devices are for player convenience only and are not bingo cards for purposes of this title;
- (g) If the devices are leased to an operator, the lease cannot be based in whole or part on the amount of bingo card sales or rental income derived from such devices; and
- (h) The use of these devices is prohibited when a licensee utilizes any marketing scheme for cards that result

in a decrease in the per unit price of each card as the number of cards purchased increases;

(3) Electronic bingo card daubers must meet the following standards:

(a) Be manufactured by licensed manufacturers: *Provided*, That player-owned units are exempt from this provision;

(b) Be sold, leased, and serviced by licensed distributors or manufacturers: *Provided*, That operators may perform routine maintenance on devices under their control;

(c) Not be capable of modifying cards stored in the electronic data base in any way; and

(d) Be capable of complying with applicable requirements of WAC 230-20-101(3).

WSR 94-10-006
PROPOSED RULES
GAMBLING COMMISSION

[Filed April 21, 1994, 1:31 p.m.]

Original Notice.

Title of Rule: WAC 230-40-010 Types of card games authorized; 230-40-120 Limits on wagers in card games(~~—Exception—Washington blackjack~~); and 230-40-225 House dealer allowed in "pan" or poker game.

Purpose: Packet of rules would add pai gow poker as an authorized card game, restructure the wagering of various card games without increasing limits and allow cardroom operators to provide a dealer in card games.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: Chapter 9.46 RCW.

Summary: WAC 230-40-010, amendment would add pai gow poker as an authorized card game to be played in public and social card rooms licensed by the commission; WAC 230-40-120, amendment would allow the cardroom operators to structure the wagers in multiple wager card games without increasing the amount of money wagered. The wagering limit on single wager games would increase to be consistent with the limits of the other games. The amendment would also increase the amount of money that could be used as an ante; and WAC 230-40-225, amendment would allow licensed cardroom operator to provide a dealer in any card game.

Name of Agency Personnel Responsible for Drafting: Shanna Lingel, Rules Coordinator, Lacey, 438-7685; Implementation: Frank L. Miller, Director, Lacey, 438-7640; and Enforcement: Neal Nunamaker, Deputy Director, Lacey, 438-7690.

Name of Proponent: Ron Porter, President, Recreational Gaming Association, 11819 Renton Avenue South, Seattle, WA 98178, private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed amendments would add pai gow poker as an authorized card game, restructure wagering on various card games without increasing the limits and allow cardroom operators to provide a dealer in card games.

Proposal Changes the Following Existing Rules: Amends existing rules to add pai gow poker as an authorized card game, restructure wagering on various card games

without increasing the limits and allow cardroom operators to provide a dealer in any card game.

No small business economic impact statement required by chapter 19.85 RCW.

The agency has considered whether these rule changes would create an economic impact on small businesses as defined in chapter 19.85 RCW. It has determined that there are no economic impacts to small business as a result of these proposals for the following reasons: No cost or expenditure of resources; no affect on industry; and no substantive change in existing regulatory scheme.

Hearing Location: Whitman Inn/Nendels, 107 North Second Street, Walla Walla, WA 98362, on June 10, 1994, at 10:00 a.m.

Submit Written Comments to: Shanna R. Lingel, Washington State Gambling Commission, P.O. Box 42400, Olympia, WA 98504-2400, by June 8, 1994.

Date of Intended Adoption: June 10, 1994.

April 21, 1994
Shanna R. Lingel
Rules Coordinator

AMENDATORY SECTION (Amending Order 205, filed 2/14/90, effective 3/17/90)

WAC 230-40-010 Types of card games authorized. ~~((The commission hereby authorizes the following))~~ Only card games that have been specifically authorized are allowed to be played in public ((card rooms and)) or social card rooms licensed by the commission(=). The commission hereby authorizes the following card games:

(1) Poker(=) - Any poker game described in *Hoyle's Modern Encyclopedia of Card Games*, by Walter B. Gibson, published by Doubleday and Company, Inc., April 1974, 1st edition, pages 219 through 277: ~~((provide that))~~ Provided, That only a maximum of five betting rounds per hand are permitted.

- (2) Hearts.
- (3) Pinochle.
- (4) Cribbage.
- (5) Rummy.
- (6) Mah-jongg (tiles).
- (7) Pan.
- (8) Pitch.
- (9) Washington Blackjack - as set forth in WAC 230-40-125.

(10) Pai-Gow Poker.

(11) Pan-9.

~~((Card games not herein authorized are prohibited.))~~

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 205, filed 2/14/90, effective 3/17/90)

WAC 230-40-120 Limits on wagers in card games ~~((—Exception—Washington blackjack)).~~ ~~((The following limits shall not be exceeded in making wagers on any card game. For games in which the following method of wagering is allowed:))~~ Social and public card room

licensees shall not allow wagering limits set by the commission to be exceeded in any card game. The number and value of wagers in card games are limited as follows:

~~(1) ((Multiple wagers per player per hand during each round, each wager or raise shall not exceed \$5.00. There shall be no more than a total of two raises per round irrespective of the number of players: Provided, That in card games providing for three or more rounds of betting, the wager or raise for the last round of betting, shall not exceed \$10.00.~~

~~(2) Single wagers per player per hand during each round (no raises), each wager shall not exceed \$5.00.~~

~~(3) Single wager per player per game, each wager shall not exceed \$5.00.~~

~~(4) Amount per point,))~~ The maximum number of wagers in any betting round shall be three, comprised of an initial wager plus two raises.

(2) the maximum amount of a wager in any betting round shall be as follows:

(a) Games with a single betting round - ten dollars per wager;

(b) Games with multiple betting rounds:

(i) Two betting round games - wagers for the first round shall not exceed five dollars, and the second round shall not exceed ten dollars;

(ii) Three betting round games - wagers for the first two betting rounds shall not exceed five dollars, and wagers for the third betting round shall not exceed ten dollars;

(iii) Four betting round games - the wagers for each round may be structured by house rule: Provided, That the total wagers for all four betting rounds shall not exceed twenty-five dollars, and any single wager shall not exceed ten dollars; and

(iv) Five betting round games - the wagers for each round may be structured by house rule: Provided, That the total wagers for all five betting rounds shall not exceed thirty dollars, and any single wager shall not exceed ten dollars.

(c) Games that do not allow raises - a single wager not to exceed ten dollars for each betting round.

(3) Games based on achieving a specific number of points - each point shall not ((equal more than)) exceed five cents in value.

~~((5))~~ (4) An ante, except for panguingue (pan), shall not be more than (((\$6.00)) ten dollars. The ante may, by house rule, be made by one or more players, but the total ante may not exceed (((\$6.00)) ten dollars. No one player can ante more than ((five dollars)) the maximum wager allowed in the first round. An ante may be used as part of a player's wager. ((The maximum betting on the first round when an ante is used may not exceed \$15.00 per person, including the ante.

~~((6))~~ (5) Panguingue (pan) - maximum value of a chip for payoff will not exceed (((\$2.00)) four dollars. Ante will not exceed one chip. No doubling of conditions. Players going out(=) may collect not more than two chips from each participating player.

~~((No licensee shall allow these wagering limits to be exceeded in a card game on his premises. Provided,))~~ (6) Washington blackjack shall be subject to the rules and wagering limits set forth in WAC 230-40-125.

AMENDATORY SECTION (Amending Order 29, filed 1/23/75)

WAC 230-40-225 House dealer allowed in "pan" or poker games. Notwithstanding the provisions of WAC 230-40-200, any licensee may furnish a dealer or "mucker" in any pan or poker game played on the licensed premises((~~who~~)). Dealers shall have no financial interest, directly or indirectly, in the outcome of such game and ((~~who~~)) shall not otherwise participate or play in the game.

WSR 94-10-007
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed April 21, 1994, 3:48 p.m.]

The Department of Labor and Industries is hereby withdrawing the following proposed amendments and repealed sections of chapter 296-306 WAC, Safety standards for agriculture: WAC 296-306-003 Subsections, subdivisions, items, subitems, and segments, 296-306-025 Management's responsibility, 296-306-030 Employee's responsibility, 296-306-045 First-aid training and certification, 296-306-050 First-aid kit, 296-306-055 Safe place standards, 296-306-060 Personal protective equipment, 296-306-061 Machinery and machine guarding, 296-306-065 Materials handling and storage, 296-306-070 Reserved, 296-306-075 Bench grinders, 296-306-080 Guarding of hand-held portable power tools, 296-306-084 Portable abrasive wheels, 296-306-085 Fire protection and ignition sources, 296-306-090 Storage and handling of anhydrous ammonia, 296-306-095 Elevated walkways and platforms, 296-306-100 Handrails, 296-306-125 Gas welding and cutting, 296-306-130 Welding, 296-306-135 Arc welding and cutting, 296-306-140 Welding areas protected, 296-306-145 Electrical, 296-306-165 General requirements for all agricultural equipment, 296-306-175 Farm field equipment guarding, and 296-306-300 Field sanitation—Scope.

These proposed changes were filed on October 20, 1993, with public hearings held on November 30, December 1, and December 3, 1993, WSR 93-21-071.

Mark O. Brown
 Director

WSR 94-10-009
PROPOSED RULES
PERSONNEL RESOURCES BOARD
 [Filed April 21, 1994, 4:11 p.m.]

Continuance of WSR 94-06-065.

Title of Rule: New chapter 359-39 WAC, Human resources training and development.

Statutory Authority for Adoption: Chapter 41.06 RCW.
 Statute Being Implemented: RCW 41.06.150.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, 753-0468; Implementation and Enforcement: Department of Personnel.

Hearing Location: Department of Personnel, 2nd Floor, Board Room, 521 Capitol Way South, Olympia, WA, on May 12, 1994, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by May 10, 1994.

Date of Intended Adoption: May 12, 1994.

April 19, 1994
 Dennis Karras
 Secretary

WSR 94-10-010
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed April 22, 1994, 11:02 a.m.]

Original Notice.

Title of Rule: Chapter 296-24 WAC, General safety and health standards; chapter 296-27 WAC, Recordkeeping and reporting; chapter 296-32 WAC, Safety standards for telecommunications; chapter 296-37 WAC, Safety standards for commercial diving operations; chapter 296-62 WAC, General occupational health standards; chapter 296-155 WAC, Safety standards for construction work; chapter 296-350 WAC, Reassumption of jurisdiction pursuant to RCW 49.17.140; and chapter 296-360 WAC, Discrimination, pursuant to RCW 49.17.160.

Purpose: Chapter 296-24 WAC, General safety and health standards, federal-initiated proposed amendments to chapter 296-24 WAC, published in Federal Register Volume 58, Number 124, dated June 30, 1993, are made to correct the addresses of the National Fire Protection Association and the Compressed Gas Association. Two federal-initiated proposed amendments correct items identified in OSHA letter dated November 18, 1993, to make the standard at least as effective as OSHA standards. One change requires the employer to follow the manufacturer's recommended maximum load requirements. The other deletes a subsection duplicated in the standard. State-initiated proposed amendments to chapter 296-24 WAC replace references to the Division of Industrial Safety and Health, or similar wording, with the Department of Labor and Industries; corrects names and addresses of various associations, societies and councils; corrects references; corrects references to specific gender; rennumbers subsections, subdivisions, and items as required by the code reviser; corrects grammatical errors, and corrects addresses of the department. Other wording changes are made for clarification. The proposed amendments will not establish any additional compliance requirements; chapter 296-27 WAC, Recordkeeping and reporting, state-initiated proposed amendments to chapter 296-27 WAC are made to replace references to specific gender, correct a section title and named references, correct the name of the United States Department of Health, Education, and Welfare to United States Department of Health and Human Services, replace references to the Division of Industrial Safety and Health with the Division of Consultation and Compliance or the department, and corrects addresses of the department; and correct references. Other wording changes are made for

clarification. The proposed amendments will not establish any additional compliance requirements; chapter 296-32 WAC, Safety standards for telecommunications, state-initiated proposed amendments to chapter 296-32 WAC are made to replace references to the Division of Industrial Safety and Health, or similar wording with the Department of Labor and Industries; adds "or similar wording" to allow flexibility for wording of "men working" signs, corrects a reference; renumbers subsections, subdivisions, and items as required by the code reviser; corrects references to specific gender. The proposed amendments will not establish any additional compliance requirements; chapter 296-37 WAC, Safety standards for commercial diving operations, federal-initiated proposed amendment to chapter 296-37 WAC, published in Federal Register Volume 58, Number 124, dated June 30, 1993, is made to correct the name of the United States Department of Health, Education, and Welfare to United States Department of Health and Human Services. State-initiated proposed amendments are made to correct additional references to the name of the United States Department of Health, Education, and Welfare not identified in the above referenced federal register and to correct and update the address of the Department of Labor and Industries. The proposed amendments will not establish any additional compliance requirements; chapter 296-62 WAC, General occupational health standards, federal-initiated proposed amendments to WAC 296-62-07441, published in Federal Register Volume 57, Number 178, dated September 14, 1992, are made to add the previously omitted medication compound Acetaminophen and to add "g" (gram) in two quantitative calculations for biological monitoring and medical examination results. Other federal-initiated amendments are made to correct references, correct the name of Mining Enforcement and Safety Administration to Mine Safety and Health Administration, and to delete references to the Department of the Interior. State-initiated proposed amendments to chapter 296-62 WAC are made to bring carbon monoxide and formaldehyde levels in line with other references; to correct references to specific gender; to correct chemical numbers by adding hyphens previously omitted; to correct references; to correct an organization name; and to correct grammatical and spelling errors. Other wording changes are made for clarification. The proposed amendments will not establish any additional compliance requirements; chapter 296-155 WAC, Safety standards for construction work, federal-initiated proposed amendment to WAC 296-155-150, published in Federal Register Volume 58, Number 124, dated June 30, 1993, is made to correct the name of the Atomic Energy Commission to Nuclear Regulatory Commission. Other federal-initiated amendments also identified by OSHA in the above referenced federal register add a new section for requirements of air receivers, and incorporate parts of chapter 296-24 WAC, identified as applicable to the construction industry, into chapter 296-155 WAC. State-initiated proposed amendments to chapter 296-155 WAC replace references to the Division of Industrial Safety and Health, or similar wording, with the Department of Labor and Industries; corrects names and addresses of various associations, societies and councils; corrects references to specific gender; renumbers subsections, subdivisions, and items as required by the code reviser; corrects the number of employees of a small business to meet the

requirements of RCW 43.31.025; deletes wording duplicated in another section; corrects form numbers, terminology, grammatical errors, and corrects addresses of the department. Other changes are made for clarification and to be consistent with other standards. The proposed amendments will not establish any additional compliance requirements; chapter 296-350 WAC, Reassumption of jurisdiction pursuant to RCW 49.17.140, state-initiated proposed amendment to WAC 296-350-050 is made to allow an additional 15 working days to issue a redetermination notice for appeals upon agreement of all parties. This amendment is the result of a 1994 legislative change to RCW 49.17.140 and SSB 6282. Other state-initiated proposed amendments to chapter 296-350 WAC are made to correct references to specific gender, correct code and name references; replace references to the Division of Industrial Safety and Health with the Division of Consultation and Compliance, and corrects addresses. These amendments are made solely to comply with state legislation or are housekeeping in nature and do not add any new compliance requirements; and chapter 296-360 WAC, Discrimination, pursuant to RCW 49.17.160, state-initiated proposed amendments to chapter 296-360 WAC are made to correct references to specific gender, correct code and name references, replace references to the Division of Industrial Safety and Health with the Division of Consultation and Compliance, and corrects an address.

Statutory Authority for Adoption: Chapter 49.17 RCW.

Statute Being Implemented: RCW 49.17.040, [49.17].050, [49.17].060.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Marcia Holt, 7273 Linderson Way, Tumwater, WA, (206) 956-5530; Implementation and Enforcement: Suzanne L. Mager, 7273 Linderson Way, Tumwater, WA, (206) 956-5495.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is necessary because of federal law, SSB 6282; FR 58 #124 dated June 30, 1993; FR 57 #178 dated September 14, 1992; and OSHA letter dated November 18, 1993.

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.

A small business economic impact statement is not required as federal and state-initiated proposed changes to chapters 296-24, 296-27, 296-32, 296-37, 296-62, 296-155, 296-350, and 296-360 WAC are made solely to comply with federal regulations, state legislation, or are housekeeping changes and will not require any additional compliance requirements.

Hearing Location: On June 9, 1994, at 9:30 a.m., Department of Labor and Industries Building, First Floor Auditorium, 7273 Linderson Way, Tumwater, WA 98504-4620.

Submit Written Comments to: Suzanne L. Mager, Assistant Director, Division of Consultation and Compliance, P.O. Box 44620, Olympia, WA 98507-4620, by June 16, 1994.

In addition to written comments, the department will accept comments submitted to the following voice mail number and telefacsimile machine number: Voice mail (206) 956-5525 and Fax (206) 956-5529. Comments submitted by fax must be 10 pages or less.

Date of Intended Adoption: July 20, 1994.

April 22, 1994
Mark O. Brown
Director

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-001 Foreword. This chapter has been compiled with the purpose of consolidating all safety rules of general application into one chapter of the Washington Administrative Code, by the promulgation of the rules contained herein. It is also the intent that the safety rules of the Washington state department of labor and industries, will be at least as effective as those adopted by the U.S. Department of Labor and administered by the Occupational Safety and Health Administration as published in the Code of Federal Regulations. The ~~((division of safety))~~ department is incorporating many of the existing safety rules of general application and adding new rules under this chapter.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-006 Equipment approval by nonstate agency or organization. Whenever a provision of this chapter states that only that equipment or those processes approved by an agency or organization other than the department of labor and industries, such as the Underwriters Laboratories or the ~~((Bureau of Mines))~~ Mine Safety and Health Administration (MSHA) and the National Institute for Occupational Safety and Health (NIOSH), shall be utilized, that provision shall be construed to mean that approval of such equipment or process by the designated agency or group shall be prima facie evidence of compliance with the provision of this chapter.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-24-010 Variance and procedure. Conditions may exist in operations that a state standard will not have practical use. The director may issue a variance from the requirements of the standard when another means of providing equal protection is provided.

Applications for variances will be reviewed and investigated by the department. Variances granted shall be limited to the specific case or cases covered in the application and may be revoked for cause. The variance shall remain prominently posted on the premises while in effect.

Variance application forms may be obtained from the department upon request. Requests for variances from safety and health standards shall be made in writing to the director or the assistant director, ~~((Division of Industrial Safety and Health,))~~ Department of Labor and Industries, Post Office Box 44600, Olympia, Washington 98504-4600. (Reference RCW 49.17.080 and 49.17.090.)

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-24-012 Definitions applicable to all sections of this chapter.

Note: Meaning of words. Unless the context indicates otherwise, words used in this chapter shall have the meaning given in this section.

(1) "Approved" means approved by the director of the department of labor and industries or his/her authorized representative: *Provided, however,* That should a provision of this chapter state that approval by an agency or organization other than the department of labor and industries is required, such as Underwriters' Laboratories or the ~~((Bureau of Mines))~~ Mine Safety and Health Administration (MSHA) and the National Institute for Occupational Safety and Health (NIOSH), the provisions of WAC 296-24-006 shall apply.

(2) "Authorized person" means a person approved or assigned by the employer to perform a specific type of duty or duties or to be at a specific location or locations at the job site.

(3) "Competent person" means one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective action to eliminate them.

(4) "Department" means the department of labor and industries.

(5) "Director" means the director of the department of labor and industries, or his/her designated representative.

(6) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees or who contracts with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations: *Provided,* That any person, partnership, or business entity not having employees, and who is covered by the industrial insurance act shall be considered both an employer and an employee.

(7) "First-aid" means, for purposes of this section, the extent of treatment that could be expected to be given by a person trained in basic first-aid, using supplies from a first-aid kit. Tests, such as x-rays, shall not be confused with treatment.

(8) "Hazard" means that condition, potential or inherent, which can cause injury, death, or occupational disease.

(9) "Hospitalization" means to be sent to; to go to; or be admitted to a hospital or an equivalent medical facility and receive medical treatment beyond that which would be considered as first-aid treatment, regardless of the length of stay in the hospital or medical facility.

(10) "Qualified" means one who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training, and experience, has successfully demonstrated ~~((his))~~ the ability to solve or resolve problems relating to the subject matter, the work, or the project.

(11) "Safety factor" means the ratio of the ultimate breaking strength of a member or piece of material or

equipment to the actual working stress or safe load when in use.

(12) "Safety and health standard" means a standard which requires the adoption or use of one or more practices, means, methods, operations, or processes reasonably necessary or appropriate to provide safe or healthful employment and places of employment.

(13) "Shall" means mandatory.

(14) "Should" means recommended.

(15) "Standard safeguard" means a device designed and constructed with the object of removing the hazard of accident incidental to the machine, appliance, tool, building, or equipment to which it is attached.

Standard safeguards shall be constructed of either metal or wood or other suitable material or a combination of these. The final determination of the sufficiency of any safeguard rests with the director of the department of labor and industries (~~through the division of safety~~).

(16) "Suitable" means that which fits, or has the qualities or qualifications to meet a given purpose, occasion, condition, function, or circumstance.

(17) "Working day" means a calendar day, except Saturdays, Sundays, and legal holidays as set forth in RCW 1.16.050, as now or hereafter amended, and for the purposes of the computation of time within which an act is to be done under the provisions of this chapter, shall be computed by excluding the first working day and including the last working day.

(18) "Worker," "personnel," "person," "employee," and other terms of like meaning, unless the context of the provision containing such term indicates otherwise, mean an employee of an employer who is employed in the business of his/her employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is his/her personal labor for an employer whether by manual labor or otherwise.

(19) "Work place" means any plant, yard, premises, room, or other place where an employee or employees are employed for the performance of labor or service over which the employer has the right of access or control, and includes, but is not limited to, all work places covered by industrial insurance under Title 51 RCW, as now or hereafter amended.

(20) Abbreviations used in this chapter:

(a) "ANSI" means American National Standards Institute.

(b) "API" means American Petroleum Institute.

(c) "ASA" means American Standards Association.

(d) "ASAE" means American Society of Agricultural Engineers.

(e) "ASHRE" means American Society of Heating and Refrigeration Engineers.

(f) "ASME" means American Society for Mechanical Engineers.

(g) "ASTM" means American Society for Testing and Materials.

(h) "AWS" means American Welding Society.

(i) "BTU" means British thermal unit.

(j) "BTUH" means British thermal unit per hour.

(k) "CFM" means cubic feet per minute.

(l) "CFR" means Code of Federal Register.

(m) "CGA" means Compressed Gas Association.

(n) "CIE" means Commission Internationale de l'Eclairage.

(o) "DOT" means department of transportation.

(p) "FRP" means fiberglass reinforced plastic.

(q) "GPM" means gallons per minute.

(r) "ICC" means Interstate Commerce Commission.

(s) "ID" means inside diameter.

(t) "LPG" means liquefied petroleum gas.

(u) "MCA" means Manufacturing Chemist Association.

(New name: Chemical Manufacturers Association.)

(v) "NBFU" means National Board of Fire Underwriters.

(w) "NEMA" means National Electrical Manufacturing Association.

(x) "NFPA" means National Fire Protection Association.

(y) "NTP" means normal temperature and pressure.

(z) "OD" means outside diameter.

(aa) "PSI" means pounds per square inch.

(bb) "PSIA" means pounds per square inch atmospheric.

(cc) "PSIG" means pounds per square inch gauge.

(dd) "RMA" means Rubber Manufacturers Association.

(ee) "SAE" means Society of Automotive Engineers.

(ff) "TFI" means The Fertilizer Institute.

(gg) "TSC" means Trailer Standard Code.

(hh) "UL" means Underwriters' Laboratories, Inc.

(ii) "USASI" means United States of America Standards Institute.

(jj) "USC" means United States Code.

(kk) "USCG" means United States Coast Guard.

(ll) "WAC" means Washington Administrative Code.

(mm) "WISHA" means Washington Industrial Safety and Health Act of 1973.

AMENDATORY SECTION (Amending Order 80-21, filed 11/13/80)

WAC 296-24-015 Education and first-aid standards.

It shall be the duty of every employer to comply with such standards and systems of education for safety as shall be, from time to time, prescribed for such employer by the director of labor and industries (~~through the division of safety~~) or by statute. (Chapter 49.17 RCW.)

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-24-020 Management's responsibility. (1)

It shall be the responsibility of management to establish, supervise, and enforce, in a manner which is effective in practice:

(a) A safe and healthful working environment.

(b) An accident prevention program as required by these standards.

(c) Training programs to improve the skill and competency of all employees in the field of occupational safety and health. Such training shall include the on-the-job instructions on the safe use of powered materials handling equipment, machine tool operations, use of toxic materials and operation of utility systems prior to assignments to jobs involving such exposures.

(2) After the emergency actions following accidents that cause serious injuries that have immediate symptoms, a preliminary investigation of the cause of the accident shall

be conducted. The investigation shall be conducted by a person designated by the employer, the immediate supervisor of the injured employee, witnesses, employee representative, and any other person with the special expertise required to evaluate the facts relating to the cause of the accident. The findings of the investigation shall be documented by the employer for reference at any following formal investigation. If the employee representative is the business agent of the employee bargaining unit that is unavailable to participate without delaying the investigation group, the employer may proceed, and satisfy the requirements of subsection (2) of this section by using one of the following alternatives:

(a) The shop steward acts as the employee representative.

(b) An employee representative member of the safety committee acts as the employee representative.

(c) The employees select a person to represent them.

(3) Reporting of fatality or multiple hospitalization accidents.

(a) Within 24 hours after the occurrence of an employment accident which results in an immediate or probable fatality to one or more employees, or which results in hospitalization of two or more employees, the employer of any employee so injured or killed shall report the accident either orally or in writing to the nearest office of the department. The reporting may be by telephone or telegraph. The reporting shall relate the circumstances of the accident, the number of fatalities, and the extent of any injuries. The director may require such additional reports, in writing or otherwise, as deemed necessary, concerning the accident.

(b) Equipment involved in an accident resulting in an immediate or probable fatality, shall not be moved, until a representative of the (~~division of industrial safety and health~~) department investigates the accident and releases such equipment, except where removal is essential to prevent further accident. Where necessary to remove the victim, such equipment may be moved only to the extent of making possible such removal.

(c) Upon arrival of (~~division of industrial safety and health~~) the department's investigator, employer shall assign to assist the investigator, the immediate supervisor and all employees who were witnesses to the accident, or whoever the investigator deems necessary to complete the investigation.

(4) Each employer shall maintain in each establishment a system for maintaining records of occupational injuries and illnesses as prescribed by WAC 296-27-030.

Note: Recordable cases include:

1. Every occupational death.
2. Every industrial illness.
3. Every occupational injury that involves one of the following:
 - a. Unconsciousness.
 - b. Inability to perform all phases of regular job.
 - c. Inability to work full time on regular job.
 - d. Temporary assignment to another job.
 - e. Medical treatment beyond first-aid.

(5) All employers with eleven or more employees shall record occupational injury and illness information on forms OSHA 101 - Supplementary Record Occupational Injuries and Illnesses and OSHA 200 - Log and Summary. Forms other than OSHA 101 may be substituted for the Supplemen-

tary Record of Occupational Injuries and Illnesses if they contain the same items.

(6) Machinery, tools, materials or equipment, whether owned by the employer or under control of another firm or individual, which does not meet the compliance requirements of this chapter, or any other applicable vertical standard of a specific industry, shall not be utilized by employees.

(7) Each employer shall post and keep posted a notice or notices (the WISHA Poster, Job safety and health protection; form F416-081-000) to be furnished by the (~~division of industrial safety and health~~) department of labor and industries, informing employees of the protections and obligations provided for in the act. For assistance and information, including copies of the act, and of specific safety and health standards, employees should contact the employer or the nearest office of the department of labor and industries. Such notice or notices shall be posted by the employer at each establishment in a conspicuous place or places where notices to employees are customarily posted. Each employer shall take steps to assure that such notices are not altered, defaced, or covered by other material.

AMENDATORY SECTION (Amending Order 78-22, filed 11/13/78)

WAC 296-24-040 Accident prevention programs. Each employer shall develop a formal accident-prevention program, tailored to the needs of the particular plant or operation and to the type of hazards involved. The (~~division~~) department may be contacted for assistance in developing appropriate programs.

(1) The following are the minimal program elements for all employers:

(a) A safety orientation program describing the employer's safety program and including:

(i) How and when to report injuries, including instruction as to the location of first-aid facilities.

(ii) How to report unsafe conditions and practices.

(iii) The use and care of required personal protective equipment.

(iv) The proper actions to take in event of emergencies including the routes of exiting from areas during emergencies.

(v) Identification of the hazardous gases, chemicals or materials involved along with the instructions on the safe use and emergency action following accidental exposure.

(vi) A description of the employer's total safety program.

(vii) An on-the-job review of the practices necessary to perform the initial job assignments in a safe manner.

(b) A designated safety and health committee consisting of management and employee representatives with the employee representatives being elected or appointed by fellow employees.

(2) Each accident-prevention program shall be outlined in written format.

AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

WAC 296-24-045 Safety and health committee plan.

(1) All employers of eleven or more employees, shall have

a designated safety committee composed of employer-selected and employee-elected members.

(a) The terms of employee-elected members shall be a maximum of one year. Should a vacancy occur on the committee, a new member shall be elected prior to the next scheduled meeting.

(b) The number of employer-selected members shall not exceed the number of employee-elected members.

(2) The safety committee shall have an elected chairperson.

(3) The safety committee shall be responsible for determining the frequency of committee meetings.

Note: If the committee vote on the frequency of safety meetings is stalemated, the ~~((division's))~~ department's regional safety ~~((educational))~~ consultation representative shall be consulted for recommendations.

(a) The committee shall be responsible for determining the date, hour and location of the meeting.

(b) The length of each meeting shall not exceed one hour except by majority vote of the committee.

(4) Minutes of each committee meeting shall be prepared and filed for a period of at least one year and shall be made available for review by noncompliance personnel, of the ~~((division))~~ department of ~~((industrial safety and health))~~ labor and industries.

(5) Safety and health committee meetings shall address the following:

(a) A review of the safety and health inspection reports to assist in correction of identified unsafe conditions or practices.

(b) An evaluation of the accident investigations conducted since the last meeting to determine if the cause of the unsafe acts or unsafe condition involved was properly identified and corrected.

(c) An evaluation of the accident and illness prevention program with a discussion of recommendations for improvement where indicated.

(d) The attendance shall be documented.

(e) The subject(s) discussed shall be documented.

(6) All employers of ten or less employees and employers of eleven or more employees where the employees are segregated on different shifts or in widely dispersed locations in crews of ten or less employees, may elect to have ~~((foreman))~~ foreperson-crew meetings in lieu of a safety and health committee plan provided:

(a) ~~((Foreman))~~ Foreperson-crew safety meetings shall be held at least once a month, or if conditions require, weekly or biweekly meetings shall be held to discuss safety problems as they arise.

(b) All items under subsection (5) of this section, shall be complied with.

AMENDATORY SECTION (Amending Order 81-9, filed 6/17/81)

WAC 296-24-060 First-aid training and certification.

The purpose of this section is to assure that all employees of this state can be afforded quick and effective first-aid attention in the event that an injury occurs on the job. The means of achieving this purpose is to assure the presence of personnel trained in first-aid procedures at or near those places where employees are working. Compliance with the

provisions of this section may require the presence of more than one first-aid trained person.

(1) In addition to RCW 51.36.030, every employer shall comply with the department's requirements for first-aid training and certification.

(2) There shall be present or available at all times, a person or persons holding a valid certificate of first-aid training. (A valid first-aid certificate is one which is less than three years old.)

(3) Compliance with the requirements of subsection (2) of this section may be achieved as follows:

(a) All ~~((foremen))~~ forepersons, supervisors, or persons in direct charge of crews working in physically dispersed operations, shall have a valid first-aid certificate: *Provided*, That if the duties or work of the ~~((foreman))~~ foreperson, supervisor or person in direct charge of the crew requires an absence from the crew, another person holding a valid first-aid certificate shall be present. For the purposes of this section, a crew shall mean a group of two or more employees working at a work site separate and remote from the main office or fixed work place such as occurs in construction, logging, etc. If there is no ~~((foreman))~~ foreperson, supervisor or person in direct charge assigned to the crew, at least one employee shall have a valid first-aid certificate. In emergencies, ~~((foremen))~~ forepersons, supervisors and persons in direct charge of a crew will be permitted to work up to 30 days without having the required certificate, providing an employee in the crew or another ~~((foreman))~~ foreperson in the immediate work area has the necessary certificate.

(b) In fixed establishments, all ~~((foremen))~~ forepersons, supervisors, or persons in direct charge of a group or groups of employees shall have a valid first-aid certificate: *Provided*, That in fixed establishments where the ~~((foreman))~~ foreperson, supervisor, or person in charge has duties which require ~~((his))~~ their absence from the work site of the group, another person holding a valid first-aid certificate shall be present or available to the group.

Note: ~~((Foremen))~~ Forepersons, supervisors or persons in direct charge of a group or groups of employees will be permitted to work up to 30 days without having the required certificate, providing an employee in the crew or another ~~((foreman))~~ foreperson in the immediate work area has the necessary certificate.

(c) In fixed establishments organized into distinct departments or equivalent organizational units such as department stores, large company offices, etc., a person or persons holding a valid first-aid certificate shall be present or available at all times employees are working within that department or organizational unit.

(d) In small businesses, offices or similar types of fixed workplaces, compliance may be achieved by having a number of such small businesses, offices, etc., combined into a single unit for the purpose of assuring the continued presence or availability of a person or persons holding a valid first-aid training certificate.

A plan for combining a number of small businesses etc., into such a group shall be submitted to the ~~((division of industrial safety and health, safety education section))~~ department, for approval. ~~((That section))~~ The department is also available to assist employers who wish to develop such a plan. Criteria for approval by the ~~((division))~~ department shall include:

- (i) The businesses within the group must not be widely dispersed;
- (ii) The name(s) of the person or persons holding the first-aid certificates, their usual places of work, their phone numbers, and other appropriate information shall be posted in each establishment which is a member of the group, in a place which can reasonably be expected to give notice to employees of that establishment;
- (iii) First-aid kits must be available as required by WAC 296-24-065.
- (e) Valid certification shall be achieved by passing a course of first-aid instruction and participation in practical application of the following subject matter.

Bleeding control and bandaging.
 Practical methods of artificial respiration, including mouth-to-mouth and mouth-to-nose resuscitation.
 Closed chest heart massage.
 Poisons.
 Shock, unconsciousness, stroke.
 Burns, scalds.
 Sunstroke, heat exhaustion.
 Frostbite, freezing, hypothermia.
 Strains, sprains, hernias.
 Fractures, dislocations.
 Proper transportation of the injured.
 Bites, stings.
 Subjects covering specific health hazards likely to be encountered by co-workers of first-aid students enrolled in the course.

(4) In physically dispersed operations, at least one member of each crew shall have a valid first-aid certificate. A crew shall mean a group of two or more employees working at a work site separate and remote from the main office or fixed workplace such as occurs in construction, logging, etc.

(5) Names of industrial first-aid course instructors will, upon request, be furnished by the (~~division of industrial safety and health,~~) department of labor and industries, either directly or through a program with the community colleges or vocational education.

(6) Employers of employees working in fixed establishments, meeting the following criteria, are exempt from the requirements of this section: *Provided*

(a) They can submit written evidence to the department, upon request, that the worksite of their employees is within a two-minute time frame of response by an aid car, medic unit or established ambulance service with first-aid trained attendants.

(b) There is a back-up aid car, medic unit or established ambulance service within the two-minute response time; or that a first-aid trained person with readily available transportation is on the site of the posted emergency phone number for immediate dispatch in the event the primary unit is not available.

(c) There are no traffic impediments, such as draw bridges, railroad track; etc., along the normal route of travel of the aid car, medic unit or established ambulance service that would delay arrival beyond the required two minute time frame.

- (d) Emergency telephone numbers are posted on all first-aid kits and at all telephones on the worksite.
- (e) The above services are available or exist at all times when more than one employee is on the worksite.

Note: A construction site that will be of more than six months duration, such as a large building, shall be considered a fixed establishment for the purposes of this section. Doctor's offices and clinics are not to be considered as alternates due to the fact that very often doctor's schedules require them to be away from their offices.

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-24-065 First-aid kit. (1) All employers who employ men and women covered by the Washington Industrial Safety and Health Act shall furnish first-aid kits as required by the (~~division of safety,~~) department of labor and industries, (RCW 51.36.030).

(2) First-aid supplies shall be readily accessible when required.

(3) In the absence of readily accessible first-aid supplies such as first-aid kits, first-aid stations, first-aid rooms or their equivalent, all crew trucks, power shovels, cranes, locomotives, loaders, dozers, logging trucks, speeders, freight trucks and similar equipment shall be equipped with not less than a ten package first-aid kit.

(4) All crew vehicles used for transporting workers shall be equipped with not less than a ten package first-aid kit. When more than five employees are being transported on any one trip, the kit shall be increased in size to comply with a 16, 24, or 36-package kit depending upon the number of personnel normally being transported.

(5) At least one first-aid kit shall be available on construction jobs, line crews, and other transient or short duration jobs. The size and quantity of first-aid kits, required to be located at any site, shall be determined by the number of personnel normally dependent upon each kit as outlined in the following table:

NUMBER OF PERSONNEL NORMALLY ASSIGNED TO WORKSITE	MINIMUM FIRST-AID SUPPLIES REQUIRED AT WORKSITE
1 - 50 persons	First-Aid Kit
1 - 5	10 package kit
6 - 15	16 package kit
16 - 30	24 package kit
31 - 50	36 package kit
51 - 200 persons	First-Aid Station
51 - 75	One 36 and one 10 package kit
76 - 100	One 36 and one 16 package kit
101 - 150	One 36 and one 24 package kit
151 - 200	Two 36 package kits
Over 200 Persons	First-Aid Room
	Refer to WAC 296-24-070

(6) Employers shall establish a procedure to assure that first-aid kits and required contents are maintained in a

serviceable condition. Unit-type kits have all items in the first-aid kit individually wrapped, sealed, and packaged in comparable sized packages. The commercial or cabinet-type kits do not require all items to be individually wrapped and sealed, but only those which must be kept sterile. Items such as scissors, tweezers, tubes of ointments with caps, or rolls of adhesive tape, need not be individually wrapped, sealed, or disposed of after a single use or application. Individual packaging and sealing shall be required only for those items which must be kept sterile in a first-aid kit.

(7) First-aid kits shall contain at least the following items:

10 Package Kit

- 1 Pkg. Adhesive bandages, 1" (16 per pkg.)
- 1 Pkg. Bandage compress, 4" (1 per pkg.)
- 1 Pkg. Scissors* and tweezers (1 each per pkg.)
- 1 Pkg. Triangular bandage, 40" (1 per pkg.)
- 1 Pkg. Antiseptic soap or pads (3 per pkg.)
- 5 Pkgs. of consulting physician's choice**

16 Package Kit

- 1 Pkg. Absorbent gauze, 24" x 72" (1 per pkg.)
- 1 Pkg. Adhesive bandages, 1" (16 per pkg.)
- 2 Pkgs. Bandage compresses, 4" (1 per pkg.)
- 1 Pkg. Eye dressing (1 per pkg.)
- 1 Pkg. Scissors* and tweezers (1 each per pkg.)
- 2 Pkgs. Triangular bandages, 40" (1 per pkg.)
- 1 Pkg. Antiseptic soap or pads (3 per pkg.)
- 7 Pkgs. of consulting physician's choice**

24 Package Kit

- 2 Pkgs. Absorbent gauze, 24" x 72" (1 per pkg.)
- 2 Pkgs. Adhesive bandages, 1" (16 per pkg.)
- 2 Pkgs. Bandage compresses, 4" (1 per pkg.)
- 1 Pkg. Eye dressing (1 per pkg.)
- 1 Pkg. Scissors* and tweezers (1 each per pkg.)
- 6 Pkgs. Triangular bandages (1 per pkg.)
- 1 Pkg. Antiseptic soap or pads (3 per pkg.)
- 9 Pkgs. of consulting physician's choice**

36 Package Kit

- 4 Pkgs. Absorbent gauze, 24" x 72" (1 per pkg.)
- 2 Pkgs. Adhesive bandages, 1" (16 per pkg.)
- 5 Pkgs. Bandage compresses, 4" (1 per pkg.)
- 2 Pkgs. Eye dressing (1 per pkg.)
- 1 Pkg. Scissors* and tweezers (1 each per pkg.)
- 8 Pkgs. Triangular bandages, 40" (1 per pkg.)
- 1 Pkg. Antiseptic soap or pads (3 per pkg.)
- 13 Pkgs. of consulting physician's choice**

*Scissors shall be capable of cutting 2 layers of 15 oz. cotton cloth or its equivalent.

**First-aid kits shall be maintained at the ten, sixteen, twenty-four or thirty-six package level. In the event the consulting physician chooses not to recommend items, the department of labor and industries shall be contacted for recommended items to complete the kit.

(8) Where the eyes or body of any person may be exposed to injurious chemicals and/or materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided, within the work area, for immediate emergency use.

(9) When practical, a poster shall be fastened and maintained either on or in the cover of each first-aid kit and at or near all phones plainly stating, the phone numbers of

available doctors, hospitals, and ambulance services within the district of the worksite.

(10) When required by the department, in addition to the first-aid kit which must be kept on the equipment or at the place of work, there shall be available within the closest practicable distance from the operations (not to exceed 1/2 mile) the following items:

- 1 set of arm and leg splints.
- 2 all wool blankets or blankets equal in strength and fire resistant (properly protected and marked).
- 1 stretcher.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-24-073 Safe place standards. (1) Each employer shall furnish to each (~~(of his)~~) employee(~~(s)~~) a place of employment free from recognized hazards that are causing or likely to cause serious injury or death to his employees.

(2) Every employer shall furnish and use safety devices and safeguards, and shall adopt and use practices, means, methods, operations, and processes which are reasonably adequate to render such employment and place of employment safe. Every employer shall do every other thing reasonably necessary to protect the life and safety of employees.

(3) No employer shall require any employee to go or be in any employment or place of employment which is not safe.

(4) No employer shall fail or neglect:

- (a) To provide and use safety devices and safeguards.
- (b) To adopt and use methods and processes reasonably adequate to render the employment and place of employment safe.

(c) To do every other thing reasonably necessary to protect the life and safety of employees.

(5) No employer, owner, or lessee of any real property shall construct or cause to be constructed any place of employment that is not safe.

(6) No person shall do any of the following:

(a) Remove, displace, damage, destroy or carry off any safety device, safeguard, notice, or warning, furnished for use in any employment or place of employment.

(b) Interfere in any way with the use thereof by any other person.

(c) Interfere with the use of any method or process adopted for the protection of any one employee, including (~~(himself)~~) themselves, in such employment, or place of employment.

(d) Fail or neglect to do every other thing reasonably necessary to protect the life and safety of employees.

(e) Intoxicating beverages and narcotics shall not be permitted in or around work sites except in industries and business engaged in the production, distribution, and sale of intoxicating beverages and drugs. Workers under the influence of alcohol or narcotics shall not be permitted on the work site. This rule does not apply to persons taking prescription drugs and narcotics as directed by a physician or dentist providing such use shall not endanger the worker or others.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-088 Occupational foot protection. (1) Calks or other suitable footwear which will afford reasonable protection from slipping shall be worn while working on logs.

((~~(a)~~)) (2) Safety-toe footwear for employees shall meet the requirements and specifications in American National Standards Institute for Men's Safety-Toe Footwear, Z41.1-1967.

((~~(2) Workmen~~)) (3) Workers who work in areas where there is a possibility of foot injury due to falling or rolling objects shall wear safety type footwear.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-12511 Laundry, handwashing, and bathing facilities. (1) Laundry, handwashing, and bathing facilities shall be provided in the following ratio:

(a) Handwash basin per family shelter or per six persons in shared facilities.

(b) Shower head for every 10 persons.

(c) Laundry tray or tub for every 30 persons.

(d) ((~~Stop~~)) A "deepwell" type sink in each building used for laundry, hand washing, and bathing.

(2) Floors shall be of smooth finish but not slippery materials; they shall be impervious to moisture. Floor drains shall be provided in all shower baths, shower rooms, or laundry rooms to remove waste water and facilitate cleaning. All junctions of the curbing and the floor shall be coved. The walls and partitions of shower rooms shall be smooth and impervious to the height of splash.

(3) An adequate supply of hot and cold running water shall be provided for bathing and laundry purposes. Facilities for heating water shall be provided.

(4) Every service building shall be provided with equipment capable of maintaining a temperature of at least 70°F. during cold weather.

(5) Facilities for drying clothes shall be provided.

(6) All service buildings shall be kept clean.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-14009 Sign wordings. (1) Examples of wordings. The lists in (3) through (7) of this section are intended to serve as a guide for choosing the correct sign design for the message to be displayed.

(2) Nature of wording. The wording of any sign should be easily read and concise. The sign should contain sufficient information to be easily understood. The wording should make a positive, rather than negative suggestion and should be accurate in fact.

(3) Danger signs.

Danger—Keep off, electric current.

Danger—No smoking, matches, or open lights.

Danger—((~~Men working~~)) Workers above.

Danger—Not room enough here to clear men on cars.

Danger—Keep away.

Danger—((~~Men~~)) Workers in boiler.

Danger—Insufficient clearance.

Danger—2,300 volts.

Danger—Keep out.

Danger—Crane overhead.

Danger—Keep off.

(4) Biological hazard signs. The biological hazard warning shall be used to signify the actual or potential presence of a biohazard and to identify equipment, containers, rooms, materials, experimental animals, or combinations thereof, which contain, or are contaminated with, viable hazardous agents. For the purpose of this subdivision the term "biological hazard," or "biohazard," shall include only those infectious agents presenting a risk or potential risk to the well-being of ((~~men~~)) persons. The biohazard symbol shall be designed and proportioned as illustrated in Figure J-9. The symbol design shall be a fluorescent orange or orange-red color. Background color is optional as long as there is sufficient contrast for the symbol to be clearly defined. Appropriate wording may be used in association with the symbol to indicate the nature or identity of the hazard, name of individual responsible for its control, precautionary information, etc., but never should this information be superimposed on the symbol.

(5) Caution signs.

Caution—Do not operate, ((~~men~~)) working on repairs.

Caution—Hands off switch, ((~~men~~)) working on line.

Caution—Working on machines, do not start.

Caution—Goggles must be worn when operating this machine.

Caution—This door must be kept closed.

Caution—Electric trucks, go slow.

Caution—This space must be kept clear at all times.

Caution—Stop machinery to clean, oil, or repair.

Caution—Keep aisles clear.

Caution—Operators of this machine shall wear snug fitting clothing—No gloves.

Caution—Close clearance.

Caution—Watch your step.

Caution—Electric fence.

(6) Safety instruction signs.

Report all injuries to the first-aid room at once.

Walk—Don't run.

Report all injuries no matter how slight.

Think, if safe go ahead.

Make your work place safe before starting the job.

Report all unsafe conditions to your ((~~foreman~~)) supervisor.

Help keep this plant safe and clean.

(7) Directional signs.

This way out (below arrow panel).

This way (inside arrow) out (below arrow panel).

Fire exit (below arrow panel).

Fire (inside arrow) extinguisher (below arrow panel).

To the (inside arrow) fire escape (below arrow panel).

To the (inside arrow) first aid (below arrow panel).

Manway (below arrow panel).

This way to (inside arrow) first-aid room (below arrow panel).

(8) Informational signs.

- No trespassing under penalty of the law.
- This elevator is for freight only, not for passengers.
- No admittance except to employees on duty.
- No admittance.
- No admittance, apply at office.
- No trespassing.
- Men.
- Women.
- For employees only.
- Office:

Note: When sign wordings such as those listed in this section are contemplated, care should be taken to be sure that they are suitable for the particular location at which the sign is to be placed and that wording meets the requirements of the intended purpose. When there is a reasonable doubt, a sign of a standard design should be used.

AMENDATORY SECTION (Amending Order 87-01, filed 3/12/87)

WAC 296-24-14011 Accident prevention tags. (1)

Scope and purpose.

(a) This section applies to all accident prevention tags used to identify hazardous conditions and provide a message to employees with respect to hazardous conditions as set forth in subsection (3) of this section, or to meet the specific requirements of other WAC requirements.

(b) Tags are a temporary means of warning all concerned of a hazardous condition, defective equipment, radiation hazards, etc. The tags are not to be considered as a complete warning method, but should be used until a positive means can be employed to eliminate the hazard; for example, a "do not start" tag on power equipment shall be used for a few moments or a very short time until the switch in the system can be locked out; a "defective equipment" tag shall be placed on a damaged ladder and immediate arrangements made for the ladder to be taken out of service and sent to the repair shop.

(c) This section does not apply to construction or agriculture.

(2) Definitions.

(a) "Biological hazard" or "**Biohazard**" means those infectious agents presenting a risk of death, injury or illness to employees.

(b) "Major message" means that portion of a tag's inscription that is more specific than the signal word and that indicates the specific hazardous condition or the instruction to be communicated to the employee. Examples include: "High Voltage," "Close Clearance," "Do Not Start," or "Do Not Use" or a corresponding pictograph used with a written text or alone.

(c) "Pictograph" means a pictorial representation used to identify a hazardous condition or to convey a safety instruction.

(d) "Signal word" means that portion of a tag's inscription that contains the word or words that are intended to capture the employee's immediate attention.

(e) "Tag" means a device usually made of card, paper, pasteboard, plastic or other material used to identify a hazardous condition.

(3) Use.

(a) Tags shall be used as a means to prevent accidental injury or illness to employees who are exposed to hazardous or potentially hazardous conditions, equipment or operations which are out of the ordinary, unexpected or not readily apparent.

(b) Tags shall be used until such time as the identified hazard is eliminated or the hazardous operation is completed. Tags need not be used where signs, guarding or other positive means of protection are being used.

(c) Do not start tags shall be placed in a conspicuous location or shall be placed in such a manner that they effectively block the starting mechanism which would cause hazardous conditions should the equipment be energized. See Fig. J-11.

(4) General tag criteria.

(a) All required tags shall meet the following criteria:

(i) Tags shall contain a signal word and a major message.

(ii) The signal word shall be either "Danger," "Caution," or "Biological Hazard," "biohazard," or the biological hazard symbol.

(iii) The major message shall indicate the specific hazardous condition or the instruction to be communicated to the employee.

(b) The signal word shall be readable at a minimum distance of five feet (1.52 m) or such greater distance as warranted by the hazard.

(c) The tag's major message shall be presented in either pictographs, written text or both.

(d) The signal word and the major message shall be understandable to all employees who may be exposed to the identified hazard.

(e) All employees shall be informed as to the meaning of the various tags used throughout the workplace and what special precautions are necessary.

(f) Tags shall be affixed as close as safely possible to their respective hazards by a positive means such as string, wire, or adhesive that prevents their loss or unintentional removal.

(g) The tag and attachment method or device used shall be constructed of such material that they will not be likely to deteriorate in the environment in which the tag is used during the time period of intended use.

(5) Danger tags.

(a) Danger tags shall be used in major hazard situations where an immediate hazard presents a threat of death or serious injury to employees. Danger tags shall be used only in these situations. See Fig. J-11.

(b) All employees should be instructed that danger tags indicate immediate danger and that special precautions are necessary.

(6) Caution tags.

(a) Caution tags shall be used in minor hazard situations where a nonimmediate or potential hazard or unsafe practice presents a lesser threat of employee injury. Caution tags shall be used only in these situations. See Fig. J-12.

(b) All employees should be instructed that caution tags indicate a possible hazard against which proper precautions should be taken.

(7) Warning tags. Warning tags may be used to represent a hazard level between "Caution" and "Danger," instead of the required "Caution" tag, provided that they

have a signal word of "Warning," an appropriate major message, and otherwise meet the general tag criteria of subsection (4) of this section.

(8) Out of order tags. Out of order tags should be used only for the specific purpose of indicating that a piece of equipment, machinery, etc., is out of order and to attempt to use it might present a hazard. (See Fig. J-13.)

(9) Radiation tags.

(a) The standard background for radiation tags shall be yellow; the panel shall be reddish purple. Any letters used against the yellow background shall be black. The colors shall be those of opaque glossy samples as specified in Table 1, Fundamental Specification of Safety Colors for CIE Standard Source "C" American National Standards Institute, Safety Color Code for Marking Physical Hazards and the Identification of Certain Equipment, Z53.1-1971.

(b) The method of dimension, design, and orientation of the standard symbol (one blade pointed downward and centered on the vertical axis) shall be executed as illustrated in Figure J-14. The symbol shall be prominently displayed and of a size consistent with the size of the equipment or area in which it is to be used.

(10) Biological hazard tags.

(a) Biological hazard tags shall be used to identify the actual or potential presence of a biological hazard and to identify equipment, containers, rooms, experimental animals, or combinations thereof, that contain or are contaminated with hazardous biological agents.

(b) The symbol design for biological hazard tags shall conform to the design shown in Fig. J-15.

(11) Other tags. Other tags may be used in addition to those required by this section or in other situations where this section does not require tags, provided that they do not detract from the impact or visibility of the signal word and major message of any required tag.

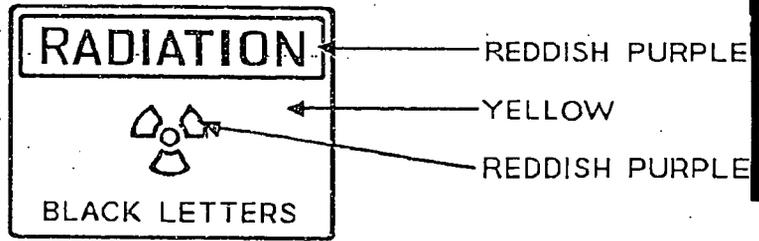


Fig. J-2

Radiation Warning Sign

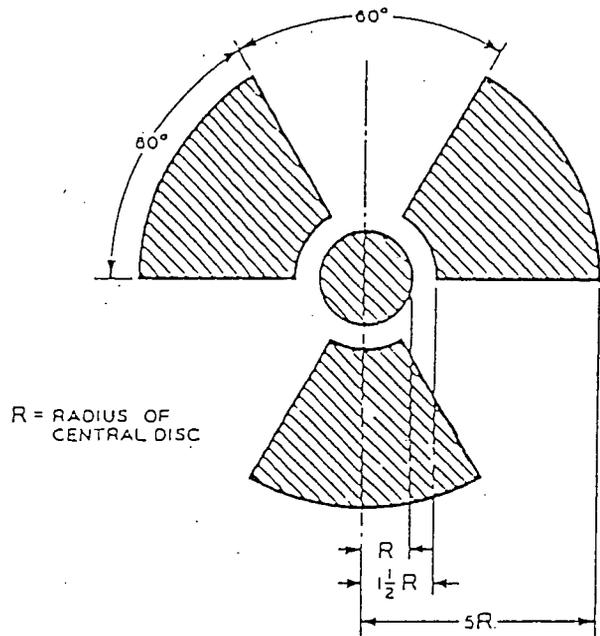


Fig. J-3

Standard Radiation Symbol



Fig. J-1

Danger Sign

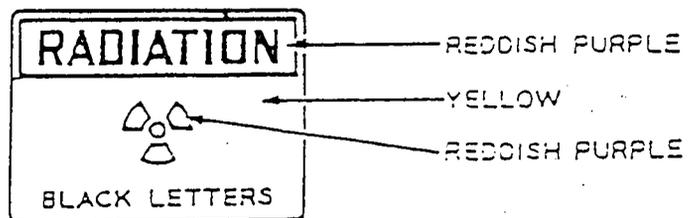


Fig. J-4

Caution Sign

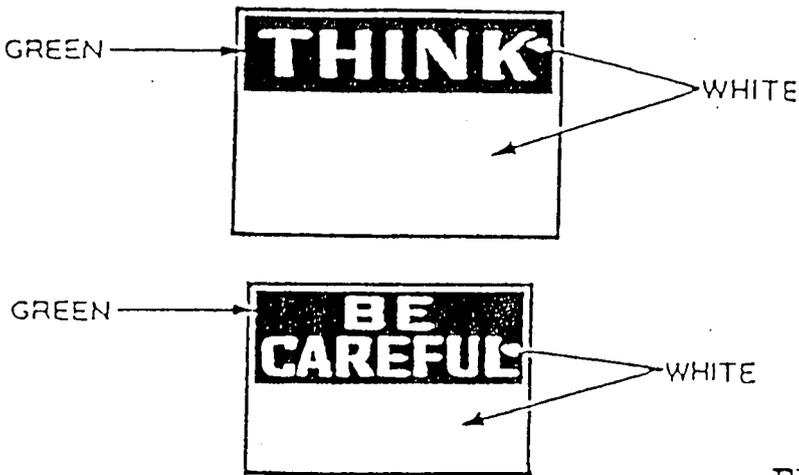


Fig. J-5

Safety Instruction Signs

(Note: The words "think" and "be careful," given here, are only illustrations. Other wordings may be used.)

POISON:



ELECTRICITY:

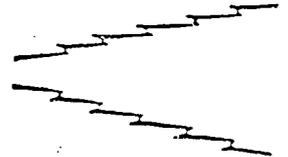


Fig. J-8

Symbols Used on Signs

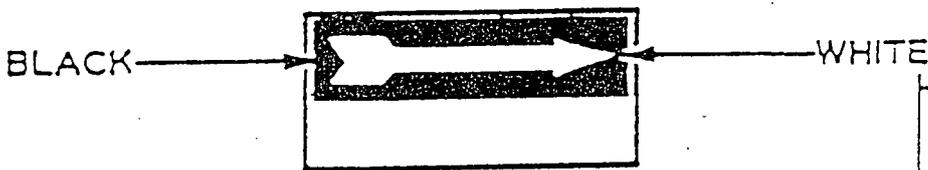


Fig. J-6

Directional Signs

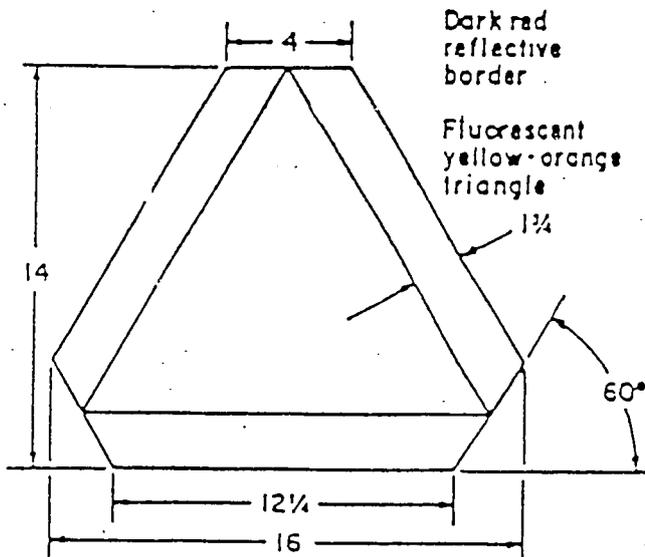
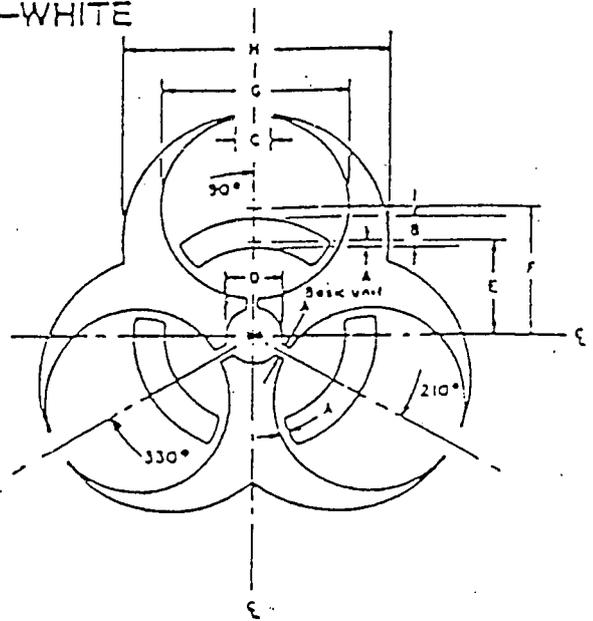


Fig. J-7

Slow-Moving Vehicle Emblem

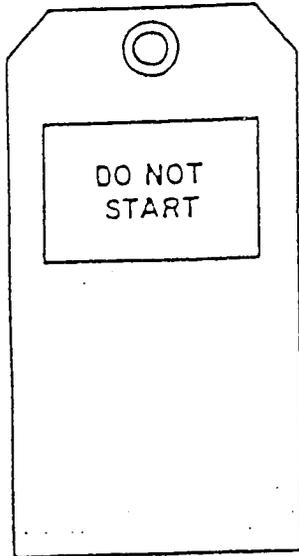
Note: All dimensions are in inches.



Dimension	A	B	C	D	E	F	G	H
Units	1	3 1/2	4	6	11	15	21	30

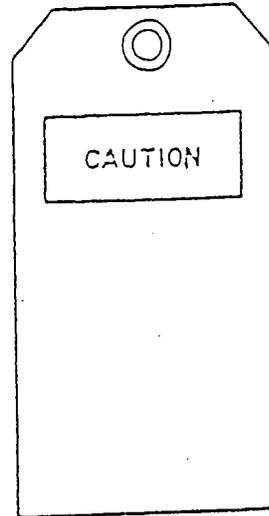
Fig. J-9

Symbol for Biological Hazard



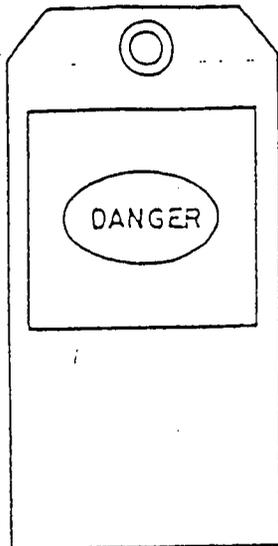
White tag
white letters on
red square

Fig. J-10
Do Not Start Tag



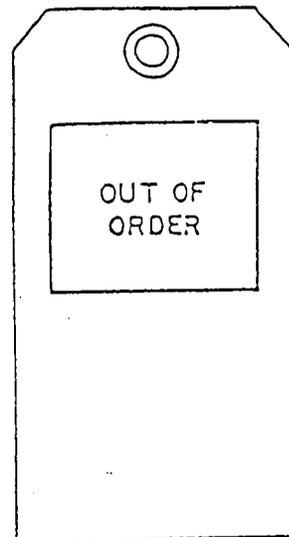
Yellow tag
yellow letters on a
black background

Fig. J-12
Caution Tag



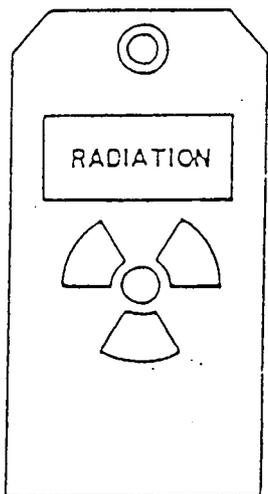
White tag
white letters on
red oval with a
black square

Fig. J-11
Danger Tag



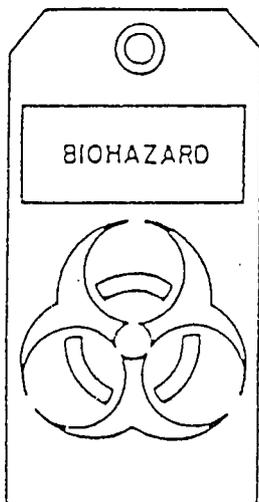
White tag
white letters on
black background

Fig. J-13
Out of Order Tag



Yellow tag
yellow letters in
reddish-purple panel
(Added wording in black
on yellow background)

Fig. J-14
Radiation Tag



White tag
black letters on
fluorescent-orange
background and
symbol

Fig. J-15
Biological Hazard Tag

TABLE J-1
STANDARD PROPORTIONS FOR DANGER SIGNS

Sign size, inches	Black rectangular panel, inches		Red oval, inches	Word danger, height inches		Maximum space available for sign wording, inches
	Height	Width		Height	Width	

HORIZONTAL PATTERN						
7x10	3 1/4	x 9 3/8	2 7/8	x 8 1/2	1 7/16	2 3/4 x 9 3/8
10x14	4 5/8	x 13 3/8	4 1/8	x 11 7/8	2 1/16	4 1/4 x 13 3/8
14x20	6 1/2	x 19 3/8	5 3/4	x 17	2 7/8	6 1/4 x 19 3/8
20x28	9 1/4	x 27 3/8	8 1/4	x 23 7/8	4 1/8	9 1/2 x 27 3/8

UPRIGHT PATTERN						
10x 7	2 3/8	x 6 3/8	2 1/8	x 5 7/8	1 1/16	6 3/8 x 6 3/8
14x10	3 1/4	x 9 3/8	2 7/8	x 8 1/2	1 7/16	9 1/2 x 9 3/8
20x14	4 5/8	x 13 3/8	4 1/8	x 11 7/8	2 1/16	14 x 13 3/8
28x20	6 1/2	x 19 3/8	5 3/4	x 17	2 7/8	20 1/4 x 19 3/8

TABLE J-2
STANDARD PROPORTIONS FOR CAUTION SIGNS

Sign size, inches	Black rectangular panel, inches		Word "Caution" height of letter, inches	Maximum space available for sign wording below panel inches	
	height	width		height	width

HORIZONTAL PATTERN					
7 x 10	2 1/4	x 9 3/8	1 5/8	3 1/4 x 9 3/8	
10 x 14	3 1/4	x 13 3/8	2 1/4	5 1/2 x 13 3/8	
14 x 20	3 3/4	x 19 3/8	2 3/4	9 x 19 3/8	
20 x 28	4 1/4	x 27 3/8	3 1/4	14 1/2 x 27 3/8	

UPRIGHT PATTERN					
10 x 7	1 5/8	x 6 3/8	1 1/8	7 x 6 3/8	
14 x 10	2 1/4	x 9 3/8	1 5/8	10 1/2 x 9 3/8	
20 x 14	3 1/4	x 13 3/8	2 1/4	15 1/2 x 13 3/8	
28 x 20	3 3/4	x 19 3/8	2 3/4	24 x 19 3/8	

TABLE J-3
STANDARD PROPORTIONS FOR SAFETY INSTRUCTION SIGNS
[TABLE J-3: PART 1—"Think" Safety Sign]

Sign size, inches, height, width	Maximum Green rectangular panel, inches, height, width		Word "Think" height letters, inches	Space available for sign wording below panel, inches height, width
	height	width		

7x10	2 3/4	x 9 3/8	1 5/8	3 1/2 x 9 3/8
10x14	3 1/4	x 13 3/8	2 1/4	5 1/2 x 13 3/8
14x20	3 3/4	x 19 3/8	2 3/4	9 x 19 3/8
20x28	4 1/4	x 27 3/8	3 1/4	14 1/2 x 27 3/8

PROPOSED

[TABLE J-3:PART 2—"Be Careful" Safety Sign]

Sign size, inches height, width	Green panel, inches, height, width	Maximum			Space available for sign wording below panel, inches, height, width
		Word "Be" height of letters, inches	Word "Careful" height of letters, inches		
7x10	3 3/8 x 9 3/8	1 1/4	1 3/16	2 1/2 x 9 3/8	
10x14	4 1/4 x 13 3/8	1 3/4	2 3/16	4 x 13 3/8	
14x20	6 1/4 x 19 3/8	2 1/2	3 1/8	6 x 19 3/8	
20x28	9 1/2 x 27 3/8	3 1/2	4 3/8	9 1/4 x 27 3/8	

TABLE J-4

STANDARD PROPORTIONS FOR DIRECTIONAL SIGNS

Sign size inches height	Black rectangular panel, inches height width	White arrow, inches				Maximum space for sign wording below panel height
		Overall length	Arrow head height width	Arrow shaft height	Arrow tail height width	
6 1/2x14	3 1/4 x 13 3/8	12 5/8	2 3/4 x 3	1 1/8	2 3/8 x 3 1/4	2 1/4 x 13 3/8
9x20	4 1/2 x 19 3/8	18 5/8	3 3/4 x 4 1/8	1 5/8	3 1/4 x 4 1/2	3 3/8 x 19 3/8
12x28	6 x 27 3/8	26 5/8	5 1/8 x 5 5/8	2 1/8 6	4 3/8 x 27 3/8	4 3/4 x
15x36	7 1/2 x 35 3/8	34 5/8	6 3/8 x 6 7/8	2 5/8	5 1/2 x 7 1/2	6 1/4 x 35 3/8

Appendix A—Recommended color coding.

While the standard does not specifically mandate colors to be used on accident prevention tags, the following color scheme is recommended by OSHA for meeting the requirements of this section:

"DANGER"—Red, or predominantly red, with lettering or symbols in a contrasting color.

"CAUTION"—Yellow, or predominantly yellow, with lettering or symbols in a contrasting color.

"WARNING"—Orange, or predominantly orange, with lettering or symbols in a contrasting color.

"BIOLOGICAL HAZARD"—Fluorescent orange or orange-red, or predominantly so, with lettering or symbols in a contrasting color.

Appendix B—References for further information.

The following references provide information which can be helpful in understanding the requirements contained in various sections of the standard:

1. Bresnahan, Thomas F., and Bryk, Joseph. "The Hazard Association Values of Accident Prevention Signs", *Journal of American Society of Safety Engineers: January 1975.*

2. Dreyfuss, H., *Symbol Sourcebook, McGraw Hill: New York, NY, 1972.*

3. Glass, R. A. and others, *Some Criteria for Colors and Signs in Workplaces, ((National Bureau of Standards, Washington D.C.)) National Institute of Standards and Technology, Quince Orchard and Clopper Roads, Gaithersburg, MD 20899-0011, 1983.*

4. *Graphic Symbols for Public Areas and Occupational Environments, Treasury Board of Canada, Ottawa, Canada, July 1980.*

5. Howett, G. L., *Size of Letters Required for Visibility as a Function of Viewing Distance and Observer Acuity, ((National Bureau of Standards, Washington D.C.)) National Institute of Standards and Technology, Quince Orchard and Clopper Roads, Gaithersburg, MD 20899-0011, July 1983.*

6. Lerner, N. D., and Collins, B. L., *The Assessment of Safety Symbol Understandability by Different Testing Methods, ((National Bureau of Standards, Washington D.C.)) National Institute of Standards and Technology, Quince Orchard and Clopper Roads, Gaithersburg, MD 20899-0011, 1980.*

7. Lerner, N. D. and Collins, B. L., *Workplace Safety Symbols, ((National Bureau of Standards, Washington D.C.)) National Institute of Standards and Technology, Quince Orchard and Clopper Roads, Gaithersburg, MD 20899-0011, 1980.*

8. Modley, R. and Meyers, W. R., *Handbook of Pictorial Symbols, Dover Publication, New York, NY, 1976.*

9. *Product Safety Signs and Labels, FMC Corporation, Santa Clara, CA, 1978.*

10. *Safety Color Coding for Marking Physical Hazards, Z53.1, ((American National Standards Institute, New York, NY)) American National Standards Institute, 11 West 42nd Street, New York, NY 10036, 1979.*

11. *Signs and Symbols for the Occupational Environment, Can. 3-Z-321-77, Canadian Standards Association, ((Ottawa)) Rexdale, Ontario M9W 1R3, September 1977.*

12. *Symbols for Industrial Safety, ((National Bureau of Standards, Washington D.C.)) National Institute of Standards and Technology, Quince Orchard and Clopper Roads, Gaithersburg, MD 20899-0011, April 1982.*

13. *Symbol Signs, U.S. Department of Transportation, Washington D.C., November 1974.*

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-14507 General. (1) In every building hereafter erected, having windows so constructed that it is usual and/or practicable for a person to stand on the sill in order to clean said window, there shall be installed window cleaner's safety anchors approved by the American ((Standard Association)) National Standards Institute.

(2) ((When an employee is)) Employees sitting on ((the)) a window sill with ((his)) their legs inside the room, ((he)) shall wear a safety belt equipped with a safety line. One end of the line shall be tied to a radiator, or any other substantial anchorage inside the room, unless the window opening is equipped with anchors in which case ((he shall attach his)) the safety belt ((to said)) shall be attached to the anchors.

(3) No safety device shall be used in window cleaning operations until it has the approval of the American National Standards ((Association)) Institute.

(4) The use of lag screws is prohibited in new or replacement installations hereafter made.

(5) Window cleaners shall not pass from one window sill to another window sill on the outside of a building unless one terminal is connected at all times.

(6) No employee who has not been properly trained to handle such equipment shall be assigned to work on scaffolds or boatswains' chairs.

(7) All window cleaning safety devices hereafter approved shall bear identification marks to identify the approval of the American National Standards (~~(Association)~~) Institute.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-14509 Belt terminals, anchors and bolts. (1) All anchors and belt terminals shall be capable of withstanding the following tests:

(a) To withstand an impact test of an iron weight of thirty-two pounds falling free a distance of four feet and striking the head of the anchor without fracture.

(b) A drop test of three hundred fifty pounds dead weight (not sand) falling a distance of four feet without fracture. The connection between the weight and anchor being a standard safety belt or ropes or cables not over six feet long.

(c) To withstand a tension pull of six thousand pounds without fracture. This tension to be applied through a belt terminal and in the direction which the anchor must withstand in service when a (~~(man)~~) person falls.

(2) All metals used in the manufacture of anchors and belt terminals shall have a minimum ultimate tensile strength of fifty-five thousand pounds per square inch, with an elongation of at least twenty-five percent in two inches and shall have a corrosion resistance of sixty percent as compared to copper. The belt terminal may be excepted from the corrosive resistance and elongation requirements of this order if of material and design of obvious superiority.

(3) All anchors installed hereafter shall be double-headed. These heads to be so designed or spaced that it will be impossible to attach the belt terminal to a single head. The (~~(division of safety)~~) department may approve a single-headed anchor upon sufficient tests and proofs.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-14513 Anchor installations. (1) Locations: Anchors shall be attached to the side frames of the window or to the building at a point not less than forty-two inches nor more than fifty-one inches (approximately) above the window sill. Care shall be taken when screwing up anchor fastenings, to prevent producing excess stresses.

(2) Wood—Existing and new buildings: When anchors are attached to wood construction, through bolts of not less than one-half inch diameter, extending at least through the window frame with washers and nuts inside, shall be used as anchor fasteners. Means shall be provided to keep the nut from backing off.

Wall flanges shall be not less than one and one-quarter inches in diameter, or equivalent area.

(3) Concrete—New buildings: Anchors attached to concrete poured in place in buildings hereafter erected, shall be installed while the concrete is being placed. Such anchors shall extend not less than five inches into the concrete and shall have a cross-sectional area of not less than one-quarter of a square inch and shall be provided with a fluke at the end of the anchor not less than one inch in length.

(4) Masonry—New buildings: Anchors attached to masonry, other than concrete poured in place, in buildings hereafter erected, shall be installed while the wall is under construction and shall be shaped to build into the joints between masonry units. Such anchors shall be not less than eight and one-half inches long and shall have a cross-sectional area of not less than one-quarter of a square inch at all unexposed points and shall have a fluke or flukes having a holding surface of not less than one inch in length that shall be firmly imbedded in the masonry.

(5) Masonry and concrete—Existing buildings: Anchors installed on buildings or masonry and concrete construction heretofore erected, shall be attached to the window frames as required in these standards, or by other methods approved by the (~~(division of safety)~~) department.

(6) Hollow metal—Existing and new buildings: Anchors shall be attached to hollow metal construction by one of the following methods:

(a) At least two nickel steel bolts not less than five-sixteenths of an inch in diameter passing through the frame and a steel reinforcing plate five-sixteenths of an inch thick and not less than six inches long, placed on the inside of the frame and secured by means of nuts and lock washers. In cases where it is impracticable to provide nuts and lock washers, the reinforcing plate may be tapped to receive five-sixteenths inch diameter bolts, and the bolts shall extend through the plate.

(b) Where the screw bolt is an integral part of the anchor, it shall be at least one-half inch in diameter and shall be secured by means of a nut and lock washer, or any other method approved by the (~~(division of safety)~~) department.

(c) All anchors and anchor fastenings shall be provided with means to prevent them from turning, backing off or becoming loose.

(7) Solid metal—Existing and new buildings: Anchors shall be attached to solid metal construction by one of the following methods:

(a) At least two nickel steel bolts not less than five-sixteenths of an inch in diameter passing through the frame, and secured by means of nuts and lock washers. In cases where it is impracticable to provide nuts and lock washers, the metal frame shall be reinforced with a five-sixteenths inch thick plate and tapped to receive at least two five-sixteenths inch diameter nickel steel bolts, and the bolts shall extend through the reinforcing plate.

(b) Where the screw bolt is an integral part of the anchor, it shall be at least one-half inch in diameter and shall be secured by means of a nut and lock washer, or any other method approved by the (~~(division of safety)~~) department.

(c) All anchors and anchor fastenings shall be provided with means to prevent them from turning, backing off or becoming loose.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-14515 Reversible and pivot windows.

(1) When it is necessary to clean reversible and pivot windows either of which is prevented from properly operating by obstructions or by the design of said windows, they shall be provided with safety devices of approved design.

(2) Horizontally pivoted sash. Provision shall be made so that the outside of horizontally pivoted windows may be cleaned without necessitating the window washer leaning against or putting ((his)) weight on the sash.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-14519 Boatswain's chairs. An employee shall be secured in ((his)) the boatswain's chair with a safety belt or rope, and shall have a short rope with a sliding hitch between ((his)) the employee's body or the chair and the hoistline.

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-24-15001 Machine guarding. (1) Types of guarding. One or more methods of machine guarding shall be provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks. Examples of guarding methods are—barrier guards, two-hand tripping devices, electronic safety devices, etc.

(2) General requirements for machine guards. Guards shall be affixed to the machine where possible and secured elsewhere if for any reason attachment to the machine is not possible. The guard shall be such that it does not offer an accident hazard in itself.

(3) Point of operation guarding.

(a) Point of operation is the area on a machine where work is actually performed upon the material being processed.

(b) The point of operation of machines whose operation exposes an employee to injury, shall be guarded. The guarding device shall be in conformity with any appropriate standards therefor, or, in the absence of applicable specific standards, shall be so designed and constructed as to prevent the operator from having any part of the employee's body in the danger zone during the operating cycle.

(c) Circular meat cutting saws shall be guarded in one of the following ways:

(i) A suspended counter-balanced circular meat cutting saw that requires two-handed operation shall be deemed adequately guarded if provided with a guard that covers at least twenty-five degrees of the circumference of the blade and it conforms to the requirements of (c)(iv) of this subsection.

(ii) A suspended counter-balanced circular meat cutting saw that requires only one-handed operation shall be deemed adequately guarded if provided with a guard that covers at least ninety degrees of the circumference of the blade and it conforms to the requirements of (c)(iv) of this subsection.

(iii) A nonsuspended circular meat saw, either one-handed or two-handed operation, shall be deemed adequately guarded if provided with a guard that covers at least ninety degrees of the circumference of the blade and it conforms to the requirements of (c)(iv) of this subsection.

(iv) All circular meat cutting saws shall conform to the following:

(A) A "deadman" control shall be required.

(B) The guard protecting the operator from contact with the blade shall be located between the operator and the blade.

(C) The maximum number of degrees of circumferential guarding of the blade shall be provided based on specific applications in meat cutting operations.

(D) A brake that automatically activates upon release of the operating control(s) is required.

(d) Special handtools for placing and removing material shall be such as to permit easy handling of material without the operator placing a hand in the danger zone. Such tools shall not be in lieu of other guarding required by this section, but can only be used to supplement protection provided.

(e) The following are some of the machines which usually require point of operation guarding:

(i) Guillotine cutters.

(ii) Shears.

(iii) Alligator shears.

(iv) Power presses. (Including platen presses.)

(v) Milling machines.

(vi) Power saws.

(vii) Jointers.

(viii) Portable power tools.

(ix) Forming rolls and calenders.

(4) Barrels, containers, and drums. Revolving drums, barrels, and containers shall be guarded by an enclosure which is interlocked with the drive mechanism, so that the barrel, drum, or container cannot revolve unless the guard enclosure is in place.

(5) Exposure of blades. When the periphery of the blades of a fan is less than seven feet above the floor or working level, the blades shall be guarded. The guard shall have openings no larger than one-half inch. Safeguards shall be so constructed that rods, pipes, or like material being handled by workers will not enter same, and come in contact with moving machinery. Fan blade guards of any material are acceptable where the material provides protection to workers and meets the requirements of ((Figure)) Table O-12 of WAC ((296-24-18005(5))) 296-24-20531.

(6) Cams and other machine parts which move in such a manner as to create shearing or crushing hazards shall, if exposed to contact, be guarded with a standard safeguard.

(7) Guarding food waste disposal equipment. "Garb-el" or equipment with similar configuration and operational characteristics, will have the worm screw conveyor completely covered by a properly designed and mounted trimboard cover in place during operation of the mechanism.

(8) Garbage disposal units with feed-openings or charging-throats, large enough to allow body parts to contact points of operation shall be guarded:

(a) WAC 296-24-20531, Table ((Θ)) O-12 provides mesh size or crossed-metal strip opening and distance of installation from the points of operation which shall be used.

(b) The guard material shall be of sufficient strength that a downward thrust of a body part will not cause the guard to stretch or open larger than two inches.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-15005 Means to prevent slipping. Operators of dangerous machinery, such as shapers, jointers, and circular saws, shall be safeguarded against slipping on smooth, oily or otherwise slippery floor, where ~~((he))~~ they stand~~((s))~~ while at the point of operation of such dangerous machinery, by covering such portion of the floor with a rubber mat, cork, nonslip composition flooring, or some other effective means of preventing slipping.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-16505 Machine controls and equipment. (1) A mechanical or electrical power control shall be provided on each machine to make it possible for the operator to cut off the power from each machine without leaving ~~((his position at the point of operation))~~ the operating position.

(2) On machines driven by belts and shafting, a locking-type belt shifter or an equivalent positive device shall be used.

(3) On applications where injury to the operator might result if motors were to restart after power failures, provision shall be made to prevent machines from automatically restarting upon restoration of power.

(4) Power controls and operating controls should be located within easy reach of the operator while ~~((he is))~~ at ~~((his))~~ the regular work location, making it unnecessary ~~((for him))~~ to reach over the cutter to make adjustments. This does not apply to constant pressure controls used only for setup purposes.

(5) On each machine operated by electric motors, positive means shall be provided for rendering such controls or devices inoperative while repairs or adjustments are being made to the machines they control.

(6) Each operating treadle shall be protected against unexpected or accidental tripping.

(7) Feeder attachments shall have the feed rolls or other moving parts so covered or guarded as to protect the operator from hazardous points.

AMENDATORY SECTION (Amending Order 83-19, filed 7/13/83, effective 9/12/83)

WAC 296-24-16539 Inspection and maintenance of machinery. (1) Dull, badly set, improperly filed, or improperly tensioned saws shall be immediately removed from service, before they begin to cause the material to stick, jam, or kick back when it is fed to the saw at normal speed. Saws to which gum has adhered on the sides shall be immediately cleaned.

(2) All knives and cutting heads of machines shall be kept sharp, properly adjusted, and firmly secured. Where two or more knives are used in one head, they shall be properly balanced.

(3) Bearings shall be kept free from lost motion and shall be well lubricated.

(4) Arbors of all circular saws shall be free from play.

(5) Sharpening or tensioning of saw blades or cutters shall be done only by persons of demonstrated skill in this kind of work.

(6) Emphasis is placed upon the importance of maintaining cleanliness around machinery, particularly as regards the effective functioning of guards and the prevention of fire hazards in switch enclosures, bearings, and motors.

(7) All cracked saws shall be removed from service.

(8) The practice of inserting wedges between the saw disk and the collar to form what is commonly known as a "wobble saw" shall not be permitted.

(9) Push sticks or push blocks shall be provided at the work place in the several sizes and types suitable for the work to be done.

(10) The knife blade of jointers shall be so installed and adjusted that it does not protrude more than one-eighth inch beyond the cylindrical body of the head. Push sticks or push blocks shall be provided at the work place in the several sizes and types suitable for the work to be done.

(11) Whenever veneer slicers or rotary veneer-cutting-machines have been shutdown for the purpose of inserting logs or to make adjustments, operators shall make sure that machine is clear and other ~~((workmen))~~ workers are not in a hazardous position before starting the machine.

(12) Operators shall not ride the carriage of a veneer slicer.

AMENDATORY SECTION (Amending Order 88-25, filed 11/14/88)

WAC 296-24-19501 Definitions. (1) "Antirepeat" means the part of the clutch/brake control system designed to limit the press to a single stroke if the tripping means is held operated. Antirepeat requires release of all tripping mechanisms before another stroke can be initiated. "Antirepeat" is also called single stroke reset or reset circuit.

(2) "Brake" means the mechanism used on a mechanical power press to stop and/or hold the crankshaft, either directly or through a gear train, when the clutch is disengaged.

(3) "Bolster plate" means the plate attached to the top of the bed of the press having drilled holes or T-slots for attaching the lower die or die shoe.

(4) "Clutch" means the coupling mechanism used on a mechanical power press to couple the flywheel to the crankshaft, either directly or through a gear train.

(5) "Full revolution clutch" means a type of clutch that, when tripped, cannot be disengaged until the crankshaft has completed a full revolution and the press slide a full stroke.

(6) "Part revolution clutch" means a type of clutch that can be disengaged at any point before the crankshaft has completed a full revolution and the press slide a full stroke.

(7) "Direct drive" means the type of driving arrangement wherein no clutch is used; coupling and decoupling of the driving torque is accomplished by energization and deenergization of a motor. Even though not employing a clutch, direct drives match the operational characteristics of "part revolution clutches" because the driving power may be disengaged during the stroke of the press.

(8) "Concurrent" means acting in conjunction, and is used to describe a situation wherein two or more controls exist in an operated condition at the same time.

(9) "Continuous" means uninterrupted multiple strokes of the slide without intervening stops (or other clutch control action) at the end of individual strokes.

(10) "Counterbalance" means the mechanism that is used to balance or support the weight of the connecting rods, slide, and slide attachments.

(11) "Device" means a press control or attachment that:

(a) Restrains the operator from inadvertently reaching into the point of operation, or

(b) Prevents normal press operation if the operator's hands are inadvertently within the point of operation, or

(c) Automatically withdraws the operator's hands if the operator's hands are inadvertently within the point of operation as the dies close, or

(d) Prevents the initiation of a stroke, or stops the stroke in progress, when there is an intrusion through the sensing field by any part of the operator's body or by any other object.

(12) "Presence sensing device" means a device designed, constructed and arranged to create a sensing field or area that signals the clutch/brake control to deactivate the clutch and activate the brake of the press when any part of the operator's body or a hand tool is within such field or area.

(13) "Gate or movable barrier device" means a movable barrier arranged to enclose the point of operation before the press stroke can be started.

(14) "Holdout or restraint device" means a mechanism, including attachments for operator's hands, that when anchored and adjusted prevent the operator's hands from entering the point of operation.

(15) "Pull-out device" means a mechanism attached to the operator's hands and connected to the upper die or slide of the press, that is designed, when properly adjusted, to withdraw the operator's hands as the dies close, if the operator's hands are inadvertently within the point of operation.

(16) "Sweep device" means a single or double arm (rod) attached to the upper die or slide of the press and designed to move the operator's hands to a safe position as the dies close, if the operator's hands are inadvertently within the point of operation.

(17) "Two hand control device" means a two hand trip that further requires concurrent pressure from both hands of the operator during a substantial part of the die-closing portion of the stroke of the press.

(18) "Die" means the tooling used in a press for cutting or forming material. An upper and a lower die make a complete set.

(19) "Die builder" means any person who builds dies for power presses.

(20) "Die set" means a tool holder held in alignment by guide posts and bushings and consisting of a lower shoe, an upper shoe or punch holder, and guide posts and bushings.

(21) "Die setter" means an individual who places or removes dies in or from mechanical power presses, and who, as a part of ~~(his)~~ their duties, makes the necessary adjustments to cause the tooling to function properly and safely.

(22) "Die setting" means the process of placing or removing dies in or from a mechanical power press, and the

process of adjusting the dies, other tooling and safeguarding means to cause them to function properly and safely.

(23) "Die shoe" means a plate or block upon which a die holder is mounted. A die shoe functions primarily as a base for the complete die assembly, and, when used, is bolted or clamped to the bolster plate or the face of slide.

(24) "Ejector" means a mechanism for removing work or material from between the dies.

(25) "Face of slide" means the bottom surface of the slide to which the punch or upper die is generally attached.

(26) "Feeding" means the process of placing or removing material within or from the point of operation.

(27) "Automatic feeding" means feeding wherein the material or part being processed is placed within or removed from the point of operation by a method or means not requiring action by an operator on each stroke of the press.

(28) "Semiautomatic feeding" means feeding wherein the material or part being processed is placed within or removed from the point of operation by an auxiliary means controlled by operator on each stroke of the press.

(29) "Manual feeding" means feeding wherein the material or part being processed is handled by the operator on each stroke of the press.

(30) "Foot control" means the foot operated control mechanism designed to be used with a clutch or clutch/brake control system.

(31) "Foot pedal" means the foot operated lever designed to operate the mechanical linkage that trips a full revolution clutch.

(32) "Guard" means a barrier that prevents entry of the operator's hands or fingers into the point of operation.

(33) "Die enclosure guard" means an enclosure attached to the die shoe or stripper, or both, in a fixed position.

(34) "Fixed barrier guard" means a die space barrier attached to the press frame.

(35) "Interlocked press barrier guard" means a barrier attached to the press frame and interlocked so that the press stroke cannot be started normally unless the guard itself, or its hinged or movable sections, enclose the point of operation.

(36) "Adjustable barrier guard" means a barrier requiring adjustment for each job or die setup.

(37) "Guide post" means the pin attached to the upper or lower die shoe, operating within the bushing on the opposing die shoe, to maintain the alignment of the upper and lower dies.

(38) "Hand feeding tool" means any hand held tool designed for placing or removing material or parts to be processed within or from the point of operation.

(39) "Inch" means an intermittent motion imparted to the slide (on machines using part revolution clutches) by momentary operation of the "inch" operating means. Operation of the "inch" operating means engages the driving clutch so that a small portion of one stroke or indefinite stroking can occur, depending upon the length of time the "inch" operating means is held operated. "Inch" is a function used by the die setter for setup of dies and tooling, but is not intended for use during production operations by the operator.

(40) "Jog" means an intermittent motion imparted to the slide by momentary operation of the drive motor, after the clutch is engaged with the flywheel at rest.

(41) "Knockout" means a mechanism for releasing material from either die.

(42) "Liftout" means the mechanism also known as knockout.

(43) "Operator's station" means the complete complement of controls used by or available to an operator on a given operation for stroking the press.

(44) "Pinch point" means any point other than the point of operation at which it is possible for a part of the body to be caught between the moving parts of a press or auxiliary equipment, or between moving and stationary parts of a press or auxiliary equipment or between the material and moving part or parts of the press or auxiliary equipment.

(45) "Point of operation" means the area of the press where material is actually positioned and work is being performed during any process such as shearing, punching, forming, or assembling.

(46) "Press" means a mechanically powered machine that shears, punches, forms or assembles metal or other material by means of cutting, shaping, or combination dies attached to slides. A press consists of a stationary bed or anvil, and a slide (or slides) having a controlled reciprocating motion toward and away from the bed surface, the slide being guided in a definite path by the frame of the press.

(47) "Repeat" means an unintended or unexpected successive stroke of the press resulting from a malfunction.

(48) "Safety block" means a prop that, when inserted between the upper and lower dies or between the bolster plate and the face of the slide, prevents the slide from falling of its own deadweight.

(49) "Single stroke" means one complete stroke of the slide, usually initiated from a full open (or up) position, followed by closing, (or down), and then a return to the full open position.

(50) "Single stroke mechanism" means an arrangement used on a full revolution clutch to limit the travel of the slide to one complete stroke at each engagement of the clutch.

(51) "Slide" means the main reciprocating press member. A slide is also called a ram, plunger, or platen.

(52) "Stop control" means an operator control designed to immediately deactivate the clutch control and activate the brake to stop slide motion.

(53) "Stripper" means a mechanism or die part for removing the parts or material from the punch.

(54) "Stroking selector" means the part of the clutch/brake control that determines the type of stroking when the operating means is actuated. The stroking selector generally includes positions for "off" (clutch control), "inch," "single stroke," and "continuous" (when continuous is furnished).

(55) "Trip or (tripping)" means activation of the clutch to "run" the press.

(56) "Turnover bar" means a bar used in die setting to manually turn the crankshaft of the press.

(57) "Two-hand trip" means a clutch actuating means requiring the concurrent use of both hands of the operator to trip the press.

(58) "Unitized tooling" means a type of die in which the upper and lower members are incorporated into a self-contained unit so arranged as to hold the die members in alignment.

(59) "Control system" means sensors, manual input and mode selection elements, interlocking and decision-making circuitry, and output elements to the press operating mechanism.

(60) "Brake monitor" means a sensor designed, constructed, and arranged to monitor the effectiveness of the press braking system.

(61) "Presence sensing device initiation" means an operating mode of indirect manual initiation of a single stroke by a presence sensing device when it senses that work motions of the operator, related to feeding and/or removing parts, are completed and all parts of the operator's body or hand tools are safely clear of the point of operation.

(62) "Safety system" means the integrated total system, including the pertinent elements of the press, the controls, the safeguarding and any required supplemental safeguarding, and their interfaces with the operator, and the environment, designed, constructed, and arranged to operate together as a unit, such that a single failure or single operating error will not cause injury to personnel due to point of operation hazards.

(63) "Authorized person" means one to whom the authority and responsibility to perform a specific assignment has been given by the employer.

(64) "Certification" or "certify" means, in the case of design certification/validation, that the manufacturer has reviewed and tested the design and manufacture, and in the case of installation certification/validation and annual recertification/revalidation, that the employer has reviewed and tested the installation, and concludes in both cases that the requirements of WAC 296-24-19503 through ~~((296-24-19515))~~ 296-24-19513 and 296-24-20700 have been met. The certifications are made to the validation organization.

(65) "Validation" or "validate" means for PSDI safety systems that a WISHA recognized third-party validation organization:

(a) For design certification/validation has reviewed the manufacturer's certification that the PSDI safety system meets the requirements of WAC 296-24-19503 through ~~((296-24-19515))~~ 296-24-19513 and 296-24-20700 and the underlying tests and analyses performed by the manufacturer, has performed additional tests and analyses which may be required by WAC 296-24-19503 through ~~((296-24-19515))~~ 296-24-19513 and 296-24-20700, and concludes that the requirements of WAC 296-24-19503 through ~~((296-24-19515))~~ 296-24-19513 and 296-24-20700 have been met;

(b) For installation certification/validation and annual recertification/revalidation has reviewed the employer's certification that the PSDI safety system meets the requirements of WAC 296-24-19503 through ~~((296-24-19515))~~ 296-24-19513 and 296-24-20700 and the underlying tests performed by the employer, has performed additional tests and analyses which may be required by WAC 296-24-19503 through ~~((296-24-19515))~~ 296-24-19513 and 296-24-20700, and concludes that the requirements of WAC 296-24-19503 through ~~((296-24-19515))~~ 296-24-19513 and 296-24-20700 have been met.

(66) "Certification/validation" and "certify/validate" means the combined process of certification and validation.

AMENDATORY SECTION (Amending Order 88-25, filed 11/14/88)

WAC 296-24-19507 Safeguarding the point of operation. (1) General requirements.

(a) It shall be the responsibility of the employer to provide and insure the usage of "point of operation guards" or properly applied and adjusted point of operation devices on every operation performed on a mechanical power press. See Table O-10.

(b) The requirement of (a) of this subsection shall not apply when the point of operation opening is one-fourth inch or less. See Table O-10.

TABLE O-10

MAXIMUM OPENINGS UNDER GUARDS

Distance of Opening From Point of Operation Hazard (Inches)	Maximum Openings Under Guard (Inches)
1/2 to 1-1/2	1/4
1-1/2 to 2-1/2	3/8
2-1/2 to 3-1/2	1/2
3-1/2 to 5-1/2	5/8
5-1/2 to 6-1/2	3/4
6-1/2 to 7-1/2	7/8
7-1/2 to 12-1/2	1-1/4
12-1/2 to 15-1/2	1-1/2
15-1/2 to 17-1/2	1-7/8
17-1/2 to 31-1/2	2-1/8

MAXIMUM OPENINGS THROUGH GUARDS

Material	Guard Clearance From Hazard Point	Largest Mesh or Opening (Inches)
Woven Wire, Expanded Metal or Perforated Metal	From 2 to 4	1/2
	4 to 15	2
Wood or Metal Strips (Crossed)	From 2 to 4	3/8
	4 to 15	2
Wood or Metal Strips (Not Crossed)	From 2 to 4	1/2 width of strip
	4 to 15	1 width of strip

Note: The specifications for the materials used for filling barrier, point of operation guards is contained in Table O-12, WAC 296-24-20531. When plastic is used as filling, it shall be 1/4 inch thick (minimum).

(2) Point of operation guards.

(a) Every point of operation guard shall meet the following design, construction, application and adjustment requirements:

(i) It shall prevent entry of hands or fingers into the point of operation by reaching through, over, under or around the guard;

(ii) It shall conform to the maximum permissible openings of Table O-10;

(iii) It shall, in itself, create no pinch point between the guard and moving machine parts;

(iv) It shall utilize fasteners not readily removable by operator, so as to minimize the possibility of misuse or removal of essential parts;

(v) It shall facilitate its inspection, and

(vi) It shall offer maximum visibility of the point of operation consistent with other requirements.

(b) A die enclosure guard shall be attached to the die shoe or stripper in a fixed position.

(c) A fixed barrier guard shall be attached securely to the frame of the pressor to the bolster plate.

(d) An interlocked press barrier guard shall be attached to the press frame or bolster and shall be interlocked with the press clutch control so that the clutch cannot be activated unless the guard itself, or the hinged or movable sections of the guard are in position to conform to the requirements of Table O-10.

(e) The hinged or movable sections of an interlocked press barrier guard shall not be used for manual feeding. The guard shall prevent opening of the interlocked section and reaching into the point of operation prior to die closure or prior to the cessation of slide motion. See subsection (3)(b) of this section regarding manual feeding through interlocked press barrier devices.

(f) The adjustable barrier guard shall be securely attached to the press bed, bolster plate, or die shoe, and shall be adjusted and operated in conformity with Table O-10 and the requirements of this subsection. Adjustments shall be made only by authorized personnel whose qualifications include a knowledge of the provisions of Table O-10 and this subsection.

(g) A point of operation enclosure which does not meet the requirements of this subsection and Table O-10 shall be used only in conjunction with point of operation devices.

(3) Point of operation devices.

(a) Point of operation devices shall protect the operator by:

(i) Preventing and/or stopping normal stroking of the press if the operator's hands are inadvertently placed in the point of operation; or

(ii) Preventing the operator from inadvertently reaching into the point of operation or withdrawing his/her hands if they are inadvertently located in the point of operation, as the dies close; or

(iii) Preventing the operator from inadvertently reaching into the point of operation at all times; or

(iv) (Reserved.)

(v) Requiring application of both of the operator's hands to machine operating controls and locating such controls at such a safety distance from the point of operation that the slide completes the downward travel or stops before the operator can reach into the point of operation with his/her hands; or

(vi) Enclosing the point of operation before a press stroke can be initiated and maintaining this closed condition until the motion of the slide had ceased; or

(vii) Enclosing the point of operation before a press stroke can be initiated, so as to prevent an operator from reaching into the point of operation prior to die closure or

prior to cessation of slide motion during the downward stroke.

(b) The gate or movable barrier device shall protect the operator as follows:

(i) A Type A gate or movable barrier device shall protect the operator in the manner specified in (a)(vi) of this subsection.

(ii) A Type B gate or movable barrier device shall protect the operator in the manner specified in (a)(vii) of this subsection.

(c) A presence sensing point of operation device shall protect the operator as provided in (a)(i) of this subsection, and shall be interlocked into the control circuit to prevent or stop slide motion if the operator's hand or other part of his/her body is within the sensing field of the device during the downstroke of the press slide.

(i) The device may not be used on machines using full revolution clutches.

(ii) The device may not be used as a tripping means to initiate slide motion, except when used in total conformance with WAC 296-24-19517.

(iii) The device shall be constructed so that a failure within the system does not prevent the normal stopping action from being applied to the press when required, but does prevent the initiation of a successive stroke until the failure is corrected. The failure shall be indicated by the system.

(iv) Muting (bypassing of the protective function) of such device, during the upstroke of the press slide, is permitted for the purpose of parts ejection, circuit checking, and feeding.

(v) The safety distance (Ds) from the sensing field to the point of operation shall be greater than the distance determined by the following formula:

$$Ds = 63 \text{ inches/second} \times Ts \text{ where:}$$

Ds = minimum safety distance (inches);
 63 inches/second = hand speed constant; and
 Ts = stopping time of the press measured at approximately 90° position of crankshaft rotation (seconds).

(vi) Guards shall be used to protect all areas of entry to the point of operation not protected by the presence sensing device.

(d) The pull-out device shall protect the operator as specified in (a)(ii) of this subsection and shall include attachments for each of the operator's hands.

(i) Attachments shall be connected to and operated only by the press slide or upper die.

(ii) Attachment shall be adjusted to prevent the operator from reaching into the point of operation or to withdraw the operator's hands from the point of operation before the dies close.

(iii) A separate pull-out device shall be provided for each operator if more than one operator is used on a press.

(iv) Each pull-out device in use shall be visually inspected and checked for proper adjustment at the start of each operator shift, following a new die set-up, and when operators are changed. Necessary maintenance or repair or both shall be performed and completed before the press is operated. Records of inspections and maintenance shall be kept in accordance with WAC 296-24-19511.

(e) The sweep device, shall protect the operator as specified in (a)(ii) of this subsection, by removing his/her

hands safely to a safe position if they are inadvertently located in the point of operation, as the dies close or prior to tripping the clutch. Devices operating in this manner shall have a barrier, attached to the sweep arm in such a manner as to prevent the operator from reaching into the point of operation, past the trailing edge of the sweep arm on the downward stroke of the press. This device may not be used for point of operation safeguarding after December 31, 1976.

(i) The sweep device must be activated by the slide or by motion of a foot pedal triprod.

(ii) The sweep device must be designed, installed and operated so as to prevent the operator from reaching into the point of operation before the dies close.

(iii) The sweep device must be installed so that it will not itself create an impact or shear hazard between the sweep arm and the press tie rods, dies, or any other part of the press or barrier.

(iv) Partial enclosure conforming with (e) of this subsection, as to the area of entry which they protect, must be provided on both sides of the point of operation to prevent the operator from reaching around or behind the sweep device and into the point of operation after the dies start to close. Partial enclosures shall not themselves create a pinch point or shear hazard.

(f) A holdout or a restraint device shall protect the operator as specified in (a)(iii) of this subsection and shall include attachments for each of the operator's hands. Such attachments shall be securely anchored and adjusted in such a way that the operator is restrained from reaching into the point of operation. A separate set of restraints shall be provided for each operator if more than one operator is required on a press.

(g) The two hand control device shall protect the operator as specified in (a)(v) of this subsection.

(i) When used in press operations requiring more than one operator, separate two hand controls shall be provided for each operator, and shall be designed to require concurrent application of all operators' controls to activate the slide. The removal of a hand from any control button shall cause the slide to stop.

(ii) Each two hand control shall meet the construction requirements of WAC 296-24-19505 (7)(e).

(iii) The safety distance (Ds) between each two hand control device and the point of operation shall be greater than the distance determined by the following formula:

$$Ds = 63 \text{ inches/second} \times Ts, \text{ where:}$$

Ds = minimum safety distance (inches);
 63 inches/second = hand speed constant; and
 Ts = stopping time of the press measured at approximately 90° position of crankshaft rotation (seconds).

(iv) Two hand control shall be fixed in position so that only a supervisor or safety engineer is capable of relocating the controls.

(h) The two hand trip device shall protect the operator as specified in (a)(v) of this subsection.

(i) When used in press operations requiring more than one operator, separate two hand trips shall be provided for each operator, and shall be designed to require concurrent application of all operators' controls to activate the slide.

(ii) Each two hand trip shall meet the construction requirements of WAC 296-24-19505(6).

(iii) The safety distance (Dm) between the two hand trip and the point of operation shall be greater than the distance determined by the following formula:

Dm = 63 inches/second x Tm; where:
Dm = minimum safety distance (inches);

63 inches/second = hand speed constant; and

Tm = the maximum time the press takes for the die closure after it has been tripped (seconds). For full revolution clutch presses with only one engaging point Tm is equal to the time necessary for one and one-half revolutions of the crankshaft. For full revolution clutch presses with more than one engaging point, Tm shall be calculated as follows:

$$T_m = \left\{ \frac{1}{2} + \frac{\text{Number of engaging points per revolution}}{2} \right\} \times \left\{ \begin{array}{l} \text{time necessary} \\ \text{to complete} \\ \text{one revolution} \\ \text{of the crank-} \\ \text{shaft (seconds)} \end{array} \right.$$

(iv) Two hand trips shall be fixed in position so that only a supervisor or safety engineer is capable of relocating the controls.

(i) (Reserved.)

(4) Hand feeding tools. Hand feeding tools are intended for placing and removing materials in and from the press. Hand feeding tools are not a point of operation guard or protection device and shall not be used in lieu of the "guards" or devices required in this section.

(5) Additional requirements for safeguarding. Where the operator feeds or removes parts by placing one or both hands in the point of operation, and a two hand control, presence sensing device of Type B gate or movable barrier (on a part revolution clutch) is used for safeguarding:

((+)) (a) The employer shall use a control system and a brake monitor which comply with WAC 296-24-19505 (13) and (14). This requirement shall be complied with by November 1, 1975;

((++)) (b) The exception in WAC 296-24-19505 (7)(e)(iv) for two hand controls manufactured and installed before August 31, 1971, is not applicable under this subsection;

((+++)) (c) The control of air clutch machines shall be designed to prevent a significant increase in the normal stopping time due to a failure within the operating valve mechanism, and to inhibit further operation if such failure does occur, where a part revolution clutch is employed. The exception in WAC 296-24-19505 (7)(k) for controls manufactured and installed before August 31, 1971, is not applicable under this subsection.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-19513 Operation of power presses. (1) Employment of minors. The employer shall permit no one under 18 years of age to operate or assist in the operation of machinery covered in this section, except that this section shall not be deemed to prohibit the employment of persons who are 16 or 17 years of age in an apprenticeship training program which meets the requirements contained in chapter 49.04 RCW, apprenticeship.

(2) Instruction to operators. The employer shall train and instruct the operator in the safe method of work before starting work on any operation covered by this section. The employer shall (~~insure~~) **ensure** by adequate supervision that correct operating procedures are being followed.

(3) Work area. The employer shall provide clearance between machines so that movement of one operator will not interfere with the work of another. Ample room for cleaning machines, handling material, work pieces, and scrap shall also be provided. All surrounding floors shall be kept in good condition and free from obstructions, grease, oil and water.

(4) Overloading. (~~The employer shall operate his~~) **Presses** within the tonnage and attachment weight ratings specified by the manufacturer.

AMENDATORY SECTION (Amending Order 92-06, filed 8/10/92, effective 9/10/92)

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~~) 296-24-19513 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~~) 296-24-19513 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~~) 296-24-19513 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~~) 296-24-19513 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 (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)(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 ~~((subsection))~~ subdivision (m) of this ~~((section))~~ subsection.

(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))) 296-24-19505 (7)(d) 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)) 296-24-19513 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:

$$D_s = H_s(T_s + T_p + T_r + 2T_m) + D_p$$

Where:

Ds=Minimum safety distance.

Hs=Hand speed constant of sixty-three inches per second (1.6 m/s).

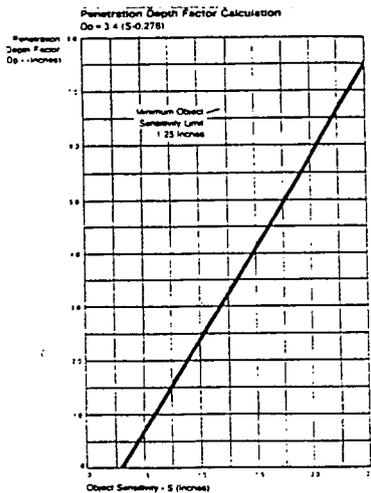
Ts=Longest press stopping time, in seconds, computed by taking averages of multiple measurements at each of three positions (forty-five degrees, sixty degrees, and ninety degrees) of crankshaft angular position; the longest of the three averages is the stopping time to use. (Ts is defined as the sum 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.

T_r =Longest response time, in seconds, of all interposing control elements between the presence sensing device and the clutch/brake operating mechanism(s).

T_m =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.

D_p =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))~~ 296-24-19513 of this part.

~~((A))~~ (i) 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))~~ (ii) 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))~~ 296-24-19513 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 (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))~~ 296-24-19513 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))~~ 296-24-19513 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/WISHA 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))~~ chapter 296-27 WAC; 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 or the designated representative of the director.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-20003 General requirements. (1) Use of lead. The safety requirements of this section apply to lead casts or other use of lead in the forge shop or die shop.

(a) Thermostatic control of heating elements shall be provided to maintain proper melting temperature and prevent overheating.

(b) Fixed or permanent lead pot installations shall be exhausted.

(c) Portable units shall be used only in areas where good, general room ventilation is provided as specified in the general occupational health standards, chapter 296-62 WAC.

(d) Personal protective equipment (gloves, goggles, aprons, and other items) shall be worn.

(e) A covered container shall be provided to store dross skimmings.

(f) Equipment shall be kept clean, particularly from accumulations of yellow lead oxide.

(2) Inspection and maintenance. It shall be the responsibility of the employer to maintain all forge shop equipment in a condition which will insure continued safe operation. This responsibility includes:

(a) Establishing periodic and regular maintenance safety checks and keeping records of these inspections.

(b) Scheduling and recording inspection of guards and point of operation protection devices at frequent and regular intervals.

(c) Training personnel for the proper inspection and maintenance of forging machinery and equipment.

(d) All overhead parts shall be fastened or protected in such a manner that they will not fly off or fall in event of failure.

(3) Hammers and presses.

(a) All hammers shall be positioned or installed in such a manner that they remain on or are anchored to foundations sufficient to support them.

(b) All presses shall be installed in such a manner that they remain where they are positioned or they are anchored to foundations sufficient to support them.

(c) Means shall be provided for disconnecting the power to the machine and for locking out or rendering cycling controls inoperable.

(d) The ram shall be blocked when dies are being changed or other work is being done on the hammer. Blocks or wedges shall be made of material the strength and construction of which should meet or exceed the specifications and dimensions shown in Table O-11.

(e) Tongs shall be of sufficient length to clear the body of the worker in case of kickback, and shall not have sharp handle ends. The worker should be instructed in the proper body position when using tongs. Tongs should be checked periodically to see that they remain at the proper hardness level for the job. When rings or equivalent devices for

locking tongs are used they should be inspected periodically to insure safe condition.

(f) Oil swabs, or scale removers, or other devices to remove scale shall be provided. These devices shall be long enough to enable ~~((a-man))~~ the employee to reach the full length of the die without placing ~~((his))~~ a hand or arm between the dies.

(g) Material handling equipment shall be of adequate strength, size, and dimension to handle diesetting operations safely.

(h) A scale guard of substantial construction shall be provided at the back of every hammer, so arranged as to stop flying scale.

(i) A scale guard of substantial construction shall be provided at the back of every press, so arranged as to stop flying scale.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-20511 Belt, rope, and chain drives. (1) Horizontal belts and ropes.

(a) Where both runs of horizontal belts are seven feet or less from the floor level, the guard shall extend to at least fifteen inches above the belt or to a standard height (see Table O-12), except that where both runs of a horizontal belt are 42 inches or less from the floor, the belt shall be fully enclosed in accordance with WAC 296-24-20527 and 296-24-20531.

(b) In powerplants or powerdevelopment rooms, a guardrail may be used in lieu of the guard required by (1)(a) of this section.

(2) Overhead horizontal belts.

(a) Overhead horizontal belts, with lower parts seven feet or less from the floor or platform, shall be guarded on sides and bottom in accordance with WAC 296-24-20531(3).

(b) Horizontal overhead belts more than seven feet above floor or platform shall be guarded for their entire length under the following conditions:

(i) If located over passageways or work places and traveling 1,800 feet or more per minute.

(ii) If center to center distance between pulleys is ten feet or more.

(iii) If belt is eight inches or more in width.

(c) Where the upper and lower runs of horizontal belts are so located that passage of persons between them would be possible, the passage shall be either:

(i) Completely barred by a guardrail or other barrier in accordance with WAC 296-24-20527 and 296-24-20531; or

(ii) Where passage is regarded as necessary, there shall be a platform over the lower run guarded on either side by a railing completely filled in with wire mesh or other filler, or by a solid barrier. The upper run shall be so guarded as to prevent contact therewith either by the worker or by objects carried by ~~((him))~~ the worker. In powerplants only the lower run of the belt need be guarded.

(d) Overhead chain and link belt drives are governed by the same rules as overhead horizontal belts and shall be guarded in the same manner as belts.

(e) American or continuous system rope drives so located that the condition of the rope (particularly the splice) cannot be constantly and conveniently observed, shall be

equipped with a telltale device (preferably electric-bell type) that will give warning when rope begins to fray.

(3) Vertical and inclined belts.

(a) Vertical and inclined belts shall be enclosed by a guard conforming to standards in WAC 296-24-20527 and 296-24-20531.

(b) All guards for inclined belts shall be arranged in such a manner that a minimum clearance of seven feet is maintained between belt and floor at any point outside of guard.

(4) Vertical belts. Vertical belts running over a lower pulley more than seven feet above floor or platform shall be guarded at the bottom in the same manner as horizontal overhead belts, if conditions are as stated in (2)(b)(i) and (iii) of this section.

(5) Cone-pulley belts.

(a) The cone belt and pulley shall be equipped with a belt shifter so constructed as to adequately guard the nip point of the belt and pulley. If the frame of the belt shifter does not adequately guard the nip point of the belt and pulley, the nip point shall be further protected by means of a vertical guard placed in front of the pulley and extending at least to the top of the largest step of the cone.

(b) If the belt is of the endless type or laced with rawhide laces, and a belt shifter is not desired, the belt will be considered guarded if the nip point of the belt and pulley is protected by a nip point guard located in front of the cone extending at least to the top of the largest step of the cone, and formed to show the contour of the cone in order to give the nip point of the belt and pulley the maximum protection.

(c) If the cone is located less than 3 feet from the floor or working platform, the cone pulley and belt shall be guarded to a height of 3 feet regardless of whether the belt is endless or laced with rawhide.

(6) Belt tighteners.

(a) Suspended counterbalanced tighteners and all parts thereof shall be of substantial construction and securely fastened; the bearings shall be securely capped. Means must be provided to prevent tightener from falling, in case the belt breaks.

(b) Where suspended counterweights are used and not guarded by location, they shall be so encased as to prevent accident.

(c) Belt tighteners, used for starting and stopping machinery, other than those which are securely held in "off" or "out of service" position by gravity, shall be provided with means or mechanism that will securely hold the belt tightener away from the belt when the machine or part thereof driven by the belt is not in use. Such means or mechanism shall be automatic in its action in gripping, latching or otherwise fastening itself to and holding the belt tightener in "off" or "out of service" position until manually released. (Released by hand.)

(d) Counterbalanced belt tighteners and all parts thereof shall be of substantial construction, and securely fastened. The bearings shall be securely capped. If exposed to contact, means shall be installed to catch the belt tightener, to prevent tightener from falling on any person below, should the belt break or throw the tightener.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-20525 Belt shifters, clutches, shippers, poles, perches, and fasteners. (1) Belt shifters.

(a) Tight and loose pulleys on all installations made on or after August 27, 1971, shall be equipped with a permanent belt shifter provided with mechanical means to prevent belt from creeping from loose to tight pulley. It is recommended that old installations be changed to conform to this rule.

(b) Belt shifter and clutch handles shall be rounded and be located as far as possible from danger of accidental contact, but within easy reach of the operator. Where belt shifters are not directly located over a machine or bench, the handles shall be cut off six feet six inches above floor level.

(c) All belt and clutch shifters of the same type in each shop should move in the same direction to stop machines, i.e., either all right or all left. This does not apply to friction clutch on countershaft carrying two clutch pulleys with open and crossed belts, respectively. In this case the shifter handle has three positions and the machine is at a standstill when clutch handle is in the neutral or center position.

(2) Belt shippers and shipper poles. The use of belt poles as substitutes for mechanical shifters is not recommended. Where necessity compels their use, they shall be of sufficient size to enable (~~workmen~~) workers to grasp them securely. (A two-inch diameter or 1 1/2 by 2 inches cross-section is suggested.) Poles shall be smooth and preferably of straight grain hardwood, such as ash or hickory. The edges of rectangular poles should be rounded. Poles should extend from the top of the pulley to within about forty inches of floor or working platform.

(3) Belt perches. Where loose pulleys or idlers are not practicable, belt perches in form of brackets, rollers, etc., shall be used to keep idle belts away from the shafts. Perches should be substantial and designed for the safe shifting of belts.

(4) Belt fasteners. Belts which of necessity must be shifted by hand and belts within seven feet of the floor or working platform which are not guarded in accordance with WAC 296-24-20527 shall not be fastened with metal in any case, nor with any other fastening which by construction or wear will constitute an accident hazard.

AMENDATORY SECTION (Amending Order 74-27, filed 5/7/74)

WAC 296-24-21515 Conveyors. Conveyors shall be constructed operated and maintained in accordance with the provisions of ANSI B 20.1-1957. The following additional provisions shall also apply where applicable.

(1) When the return strand of a conveyor operates within seven feet of the floor there shall be a trough provided of sufficient strength to carry the weight resulting from a broken chain.

(2) If the strands are over a passageway a means shall be provided to catch and support the ends of the chain in the event of a break.

(3) When the working strand of a conveyor crosses within three feet of the floor level in passageways, the trough in which it works shall be bridged the full width of the passageway.

(4) Whenever conveyors pass adjacent to or over working areas or passageways used by personnel, protective guards shall be installed. These guards shall be designed to catch and hold any load or materials which may fall off or become dislodged and injure a worker.

(5) Walking on rolls prohibited. Employees shall not be allowed to walk on the rolls of roller-type conveyors except for emergency.

(6) Guarding shaftway and material entrances of elevator type conveyors. Guards, screens or barricades of sufficient strength and size to prevent material from falling shall be installed on all sides of the shaftway of elevator-type conveyors except at openings where material is loaded or unloaded. Automatic shaftway gates or suitable barriers shall be installed at each floor level where material is loaded or unloaded from the platform.

(7) Emergency conveyor stops. Conveyors shall be provided with an emergency stopping device which can be reached from the conveyor. Such device shall be located near the material entrance to each barker, chipper, saw, or similar type of equipment except where the conveyor leading into such equipment is under constant control of an operator who has full view of the material entrance and is located where ~~((he))~~ the operator cannot possibly fall onto the conveyor.

(8) Safe access to conveyors. Where conveyors are in excess of 7' in height, means shall be provided to safely permit essential inspection and maintenance operations.

(9) Worn parts. Any part showing signs of significant wear shall be inspected carefully and replaced prior to reaching a condition where it may create a hazard.

(10) Replacement of parts. Replacement parts shall be equal to or exceed the manufacturer's specifications.

AMENDATORY SECTION (Amending Order 86-02, filed 1/17/86)

WAC 296-24-21705 Employee training. (1) The employer shall provide a program to train all employees who service rim wheels in the hazards involved in servicing those rim wheels and the safety procedures to be followed.

(a) The employer shall assure that no employee services any rim wheel unless the employee has been trained and instructed in correct procedures of servicing the type of wheel being serviced, and in the safe operating procedures described in WAC 296-24-21711 and 296-24-21713.

(b) Information to be used in the training program shall include, at a minimum, the applicable data contained in the charts (rim manuals) and the contents of this standard.

(c) Where an employer knows or has reason to believe that any ~~((of his))~~ employee(s) is unable to read and understand the charts or rim manual, the employer shall assure that the employee is instructed concerning the contents of the charts and rim manual in a manner which the employee is able to understand.

(2) The employer shall assure that each employee demonstrates and maintains the ability to service rim wheels safely, including performance of the following tasks:

(a) Demounting of tires (including deflation);

(b) Inspection and identification of the rim wheel components;

(c) Mounting of tires (including inflation with a restraining device or other safeguard required by this section);

(d) Use of the restraining device or barrier, and other equipment required by this section;

(e) Handling of rim wheels;

(f) Inflation of the tire when a single-piece rim wheel is mounted on a vehicle;

(g) An understanding of the necessity of standing outside the trajectory both during inflation of the tire and during inspection of the rim wheel following inflation; and

(h) Installation and removal of rim wheels.

(3) The employer shall evaluate each employee's ability to perform these tasks and to service rim wheels safely, and shall provide additional training as necessary to assure that each employee maintains his or her proficiency.

AMENDATORY SECTION (Amending Order 86-02, filed 1/17/86)

WAC 296-24-21711 Safe operating procedure—Multi-piece rim wheels. The employer shall establish a safe operating procedure for servicing multi-piece rim wheels and shall assure that employees are instructed in and follow that procedure. The procedure shall include at least the following elements:

(1) Tires shall be completely deflated before demounting by removal of the valve core.

(2) Tires shall be completely deflated by removing the valve core, before a rim wheel is removed from the axle in either of the following situations:

(a) When the tire has been driven underinflated at eighty percent or less of its recommended pressure, or

(b) When there is obvious or suspected damage to the tire or wheel components.

(3) Rubber lubricant shall be applied to bead and rim mating surfaces during assembly of the wheel and inflation of the tire, unless the tire or wheel manufacturer recommends against it.

(4) If a tire on a vehicle is underinflated but has more than eighty percent of the recommended pressure, the tire may be inflated while the rim wheel is on the vehicle provided remote control inflation equipment is used, and no employees remain in the trajectory during inflation.

(5) Tires shall be inflated outside a restraining device only to a pressure sufficient to force the tire bead onto the rim ledge and create an airtight seal with the tire and bead.

(6) Whenever a rim wheel is in a restraining device the employee shall not rest or lean any part of ~~((his))~~ the body or equipment on or against the restraining device.

(7) After tire inflation, the tire and wheel components shall be inspected while still within the restraining device to make sure that they are properly seated and locked. If further adjustment to the tire or wheel components is necessary, the tire shall be deflated by removal of the valve core before the adjustment is made.

(8) No attempt shall be made to correct the seating of side and lock rings by hammering, striking or forcing the components while the tire is pressurized.

(9) Cracked, broken, bent or otherwise damaged rim components shall not be reworked, welded, brazed, or otherwise heated.

(10) Whenever multi-piece rim wheels are being handled, employees shall stay out of the trajectory unless the employer can demonstrate that performance of the servicing makes the employee's presence in the trajectory necessary.

(11) No heat shall be applied to a multi-piece wheel or wheel component.

AMENDATORY SECTION (Amending Order 76-29, filed 9/30/76)

WAC 296-24-233 Motor vehicle trucks and trailers.

(1) Only qualified drivers shall be permitted to operate motor vehicle trucks, and shall possess a current motor vehicle operator's license.

(2) Motor vehicle trucks must be equipped with brakes which will safely hold the maximum load on maximum grades.

(3) Trailers must be equipped with good, workable air brakes, or other type of brake equipment approved by the state commission on equipment. Air must be cut into the trailer brake system at the time that the trailer is coupled to the truck.

(4) Brakes on trucks and trailers must be tested before equipment descends a steep grade.

(5) Truck drivers shall at all times operate equipment at a safe speed for roadway conditions.

(6) Safe methods of loading and unloading motor vehicle trucks and trailers shall be observed at all times.

(7) To prevent accidents during the backing of trucks where vision is obstructed, a ~~((signalman))~~ signalperson shall be stationed at a point giving ~~((him))~~ a clear view of the rear of the truck and the operator of the truck at all times.

(8) Truck drivers shall sound their horn before starting to back, and shall sound the horn intermittently during the entire backing operation.

(9) Dump trucks shall have a device installed on the frame which will be of sufficient strength to hold the bed in the raised position when employees are working in an exposed position underneath.

(10) All parts and accessories of trucks and trailers shall be kept in good repair and safe condition. Tires worn beyond the point of safety shall not be used.

(11) All motor vehicle trucks and trailers shall be equipped with standard lights, horn, flags, flares, etc., to conform to the state of Washington motor vehicles laws.

(12) All loads transported on trucks and/or trucks and trailers shall be properly secured and distributed, and limited to a safe operating load for the condition of the roadway, and the capacity of the bridges, trestles, and other structures.

(13) Precautions to be taken while inflating tires. Unmounted split-rim wheels shall be placed in a safety cage or other device shall be used which will prevent a split-rim from striking the worker if it should dislodge while the tire is being inflated.

(14) Trucks parked on an incline shall have the steered wheels turned into the curb and shall have at least one "driver" wheel chocked on each side, independent of the braking system.

(15) Motor vehicles used regularly for transportation of ~~((workmen))~~ workers shall be well equipped, covered against the weather and maintained in good mechanical condition at all times.

(a) Seats, which shall be properly secured, shall be provided in each vehicle to accommodate the total number of workers normally transported. Where it becomes necessary under emergency conditions to transport more workers than the seating capacity of the truck will accommodate, all workers not having seats shall ride within the vehicle. Under no circumstances shall workers ride on fenders or running boards of the vehicle.

(b) No workers shall ride in or on any vehicle with ~~((his))~~ legs hanging over the end or sides. A safety bar should be placed across the rear opening of all ~~((manhaul))~~ trucks carrying workers which are not equipped with tail gates.

(c) Vehicles shall be equipped with compartments or screen of such strength to retain sharp tools which could present a hazard to employees being transported.

(d) All dump-trucks used to transport workers shall be equipped with an adequate safety chain or locking device which will eliminate the possibility of the body of the truck being raised while workers are riding in the truck.

(e) Explosives or highly inflammable materials shall not be carried in or on any vehicle while it is used to transport workers.

(f) Exhaust systems shall be installed and maintained in proper condition, and shall be so designed as to eliminate the exposure of the workers to the exhaust gases and fumes.

(g)(i) The number of persons allowed in the cab of a single bench seat crew truck shall not exceed two in addition to the driver. Crew trucks designed and constructed with additional seating capacity behind the normal driver's seat may carry additional passengers in the seating area behind the driver's seat. Crew trucks with bucket-type seats may carry only the number of passengers for which the bucket seats are provided. In any seating arrangement, the driver must be able to maintain full freedom of motion. Additionally, the number of passengers or seating arrangement shall not obstruct the driver's normal vision.

(ii) When trucks are designed and constructed with larger than normal seating capacity in the front seat, the total number of passengers may be increased provided that the operator's vision and control functions, as required in (15)(g)(i), are maintained.

(h) All enclosed crew trucks shall have an emergency exit in addition to the regular entrance.

(i) Trucks used for hauling gravel shall not be used as crew trucks unless they are equipped as follows:

(i) Steps in proper place or places.

(ii) Wooden floors.

(iii) Seats are securely fastened.

(iv) Truck is properly covered.

(v) All other general regulations covering crew trucks are fully conformed with.

(j) Half-ton vehicles shall haul not more than six persons including driver. Three-quarter-ton vehicles shall haul not more than eight persons including driver.

(k) All vehicles carrying crews shall be equipped with stretchers and fire extinguishers.

(l) No heating units in which there are open fires shall be used in vehicles transporting crews.

AMENDATORY SECTION (Amending Order 74-27, filed 5/7/74)

WAC 296-24-23503 General requirements. (1) Application. This section applies to overhead and gantry cranes, including semigantry, cantilever gantry, wall cranes, storage bridge cranes, and others having the same fundamental characteristics. These cranes are grouped because they all have trolleys and similar travel characteristics.

(2) New and existing equipment. All new overhead and gantry cranes constructed and installed on or after the effective date of these standards, shall meet the design specifications of the American National Standards Institute, Safety Code for Overhead and Gantry Cranes, ANSI B30.2.0-1967. Overhead and gantry cranes constructed before the effective date of these standards, should be modified to conform to those design specifications, unless it can be shown that the crane cannot feasibly or economically be altered and that the crane substantially complies with the requirements of this section. (See WAC 296-24-010 variance and procedure.)

(3) Modifications. Cranes may be modified and rerated provided such modifications and the supporting structure are checked thoroughly for the new rated load by a qualified engineer or the equipment manufacturer. The crane shall be tested in accordance with WAC 296-24-23521(2). New rated load shall be displayed in accordance with (5) of this section.

(4) Wind indicators and rail clamps.

(a) Outdoor storage bridges shall be provided with automatic rail clamps. A wind-indicating device shall be provided which will give a visible or audible alarm to the bridge operator at a predetermined wind velocity. If the clamps act on the rail heads, any beads or weld flash on the rail heads shall be ground off.

~~((a))~~ (b) Calculations for wind pressure on outside overhead traveling cranes shall be based on not less than 30 pounds per square foot of exposed surface.

(5) Rated load marking. The rated load of the crane shall be plainly marked on each side of the crane, and if the crane has more than one hoisting unit, each hoist shall have its rated load marked on it or its load block and this marking shall be clearly legible from the ground or floor.

(6) Clearance from obstruction.

(a) Minimum clearance of 3 inches overhead and 2 inches laterally shall be provided and maintained between crane and obstructions in conformity with Specification No. 61 Crane Manufacturers Association of America, Inc., ~~((Thomas Circle NW, Washington, D.C. 20005))~~ 8720 Red Oak Blvd., Suite 201, Charlotte, NC 28217.

(b) Where passageways or walkways are provided obstructions shall not be placed so that safety of personnel will be jeopardized by movements of the crane.

(7) Clearance between parallel cranes. If the runways of two cranes are parallel, and there are no intervening walls or structure, there shall be adequate clearance provided and maintained between the two bridges.

(8) Designated personnel. Only designated personnel shall be permitted to operate a crane covered by this section.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-23505 Cabs. (1) Cab location.

(a) The general arrangement of the cab and the location of control and protective equipment shall be such that all operating handles are within convenient reach of the operator when facing the area to be served by the load hook, or while facing the direction of travel of the cab. The arrangement shall allow the operator a full view of the load hook in all positions.

(b) The cab shall be located to afford a minimum of 3 inches clearance from all fixed structures within its area of possible movement.

(c) The clearance of the cab above the working floor or passageway should be not less than seven feet.

(2) Access to crane. Access to the cab and/or bridge walkway shall be by a conveniently placed fixed ladder, stairs, or platform, requiring no step over any gap exceeding 12 inches. Fixed ladders shall be in conformance with the American National Standards Institute, Safety Code for Fixed Ladders, ANSI A14.3-1956.

(3) Fire extinguisher. A carbon dioxide, dry-chemical, or equivalent hand fire extinguisher should be kept in the cab. Carbon tetrachloride extinguishers shall not be used.

(4) Lighting. Light in the cab shall be sufficient to enable the operator to see clearly enough to perform ~~((his))~~ the work.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-23507 Footwalks and ladders. (1)

Location of footwalks.

(a) If sufficient headroom is available on cab-operated cranes, a footwalk shall be provided on the drive side along the entire length of the bridge of all cranes having the trolley running on the top of the girders. To give sufficient access to the opposite side of the trolley, there should be provided either a footwalk mounted on the trolley, a suitable footwalk or platform in the building, or a footwalk on the opposite side of the crane at least twice the length of the trolley.

(b) Footwalks should be located to give a headroom not less than 78 inches. In no case shall less than 48 inches be provided. If 48 inches of headroom cannot be provided, footwalks should be omitted from the crane and a stationary platform or landing stage built for ~~((workmen))~~ workers making repairs.

(2) Construction of footwalks.

(a) Footwalks shall be of rigid construction and designed to sustain a distributed load of at least 50 pounds per square foot.

(b) Footwalks shall have a walking surface of antislip type.

Note: Wood will meet this requirement.

(c) Footwalks should be continuous and permanently secured.

(d) Footwalks should have a clear passageway at least 18 inches wide except opposite the bridge motor, where they should be not less than 15 inches. The inner edge shall extend at least to the line of the outside edge of the lower cover plate or flange of the girder.

(3) Toeboards and handrails for footwalks. Toeboards and handrails shall be in compliance with WAC 296-24-750 through 296-24-75011.

(4) Ladders and stairways.

(a) Gantry cranes shall be provided with ladders or stairways extending from the ground to the footwalk or cab platform.

(b) Stairways shall be equipped with rigid and substantial metal handrails. Walking surfaces shall be of an antislip type.

(c) Ladders shall be permanently and securely fastened in place and shall be constructed in compliance with WAC 296-24-810 through 296-24-81011.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-23523 Maintenance. (1) Preventive maintenance. A preventive maintenance program based on the crane manufacturer's recommendations shall be established.

(2) Maintenance procedure.

(a) Before adjustments and repairs are started on a crane the following precautions shall be taken:

(i) The crane to be repaired shall be run to a location where it will cause the least interference with other cranes and operations in the area.

(ii) All controllers shall be at the off position.

(iii) The main or emergency switch shall be open and locked in the open position.

(iv) Warning or "out of order" signs shall be placed on the crane, also on the floor beneath or on the hook where visible from the floor.

(v) Where other cranes are in operation on the same runway, rail stops or other suitable means shall be provided to prevent interference with the idle crane.

(vi) Where temporary protective rail stops are not available, or practical, a ~~((signalman))~~ signalperson should be placed at a visual vantage point for observing the approach of an active crane and warning its operator when reaching the limit of safe distance from the idle crane.

(b) After adjustments and repairs have been made the crane shall not be operated until all guards have been reinstalled, safety devices reactivated and maintenance equipment removed.

(3) Adjustments and repairs.

(a) Any unsafe conditions disclosed by the inspection requirements of WAC 296-24-23519 shall be corrected before operation of the crane is resumed. Adjustments and repairs shall be done only by designated personnel.

(b) Adjustments shall be maintained to assure correct functioning of components. The following are examples:

(i) All functional operating mechanisms.

(ii) Limit switches.

(iii) Control systems.

(iv) Brakes.

(v) Power plants.

(c) Repairs or replacements shall be provided promptly as needed for safe operation. The following are examples:

(i) Accessory components, such as hooks, shall be carefully examined periodically and at the time of annual examination and inspection. Cracked or deformed hooks

shall be discarded immediately and not reused on any equipment subject to the provisions of this code.

(ii) Load attachment chains and rope slings showing defects described in WAC 296-24-23519 (2)(d) and (e) respectively.

(iii) All critical parts which are cracked, broken, bent, or excessively worn.

(iv) Pendant control stations shall be kept clean and function labels kept legible.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-23527 Handling the load. (1) Size of load. The crane shall not be loaded beyond its rated load except for test purposes as provided in WAC 296-24-23521.

(2) Attaching the load.

(a) The hoist chain or hoist rope shall be free from kinks or twists and shall not be wrapped around the load.

(b) The load shall be attached to the load block hook by means of slings or other approved devices.

(c) Care shall be taken to make certain that the sling clears all obstacles.

(3) Moving the load.

(a) The load shall be well secured and properly balanced in the sling or lifting device before it is lifted more than a few inches.

(b) Before starting to hoist the following conditions shall be noted:

(i) Hoist rope shall not be kinked.

(ii) Multiple part lines shall not be twisted around each other.

(iii) The hook shall be brought over the load in such a manner as to prevent swinging.

(c) During hoisting care shall be taken that:

(i) There is no sudden acceleration or deceleration of the moving load.

(ii) The load does not contact any obstructions.

(d) Cranes shall not be used for side pulls except when specifically authorized by a responsible person who has determined that the stability of the crane is not thereby endangered and that various parts of the crane will not be overstressed.

(e) While any employee is on the load or hook, there shall be no hoisting, lowering, or traveling.

(f) The employer shall require that the operator avoid carrying loads over people.

(g) The operator shall test the brakes each time a load approaching the rated load is handled. The brakes shall be tested by raising the load a few inches and applying the brakes.

(h) The load shall not be lowered below the point where less than two full wraps of rope remain on the hoisting drum.

(i) When two or more cranes are used to lift a load one qualified responsible person shall be in charge of the operation. ~~((He))~~ The qualified person shall analyze the operation and instruct all personnel involved in the proper positioning, rigging of the load, and the movements to be made.

(j) The employer shall assure that the operator does not leave ~~((his))~~ the control position ~~((at the controls))~~ while the load is suspended.

(k) When starting the bridge and when the load or hook approaches near or over personnel, the warning signal shall be sounded.

(4) Hoist limit switch.

(a) At the beginning of each operator's shift, the upper limit switch of each hoist shall be tried out under no load. Extreme care shall be exercised; the block shall be "inched" into the limit or run in at slow speed. If the switch does not operate properly, the appointed person shall be immediately notified.

(b) The hoist limit switch which controls the upper limit of travel of the load block shall never be used as an operating control.

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-24-23529 Operators. (1) Cranes shall be operated only by regular crane operators, authorized substitutes who have had adequate experience and training under the supervision of a competent operator, or by crane repairmen or inspectors.

(2) No person should be permitted to operate a crane who cannot speak and read the English language, or who is under eighteen years of age.

(3) No person shall be permitted to operate a crane whose hearing or eye-sight is impaired, or who may be suffering from heart disease or similar ailments. The following physical qualifications shall be minimum requirements for overhead and gantry crane operators and trainees:

(a) They shall have vision of at least 20/30 in one eye, and 20/50 in the other, with or without corrective lenses.

(b) They shall be able to distinguish colors, regardless of position of colors, if color differential is required for operation.

(c) Their hearing, with or without hearing aid, must be adequate for a specific operation.

(d) They shall have sufficient strength, endurance, agility, coordination, and speed of reaction to meet the demands of equipment operation.

(e) They shall have normal depth perception, field of vision, reaction time, manual dexterity, coordination and no tendencies to dizziness or similar undesirable characteristics.

(f) Evidence of physical defects, or emotional instability which could render the operator or trainee a hazard to their self or others, or could interfere with their safe performance may be sufficient cause for disqualification. In such cases, specialized clinical or medical judgments or tests shall be required (which include annual medical certification for recovered heart attack patients).

(g) Evidence that an operator or trainee is subject to seizures or loss of physical control shall be sufficient reason for disqualification. Specialized medical tests shall be required to substantiate these conditions.

(4) Persons who have recovered from a heart attack shall be exempted from the provisions of subsection (3) of this section, as it pertains to their heart condition, provided:

(a) A medical release is obtained from their attending medical doctor.

(b) The release shall state that the operation of a crane will not present a hazard to their self or others.

(c) An examination by a medical doctor, and renewal of the work release certification is required annually.

(5) The operator shall ~~((familiarize himself))~~ be fully familiar with all crane rules and with the crane mechanism and its proper care. ~~((#))~~ Needed adjustments or repairs ~~((are necessary, he))~~ shall ~~((report))~~ be reported the same at once to the proper authority.

(6) The operator shall not eat, smoke or read while actually engaged in the operation of the crane, or operate the crane when ~~((he is))~~ physically unfit.

(7) The operator or someone especially designated shall properly lubricate all working parts of the crane.

(8) Cranes shall be kept clean.

(9) Whenever the operator finds the main or emergency switch open, ~~((he))~~ it shall not ~~((close it))~~ be closed, even when starting on regular duty, until ~~((he has made sure))~~ it is determined that no one is on or about the crane. ~~((He))~~ The crane shall not ~~((oil or repair the crane))~~ be oiled or repaired unless the main switch is open.

(10) If the power goes off, the operator shall immediately throw all controllers to "off" position until the power is again available.

(11) Before closing the main switch the operator shall make sure that all controllers are in "off" position until the power is again available.

(12) The operator shall recognize signals only from the ~~((man))~~ employee who is supervising the lift. Operating signals shall follow an established standard. Whistle signals may be used where one crane only is in operation.

(13) Bumping into runway stops or other cranes shall be avoided. When the operator is ordered to engage with or push other cranes, ~~((he))~~ it shall ~~((do so))~~ be done with special care for the safety of persons on or below cranes.

(14) When lowering a load, the operator shall proceed carefully and make sure ~~((that he has))~~ the load is under safe control.

(15) When leaving the cage the operator shall throw all controllers to "off" position and open the main switch.

(16) If the crane is located out-of-doors the operator shall lock the crane in a secure position to prevent it from being blown along or off the track by a severe wind.

(17) Operators shall not permit anyone to ride on the load or hooks, unless using a lifeline or safety device approved by the department.

AMENDATORY SECTION (Amending Order 79-9, filed 7/31/79)

WAC 296-24-24005 Load ratings. (1) Load ratings—Where stability governs lifting performance.

(a) The margin of stability for determination of load ratings, with booms of stipulated lengths at stipulated working radii for the various types of crane mountings is established by taking a percentage of the loads which will produce a condition of tipping or balance with the boom in the least stable direction, relative to the mounting. The load ratings shall not exceed the following percentages for cranes, with the indicated types of mounting under conditions stipulated in (1)(b) and (c) of this section.

	Maximum load ratings (percent of tipping loads)
Type of crane mounting:	
Locomotive, without outriggers:	
Booms 60 feet or less	85
Booms over 60 feet	85 ¹
Locomotive, using outriggers fully extended	80
Crawler, without outriggers	75
Crawler, using outriggers fully extended . .	85
Truck and wheel mounted without outriggers or using outriggers fully extended . . .	85

¹ Unless this results in less than 30,000 pound-feet net stabilizing moment about the rail, which shall be minimum with such booms.

(b) The following stipulation shall govern the application of the values in (1)(a) of this section for locomotive cranes:

- (i) Tipping with or without the use of outriggers occurs when half of the wheels farthest from the load leave the rail.
- (ii) The crane shall be standing on track which is level within 1 percent grade.
- (iii) Radius of the load is the horizontal distance from a projection of the axis of rotation to the rail support surface, before loading, to the center of vertical hoist line or tackle with load applied.
- (iv) Tipping loads from which ratings are determined shall be applied under static conditions only, i.e., without dynamic effect of hoisting, lowering, or swinging.
- (v) The weight of all auxiliary handling devices such as hoist blocks, hooks, and slings shall be considered a part of the load rating.

(c) Stipulations governing the application of the values in ~~((+))~~ (1)(a) of this section for crawler, truck, and wheel-mounted cranes shall be in accordance with Crane Load-Stability Test Code. Society of Automotive Engineers (SAE) J765.

Note: The effectiveness of these preceding stability factors will be influenced by such additional factors as freely suspended loads, track, wind, or ground conditions, condition and inflation of rubber tires, boom lengths, proper operating speeds for existing conditions, and, in general, careful and competent operation. All of these shall be taken into account by the user.

(2) Rated capacity chart. A chart indicating the manufacturer's rated capacity at all operating radii for all permissible boom lengths and jib lengths with alternate ratings for optional equipment affecting such ratings shall be posted in all mobile type cranes and shall be readily visible to the operator in ~~((his))~~ the normal operating position.

(3) Inspection classification. ~~((+))~~ Initial inspection. Prior to initial use all new and altered cranes shall be inspected to insure compliance with provisions of these standards.

(4) All hooks shall be of the safety latch-type or the hook shall be moused.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-24009 Testing. (1) Operational tests.

(a) In addition to prototype tests and quality-control measures, the user of each new production crane shall require that it be tested and related data supplied by the manufacturer to the extent necessary to assure compliance with the operational requirements of this ~~((paragraph))~~ subsection including functions such as the following:

- (i) Load hoisting and lowering mechanisms
- (ii) Boom hoisting and lower mechanisms
- (iii) Swinging mechanism
- (iv) Travel mechanism
- (v) Safety devices

(b) Where the complete production crane is not supplied by one manufacturer such tests shall be conducted at final assembly.

(c) Certified production-crane test results shall be made available.

(2) Rated load test.

(a) Written reports shall be available showing test procedures and confirming the adequacy of repairs or alterations.

(b) Test loads shall not exceed 110 percent of the rated load at any selected working radius.

(c) Where rerating is necessary:

- (i) Crawler, truck, and wheel-mounted cranes shall be tested in accordance with SAE Recommended Practice, Crane Load Stability Test Code J765 (April 1961).
- (ii) Locomotive cranes shall be tested in accordance with WAC 296-24-24005 (1)(a) and (b).
- (iii) Rerating test report shall be readily available.
- (d) No cranes shall be rerated in excess of the original load ratings unless such rating changes are approved by the crane manufacturer or final assembler.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-24015 Handling the load. (1) Size of load.

(a) No crane shall be loaded beyond the rated load, except for test purposes as provided in WAC 296-24-24009.

(b) When loads which are limited by structural competence rather than by stability are to be handled, it shall be ascertained that the weight of the load has been determined within plus or minus 10 percent before it is lifted.

(2) Attaching the load.

- (a) The hoist rope shall not be wrapped around the load.
- (b) The load shall be attached to the hook by means of slings or other approved devices.

(3) Moving the load.

- (a) The employer shall assure that:
 - (i) The crane is level and where necessary blocked properly.

(ii) The load is well secured and properly balanced in the sling or lifting device before it is lifted more than a few inches.

(b) Before starting to hoist, the following conditions shall be noted:

- (i) Hoist rope shall not be kinked.

(ii) Multiple part lines shall not be twisted around ~~((around))~~ each other.

(iii) The hook shall be brought over the load in such a manner as to prevent swinging.

(iv) If there is a slack rope condition, it should be determined that the rope is properly seated on the drum and in the sheaves.

(c) During hoisting care shall be taken that:

(i) There is no sudden acceleration or deceleration of the moving load.

(ii) The load does not contact any obstructions.

(d) Side loading of booms shall be limited to freely suspended loads. Cranes shall not be used for dragging loads sideways.

(e) No hoisting, lowering, swinging, or traveling shall be done while anyone is on the load or hook.

(f) The operator should avoid carrying loads over people.

(g) On truck mounted cranes, no loads shall be lifted over the front area except as approved by the crane manufacturer.

(h) The operator shall test the brakes each time a load approaching the rated load is handled by raising it a few inches and applying the brakes.

(i) Outriggers shall be used when the load to be handled at that particular radius exceeds the rated load without outriggers as given by the manufacturer for that crane. Where floats are used they shall be securely attached to the outriggers. Wood blocks used to support outriggers shall:

(i) Be strong enough to prevent crushing.

(ii) Be free from defects.

(iii) Be of sufficient width and length to prevent shifting or toppling under load.

(j) Neither the load nor the boom shall be lowered below the point where less than two full wraps of rope remain on their respective drums.

(k) Before lifting loads with locomotive cranes without using outriggers, means shall be applied to prevent the load from being carried by the truck springs.

(l) When two or more cranes are used to lift one load, one designated person shall be responsible for the operation. ~~((He))~~ They shall be required to analyze the operation and instruct all personnel involved in the proper positioning, rigging of the load, and the movements to be made.

(m) In transit the following additional precautions shall be exercised.

(i) The boom shall be carried in line with the direction of motion.

(ii) The superstructure shall be secured against rotation, except when negotiating turns when there is an operator in the cab or the boom is supported on a dolly.

(iii) The empty hook shall be lashed or otherwise restrained so that it cannot swing freely.

(n) Before traveling a crane with load, a designated person shall be responsible for determining and controlling safety. Decisions such as position of load, boom location, ground support, travel route, and speed of movement shall be in accord with ~~((his))~~ their determinations.

(o) A crane with or without load shall not be traveled with the boom so high that it may bounce back over the cab.

(p) When rotating the crane, sudden starts and stops shall be avoided. Rotational speed shall be such that the

load does not swing out beyond the radii at which it can be controlled. A tag or restraint line shall be used when rotation of the load is hazardous.

(q) When a crane is to be operated at a fixed radius, the boom-hoist pawl or other positive locking device shall be engaged.

(r) Ropes shall not be handled on a winch head without the knowledge of the operator.

(s) While a winch head is being used, the operator shall be within convenient reach of the power unit control lever.

(4) Holding the load.

(a) The operator shall not be permitted to leave ~~((his))~~ the control position ~~((at the controls))~~ while the load is suspended.

(b) No person should be permitted to stand or pass under a load on the hook.

(c) If the load must remain suspended for any considerable length of time, the operator shall hold the drum from rotating in the lowering direction by activating the positive controllable means of the operator's station.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-24503 General requirements. (1) Application. This section applies to guy, stiffleg, basket, breast, gin pole, Chicago boom and A-frame derricks of the stationary type, capable of handling loads at variable reaches and powered by hoists through systems of rope reeving, used to perform lifting hook work, single or multiple line bucket work, grab, grapple, and magnet work. Derricks may be permanently installed for temporary use as in construction work. The requirements of this section also apply to any modification of these types which retain their fundamental features, except for floating derricks.

(2) New and existing equipment. All new derricks constructed and installed on or after the effective date of these standards shall meet the design specifications of the "American National Standards Institute, Safety Code for Derricks, ANSI B30.6-1969." Derricks constructed prior to the effective date of these standards should be modified to conform to these design specifications by December 31, 1973 unless it can be shown that the derrick cannot feasibly or economically be altered and that the derrick substantially complies with the requirements of this section.

(a) Operating controls shall be marked or an explanation of the controls shall be posted in full view of the operator.

(b) Cranes or derricks having a movable working boom shall have a radius or boom angle indicator installed. This shall be located where the operator can readily read it while ~~((in his))~~ from the normal operating position.

(c) Top of boom painted. The top six feet of the boom or jib shall be painted bright yellow.

(3) Designated personnel. Only designated personnel shall be permitted to operate a derrick covered by this section.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-24517 Handling the load. (1) Size of load.

(a) No derrick shall be loaded beyond the rated load.

(b) When loads approach the maximum rating of the derrick, it shall be ascertained that the weight of the load has been determined within plus or minus 10 percent before it is lifted.

(2) Attaching the load.

(a) The hoist rope shall not be wrapped around the load.

(b) The load shall be attached to the hook by means of slings or other suitable devices.

(3) Moving the load.

(a) The load shall be well secured and properly balanced in the sling or lifting device before it is lifted more than a few inches.

(b) Before starting to hoist, the following conditions shall be noted:

(i) Hoist rope shall not be kinked.

(ii) Multiple part lines shall not be twisted around each other.

(iii) The hook shall be brought over the load in such a manner as to prevent swinging.

(iv) If there is a slack rope condition, it should be determined that the rope is properly seated on the drum and in the sheaves.

(c) During hoisting, care shall be taken that:

(i) There is no sudden acceleration or deceleration of the moving load.

(ii) Load does not contact any obstructions.

(d) A derrick shall not be used for side loading except when specifically authorized by a responsible person who has determined that the various structural components will not be overstressed.

(e) No hoisting, lowering, or swinging shall be done while anyone is on the load or hook.

(f) The operator shall avoid carrying loads over people.

(g) The operator shall test the brakes each time a load approaching the rated load is handled by raising it a few inches and applying the brakes.

(h) Neither the load nor boom shall be lowered below the point where less than two full wraps of rope remain on their respective drums.

(i) When rotating a derrick, sudden starts and stops shall be avoided. Rotational speed shall be such that the load does not swing out beyond the radius at which it can be controlled.

(j) Boom and hoisting rope systems shall not be twisted.

(4) Holding the load.

(a) The operator shall not be allowed to leave ~~((his))~~ the control position ((at the controls)) the control while the load is suspended.

(b) People should not be permitted to stand or pass under a load on the hook.

(c) If the load must remain suspended for any considerable length of time, a dog, or pawl and ratchet, or other equivalent means, rather than the brake alone, shall be used to hold the load.

(5) Use of winch heads.

(a) Ropes shall not be handled on a winch head without the knowledge of the operator.

(b) While a winch head is being used, the operator shall be within convenient reach of the power unit control lever.

(6) Securing boom. Dogs, pawls, or other positive holding mechanism on the hoist shall be engaged. When not in use, the derrick boom shall:

(a) Be laid down;

(b) Be secured to a stationary member, as nearly under the head as possible, by attachment of a sling to the load block; or

(c) Be hoisted to a vertical position and secured to the mast.

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-24-260 Helicopters. (1) Helicopter regulations. Helicopter cranes shall be expected to comply with any applicable regulations of the Federal Aviation Administration.

(2) Briefing. Prior to each day's operation, a briefing shall be conducted. This briefing shall set forth the plan of operation for the pilot and ground personnel.

(3) Slings and tag lines. Load shall be properly slung. Tag lines shall be of a length that will not permit their being drawn up into rotors. Pressed sleeve, swedged eyes, or equivalent means shall be used for all freely suspended loads to prevent hand splices from spinning open or cable clamps from loosening.

(4) Cargo hooks. All electrically operated cargo hooks shall have the electrical activating device so designed and installed as to prevent inadvertent operation. In addition, these cargo hooks shall be equipped with an emergency mechanical control for releasing the load. The hooks shall be tested prior to each day's operation to determine that the release functions properly, both electrically and mechanically.

(5) Personal protective equipment.

(a) Personal protective equipment for employees receiving the load shall consist of complete eye protection and hard hats secured by chin straps.

(b) Loose-fitting clothing likely to flap in the downwash and thus be snagged on hoist line shall not be worn.

(6) Loose gear and objects. Every practical precaution shall be taken to provide for the protection of the employees from flying objects in the rotor downwash. All loose gear within one hundred feet of the place of lifting the load, depositing the load, and all other areas susceptible to rotor downwash shall be secured or removed.

(7) Housekeeping. Good housekeeping shall be maintained in all helicopter loading and unloading areas.

(8) Operator responsibility. The helicopter operator shall be responsible for size, weight, and manner in which loads are connected to the helicopter. If, for any reason, the helicopter operator believes the lift cannot be made safely, the lift shall not be made.

(9) Hooking and unhooking loads. Employees shall not perform work under hovering craft except for that limited period of time necessary to guide, secure and unhook loads, or to hook loads. Regardless of whether the hooking or unhooking of a load takes place on the ground or a flat roof, or other location in an elevated work position in structural members, a safe means of access and egress, to include an unprogrammed emergency escape route or routes, shall be provided for the employees who are hooking or unhooking loads.

(10) Static charge. Static charge on the suspended load shall be dissipated with a grounding device before ground

personnel touch the suspended load, or protective rubber gloves shall be worn by all ground personnel touching the suspended load.

(11) Weight limitation. The weight of an external load shall not exceed the manufacturer's rating.

(12) Ground lines. Hoist wires or other gear, except for pulling lines or conductors that are allowed to "pay out" from a container or roll off a reel, shall not be attached to any fixed ground structure, or allowed to foul on any fixed structure.

(13) Visibility. When visibility is reduced by dust or other conditions, ground personnel shall exercise special caution to keep clear of main and stabilizing rotors. Precautions shall also be taken by the employer to eliminate as far as practical reduced visibility.

(14) Signal systems. Signal systems between aircrew and ground personnel shall be understood and checked in advance of hoisting the load. This applies to either radio or hand signal systems. Handsignals shall be as shown in Figure L-1.

(15) Approach distance. No unauthorized person shall be allowed to approach within fifty feet of the helicopter when the rotor blades are turning.

(16) Approaching helicopter. Whenever approaching or leaving a helicopter with blades rotating, all employees shall remain in full view of the pilot and keep in a crouched position. Employees shall avoid the area from the cockpit or cabin rearward unless authorized by the helicopter operator to work there.

(17) Personnel. Sufficient ground personnel shall be provided when required for safe helicopter loading and unloading operations.

(18) Communications. There shall be constant reliable communication between the pilot, and a designated employee of the ground crew who acts as a ~~((signalman))~~ signalperson during the period of loading and unloading. This ~~((signalman))~~ signalperson shall be distinctly recognizable from other ground personnel.

(19) Fires. Open fires shall not be permitted in an area that could result in such fires being spread by the rotor downwash.

(20) Under no circumstances shall the refueling of any type helicopter with either aviation gasoline or Jet B (Turbine) type fuel be permitted while the engines are running.

(21) Helicopters using Jet A (Turbine-Kerosene) type fuel may be refueled with engines running provided the following criteria is met:

(a) No unauthorized persons shall be allowed within fifty feet of the refueling operation or fueling equipment.

(b) A minimum of one thirty-pound fire extinguisher, or a combination of same, good for Class A, B and C fires, shall be provided within one hundred feet on the upwind side of the refueling operation.

(c) All fueling personnel shall be thoroughly trained in the refueling operation and in the use of the available fire extinguishing equipment they may be expected to utilize.

(d) There shall be no smoking, open flames, exposed flame heaters, flare pots, or open flame lights within fifty feet of the refueling area or fueling equipment. All entrances to the refueling area shall be posted with "NO SMOKING" signs.

(e) Due to the numerous causes of static electricity, it shall be considered present at all times. Prior to starting refueling operations, the fueling equipment and the helicopter shall be grounded and the fueling nozzle shall be electrically bonded to the helicopter. The use of conductive hose shall not be accepted to accomplish this bonding. All grounding and bonding connections shall be electrically and mechanically firm, to clean unpainted metal parts.

(f) To control spills, fuel shall be pumped either by hand or power. Pouring or gravity flow shall not be permitted. Self-closing nozzles or deadman controls shall be used and shall not be blocked open. Nozzles shall not be dragged along the ground.

(g) In case of a spill, the fueling operation shall be immediately stopped until such time as the person-in-charge determines that it is safe to resume the refueling operation.

(h) When ambient temperatures have been in the one hundred degrees Fahrenheit range for an extended period of time, all refueling of helicopters with the engines running shall be suspended until such time as conditions become suitable to resume refueling with the engines running.

(22) Helicopters with their engines stopped being refueled with aviation gasoline or Jet B (Turbine) type fuel, shall also comply with subsection (21)(a) through (g) of this section.

AMENDATORY SECTION (Amending Order 76-29, filed 9/30/76)

WAC 296-24-29401 Wire rope. (1) Safe loads. Whenever used in connection with work, employment, occupations or uses to which these standards are applicable, wire rope shall not be subjected to loads in excess of one-fifth the breaking load as given in the schedule of the cable manufacturer. Except as required in standard for material hoists.

(2) Condemned. When cables deteriorate through rust, wear, broken wires, undue strain or other conditions to the extent of fifteen percent of their original strength, use of cables shall be discontinued.

(3) Straps and ribbons. The strap or steel ribbon type of cable shall not be used in the suspension of scaffolding.

(4) Inspections. There shall be not less than monthly inspection of all wire rope in use, and all wire rope must be inspected before put into use.

(5) Fastening. The following methods of fastening and attaching wire rope shall be adhered to:

(a) Sockets. The end of wire rope to be set into socket fittings held securely with molten ~~((babbitt))~~ babbitt or zinc (not lead). The wires of the cable shall be frayed out and each wire bent toward the outside of socket, so that the end of each wire projects well into the depth of the socket. This method of fastening cables should be left in the hands of an experienced ~~((workman))~~ workers in this kind of work.

(b) Wrapping. Thimbles spliced into rope and the splice securely wrapped.

(c) Bolted. Thimbles inserted and held in place by at least a three bolt clamp or three U-bolt clips. Clamps shall be of standard size for the sizes of the cable in use.

(d) Lashing. For temporary work, by-passing rope at least twice around large object such as a post, avoiding sharp

points and carrying the end back several feet and securing it by clamps, clips or lashing to the cable.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-29501 Inspection of compressed gas cylinders. Each employer shall determine that compressed gas cylinders under ~~((his))~~ the employer's control are in a safe condition to the extent that this can be determined by visual inspection. Visual and other inspections shall be conducted as prescribed in the hazardous materials regulations of the department of transportation (49 CFR Parts 171-179 and 14 CFR Part 103). Where those regulations are not applicable, visual and other inspections shall be conducted in accordance with Compressed Gas Association Pamphlets C-6-1968 and C-8-1962.

AMENDATORY SECTION (Amending Order 88-25, filed 11/14/88)

WAC 296-24-31501 General. (1) Definitions as used in this section.

(a) Gaseous hydrogen system is one in which the hydrogen is delivered, stored and discharged in the gaseous form to consumer's piping. The system includes stationary or movable containers, pressure regulators, safety relief devices, manifolds, interconnecting piping and controls. The system terminates at the point where hydrogen at service pressure first enters the consumer's distribution piping.

(b) Approved—Means unless otherwise indicated, listed or approved by a nationally recognized testing laboratory. Refer to federal regulation 29 CFR 1910.7 for definition of nationally recognized testing laboratory.

(c) Listed—See "approved."

(d) ASME—American Society of Mechanical Engineers.

(e) DOT specifications—Regulations of the department of transportation published in 49 CFR Chapter I.

(f) DOT regulations—See WAC 296-24-315.

(2) Scope.

(a) Gaseous hydrogen systems.

(i) WAC 296-24-31503 applies to the installation of gaseous hydrogen systems on consumer premises where the hydrogen supply to the consumer premises originates outside the consumer premises and is delivered by mobile equipment.

(ii) WAC 296-24-31503 does not apply to gaseous hydrogen systems having a total hydrogen content of less than four hundred cubic feet, nor to hydrogen manufacturing plants or other establishments operated by the hydrogen supplier or ~~((his))~~ their agent for the purpose of storing hydrogen and refilling portable containers, trailers, mobile supply trucks, or tank cars.

(b) Liquefied hydrogen systems.

(i) WAC 296-24-31505 applies to the installation of liquefied hydrogen systems on consumer premises.

(ii) WAC 296-24-31505 does not apply to liquefied hydrogen portable containers of less than one hundred fifty liters (39.63 gallons) capacity; nor to liquefied hydrogen manufacturing plants or other establishments operated by the hydrogen supplier or ~~((his))~~ suppliers agent for the sole purpose of storing liquefied hydrogen and refilling portable containers, trailers, mobile supply trucks or tank cars.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-32001 Scope. This section applies to the installation of bulk oxygen systems on industrial and institutional consumer premises. This section does not apply to oxygen manufacturing plants or other establishments operated by the oxygen supplier or ~~((his))~~ suppliers agent for the purpose of storing oxygen and refilling portable containers, trailers, mobile supply trucks, or tank cars, nor to systems having capacities less than those stated in WAC 296-24-32003(1).

AMENDATORY SECTION (Amending Order 88-25, filed 11/14/88)

WAC 296-24-33005 Tank storage. (1) Design and construction of tanks.

(a) Materials.

(i) Tanks shall be built of steel except as provided in (1)(a)(ii) through (v) of this section.

(ii) Tanks may be built of materials other than steel for installation underground or if required by the properties of the liquid stored. Tanks located above ground or inside buildings shall be of noncombustible construction.

(iii) Tanks built of materials other than steel shall be designed to specifications embodying principles recognized as good engineering design for the material used.

(iv) Unlined concrete tanks may be used for storing flammable or combustible liquids having a gravity of 40°API or heavier. Concrete tanks with special lining may be used for other services provided the design is in accordance with sound engineering practice.

(v) Tanks may have combustible or noncombustible linings.

(vi) Special engineering consideration shall be required if the specific gravity of the liquid to be stored exceeds that of water or if the tanks are designed to contain flammable or combustible liquids at a liquid temperature below 0°F.

(b) Fabrication.

(i) Tanks may be of any shape or type consistent with sound engineering design.

(ii) Metal tanks shall be welded, riveted, and caulked, brazed, or bolted, or constructed by use of a combination of these methods. Filler metal used in brazing shall be nonferrous metal or an alloy having a melting point above 1000°F and below that of the metal joined.

(c) Atmospheric tanks.

(i) Atmospheric tanks shall be built in accordance with acceptable good standards of design. Atmospheric tanks may be built in accordance with:

(A) Underwriters' Laboratories, Inc., Subjects No. 142, Standard for Steel Aboveground Tanks for Flammable and Combustible Liquids, 1968; No. 58, Standards for Steel Underground Tanks for Flammable and COMBUSTIBLE Liquids, Fifth Edition, December 1961; or No. 80, Standard for Steel Inside Tanks for Oil-Burner Fuel, September 1963.

(B) American Petroleum Institute Standards No. 12A, Specification for Oil Storage Tanks with Riveted Shells, Seventh Edition, September 1951, or No. 650, Welded Steel Tanks for Oil Storage, Third Edition, 1966.

(C) American Petroleum Institute Standards No. 12B, Specification for Bolted Production Tanks, Eleventh Edition,

May 1958, and Supplement 1, March 1962; No. 12D, Specification for Large Welded Production Tanks, Seventh Edition, August 1957; or No. 12F, Specification for Small Welded Production Tanks, Fifth Edition, March 1961. Tanks built in accordance with these standards shall be used only as production tanks for storage of crude petroleum in oil-producing areas.

(ii) Tanks designed for underground service not exceeding 2,500 gallons capacity may be used aboveground.

(iii) Low-pressure tanks and pressure vessels may be used as atmospheric tanks.

(iv) Atmospheric tanks shall not be used for the storage of a flammable or combustible liquid at a temperature at or above its boiling point.

(d) Low pressure tanks.

(i) The normal operating pressure of the tank shall not exceed the design pressure of the tank.

(ii) Low-pressure tanks shall be built in accordance with acceptable standards of design. Low-pressure tanks may be built in accordance with:

(A) American Petroleum Institute Standard No. 620, Recommended Rules for the Design and Construction of Large, Welded, Low-Pressure Storage Tanks, Third Edition, 1966.

(B) The principles of the Code for Unfired Pressure Vessels, Section VIII of the ASME Boiler and Pressure Vessels Code, 1968.

(iii) Atmospheric tanks built according to the Underwriters' Laboratories, Inc., requirements in (1)(c)(i) of this section may be used for operating pressures not exceeding 1 p.s.i.g. and shall be limited to 2.5 p.s.i.g. under emergency venting conditions. Pressure vessels may be used as low-pressure tanks.

(e) Pressure vessels.

(i) The normal operating pressure of the vessel shall not exceed the design pressure of the vessel.

(ii) Pressure vessels shall be built in accordance with the Code for Unfired Pressure Vessels, Section VIII of the ASME Boiler and Pressure Vessel Code, 1968.

(f) Provisions for internal corrosion. When tanks are not designed in accordance with the American Petroleum Institute, American Society of Mechanical Engineers, or the Underwriters' Laboratories, Inc.'s standards, or if corrosion is anticipated beyond that provided for in the design formulas used, additional metal thickness or suitable protective coatings or linings shall be provided to compensate for the corrosion loss expected during the design life of the tank.

(2) Installation of outside aboveground tanks.

(a) Location with respect to property lines and public ways.

(i) Every aboveground tank for the storage of flammable or combustible liquids, except those liquids with boil-over characteristics and unstable liquids, operating at pressures not in excess of 2.5 p.s.i.g. and equipped with emergency venting which will not permit pressures to exceed 2.5 p.s.i.g. shall be located in accordance with Table H-5.

(ii) Every aboveground tank for the storage of flammable or combustible liquids, except those liquids with boil-over characteristics and unstable flammable or combustible liquids, operating at pressures exceeding 2.5 p.s.i.g. or equipped with emergency venting which will permit pres-

ures to exceed 2.5 p.s.i.g. shall be located in accordance with Table H-6.

(iii) Every aboveground tank for the storage of flammable or combustible liquids with boil-over characteristics shall be located in accordance with Table H-7.

(iv) Every aboveground tank for the storage of unstable liquids shall be located in accordance with Table H-8.

(v) Reference minimum distances for use in Tables H-5 to H-8 inclusive.

(vi) Where end failure or horizontal pressure tanks and vessels may expose property, the tank shall be placed with the longitudinal axis parallel to the nearest important exposure.

TABLE H-5

Type of tank	Protection	Minimum distance in feet from property line which may be built upon, including the opposite side of a public way.	Minimum distance in feet from nearest side of any public way or from nearest important building and shall be not less than 5 feet.
Floating roof	Protection for exposures.	1/2 times diameter of tank but need not exceed 90 ft.	1/6 times diameter of tank but need not exceed 30 ft.
	None	Diameter of tank but need not exceed 175 ft.	1/6 times diameter of tank but need not exceed 30 ft.
Vertical with weak roof to shell seam	Approved foam or inerting system on the tank.	1/2 times diameter of tank but need not exceed 90 ft. and shall not be less than 5 ft.	1/6 times diameter of tank but need not exceed 30 ft.
	Protection for exposures.	Diameter of tank but, need not exceed 175 ft.	1/3 times diameter of tank but need not exceed 60 ft.
Horizontal and vertical, with emergency relief venting to limit pressures to 2.5 p.s.i.g.	None	2 times diameter of tank but need not exceed 350 ft.	1/3 times diameter of tank but need not exceed 60 ft.
	Approved inerting system on the tank or approved foam system on vertical tanks.	1/2 times Table H-9 but shall not be less than 5 ft.	1/2 times Table H-9.
	Protection for exposures.	Table H-9	Table H-9
	None	2 times table	Table H-9

TABLE H-6

Type of tank	Protection	Minimum distance in feet from property line which may be built upon, including the opposite side of a public way.	Minimum distance in feet from nearest side of any public way or from nearest important building.
Any type	Protection for exposures.	1 1/2 times Table H-9 but shall not be less than 25 ft.	1 1/2 times Table H-9 but shall not be less than 25 ft.
	None	3 times Table H-9 but shall not be less than 50 ft.	1 1/2 times Table H-9 but shall not be less than 25 ft.

~~((iii) Every aboveground tank for the storage of flammable or combustible liquids with boil over characteristics shall be located in accordance with Table H-7.))~~

TABLE H-7

Type of tank	Protection	Minimum distance in feet from property line which may be built upon, including the opposite side of a public way.	Minimum distance in feet from nearest side of any public way or from nearest important building.
Floating roof	Protection for exposures.	Diameter of tank but need not exceed 175 ft.	1/3 times diameter of tank but need not exceed 60 ft.
	None	2 times diameter of tank but need not exceed 350 ft.	1/3 times diameter of tank but need not exceed 60 ft.
Fixed roof	Approved foam or inerting system.	Diameter of tank but need not exceed 175 ft.	1/3 times diameter of tank but need not exceed 60 ft.
	Protection for exposures.	2 times diameter of tank but need not exceed 350 ft.	2/3 times diameter of tank but need not exceed 120 ft.
	None	4 times diameter of tank but need not exceed 350 ft.	2/3 times diameter of tank but need not exceed 120 ft.

~~((iv) Every aboveground tank for the storage of unstable liquids shall be located in accordance with Table H-8.))~~

TABLE H-8

Type of tank	Protection	Minimum distance in feet from property line which may be built upon, including the opposite side of a public way.	Minimum distance in feet from nearest side of any public way or from nearest important building.
Horizontal and vertical tanks with emergency relief venting to permit pressure not in	Tank protected with any of the following: Approved water spray, approved inerting, approved insulation	See Table H-9, but the distance may be not less than 25 ft.	Not less than 25 ft.

Type of tank	Protection	Minimum distance in feet from property line which may be built upon, including the opposite side of a public way.	Minimum distance in feet from nearest side of any public way or from nearest important building.
Horizontal and vertical tanks with emergency relief venting to permit pressure over 2.5 p.s.i.g.	Tank protected with any one of the following: Approved water spray, approved inerting, approved insulation and refrigeration, approved barricade.	2 1/2 times Table H-9 but not less than 50 ft.	Not less than 50 ft.
	Protection for exposures.	2 1/2 times Table H-9 but not less than 50 ft.	Not less than 50 ft.
	None	5 times Table H-9 but not less than 100 ft.	Not less than 100 ft.
	Protection for exposures.	4 times Table H-9 but not less than 100 ft.	Not less than 100 ft.
	None	8 times Table H-9 but not less than 150 ft.	Not less than 150 ft.

~~((v) Reference minimum distances for use in Tables H-5 to H-8 inclusive.))~~

TABLE H-9

Capacity tank gallons	Minimum distance in feet from property line which may be built upon, including the opposite side of a public way.	Minimum distance in feet from nearest side of any public way or from nearest important building.
275 or less	5	5
276 to 750	10	5
751 to 12,000	15	5
12,001 to 30,000	20	5
30,001 to 50,000	30	10
50,001 to 100,000	50	15
100,001 to 500,000	80	25
500,001 to 1,000,000	100	35
1,000,001 to 2,000,000	135	45
2,000,001 to 3,000,000	165	55
3,000,001 or more	175	60

~~((vi) Where end failure or horizontal pressure tanks and vessels may expose property, the tank shall be placed with the longitudinal axis parallel to the nearest important exposure.))~~

(b) Spacing (shell-to-shell) between aboveground tanks.

(i) The distance between any two flammable or combustible liquid storage tanks shall not be less than 3 feet.

(ii) Except as provided in (2)(b)(iii) of this section, the distance between any two adjacent tanks shall not be less than one-sixth the sum of their diameters. When the diameter of one tank is less than one-half the diameter of the adjacent tank, the distance between the two tanks shall not be less than one-half the diameter of the smaller tank.

(iii) Where crude petroleum in conjunction with production facilities are located in noncongested areas and have capacities not exceeding 126,000 gallons (3,000 barrels), the distance between such tanks shall not be less than 3 feet.

(iv) Where unstable flammable or combustible liquids are stored, the distance between such tanks shall not be less than one-half the sum of their diameters.

(v) When tanks are compacted in three or more rows or in an irregular pattern, greater spacing or other means shall be provided so that inside tanks are accessible for fire fighting purposes.

(vi) The minimum separation between a liquefied petroleum gas container and a flammable or combustible liquid storage tank shall be 20 feet, except in the case of flammable or combustible liquid tanks operating at pressures exceeding 2.5 p.s.i.g. or equipped with emergency venting which will permit pressures to exceed 2.5 p.s.i.g. in which case the provisions of (2)(b)(i) and (ii) of this section shall apply. Suitable means shall be taken to prevent the accumulation of flammable or combustible liquids under adjacent liquefied petroleum gas containers such as by diversion curbs or grading. When flammable or combustible liquid storage tanks are within a diked area, the liquefied petroleum gas containers shall be outside the diked area and at least 10 feet away from the centerline of the wall of the diked area. The foregoing provisions shall not apply when liquefied petroleum gas containers of 125 gallons or less capacity are installed adjacent to fuel oil supply tanks of 550 gallons or less capacity.

(c) Location of outside aboveground tanks with respect to important buildings on same property. Every outside aboveground tank shall be separated from important buildings on the same property by distances not less than those specified in (2)(a)(i), (ii), (iii) and (iv) of this section, whichever is applicable. The appropriate distance column in Tables H-5, H-6, H-7, H-8, or H-9, that shall be used shall be the one reading: "Minimum distance in feet from nearest side of any public way or from nearest important building."

(d) Normal venting for aboveground tanks. (i) Atmospheric storage tanks shall be adequately vented to prevent the development of vacuum or pressure sufficient to distort the roof of a cone roof tank or exceed the design pressure in the case of other atmospheric tanks, as a result of filling or emptying, and atmospheric temperature changes.

(ii) Normal vents shall be sized either in accordance with: (A) The American Petroleum Institute Standard 2000 (1968), Venting Atmospheric and Low-Pressure Storage Tanks; or (B), other accepted standard; or (C) shall be at least as large as the filling or withdrawal connection, whichever is larger but in no case less than 1 1/4 inch nominal inside diameter.

(iii) Low-pressure tanks and pressure vessels shall be adequately vented to prevent development of pressure or vacuum, as a result of filling or emptying and atmospheric temperature changes, from exceeding the design pressure of the tank or vessel. Protection shall also be provided to prevent over-pressure from any pump discharging into the tank or vessel when the pump discharge pressure can exceed the design pressure of the tank or vessel.

(iv) If any tank or pressure vessel has more than one fill or withdrawal connection and simultaneous filling or

withdrawal can be made, the vent size shall be based on the maximum anticipated simultaneous flow.

(v) Unless the vent is designed to limit the internal pressure 2.5 p.s.i. or less, the outlet of vents and vent drains shall be arranged to discharge in such a manner as to prevent localized overheating of any part of the tank in the event vapors from such vents are ignited.

(vi) Tanks and pressure vessels storing Class IA liquids shall be equipped with venting devices which shall be normally closed except when venting to pressures or vacuum conditions. Tanks and pressure vessels storing Class IB and IC liquids shall be equipped with venting devices which shall be normally closed except when venting under pressure or vacuum conditions, or with approved flame arresters.

Exemption: Tanks of 3,000 bbls. capacity or less containing crude petroleum in crude-producing areas; and, outside above-ground atmospheric tanks under 1,000 gallons capacity containing other than Class IA flammable liquids may have open vents. (See (2)(f)(ii) of this section.)

(vii) Flame arresters or venting devices required in (2)(e)(vi) of this section may be omitted for Class IB and IC liquids where conditions are such that their use may, in case of obstruction, result in tank damage.

(e) Emergency relief venting for fire exposure for aboveground tanks.

(i) Every aboveground storage tank shall have some form of construction or device that will relieve excessive internal pressure caused by exposure fires.

(ii) In a vertical tank the construction referred to in (2)(e)(i) of this section may take the form of a floating roof, lifter roof, a weak roof-to-shell seam, or other approved pressure relieving construction. The weak roof-to-shell seam shall be constructed to fail preferential to any other seam.

(iii) Where entire dependence for emergency relief is placed upon pressure relieving devices, the total venting capacity of both normal and emergency vents shall be enough to prevent rupture of the shell or bottom of the tank if vertical, or of the shell or heads if horizontal. If unstable liquids are stored, the effects of heat or gas resulting from polymerization, decomposition, condensation, or self-reactivity shall be taken into account. The total capacity of both normal and emergency venting devices shall be not less than that derived from Table H-10 except as provided in (2)(e)(v) and (vi) of this section. Such device may be a self-closing manhole cover, or one using long bolts that permit the cover to lift under internal pressure, or an additional or larger relief valve or valves. The wetted area of the tank shall be calculated on the basis of 55 percent of the total exposed area of a sphere or ~~((spheroid [spheroid]))~~ spheroid, 75 percent of the total exposed area of a horizontal tank and the first 30 feet above grade of the exposed shell area of a vertical tank.

TABLE 10
WETTED AREA VERSUS CUBIC FEET
FREE AIR PER HOUR
(14.7 psia and 60°F)

Square feet	CFH	Square feet	CFH	Square feet	CFH
20	21,100	200	211,000	1,000	524,000
30	31,600	250	239,000	1,200	557,000
40	42,100	300	265,000	1,400	587,000
50	52,700	350	288,000	1,600	614,000
60	63,200	400	312,000	1,800	639,000
70	73,700	500	354,000	2,000	662,000
80	84,200	600	392,000	2,400	704,000
90	94,800	700	428,000	2,800	742,000
100	105,000	800	462,000	and	
120	126,000	900	493,000	over	
140	147,000	1,000	524,000		
160	168,000				
180	190,000				
200	211,000				

(iv) For tanks and storage vessels designed for pressure over 1 p.s.i.g., the total rate of venting shall be determined in accordance with Table H-10, except that when the exposed wetted area of the surface is greater than 2,800 square feet, the total rate of venting shall be calculated by the following formula:

$$CFH = 1,107A^{0.82}$$

Where:

CFH = Venting requirement, in cubic feet of free air per hour.

A = Exposed wetted surface, in square feet.

Note: The foregoing formula is based on Q = 21,000A^{0.82}.

(v) The total emergency relief venting capacity for any specific stable liquid may be determined by the following formula:

Cubic feet of free air per hour = V

$$V = \frac{1337}{L M}$$

V = Cubic feet of free air per hour from Table H-10.

L = Latent heat of vaporization of specific liquid in B.t.u. per pound.

M = Molecular weight of specific liquids.

(vi) The required airflow rate of (2)(e)(iii) or (v) of this section may be multiplied by the appropriate factor listed in the following schedule when protection is provided as indicated. Only one factor may be used for any one tank.

0.5 for drainage in accordance with (2)(g)(ii) of this section for tanks over 200 square feet of wetted area.

0.3 for approved water spray.

0.3 for approved insulation.

0.15 for approved water spray with approved insulation.

(vii) The outlet of all vents and vent drains on tanks equipped with emergency venting to permit pressures exceeding 2.5 p.s.i.g. shall be arranged to discharge in such

a way as to prevent localized overheating of any part of the tank, in the event vapors from such vents are ignited.

(viii) Each commercial tank venting device shall have stamped on it the opening pressure, the pressure at which the valve reaches the full open position, and the flow capacity at the latter pressure, expressed in cubic feet per hour of air at 60°F and at a pressure of 14.7 p.s.i.a.

(ix) The flow capacity of tank venting devices 12 inches and smaller in nominal pipe size shall be determined by actual test of each type and size of vent. These flow tests may be conducted by the manufacturer if certified by a qualified impartial observer, or may be conducted by an outside agency. The flow capacity of tank venting devices larger than 12 inches nominal pipe size, including manhole covers with long bolts or equivalent, may be calculated provided that the opening pressure is actually measured, the rating pressure and corresponding free orifice area are stated, the word "calculated" appears on the nameplate, and the computation is based on a flow coefficient of 0.5 applied to the rated orifice area.

(f) Vent piping for aboveground tanks.

(i) Vent piping shall be constructed in accordance with WAC 296-24-33007 of this section.

(ii) Where vent pipe outlets for tanks storing Class I liquids are adjacent to buildings or public ways, they shall be located so that the vapors are released at a safe point outside of buildings and not less than 12 feet above the adjacent ground level. In order to aid their dispersion, vapors shall be discharged upward or horizontally away from closely adjacent walls. Vent outlets shall be located so that flammable vapors will not be trapped by eaves or other obstructions and shall be at least five feet from building openings.

(iii) When tank vent piping is manifolded, pipe sizes shall be such as to discharge within the pressure limitations of the system, the vapors they may be required to handle when manifolded tanks are subject to the same fire exposure.

(g) Drainage, dikes, and walls for aboveground tanks.

(i) Drainage and diked areas. The area surrounding a tank or a group of tanks shall be provided with drainage as in (2)(g)(ii) of this section, or shall be diked as provided in (2)(g)(iii), to prevent accidental discharge of liquid from endangering adjoining property or reaching waterways.

(ii) Drainage. Where protection of adjoining property or waterways is by means of a natural or manmade drainage system, such systems shall comply with the following:

(A) A slope of not less than 1 percent away from the tank toward the drainage system shall be provided.

(B) The drainage system shall terminate in vacant land or other area or in an impounding basin having a capacity not smaller than that of the largest tank served. This termination area and the route of the drainage system shall be so located that, if the flammable or combustible liquids in the drainage system are ignited, the fire will not seriously expose tanks or adjoining property.

(C) The drainage system, including automatic drainage pumps, shall not discharge to adjoining property, natural water courses, public sewers, or public drains unless the discharge of flammable or combustible liquids would not constitute a hazard, or the system is so designed that it will not permit flammable or combustible liquids to be released.

(iii) Diked areas. Where protection of adjoining property or waterways is accomplished by retaining the

liquid around the tank by means of a dike, the volume of the diked area shall comply with the following requirements:

(A) Except as provided in (2)(g)(iii)(B) of this section, the volumetric capacity of the diked area shall not be less than the greatest amount of liquid that can be released from the largest tank within the diked area, assuming a full tank. The capacity of the diked area enclosing more than one tank shall be calculated by deducting the volume of the tanks other than the largest tank below the height of the dike.

(B) For a tank or group of tanks with fixed roofs containing crude petroleum with boilover characteristics, the volumetric capacity of the diked area shall be not less than the capacity of the largest tank served by the enclosure, assuming a full tank. The capacity of the diked enclosure shall be calculated by deducting the volume below the height of the dike of all tanks within the enclosure.

(C) Walls of the diked area shall be of earth, steel, concrete or solid masonry designed to be liquidtight and to withstand a full hydrostatic head. Earthen walls 3 feet or more in height shall have a flat section at the top not less than 2 feet wide. The slope of an earthen wall shall be consistent with the angle of repose of the material of which the wall is constructed.

(D) The walls of the diked area shall be restricted to an average height of 6 feet above interior grade.

(E) Where provision is made for draining water from diked areas, drainage shall be provided at a uniform slope of not less than 1 percent away from tanks toward a sump, drainbox, or other safe means of disposal located at the greatest practical distance from the tank. Such drains shall normally be controlled in a manner so as to prevent flammable or combustible liquids from entering natural water courses, public sewers, or public drains, if their presence would constitute a hazard. Control of drainage shall be accessible under fire conditions.

(F) No loose combustible material, empty or full drum or barrel, shall be permitted within the diked area.

(G) Each diked area containing two or more tanks shall be subdivided preferably by drainage channels or at least by intermediate curbs in order to prevent spills from endangering adjacent tanks within the diked area as follows:

(I) When storing normally stable liquids in vertical cone roof tanks constructed with weak roof-to-shell seam or approved floating roof tanks or when storing crude petroleum in producing areas in any type of tank, one subdivision for each tank in excess of 10,000 bbls. and one subdivision for each group of tanks (no tank exceeding 10,000 bbls. capacity) having an aggregate capacity not exceeding 15,000 bbls.

(II) When storing normally stable flammable or combustible liquids in tanks not covered in (g)(iii)(G)(I) of this subsection, one subdivision for each tank in excess of 100,000 gallons (2,500 bbls.) and one subdivision for each group of tanks (no tank exceeding 100,000 gallons capacity) having an aggregate capacity not exceeding 150,000 gallons (3,570 bbls.).

(III) When storing unstable liquids in any type of tank, one subdivision for each tank except that tanks installed in accordance with the drainage requirements of NFPA 15-1969, Standard for Water Spray Fixed Systems for Fire Protection shall require no additional subdivision.

(IV) The drainage channels or intermediate curbs shall be located between tanks so as to take full advantage of the available space with due regard for the individual tank capacities. Intermediate curbs, where used, shall be not less than 18 inches in height.

(h) Tank openings other than vents for aboveground tanks.

(i) Connections for all tank openings shall be vaportight and liquid tight. Vents are covered in (2)(d) through (f) of this section.

(ii) Each connection to an aboveground tank through which liquid can normally flow shall be provided with an internal or an external valve located as close as practical to the shell of the tank. Such valves, when external, and their connections to the tank shall be of steel except when the chemical characteristics of the liquid stored are incompatible with steel. When materials other than steel are necessary, they shall be suitable for the pressures, structural stresses, and temperatures involved, including fire exposures.

(iii) Each connection below the liquid level through which liquid does not normally flow shall be provided with a liquid tight closure. This may be a valve, plug, or blind, or a combination of these.

(iv) Openings for gaging shall be provided with a vapor tight cap or cover.

(v) For Class IB and Class IC liquids other than crude oils, gasolines, and asphalts, the fill pipe shall be so designed and installed as to minimize the possibility of generating static electricity. A fill pipe entering the top of a tank shall terminate within 6 inches of the bottom of the tank and shall be installed to avoid excessive vibration.

(vi) Filling and emptying connections which are made and broken shall be located outside of buildings at a location free from any source of ignition and not less than 5 feet away from any building opening. Such connection shall be closed and liquidtight when not in use. The connection shall be properly identified.

(3) Installation of underground tanks.

(a) Location. Excavation for underground storage tanks shall be made with due care to avoid undermining of foundations of existing structures. Underground tanks or tanks under buildings shall be so located with respect to existing building foundations and supports that the loads carried by the latter cannot be transmitted to the tank. The distance from any part of a tank storing Class I liquids to the nearest wall of any basement or pit shall be not less than 1 foot, and to any property line that may be built upon, not less than 3 feet. The distance from any part of a tank storing Class II or Class III liquids to the nearest wall of any basement, pit or property line shall not be less than 1 foot.

(b) Depth and cover. Underground tanks shall be set on firm foundations and surrounded with at least 6 inches of noncorrosive, inert materials such as clean sand, earth, or gravel well tamped in place. The tank shall be placed in the hole with care since dropping or rolling the tank into the hole can break a weld, puncture or damage the tank, or scrape off the protective coating of coated tanks. Tanks shall be covered with a minimum of 2 feet of earth or shall be covered with not less than 1 foot of earth, on top of which shall be placed a slab of reinforced concrete not less than 4 inches thick. When underground tanks are, or are likely to be, subject to traffic, they shall be protected against

damage from vehicles passing over them by at least 3 feet of earth cover, or 18 inches of well-tamped earth, plus 6 inches of reinforced concrete or 8 inches of asphaltic concrete. When asphaltic or reinforced concrete paving is used as part of the protection, it shall extend at least 1 foot horizontally beyond the outline of the tank in all directions.

(c) Corrosion protection. Corrosion protection for the tank and its piping shall be provided by one or more of the following methods:

- (i) Use of protective coatings or wrappings;
- (ii) Cathodic protection; or,
- (iii) Corrosion resistant materials of construction.
- (d) Vents.

(i) Location and arrangement of vents for Class I liquids. Vent pipes from tanks storing Class I liquids shall be so located that the discharge point is outside of buildings, higher than the fill pipe opening, and not less than 12 feet above the adjacent ground level. Vent pipes shall discharge only upward in order to disperse vapors. Vent pipes 2 inches or less in nominal inside diameter shall not be obstructed by devices that will cause excessive back pressure. Vent pipe outlets shall be so located that flammable vapors will not enter building openings, or be trapped under eaves or other obstructions. If the vent pipe is less than 10 feet in length, or greater than 2 inches in nominal inside diameter, the outlet shall be provided with a vacuum and pressure relief device or there shall be an approved flame arrester located in the vent line at the outlet or within the approved distance from the outlet.

(ii) Size of vents. Each tank shall be vented through piping adequate in size to prevent blow-back of vapor or liquid at the fill opening while the tank is being filled. Vent pipes shall be not less than 1 1/4 inch nominal inside diameter.

TABLE H-11
VENT LINE DIAMETERS

Maximum flow GPM	Pipe length*		
	50 feet	100 feet	200 feet
	Inches	Inches	Inches
100	1 1/4	1 1/4	1 1/4
200	1 1/4	1 1/4	1 1/4
300	1 1/4	1 1/4	1 1/2
400	1 1/4	1 1/2	2
500	1 1/2	1 1/2	2
600	1 1/2	2	2
700	2	2	2
800	2	2	3
900	2	2	3
1,000	2	2	3

*Vent lines of 50 ft., 100 ft., and 200 ft. of pipe plus 7 ells.

(iii) Location and arrangement of vents for Class II or Class III liquids. Vent pipes from tanks storing Class II or Class III flammable liquids shall terminate outside of the building and higher than the fill pipe opening. Vent outlets shall be above normal snow level. They may be fitted with return bends, coarse screens or other devices to minimize ingress of foreign material.

(iv) Vent piping shall be constructed in accordance with WAC 296-24-33007. Vent pipes shall be so laid as to drain toward the tank without sags or traps in which liquid can collect. They shall be located so that they will not be subjected to physical damage. The tank end of the vent pipe shall enter the tank through the top.

(v) When tank vent piping is manifolded, pipe sizes shall be such as to discharge, within the pressure limitations of the system, the vapors they may be required to handle when manifolded tanks are filled simultaneously.

(e) Tank openings other than vents.

(i) Connections for all tank openings shall be vapor or liquid tight.

(ii) Openings for manual gaging, if independent of the fill pipe, shall be provided with a liquid-tight cap or cover. If inside a building, each such opening shall be protected against liquid overflow and possible vapor release by means of a spring-loaded check valve or other approved device.

(iii) Fill and discharge lines shall enter tanks only through the top. Fill lines shall be sloped toward the tank.

(iv) For Class IB and Class IC liquids other than crude oils, gasolines, and asphalts, the fill pipe shall be so designed and installed as to minimize the possibility of generating static electricity by terminating within 6 inches of the bottom of the tank.

(v) Filling and emptying connections which are made and broken shall be located outside of buildings at a location free from any source of ignition and not less than 5 feet away from any building opening. Such connection shall be closed and liquid-tight when not in use. The connection shall be properly identified.

(4) Installation of tanks inside of buildings.

(a) Location. Tanks shall not be permitted inside of buildings except as provided in WAC 296-24-33011 and 296-24-33015 through 296-24-33019.

(b) Vents. Vents for tanks inside of buildings shall be as provided in (2)(d), (e), (f)(ii) and (3)(d) of this section, except that emergency venting by the use of weak roof seams on tanks shall not be permitted. Vents shall discharge vapors outside the buildings.

(c) Vent piping. Vent piping shall be constructed in accordance with WAC 296-24-33007.

(d) Tank openings other than vents.

(i) Connections for all tank openings shall be vapor or liquidtight. Vents are covered in (4)(b) of this section.

(ii) Each connection to a tank inside of buildings through which liquid can normally flow shall be provided with an internal or an external valve located as close as practical to the shell of the tank. Such valves, when external, and their connections to the tank shall be of steel except when the chemical characteristics of the liquid stored are incompatible with steel. When materials other than steel are necessary, they shall be suitable for the pressures, structural stresses, and temperatures involved, including fire exposures.

(iii) Flammable or combustible liquid tanks located inside of buildings, except in one-story buildings designed and protected for flammable or combustible liquid storage, shall be provided with an automatic-closing heat-actuated valve on each withdrawal connection below the liquid level, except for connections used for emergency disposal, to prevent continued flow in the event of fire in the vicinity of

the tank. This function may be incorporated in the valve required in (4)(d)(ii) of this section, and if a separate valve, shall be located adjacent to the valve required in (4)(d)(ii) of this section.

(iv) Openings for manual gaging, if independent of the fill pipe (see (4)(d)(vi) of this section), shall be provided with a vaportight cap or cover. Each such opening shall be protected against liquid overflow and possible vapor release by means of a spring loaded check valve or other approved device.

(v) For Class IB and Class IC liquids other than crude oils, gasolines, and asphalts, the fill pipe shall be so designed and installed as to minimize the possibility of generating static electricity by terminating within 6 inches of the bottom of the tank.

(vi) The fill pipe inside of the tank shall be installed to avoid excessive vibration of the pipe.

(vii) The inlet of the fill pipe shall be located outside of buildings at a location free from any source of ignition and not less than 5 feet away from any building opening. The inlet of the fill pipe shall be closed and liquidtight when not in use. The fill connection shall be properly identified.

(viii) Tanks inside buildings shall be equipped with a device, or other means shall be provided, to prevent overflow into the building.

(5) Supports, foundations, and anchorage for all tank locations.

(a) General. Tank supports shall be installed on firm foundations. Tank supports shall be of concrete, masonry, or protected steel. Single wood timber supports (not cribbing) laid horizontally may be used for outside above-ground tanks if not more than 12 inches high at their lowest point.

(b) Fire resistance. Steel supports or exposed piling shall be protected by materials having a fire resistance rating of not less than 2 hours, except that steel saddles need not be protected if less than 12 inches high at their lowest point. Water spray protection or its equivalent may be used in lieu of fire-resistive materials to protect supports.

(c) Spheres. The design of the supporting structure for tanks such as spheres shall receive special engineering consideration.

(d) Load distribution. Every tank shall be so supported as to prevent the excessive concentration of loads on the supporting portion of the shell.

(e) Foundations. Tanks shall rest on the ground or on foundations made of concrete, masonry, piling, or steel. Tank foundations shall be designed to minimize the possibility of uneven settling of the tank and to minimize corrosion in any part of the tank resting on the foundation.

(f) Flood areas. Where a tank is located in an area that may be subjected to flooding, the applicable precautions outlined in (5)(f) of this section shall be observed.

(i) No aboveground vertical storage tank containing a flammable or combustible liquid shall be located so that the allowable liquid level within the tank is below the established maximum flood stage, unless the tank is provided with a guiding structure such as described in (5)(f)(xiii), (xiv) and (xv) of this section.

(ii) Independent water supply facilities shall be provided at locations where there is no ample and dependable public

water supply available for loading partially empty tanks with water.

(iii) In addition to the preceding requirements, each tank so located that more than 70 percent, but less than 100 percent, of its allowable liquid storage capacity will be submerged at the established maximum flood stage, shall be safeguarded by one of the following methods: Tank shall be raised, or its height shall be increased, until its top extends above the maximum flood stage a distance equivalent to 30 percent or more of its allowable liquid storage capacity: *Provided, however,* That the submerged part of the tank shall not exceed two and one-half times the diameter. Or, as an alternative to the foregoing, adequate noncombustible structural guides, designed to permit the tank to float vertically without loss of product, shall be provided.

(iv) Each horizontal tank so located that more than 70 percent of its storage capacity will be submerged at the established flood stage, shall be anchored, attached to a foundation of concrete or of steel and concrete, of sufficient weight to provide adequate load for the tank when filled with flammable or combustible liquid and submerged by flood waters to the established flood stage, or adequately secured by other means.

(v) Spherical and spheroidal tanks shall be protected by applicable methods as specified for either vertical or horizontal tanks.

(vi) At locations where there is no ample and dependable water supply, or where filling of underground tanks with liquid is impracticable because of the character of their contents, their use, or for other reasons, each tank shall be safeguarded against movement when empty and submerged by high ground water or flood waters by anchoring, weighting with concrete or other approved solid loading material, or securing by other means. Each such tank shall be so constructed and installed that it will safely resist external pressures due to high ground water or flood waters.

(vii) At locations where there is an ample and dependable water supply available, underground tanks containing flammable or combustible liquids, so installed that more than 70 percent of their storage capacity will be submerged at the maximum flood stage, shall be so anchored, weighted, or secured by other means, as to prevent movement of such tanks when filled with flammable or combustible liquids, and submerged by flood waters to the established flood stage.

(viii) Pipe connections below the allowable liquid level in a tank shall be provided with valves or cocks located as closely as practicable to the tank shell. Such valves and their connections to tanks shall be of steel or other material suitable for use with the liquid being stored. Cast iron shall not be used.

(ix) At locations where an independent water supply is required, it shall be entirely independent of public power and water supply. Independent source of water shall be available when flood waters reach a level not less than 10 feet below the bottom of the lowest tank on a property.

(x) The self-contained power and pumping unit shall be so located or so designed that pumping into tanks may be carried on continuously throughout the rise in flood waters from a level 10 feet below the lowest tank to the level of the potential flood stage.

(xi) Capacity of the pumping unit shall be such that the rate of rise of water in all tanks shall be equivalent to the

established potential average rate of rise of flood waters at any stage.

(xii) Each independent pumping unit shall be tested periodically to insure that it is in satisfactory operating condition.

(xiii) Structural guides for holding floating tanks above their foundations shall be so designed that there will be no resistance to the free rise of a tank, and shall be constructed of noncombustible material.

(xiv) The strength of the structure shall be adequate to resist lateral movement of a tank subject to a horizontal force in any direction equivalent to not less than 25 pounds per square foot acting on the projected vertical cross-sectional area of the tank.

(xv) Where tanks are situated on exposed points or bends in a shoreline where swift currents in flood waters will be present, the structures shall be designed to withstand a unit force of not less than 50 pounds per square foot.

(xvi) The filling of a tank to be protected by water loading shall be started as soon as flood waters reach a dangerous flood stage. The rate of filling shall be at least equal to the rate of rise of the floodwaters (or the established average potential rate of rise).

(xvii) Sufficient fuel to operate the water pumps shall be available at all times to insure adequate power to fill all tankage with water.

(xviii) All valves on connecting pipelines shall be closed and locked in closed position when water loading has been completed.

(xix) Where structural guides are provided for the protection of floating tanks, all rigid connections between tanks and pipelines shall be disconnected and blanked off or banded before the floodwaters reach the bottom of the tank, unless control valves and their connections to the tank are of a type designed to prevent breakage between the valve and the tank shell.

(xx) All valves attached to tanks other than those used in connection with water loading operations shall be closed and locked.

(xxi) If a tank is equipped with a swing line, the swing pipe shall be raised to and secured at its highest position.

(xxii) Inspections. The director or his/her designated representative shall make periodic inspections of all plants where the storage of flammable or combustible liquids is such as to require compliance with the foregoing requirements, in order to assure the following:

(A) That all flammable or combustible liquid storage tanks are in compliance with these requirements and so maintained.

(B) That detailed printed instructions of what to do in flood emergencies are properly posted.

(C) That station operators and other employees dependent upon to carry out such instructions are thoroughly informed as to the location and operation of such valves and other equipment necessary to effect these requirements.

(g) Earthquake areas. In areas subject to earthquakes, the tank supports and connections shall be designed to resist damage as a result of such shocks.

(6) Sources of ignition. In locations where flammable vapors may be present, precautions shall be taken to prevent ignition by eliminating or controlling sources of ignition. Sources of ignition may include open flames, lightning,

smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, and mechanical), spontaneous ignition, chemical and physical-chemical reactions, and radiant heat.

(7) Testing.

(a) General. All tanks, whether shop built or field erected, shall be strength tested before they are placed in service in accordance with the applicable sections of the code under which they were built. The American Society of Mechanical Engineers (ASME) code stamp. American Petroleum Institute (API) monogram, or the label of the Underwriters' Laboratories, Inc., on a tank shall be evidence of compliance with this strength test. Tanks not marked in accordance with the above codes shall be strength tested before they are placed in service in accordance with good engineering principles and reference shall be made to the sections on testing in the codes listed in (l)(c)(i), (d)(ii) or (e)(ii) of this section.

(b) Strength. When the vertical length of the fill and vent pipes is such that when filled with liquid the static head imposed upon the bottom of the tank exceeds 10 pounds per square inch, the tank and related piping shall be tested hydrostatically to a pressure equal to the static head thus imposed.

(c) Tightness. In addition to the strength test called for in (7)(a) and (b), all tanks and connections shall be tested for tightness. Except for underground tanks, this tightness test shall be made at operating pressure with air, inert gas, or water prior to placing the tank in service. In the case of field-erected tanks the strength test may be considered to be the test for tank tightness. Underground tanks and piping, before being covered, enclosed, or placed in use, shall be tested for tightness hydrostatically, or with air pressure at not less than 3 pounds per square inch and not more than 5 pounds per square inch.

(d) Repairs. All leaks or deformations shall be corrected in an acceptable manner before the tank is placed in service. Mechanical caulking is not permitted for correcting leaks in welded tanks except pinhole leaks in the roof.

(e) Derated operations. Tanks to be operated at pressures below their design pressure may be tested by the applicable provisions of (7)(a) or (b) based upon the pressure developed under full emergency venting of the tank.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-24-33009 Container and portable tank storage. (1) Scope.

(a) General. This section shall apply only to the storage of flammable or combustible liquids in drums or other containers (including flammable aerosols) not exceeding 60 gallons individual capacity and those portable tanks not exceeding 660 gallons individual capacity.

(b) Exceptions. This section shall not apply to the following:

(i) Storage of containers in bulk plants, service stations, refineries, chemical plants, and distilleries;

(ii) Class I or Class II liquids in the fuel tanks of a motor vehicle, aircraft, boat, or portable or stationary engine;

(iii) Flammable or combustible paints, oils, varnishes, and similar mixtures used for painting or maintenance when not kept for a period in excess of 30 days;

(iv) Beverages when packaged in individual containers not exceeding 1 gallon in size.

(2) Design, construction, and capacity of containers.

(a) General. Only approved containers and portable tanks shall be used. Metal containers and portable tanks meeting the requirements of and containing products authorized by Chapter I, Title 49 of the Code of Federal Regulations - October 1, 1972, (regulations issued by the hazardous materials regulations board, department of transportation), shall be deemed to be acceptable.

(b) Emergency venting. Each portable tank shall be provided with one or more devices installed in the top with sufficient emergency venting capacity to limit internal pressure under fire exposure conditions to 10 p.s.i.g., or 30 percent of the bursting pressure of the tank, whichever is greater. The total venting capacity shall be not less than that specified in WAC 296-24-33005 (2)(e)(iii) or (v). At least one pressure-actuated vent having a minimum capacity of 6,000 cubic feet of free air (14.7 p.s.i.a. and 60°F) shall be used. It shall be set to open at not less than 5 p.s.i.g. If fusible vents are used, they shall be actuated by elements that operate at a temperature not exceeding 300°F.

TABLE H-12
MAXIMUM ALLOWABLE SIZE OF
CONTAINERS AND PORTABLE TANKS

Container Type	Flammable liquids			Combustible Liquids	
	Class IA	Class IB	Class IC	Class II	Class & III
Glass or approved plastic _____	1 pt.	1 qu.	1 gal.	1 gal.	1 gal.
Metal (other than DOT drums) —	1 gal.	5 gal.	5 gal.	5 gal.	5 gal.
Safety cans _____	2 gal.	5 gal.	5 gal.	5 gal.	5 gal.
Metal drums (DOT spec.) _____	60 gal.	60 gal.	60 gal.	60 gal.	60 gal.
Approved portable tanks _____	660 gal.	660 gal.	660 gal.	660 gal.	660 gal.

Container exemptions:

(i) Medicines, beverages, foodstuffs, cosmetics and other common consumer items, when packaged according to commonly accepted practices, shall be exempt from the requirements of (4)(a) and (b) of this section.

(c) Size. Flammable and combustible liquid containers shall be in accordance with Table H-12, except that glass or plastic containers of no more than 1-gallon capacity may be used for a Class IA or IB flammable liquid if:

(i) Such liquid either would be rendered unfit for its intended use by contact with metal or would excessively corrode a metal container so as to create a leakage hazard; and

(ii) The user's process either would require more than 1 pint of Class IA liquid or more than 1 quart of a Class IB liquid of a single assay lot to be used at one time, or would require the maintenance of an analytical standard liquid of a quality which is not met by the specified standards of liquids available, and the quantity of the analytical standard liquid

required to be used in any one control process exceeds one-sixteenth the capacity of the container allowed under Table H-12 for the class of liquid; or

(iii) The containers are intended for direct export outside the United States.

(3) Design, construction, and capacity of storage cabinets.

(a) Maximum capacity. Not more than 60 gallons of Class I or Class II liquids, nor more than 120 gallons of Class III liquids may be stored in a storage cabinet.

(b) Fire resistance. Storage cabinets shall be designed and constructed to limit the internal temperature to not more than 325°F when subjected to a 10-minute fire test using the standard time-temperature curve as set forth in Standard Methods of Fire Tests of Building Construction and Materials, NFPA 251-1969. All joints and seams shall remain tight and the door shall remain securely closed during the fire test. Cabinets shall be labeled "Flammable—Keep fire away," to meet specifications set forth in WAC 296-24-140.

(i) Metal cabinets constructed in the following manner shall be deemed to be in compliance. The bottom, top, door, and sides of cabinet shall be at least No. 18 gage sheet iron and double walled with 1 1/2-inch air space. Joints shall be riveted, welded or made tight by some equally effective means. The door shall be provided with a three-point lock, and the door sill shall be raised at least 2 inches above the bottom of the cabinet.

(ii) Wooden cabinets constructed in the following manner shall be deemed in compliance. The bottom, sides, and top shall be constructed of an approved grade of plywood at least 1 inch in thickness, which shall not break down or delaminate under fire conditions. All joints shall be rabbetted and shall be fastened in two directions with flathead woodscrews. When more than one door is used, there shall be a rabbetted overlap of not less than 1 inch. Hinges shall be mounted in such a manner as not to lose their holding capacity due to loosening or burning out of the screws when subjected to the fire test.

(4) Design and construction of inside storage rooms.

(a) Construction. Inside storage rooms shall be constructed to meet the required fire-resistive rating for their use. Such construction shall comply with the test specifications set forth in Standard Methods of Fire Tests of Building Construction and Materials, NFPA 251-1969. Where an automatic sprinkler system is provided, the system shall be designed and installed in an acceptable manner. Openings to other rooms or buildings shall be provided with noncombustible liquid-tight raised sills or ramps at least 4 inches in height, or the floor in the storage area shall be at least 4 inches below the surrounding floor. Openings shall be provided with approved self-closing fire doors. The room shall be liquid tight where the walls join the floor. A permissible alternate to the sill or ramp is an open-grated trench inside of the room which drains to a safe location. Where other portions of the building or other properties are exposed, windows shall be protected as set forth in the Standard for Fire Doors and Windows, NFPA No. 80-1968, for Class E or F openings. Wood at least 1 inch nominal thickness may be used for shelving, racks, dunnage, scuff boards, floor overlay, and similar installations.

(b) Rating and capacity. Storage in inside storage rooms shall comply with Table H-13.

TABLE H-13
STORAGE IN INSIDE ROOMS

Fire protection* provided	Fire resistance	Maximum size	Total allowable quantities (gals./sq. ft./floor area)
Yes	2 hours	500 sq.ft.	10
No	2 hours	500 sq.ft.	4
Yes	1 hour	150 sq.ft.	5
No	1 hour	150 sq.ft.	2

* Fire protection system shall be sprinkler, water spray, carbon dioxide, or other system.

(c) Wiring. Electrical wiring and equipment within inside storage rooms used to store Class I liquids shall comply with the provisions of chapter 296-24 WAC Part L for Class I, Division 2 locations. For inside storage rooms used to store Class II and III liquids the pertinent provisions chapter 296-24 WAC Part L apply.

(d) Ventilation. Every inside storage room shall be provided with either a gravity or a mechanical exhaust ventilation system. Such system shall be designed to provide for a complete change of air within the room at least six times per hour. If a mechanical exhaust system is used, it shall be controlled by a switch located outside of the door. The ventilating equipment and any lighting fixtures shall be operated by the same switch. A pilot light shall be installed adjacent to the switch if Class I flammable liquids are dispensed within the room. Where gravity ventilation is provided, the fresh air intake, as well as the exhaust outlet from the room, shall be on the exterior of the building in which the room is located.

(e) Storage in inside storage rooms. In every inside storage room there shall be maintained one clear aisle at least 3 feet wide. Containers over 30 gallons capacity shall not be stacked one upon the other. Dispensing shall be by approved pump or self-closing faucet only.

(5) Storage inside building.

(a) Egress. Flammable or combustible liquids, including stock for sale, shall not be stored so as to limit use of exits, stairways, or areas normally used for the safe egress of people.

(b) Containers. The storage of flammable or combustible liquids in containers or portable tanks shall comply with (4)(c) through (e) of this section.

(c) Office occupancies. Storage shall be prohibited except that which is required for maintenance and operation of building and operation of equipment. Such storage shall be kept in closed metal containers stored in a storage cabinet or in safety cans or in an inside storage room not having a door that opens into that portion of the building used by the public.

(d) Mercantile occupancies and other retail stores.

(i) In rooms or areas accessible to the public, storage shall be limited to quantities needed for display and normal merchandising purposes but shall not exceed 2 gallons per square foot of gross floor area. The gross floor area used for computing the maximum quantity permitted shall be

considered as that portion of the store actually being used for merchandising flammable and combustible liquids.

(ii) Where the aggregate quantity of additional stock exceeds 60 gallons of Class IA, or 120 gallons of Class IB, or 180 gallons of Class IC, or 240 gallons of Class II, or 500 gallons of Class III liquids, or any combination of Class I and Class II liquids exceeding 240 gallons, it shall be stored in a room or portion of the building that complies with the construction provisions for an inside storage room as prescribed in (4) of this section. For water miscible liquids, these quantities may be doubled.

(iii) Containers in a display area shall not be stacked more than 3 feet or two containers high, whichever is the greater, unless the stacking is done on fixed shelving or is otherwise satisfactorily secured.

(iv) Shelving shall be of stable construction, of sufficient depth and arrangement such that containers displayed thereon shall not be easily displaced.

(v) Leaking containers shall be removed to a storage room or taken to a safe location outside the building and the contents transferred to an undamaged container.

(e) General purpose public warehouses. Storage shall be in accordance with Table H-14 or H-15 and in buildings or in portions of such buildings cut off by standard firewalls. Material creating no fire exposure hazard to the flammable or combustible liquids may be stored in the same area.

TABLE H-14
INDOOR CONTAINER STORAGE

Class liquid	Storage level	Protected storage maximum per pile		Unprotected storage maximum per pile	
		Gal.	Ht.	Gal.	Ht.
IA	Ground and upper floors	2,750 (50)	3 ft. (1)	660 (12)	3 ft. (1)
	Basement	Not permitted		Not permitted	
IB	Ground and upper floors	5,500 (100)	6 ft. (2)	1,375 (25)	3 ft. (1)
	Basement	Not permitted		Not permitted	
IC	Ground and upper floors	16,500 (300)	6 ft. (2)	4,125 (75)	3 ft. (1)
	Basement	Not permitted		Not permitted	
II	Ground and upper floors	16,500 (300)	9 ft. (3)	4,125 (75)	9 ft. (3)
	Basement	5,500 (100)	9 ft. (3)	Not permitted	
III	Ground and upper floors	55,000 (1,000)	15 ft. (5)	13,750 (250)	12 ft. (4)
	Basement	8,250 (450)	9 ft. (3)	Not permitted	

Note 1: When 2 or more classes of materials are stored in a single pile, the maximum gallonage permitted in that pile shall be the smallest of the 2 or more separate maximum gallonages.

Note 2: Aisles shall be provided so that no container is more than 12 ft. from an aisle. Main aisles shall be at least 8 ft. wide and side aisles at least 4 ft. wide.

(Numbers in parentheses indicate corresponding number of 55-gal. drums.)

Note 3: Each pile shall be separated from each other by at least 4 ft.

TABLE H-15
INDOOR PORTABLE TANK STORAGE

Class liquid	Storage level	Protected storage maximum per pile		Unprotected storage maximum per pile	
		Gals.	Ht.	Gals.	Ht.
IA	Ground and upper floors	Not permitted		Not permitted	
	Basement	Not permitted		Not permitted	
IB	Ground and upper floors	20,000	7 ft.	2,000	7 ft.
	Basement	Not permitted		Not permitted	
IC	Ground and upper floors	40,000	14 ft.	5,500	7 ft.
	Basement	Not permitted		Not permitted	
II	Ground and upper floors	40,000	14 ft.	5,500	7 ft.
	Basement	20,000	7 ft.	Not permitted	
III	Ground and upper floors	60,000	14 ft.	22,000	7 ft.
	Basement	20,000	7 ft.	Not permitted	

Note 1: When 2 or more classes of materials are stored in a single pile, the maximum gallonage permitted in that pile shall be the smallest of the 2 or more separate maximum gallonages.

Note 2: Aisles shall be provided so that no portable tank is more than 12 ft. from an aisle. Main aisles shall be at least 8 ft. wide and side aisles at least 4 ft. wide.

Note 3: Each pile shall be separated from each other by at least 4 ft.

(f) Flammable and combustible liquid warehouses or storage buildings.

(i) If the storage building is located 50 feet or less from a building or line of adjoining property that may be built upon, the exposing wall shall be a blank wall having a fire-resistance rating of at least 2 hours.

(ii) The total quantity of liquids within a building shall not be restricted, but the arrangement of storage shall comply with Table H-14 or H-15.

(iii) Containers in piles shall be separated by pallets or dunnage where necessary to provide stability and to prevent excessive stress on container walls.

(iv) Portable tanks stored over one tier high shall be designed to nest securely, without dunnage and adequate materials handling equipment shall be available to handle tanks safely at the upper tier level.

(v) No pile shall be closer than 3 feet to the nearest beam, chord, girder, or other obstruction, and shall be 3 feet below sprinkler deflectors or discharge orifices of water spray, or other overhead fire protection systems.

(vi) Aisles of at least 3 feet wide shall be provided where necessary for reasons of access to doors, windows or standpipe connections.

(6) Storage outside buildings.

(a) General. Storage outside buildings shall be in accordance with Table H-16 or H-17, and (6)(b) and (d) of this section.

TABLE H-16
OUTDOOR CONTAINER STORAGE

1 Class	2 Maximum per pile (see note 1)	3 Distance between piles (see note 2)	4 Distance to property line that can be built upon (see notes 3 & 4)	5 Distance to street, alley, public way (see note 4)
	gal.	ft.	ft.	ft.
IA	1,100	5	20	10
IB	2,200	5	20	10
IC	4,400	5	20	10
II	8,800	5	10	5
III	22,000	5	10	5

Note 1: When 2 or more classes of materials are stored in a single pile, the maximum gallonage in that pile shall be the smallest of the 2 or more separate gallonages.

Note 2: Within 200 ft. of each container, there shall be 12-ft. wide access way to permit approach of fire control apparatus.

Note 3: The distances listed apply to properties that have protection for exposures as defined. If there are exposures, and such protection for exposures does not exist, the distances in column 4 shall be doubled.

Note 4: When total quantity stored does not exceed 50 percent of maximum per pile, the distances in columns 4 and 5 may be reduced 50 percent, but not less than 3 ft.

(b) Maximum storage. A maximum of 1,100 gallons of flammable or combustible liquids may be located adjacent to buildings located on the same premises and under the same management provided the provisions of (6)(b)(i) and (ii) are complied with.

(i) The building shall be a one-story building devoted principally to the handling and storing of flammable or combustible liquids or the building shall have 2 hour fire-resistive exterior walls having no opening within 10 feet of such storage.

(ii) Where quantity stored exceeds 1,100 gallons, or provisions of (6)(b)(i) cannot be met, a minimum distance of 10 feet between buildings and nearest container of flammable or combustible liquid shall be maintained.

TABLE H-17
OUTDOOR PORTABLE TANK STORAGE

1 Class	2 Maximum per pile	3 Distance between piles	4 Distance to property line that can be built upon	5 Distance to street, alley, public way
	gal.	ft.	ft.	ft.
IA	2,200	5	20	10
IB	4,400	5	20	10
IC	8,800	5	20	10

II _____	17,600	5	10	5
III _____	44,000	5	10	5

- Note 1: When 2 or more classes of materials are stored in a single pile, the maximum gallonage in that pile shall be the smallest of the 2 or more separate gallonages.
- Note 2: Within 200 ft. of each portable tank, there shall be a 12-ft. wide access way to permit approach of fire control apparatus.
- Note 3: The distances listed apply to properties that have protection for exposures as defined. If there are exposures, and such protection for exposures does not exist, the distances in column 4 shall be doubled.
- Note 4: When total quantity stored does not exceed 50 percent of maximum per pile, the distances in columns 4 and 5 may be reduced 50 percent, but not less than 3 ft.

(c) Spill containment. The storage area shall be graded in a manner to divert possible spills away from buildings or other exposures or shall be surrounded by a curb at least 6 inches high. When curbs are used, provisions shall be made for draining of accumulations of ground or rain water or spills of flammable or combustible liquids. Drains shall terminate at a safe location and shall be accessible to operation under fire conditions.

(d) Security. The storage area shall be protected against tampering or trespassers where necessary and shall be kept free of weeds, debris and other combustible material not necessary to the storage.

(7) Fire control.

(a) Extinguishers. Suitable fire control devices, such as small hose or portable fire extinguishers, shall be available at locations where flammable or combustible liquids are stored.

(i) At least one portable fire extinguisher having a rating of not less than 12-B units shall be located outside of, but not more than 10 feet from, the door opening into any room used for storage.

(ii) At least one portable fire extinguisher having a rating of not less than 12-B units must be located not less than 10 feet, nor more than 25 feet, from any Class I or Class II liquid storage area located outside of a storage room but inside a building.

(b) Sprinklers. When sprinklers are provided, they shall be installed in accordance with ~~((WAC 296-24-605 through 296-24-60509))~~ chapter 296-24 WAC, Part G-3.

(c) Open flames and smoking. Open flames and smoking shall not be permitted in flammable or combustible liquid storage areas.

(d) Water reactive materials. Materials which will react with water shall not be stored in the same room with flammable or combustible liquids.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-24-33011 Industrial plants. (1) Scope.

(a) Application. This ~~((paragraph))~~ section shall apply to those industrial plants where:

(i) The use of flammable or combustible liquids is incidental to the principal business, or

(ii) Where flammable or combustible liquids are handled or used only in unit physical operations such as mixing, drying, evaporating, filtering, distillation, and similar operations which do not involve chemical reaction. This

section shall not apply to chemical plants, refineries or distilleries.

(b) Exceptions. Where portions of such plants involve chemical reactions such as oxidation, reduction, halogenation, hydrogenation, alkylation, polymerization, and other chemical processes, those portions of the plant shall be in accordance with WAC 296-24-33017.

(2) Incidental storage or use of flammable and combustible liquids.

(a) Application. This shall be applicable to those portions of an industrial plant where the use and handling of flammable or combustible liquids is only incidental to the principal business, such as automobile assembly, construction of electronic equipment, furniture manufacturing, or other similar activities.

(b) Containers. Flammable or combustible liquids shall be stored in tanks or closed containers.

(i) Except as provided in (b)(ii) and (iii) of this subsection all storage shall comply with WAC 296-24-33009 (3) or (4).

(A) When the only operation involved is the storage of flammables in containers or tanks that are closed and remain closed throughout the storage, WAC 296-24-33009(5) and tables H-14 and H-15 will apply.

(B) When the procedure involved is mixing, transferring, or other exposure of liquids to vaporization through operational procedures in which containers or tanks do not remain closed in the storage area, WAC 296-24-33009(4) and table H-13 shall be used to determine permissible quantities.

(ii) The quantity of liquid that may be located outside of an inside storage room or storage cabinet in a building or in any one fire area of a building shall not exceed:

(A) Twenty-five gallons of Class IA liquids in containers.

(B) One hundred twenty gallons of Class IB, IC, II, or III liquids in containers.

(C) Six hundred sixty gallons of Class IB, IC, II, or III liquids in a single portable tank.

(iii) Where large quantities of flammable or combustible liquids are necessary, storage may be in tanks which shall comply with the applicable requirements of WAC 296-24-33005.

(c) Separation and protection. Areas in which flammable or combustible liquids are transferred from one tank or container to another container shall be separated from other operations in the building by adequate distance or by construction having adequate fire resistance. Drainage or other means shall be provided to control spills. Adequate natural or mechanical ventilation shall be provided.

(d) Handling liquids at point of final use.

(i) Flammable liquids shall be kept in covered containers when not actually in use.

(ii) Where flammable or combustible liquids are used or handled, except in closed containers, means shall be provided to dispose promptly and safely of leakage or spills.

(iii) Class I liquids may be used only where there are no open flames or other sources of ignition within the possible path of vapor travel.

(iv) Flammable or combustible liquids shall be drawn from or transferred into vessels, containers, or portable tanks within a building only through a closed piping system, from

safety cans, by means of a device drawing through the top, or from a container or portable tanks by gravity through an approved self-closing valve. Transferring by means of air pressure on the container or portable tanks shall be prohibited.

(3) Unit physical operations.

(a) Application. This subsection (3) shall be applicable in those portions of industrial plants where flammable or combustible liquids are handled or used in unit physical operations such as mixing, drying, evaporating, filtering, distillation, and similar operations which do not involve chemical change. Examples are plants compounding cosmetics, pharmaceuticals, solvents, cleaning fluids, insecticides, and similar types of activities.

(b) Location. Industrial plants shall be located so that each building or unit of equipment is accessible from at least one side for fire fighting and fire control purposes. Buildings shall be located with respect to lines of adjoining property which may be built upon as set forth in WAC 296-24-33017 (2)(a) and (b) except that the blank wall referred to in WAC 296-24-33017 (2)(b) shall have a fire resistance rating of at least two hours.

(c) Chemical processes. Areas where unstable liquids are handled or small scale unit chemical processes are carried on shall be separated from the remainder of the plant by a fire wall of two-hour minimum fire resistance rating.

(d) Drainage.

(i) Emergency drainage systems shall be provided to direct flammable or combustible liquid leakage and fire protection water to a safe location. This may require curbs, scuppers, or special drainage systems to control the spread of fire; see WAC 296-24-33005 (2)(g)(ii).

(ii) Emergency drainage systems, if connected to public sewers or discharged into public waterways, shall be equipped with traps or separators.

(iii) The industrial plant shall be designed and operated to prevent the normal discharge of flammable or combustible liquids into public waterways, public sewers, or adjoining property.

(e) Ventilation.

(i) Areas as defined in subsection (1)(a) of this section using Class I liquids shall be ventilated at a rate of not less than one cubic foot per minute per square foot of solid floor area. This shall be accomplished by natural or mechanical ventilation with discharge or exhaust to a safe location outside of the building. Provision shall be made for introduction of makeup air in such a manner as not to short circuit the ventilation. Ventilation shall be arranged to include all floor areas or pits where flammable vapors may collect.

(ii) Equipment used in a building and the ventilation of the building shall be designed so as to limit flammable vapor-air mixtures under normal operating conditions to the interior of equipment, and to not more than five feet from equipment which exposes Class I liquids to the air. Examples of such equipment are dispensing stations, open centrifuges, plate and frame filters, open vacuum filters, and surfaces of open equipment.

(f) Storage and handling. The storage, transfer, and handling of liquid shall comply with WAC 296-24-33017(4) ((of this section)).

(4) Tank vehicle and tank car loading and unloading.

Tank vehicle and tank car loading or unloading facilities shall be separated from aboveground tanks, warehouses, other plant buildings or nearest line of adjoining property which may be built upon by a distance of twenty-five feet for Class I liquids and fifteen feet for Class II and Class III liquids measured from the nearest position of any fill stem. Buildings for pumps or shelters for personnel may be a part of the facility. Operations of the facility shall comply with the appropriate portions of WAC 296-24-33013(3).

(5) Fire control.

(a) Portable and special equipment. Portable fire extinguishment and control equipment shall be provided in such quantities and types as are needed for the special hazards of operation and storage.

(b) Water supply. Water shall be available in volume and at adequate pressure to supply water hose streams, foam-producing equipment, automatic sprinklers, or water spray systems as the need is indicated by the special hazards of operation, dispensing and storage.

(c) Special extinguishers. Special extinguishing equipment such as that utilizing foam, inert gas, or dry chemical shall be provided as the need is indicated by the special hazards of operation dispensing and storage.

(d) Special hazards. Where the need is indicated by special hazards of operation, flammable or combustible liquid processing equipment, major piping, and supporting steel shall be protected by approved water spray systems, deluge systems, approved fire-resistant coatings, insulation, or any combination of these.

(e) Maintenance. All plant fire protection facilities shall be adequately maintained and periodically inspected and tested to make sure they are always in satisfactory operating condition, and they will serve their purpose in time of emergency.

(6) Sources of ignition.

(a) General. Adequate precautions shall be taken to prevent the ignition of flammable vapors. Sources of ignition include but are not limited to open flames; lightning; smoking; cutting and welding; hot surfaces; frictional heat; static, electrical and mechanical sparks; spontaneous ignition, including heat-producing chemical reactions; and radiant heat.

(b) Grounding. Class I liquids shall not be dispensed into containers unless the nozzle and container are electrically interconnected. Where the metallic floorplate on which the container stands while filling is electrically connected to the fill stem or where the fill stem is bonded to the container during filling operations by means of a bond wire, the provisions of these standards shall be deemed to have been complied with.

(7) Electrical.

(a) All electrical wiring and equipment shall be installed according to chapter 296-24 WAC Part L.

(b) Locations where flammable vapor-air mixtures may exist under normal operations shall be classified Class I, Division 1 according to the requirements of chapter 296-24 WAC Part L. For those pieces of equipment installed in accordance with the requirements of subsection (3)(e)(ii) of this section, the Division 1 area shall extend five feet in all directions from all points of vapor liberation. All areas within pits shall be classified Division 1 if any part of the pit

is within a Division 1 or 2 classified area, unless the pit is provided with mechanical ventilation.

(c) Locations where flammable vapor-air mixtures may exist under abnormal conditions and for a distance beyond Division 1 locations shall be classified Division 2 according to the requirements of chapter 296-24 WAC Part L. These locations include an area within twenty feet horizontally, three feet vertically beyond a Division 1 area, and up to three feet above floor or grade level within twenty-five feet, if indoors, or ten feet if outdoors, from any pump, bleeder, withdrawal fitting, meter, or similar device handling Class I liquids. Pits provided with adequate mechanical ventilation within a Division 1 or 2 area shall be classified Division 2. If Class II or Class III liquids only are handled, then ordinary electrical equipment is satisfactory though care shall be used in locating electrical apparatus to prevent hot metal from falling into open equipment.

(d) Where the provisions of (a), (b), and (c) of this subsection require the installation of electrical equipment suitable for Class I, Division 1 or Division 2 locations, ordinary electrical equipment including switchgear may be used if installed in a room or enclosure which is maintained under positive pressure with respect to the hazardous area. Ventilation makeup air shall be uncontaminated by flammable vapors.

(8) Repairs to equipment. Hot work, such as welding or cutting operations, use of spark-producing power tools, and chipping operations shall be permitted only under supervision of an individual in responsible charge. The individual in responsible charge shall make an inspection of the area to be sure that it is safe for the work to be done and that safe procedures will be followed for the work specified.

(9) Housekeeping.

(a) General. Maintenance and operating practices shall be in accordance with established procedures which will tend to control leakage and prevent the accidental escape of flammable or combustible liquids. Spills shall be cleaned up promptly.

(b) Access. Adequate aisles shall be maintained for unobstructed movement of personnel and so that fire protection equipment can be brought to bear on any part of flammable or combustible liquid storage, use, or any unit physical operation.

(c) Waste and residue. Combustible waste material and residues in a building or unit operating area shall be kept to a minimum, stored in covered metal receptacles and disposed of daily.

(d) Clear zone. Ground area around buildings and unit operating areas shall be kept free of weeds, trash, or other unnecessary combustible materials.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-24-33013 Bulk plants. (1) Storage.

(a) Class I liquids. Class I liquids shall be stored in closed containers, or in storage tanks above ground outside of buildings, or underground in accordance with WAC 296-24-33005.

(b) Class II and III liquids. Class II and Class III liquids shall be stored in containers, or in tanks within

buildings or above ground outside of buildings, or underground in accordance with WAC 296-24-33005.

(c) Piling containers. Containers of flammable or combustible liquids when piled one upon the other shall be separated by dunnage sufficient to provide stability and to prevent excessive stress on container walls. The height of the pile shall be consistent with the stability and strength of containers.

(2) Buildings.

(a) Exits. Rooms in which flammable or combustible liquids are stored or handled by pumps shall have exit facilities arranged to prevent occupants from being trapped in the event of fire.

(b) Heating. Rooms in which Class I liquids are stored or handled shall be heated only by means not constituting a source of ignition, such as steam or hot water. Rooms containing heating appliances involving sources of ignition shall be located and arranged to prevent entry of flammable vapors.

(c) Ventilation.

(i) Ventilation shall be provided for all rooms, buildings, or enclosures in which Class I liquids are pumped or dispensed. Design of ventilation systems shall take into account the relatively high specific gravity of the vapors. Ventilation may be provided by adequate openings in outside walls at floor level unobstructed except by louvers or course screens. Where natural ventilation is inadequate, mechanical ventilation shall be provided.

(ii) Class I liquids shall not be stored or handled within a building having a basement or pit into which flammable vapors may travel, unless such area is provided with ventilation designed to prevent the accumulation of flammable vapors therein.

(iii) Containers of Class I liquids shall not be drawn from or filled within buildings unless provision is made to prevent the accumulation of flammable vapors in hazardous concentrations. Where mechanical ventilation is required, it shall be kept in operation while flammable liquids are being handled.

(3) Loading and unloading facilities.

(a) Separation. Tank vehicle and tank car loading or unloading facilities shall be separated from aboveground tanks, warehouses, other plant buildings or nearest line of adjoining property that may be built upon by a distance of 25 feet for Class I liquids and 15 feet for Class II and Class III liquids measured from the nearest position of any fill spout. Buildings for pumps or shelters for personnel may be a part of the facility.

(b) Class restriction. Equipment such as piping, pumps, and meters used for the transfer of Class I liquids between storage tanks and the fill stem of the loading rack shall not be used for the transfer of Class II or Class III liquids.

(c) Valves. Valves used for the final control for filling tank vehicles shall be of the self-closing type and manually held open except where automatic means are provided for shutting off the flow when the vehicle is full or after filling of a preset amount.

(d) Static protection.

(i) Bonding facilities for protection against static sparks during the loading of tank vehicles through open domes shall be provided:

(A) Where Class I liquids are loaded, or

(B) Where Class II or Class III liquids are loaded into vehicles which may contain vapors from previous cargoes of Class I liquids.

(ii) Protection as required in (3)(d)(i) of this section shall consist of a metallic bond wire permanently electrically connected to the fill stem or to some part of the rack structure in electrical contact with the fill stem. The free end of such wire shall be provided with a clamp or equivalent device for convenient attachment to some metallic part in electrical contact with the cargo tank of the tank vehicle.

(iii) Such bonding connection shall be made fast to the vehicle or tank before dome covers are raised and shall remain in place until filling is completed and all dome covers have been closed and secured.

(iv) Bonding as specified in (3)(d)(i), (ii) and (iii) of this section is not required:

(A) Where vehicles are loaded exclusively with products not having a static accumulating tendency, such as asphalt, most crude oils, residual oils, and water soluble liquids;

(B) Where no Class I liquids are handled at the loading facility and the tank vehicles loaded are used exclusively for Class II and Class III liquids; and

(C) Where vehicles are loaded or unloaded through closed bottom or top connections.

(v) Filling through open domes into the tanks of tank vehicles or tank cars, that contain vapor-air mixtures within the flammable range or where the liquid being filled can form such a mixture, shall be by means of a downspout which extends near the bottom of the tank. This precaution is not required when loading liquids which are nonaccumulators of static charges.

(e) Stray currents. Tank car loading facilities where Class I liquids are loaded through open domes shall be protected against stray currents by bonding the pipe to at least one rail and to the rack structure if of metal. Multiple lines entering the rack area shall be electrically bonded together. In addition, in areas where excessive stray currents are known to exist, all pipe entering the rack area shall be provided with insulating sections to electrically isolate the rack piping from the pipelines. No bonding between the tank car and the rack or piping is required during either loading or unloading of Class II or III liquids.

(f) Container filling facilities. Class I liquids shall not be dispensed into containers unless the nozzle and container are electrically interconnected. Where the metallic floorplate on which the container stands while filling is electrically connected to the fill stem or where the fill stem is bonded to the container during filling operations by means of a bond wire, the provisions of these standards shall be deemed to have been complied with.

(4) Wharves.

(a) Definition, application. The term wharf shall mean any wharf, pier, bulkhead, or other structure over or contiguous to navigable water used in conjunction with a bulk plant, the primary function of which is the transfer of flammable or combustible liquid cargo in bulk between the bulk plant and any tank vessel, ship, barge, lighter boat, or other mobile floating craft; and this subparagraph shall apply to all such installations except marine service stations as covered in WAC 296-24-33015.

(b) Package cargo. Package cargo of flammable and combustible liquids, including full and empty drums, bulk

fuel, and stores may be handled over a wharf and at such times and places as may be agreed upon by the wharf superintendent and the senior deck officer on duty.

(c) Location. Wharves at which flammable or combustible liquid cargoes are to be transferred in bulk quantities to or from tank vessels shall be at least 100 feet from any bridge over a navigable waterway, or from an entrance to or superstructure of any vehicular or railroad tunnel under a waterway. The termination of the wharf loading or unloading fixed piping shall be at least 200 feet from a bridge or from an entrance to or superstructure of a tunnel.

(d) Design and construction. Substructure and deck shall be substantially designed for the use intended. Deck may employ any material which will afford the desired combination of flexibility, resistance to shock, durability, strength, and fire resistance. Heavy timber construction is acceptable.

(e) Tanks. Tanks used exclusively for ballast water or Class II or Class III liquids may be installed on suitably designed wharves.

(f) Pumps. Loading pumps capable of building up pressures in excess of the safe working pressure of cargo hose or loading arms shall be provided with bypasses, relief valves, or other arrangement to protect the loading facilities against excessive pressure. Relief devices shall be tested at not more than yearly intervals to determine that they function satisfactorily at the pressure at which they are set.

(g) Hoses and couplings. All pressure hoses and couplings shall be inspected at intervals appropriate to the service. The hose and couplings shall be tested with the hose extended and using the "inservice maximum operating pressures." Any hose showing material deteriorations, signs of leakage, or weakness in its carcass or at the couplings shall be withdrawn from service and repaired or discarded.

(h) Piping and fittings. Piping, valves, and fittings shall be in accordance with WAC 296-24-33007 with the following exceptions and additions:

(i) Flexibility of piping shall be assured by appropriate layout and arrangement of piping supports so that motion of the wharf structure resulting from wave action, currents, tides, or the mooring of vessels will not subject the pipe to repeated strain beyond the elastic limit.

(ii) Pipe joints depending upon the friction characteristics of combustible materials or grooving of pipe ends for mechanical continuity of piping shall not be used.

(iii) Swivel joints may be used in piping to which hoses are connected, and for articulated swivel-joint transfer systems, provided that the design is such that the mechanical strength of joint will not be impaired if the packing material should fail, as by exposure to fire.

(iv) Piping systems shall contain a sufficient number of valves to operate the system properly and to control the flow of liquid in normal operation and in the event of physical damage.

(v) In addition to the requirements of (4)(h)(iv), each line conveying flammable liquids leading to a wharf shall be provided with a readily accessible block valve located on shore near the approach to the wharf and outside of any diked area. Where more than one line is involved, the valves shall be grouped in one location.

(vi) Means of easy access shall be provided for cargo line valves located below the wharf deck.

(vii) Pipelines on flammable or combustible liquids wharves shall be adequately bonded and grounded. If excessive stray currents are encountered, insulating points shall be installed. Bonding and grounding connections on all pipelines shall be located on wharfside of hose-riser insulating flanges, if used, and shall be accessible for inspection.

(viii) Hose or articulated swivel-joint pipe connections used for cargo transfer shall be capable of accommodating the combined effects of change in draft and maximum tidal range, and mooring lines shall be kept adjusted to prevent the surge of the vessel from placing stress on the cargo transfer system.

(ix) Hose shall be supported so as to avoid kinking and damage from chafing.

(i) Fire protection. Suitable portable fire extinguishers with a rating of not less than 12-BC shall be located with 75 feet of those portions of the facility where fires are likely to occur, such as hose connections, pumps, and separator tanks.

(i) Where piped water is available, ready-connected fire hose in size appropriate for the water supply shall be provided so that manifolds where connections are made and broken can be reached by at least one hose stream.

(ii) Material shall not be placed on wharves in such a manner as to obstruct access to fire fighting equipment, or important pipeline control valves.

(iii) Where the wharf is accessible to vehicle traffic, an unobstructed roadway to the shore end of the wharf shall be maintained for access of fire fighting apparatus.

(j) Operations control. Loading or discharging shall not commence until the wharf superintendent and officer in charge of the tank vessel agree that the tank vessel is properly moored and all connections are properly made. Mechanical work shall not be performed on the wharf during cargo transfer, except under special authorization by a delegated person or ~~(his)~~ the delegated persons authorized representative based on a review of the area involved, methods to be employed, and precaution necessary.

(5) Electrical equipment.

(a) Application. This subsection shall apply to areas where Class I liquids are stored or handled. For areas where Class II or Class III liquids only are stored or handled, the electrical equipment may be installed according to chapter 296-24 WAC Part L for ordinary locations.

(b) Conformance. All electrical equipment and wiring shall be of a type specified by and shall be installed according to chapter 296-24 WAC Part L.

(c) Classification. So far as it applies Table H-18 shall be used to delineate and classify hazardous areas for the purpose of installation of electrical equipment under normal circumstances. In Table H-18 a classified area shall not extend beyond an unpierced wall, roof, or other solid partition. The area classifications listed shall be based on the premise that the installation meets the applicable requirements of this section in all respects.

TABLE H-18
ELECTRICAL EQUIPMENT HAZARDOUS
AREAS—BULK PLANTS

Location	Class I Group D division	Extent of classified area
Tank vehicle and tank car: ¹ Loading through open dome _____	1	Within 3 feet of edge of dome, extending in all directions.
	2	Area between 3 feet and 5 feet from edge of dome, extending in all directions.
Loading through bottom connections with atmospheric venting _____	1	Within 3 feet of point of venting to atmosphere, extending in all directions.
	2	Area between 3 feet and 5 feet from point of venting to atmosphere, extending in all directions. Also up to 18 inches above grade within a horizontal radius of 10 feet from point of loading connection.
Loading through closed dome with atmospheric venting _____	1	Within 3 feet of open end of vent, extending in all directions.
	2	Area between 3 feet and 5 feet from open end of vent, extending in all directions. Also within 3 feet of edge of dome, extending in all directions.
Loading through closed dome with vapor recovery _____	2	Within 3 feet of point of connection of both fill and vapor lines, extending in all directions.
Bottom loading with vapor recovery or any bottom unloading _____	2	Within 3 feet of point of connections extending in all directions. Also up to 18 inches above grade within a horizontal radius of 10 feet from point of connection.
Drum and container filling: Outdoors, or indoors with adequate ventilation _____	1	Within 3 feet of vent and fill opening, extending in all directions.

<p>Outdoors, or indoors with adequate ventilation _____</p>	<p>2</p>	<p>Area between 3 feet and 5 feet from vent or fill opening, extending in all directions. Also up to 18 inches above floor or grade level within a horizontal radius of 10 feet from vent or fill opening.</p>	<p>Storage and repair garage for tank vehicles _____</p>	<p>1</p>	<p>All pits or spaces below floor level.</p>
				<p>2</p>	<p>Area up to 18 inches above floor or grade level for entire storage or repair garage.</p>
			<p>Drainage ditches, separators, impounding basins _____</p>	<p>2</p>	<p>Area up to 18 inches above ditch, separator or basin. Also up to 18 inches above grade within 15 feet horizontally from any edge.</p>
			<p>Garages for other than tank vehicles _____</p>	<p>Ordinary</p>	<p>If there is any opening to these rooms within the extent of an outdoor classified area, the entire room shall be classified the same as the area classification at the point of the opening.</p>
<p>Tank—Aboveground: Shell, ends, or roof and dike area _____</p>	<p>2</p>	<p>Within 10 feet from shell, ends, or roof of tank, area inside dikes to level of top of dike.</p>	<p>Outdoor drum storage _____</p>	<p>Ordinary</p>	
			<p>Indoor warehousing where there is no flammable liquid transfer _____</p>	<p>Ordinary</p>	<p>If there is any opening to these rooms within the extent of an indoor classified area, the room shall be classified the same as if the wall, curb or partition did not exist.</p>
<p>Vent _____</p>	<p>1</p>	<p>Within 5 feet of open end of vent, extending in all directions.</p>			
	<p>2</p>	<p>Area between 5 feet and 10 feet from open end of vent, extending in all directions.</p>			
<p>Floating roof _____</p>	<p>1</p>	<p>Area above the roof and within the shell.</p>	<p>Office and rest rooms _____</p>	<p>Ordinary</p>	
<p>Pits: Without mechanical ventilation _____</p>	<p>1</p>	<p>Entire area within pit if any part is within a Division 1 or 2 classified area.</p>			
	<p>2</p>	<p>Entire area within pit if any part is within a Division 1 or 2 classified area.</p>			
<p>Containing valves, fittings or piping, and not within a Division 1 or 2 classified area _____</p>	<p>2</p>	<p>Entire pit.</p>			
<p>Pumps, bleeders, withdrawal fittings, meters and similar devices: Indoors _____</p>	<p>2</p>	<p>Within 5 feet of any edge of such devices, extending in all directions. Also up to 3 feet above floor or grade level within 25 feet horizontally from any edge of such devices.</p>			
	<p>2</p>	<p>Within 3 feet of any edge of such devices, extending in all directions. Also up to 18 inches above grade level within 10 feet horizontally from any edge of such devices.</p>			
<p>Outdoors _____</p>					

¹When classifying the extent of the area, consideration shall be given to the fact that tank cars or tank vehicles may be spotted at varying points. Therefore, the extremities of the loading or unloading positions shall be used.

(6) Sources of ignition. Class I liquids shall not be handled, drawn, or dispensed where flammable vapors may reach a source of ignition. Smoking shall be prohibited except in designated localities. "No smoking" signs shall be conspicuously posted where hazard from flammable liquid vapors is normally present.

(7) Drainage and waste disposal. Provision shall be made to prevent flammable or combustible liquids which may be spilled at loading or unloading points from entering public sewers and drainage systems, or natural waterways. Connection to such sewers, drains, or waterways by which flammable or combustible liquids might enter shall be provided with separator boxes or other approved means whereby such entry is precluded. Crankcase drainings and flammable or combustible liquids shall not be dumped into sewers, but shall be stored in tanks or tight drums outside of any building until removed from the premises.

(8) Fire control. Suitable fire-control devices, such as small hose or portable fire extinguishers, shall be available to locations where fires are likely to occur. Additional fire-control equipment may be required where a tank of more than 50,000 gallons individual capacity contains Class I liquids and where an unusual exposure hazard exists from surrounding property. Such additional fire-control equipment shall be sufficient to extinguish a fire in the largest tank. The design and amount of such equipment shall be in accordance with approved engineering standards.

AMENDATORY SECTION (Amending Order 88-25, filed 11/14/88)

WAC 296-24-47507 Cylinder systems. (1) Application. This section applies specifically to systems utilizing containers constructed in accordance with DOT specifications. All requirements of WAC 296-24-47505 apply to this section unless otherwise noted in WAC 296-24-47505.

(2) Marking of containers.

(a) Containers shall be marked in accordance with DOT regulations. Additional markings not in conflict with DOT regulations may be used.

(b) Except as provided in (c) of this subsection each container shall be marked with its water capacity in pounds or other identified unit of weight.

(c) If a container is filled and maintained only by the owner or ~~(his)~~ the owners representative and if the water capacity of each container is identified by a code, compliance with (b) of this subsection is not required.

(d) Each container shall be marked with its tare weight in pounds or other identified unit of weight including all permanently attached fittings but not the cap.

(3) Description of a system. A system shall include the container base or bracket, containers, container valves, connectors, manifold valve assembly, regulators, and relief valves.

(4) Containers and regulating equipment installed outside of buildings or structures.

(a) Containers shall not be buried below ground. However, this shall not prohibit the installation in a compartment or recess below grade level, such as a niche in a slope or terrace wall which is used for no other purpose, providing that the container and regulating equipment are not in contact with the ground and the compartment or recess is drained and ventilated horizontally to the outside air from its lowest level, with the outlet at least three feet away from any building opening which is below the level of such outlet.

Except as provided in WAC 296-24-47505 (10)(n), the discharge from safety relief devices shall be located not less than three feet horizontally away from any building opening which is below the level of such discharge and shall not terminate beneath any building unless such space is well ventilated to the outside and is not enclosed on more than two sides.

(b) Containers shall be set upon firm foundation or otherwise firmly secured; the possible effect on the outlet piping of settling shall be guarded against by a flexible connection or special fitting.

(5) Containers and equipment used inside of buildings or structures.

(a) When operational requirements make portable use of containers necessary and their location outside of buildings or structures is impracticable, containers and equipment are permitted to be used inside of buildings or structures in accordance with (a)(i) through (xii) of this subsection, and, in addition, such other provisions of this section as are applicable to the particular use or occupancy.

(i) Containers in use shall mean connected for use.

(ii) Systems utilizing containers having a water capacity greater than two and one-half pounds (nominal one pound LP-gas capacity) shall be equipped with excess flow valves. Such excess flow valves shall be either integral with the

container valves or in the connections to the container valve outlets. In either case, an excess flow valve shall be installed in such a manner that any undue strain beyond the excess flow valve will not cause breakage between the container and the excess flow valve. The installation of excess flow valves shall take into account the type of valve protection provided.

(iii) Regulators, if used, shall be either directly connected to the container valves or to manifolds connected to the container valves. The regulator shall be suitable for use with LP-gas. Manifolds and fittings connecting containers to pressure regulator inlets shall be designed for at least 250 p.s.i.g. service pressure.

(iv) Valves on containers having a water capacity greater than fifty pounds (nominal twenty pounds LP-gas capacity) shall be protected while in use.

(v) Containers shall be marked in accordance with WAC 296-24-47505 (5)(c) and subsection (2) of this section.

(vi) Pipe or tubing shall conform to WAC 296-24-47505(8) except that aluminum pipe or tubing shall not be used.

(vii) Hose shall be designed for a working pressure of at least 250 p.s.i.g. Hose and hose connections shall have their correctness as to design, construction and performance determined by listing by a nationally recognized testing laboratory.

(A) The hose length may exceed the length specified in WAC 296-24-47505 (9)(g)(ii), but shall be as short as practicable. Refer to federal regulation 29 CFR 1910.7 for definition of nationally recognized testing laboratory.

(B) Hose shall be long enough to permit compliance with spacing provisions of this section without kinking or straining or causing hose to be so close to a burner as to be damaged by heat.

(viii) Portable heaters, including salamanders, shall be equipped with an approved automatic device to shut off the flow of gas to the main burner, and pilot if used, in the event of flame extinguishment. Such heaters having inputs above 50,000 B.t.u. manufactured on or after May 17, 1967, and such heaters having inputs above 100,000 B.t.u. manufactured before May 17, 1967, shall be equipped with either:

(A) A pilot which must be lighted and proved before the main burner can be turned on; or

(B) An electric ignition system. The provisions of (a)(viii) of this subsection do not apply to tar kettle burners, torches, melting pots, nor do they apply to portable heaters under 7,500 B.t.u.h. input when used with containers having a maximum water capacity of two and one-half pounds. Container valves, connectors, regulators, manifolds, piping, and tubing shall not be used as structural supports for heaters.

(ix) Containers, regulating equipment, manifolds, pipe, tubing, and hose shall be located so as to minimize exposure to abnormally high temperatures (such as may result from exposure to convection or radiation from heating equipment or installation in confined spaces), physical damage, or tampering by unauthorized persons.

(x) Heat producing equipment shall be located and used so as to minimize the possibility of ignition of combustibles.

(xi) Containers having water capacity greater than two and one-half pounds (nominal one pound LP-gas capacity) connected for use, shall stand on a firm and substantially

level surface and, when necessary, shall be secured in an upright position.

(xii) Containers, including the valve protective devices, shall be installed so as to minimize the probability of impingement of discharge of safety relief devices upon containers.

(b) Containers having a maximum water capacity of two and one-half pounds (nominal one pound LP-gas capacity) are permitted to be used inside of buildings as part of approved self-contained hand torch assemblies or similar appliances.

(c) Containers having a maximum water capacity of twelve pounds (nominal five pounds LP-gas capacity) are permitted to be used temporarily inside of buildings for public exhibition or demonstration purposes, including use for classroom demonstrations.

(d) When buildings frequented by the public are open to the public, containers are permitted to be used for repair or minor renovation as follows:

(i) The maximum water capacity of individual containers shall be fifty pounds (nominal twenty pounds LP-gas capacity).

(ii) The number of LP-gas containers shall not exceed the number of (~~workmen~~) workers assigned to using the LP-gas.

(iii) Containers having a water capacity of greater than two and one-half pounds (nominal one pound LP-gas capacity)] shall not be left unattended in such buildings.

(e) When buildings frequented by the public are not open to the public, containers are permitted to be used for repair or minor renovations, as follows:

The provisions of (f) of this subsection shall apply except that containers having a water capacity greater than two and one-half pounds (nominal one pound LP-gas capacity) shall not be left unattended in such buildings.

(f) Containers are permitted to be used in buildings or structures under construction or undergoing major renovation when such buildings or structures are not occupied by the public, as follows:

(i) The maximum water capacity of individual containers shall be two hundred forty-five pounds (nominal one hundred pounds LP-gas capacity).

(ii) For temporary heating such as curing concrete, drying plaster and similar applications, heaters (other than integral heater-container units) shall be located at least six feet from any LP-gas container. This shall not prohibit the use of heaters specifically designed for attachment to the container or to a supporting standard, provided they are designed and installed so as to prevent direct or radiant heat application from the heater onto the container. Blower and radiant type heater shall not be directed toward any LP-gas container within twenty feet.

(iii) If two or more heater-container units, of either the integral or nonintegral type, are located in an unpartitioned area on the same floor, the container or containers of each unit shall be separated from the container or containers of any other unit by at least twenty feet.

(iv) When heaters are connected to containers for use in an unpartitioned area on the same floor, the total water capacity of containers manifolded together for connection to a heater or heaters shall not be greater than seven hundred thirty-five pounds (nominal three hundred pounds LP-gas

capacity). Such manifolds shall be separated by at least twenty feet.

(v) On floors on which heaters are not connected for use, containers are permitted to be manifolded together for connection to a heater or heaters on another floor, provided:

(A) The total water capacity of containers connected to any one manifold is not greater than two thousand four hundred fifty pounds (nominal one thousand pounds LP-gas capacity) and;

(B) Where more than one manifold having a total water capacity greater than seven hundred thirty-five pounds (nominal three hundred pounds LP-gas capacity) are located in the same unpartitioned area, they shall be separated by at least fifty feet.

(vi) Storage of containers awaiting use shall be in accordance with WAC 296-24-47513.

(g) Containers are permitted to be used in industrial occupancies for processing, research, or experimental purposes as follows:

(i) The maximum water capacity of individual containers shall be two hundred forty-five pounds (nominal one hundred pounds LP-gas capacity).

(ii) Containers connected to a manifold shall have a total water capacity not greater than seven hundred thirty-five pounds (nominal three hundred pounds LP-gas capacity) and not more than one such manifold may be located in the same room unless separated at least twenty feet from a similar unit.

(iii) The amount of LP-gas in containers for research and experimental use shall be limited to the smallest practical quantity.

(h) Containers are permitted to be used in industrial occupancies with essentially noncombustible contents where portable equipment for space heating is essential and where a permanent heating installation is not practical, as follows: Containers and heaters shall comply with and be used in accordance with (f) of this subsection.

(i) Containers are permitted to be used in buildings for temporary emergency heating purposes, if necessary to prevent damage to the buildings or contents, when the permanent heating system is temporarily out of service, as follows:

(i) Containers and heaters shall comply with and be used in accordance with (f) of this subsection.

(ii) The temporary heating equipment shall not be left unattended.

(j) Containers are permitted to be used temporarily in buildings for training purposes related in installation and use of LP-gas systems, as follows:

(i) The maximum water capacity of individual containers shall be two hundred forty-five pounds (nominal one hundred pounds LP-gas capacity), but the maximum quantity of LP-gas that may be placed in each container shall be twenty pounds.

(ii) If more than one such container is located in the same room, the containers shall be separated by at least twenty feet.

(iii) Containers shall be removed from the building when the training class has terminated.

(6) Container valves and accessories.

(a) Valves in the assembly of multiple container systems shall be arranged so that replacement of containers can be made without shutting off the flow of gas in the system.

Note: This provision is not to be construed as requiring an automatic changeover device.

(b) Regulators and low-pressure relief devices shall be rigidly attached to the cylinder valves, cylinders, supporting standards, the building walls or otherwise rigidly secured and shall be so installed or protected that the elements (sleet, snow, or ice) will not affect their operation.

(c) Valves and connections to the containers shall be protected while in transit, in storage, and while being moved into final utilization, as follows:

(i) By setting into the recess of the container to prevent the possibility of their being struck if the container is dropped upon a flat surface, or

(ii) By ventilated cap or collar, fastened to the container capable of withstanding a blow from any direction equivalent to that of a thirty-pound weight dropped four feet. Construction must be such that a blow will not be transmitted to the valve or other connection.

(d) When containers are not connected to the system, the outlet valves shall be kept tightly closed or plugged, even though containers are considered empty.

(e) Containers having a water capacity in excess of fifty pounds (approximately twenty-one pounds LP-gas capacity), recharged at the installation, shall be provided with excess flow or backflow check valves to prevent the discharge of container contents in case of failure of the filling or equalizing connection.

(7) Safety devices.

(a) Containers shall be provided with safety devices as required by DOT regulations.

(b) A final stage regulator of an LP-gas system (excluding any appliance regulator) shall be equipped on the low-pressure side with a relief valve which is set to start to discharge within the limits specified in Table H-30.

TABLE H-30

Regulator delivery pressure	Relief valve start to discharge pressure setting (percent of regulator deliver pressure)	
	Minimum	Maximum
1 p.s.i.g. or less	200	300
Above 1 p.s.i.g. but not over 3 p.s.i.g.	140	200
Above 3 p.s.i.g.	125	200

(c) When a regulator or pressure relief valve is used inside a building for other than purposes specified in WAC 296-24-47505 (6)(a)(i) through (vi), the relief valve and the space above the regulator and relief valve diaphragms shall be vented to the outside air with the discharge outlet located not less than three feet horizontally away from any building opening which is below such discharge. These provisions do not apply to individual appliance regulators when protection is otherwise provided nor to subsection (5) of this section

and WAC 296-24-47505 (10)(n). In buildings devoted exclusively to gas distribution purposes, the space above the diaphragm need not be vented to the outside.

(8) Reinstallation of containers. Containers shall not be reinstalled unless they are requalified in accordance with DOT regulations.

Permissible product. A product shall not be placed in a container marked with a service pressure less than four-fifths of the maximum vapor pressure of product at 130°F.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-47515 LP-gas system installations on commercial vehicles. (1) Application. This ~~(paragraph)~~ section applies to LP-gas-system installations on vehicles (whether self-propelled or of the trailer or semitrailer type) used for commercial, construction, or public service purposes such as mobile libraries and clinics; to all exchangeable container systems with container capacities greater than 105 pounds water capacity (approximately 45 pounds LP-gas capacity) and to systems using containers permanently mounted on vehicles. It does not apply to LP-gas motor fuel systems covered by WAC 296-24-47511. WAC 296-24-47505 applies to this section unless otherwise noted. When such a vehicle is permanently parked, and LP-gas is supplied from a system not mounted on and secured to the unit, WAC 296-24-47507 and 296-24-47509 shall apply.

(2) Construction and marking of containers. Containers shall be constructed in accordance with WAC 296-24-47505(3), and marked in accordance with the applicable requirements of WAC 296-24-47505(5), and shall also meet the following:

(a) Containers designed for use as portable cylinders shall be constructed in accordance with DOT specifications, and in accordance with WAC 296-24-47505 (2)(e); where applicable.

(b) All other containers whether designed for permanent mounting, or for portable or semiportable use (such as skid tanks), shall be constructed as provided for by WAC 296-24-47505 (2)(d) and (3)(a). Mounting, securing, and protection of such containers shall be as in (2)(c) and (d) of this section.

(c) Permanently installed containers shall meet the requirements of (2)(c)(i) and (ii) of this section with regard to container valves and accessories, and (2)(c)(iii) through (vi) of this section as to mounting.

(i) Nonrecessed container fittings and appurtenances shall be protected against damage by either:

(A) Their location.

(B) The vehicle frame or bumper, or

(C) Protective housing. The protective housing, if used, shall comply with the requirements under which the tanks are fabricated with respect to design and construction and shall be designed to withstand static loadings in any direction equal to twice the weight of the tank and attachments when filled with the lading using a safety factor of not less than four, based on the ultimate strength of the material to be used. The housing shall be provided with a weather cover if necessary to insure proper operation of valves and safety devices.

(ii) Manually operated shutoff valves, except as covered in WAC 296-24-47511 (2)(a), or self-closing internal valves shall be closed except during transfer operations.

(iii) Tank motor vehicles with frames not made integral with the tank, as by welding, shall be provided with turn-buckles or similar positive devices for drawing the tank down tight on the frame. In addition, suitable stops or anchors shall be attached to the frame and/or the tank to prevent relative motion between them due to starting, stopping, and turning. The stops and anchors shall be so installed as to be readily accessible for inspection and maintenance.

(iv) Any tank motor vehicle designed and constructed so that the cargo tank constitutes in whole or in part the stress member used in lieu of a frame shall be supported by external cradles subtending at least 120 degrees of the shell circumference. The design calculations shall include beam stress, shear stress, torsion stress, bending moment, and acceleration stress for the cargo tank as a whole using a factor of safety of four, based on the ultimate tensile strength of the material. Maximum concentrated stresses which might be created at pads and cradles due to shear, bending, and torsion shall also be calculated in accordance with Appendix G of the American Society of Mechanical Engineers, Unfired Pressure Vessel Code, 1968. Fully loaded vehicles shall be assumed to be operating under highway conditions equal to two "g" loading. The effects of fatigue shall be taken into consideration. Cargo tanks mounted on frames may be supported by longitudinal members attached to pads providing the above-stated factors are taken into account.

(v) Where any tank support is attached to any part of a tank head, the stresses imposed upon the head shall be provided for as required in (2)(c)(iv) of this section.

(vi) Tank supports, stops, anchors, and bumpers shall not be welded directly to the tank but shall be attached by means of pads of the same material as the tank. The pad thickness shall be not less than one-fourth inch, or the thickness of the shell material if less, and no greater than the shell material. Each pad shall extend at least four times its thickness, in each direction, beyond the weld attaching the support, bumper, stop, or anchor. Each pad shall be preformed to an inside radius no greater than the outside radius of the tank at the place of attachment. Each pad corner shall be rounded to a radius at least one-fourth the width of the pad, and no greater than one-half the width of the pad. Weepholes and tell-tale holes, if used, shall be drilled or punched before the pads are attached to the tank. Each pad shall be attached to the tank by continuous fillet welding using filler material having properties conforming to the recommendations of the maker of the shell and head material.

(d) Portable or semiportable containers (skid tanks as covered by WAC 296-24-47509 (7)(g)) shall meet the applicable requirements of (2)(d)(i) to (vi) of this section inclusive with regard to container valves and accessories and WAC 296-24-47511 (4)(c) as to mounting. Containers designed for permanent installation as part of systems under WAC 296-24-47509 shall not be used.

(i) Nonrecessed container fittings and appurtenances shall be protected against damage by either—

(A) Their location.

(B) The vehicle frame or bumper, or

(C) A protective housing. The protective housing, if used, shall comply with the requirements under which the tanks are fabricated with respect to design and construction and shall be designed to withstand static loadings in any direction equal to twice the weight of the tank and attachments when filled with the lading using a safety factor of not less than four, based on the ultimate strength of the material to be used. The housing shall be provided with a weather cover if necessary to insure proper operation of valves and safety devices.

(ii) Filling connections shall be provided with approved automatic back pressure check valves, excess flow check valves or quick closing internal valves to prevent excessive escape of gas in case the filling connection is broken, except that where the filling and discharge connect on a common opening in the container shell, and that opening is fitted with a quick-closing internal valve as specified in (2)(d)(iii) of this section, the automatic valve shall not be required. In addition every inlet and outlet connection shall be equipped with a manually or automatically operated shutoff valve. Liquid discharge openings, except those for engine fuel lines, on tanks built after September 1, 1965, shall be fitted with a remotely controlled internal shutoff valve. Such valve shall conform to the following requirements:

(A) The seat of the valve shall be inside the tank, or in the opening nozzle or flange, or in a companion flange bolted to the nozzle or flange.

(B) All parts of the valve inside the tank, nozzle, or companion flange shall be made of material not subject to corrosion or other deterioration in the presence of the lading.

(C) The arrangement of parts shall be such that damage to parts exterior to the tank will not prevent effective seating of the valve.

(D) The valve may be operated normally by mechanical means, by hydraulic means, or by air, or gas pressure.

(E) The valve shall be provided with remote means of automatic closure, both mechanical and thermal, in at least two places for tanks over 3,500 gallons water capacity. These remote control stations shall be located at each end of the tank and diagonally opposite each other. The thermal control mechanism shall have a fusible element with a melting point not over 220°F or less than 208°F. At least one remote control station shall be provided for tanks of 3,500 gallons water capacity or less, and such actuating means may be mechanical.

(iii) All other connections to containers, except those used for gaging devices, thermometer wells, safety relief devices, and plugged openings, shall be provided with suitable automatic excess flow valves, or in lieu thereof may be fitted with quick-closing internal valves.

The control mechanism for the internal valve shall be provided with a secondary control, remote from the fill or discharge connections (for use in the event of accidents or fire during delivery operations), and such control mechanism shall have a fusible element with a melting point not over 220°F or less than 208°F.

(iv) Manually operated shutoff valves, except as covered in WAC 296-24-47511 (2)(a), or self-closing internal valves shall be closed except during transfer operations.

(v) Excess flow valves shall close automatically at the rated flow of vapor or liquid as specified by the valve

manufacturers. The flow rating of the piping beyond the excess flow valve shall be greater than that of the excess flow valve and such rating shall include valves, fittings, and hose, except, when branching or necessary restrictions are incorporated in such a piping system so that flow ratings are less than that of the excess flow valve and the tank, then additional excess flow valves shall be installed in the piping where such flow rate is reduced.

(vi) Container inlets and outlets, except those used for safety relief valves, liquid-level gaging devices, and pressure gages, shall be labeled to designate whether they communicate with vapor or liquid space when the container is filled to maximum permitted filling density. (Labels may be on valves.)

(3) Capacity of a system. No single fuel container used on passenger carrying vehicles shall exceed 200 gallons water capacity.

(4) Description of a system. A system consists of an assembly of equipment installed on a commercial vehicle.

(5) Location of containers and systems.

(a) Containers shall not be installed, transported, or stored (even temporarily) inside any vehicle covered by these standards except as provided by the applicable regulations of DOT.

(b) Containers, control valves, and regulating equipment comprising a complete system shall be suitably protected against damage and weather. Systems may be installed in a recess vaportight to the inside of the vehicle and accessible from and vented to the outside.

(c) Systems installed outside of mobile units shall be so located that discharge from safety relief devices shall be not less than 3 feet horizontally away from any opening into the unit below the level of such discharge. When the system is located in a recess vaportight to the inside, vent openings in such recess shall be not less than 3 feet horizontally away from any opening into the mobile unit below the level of these vents.

(d) There shall be no fuel connection between tractor and trailer or other vehicle units.

(e) The container or container carrier shall be secured in place by fastenings designed and constructed with a minimum safety factor of four to withstand loading in any direction equal to twice the weight of the container when filled to normal capacity with LP-gas.

(6) Container valves and accessories. Container valves and accessories shall be provided, protected and mounted as follows:

(a) Systems utilizing DOT cylinders in accordance with WAC 296-24-47507(6).

(b) All other systems in accordance with WAC 296-24-47509 (3)(b) through (g).

(c) Portable, semiportable and permanently mounted containers shall be mounted and protected as provided under (2)(b) through (d) of this section.

(7) Safety-relief devices.

(a) DOT containers shall be provided with safety-relief devices as required by the regulations of DOT.

(b) ASME containers and API-ASME containers shall be provided with safety-relief devices as required by WAC 296-24-47505(10).

(c) A final stage regulator of an LP-gas system (excluding any appliance regulator) shall be equipped on the low-

pressure side with a relief valve which is set to start to discharge within the limits specified in Table H-30. (See WAC 296-24-47509.)

((#)) (d) The relief valve and space above the regulator and relief valve diaphragms shall be vented to the outside air and terminate at a position to minimize the possibility of vapors accumulating at sources of ignition.

((#)) (e) Whenever equipment such as a cargo heater or cooler on commercial vehicles is a type designed to be in operation while in transit, suitable means to stop the flow such as an excess flow valve or other device, shall be installed. This device will be actuated to stop the flow in the event of the break in the fuel supply line. All excess flow valves shall comply with WAC 296-24-47505 (7)(c).

(8) System design and line pressure. Systems may be of either vapor withdrawal or liquid withdrawal type and shall comply with the applicable requirements for the type of usage involved.

(9) System enclosure and mounting.

(a) Housing or enclosures shall be designed to provide proper ventilation.

(b) Hoods, domes, or removable portions of cabinets shall be provided with means to keep them firmly in place during transit.

(c) Provision shall be incorporated in the assembly to hold the containers firmly in position and prevent their movement during transit in accordance with WAC 296-24-47511 (4)(c).

(d) Containers shall be mounted on a substantial support or base secured firmly to the vehicle chassis. Neither the container nor its support shall extend below the frame.

(10) Piping—Including pipe, tubing, and fittings.

(a) Regulators shall be connected directly to the container valve outlet or mounted securely by means of support bracket and connected to the container valve or valves with a listed high pressure flexible connector.

(b) Provision shall be made between the regulator outlet and the gas service lines by either a flexible connector or a tubing loop to provide for expansion, contraction, jarring, and vibration.

(c) Pipe, tubing, and fittings shall conform to WAC 296-24-47505(8) except that the use of aluminum alloy piping is prohibited. Steel tubing shall have a minimum wall thickness of 0.049 inch. Steel piping or tubing shall be adequately protected against exterior corrosion.

(d) Approved gas tubing fittings shall be employed for making tubing connections.

(e) The fuel line shall be firmly fastened in a protected location and where under the vehicle and outside and below any insulation or false bottom, fastenings shall be such as to prevent abrasion or damage to the gas line due to vibration. Where the fuel line passes through structural members or floors, a rubber grommet or equivalent shall be installed to prevent chafing.

(f) The fuel line shall be installed to enter the vehicle through the floor directly beneath or adjacent to the appliance which it serves. When a branch line is required the tee connection shall be in the main fuel line and located under the floor and outside the vehicle.

(g) All parts of the system assembly shall be so designed and secured as to preclude such parts working loose during transit.

(11) Appliances.

(a) LP-gas appliances shall be approved for use on commercial vehicles.

(b) In the case of vehicles not intended for human occupancy and where the gas-fired heating appliance is used to protect the cargo, such heater may be of the unvented type but provision shall be made to dispose of the products of combustion to the outside.

(c) In the case of vehicles intended for human occupancy, all gas-fired heating appliances, including water heaters, shall be designed or installed to provide for complete separation of the combustion system from the atmosphere of the living space. Such appliances shall be installed with the combustion air inlet assembly furnished as a component of the appliance and, also, with either—

(i) The flue gas outlet assembly furnished as a component of the appliance, or

(ii) A listed roof jack if the appliance is listed for such use.

The combustion air inlet assembly, flue gas outlet assembly, and roof jack shall extend to the outside atmosphere.

(d) Provision shall be made to insure an adequate supply of outside air for combustion.

(e) All gas-fired heating appliances and water heaters shall be equipped with an approved automatic device designed to shut off the flow of gas to the main burner and to the pilot in the event the pilot flame is extinguished.

(f) Gas-fired appliances installed in the cargo space shall be located so they are readily accessible.

(g) Appliances shall be constructed or protected to reduce to a minimum possible damage or impaired operation resulting from cargo shifting or handling.

(h) Appliances inside the vehicle shall be located so that a fire at an appliance will not block egress of persons therefrom.

(12) General precautions.

(a) DOT containers shall be marked, maintained, and requalified for use in accordance with the regulations of DOT.

(b) Containers which have not been requalified as required by DOT regulations shall be removed from service. Requalified containers shall be stamped with the date of requalification. When DOT cylinders are requalified by retesting, such retest shall be made in accordance with DOT regulations.

(c) Containers shall not be charged with fuel unless they bear the proper markings of the code or specifications under which they were constructed, and in addition, with their water capacity. In the case of cylinders or portable containers filled by weight, the container shall be marked with its tareweight.

(d) DOT containers which have been involved in a fire shall not be recharged until they have been requalified for service according to DOT regulations.

(e) American Petroleum Institute-American Society of Mechanical Engineers (API-ASME) containers or ASME containers which have been involved in a fire shall not be recharged until they have been retested in accordance with the requirements for their original hydrostatic test and found to be suitable for continued service.

(f) Containers shall not be charged without the consent of the owner.

(g) A permanent caution plate shall be provided on the appliance or adjacent to the container outside of any enclosure. It shall include the word "caution" and following instructions, or instructions embodying substantially similar language.

(i) Be sure all appliance valves are closed before opening container valve.

(ii) Connections at appliances, regulators, and containers must be checked periodically for leaks with soapy water or its equivalent.

(iii) A match or flame shall not be used to check for leaks.

(iv) Container valves shall be closed when the equipment is not in use.

(13) Charging of containers. Containers shall be charged as provided in WAC 296-24-47505(12).

(14) Fire extinguisher. Mobile cook-units shall be provided with at least one approved portable fire extinguisher having a minimum rating of 8-B, C.

AMENDATORY SECTION (Amending Order 74-27, filed 5/7/74)

WAC 296-24-51005 Definitions. The following definitions are applicable to all sections of this chapter which include WAC 296-24-510 in the section number and shall be construed to have the meanings below.

(1) "Approved" as used in these standards means:

(a) Listed by a recognized testing laboratory, or

(b) Recommended by the manufacturer as suitable for use with anhydrous ammonia and so marked, or

(c) Accepted by the authority having jurisdiction.

(2) "Appurtenance" refers to all devices such as pumps, compressors, safety relief devices, liquid-level gaging devices, valves and pressure gages.

(3) "Capacity" refers to the total volume of the container measured in U.S. gallons, unless otherwise specified.

(4) "Cylinder" means a container of 1000 pounds water capacity or less constructed in accordance with United States Department of Transportation Specifications.

(5) The "code" refers to the Unfired Pressure Vessel Code of the American Society of Mechanical Engineers (Section VIII of the ASME Boiler Construction Code), 1952, 1956, 1959, 1962, 1965, 1968 and 1971 editions, the joint code of the American Petroleum Institute and the American Society of Mechanical Engineers (API-ASME Code) 1951 edition, and subsequent amendments to or later editions of the same, as adopted.

(6) "Container" includes all vessels, tanks, cylinders or spheres used for transportation, storage or application of anhydrous ammonia.

(7) "Design pressure" is identical to the term "maximum allowable working pressure" used in the code.

(8) An "implement of husbandry" is a farm wagon-type tank vehicle of not over 3000 gallons capacity, used as a field storage "nurse tank" supplying the fertilizer to a field applicator and moved on highways only for bringing the fertilizer from a local source of supply to farms or fields or from one farm or field to another.

(9) "Filling density" means the per cent ratio of the weight of the gas in a container to the weight of water at 60°F that the container will hold. One lb. H₂O = 27.737 cu. in. at 60°F. For determining the weight capacity of the tank in pounds, the weight of a gallon (231 cubic inches) of water at 60°F in air shall be 8.32828 pounds.

(10) "Gas" refers to anhydrous ammonia in either the gaseous or liquefied state.

(11) "Gas mask" refers to gas masks approved by the ~~((Bureau of Mines))~~ Mine Safety and Health Administration (MSHA) and the National Institute for Occupational Safety and Health (NIOSH). See American National Standards Institute for Respiratory Protection, Z88.2. (See Appendix C for availability.)

(12) "DOT regulations" refer to hazardous materials regulations of the department of transportation (Title 49—Transportation, Code of Federal Regulations, Parts 171 to 190), including Specifications for Shipping Containers.

(13) "Systems" as used in these standards refers to an assembly of equipment consisting essentially of the container or containers, appurtenances, pumps, compressors, and interconnecting piping.

(14) The abbreviations "psig" and "psia" refer to pounds per square inch gage and pounds per square inch absolute, respectively.

(15) The terms "charging" and "filling" are used interchangeably and have the same meaning.

(16) "Trailer" as used in these standards refers to every vehicle designed for carrying ~~((persons or))~~ property and for being drawn by a motor vehicle and so constructed that no part of its weight except the towing device rests upon the towing vehicle.

(17) "Tank motor vehicle" means any motor vehicle designed or used for the transportation of anhydrous ammonia in any tank designed to be permanently attached to any motor vehicle or any container not permanently attached to any motor vehicle which by reason of its size, construction or attachment to any motor vehicle must be loaded and/or unloaded without being removed from the motor vehicle.

(18) "Semitrailer" refers to every vehicle designed for carrying ~~((persons or))~~ property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

(19) "Safety relief valve" refers to an automatic spring loaded or equivalent type pressure activated device for gas or vapor service characterized by pop action upon opening, sometimes referred to as a pop valve. (Refer to American National Standards Institute, Terminology for Pressure Relief Devices, B95.1.)

(20) "Hydrostatic relief valve" refers to an automatic pressure activated valve for liquid service characterized by throttle or slow weep opening (nonpop action). (Refer to American National Standards Institute, Terminology for Pressure Relief Devices, B95.1.)

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-51099 Appendix C—Availability of reference material.

APPENDIX C

AVAILABILITY OF REFERENCE MATERIAL

American National Standards Institute, Inc. (ANSI)
[formerly United States of America Standards
Institute (USASI) formerly American Standards
Association (ASA)]

~~((1430 Broadway))~~

11 West 42nd Street

New York, New York ~~((40018))~~ 10036

American Petroleum Institute (API)

~~((1801 "K" Street, N.W.))~~

1220 L Street Northwest

Washington, D.C. ~~((20006))~~ 20005

American Society of Mechanical Engineers (ASME)

345 East 47th Street

New York, New York 10017

American Society for Testing and Materials (ASTM)

1916 Race Street

Philadelphia, Pennsylvania 19103-1187

Bureau of Explosives*

~~((4920 "L"))~~ 50 "F" Street, N.W.

Washington, D.C. ~~((20036))~~ 20001

Compressed Gas Association, Incorporated (CGA)

~~((500 Fifth Avenue~~

~~New York, New York 10036))~~

1725 Jefferson Davis Highway

Arlington, Virginia 22202

The Fertilizer Institute (TFI) (formerly Agricultural
Nitrogen Institute—National Plant Food Institute)

~~((4015—18th Street N.W.))~~

501 2nd Street Northeast

Washington, D.C. ~~((20036))~~ 20002

~~((Manufacturing Chemists' Association (MCA) Univer-
sity Building~~

~~1825 Connecticut Ave., N.W.))~~

Chemical Manufacturers Association (CMA)

2501 "M" Street Northwest

Washington, D.C. ~~((20009))~~ 20037

National Fire Protection Association (NFPA)

~~((69))~~ Batterymarch ((Street)) Park

~~((Boston))~~ Quincy, Massachusetts ((02110)) 02269

~~((Bureau of Mines U.S. Department of the Interior~~

~~4800 Forbes Avenue~~

~~Pittsburgh, Pennsylvania 15213))~~

Mine Safety and Health Administration

4015 Wilson Blvd.

Boston Towers, Number 3

Arlington, Virginia 22203

~~((Superintendent of Documents*))~~

U.S. Government Printing Office*

North Capitol & "H" Streets Northwest

Washington, D.C. ~~((20402))~~ 20401

*DOT regulations available at nominal cost.

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 88-25, filed 11/14/88)

WAC 296-24-55001 Definitions. (1) Means of egress. A means of egress is a continuous and unobstructed way of exit travel from any point in a building or structure to a public way and consists of three separate and distinct parts: The way of exit access, the exit, and the way of exit discharge. A means of egress comprises the vertical and horizontal ways of travel and shall include intervening room spaces, doorways, hallways, corridors, passageways, balconies, ramps, stairs, enclosures, lobbies, escalators, horizontal exits, courts, and yards.

(2) Exit access. Exit access is that portion of a means of egress which leads to an entrance to an exit.

(3) Exit. Exit is that portion of a means of egress which is separated from all other spaces of the building or structure by construction or equipment as required in these standards to provide a protected way of travel to the exit of discharge.

(4) Exit discharge. Exit discharge is that portion of a means of egress between the termination of an exit and a public way.

(5) Low hazard contents. Low hazard contents shall be classified as those of such low combustibility that no self-propagating fire therein can occur and that consequently the only probable danger requiring the use of emergency exits will be from panic, fumes, or smoke, or fire from some external source.

(6) High-hazard contents. High-hazard contents shall be classified as those which are liable to burn with extreme rapidity or from which poisonous fumes or explosions are to be feared in the event of fire.

(7) Ordinary hazard contents. Ordinary hazard contents shall be classified as those which are liable to burn with moderate rapidity and to give off a considerable volume of smoke but from which neither poisonous fumes nor explosions are to be feared in case of fire.

(8) Approved. For the purposes of (~~WAC 296-24-550 through 296-24-56701, Part G-1, WAC 296-24-585 through 296-24-58517, Part G-2, and WAC 296-24-590 through 296-24-63599, Part G-3~~) chapter 296-24 WAC, Parts G-1, G-2 and G-3, approved shall mean listed or approved equipment by a nationally recognized testing laboratory. Refer to WAC (~~296-24-58501(19)~~) 296-24-58503 (3)(c)(iv)(A) for definition of listed, and federal regulation 29 CFR 1910.7 for nationally recognized testing laboratory.

(9) Emergency action plan. A plan for a workplace, or parts thereof, describing what procedures the employer and employees must take to ensure employee safety from fire or other emergencies.

(10) Emergency escape route. The route that employees are directed to follow in the event they are required to evacuate the workplace or seek a designated refuge area.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-56515 Discharge from exits. (1) All exits shall discharge directly to the street, or to a yard, court, or other open space that gives safe access to a public way. The streets to which the exits discharge shall be of width adequate to accommodate all persons leaving the building.

Yards, courts, or other open spaces to which exits discharge shall also be of adequate width and size to provide all persons leaving the building with ready access to the street.

(2) Stairs and other exits shall be so arranged as to make clear the direction of egress to the street. Exit stairs that continue beyond the floor of discharge shall be interrupted at the floor of discharge by partitions, doors, or other effective means.

(3) Where a doorway or corner of a building is located near a railroad or trolley track so that a (~~workman~~) worker is liable to walk upon the track in front of an approaching engine or cars a standard safeguard shall be installed with a warning sign.

AMENDATORY SECTION (Amending Order 74-27, filed 5/7/74)

WAC 296-24-58501 Definitions applicable to fire protection. (1) "Class A fires" are fires in ordinary combustible materials, such as wood, cloth, paper, and rubber.

(2) "Class B fires" are fires in flammable liquids, gases, and greases.

(3) "Class C fires" are fires which involve energized electrical equipment where the electrical nonconductivity of the extinguishing media is of importance. (When electrical equipment is deenergized, extinguisher for Class A or B fires may be used safely.)

(4) "Class D fires" are fires in combustible metals, such as magnesium, titanium, zirconium, sodium, and potassium.

(5) Classification of portable fire extinguishers: "Portable fire extinguishers" are classified for use on certain classes of fires and rated for relative extinguishing effectiveness at a temperature of plus 70°F by nationally recognized testing laboratories. This is based upon the preceding classification of fires and the fire extinguishment potentials as determined by fire tests.

Note: The classification and rating system described in this section is that used by Underwriters' Laboratories, Inc. and Underwriters' Laboratories of Canada and is based on extinguishing pre-planned fires of determined size and description as follows:

(a) Class A rating—Wood and excelsior fires excluding deep-seated conditions.

(b) Class B rating—Two-inch depth gasoline fires in square pans.

(c) Class C rating—No fire test. Agent must be a nonconductor of electricity.

(d) Class D rating—Special tests on specific combustible metal fires.

(6) A "light hazard" is a situation where the amount of combustibles or flammable liquids present is such that fires of small size may be expected. These may include offices, schoolrooms, churches, assembly halls, telephone exchanges, etc.

(7) An "ordinary hazard" is a situation where the amount of combustibles or flammable liquids present is such that fires of moderate size may be expected. These may include mercantile storage and display, auto showrooms, parking garages, light manufacturing, warehouses not classified as extra hazard, school shop areas, etc.

(8) An "extra hazard" is a situation where the amount of combustibles or flammable liquids present is such that fires of severe magnitude may be expected. These may include

woodworking, auto repair, aircraft servicing, warehouses with high-piled (14 feet or higher) combustibles, and processes such as flammable liquid handling, painting, dipping, etc.

(9) Sprinkler system: A "sprinkler system," for fire protection purposes, is an integrated system of underground and overhead piping designed in accordance with fire protection engineering standards. The system includes a suitable water supply, such as a gravity tank, fire pump, reservoir, or pressure tank and/or connection by underground piping to a city main. The portion of the sprinkler system above ground is a network of specially sized or hydraulically designed piping installed in a building, structure or area, generally overhead, and to which sprinklers are connected in a systematic pattern. The system includes a controlling valve and a device for actuating an alarm when the system is in operation. The system is usually activated by heat from a fire and discharges water over the fire area.

Note: The design and installation of water supply facilities such as gravity tanks, fire pumps, reservoirs, or pressure tanks, and underground piping are covered by NFPA Standards No. 22-1970, Water Tanks for Private Fire Protection; No. 20-1970, Installation of Centrifugal Fire Pumps and No. 24-1970, Outside Protection.

(10) Sprinkler alarms: A "sprinkler alarm" unit is an assembly of apparatus approved for the service and so constructed and installed that any flow of water from a sprinkler system equal to or greater than that from a single automatic sprinkler will result in an audible alarm signal on the premises.

(11) Class of service—Standpipe systems: "Standpipe systems" are grouped into three general classes of service for the intended use in the extinguishment of fire.

(a) Class I: For use by fire departments and those trained in handling heavy fire streams (2 1/2-inch hose).

(b) Class II: For use primarily by the building occupants until the arrival of the fire department (small hose).

(c) Class III: For use by either fire departments and those trained in handling heavy hose streams or by the building occupants.

(12) Class I service: "Class I service" is a standpipe system capable of furnishing the effective fire streams required during the more advanced stages of fire on the inside of buildings or for exposure fire.

(13) Class II service: "Class II service" is a standpipe system which affords a ready means for the control of incipient fires by the occupants of buildings during working hours and by (~~watchmen~~) watchperson and those present during the night time and holidays.

(14) Class III service: "Class III service" is a standpipe system capable of furnishing the effective fire streams required during the more advanced stages of fire on the inside of buildings as well as providing a ready means for the control of fires by the occupants of the building.

(15) Standpipe system: "Standpipe systems" are usually of the following types:

(a) A wet standpipe system having a supply valve open and water pressure maintained at all times.

(b) A standpipe system so arranged through the use of approved devices as to admit water to the system automatically by opening a hose valve.

(c) A standpipe system arranged to admit water to the system through manual operation of approved remote control devices located at each hose station.

(d) Dry standpipe having no permanent water supply. See also (11) of this section.

(16) Type I storage: "Type I storage" is that in which combustible commodities or noncombustible commodities involving combustible packaging or storage aids are stored over 15 feet but not more than 21 feet high in solid piles or over 12 feet but not more than 21 feet high in piles that contain horizontal channels. Minor quantities of commodities of hazard greater than ordinary combustibles may be included without affecting this general classification.

(17) Type II storage: "Type II storage" is that in which combustible commodities or noncombustible commodities involving combustible packaging or storage aids are stored not over 15 feet high in solid piles or not over 12 feet high in piles that contain horizontal channels. Minor quantities of commodities of hazard greater than ordinary combustibles may be included without affecting this general classification.

(18) Type III storage: "Type III storage" is that in which the stored commodities, packaging, and storage aids are noncombustible or contain only a small concentration of combustibles which are incapable of producing a fire that would cause appreciable damage to the commodities stored or to noncombustible wall, floor or roof construction. Ordinary combustible commodities in completely sealed noncombustible containers may qualify in this classification. General commodity storage that is subject to frequent changing and storage of combustible packaging and storage aids is excluded from this category.

(19) Approved: "Approved" means listed or approved by: (a) At least one of the following nationally recognized testing laboratories: Factory Mutual Engineering Corp.; Underwriters' Laboratories, Inc., or (b) federal agencies such as (~~Bureau of Mines, Department of the Interior~~) Mine Safety and Health Administration (MSHA); the National Institute for Occupational Safety and Health (NIOSH); Department of Transportation; or U.S. Coast Guard, which issue approvals for such equipment.

AMENDATORY SECTION (Amending Order 92-13, filed 11/10/92, effective 12/18/92)

WAC 296-24-58513 Protective clothing. The following requirements apply to those employees who perform interior structural fire fighting. The requirements do not apply to employees who use fire extinguishers or standpipe systems to control or extinguish fires only in the incipient stage.

(1) General.

(a) The employer shall provide at no cost to the employee and assure the use of protective clothing which complies with the requirements of this section. The employer shall assure that protective clothing ordered or purchased after January 1, 1982, meets the requirements contained in this section. As the new equipment is provided, the employer shall assure that all fire brigade members wear the equipment when performing interior structural fire fighting. After July 1, 1985, the employer shall assure that all fire brigade members wear protective clothing meeting the requirements

of this section when performing interior structural fire fighting.

(b) The employer shall assure that protective clothing protects the head, body, and extremities, and consists of at least the following components: Foot and leg protection; hand protection; body protection; eye, face and head protection.

(2) Foot and leg protection.

(a) Foot and leg protection shall meet the requirements of (b) and (c) of this subsection, and may be achieved by either of the following methods:

(i) Fully extended boots which provide protection for the legs; or

(ii) Protective shoes or boots worn in combination with protective trousers that meet the requirements of subsection (3) of this section.

(b) Protective footwear shall meet the requirements of WAC 296-24-088 for Class 75 footwear. In addition, protective footwear shall be water-resistant for at least five inches (12.7 cm) above the bottom of the heel and shall be equipped with slip-resistant outer soles.

(c) Protective footwear shall be tested in accordance with ~~((paragraph (1)))~~ WAC 296-24-63599(1) Appendix E, and shall provide protection against penetration of the midsole by a size 8D common nail when at least 300 pounds (1330 N) of static force is applied to the nail.

(3) Body protection.

(a) Body protection shall be coordinated with foot and leg protection to ensure full body protection for the wearer. This shall be achieved by one of the following methods:

(i) Wearing of a fire-resistive coat meeting the requirements of (b) of this subsection, in combination with fully extended boots meeting the requirements of subsection (2)(b) and (c) of this section; or

(ii) Wearing of fire-resistive coat in combination with protective trousers both of which meet the requirements of (b) of this subsection.

(b) The performance, construction, and testing of fire-resistive coats and protective trousers shall be at least equivalent to the requirements of the National Fire Protection Association (NFPA) standard NFPA No. 1971-1975, "Protective Clothing for Structural Fire Fighting," (see WAC 296-24-63499, Appendix D) with the following permissible variations from those requirements:

(i) Tearing strength of the outer shell shall be a minimum of eight pounds (35.6 N) in any direction when tested in accordance with ~~((paragraph (2) of))~~ WAC 296-24-63599(2), Appendix E; and

(ii) The outer shell may discolor but shall not separate or melt when placed in a forced air laboratory oven at a temperature of 500°F (260°C) for a period of five minutes. After cooling to ambient temperature and using the test method specified in ~~((paragraph (3) of))~~ WAC 296-24-63599(3) Appendix E, char length shall not exceed 4.0 inches (10.2 cm) and after-flame shall not exceed 2.0 seconds.

(4) Hand protection.

(a) Hand protection shall consist of protective gloves or glove system which will provide protection against cut, puncture, and heat penetration. Gloves or glove system shall be tested in accordance with the test methods contained in the National Institute for Occupational Safety and Health

(NIOSH) 1976 publication, "The Development of Criteria for Fire Fighter's Gloves; Vol. II, Part II: Test Methods," (see WAC 296-24-63499, Appendix D—Availability of publications incorporated by references in WAC 296-24-58505—Fire brigades) and shall meet the following criteria for cut, puncture, and heat penetration:

(i) Materials used for gloves shall resist surface cut by a blade with an edge having a 60 degree included angle and a .001 inch (.0025 cm.) radius, under an applied force of 16 lbf (72N) and at a slicing velocity of greater or equal to 60 in/min. (2.5 cm/sec);

(ii) Materials used for the palm and palm side of the fingers shall resist puncture by a penetrometer (simulating a 4d lath nail), under an applied force of 13.2 lbf (60N) and at a velocity greater or equal to 20 in/min. (.85 cm/sec); and

(iii) The temperature inside the palm and gripping surface of the fingers of gloves shall not exceed 135°F (57°C) when gloves or glove system are exposed to 932°F (500°C) for five seconds at 4 psi (28 kPa) pressure.

(b) Exterior materials of gloves shall be flame resistant and shall be tested in accordance with ~~((paragraph (3) of))~~ WAC 296-24-63599(3) Appendix E. Maximum allowable after-flame shall be 2.0 seconds, and the maximum char length shall be 4.0 inches (10.2 cm).

(c) When design of the fire-resistive coat does not otherwise provide protection for the wrists, protective gloves shall have wristlets of at least 4.0 inches (10.2 cm) in length to protect the wrist area when the arms are extended upward and outward from the body.

(5) Head, eye and face protection.

(a) Head protection shall consist of a protective head device with ear flaps and chin strap which meet the performance, construction, and testing requirements of the National Fire Safety and Research Office of the National Fire Prevention and Control Administration, United States Department of Commerce (now known as the United States Fire Administration), which are contained in, "Model Performance Criteria for Structural Fire Fighters' Helmets," (August 1977) (see WAC 296-24-63499, Appendix D).

(b) Protective eye and face devices which comply with WAC 296-24-078 shall be used by fire brigade members when performing operations where the hazards of flying or falling materials which may cause eye and face injuries are present. Protective eye and face devices provided as accessories to protective head devices (face shields) are permitted when such devices meet the requirements of WAC 296-24-078.

(c) Full facepieces, helmets, or hoods of breathing apparatus which meet the requirements of WAC 296-62-071 and 296-24-58515, shall be acceptable as meeting the eye and face protection requirements of (b) of this subsection.

AMENDATORY SECTION (Amending Order 81-32, filed 12/24/81)

WAC 296-24-58515 Respiratory protection devices.

(1) General requirements.

(a) The employer shall provide at no cost to the employee and assure the use of respirators which comply with the requirements of this ~~((paragraph))~~ section. The employer shall assure that respiratory protective devices worn by brigade members meet the requirements contained in WAC

296-62-071, and the requirements contained in this ((~~paragraph~~)) section, and are certified under 30 CFR Part II.

(b) Approved self-contained breathing apparatus with full-facepiece, or with approved helmet or hood configuration, shall be provided to and worn by fire brigade members while working inside buildings or confined spaces where toxic products of combustion or an oxygen deficiency may be present. Such apparatus shall also be worn during emergency situations involving toxic substances.

(c) Approved self-contained breathing apparatus may be equipped with either a "buddy-breathing" device or a quick disconnect valve, even if these devices are not certified by NIOSH. If these accessories are used, they shall not cause damage to the apparatus, or restrict the air flow of the apparatus, or obstruct the normal operation of the apparatus.

(d) Approved self-contained compressed air breathing apparatus may be used with approved cylinders from other approved self-contained compressed air breathing apparatus provided that such cylinders are of the same capacity and pressure rating. All compressed air cylinders used with self-contained breathing apparatus shall meet DOT and NIOSH criteria.

(e) Self-contained breathing apparatus shall have a minimum service life rating of thirty minutes in accordance with the methods and requirements of the mine safety and health administration (MSHA) and NIOSH, except for escape self-contained breathing apparatus (ESCSA) used only for emergency escape purposes.

(f) Self-contained breathing apparatus shall be provided with an indicator which automatically sounds an audible alarm when the remaining service life of the apparatus is reduced to within a range of twenty to twenty-five percent of its rated service time.

(2) Positive-pressure breathing apparatus.

(a) The employer shall assure that self-contained breathing apparatus ordered or purchased after January 1, 1982, for use by fire brigade members performing interior structural fire fighting operations, are of the pressure-demand or other positive-pressure type. Effective July 1, 1983, only pressure-demand or other positive-pressure self-contained breathing apparatus shall be worn by fire brigade members performing interior structural fire fighting.

(b) This section does not prohibit the use of a self-contained breathing apparatus where the apparatus can be switched from a demand to a positive-pressure mode. However, such apparatus shall be in the positive-pressure mode when fire brigade members are performing interior structural fire fighting operations.

(c) Negative-pressure self-contained breathing apparatus with a rated service life of more than two hours and which have a minimum protection factor of 5,000, as determined by an acceptable quantitative fit test performed on each individual, is acceptable for use only during those interior structural fire fighting situations for which the employer demonstrates that long duration breathing apparatus is necessary. Quantitative fit test procedures shall be available for inspection by the director or authorized representative. Such negative-pressure breathing apparatus will continue to be acceptable for eighteen months after a positive-pressure breathing apparatus with the same or longer rated service life is certified by NIOSH. After this eighteen-month period, all

self-contained breathing apparatus used for these long duration situations shall be of the positive-pressure type.

AMENDATORY SECTION (Amending Order 81-32, filed 12/24/81)

WAC 296-24-58517 Appendix A—Fire brigades. (1) Scope. This section does not require an employer to organize a fire brigade. However, if an employer does decide to organize a fire brigade, the requirements of this section apply.

(2) Prefire planning. It is suggested that prefire planning be conducted by the local fire department and/or the workplace fire brigade in order for them to be familiar with the workplace and process hazards. Involvement with the local fire department or fire prevention bureau is encouraged to facilitate coordination and cooperation between members of the fire brigade and those who might be called upon for assistance during a fire emergency.

(3) Organizational statement. In addition to the information required in the organizational statement, WAC 296-24-58507(1), it is suggested that the organizational statement also contain the following information: A description of the duties that the fire brigade members are expected to perform; the line authority of each fire brigade officer; the number of the fire brigade officers and number of training instructors; and a list and description of the types of awards or recognition that brigade members may be eligible to receive.

(4) Physical capability. The physical capability requirement applies only to those fire brigade members who perform interior structural fire fighting. Employees who cannot meet the physical capability requirement may still be members of the fire brigade as long as such employees do not perform interior structural fire fighting. It is suggested that fire brigade members who are unable to perform interior structural fire fighting be assigned less stressful and physically demanding fire brigade duties, e.g., certain types of training, recordkeeping, fire prevention inspection and maintenance, and fire pump operations.

Physically capable can be defined as being able to perform those duties specified in the training requirements of WAC 296-24-58509. Physically capable can also be determined by physical performance tests or by a physical examination when the examining physician is aware of the duties that the fire brigade member is expected to perform.

It is also recommended that fire brigade members participate in a physical fitness program. There are many benefits which can be attributed to being physically fit. It is believed that physical fitness may help to reduce the number of sprain and strain injuries as well as contributing to the improvement of the cardiovascular system.

(5) Training and education. The ((~~paragraph~~)) section on training and education does not contain specific training and education requirements because the type, amount, and frequency of training and education will be as varied as are the purposes for which fire brigades are organized. However, the ((~~paragraph~~)) section does require that training and education be commensurate with those functions that the fire brigade is expected to perform; i.e., those functions specified in the organizational statement. Such a performance requirement provides the necessary flexibility to design a

training program which meets the needs of individual fire brigades.

At a minimum, hands-on training is required to be conducted annually for all fire brigade members. However, for those fire brigade members who are expected to perform interior structural fire fighting, some type of training or education session must be provided at least quarterly.

In addition to the required hands-on training, it is strongly recommended that fire brigade members receive other types of training and education such as: Classroom instruction, review of emergency action procedures, prefire planning, review of special hazards in the workplace, and practice in the use of self-contained breathing apparatus.

It is not necessary for the employer to duplicate the same training or education that a fire brigade member receives as a member of a community volunteer fire department, rescue squad, or similar organization. However, such training or education must have been provided to the fire brigade member within the past year and it must be documented that the fire brigade member has received the training or education. For example: There is no need for a fire brigade member to receive another training class in the use of positive-pressure self-contained breathing apparatus if the fire brigade member has recently completed such training as a member of a community fire department. Instead, the fire brigade member should receive training or education covering other important equipment or duties of the fire brigade as they relate to the workplace hazards, facilities and processes.

It is generally recognized that the effectiveness of fire brigade training and education depends upon the expertise of those providing the training and education as well as the motivation of the fire brigade members. Fire brigade training instructors must receive a higher level of training and education than the fire brigade members they will be teaching. This includes being more knowledgeable about the functions to be performed by the fire brigade and the hazards involved. The instructors should be qualified to train fire brigade members and demonstrate skills in communication, methods of teaching, and motivation. It is important for instructors and fire brigade members alike to be motivated toward the goal of the fire brigade and be aware of the importance of the service that they are providing for the protection of other employees and the workplace.

It is suggested that publications from the International Fire Service Training Association, the National Fire Protection Association (NFPA-1041), the International Society of Fire Service Instructors and other fire training sources be consulted for recommended qualifications of fire brigade training instructors.

In order to be effective, fire brigades must have competent leadership and supervision. It is important for those who supervise the fire brigade during emergency situations, e.g., fire brigade chiefs, leaders, etc., to receive the necessary training and education for supervising fire brigade activities during these hazardous and stressful situations. These fire brigade members with leadership responsibilities should demonstrate skills in strategy and tactics, fire suppression and prevention techniques, leadership principles, prefire planning, and safety practices. It is again suggested that fire service training sources be consulted for determining the

kinds of training and education which are necessary for those with fire brigade leadership responsibilities.

It is further suggested that fire brigade leaders and fire brigade instructors receive more formalized training and education on a continuing basis by attending classes provided by such training sources as universities and university fire extension services.

The following recommendations should not be considered to be all of the necessary elements of a complete comprehensive training program, but the information may be helpful as a guide in developing a fire brigade training program.

All fire brigade members should be familiar with exit facilities and their location, emergency escape routes for handicapped workers, and the workplace "emergency action plan."

In addition, fire brigade members who are expected to control and extinguish fires in the incipient stage should, at a minimum, be trained in the use of fire extinguishers, standpipes, and other fire equipment they are assigned to use. They should also be aware of first aid medical procedures and procedures for dealing with special hazards to which they may be exposed. Training and education should include both classroom instruction and actual operation of the equipment under simulated emergency conditions. Hands-on type training must be conducted at least annually but some functions should be reviewed more often.

In addition to the above training, fire brigade members who are expected to perform emergency rescue and interior structural fire fighting should, at a minimum, be familiar with the proper techniques in rescue and fire suppression procedures. Training and education should include fire protection courses, classroom training, simulated fire situations including "wet drills" and, when feasible, extinguishment of actual mock fires. Frequency of training or education must be at least quarterly, but some drills or classroom training should be conducted as often as monthly or even weekly to maintain the proficiency of fire brigade members.

There are many excellent sources of training and education that the employer may want to use in developing a training program for the workplace fire brigade. These sources include publications, seminars, and courses offered by universities.

There are also excellent fire school courses by such facilities as Texas A and M University, Delaware State Fire School, Lamar University, and Reno Fire School, that deal with those unique hazards which may be encountered by fire brigades in the oil and chemical industry. These schools, and others, also offer excellent training courses which would be beneficial to fire brigades in other types of industries. These courses should be a continuing part of the training program, and employers are strongly encouraged to take advantage of these excellent resources.

It is also important that fire brigade members be informed about special hazards to which they may be exposed during fire and other emergencies. Such hazards as storage and use areas of flammable liquids and gases, toxic chemicals, water-reactive substances, etc., can pose difficult problems. There must be written procedures developed that describe the actions to be taken in situations involving special hazards. Fire brigade members must be trained in

handling these special hazards as well as keeping abreast of any changes that occur in relation to these special hazards.

(6) Fire fighting equipment. It is important that fire fighting equipment that is in damaged or unserviceable condition be removed from service and replaced. This will prevent fire brigade members from using unsafe equipment by mistake.

Fire fighting equipment, except portable fire extinguishers and respirators, must be inspected at least annually. Portable fire extinguishers and respirators are required to be inspected at least monthly.

(7) Protective clothing.

(a) General. WAC 296-24-58513 does not require all fire brigade members to wear protective clothing. It is not the intention of these standards to require employers to provide a full ensemble of protective clothing for every fire brigade member without consideration given to the types of hazardous environments to which the fire brigade member might be exposed. It is the intention of these standards to require adequate protection for those fire brigade members who might be exposed to fires in an advanced stage, smoke, toxic gases, and high temperatures. Therefore, the protective clothing requirements only apply to those fire brigade members who perform interior structural fire fighting operations.

Additionally, the protective clothing requirements do not apply to the protective clothing worn during outside fire fighting operations (brush and forest fires, crash crew operations) or other special fire fighting activities. It is important that the protective clothing to be worn during these types of fire fighting operations reflect the hazards which are expected to be encountered by fire brigade members.

(b) Foot and leg protection. WAC ((296-24-58505)) 296-24-58513 permits an option to achieve foot and leg protection.

The section recognizes the interdependence of protective clothing to cover one or more parts of the body. Therefore, an option is given so that fire brigade members may meet the foot and leg requirements by either wearing long fire-resistant coats in combination with fully extended boots, or by wearing shorter fire-resistant coats in combination with protective trousers and protective shoes or shorter boots.

(c) Body protection. WAC 296-24-58513(3) provides an option for fire brigade members to achieve body protection. Fire brigade members may wear a fire-resistant coat in combination with fully extended boots, or they may wear a fire-resistant coat in combination with protective trousers.

Fire-resistant coats and protective trousers meeting all of the requirements contained in NFPA 1971-1975, "Protective Clothing for Structural Fire Fighters," are acceptable as meeting the requirements of this standard.

The lining is required to be permanently attached to the outer shell. However, it is permissible to attach the lining to the outer shell material by stitching in one area such as at the neck. Fastener tape or snap fasteners may be used to secure the rest of the lining to the outer shell to facilitate cleaning. Reference to permanent lining does not refer to a winter liner which is a detachable extra lining used to give added protection to the wearer against the effects of cold weather and wind.

(d) Hand protection. The requirements of ((~~subsection (4) of this section~~)) WAC 296-24-58513(4) on hand protection may be met by protective gloves or a glove system. A glove system consists of a combination of different gloves. The usual components of a glove system consist of a pair of gloves, which provide thermal insulation to the hand, worn in combination with a second pair of gloves which provide protection against flame, cut and puncture.

It is suggested that protective gloves provide dexterity and a sense of feel for objects. Criteria and test methods for dexterity are contained in the NIOSH publications, "The Development of Criteria for Firefighters' Gloves; Vol. I: Glove Requirements," and "Vol. II: Glove Criteria and Test Methods." These NIOSH publications also contain a permissible modified version of Federal Test Method 191, Method 5903, ((~~paragraph (3) of~~)) WAC 296-24-63599(3) Appendix E) for flame resistance when gloves, rather than glove material, are tested for flame resistance.

(e) Head, eye and face protection. Head protective devices which meet the requirements contained in NFPA No. 1972 are acceptable as meeting the requirements of this standard for head protection.

Head protective devices are required to be provided with ear flaps so that the ear flaps will be available if needed. It is recommended that ear protection always be used while fighting interior structural fires.

Many head protective devices are equipped with face shields to protect the eyes and face. These face shields are permissible as meeting the eye and face protection requirements of this ((~~paragraph~~)) section as long as such face shields meet the requirements of WAC 296-24-078 of the general safety and health standards.

Additionally, full facepieces, helmets or hoods of approved breathing apparatus which meet the requirements of WAC 296-62-071 and 296-24-58515 are also acceptable as meeting the eye and face protection requirements.

It is recommended that a flame resistant protective head covering such as a hood or snood, which will not adversely affect the seal of a respirator facepiece, be worn during interior structural fire fighting operations to protect the sides of the face and hair.

(8) Respiratory protective devices. Respiratory protection is required to be worn by fire brigade members while working inside buildings or confined spaces where toxic products of combustion or an oxygen deficiency is likely to be present; respirators are also to be worn during emergency situations involving toxic substances. When fire brigade members respond to emergency situations, they may be exposed to unknown contaminants in unknown concentrations. Therefore, it is imperative that fire brigade members wear proper respiratory protective devices during these situations. Additionally, there are many instances where toxic products of combustion are still present during mop-up and overhaul operations. Therefore, fire brigade members should continue to wear respirators during these types of operations.

Self-contained breathing apparatus are not required to be equipped with either buddy-breathing device or a quick disconnect valve. However, these accessories may be very useful and are acceptable as long as such accessories do not cause damage to the apparatus, restrict the air flow of the apparatus, or obstruct the normal operation of the apparatus.

Buddy-breathing devices are useful for emergency situations where a victim or another fire brigade member can share the same air supply with the wearer of the apparatus for emergency escape purposes.

The employer is encouraged to provide fire brigade members with an alternative means of respiratory protection to be used only for emergency escape purposes if the self-contained breathing apparatus becomes inoperative. Such alternative means of respiratory protection may be either a buddy-breathing device or an escape self-contained breathing apparatus (ESCBA). The ESCBA is a short-duration respiratory protective device which is approved for only emergency escape purposes. It is suggested that if ESCBA units are used, that they be of at least five minutes service life.

Quick disconnect valves are devices which start the flow of air by insertion of the hose (which leads to the facepiece) into the regulator of self-contained breathing apparatus, and stop the flow of air by disconnecting the hose from the regulator. These devices are particularly useful for those positive-pressure self-contained breathing apparatus which do not have the capability of being switched from the demand to the positive-pressure mode.

The use of a self-contained breathing apparatus where the apparatus can be switched from a demand to a positive-pressure mode is acceptable as long as the apparatus is in the positive-pressure mode when performing interior structural fire fighting operations. Also acceptable are approved respiratory protective devices which have been converted to the positive-pressure type when such modification is accomplished by trained and experienced persons using kits or parts approved by NIOSH and provided by the manufacturer and by following the manufacturer's instructions.

There are situations which require the use of respirators which have a duration of two hours or more. Presently, there are no approved positive-pressure apparatus with a rated service life of more than two hours. Consequently, negative-pressure self-contained breathing apparatus with a rated service life of more than two hours and which have a minimum protection factor of 5,000 as determined by an acceptable quantitative fit test performed on each individual, will be acceptable for use during situations which require long duration apparatus. Long duration apparatus may be needed in such instances as working in tunnels, subway systems, etc. Such negative-pressure breathing apparatus will continue to be acceptable for a maximum of eighteen months after a positive-pressure apparatus with the same or longer rated service life of more than two hours is certified by NIOSH/MSHA. After this eighteen-month phase-in period, all self-contained breathing apparatus used for these long duration situations will have to be of the positive-pressure type.

Protection factor (sometimes called fit factor) is defined as the ratio of the contaminant concentrations outside of the respirator to the contaminant concentrations inside the facepiece of the respirator.

$$PF = \frac{\text{Concentration outside respirator}}{\text{Concentration inside facepiece}}$$

Protection factors are determined by quantitative fit tests. An acceptable quantitative fit test should include the following elements:

(a) A fire brigade member who is physically and medically capable of wearing respirators, and who is trained in the use of respirators, dons a self-contained breathing apparatus equipped with a device that will monitor the concentration of a contaminant inside the facepiece.

(b) The fire brigade member then performs a qualitative fit test to assure the best face-to-facepiece seal as possible. A qualitative fit test can consist of a negative-pressure test, positive-pressure test, isoamyl acetate vapor (banana oil) test, or an irritant smoke test. For more details on respirator fitting see the NIOSH booklet entitled, "A Guide to Industrial Respiratory Protection," June 1976, and ((HEW)) HHS publication No. (NIOSH) 76-189.

(c) The wearer should then perform physical activity which reflects the level of work activity which would be expected during fire fighting activities. The physical activity should include simulated fire-ground work activity or physical exercise such as running-in-place, a step test, etc.

(d) Without readjusting the apparatus, the wearer is placed in a test atmosphere containing a nontoxic contaminant with a known, constant concentration.

The protection factor is then determined by dividing the known concentration of the contaminant in the test atmosphere by the concentration of the contaminant inside the facepiece when the following exercises are performed:

(i) Normal breathing with head motionless for one minute;

(ii) Deep breathing with head motionless for thirty seconds;

(iii) Turning head slowly from side to side while breathing normally, pausing for at least two breaths before changing direction. Continue for at least one minute;

(iv) Moving head slowly up and down while breathing normally, pausing for at least two breaths before changing direction. Continue for at least two minutes;

(v) Reading from a prepared text, slowly and clearly, and loudly enough to be heard and understood. Continue for one minute; and

(vi) Normal breathing with head motionless for at least one minute.

The protection factor which is determined must be at least 5,000. The quantitative fit test should be conducted at least three times. It is acceptable to conduct all three tests on the same day. However, there should be at least one hour between tests to reflect the protection afforded by the apparatus during different times of the day.

The above elements are not meant to be a comprehensive, technical description of a quantitative fit test protocol. However, quantitative fit test procedures which include these elements are acceptable for determining protection factors. Procedures for a quantitative fit test are required to be available for inspection by the director or authorized representative.

Organizations such as Los Alamos ((Scientific)) National Laboratory, Lawrence Livermore Laboratory, NIOSH, and American National Standards Institute (ANSI) are excellent sources for additional information concerning qualitative and quantitative fit testing.

AMENDATORY SECTION (Amending Order 81-32, filed 12/24/81)

WAC 296-24-59215 Appendix A—Portable fire extinguishers. (1) Scope and application. The scope and application of this section is written to apply to three basic types of workplaces. First, there are those workplaces where the employer has chosen to evacuate all employees from the workplace at the time of a fire emergency. Second, there are those workplaces where the employer has chosen to permit certain employees to fight fires and to evacuate all other nonessential employees at the time of a fire emergency. Third, there are those workplaces where the employer has chosen to permit all employees in the workplace to use portable fire extinguishers to fight fires.

The section also addresses two kinds of work areas. The entire workplace can be divided into outside (exterior) work areas and inside (interior) work areas. This division of the workplace into two areas is done in recognition of the different types of hazards employees may be exposed to during fire fighting operations. Fires in interior workplaces, pose a greater hazard to employees; they can produce greater exposure to quantities of smoke, toxic gases, and heat because of the capability of a building or structure to contain or entrap these products of combustion until the building can be ventilated. Exterior work areas, normally open to the environment, are somewhat less hazardous, because the products of combustion are generally carried away by the thermal column of the fire. Employees also have a greater selection of evacuation routes if it is necessary to abandon fire fighting efforts.

In recognition of the degree of hazard present in the two types of work areas, the standards for exterior work areas are somewhat less restrictive in regards to extinguisher distribution. WAC 296-24-59201 explains this by specifying which ((paragraphs in the)) sections apply.

(2) Portable fire extinguisher exemptions. In recognition of the three options given to employers in regard to the amount of employee evacuation to be carried out, the standards permit certain exemptions based on the number of employees expected to use fire extinguishers.

Where the employer has chosen to totally evacuate the workplace at the time of a fire emergency and when fire extinguishers are not provided, the requirements of this section do not apply to that workplace.

Where the employer has chosen to partially evacuate the workplace or the effected area at the time of a fire emergency and has permitted certain designated employees to remain behind to operate critical plant operations or to fight fires with extinguishers, then the employer is exempt from the distribution requirements of this section. Employees who will be remaining behind to perform incipient fire fighting or members of a fire brigade must be trained in their duties. The training must result in the employees becoming familiar with the locations of fire extinguishers. Therefore, the employer must locate the extinguishers in convenient locations where the employees know they can be found. For example, they could be mounted in the fire truck or cart that the fire brigade uses when it responds to a fire emergency. They can also be distributed as set forth in the National Fire Protection Association's Standard No. 10, "Portable Fire Extinguishers."

Where the employer has decided to permit all employees in the workplace to use fire extinguishers, then the entire WISHA standard applies.

(3) Portable fire extinguisher mounting. Previous standards for mounting fire extinguishers have been criticized for requiring specific mounting locations. In recognition of this criticism, the standard has been rewritten to permit as much flexibility in extinguisher mounting as is acceptable to assure that fire extinguishers are available when needed and that employees are not subjected to injury hazards when they try to obtain an extinguisher.

It is the intent of WISHA to permit the mounting of extinguishers in any location that is accessible to employees without the use of portable devices such as a ladder. This limitation is necessary because portable devices can be moved or taken from the place where they are needed and, therefore, might not be available at the time of an emergency.

Employers are given as much flexibility as possible to assure that employees can obtain extinguishers as fast as possible. For example, an acceptable method of mounting extinguishers in areas where fork lift trucks or tow-motors are used is to mount the units on retractable board which, by means of counterweighting, can be raised above the level where they could be struck by vehicular traffic. When needed, they can be lowered quickly for use. This method of mounting can also reduce vandalism and unauthorized use of extinguishers. The extinguishers may also be mounted as outlined in the National Fire Protection Association's Standard No. 10, "Portable Fire Extinguishers."

(4) Selection and distribution. The employer is responsible for the proper selection and distribution of fire extinguishers and the determination of the necessary degree of protection. The selection and distribution of fire extinguishers must reflect the type and class of fire hazards associated with a particular workplace.

Extinguishers for protecting Class A hazards may be selected from the following types: Water, foam, loaded stream, or multipurpose dry chemical. Extinguishers for protecting Class B hazards may be selected from the following types: Halon 1301, Halon 1211, carbon dioxide, dry chemicals, foam, or loaded stream. Extinguishers for Class C hazards may be selected from the following types: Halon 1301, Halon 1211, carbon dioxide, or dry chemical.

Combustible metal (Class D hazards) fires pose a different type of fire problem in the workplace. Extinguishers using water, gas, or certain dry chemicals cannot extinguish or control this type of fire. Therefore, certain metals have specific dry powder extinguishing agents which can extinguish or control this type of fire. Those agents which have been specifically approved for use on certain metal fires provide the best protection; however, there are also some "universal" type agents which can be used effectively on a variety of combustible metal fires if necessary. The "universal" type agents include: Foundry flux, Lith-X powder, TMB liquid, pyromet powder, TEC powder, dry talc, dry graphite powder, dry sand, dry sodium chloride, dry soda ash, lithium chloride, zirconium silicate, and dry dolomite.

Water is not generally accepted as an effective extinguishing agent for metal fires. When applied to hot burning metal, water will break down into its basic atoms of oxygen

and hydrogen. This chemical breakdown contributes to the combustion of the metal. However, water is also a good universal coolant and can be used on some combustible metals, but only under proper conditions and application, to reduce the temperature of the burning metal below the ignition point. For example, automatic deluge systems in magnesium plants can discharge such large quantities of water on burning magnesium that the fire will be extinguished. The National Fire Protection Association has specific standards for this type of automatic sprinkler system. Further information on the control of metal fires with water can be found in the National Fire Protection Association's *Fire Protection Handbook*.

An excellent source of selection and distribution criteria is found in the National Fire Protection Association's Standard No. 10. Other sources of information include the National Safety Council and the employer's fire insurance carrier.

(5) Substitution of standpipe systems for portable fire extinguishers. The employer is permitted to substitute acceptable standpipe systems for portable fire extinguishers under certain circumstances. It is necessary to assure that any substitution will provide the same coverage that portable units provide. This means that fire hoses, because of their limited portability, must be spaced throughout the protected area so that they can reach around obstructions such as columns, machinery, etc., and so that they can reach into closets and other enclosed areas.

(6) Inspection, maintenance and testing. The ultimate responsibility for the inspection, maintenance and testing of portable fire extinguishers lies with the employer. The actual inspection, maintenance, and testing may, however, be conducted by outside contractors with whom the employer has arranged to do the work. When contracting for such work, the employer should assure that the contractor is capable of performing the work that is needed to comply with this standard.

If the employer should elect to perform the inspection, maintenance, and testing requirements of this section in-house, then the employer must make sure that those persons doing the work have been trained to do the work and to recognize problem areas which could cause an extinguisher to be inoperable. The National Fire Protection Association provides excellent guidelines in its standard for portable fire extinguishers. The employer may also check with the manufacturer of the unit that has been purchased and obtain guidelines on inspection, maintenance, and testing. Hydrostatic testing is a process that should be left to contractors or individuals using suitable facilities and having the training necessary to perform the work.

Any time the employer has removed an extinguisher from service to be checked or repaired, alternate equivalent protection must be provided. Alternate equivalent protection could include replacing the extinguisher with one or more units having equivalent or equal ratings, posting a fire watch, restricting the unprotected area from employee exposure, or providing a hose system ready to operate.

(7) Hydrostatic testing. As stated before, the employer may contract for hydrostatic testing. However, if the employer wishes to provide the testing service, certain equipment and facilities must be available. Employees should be made aware of the hazards associated with

hydrostatic testing and the importance of using proper guards and water pressures. Severe injury can result if extinguisher shells fail violently under hydrostatic pressure.

Employers are encouraged to use contractors who can perform adequate and reliable service. Firms which have been certified by the Materials Transportation Board (MTB) of the United States Department of Transportation (DOT), or state licensed extinguisher servicing firms, or recognized by the National Association of Fire Equipment Distributors in Chicago, Illinois, are generally acceptable for performing this service.

(8) Training and education. This part of the standard is of the utmost importance to employers and employees if the risk of injury or death due to extinguisher use is to be reduced. If an employer is going to permit an employee to fight a workplace fire of any size, the employer must make sure that the employee knows everything necessary to assure the employee's safety.

Training and education can be obtained through many channels. Often, local fire departments in larger cities have fire prevention bureaus or similar organizations which can provide basic fire prevention training programs. Fire insurance companies will have data and information available. The National Fire Protection Association and the National Safety Council will provide, at a small cost, publications that can be used in a fire prevention program.

Actual fire fighting training can be obtained from various sources in the country. The Texas A and M University, the University of Maryland's Fire and Rescue Institute, West Virginia University's Fire Service Extension, Iowa State University's Fire Service Extension and other state training schools and land grant colleges have fire fighting programs directed to industrial applications. Some manufacturers of extinguishers, such as the Ansul Company and Safety First, conduct fire schools for customers in the proper use of extinguishers. Several large corporations have taken time to develop their own on-site training programs which expose employees to the actual "feeling" of fire fighting. Simulated fires for training of employees in the proper use of extinguishers are also an acceptable part of a training program.

In meeting the requirements of this section, the employer may also provide educational materials, without classroom instruction, through the use of employee notice campaigns using instruction sheets or flyers or similar types of informal programs. The employer must make sure that employees are trained and educated to recognize not only what type of fire is being fought and how to fight it, but also when it is time to get away from it and leave fire suppression to more experienced fire fighters.

AMENDATORY SECTION (Amending Order 81-32, filed 12/24/81)

WAC 296-24-63299 Appendix B—National consensus standards. The following table contains a cross-reference listing of those current national consensus standards which contains information and guidelines that would be considered acceptable in complying with requirements in the specific sections.

Section	National Consensus Standard	
WAC 296-24-58505	ANSI/NFPA No. 1972, Structural Fire Fighter's Helmets. ANSI Z88.5 American National Standard, Practice for Respirator Protection for the Fire Service. ANSI/NFPA No. 1971, Protective Clothing for Structural Fire Fighters. NFPA No. 1041, Fire Service Instructor Professional Qualifications.	ANSI/NFPA No. 72D, Proprietary Protective Signaling Systems. ANSI/NFPA No. 72E, Automatic Fire Detectors. ANSI/NFPA No. 101, Life Safety Code.
WAC 296-24-592	ANSI/NFPA No. 10, Portable Fire Extinguishers.	WAC 296-24-631
WAC 296-24-602	ANSI/NFPA No. 18, Wetting Agents. ANSI/NFPA No. 20, Centrifugal Fire Pumps. NFPA No. 21, Steam Fire Pumps. ANSI/NFPA No. 22, Water Tanks. NFPA No. 24, Outside Protection. NFPA No. 26, Supervision of Valves. NFPA No. 13E, Fire Department Operations in Properties Protected by Sprinkler, Standpipe Systems. ANSI/NFPA No. 194, Fire Hose Connections. NFPA No. 197, Initial Fire Attack, Training for. NFPA No. 1231, Water Supplies for Suburban and Rural Fire Fighting.	ANSI/NFPA No. 71, Central Station Signaling Systems. ANSI/NFPA No. 72A, Local Protective Signaling Systems. ANSI/NFPA No. 72B, Auxiliary Protective Signaling Systems. ANSI/NFPA No. 72C, Remote Station Protective Signaling Systems. ANSI/NFPA No. 72D, Proprietary Protective Signaling Systems. ANSI/NFPA No. 101, Life Safety Code.
WAC 296-24-607	ANSI/NFPA No. 13, Sprinkler Systems. NFPA No. 13A, Sprinkler Systems, Maintenance. ANSI/NFPA No. 18, Wetting Agents. ANSI/NFPA No. 20, Centrifugal Fire Pumps. ANSI/NFPA No. 22, Water Tanks. NFPA No. 24, Outside Protection. NFPA No. 26, Supervision of Valves. ANSI/NFPA No. 72B, Auxiliary Signaling Systems. NFPA No. 1231, Water Supplies for Suburban and Rural Fire Fighting.	Metric Conversion . . . ANSI/ASTM NSo. E380, American National Standard for Metric Practice.
WAC 296-24-617	ANSI/NFPA No. 11, Foam Systems. ANSI/NFPA No. 11A, High Expansion Foam Extinguishing Systems. ANSI/NFPA No. 11B, Synthetic Foam and Combined Agent Systems. ANSI/NFPA No. 12, Carbon Dioxide Systems. ANSI/NFPA No. 12A, Halon 1301 Systems. ANSI/NFPA No. 12B, Halon 1211 Systems. ANSI/NFPA No. 15, Water Spray Systems. ANSI/NFPA No. 16, Foam-Water Spray Systems. ANSI/NFPA No. 17, Dry Chemical Systems. ANSI/NFPA No. 69, Explosion Suppression Systems.	
WAC 296-24-622	ANSI/NFPA No. 11B, Synthetic Foam and Combined Agent Systems. ANSI/NFPA No. 17, Dry Chemical Systems.	
WAC 296-24-623	ANSI/NFPA No. 12, Carbon Dioxide Systems. ANSI/NFPA No. 12A, Halon 1211 Systems. ANSI/NFPA No. 12B, Halon 1301 Systems. ANSI/NFPA No. 69, Explosion Suppression Systems.	
WAC 296-24-627	ANSI/NFPA No. 11, Foam Extinguishing Systems. ANSI/NFPA No. 11A, High Expansion Foam Extinguishing Systems. ANSI/NFPA No. 11B, Synthetic Foam and Combined Agent Systems. ANSI/NFPA No. 15, Water Spray Fixed Systems. ANSI/NFPA No. 16, Foam-Water Spray Systems. ANSI/NFPA No. 18, Wetting Agents. NFPA No. 26, Supervision of Valves.	
WAC 296-24-629	ANSI/NFPA No. 71, Central Station Signaling Systems. ANSI/NFPA No. 72A, Local Protective Signaling Systems. ANSI/NFPA No. 72B, Auxiliary Signaling Systems.	

NFPA standards are available from the National Fire Protection Association; (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

ANSI Standards are available from the American National Standards Institute; (~~(430 Broadway)~~) 11 West 42nd Street, New York, NY ((10018)) 10036.

AMENDATORY SECTION (Amending Order 92-13, filed 11/10/92, effective 12/18/92)

WAC 296-24-63399 Appendix C—Fire protection references for further information. (1) Appendix general references. The following references provide information which can be helpful in understanding the requirements contained in all of the sections of Part G:

(a) Fire Protection Handbook, National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(b) Accident Prevention Manual for Industrial Operations, National Safety Council, (~~(425)~~) 444 North Michigan Avenue, Chicago, IL 60611.

(c) Various associations also publish information which may be useful in understanding these standards. Examples of these associations are: Fire Equipment Manufacturers Association (FEMA) of (~~(Arlington, VA 22204)~~) Cleveland, OH 44115-2851, and the National Association of Fire Equipment Distributors (NAFED) of Chicago, IL (~~(60604)~~) 60611-4267.

(2) Appendix references applicable to individual sections. The following references are grouped according to individual sections contained in Part G. These references provide information which may be helpful in understanding and implementing the standards of each section of Part G.

(a) WAC 296-24-58505 - Fire brigades:

(i) Private Fire Brigades, NFPA 27; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(ii) Initial Fire Attack, Training Standard On, NFPA 197; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(iii) Fire Fighter Professional Qualifications, NFPA 1001; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(iv) Organization for Fire Services, NFPA 1201; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(v) Organization of a Fire Department, NFPA 1202; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(vi) Protective Clothing for Structural Fire Fighting, ANSI/NFPA 1971; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(vii) American National Standards Institute for Men's Safety-Toe Footwear, ANSI Z41.1; American National Standards Institute, New York, NY (~~(40018)~~) 10036.

(viii) American National Standards Institute for Occupational and Educational Eye and Face Protection, ANSI Z87.1; American National Standards Institute, New York, NY (~~(40018)~~) 10036.

(ix) American National Standards Institute, Safety Requirements for Industrial Head Protection, ANSI Z89.1; American National Standards Institute, New York, NY (~~(40018)~~) 10036.

(x) Specifications for Protective Headgear for Vehicular Users, ANSI Z90.1; American National Standards Institute, New York, NY (~~(40018)~~) 10036.

(xi) Testing Physical Fitness; Davis and Santa Maria, Fire Command, April 1975.

(xii) Development of a Job-Related Physical Performance Examination for Fire Fighters; Dotson and Others. A summary report for the National Fire Prevention and Control Administration, Washington, D.C., March 1977.

(xiii) Proposed Sample Standards for Fire Fighters' Protective Clothing and Equipment; International Association of Fire Fighters, Washington, D.C. 20006-5395.

(xiv) A Study of Facepiece Leakage of Self-Contained Breathing Apparatus by DOP Man Tests; Los Alamos (~~(Scientific)~~) National Laboratory, Los Alamos, N.M.

(xv) The Development of Criteria for Fire Fighters' Gloves; Vol. II: Glove Criteria and Test Methods; National Institute for Occupational Safety and Health, Cincinnati, Ohio, 1976.

(xvi) Model Performance Criteria for Structural Fire Fighters' Helmets; National Fire Prevention and Control Administration, Washington, D.C., 1977.

(xvii) Fire Fighters; Job Safety and Health Magazine, Occupational Safety and Health Administration, Washington, D.C., June 1978.

(xviii) Eating Smoke—The Dispensable Diet; Utech, H.P. The Fire Independent, 1975.

(xix) Project Monoxide—A Medical Study of an Occupational Hazard of Fire Fighters; International Association of Fire Fighters, Washington, D.C. 20006-5395.

(xx) Occupational Exposures to Carbon Monoxide in Baltimore Fire Fighters; Radford Baltimore, MD. Journal of Occupational Medicine, September, 1976.

(xxi) Fire Brigades; National Safety Council, Chicago, IL 60611, 1966.

(xxii) American National Standards Institute, Practice for Respiratory Protection for the Fire Service, ANSI Z88.5; American National Standards Institute, New York, NY (~~(40018)~~) 10036.

(xxiii) Respirator Studies for the Nuclear Regulatory Commission; October 1, 1977—September 30, 1978. Evaluation and Performance of Open-Circuit Breathing Apparatus. NUREG/CR-1235. Los Alamos (~~(Scientific)~~) National Laboratory; Los Alamos, NM 87545, January, 1980.

(b) WAC 296-24-592 - Portable fire extinguishers:

(i) Standard for Portable Fire Extinguishers, ANSI/NFPA 10; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269.

(ii) Methods for Hydrostatic Testing of Compressed-Gas Cylinders, C-1; Compressed Gas Association, (~~(500 Fifth Avenue, New York, NY 10036)~~) 1725 Jefferson Davis Highway, Arlington, VA 22202-4100.

(iii) Recommendations for the Disposition of Unserviceable Compressed-Gas Cylinders, C-2; Compressed Gas Association, (~~(500 Fifth Avenue, New York, NY 10036)~~) 1725 Jefferson Davis Highway, Arlington, VA 22202-4100.

(iv) Standard for Visual Inspection of Compressed-Gas Cylinders, C-6; Compressed Gas Association, (~~(500 Fifth Avenue, New York, NY 10036)~~) 1725 Jefferson Davis Highway, Arlington, VA 22202-4100.

(v) Portable Fire Extinguisher Selection Guide, National Association of Fire Equipment Distributors (~~(111 East Wacker Drive)~~), 401 North Michigan Avenue Chicago, IL ((60601)) 60611-4267.

(c) WAC 296-24-602 - Standpipe and hose systems:

(i) Standard for the Installation of Sprinkler Systems, ANSI/NFPA 13; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(ii) Standard of the Installation of Standpipe and Hose Systems, ANSI/NFPA 14; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(iii) Standard for the Installation of Centrifugal Fire Pumps, ANSI/NFPA 20; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(iv) Standard for Water Tanks for Private Fire Protection, ANSI/NFPA 22; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(v) Standard for Screw Threads and Gaskets for Fire Hose Connections, ANSI/NFPA 194; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(vi) Standard for Fire Hose, NFPA 196; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(vii) Standard for the Care of Fire Hose, NFPA 198; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(d) WAC 296-24-607 - Automatic sprinkler systems:

(i) Standard of the Installation of Sprinkler Systems, ANSI/NFPA 13; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(ii) Standard for the Care and Maintenance of Sprinkler Systems, ANSI/NFPA 13A; National Fire Protection Associ-

ation, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(iii) Standard for the Installation of Standpipe and Hose Systems, ANSI/NFPA 14; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(iv) Standard for the Installation of Centrifugal Fire Pumps, ANSI/NFPA 20; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(v) Standard for Water Tanks for Private Fire Protection, ANSI/NFPA 22; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(vi) Standard for Indoor General Storage, ANSI/NFPA 231; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(vii) Standard for Rack Storage of Materials, ANSI/NFPA 231C; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(e) WAC 296-24-617 - Fixed extinguishing systems, general information:

(i) Standard for Foam Extinguishing Systems, ANSI/NFPA 11; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(ii) Standard for Hi-Expansion Foam Systems, ANSI/NFPA 11A; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(iii) Standard on Synthetic Foam and Combined Agent Systems, ANSI/NFPA 11B; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(iv) Standard on Carbon Dioxide Extinguishing Systems, ANSI/NFPA 12; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(v) Standard on Halon 1301, ANSI/NFPA 12A; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(vi) Standard on Halon 1211, ANSI/NFPA 12B; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(vii) Standard for Water Spray Systems, ANSI/NFPA 15; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(viii) Standard for Foam-Water Sprinkler Systems and Foam-Water Spray Systems, ANSI/NFPA 16; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(ix) Standard for Dry Chemical Extinguishing Systems, ANSI/NFPA 17; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(f) WAC 296-24-622 - Fixed extinguishing systems, dry chemical:

(i) Standard for Dry Chemical Extinguishing Systems, ANSI/NFPA 17; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(ii) National Electrical Code, ANSI/NFPA 70; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(iii) Standard for the Installation of Equipment for the Removal of Smoke and Grease-Laden Vapor from Commercial Cooling Equipment, NFPA 96; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(g) WAC 296-24-623 - Fixed extinguishing systems, gaseous agents:

(i) Standard on Carbon Dioxide Extinguishing Systems, ANSI/NFPA 12; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(ii) Standard on Halon 1301, ANSI/NFPA 12B; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(iii) Standard on Halon 1211, ANSI/NFPA 12B; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(iv) Standard on Explosion Prevention Systems, ANSI/NFPA 69; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(v) National Electrical Code, ANSI/NFPA 70; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(vi) Standard on Automatic Fire Detectors, ANSI/NFPA 72E; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(vii) Determination of Halon 1301/1211 Threshold Extinguishing Concentrations Using the Cup Burner Method, Riley and Olson, Ansul Report AL-530-A.

(h) WAC 296-24-627 - Fixed extinguishing systems, water spray and foam agents:

(i) Standard for Foam Extinguisher Systems, ANSI/NFPA 11; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(ii) Standard for High-Expansion Foam Systems, ANSI/NFPA 11A; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(iii) Standard for Water Spray Fixed Systems for Fire Protection, ANSI/NFPA 15; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(iv) Standard for the Installation of Foam-Water Sprinkler Systems and Foam-Water Spray Systems, ANSI/NFPA 16; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(i) WAC 296-24-629 - Fire detection systems:

(i) National Electrical Code, ANSI/NFPA 70; National Fire Protection Association, (~~(470 Atlantic Avenue, Boston)~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(ii) Standard for Central Station Signaling Systems, ANSI/NFPA 71; National Fire Protection Association, (~~470 Atlantic Avenue, Boston~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(iii) Standard on Automatic Fire Detectors, ANSI/NFPA 72E; National Fire Protection Association, (~~470 Atlantic Avenue, Boston~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(j) WAC 296-24-631 - Employee alarm systems:

(i) National Electrical Code, ANSI/NFPA 70; National Fire Protection Association, (~~470 Atlantic Avenue, Boston~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(ii) Standard for Central Station Signaling Systems, ANSI/NFPA 71; National Fire Protection Association, (~~470 Atlantic Avenue, Boston~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(iii) Standard for Local Protective Signaling Systems, ANSI/NFPA 72A; National Fire Protection Association, (~~470 Atlantic Avenue, Boston~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(iv) Standard for Auxiliary Protective Signaling Systems, ANSI/NFPA 72B; National Fire Protection Association, (~~470 Atlantic Avenue, Boston~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(v) Standard for Remote Station Protective Signaling Systems, ANSI/NFPA 72C; National Fire Protection Association, (~~470 Atlantic Avenue, Boston~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(vi) Standard for Proprietary Protective Signaling Systems, ANSI/NFPA 72D; National Fire Protection Association, (~~470 Atlantic Avenue, Boston~~) Batterymarch Park, Quincy, MA ((02210)) 02269-9101.

(vii) Vocal Emergency Alarms in Hospitals and Nursing Facilities: Practice and Potential, (~~National Bureau of Standards, Washington, D.C.:~~) National Institute of Standards and Technology, Quince Orchard and Clopper Roads, Gaithersburg, MD 20899-0011, July, 1977.

(viii) Fire Alarm and Communication Systems, (~~National Bureau of Standards, Washington, D.C.:~~) National Institute of Standards and Technology, Quince Orchard and Clopper Roads, Gaithersburg, MD 20899-0011, April, 1976.

AMENDATORY SECTION (Amending Order 81-32, filed 12/24/81)

WAC 296-24-63499 Appendix D—Availability of publications incorporated by references in WAC 296-24-58505—Fire brigades. The final standard for fire brigades, WAC (~~296-24-58505~~) 296-24-585, contains provisions which incorporate certain publications by reference. The publications provide criteria and test methods for protective clothing worn by those fire brigade members who are expected to perform interior structural fire fighting. The standard references the publications as the chief sources of information for determining if the protective clothing affords the required level of protection.

It is appropriate to note that the final standard does not require employers to purchase a copy of the referenced publications. Instead, employers can specify (in purchase orders to the manufacturers) that the protective clothing meet the criteria and test methods contained in the referenced publications and can rely on the manufacturers assurances of

compliance. Employers, however, may desire to obtain a copy of the referenced publications for their own information.

The (~~paragraph~~) section designation of the standard where the referenced publications appear, the title of the publications, and the availability of the publications are as follows:

(Paragraph) Section Designation	Referenced Publication	Available From
WAC 296-24-58513 (3)(b)	"Protective Clothing for Structural Fire Fighting." NFPA No. 1971 (1975).	National Fire Protection Association, (470 Atlantic Avenue, Boston, MA 02210:) <u>1 Batterymarch Park, Quincy, MA 02269-9101.</u>
WAC 296-24-58513 (4)(a)	"Development of Criteria for Fire Fighter's Gloves; Vol. II, Part II: Test Methods" (1976)	U.S. Government Printing Office, Washington, D.C. (20402) <u>20401.</u> Stock No. for Vol. II is: 071-033-021-1.
WAC 296-24-58513 (5)(a)	"Model Performance Criteria for Structural Fire fighter's Helmets" (1977)	U.S. Fire Administration, National Fire Safety and Research Office, (Washington, D.C. 20230) <u>16825 South Seton Avenue, Emmitsburg, Maryland 21727.</u>

The referenced publications (or a microfiche of the publications) are available for review at many universities and public libraries throughout the country. These publications may also be examined at the OSHA Technical Data Center, Room N2439-Rear, United States Department of Labor, 200 Constitution Avenue Northwest, Washington, D.C. 20210 (202-523-9700), or at any OSHA Regional Office (see telephone directories under United States Government-Labor Department).

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-24-65501 Portable powered tools. (1) Portable circular saws.

(a) All portable, power-driven circular saws having a blade diameter greater than 2 in. shall be equipped with guards above and below the base plate or shoe. The upper guard shall cover the saw to the depth of the teeth, except for the minimum arc required to permit the base to be tilted for bevel cuts. The lower guard shall cover the saw to the depth of the teeth, except for the minimum arc required to allow proper retraction and contact with the work. When the tool is withdrawn from the work, the lower guard shall automatically and instantly return to covering position.

(b) (1)(a) of this section does not apply to circular saws used in the meat industry for meat cutting purposes.

(2) Switches and controls.

(a) All hand-held powered circular saws having a blade diameter-greater than 2 inches, electric, hydraulic or pneu-

matic chain saws, and percussion tools without positive accessory holding means shall be equipped with a constant pressure switch or control that will shut off the power when the pressure is released. All hand-held gasoline powered chain saws shall be equipped with a constant pressure throttle control that will shut off the power to the saw chain when the pressure is released.

(b) All hand-held powered drills, tappers, fastener drivers, horizontal, vertical, and angle grinders with wheels greater than 2 inches in diameter, disc sanders with discs greater than 2 inches in diameter, belt sanders, reciprocating saws, saber, scroll, and jig saws with blade shanks greater than a nominal one-fourth inch, and other similarly operating powered tools shall be equipped with a constant pressure switch or control and may have a lock-on control provided that turnoff can be accomplished by a single motion of the same finger or fingers that turn it on.

(c) All other hand-held powered tools, such as, but not limited to, platen sanders, grinders with wheels 2 inches in diameter or less, disc sanders with discs 2 inches in diameter or less, routers, planers, laminate trimmers, nibblers, shears, saber, scroll, and jig saws with blade shanks a nominal one-fourth of an inch wide or less, may be equipped with either a positive "on-off" control, or other controls as described by (2)(a) and (b) of this section.

(i) Saber, scroll, and jig saws with nonstandard blade holders may use blades with shanks which are nonuniform in width, provided the narrowest portion of the blade shank is an integral part in mounting the blade.

(ii) Blade shank width shall be measured at the narrowest portion of the blade shank when saber, scroll, and jig saws have nonstandard blade holders.

(iii) "Nominal" in this section means +0.05 inch.

(d) The operating control on hand-held power tools shall be so located as to minimize the possibility of its accidental operation, if such accidental operation would constitute a hazard to employees.

(e) This ~~(paragraph)~~ subdivision does not apply to concrete vibrators, concrete breakers, powered tampers, jack hammers, rock drills, garden appliances, household and kitchen appliances, personal care appliances, medical or dental equipment, or to fixed machinery.

(3) Portable belt sanding machines. Belt sanding machines shall be provided with guards at each nip point where the sanding belt runs onto a pulley. These guards shall effectively prevent the hands or fingers of the operator from coming in contact with the nip points. The unused run of the sanding belt shall be guarded against accidental contact.

(4) Cracked saws. All cracked saws shall be removed from service.

(5) Grounding. Portable electric powered tools shall meet the electrical requirements of chapter 296-24 WAC Part L.

AMENDATORY SECTION (Amending Order 79-9, filed 7/31/79)

WAC 296-24-66305 Definitions applicable to this section. (1) Angle control - a safety feature designed to prevent a tool from operating when tilted beyond a predetermined angle.

(2) Approved - meeting the requirements of this standard and acceptable to the department of labor and industries ~~(- division of industrial safety and health).~~

(3) Cased power load - a power load with the propellant contained in a closed case.

(4) Caseless power load - a power load with the propellant in solid form not requiring containment.

(5) Chamber (noun) - the location in the tool into which the power load is placed and in which it is actuated.

(6) Chamber (verb) - to fit the chamber according to manufacturer's specifications.

(7) Fasteners - any pins (unthreaded heads) or studs (threaded heads) driven by powder actuated tools.

(8) Fixture - a special shield that provides equivalent protection where the standard shield cannot be used.

(9) Head - that portion of a fastener that extends above the work surface after being properly driven.

(10) Misfire - a condition in which the power load fails to ignite after the tool has been operated.

(11) Powder actuated fastening system - a method comprising the use of a powder actuated tool, a power load, and a fastener.

(12) Powder actuated tool (also known as tool) - a tool that utilizes the expanding gases from a power load to drive a fastener.

(13) Power load - the energy source used in powder actuated tools.

(14) Qualified operator - a person who meets the requirements of WAC 296-24-66321 (1) and (2).

(15) Shield - a device, attached to the muzzle end of a tool, which is designed to confine flying particles.

(16) Spalled area - a damaged and nonuniform concrete or masonry surface.

(17) Test velocity - the measurement of fastener velocity performed in accordance with WAC 296-24-66307 (1)(m).

(18) Tools - tools can be divided into two types: Direct acting and indirect acting; and three classes: Low velocity, medium velocity, and high velocity.

(a) Direct-acting tool - a tool in which the expanding gas of the power load acts directly on the fastener to be driven.

(b) Indirect-acting tool - a tool in which the expanding gas of the power load acts on a captive piston, which in turn drives the fastener.

(c) Low-velocity tool - a tool whose test velocity has been measured ten times while utilizing the highest velocity combination of:

(i) The lightest commercially available fastener designed for that specific tool;

(ii) The strongest commercially available power load that will properly chamber in the tool;

(iii) The piston designed for that tool and appropriate for that fastener; that will produce an average test velocity from the ten tests not in excess of 100 meters per second (328 feet per second) with no single test having a velocity of over 108 m/s (354 ft/s).

(d) Medium-velocity tool - a tool whose test velocity has been measured ten times while utilizing the highest velocity combination of:

(i) The lightest commercially available fastener designed for the tool;

(ii) The strongest commercially available power load that will properly chamber in the tool;

(iii) The piston designed for that tool and appropriate for that fastener; that will produce an average test velocity from ten tests in excess of 100 m/s (328 ft/s) but not in excess of 150 m/s (492 ft/s) with no single test having a velocity of 160 m/s (525 ft/s).

(e) High-velocity tool - a tool whose test velocity has been measured ten times while utilizing the combination of:

(i) The lightest commercially available fastener designed for the tool;

(ii) The strongest commercially available power load which will properly chamber in the tool; that will produce an average velocity from the ten tests in excess of 150 m/s (492 ft/s).

AMENDATORY SECTION (Amending Order 79-9, filed 7/31/79)

WAC 296-24-66319 Authorized instructor. (1) Only persons trained and authorized by the tool manufacturer or by an authorized representative of the tool manufacturer shall be qualified to instruct and qualify operators for the manufacturer's powder actuated tools.

(2) All authorized instructors shall have read and be familiar with this standard, and shall be capable of:

(a) Disassembling, servicing, and reassembling the tool.
(b) Recognizing any worn or damaged parts or defective operation.

(c) Recognizing and clearly identifying the colors used to identify power load levels.

(d) Using the tool correctly within the limitations of its use.

(e) Training and testing operators prior to issuing a qualified operator's card.

(3) All authorized instructors shall have in their possession a valid authorized instructor's card issued and signed by an authorized representative of the manufacturer. The card shall be wallet size of approximately 6 x 9 cm (2-1/2 x 3-1/2 in), and the face of the card shall bear text similar to that shown in Figure P-1.

(4) A list of all instructors authorized by the manufacturer to instruct and qualify operators shall be maintained by the tool manufacturer and be made available to the department of labor and industries (~~(, division of industrial safety and health,)~~) upon request.

(5) An instructor's card may be revoked by the authorizing agent or the department of labor and industries, (~~(division of industrial safety and health,)~~) if ~~((he is))~~ they are known to have issued a qualified operator's card in violation of any regulation contained in this standard. When an instructor is no longer authorized to issue qualified operator's cards, ~~((he))~~ they shall surrender ~~((his))~~ their card to the authorizing agent or the department of labor and industries (~~(, division of industrial safety and health,)~~).

AUTHORIZED INSTRUCTOR

..... Powder Actuated Tools Date

(MAKE)

Card No. Social Security No.

This certifies that

(NAME OF INSTRUCTOR)

has received the prescribed training in the operation and maintenance of powder actuated tools manufactured by

..... and is qualified

(NAME OF MANUFACTURER)

to train and certify operators of

(MAKE)

powder actuated tools.

Model(s)

Authorized by

I have received instruction by the manufacturer's authorized representative in the training of operators of the above tools and agree to conform to all rules and regulations governing the instruction of tool operators.

Date of Birth

.....
(SIGNATURE)

Figure P-1

Sample of Authorized Instructor's Card

AMENDATORY SECTION (Amending Order 79-9, filed 7/31/79)

WAC 296-24-66321 Qualified operator. (1) The operator shall be trained by an authorized instructor to be familiar with the provisions of this standard and the instructions provided by the manufacturer for operation and maintenance. The operator shall also be capable of:

(a) Reading and understanding the manufacturer's instruction manual.

(b) Cleaning the tool correctly.

(c) Recognizing any worn or damaged parts or defective operation.

(d) Recognizing the number-color code system used in this standard to identify power load levels. In the event the operator is unable to distinguish the colors used, ~~((he))~~ the operator shall be given special instruction ~~((to))~~ which will enable ~~((him))~~ the operator to avoid error.

(e) Using ~~((the))~~ a tool correctly within the limitations of its use and ~~((demonstrating his))~~ demonstrate competence by operating the tool in the presence of the instructor.

(2) After training, the operator shall, ~~((to))~~ substantiate ~~((his))~~ competency, by satisfactorily ~~((complete))~~ completing a written examination provided by the manufacturer of the tool.

(a) The operator's written examination shall consist of questions to establish the operator's competence with respect to:

(i) The requirements of this standard;

(ii) The powder actuated fastening system; and

(iii) The specific details of operation and maintenance of the tool(s) involved.

(b) The examination shall provide a statement, attested to by the instructor, that the applicant can (or cannot) readily distinguish the colors used to identify power load levels (see WAC 296-24-66309).

(3) Each applicant who meets the requirements as set forth in subsections (1) and (2) of this section shall receive a qualified operator's card, issued and signed by both the instructor and applicant. While using the tool, the operator shall ~~((have))~~ carry this card ~~((in his possession))~~.

(4) The qualified operator's card supplied by the manufacturer shall be wallet size of approximately 6 x 9 cm (2-1/2 x 3-1/2 in), and the face of the card shall bear text similar to that shown in Figure P-2.

(5) There shall be printed on the card a notation reading:

"Revocation of card - failure to comply with any of the rules and regulations for safe operation of powder actuated fastening tools shall be cause for the immediate revocation of this card."

QUALIFIED OPERATOR

..... Powder Actuated Tools Date

(MAKE)

Card No. Social Security No.

This certifies that
(NAME OF OPERATOR)

has received the prescribed training in the operation of powder actuated tools manufactured by

.....
(NAME OF MANUFACTURER)

Model(s)
Trained and issued by

.....
(SIGNATURE OF AUTHORIZED INSTRUCTOR)

I have received instruction in the safe operation and maintenance of powder actuated fastening tools of the makes and models specified and agree to conform to all rules and regulations governing that use

Date of Birth
.....
(SIGNATURE)

Figure P-2

Sample of Qualified Operator's Card

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-67005 Operation and maintenance. (1) In the absence of a firm foundation, the base of the jack shall be blocked. If there is a possibility of slippage of the cap, a block shall be placed in between the cap and the load.

(2) The operator shall watch the stop indicator, which shall be kept clean, in order to determine the limit of travel. The indicated limit shall not be overrun.

(3) After the load has been raised, it shall immediately be cribbed, blocked, or otherwise secured.

(4) Hydraulic jacks exposed to freezing temperatures shall be supplied with an adequate antifreeze liquid.

(5) All jacks shall be properly lubricated at regular intervals. The lubricating instructions of the manufacturer should be followed, and only lubricants recommended by ~~((him))~~ the manufacturer should be used.

(6) Each jack shall be thoroughly inspected at times which depend upon the service conditions. Inspections shall be not less frequent than the following:

(a) For constant or intermittent use at one locality, once every 6 months,

(b) For jacks sent out of shop for special work, when sent out and when returned,

(c) For a jack subjected to abnormal load or shock, immediately before and immediately thereafter.

(7) Repair or replacement parts shall be examined for possible defects.

(8) Jacks which are out of order shall be tagged accordingly, and shall not be used until repairs are made.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-67507 Definitions. (1) Abrasive. A solid substance used in an abrasive blasting operation.

(2) Abrasive blasting. The forcible application of an abrasive to a surface by pneumatic pressure, hydraulic pressure, or centrifugal force.

(3) Abrasive-blasting respirator. A continuous flow airline respirator constructed so that it will cover the wearer's head, neck, and shoulders ~~((to protect him))~~ and provide protection from rebounding abrasive.

(4) Air-line respirator. A device consisting of a face-piece, helmet, or hood to which clean air is supplied to the wearer through a small-diameter hose from a source not on the wearer's body.

(5) Blast cleaning barrel. A complete enclosure which rotates on an axis, or which has an internal moving tread to tumble the parts, in order to expose various surfaces of the parts to the action of an automatic blast spray.

(6) Blast cleaning room. A complete enclosure in which blasting operations are performed and where the operator works inside of the room to operate the blasting nozzle and direct the flow of the abrasive material.

(7) Blasting cabinet. An enclosure where the operator stands outside and operates the blasting nozzle through an opening or openings in the enclosure.

(8) Clean air. Air of such purity that it will not cause harm or discomfort to an individual if it is inhaled for extended periods of time.

(9) Dust collector. A device or combination of devices for separating dust from the air handled by an exhaust ventilation system.

(10) Exhaust ventilation system. A system for removing contaminated air from a space, comprising two or more of the elements; (a) enclosure or hood, (b) duct work, (c) dust collecting equipment, (d) exhauster, and (e) discharge stack.

(11) Particulate-filter respirator. An air purifying respirator, commonly referred to as a dust or a fume respirator, which removes most of the dust or fume from the air passing through the device.

(12) Respirable dust. Airborne dust in sizes capable of passing through the upper respiratory system to reach the lower lung passages.

(13) Rotary blast cleaning table. An enclosure where the pieces to be cleaned are positioned on a rotating table and are passed automatically through a series of blast sprays.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-67515 Personal protective equipment.

(1) Abrasive-blasting respirators. Abrasive-blasting respirators shall be worn by all abrasive-blasting operators (a) when working inside of blast cleaning rooms, or (b) when using silica sand in manual blasting operations where the nozzle and blast are not physically separated from the operator in an exhaust ventilated enclosure, or (c) where concentrations of toxic dusts dispersed by the abrasive blasting may exceed the limits set in chapter 296-62 WAC.

(2) Particulate-filter respirators.

(a) Particulate-filter respirators, commonly referred to as dust-filter respirators, properly fitted, may be used for short, intermittent, or occasional dust exposures such as clean-up, dumping of dust collectors, or unloading shipments of sand at a receiving point, when it is not feasible to control the dust by enclosure, exhaust ventilation, or other means. Respirators used shall be approved for protection against the specific type of dust encountered.

~~((a))~~ (b) Dust-filter respirators shall not be used for continuous protection where silica sand is used as the blasting abrasive, or toxic materials are blasted.

(3) Personal protective clothing. Operators shall be equipped with heavy canvas or leather gloves and aprons or equivalent protection to protect them from the impact of abrasives. Safety shoes shall be worn where there is a hazard of foot injury.

(4) Personal protective clothing, equipment and their use shall comply with the provisions of ~~((WAC 296-24-07501, 296-24-07801, 296-24-08101 through 296-24-08113, 296-24-084, and 296-24-088))~~ chapter 296-24 WAC, Part A2.

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-24-68201 General requirements. (1)

Flammable mixture. Mixtures of fuel gases and air or oxygen may be explosive and shall be guarded against. No device or attachment facilitating or permitting mixtures of air or oxygen with flammable gases prior to consumption, except at the burner or in a standard torch, shall be allowed unless approved for the purpose.

(2) Maximum pressure. Under no condition shall acetylene be generated, piped (except in approved cylinder manifolds) or utilized at a pressure in excess of 15 p.s.i. gage pressure or 30 p.s.i. absolute pressure. (The 30 p.s.i. absolute pressure limit is intended to prevent unsafe use of acetylene in pressurized chambers such as caissons, underground excavations or tunnel construction.) This requirement does not apply to storage of acetylene dissolved in a suitable solvent in cylinders manufactured and maintained according to U.S. Department of Transportation requirements, or to acetylene for chemical use. The use of liquid acetylene shall be prohibited.

(3) Apparatus. Only approved apparatus such as torches, regulators or pressure-reducing valves, acetylene generators, and manifolds shall be used. Use of replacement tips will not nullify the "approved apparatus" status of a torch, if such replacement tips are made to the same specifications as the original tip of the torch at the time of approval by the nationally recognized testing laboratory, or if the use

of such tips in conjunction with convertor/adaptors results in the same specifications as the original tip at the time of approval by the nationally recognized testing laboratory.

(4) Personnel. ~~((Workmen))~~ Workers in charge of the oxygen or fuel-gas supply equipment, including generators, and oxygen or fuel-gas distribution piping systems shall be instructed and judged competent by their employers for this important work before being left in charge. Rules and instructions covering the operation and maintenance of oxygen or fuel-gas supply equipment including generators, and oxygen or fuel-gas distribution piping systems shall be readily available.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-68501 General. (1) Equipment selection. Welding equipment shall be chosen for safe application to the work to be done as specified in WAC 296-24-68503.

(2) Installation. Welding equipment shall be installed safely as specified by WAC 296-24-68505.

(3) Instruction. ~~((Workmen))~~ Workers designated to operate arc welding equipment shall have been properly instructed and qualified to operate such equipment as specified in WAC 296-24-68507.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-68507 Operation and maintenance. (1) General. ~~((Workmen))~~ Workers assigned to operate or maintain arc welding equipment shall be acquainted with the requirements of WAC 296-24-68501 through 296-24-68505, 296-24-69501 through 296-24-69507, 296-24-70001 through 296-24-70007 and 296-24-71501 through 296-24-71525; if doing gas-shielded arc welding, also Recommended Safe Practices for Gas-Shielded Arc Welding, A6.1-1966, American Welding Society.

(2) Machine hook up. Before starting operations all connections to the machine shall be checked to make certain they are properly made. The work lead shall be firmly attached to the work; magnetic work clamps shall be freed from adherent metal particles of spatter on contact surfaces. Coiled welding cable shall be spread out before use to avoid serious overheating and damage to insulation.

(3) Grounding. Grounding of the welding machine frame shall be checked. Special attention shall be given to safety ground connections of portable machines.

(4) Leaks. There shall be no leaks of cooling water, shielding gas or engine fuel.

(5) Switches. It shall be determined that proper switching equipment for shutting down the machine is provided.

(6) Manufacturers' instructions. Printed rules and instructions covering operation of equipment supplied by the manufacturers shall be strictly followed.

(7) Electrode holders. Electrode holders when not in use shall be so placed that they cannot make electrical contact with persons, conducting objects, fuel or compressed gas tanks.

(8) Electric shock. Cables with splices within 10 feet of the holder shall not be used. The welder should not coil or

loop welding electrode cable around parts of ~~((his))~~ the body.

(9) Maintenance.

(a) The operator should report any equipment defect or safety hazard to ~~((his))~~ the supervisor and the use of the equipment shall be discontinued until its safety has been assured. Repairs shall be made only by qualified personnel.

(b) Machines which have become wet shall be thoroughly dried and tested before being used.

(c) Work and electrode lead cables should be frequently inspected for wear and damage. Cables with damaged insulation or exposed bare conductors shall be replaced. Joining lengths of work and electrode cables shall be done by the use of connecting means specifically intended for the purpose. The connecting means shall have insulation adequate for the service conditions.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-24-69001 General. (1) Installation. All equipment shall be installed by a qualified electrician in conformance with chapter 296-24 WAC Part L. There shall be a safety-type disconnecting switch or a circuit breaker or circuit interrupter to open each power circuit to the machine, conveniently located at or near the machine, so that the power can be shut off when the machine or its controls are to be serviced.

(2) Thermal protection. Ignitron tubes used in resistance welding equipment shall be equipped with a thermal protection switch.

(3) Personnel. ~~((Workmen))~~ Workers designated to operate resistance welding equipment shall have been properly instructed and judged competent to operate such equipment.

(4) Guarding. Controls of all automatic or air and hydraulic clamps shall be arranged or guarded to prevent the operator from accidentally activating them.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-69011 Maintenance. Periodic inspection shall be made by qualified maintenance personnel, and records of the same maintained. The operator shall be instructed to report any equipment defects to ~~((his))~~ the supervisor and the use of the equipment shall be discontinued until safety repairs have been completed.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-69503 Special precautions. When the nature of the work to be performed falls within the scope of WAC 296-24-69501(2) certain additional precautions may be necessary:

(1) Combustible material. Wherever there are floor openings or cracks in the flooring that cannot be closed, precautions shall be taken so that no readily combustible materials on the floor below will be exposed to sparks which might drop through the floor. The same precautions shall be observed with regard to cracks or holes in walls, open doorways and open or broken windows.

(2) Fire extinguishers. Suitable fire extinguishing equipment shall be maintained in a state of readiness for instant use. Such equipment may consist of pails of water, buckets of sand, hose or portable extinguishers depending upon the nature and quantity of the combustible material exposed.

(3) Fire watch.

(a) Fire watchers shall be required whenever welding or cutting is performed in locations where other than a minor fire might develop, or any of the following conditions exist:

(i) Appreciable combustible material, in building construction or contents, closer than 35 feet to the point of operation.

(ii) Appreciable combustibles are more than 35 feet away but are easily ignited by sparks.

(iii) Wall or floor openings within a 35-foot radius expose combustible material in adjacent areas including concealed spaces in walls or floors.

(iv) Combustible materials are adjacent to the opposite side of metal partitions, walls, ceilings, or roofs and are likely to be ignited by conduction or radiation.

(b) Fire watchers shall have fire extinguishing equipment readily available and be trained in its use. They shall be familiar with facilities for sounding an alarm in the event of a fire. They shall watch for fires in all exposed areas, try to extinguish them only when obviously within the capacity of the equipment available, or otherwise sound the alarm. A fire watch shall be maintained for at least a half hour after completion of welding or cutting operations to detect and extinguish possible smoldering fires.

(4) Authorization. Before cutting or welding is permitted, the area shall be inspected by the individual responsible for authorizing cutting and welding operations. ~~((He))~~ The responsible individual shall designate precautions to be followed in granting authorization to proceed, preferably in the form of a written permit.

(5) Floors. Where combustible materials such as paper clippings, wood shavings, or textile fibers are on the floor, the floor shall be swept clean for a radius of 35 feet. Combustible floors shall be kept wet, covered with damp sand, or protected by fire-resistant shields. Where floors have been wet down, personnel operating arc welding or cutting equipment shall be protected from possible shock.

(6) Prohibited areas. Cutting or welding shall not be permitted in the following situations:

(a) In areas not authorized by management.

(b) In sprinklered buildings while such protection is impaired.

(c) In the presence of explosive atmospheres (mixtures of flammable gases, vapors, liquids, or dusts with air), or explosive atmospheres that may develop inside uncleaned or improperly prepared tanks or equipment which have previously contained such materials, or that may develop in areas with an accumulation of combustible dusts.

(d) In areas near the storage of large quantities of exposed, readily ignitable materials such as bulk sulphur, baled paper, or cotton.

(7) Relocation of combustibles. Where practicable, all combustibles shall be relocated at least 35 feet from the work site. Where relocation is impracticable, combustibles shall be protected with flameproofed covers or otherwise shielded with metal or asbestos guards or curtains. Edges of

covers at the floor should be tight to prevent sparks from going under them. This precaution is also important at overlaps where several covers are used to protect a large pile.

(8) Ducts. Ducts and conveyor systems that might carry sparks to distant combustibles shall be suitably protected or shut down.

(9) Combustible walls. Where cutting or welding is done near walls, partitions, ceiling or roof of combustible construction, fire-resistant shields or guards shall be provided to prevent ignition.

(10) Noncombustible walls. If welding is to be done on a metal wall, partition, ceiling or roof, precautions shall be taken to prevent ignition of combustibles on the other side, due to conduction or radiation, preferably by relocating combustibles. Where combustibles are not relocated, a fire watch on the opposite side from the work shall be provided.

(11) Combustible cover. Welding shall not be attempted on a metal partition, wall, ceiling or roof having a combustible covering nor on walls or partitions of combustible sandwich-type panel construction.

(12) Pipes. Cutting or welding on pipes or other metal in contact with combustible walls, partitions, ceilings or roofs shall not be undertaken if the work is close enough to cause ignition by conduction.

(13) Management. Management shall recognize its responsibility for the safe usage of cutting and welding equipment on its property and:

(a) Based on fire potentials of plant facilities, establish areas for cutting and welding, and establish procedures for cutting and welding, in other areas.

(b) Designate an individual responsible for authorizing cutting and welding operations in areas not specifically designed for such processes.

(c) Insist that cutters or welders and their supervisors are suitably trained in the safe operation of their equipment and the safe use of the process.

(d) Advise all contractors about flammable materials or hazardous conditions of which they may not be aware.

(14) Supervisor. The supervisor:

(a) Shall be responsible for the safe handling of the cutting or welding equipment and the safe use of the cutting or welding process.

(b) Shall determine the combustible materials and hazardous areas present or likely to be present in the work location.

(c) Shall protect combustibles from ignition by the following:

(i) Have the work moved to a location free from dangerous combustibles.

(ii) If the work cannot be moved, have the combustibles moved to a safe distance from the work or have the combustibles properly shielded against ignition.

(iii) See that cutting and welding are so scheduled that plant operations that might expose combustibles to ignition are not started during cutting or welding.

(d) Shall secure authorization for the cutting or welding operations from the designated management representative.

(i) Shall determine that the cutter or welder secures ~~((his))~~ their approval that conditions are safe before going ahead.

(ii) Shall determine that fire protection and extinguishing equipment are properly located at the site.

(iii) ~~((Where fire watches are required, he shall see that they))~~ Shall ensure fire watches are available at the site when required.

(15) Fire prevention precautions. Cutting or welding shall be permitted only in areas that are or have been made fire safe. Within the confines of an operating plant or building, cutting and welding should preferably be done in a specific area designed for such work, such as a maintenance shop or a detached outside location. Such areas should be of noncombustible or fire-resistive construction, essentially free of combustible and flammable contents, and suitably segregated from adjacent areas. When work cannot be moved practically, as in most construction work, the area shall be made safe by removing combustibles or protecting combustibles from ignition sources.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-70007 Work in confined spaces. (1) General. As used herein confined space is intended to mean a relatively small or restricted space such as a tank, boiler, pressure vessel, or small compartment of a ship.

(2) Ventilation. Ventilation is a prerequisite to work in confined spaces. For ventilation requirements see WAC 296-24-71501 through 296-24-71525.

(3) Securing cylinders and machinery. When welding or cutting is being performed in any confined spaces the gas cylinders and welding machines shall be left on the outside. Before operations are started, heavy portable equipment mounted on wheels shall be securely blocked to prevent accidental movement.

(4) Lifelines. Where a welder must enter a confined space through a manhole or other small opening, means shall be provided for quickly removing ~~((him))~~ the welder in case of emergency. When safety belts and lifelines are used for this purpose they shall be so attached ~~((to))~~ in a manner so that the welder's body ~~((that his body))~~ cannot be jammed in a small exit opening. An attendant with a preplanned rescue procedure shall be stationed outside to observe the welder at all times and be capable of putting rescue operations into effect.

(5) Electrode removal. When arc welding is to be suspended for any substantial period of time, such as during lunch or overnight, all electrodes shall be removed from the holders and the holders carefully located so that accidental contact cannot occur and the machine disconnected from the power source.

(6) Gas cylinder shutoff. In order to eliminate the possibility of gas escaping through leaks or improperly closed valves, when gas welding or cutting, the torch valves shall be closed and the fuel-gas and oxygen supply to the torch positively shut off at some point outside the confined area whenever the torch is not to be used for a substantial period of time, such as during lunch hour or overnight. Where practicable the torch and hose shall also be removed from the confined space.

(7) Warning sign. After welding operations are completed, the welder shall mark the hot metal or provide some other means of warning other workers.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-71503 Ventilation for general welding and cutting. (1) General. Mechanical ventilation shall be provided when welding or cutting is done on metals not covered in WAC 296-24-71509 through 296-24-71523. (For specific material, see the ventilation requirements of WAC 296-24-71509 through 296-24-71523.)

(a) In a space of less than 10,000 cubic feet per welder.

(b) In a room having a ceiling height of less than 16 feet.

(c) In confined spaces or where the welding space contains partitions, balconies, or other structural barriers to the extent that they significantly obstruct cross ventilation.

(2) Minimum rate. Such ventilation shall be at the minimum rate of 2,000 cubic feet per minute per welder, except where local exhaust hoods and booths as per WAC 296-24-71505, or airline respirators approved by the ((U.S. Bureau of Mines)) Mine Safety and Health Administration (MSHA) and the National Institute for Occupational Safety and Health (NIOSH) for such purposes are provided. Natural ventilation is considered sufficient for welding or cutting operations where the restrictions in WAC 296-24-71503(1) are not present.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-71507 Ventilation in confined spaces.

(1) Air replacement. All welding and cutting operations carried on in confined spaces shall be adequately ventilated to prevent the accumulation of toxic materials or possible oxygen deficiency. This applies not only to the welder but also to helpers and other personnel in the immediate vicinity. All air replacing that withdrawn shall be clean and respirable.

(2) Airline respirators. In such circumstances where it is impossible to provide such ventilation, airline respirators or hose masks approved by the ((U.S. Bureau of Mines)) Mine Safety and Health Administration (MSHA) and the National Institute for Occupational Safety and Health (NIOSH) for this purpose shall be used.

(3) Self-contained units. In areas immediately hazardous to life, hose masks with blowers or self-contained breathing equipment shall be used. The breathing equipment shall be approved by the ((U.S. Bureau of Mines)) Mine Safety and Health Administration (MSHA) and the National Institute for Occupational Safety and Health (NIOSH).

(4) Outside helper. Where welding operations are carried on in confined spaces and where welders and helpers are provided with hose masks, hose masks with blowers or self-contained breathing equipment approved by the ((U.S. Bureau of Mines)) Mine Safety and Health Administration (MSHA) and the National Institute for Occupational Safety and Health (NIOSH), a worker shall be stationed on the outside of such confined spaces to insure the safety of those working within.

(5) Oxygen for ventilation. Oxygen shall not be used for ventilation.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-71513 Lead. (1) Confined spaces. In confined spaces, welding involving lead-base metals (erroneously called lead-burning) shall be done in accordance with WAC 296-24-71507 (1) through (5).

(2) Indoors. Indoors, welding involving lead-base metals shall be done in accordance with WAC 296-24-71505 (1) and (2).

(3) Local ventilation. In confined spaces or indoors, welding or cutting involving metals containing lead, other than as an impurity, or involving metals coated with lead-bearing materials, including paint shall be done using local exhaust ventilation or airline respirators. Outdoors such operations shall be done using respiratory protective equipment approved by the ((U.S. Bureau of Mines)) Mine Safety and Health Administration (MSHA) and the National Institute for Occupational Safety and Health (NIOSH) for such purposes. In all cases, workers in the immediate vicinity of the cutting operation shall be protected as necessary by local exhaust ventilation or airline respirators.

Note: See chapter 296-62 WAC for additional requirements on lead.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-71517 Cadmium. (1) General. Welding or cutting indoors or in confined spaces involving cadmium-bearing or cadmium-coated base metals shall be done using local exhaust ventilation or airline respirators unless atmospheric tests under the most adverse conditions have established that the workers' exposure is within the acceptable concentrations defined by chapter 296-62 WAC. Outdoors such operations shall be done using respiratory protective equipment such as fume respirators approved by the ((U.S. Bureau of Mines)) Mine Safety and Health Administration (MSHA) and the National Institute for Occupational Safety and Health (NIOSH) for such purposes.

(2) Confined space. Welding (brazing) involving cadmium-bearing filler metals shall be done using ventilation as prescribed in WAC 296-24-71505 or 296-24-71507 if the work is to be done in a confined space.

Note: See chapter 296-62 WAC for additional requirements on cadmium.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-71519 Mercury. Welding or cutting indoors or in a confined space involving metals coated with mercury-bearing materials including paint, shall be done using local exhaust ventilation or airline respirators unless atmospheric tests under the most adverse conditions have established that the workers' exposure is within the acceptable concentrations defined by chapter 296-62 WAC. Outdoors such operations shall be done using respiratory protective equipment approved by the ((U.S. Bureau of Mines)) Mine Safety and Health Administration (MSHA) and the National Institute for Occupational Safety and Health (NIOSH) for such purposes.

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-24-73505 Aisles and passageways. (1) Where mechanical handling equipment is used, sufficient safe clearances shall be allowed for aisles, at loading docks, through doorways and wherever turns or passage must be made. Aisles and passageways shall be kept clear and in good repairs, with no obstruction across or in aisles that could create a hazard.

(2) Permanent aisles and passageways shall be appropriately marked. "Appropriate" does not limit the marking to printed lines on the floor only. Other appropriate methods may be marked pillars, powder stripping, flags, traffic cones, or barrels, provided they are maintained in good repair and the recognition of such markings are included in the training programs for vehicle operators and employees.

(3) All trestles in connection with industrial plants on which cars run, which are also used as walkways for ~~((workmen))~~ workers, shall be equipped with a walkway on the outer edge, so located as to give safe minimum clearance of three feet to cars. Such walkways shall be equipped with standard rails. Where a trestle crosses a driveway or passageway the trestle over such points shall be solidly boarded over.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-73509 Floor loading protection. (1) In every building or other structure, or part thereof, used for mercantile, business, industrial, or storage purposes, the loads approved by the building official shall be marked on plates of approved design which shall be supplied and securely affixed by the owner of the building, or ~~((his))~~ the owners duly authorized agent, in a conspicuous place in each space to which they relate. Such plates shall not be removed or defaced but, if lost, removed, or defaced, shall be replaced by the owner or ~~((his))~~ the owners agent.

(2) It shall be unlawful to place, or cause, or permit to be placed, on any floor or roof of a building or other structure a load greater than that for which such floor or roof is approved by the building official.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-75001 Terms. The following terms shall have the meaning ascribed in this section, when referred to in WAC 296-24-75003 through 296-24-75011, unless the context requires otherwise.

(1) Floor hole. An opening measuring less than 12 inches but more than 1 inch in its least dimension, in any floor, platform, pavement, or yard, through which materials but not persons may fall; such as a belt hole, pipe opening, or slot opening.

(2) Floor opening. An opening measuring 12 inches or more in its least dimension, in any floor, platform, pavement, or yard, through which persons may fall; such as a hatchway, stair or ladder opening, pit, or large manhole. Floor openings occupied by elevators, dumb waiters, conveyors, machinery, or containers are excluded from this ~~((subpart))~~ part.

(3) Handrail. A single bar or pipe supported on brackets from a wall or partition, as on a stairway or ramp, to furnish persons with a handhold in case of tripping.

(4) Platform. A working space for persons, elevated above the surrounding floor or ground; such as a balcony or platform for the operation of machinery and equipment.

(5) Runway. A passageway for persons, elevated above the surrounding floor or ground level, such as a footwalk along shafting or a walkway between buildings.

(6) Standard railing. A vertical barrier erected along exposed edges of a floor opening, wall opening, ramp, platform, or runway to prevent falls of person.

(7) Standard strength and construction. Any construction of railings, covers, or other guards that meets the requirements of WAC 296-24-750 through 296-24-75011.

(8) Stair railing. A vertical barrier erected along exposed sides of a stairway to prevent falls of persons.

(9) Toeboard. A vertical barrier at floor level erected along exposed edges of a floor opening, wall opening, platform, runway, or ramp to prevent falls of materials.

(10) Wall hole. An opening less than 30 inches but more than 1 inch high, of unrestricted width, in any wall or partition; such as a ventilation hole or drainage scupper.

(11) Wall opening. An opening at least 30 inches high and 18 inches wide, in any wall or partition, through which persons may fall; such as a yard-arm doorway or chute opening.

AMENDATORY SECTION (Amending Order 88-04, filed 5/11/88)

WAC 296-24-78009 Care and use of ladders. (1) Care. To insure safety and serviceability the following precautions on the care of ladders shall be observed:

(a) Ladders shall be maintained in good condition at all times, the joint between the steps and side rails shall be tight, all hardware and fittings securely attached, and the moveable parts shall operate freely without binding or undue play.

(b) Metal bearings of locks, wheels, pulleys, etc., shall be frequently lubricated.

(c) Frayed or badly worn rope shall be replaced.

(d) Safety feet and other auxiliary equipment shall be kept in good condition to insure proper performance.

(e) Ladders should be stored in such a manner as to provide ease of access or inspection, and to prevent danger of accident when withdrawing a ladder for use.

(f) Wood ladders, when not in use, should be stored at a location where they will not be exposed to the elements, but where there is good ventilation. They shall not be stored near radiators, stoves, steam pipes, or other places subjected to excessive heat or dampness.

(g) Ladders stored in a horizontal position should be supported at a sufficient number of points to avoid sagging and permanent set.

(h) Ladders carried on vehicles should be adequately supported to avoid sagging and securely fastened in position to minimize chafing and the effects of road shocks.

(i) Ladders should be kept coated with a suitable protective material. The painting of ladders is satisfactory providing the ladders are carefully inspected prior to painting by competent and experienced inspectors acting for, and

responsible to, the purchaser, and providing the ladders are not for resale.

(j) Ladders shall be inspected frequently and those which have developed defects shall be withdrawn from service for repair or destruction and tagged or marked as "dangerous, do not use."

(k) Rungs should be kept free of grease and oil.

(2) Use. The following safety precautions shall be observed in connection with the use of ladders:

(a) Portable rung and cleat ladders shall, where possible, be used at such a pitch that the horizontal distance from the top support to the foot of the ladder is one-quarter of the working length of the ladder (the length along the ladder between the foot and the top support). The ladder shall be so placed as to prevent slipping, or it shall be lashed, or held in position. Ladders shall not be used in a horizontal position as platforms, runways, or scaffolds.

(b) Ladders for which dimensions are specified should not be used by more than one (~~man~~) person at a time nor with ladder jacks and scaffold planks where use by more than one (~~man~~) person is anticipated. In such cases, specially designed ladders with larger dimensions of the parts should be procured.

(c) Portable ladders shall be so placed that the side rails have a secure footing. The top rest for portable rung and cleat ladders shall be reasonably rigid and shall have ample strength to support the applied load.

(d) Ladders shall not be placed in front of doors opening toward the ladder unless the door is blocked open, locked, or guarded.

(e) Ladders shall not be placed on boxes, barrels, or other unstable bases to obtain additional height.

(f) To support the top of the ladder at a window opening, a board should be attached across the back of the ladder, extending across the window and providing firm support against the building walls or window frames.

(g) When ascending or descending, the user should face the ladder.

(h) Ladders with broken or missing steps, rungs, or cleats, broken side rails, or other faulty equipment shall not be used; improvised repairs shall not be made.

(i) Short ladders shall not be spliced together to provide long sections.

(j) Ladders made by fastening cleats across a single rail shall not be used.

(k) Ladders shall not be used as guys, braces, or skids, or for other than their intended purposes.

(l) Tops of the ordinary types of stepladders shall not be used as steps.

(m) On two-section extension ladders the minimum overlap for the two sections in use shall be as follows:

Size of ladder (feet):	Overlap (feet)
Up to and including 36	3
Over 36 up to and including 48	4
Over 48 up to and including 60	5

(n) Portable rung ladders with reinforced rails (see WAC 296-24-78007 (3)(b)(iii) and (iv)) shall be used only with the metal reinforcement on the under side. Ladders of this type should be used with great care near electrical conductors, since the reinforcing itself is a good conductor.

(o) No ladder should be used to gain access to a roof unless the top of the ladder shall extend at least three feet above the point of support, at eave, gutter, or roof line.

(p) Adjustment of extension ladders should only be made by the user when standing at the base of the ladder, so that the user may observe when the locks are properly engaged. Adjustment of extension ladders from the top of the ladder (or any level over the locking device) is a dangerous practice and should not be attempted. Adjustment should not be made while the user is standing on the ladder.

(q) Middle and top sections of sectional or window cleaner's ladders should not be used for bottom section unless the user equips them with safety shoes.

(r) Extension ladders should always be erected so that the upper section is resting on the bottom section.

(s) The user should equip all portable rung ladders with nonslip bases when there is a hazard of slipping. Nonslip bases are not intended as a substitute for care in safety placing, lashing, or holding a ladder that is being used upon oily metal, concrete, or slippery surfaces.

(t) The bracing on the back legs of step ladders is designed solely for increasing stability and not for climbing.

(u) When service conditions warrant, hooks may be attached at or near the top of portable ladders to give added security.

(v) Stepladders shall not be used as single ladders.

(w) Separate ladders for ascending and descending shall be provided in building construction of more than two stories in height, or where traffic is heavy.

(x) Where one broad ladder is used, a center rail shall be provided, and each side plainly marked "up" and "down."

(y) Ladder rungs shall not be used to support more than one section of plank, and not more than two (~~men~~) persons shall work on such section of planking at one and the same time. When two (~~men~~) persons are working on the same section of plank, their work should be so arranged that their weight is equally distributed between two ladders as nearly as possible.

(z) When ladders are used of a length sufficient to possess a tendency to spring when weight is applied, they shall be provided with bracing to overcome same. This applies particularly to extension ladders.

(aa) Before climbing ladders, (~~workmen~~) workers shall see that their shoes are free and clean of greasy or slippery substances.

(bb) When working from a stepladder over five feet high a (~~workman~~) worker shall not stand on a step higher than the third step from the top of the stepladder.

(cc) Ladders shall not be placed or used in elevator shafts or hoistways except where used by (~~workmen~~) workers engaged in work within such shafts or hoistways, and then they shall be protected from objects falling from operations at higher elevations in or adjoining the shaft.

(dd) (~~Workmen~~) Workers shall not ascend or descend ladders while carrying tools or materials which will interfere with the free use of both hands.

(ee) Ladders shall pass the following test:

When tested as a simple beam with a support under each end and the center rung loaded with a two hundred pound load, the ladder must support this load for ten minutes without permanent set and without showing any sign of

failure. The maximum deflection shall not be greater than shown in the enclosed table.

Lengths of extended ladder in feet	Distance of supports from ends, in inches	Total deflection, in inches
12	3	2 3/4
16	3	6 3/4
20	3	11 1/2
24	3	16 1/2
28	3	21 1/2
30	3	23 1/2
34	6	26
36	6	29
40	6	37
44	9	41

(ff) When working from a ladder over twenty-five feet from the ground or floor, the ladder shall be secured at both top and bottom.

(gg) No type of work shall be performed on a ladder over twenty-five feet from the ground or floor that requires the use of both hands to perform the work, unless a safety belt is worn and the safety lanyard is secured to the ladder.

(hh) Work such as sandblasting or spray painting, that requires wearing eye protection, respirators, and handling of pressure equipment, shall be limited to not over thirty feet from the ground or floor while working on a ladder.

TABLE D-5

CLASSIFICATION OF VARIOUS SPECIES OF WOOD ACCEPTABLE FOR USE IN LADDER

The species are listed alphabetically within each group. The position of any species within a group therefore bears no relation to its strength or acceptability.

Where ladders are desired for use under conditions favorable to decay, it is recommended that the heartwood of decay-resistant species be used, or that the wood be given a treatment with a wood preservative. The species having the most durable heartwood are marked with an asterisk (*), and these should be preferred where resistance to decay is required.

GROUP 1

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed two thousand one hundred fifty pounds per square inch. These species may be substituted for Group 3 woods on the following basis: The dimensions may be not more than ten percent smaller for each cross-section dimension, or the thickness may remain unchanged, in which case the width may not be more than fifteen percent smaller if used edgewise (as in a rail) or twenty-five percent smaller if used flatwise (as in a tread).

- White ash Fraxinus americana, pennsylvanica, quadrangulata
- Beech Fagus grandifolia
- Birch Betula lenta, alleghaniensis, nigra (2)
- Rock elm Ulmus thomasii
- Hickory Carya ovata, laciniosa, tomentosa, glabra
- Locust* Robinia pseudoacacia, Gleditsia triacanthos
- Hard maple Acer nigrum, saccharum
- Red maple Acer rubrum (3)

- Red oak Quercus velutina, marilandica, kelloggii, falcata var. pagodaefolia, laurifolia, ellipsoidalis, rubra, nuttallii, palustris, coccinea, shumardii, falcata, laevis, phellos
- White oak Quercus arizonica, douglasii, macrocarpa, lobata, prinus, muehlenbergii, emoryi, gambelii, oblonifolia, virginiana, garryana, lyrata, stellata, michauxii, bicolor, alba
- Pecan Carya illinoensis, cordiformis, myristicaeformis (4), aquatica (4)
- Persimmon Diospyros virginiana

GROUP 2

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed two thousand pounds per square inch. These species may be substituted for Group 3 woods on the following basis: The dimensions may be not more than seven and one-half percent smaller for each cross-section dimension, or the thickness may remain unchanged, in which case the width may be not more than eleven percent smaller if used edgewise (as in a rail) or twenty percent smaller if used flatwise (as in a tread).

- Douglas fir (coast region) Pseudotsuga menziesii
- Western larch Larix occidentalis
- Southern yellow pine Pinus taeda, palustris, echinata, elliotii, rigida, virginiana

GROUP 3

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed one thousand six hundred pounds per square inch.

- Red alder Alnus rubra, rhombifolia (2)
- Oregon ash Fraxinus latifolia
- Pumpkin ash Fraxinus profunda
- Alaska cedar* Chamaecyparis nootkatensis
- Port Orford cedar* Chamaecyparis lawsoniana
- Cucumber Magnolia acuminata
- Cypress* Taxodium distichum
- Soft elm Ulmus americana, rubra
- Douglas fir (Rocky Mountain type) Pseudotsuga menziesii var. glauca
- Noble fir Abies procera
- Gum Liquidambar styraciflua
- West coast hemlock Tsuga heterophylla
- Magnolia Magnolia grandiflora
- Oregon maple Acer macrophyllum
- Norway pine Pinus resinosa
- Poplar Liriodendron tulipifera
- Redwood* Sequoia sempervirens
- Eastern spruce Picea glauca, rubens
- Sitka spruce Picea sitchensis
- Sycamore Platanus occidentalis
- Tamarack Larix laricina
- Tupelo Nyssa aquatica, sylvatica

GROUP 4

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed one thousand three hundred seventy-five pounds per square inch. These species may be substituted for Group 3 woods on the following basis: The dimensions shall be at least five percent greater for each cross-section dimension, or the thickness may remain unchanged, in which case the width shall be at least seven and one-half percent greater if used edgewise (as in a rail) or fifteen percent greater if used flatwise (as in a tread).

Aspen	Populus tremuloides, grandidentata
Basswood	Tilia americana, heterophylla (2)
Buckeye	Aesculus octandra, glabra (2)
Butternut	Juglanscinerea
Incense cedar*	Libocedrus decurrens
Western red cedar*	Thuja plicata
Cottonwood	Populus balsamifera, deltoides, sargentii, heterophylla
White fir	Abies concolor, grandis, amabilis, lasiocarpa, magnifica
Hackberry	Celtis occidentalis, laevigata (2)
Eastern hemlock	Tsuga canadensis
Holly	Ilex opaca
Soft maple	Acer saccharinum
Lodgepole pine	Pinus contorta
Idaho white pine	Pinus monticola
Northern white pine	Pinus strobus
Ponderosa pine	Pinus ponderosa, pinus jeffreyi (Jeffrey pine)
Sugar pine	Pinus lambertiana
Engelmann spruce	Picea engelmannii

- Note 1: The common and scientific names of species used conform to the American Lumber Standards nomenclature and in most cases to U.S. Department of Agriculture Handbook No. 41, "Check List of Native and Naturalized Trees of the United States (including Alaska)," by Elbert L. Little. These publications can be obtained from the ((Superintendent of Documents)) U.S. Government Printing Office, North Capital and "H" Streets Northwest, Washington D.C. ((20225)) 20401.
- Note 2: This species is commonly associated with others of the same genus under American Lumber Standards nomenclature, but no strength tests have been made on it at the Forest Products Laboratory.
- Note 3: Included under soft maple in American Lumber Standards nomenclature.
- Note 4: This species is not included under this common name in American Lumber Standards nomenclature, but strength data are available and it is accordingly included in this classification.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-79505 Testing. (1) General. The following tests are intended to insure uniform testing methods for metal ladders.

(2) Straight and extension ladders.

(a) Ladder inclined strength is measured by placing the ladder unit in a flat, horizontal position, supported 6 inches from the ends of the side rails. When testing extensions, the unit is opened to the required overlap. A load of 200 pounds is applied equally to the side rails at the center of the unit by means of a beam. The ladder must withstand this test with no permanent deformation or other visible weakening of the structure. This test is based on a 200-pound ((~~man~~)) person using the ladder, set at 75 1/2° to the ground. With the ((~~man~~)) person on the center rung, the component of ((~~his~~)) the 200-pound weight at right angles to the ladder will be 50 pounds. Applying the load factor of 4, the test weight becomes 200 pounds.

(b) Test unit need only be of sufficient length for test purposes and is to consist of the base and fly sections of an extension ladder with all the hardware or fittings attached. The ladder unit is placed in a vertical position and a downward load of 775 pounds equally distributed on the ends of the side rails of the upper portion of the test unit. The unit shall withstand this test with no permanent deformation or other visible weakening of the structure.

(c) A test unit of at least three rungs is to be used from the maximum width portion of the ladder. A load of 800 pounds shall be applied to a 3 1/2-inch wide block resting on

the center of the widest rung. A rung of 14 inches or less in length shall withstand this test with no permanent deformation or other visible weakening of the structure. A rung of more than 14 inches in length may have a permanent deflection of not more than one-eighth inch provided the rung cross section is not deformed and there is no other visible weakening of the structure.

(d) With at least a three-rung test unit set in a vertical position, a load of 800 pounds shall be applied to a 3 1/2-inch wide block resting on the center rung as near to the side rail as possible. On removing the load, the unit must show no indication of failure in the fasteners attaching the rungs to the side rail.

(e) The rung shall be so secured to the side rail that a torque load of 360 inch-pounds applied to the rung at a side rail shall cause no visible relative motion between the rung and the side rail.

(f) With the ladder extended to its maximum working length, and resting horizontally on level supports located 6 inches from each end of the ladder, a weight of 50 pounds shall be suspended from one of the side rails midway between supports.

The deflection of the loaded rail, and the difference in deflection between the loaded and unloaded rails shall not exceed the values in Table D-6.

(g) Deflections in Table D-6 are to be determined by measuring, at the midpoint between supports, the distance from the outside edges of both rails to the floor or other reference surface both before and after the test load of 50 pounds is applied to one rail of the ladder. The test is to be repeated loading the other rail of the ladder. The angle (a) between the loaded and unloaded rails and the horizontal is to be calculated from the trigonometric equation:

$$\text{Sine } a = \frac{\text{Difference in deflection}}{\text{Ladder width}}$$

TABLE D-6
TABLE OF DEFLECTIONS

Length of ladder in feet	Maximum deflection of loaded rail in inches	Maximum difference in deflection between loaded and unloaded rails in degrees from horizontal
20	3.0	3.6
24	3.8	4.7
28	4.6	5.4
32	5.5	5.7
36	6.4	6.1
40	7.2	6.5
44	8.0	6.5
48	8.8	6.5

(3) Step, trestle, extension trestle, and platform ladders.

(a) Load test of the entire ladder is made with the ladder in an open position, and an 800-pound load applied to the center of the top. Resistance to side rail bending is tested by placing an 800-pound load on the center of the middle step. The strength of the step section is tested by applying an 800-pound load to a 3 1/2-inch-wide block resting on the center of the longest or bottom step. The pail shelf shall be so constructed as to support a distributed load of 50 pounds.

(i) In each test case, the unit must withstand the load without failure or permanent deformation.

(b) Set ladder in open position on a level floor. Place a 200-pound distributed load on the top step. The ladder is then subjected to a horizontal pulling load, applied at the top step, of 12-pound force to the side; 58-pound force to the front; 33-pound force to the back. In each test, all side rails must remain on the floor.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-24-79507 Care and maintenance and use of ladders. (1) General. To get maximum serviceability, safety, and to eliminate unnecessary damage of equipment, good safe practices in the use and care of ladder equipment shall be employed by the users.

The following rules and regulations are essential to the life of the equipment and the safety of the user.

(2) Care of ladders.

(a) Ladders, shall be handled with care and not subject to unnecessary dropping, jarring, or misuse. (They are designed for a specific purpose or use; therefore, any variation from this use constitutes a mishandling of the equipment.)

(b) Ladders shall be stored on racks designed to protect the ladder when not in use. The racks shall have sufficient supporting points to prevent any possibility of excessive sagging.

(c) Ladders transported on vehicles shall be properly supported. Supporting points shall be of a softer material, such as hardwood or rubber-covered iron pipe, to minimize the chafing and effects of road shock. (Tying the ladder to each support point will greatly reduce damage due to road shock.)

(d) Ladders shall be maintained in good usable condition at all times. Hardware fittings and accessories shall be checked frequently and kept in good working condition.

(e) Ropes or cables shall be inspected frequently and replaced if defective.

(f) Complete ladder inspection shall be periodical. If a ladder is involved in any of the following, immediate inspection is necessary:

(i) If ladders tip over, inspect ladder for side rails dents or bends, or excessively dented rungs; check all rung-to-side-rail connections; check hardware connections; check rivets for shear.

(ii) If ladders are exposed to excessive heat as in the case of fire, the ladder should be inspected visually for damage and tested for deflection and strength characteristics. In doubtful cases, refer to manufacturer.

(iii) If ladders are to be subjected to certain acids or alkali solutions, a protective coating such as asphalt and varnish should be applied to the equipment.

(iv) If ladders are exposed to oil and grease, equipment should be cleaned of oil, grease, or slippery materials. This can easily be done with a solvent or steam cleaning.

(g) Ladders having defects are to be marked and taken out of service until repaired by either maintenance department or the manufacturer.

(3) Use of ladders.

(a) Portable nonself-supporting ladders shall be erected at a pitch of 75 1/2 degrees for maximum balance and strength. (A simple rule for setting up a ladder at the proper angle is to place the base a distance from the vertical wall equal to one-fourth the working length of the ladder.)

Note: Portable ladders are designed as a one-~~(man)~~ person working ladder based on a 200-pound load.

(b) (~~Workmen~~) Workers shall not ascend or descend ladders while carrying tools or materials which will interfere with the free use of both hands.

(c) The ladder base section must be placed with a secure footing. Safety shoes of good substantial design should be installed on all ladders. Where ladders with no safety shoes or spikes are used on hard, slick surfaces, a foot-ladder board should be employed.

(d) The top of the ladder must be placed with the two rails supported, unless equipped with a single support attachment. Such an attachment should be substantial and large enough to support the ladder under load.

(e) When ascending or descending, the climber must face the ladder.

(f) Ladders must not be tied or fastened together to provide longer sections. They must be equipped with the hardware fittings necessary if the manufacturer endorses extended uses.

(g) Ladders should not be used as a brace, skid, guy or gin pole, gangway, or for other uses than that for which they were intended, unless specifically recommended for use by the manufacturer.

(h) See chapter 296-24 WAC Part L for work practices to be used when work is performed on or near electrical circuits.((-))

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-81001 Definitions. The following terms shall have the meaning ascribed in this section when referred to in WAC 296-24-81003 through 296-24-81007 unless the context requires otherwise.

(1) Ladder. A ladder is an appliance usually consisting of two side rails joined at regular intervals by crosspieces called steps, rungs, or cleats, on which a person may step in ascending or descending.

(2) Fixed ladder. A fixed ladder is a ladder permanently attached to a structure, building, or equipment.

(3) Individual-rung ladder. An individual-rung ladder is a fixed ladder each rung of which is individually attached to a structure, building, or equipment.

(4) Rail ladder. A rail ladder is a fixed ladder consisting of side rails joined at regular intervals by rungs or cleats and fastened in full length or in sections to a building, structure, or equipment.

(5) Railings. A railing is any one or a combination of those railings constructed in accordance with WAC 296-24-

75003 through 296-24-75011. A standard railing is a vertical barrier erected along exposed edges of floor openings, wall openings, ramps, platforms, and runways to prevent falls of persons.

(6) Pitch. Pitch is the included angle between the horizontal and the ladder, measured on the opposite side of the ladder from the climbing side.

(7) Fastenings. A fastening is a device to attach a ladder to a structure, building, or equipment.

(8) Rungs. Rungs are ladder crosspieces of circular or oval cross-section on which a person may step in ascending or descending.

(9) Cleats. Cleats are ladder crosspieces of rectangular cross-section placed on edge on which a person may step in ascending or descending.

(10) Steps. Steps are the flat crosspieces of a ladder on which a person may step in ascending or descending.

(11) Cage. A cage is a guard that may be referred to as a cage or basket guard which is an enclosure that is fastened to the side rails of the fixed ladder or to the structure to encircle the climbing space of the ladder for the safety of the person who must climb the ladder.

(12) Well. A well is a permanent complete enclosure around a fixed ladder, which is attached to the walls of the well. Proper clearances for a well will give the person who must climb the ladder the same protection as a cage.

(13) Ladder safety device. A ladder safety device is any device, other than a cage or well, designed to eliminate or reduce the possibility of accidental falls and which may incorporate such features as life belts, friction brakes, and sliding attachments.

(14) Grab bars. Grab bars are individual handholds placed adjacent to or as an extension above ladders for the purpose of providing access beyond the limits of the ladder.

(15) Through ladder. A through ladder is one from which a ~~((man))~~ person getting off at the top must step through the ladder in order to reach the landing.

(16) Side-step ladder. A side-step ladder is one from which a ~~((man))~~ person getting off at the top must step sideways from the ladder in order to reach the landing.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-81009 Special requirements. (1) Cages or wells.

(a) Cages or wells (except on chimney ladders) shall be built, as shown on the applicable drawings, covered in detail in Figures D-7, D-8, and D-9, or of equivalent construction.

(b) Cages or wells (except as provided in (5) of this section) conforming to the dimensions shown in Figures D-7, D-8, and D-9 shall be provided on ladders of more than 20 feet to a maximum unbroken length of 30 feet.

(c) Cages shall extend a minimum of 42 inches above the top of landing, unless other acceptable protection is provided.

(d) Cages shall extend down the ladder to a point not less than 7 feet nor more than 8 feet above the base of the ladder, with bottom flared not less than 4 inches, or portion of cage opposite ladder shall be carried to the base.

(e) Cages shall not extend less than 27 nor more than 28 inches from the centerline of the rungs of the ladder. Cage

shall not be less than 27 inches in width. The inside shall be clear of projections. Vertical bars shall be located at a maximum spacing of 40 degrees around the circumference of the cage; this will give a maximum spacing of approximately 9 1/2 inches, center to center.

(f) Ladder wells shall have a clear width of at least 15 inches measured each way from the centerline of the ladder. Smooth-walled wells shall be a minimum of 27 inches from the centerline of rungs to the well wall on the climbing side of the ladder. Where other obstructions on the climbing side of the ladder exist, there shall be a minimum of 30 inches from the centerline of the rungs.

(2) Landing platforms. When ladders are used to ascend to heights exceeding 20 feet (except on chimneys), landing platforms shall be provided for each 30 feet of height or fraction thereof, except that, where no cage, well, or ladder safety device is provided, landing platforms shall be provided for each 20 feet of height or fraction thereof. Each ladder section shall be offset from adjacent sections. Where installation conditions (even for a short, unbroken length) require that adjacent sections be offset, landing platforms shall be provided at each offset.

(a) Where a ~~((man))~~ person has to step a distance greater than 12 inches from the centerline of the rung of a ladder to the nearest edge of structure or equipment, a landing platform shall be provided. The minimum step-access distance shall be 2 1/2 inches.

(b) All landing platforms shall be equipped with standard railings and toeboards, so arranged as to give safe access to the ladder. Platforms shall be not less than 24 inches in width and 30 inches in length.

(c) One rung of any section of ladder shall be located at the level of the landing laterally served by the ladder. Where access to the landing is through the ladder, the same rung spacing as used on the ladder shall be used from the landing platform to the first rung below the landing.

(3) Ladder extensions. The side rails of through or side-step ladder extensions shall extend 3 1/2 feet above parapets and landings. For through ladder extensions, the rungs shall be omitted from the extension and shall have not less than 18 nor more than 24 inches clearance between rails. For side-step or offset fixed ladder sections, at landings, the side rails and rungs shall be carried to the next regular rung beyond or above the 3 1/2 feet minimum (Fig. D-10).

(4) Grab bars. Grab bars shall be spaced by a continuation of the rung spacing when they are located in the horizontal position. Vertical grab bars shall have the same spacing as the ladder side rails. Grab-bar diameters shall be the equivalent of the round-rung diameters.

(5) Ladder safety devices. Ladder safety devices may be used on tower, water tank, and chimney ladders over 20 feet in unbroken length in lieu of cage protection. No landing platform is required in these cases. All ladder safety devices such as those that incorporate lifebelths, friction brakes, and sliding attachments shall meet the design requirements of the ladders which they serve.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-81013 Maintenance and use. (1) All ladders shall be maintained in a safe condition. All ladders shall be inspected regularly, with the intervals between inspections being determined by use and exposure.

Note: For illustrations, see Figs. D-1 through D-11.

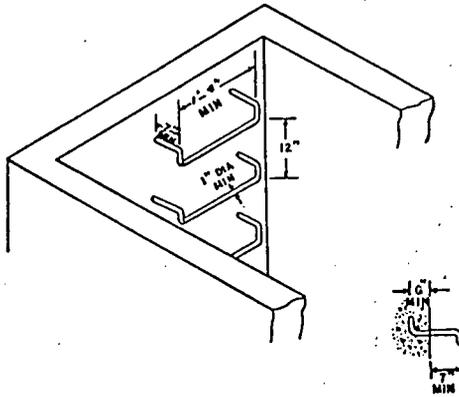
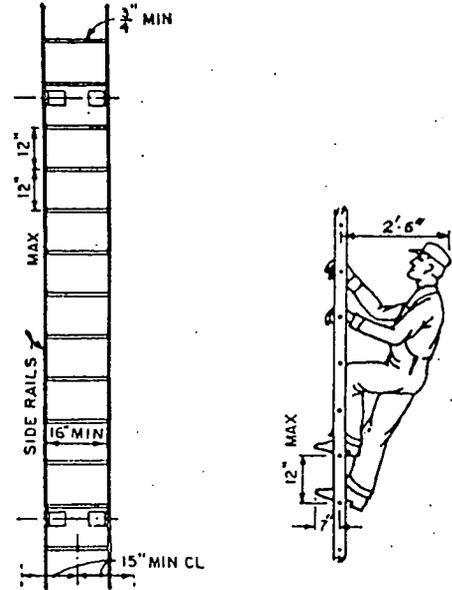


Figure D-1

Suggested design for rungs on individual-rung ladders



RAIL LADDER WITH BAR STEEL RAILS AND ROUND STEEL RUNGS

Figure D-2

Minimum Ladder Clearances

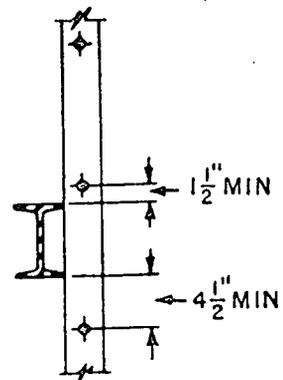


Figure D-3

Clearance for Unavoidable Obstruction at Rear of Fixed Ladder

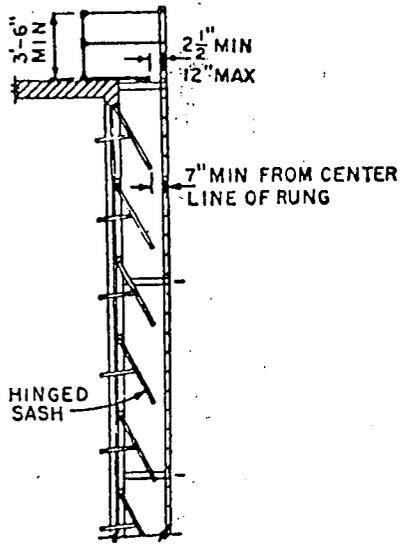


Figure D-4
Ladder Far from Wall

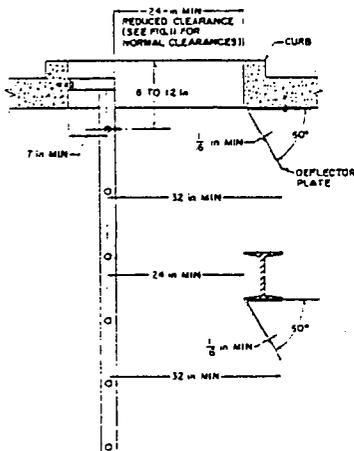


Figure D-5
Deflector Plates for Head Hazards

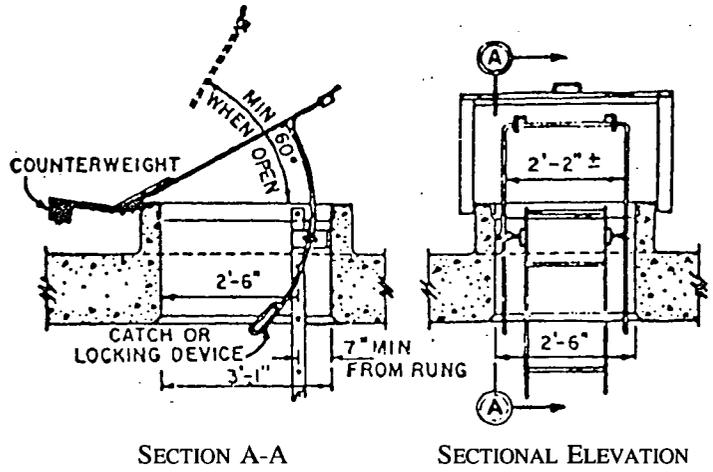


Figure D-6
Relationship of Fixed Ladder to a Safe Access Hatch

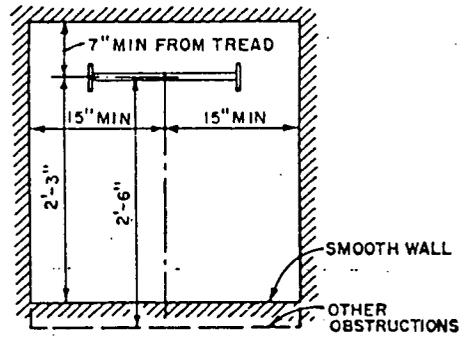
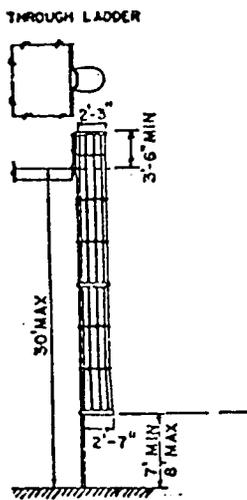
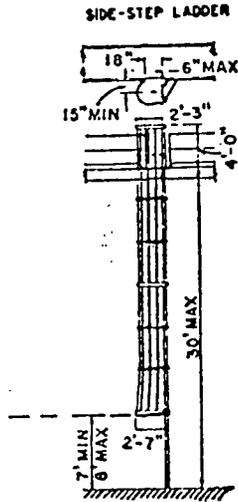


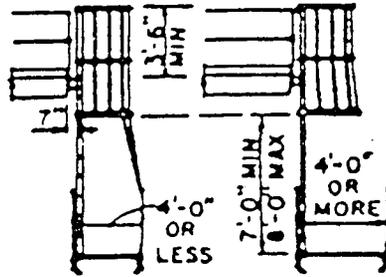
Figure D-7
Clearance Diagram for Fixed Ladder in Well



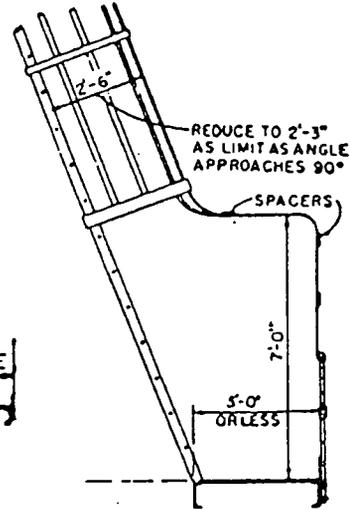
ACCESS TO LANDING PLATFORM THROUGH LADDER



ACCESS Laterally FROM LADDER



SHORT LADDERS AT ELEVATED LOCATIONS



INCLINED LADDER AT ELEVATED LOCATION (For Special Hazard Only)

Figure D-8 (Part 1)
TOP AND BOTTOM HOOPS ALSO THIS SIZE

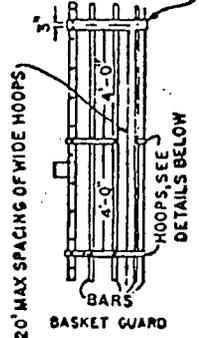
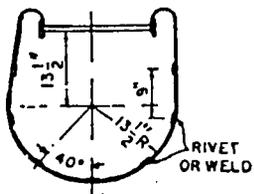
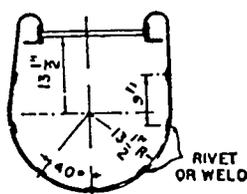


Figure D-8 (Part 2)



BASKET GUARD HOOP BAR LADDER



BASKET GUARD HOOP ANGLE IRON LADDER

Figure D-8 (Part 3)

Cages for Ladders more than 20 Feet High

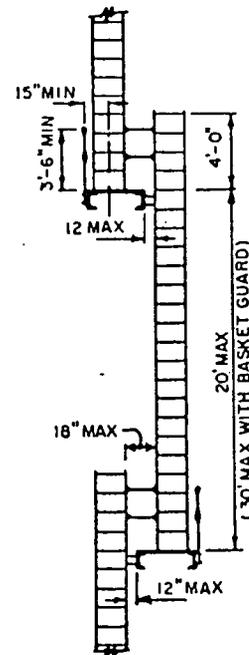


Figure D-10

Offset Fixed Ladder Sections

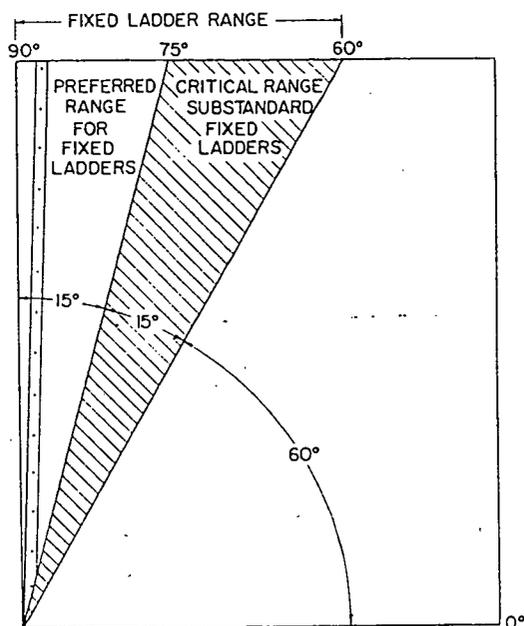


Figure D-11

Pitch of Fixed Ladders

(2) When ascending or descending, the climber must face the ladder.

(3) (~~Workmen~~) Workers shall not ascend or descend ladders while carrying tools or materials which will interfere with the free use of both hands.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-82501 Definitions. The following terms shall have the meaning ascribed in this section when referred to in WAC 296-24-82503 through 296-24-82545 unless the context requires otherwise.

(1) **Bearer.** A horizontal member of a scaffold upon which the platform rests and which may be supported by ledgers.

(2) **Boatswain's chair.** A seat supported by slings attached to a suspended rope, designed to accommodate one (~~workman~~) worker in a sitting position.

(3) **Brace.** A tie that holds one scaffold member in a fixed position with respect to another member.

(4) **Bricklayer's square scaffold.** A scaffold composed of framed wood squares which support a platform limited to light and medium duty.

(5) **Carpenters' bracket scaffold.** A scaffold consisting of wood or metal brackets supporting a platform.

(6) **Coupler.** A device for locking together the component parts of a tubular metal scaffold. The material used for the couplers shall be of a structural type, such as a drop-forged steel, malleable iron, or structural grade aluminum. The use of gray cast iron is prohibited.

(7) **Crawling board or chicken ladder.** A plank with cleats spaced and secured at equal intervals, for use by a worker on roofs, not designed to carry any material.

(8) **Double pole or independent pole scaffold.** A scaffold supported from the base by a double row of uprights, independent of support from the walls and constructed of uprights, ledgers, horizontal platform bearers, and diagonal bracing.

(9) **Float or ship scaffold.** A scaffold hung from overhead supports by means of ropes and consisting of a substantial platform having diagonal bracing underneath, resting upon and securely fastened to two parallel plank bearers at right angles to the span.

(10) **Guardrail.** A rail secured to uprights and erected along the exposed sides and ends of platforms.

(11) **Heavy duty scaffold.** A scaffold designed and constructed to carry a working load not to exceed 75 pounds per square foot.

(12) **Horse scaffold.** A scaffold for light or medium duty, composed of horses supporting a work platform.

(13) **Interior hung scaffold.** A scaffold suspended from the ceiling or roof structure.

(14) **Ladder jack scaffold.** A light duty scaffold supported by brackets attached to ladders.

(15) **Ledger (stringer).** A horizontal scaffold member which extends from post to post and which supports the putlogs or bearer forming a tie between the posts.

(16) **Light duty scaffold.** A scaffold designed and constructed to carry a working load not to exceed 25 pounds per square foot.

(17) **Manually propelled mobile scaffold.** A portable rolling scaffold supported by casters.

(18) **Mason's adjustable multiple-point suspension scaffold.** A scaffold having a continuous platform supported by bearers suspended by wire rope from overhead supports, so arranged and operated as to permit the raising or lowering of the platform to desired working positions.

(19) **Maximum intended load.** The total of all loads including the working load, the weight of the scaffold, and such other loads as may be reasonably anticipated.

(20) **Medium duty scaffold.** A scaffold designed and constructed to carry a working load not to exceed 50 pounds per square foot.

(21) **Mid-rail.** A rail approximately midway between the guardrail and platform, used when required, and secured to the uprights erected along the exposed sides and ends of platforms.

(22) **Needle beam scaffold.** A light duty scaffold consisting of needle beams supporting a platform.

(23) **Outrigger scaffold.** A scaffold supported by outriggers or thrustouts projecting beyond the wall or face of the building or structure, the inboard ends of which are secured inside of such a building or structure.

(24) **Putlog.** A scaffold member upon which the platform rests.

(25) **Roofing bracket.** A bracket used in sloped roof construction, having provisions for fastening to the roof or supported by ropes fastened over the ridge and secured to some suitable object.

(26) **Runner.** The lengthwise horizontal bracing or bearing members or both.

(27) Scaffold. Any temporary elevated platform and its supporting structure used for supporting ~~((workmen))~~ workers or materials or both.

(28) Single-point adjustable suspension scaffold. A manually or power-operated unit designed for light duty use, supported by a single wire rope from an overhead support so arranged and operated as to permit the raising or lowering of the platform to desired working positions.

(29) Single pole scaffold. Platforms resting on putlogs or crossbeams, the outside ends of which are supported on ledgers secured to a single row of posts or uprights and the inner ends of which are supported on or in a wall.

(30) Stone setters' adjustable multiple-point suspension scaffold. A swinging-type scaffold having a platform supported by hangers suspended at four points so as to permit the raising or lowering of the platform to the desired working position by the use of hoisting machines.

(31) Toeboard. A barrier secured along the sides and ends of a platform, to guard against the falling of material.

(32) Tube and coupler scaffold. An assembly consisting of tubing which serves as posts, bearers, braces, ties, and runners, a base supporting the posts, and special couplers which serve to connect the uprights and to join the various members.

(33) Tubular welded frame scaffold. A sectional, panel, or frame metal scaffold substantially built up of prefabricated welded sections which consist of posts and horizontal bearer with intermediate members. Panels or frames shall be braced with diagonal or cross braces.

(34) Two-point suspension scaffold (swinging scaffold). A scaffold, the platform of which is supported by hangers (stirrups) at two points, suspended from overhead supports so as to permit the raising or lowering of the platform to the desired working position by tackle or hoisting machines.

(35) Window jack scaffold. A scaffold, the platform of which is supported by a bracket or jack which projects through a window opening.

(36) Working load. Load imposed by ~~((men))~~ people, materials, and equipment.

AMENDATORY SECTION (Amending Order 89-20, filed 1/11/90, effective 2/26/90)

WAC 296-24-82503 General requirements for all scaffolds. (1) Scaffolds shall be furnished and erected in accordance with this standard for persons engaged in work that cannot be done safely from the ground or from solid construction, except that ladders used for such work shall conform to WAC 296-24-780 through 296-24-78009 and 296-24-795 through 296-24-79507.

(2) The footing or anchorage for scaffolds shall be sound, rigid, and capable of carrying the maximum intended load without settling or displacement. Unstable objects such as barrels, boxes, loose brick, or concrete blocks shall not be used to support scaffolds or planks.

(3) Guardrails and toeboards shall be installed on all open sides and ends of platforms more than 8 feet above the ground or floor except:

(a) Scaffolding wholly within the interior of a building and covering the entire floor area of any room therein and not having any side exposed to a hoistway, elevator shaft, stairwell, or other floor openings, and

(b) Needle-beam scaffolds and floats in use by structural iron workers.

(4) Guardrails should all be 2 x 4 inches or the equivalent, installed no less than 36 inches or not more than 42 inches high, with a midrail, when required, of 1 x 4 inch nominal lumber or equivalent. Supports should be at intervals not to exceed ten feet. Toeboards shall be a minimum of 4 inches nominal lumber in height.

(5) Factory-built (laminated) scaffold planks meeting the requirements of wood scaffold planks may be substituted for wood scaffold planks.

(6) Scaffolds and their components shall be capable of supporting without failure at least four times the maximum intended load.

(7) Scaffolds and other devices mentioned or described in these standards shall be maintained in safe condition. Scaffolds shall not be altered or moved horizontally while they are in use or occupied.

(8) Any scaffold damaged or weakened from any cause shall be immediately repaired and shall not be used until repairs have been completed.

(9) Scaffolds shall not be loaded in excess of the working load for which they are intended.

(10) All load-carrying timber members of scaffold framing shall be a minimum of 1,500 f. (stress grade) construction grade lumber. All dimensions are nominal sizes as provided in the American Lumber Standards, except that where rough sizes are noted, only rough or undressed lumber of the size specified will satisfy minimum requirements. (NOTE: Where nominal sizes of lumber are used in place of rough sizes the nominal size lumber shall be such as to provide equivalent strength to that specified in Tables D-7 through D-12 and D-16.)

(11) All planking shall be Scaffold Grade as recognized by grading rules for the species of wood used. The maximum permissible spans for 2- x 9-inch or wider planks are shown in the following table:

	Material				
	Full thickness undressed lumber		Nominal thickness lumber		
Working load (p.s.f.)	25	50	75	25	50
Permissible span (ft.)	10	8	6	8	6

The maximum permissible span for 1 1/4 x 9-inch or wider plank of full thickness is 4 feet with medium loading of 50 p.s.f.

(12) Nails or bolts used in the construction of scaffolds shall be of adequate size and in sufficient numbers at each connection to develop the designed strength of the scaffold. Nails shall not be subjected to a straight pull and shall be driven full length.

(13) All planking or platforms shall be overlapped (minimum 12 inches) or secured from movement.

(14) An access ladder or equivalent safe access shall be provided.

(15) Scaffold planks shall extend over their end supports not less than 6 inches nor more than 18 inches.

(16) The poles, legs, or uprights of scaffolds shall be plumb, and securely and rigidly braced to prevent swaying and displacement.

TABLE D-7

MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF SINGLE POLE SCAFFOLDS LIGHT DUTY

	Maximum height of scaffold	
	20 feet	60 feet
Uniformly distributed load	Not to exceed 25 pounds per square foot.	
Poles or uprights	2 by 4 in.	4 by 4 in.
Pole spacing (longitudinal)	6 ft. 0 in.	10 ft. 0 in.
Maximum width of scaffold	5 ft. 0 in.	5 ft. 0 in.
Bearers or putlogs to 3 ft. 0 in. width	2 by 4 in.	2 by 4 in.
Bearers or putlogs to 5 ft. 0 in. width	2 by 6 in. or 3 by 4 in.	2 by 6 in. or 3 by 4 in.
Ledgers	1 by 4 in.	1 1/4 by 9 in.
Planking	1 1/4 by 9 in. (rough)	2 by 9 in.
Vertical spacing of horizontal members	7 ft. 0 in.	7 ft. 0 in.
Bracing, horizontal and diagonal	1 by 4 in.	1 by 4 in.
Tie-ins	1 by 4 in.	1 by 4 in.
Toeboards	4 in. high (minimum)	4 in. high (minimum)
Guardrail	2 by 4 in.	2 by 4 in.

All members except planking are used on edge.

TABLE D-8

MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF SINGLE POLE SCAFFOLDS MEDIUM DUTY

Uniformly distributed load	Not to exceed 50 pounds per square foot.	
Maximum height of scaffold	60 ft.	
Poles or uprights	4 by 4 in.	
Pole spacing (longitudinal)	8 ft. 0 in.	

Maximum width of scaffold	5 ft. 0 in.
Bearers or putlogs	2 by 9 in. or 3 by 4 in.
Spacing of bearers or putlogs	8 ft. 0 in.
Ledgers	2 by 9 in.
Vertical spacing of horizontal members	9 ft. 0 in.
Bracing, horizontal	1 by 6 in. or 1 1/4 by 4 in.
Bracing, diagonal	1 by 4 in.
Tie-ins	1 by 4 in.
Planking	2 by 9 in.
Toeboards	4 in. high (minimum)
Guardrail	2 by 4 in.

All members except planking are used on edge.

TABLE D-9

MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF SINGLE POLE SCAFFOLDS HEAVY DUTY

Uniformly distributed load	Not to exceed 75 pounds per square foot.	
Maximum height of scaffold	60 ft.	
Poles or uprights	4 by 4 in.	
Pole spacing (longitudinal)	6 ft. 0 in.	
Maximum width of scaffold	5 ft. 0 in.	
Bearers or putlogs	2 by 9 in. or 3 by 5 in. (rough).	
Spacing of bearers or putlogs	6 ft. 0 in.	
Ledgers	2 by 9 in.	
Vertical spacing of horizontal members	6 ft. 6 in.	
Bracing, horizontal and diagonal	2 by 4 in.	
Tie-ins	1 by 4 in.	
Planking	2 by 9 in.	
Toeboards	4 in. high (minimum).	
Guardrail	2 by 4 in.	

All members except planking are used on edge.

TABLE D-10

MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF INDEPENDENT POLE SCAFFOLDS LIGHT DUTY

	Maximum height of scaffold	
	20 feet	60 feet
Uniformly distributed load	Not to exceed 25 pounds per square foot.	
Poles or uprights	2 by 4 in.	4 by 4 in.

TABLE D-12

MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF INDEPENDENT POLE SCAFFOLDS HEAVY DUTY

Pole spacing (longitudinal)	6 ft. 0 in.	10 ft. 0 in.
Pole spacing (transverse)	6 ft. 0 in.	10 ft. 0 in.
Ledgers	1 1/4 by 4 in.	1 1/4 by 9 in.
Bearers to 3 ft. 0 in. span	2 by 4 in.	2 by 4 in.
Bearers to 10 ft. 0 in. span	2 by 6 in. or 3 by 4 in.	2 by 9 (rough) or 3 by 8 in.
Planking	1 1/4 by 9 in.	2 by 9 in.
Vertical spacing of horizontal members	7 ft. 0 in.	7 ft. 0 in.
Bracing, horizontal and diagonal	1 by 4 in.	1 by 4 in.
Tie-ins	1 by 4 in.	1 by 4 in.
Toeboards	4 in. high	4 in. high (minimum).
Guardrail	2 by 4 in.	2 by 4 in.

All members except planking are used on edge.

TABLE D-11

MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF INDEPENDENT POLE SCAFFOLDS MEDIUM DUTY

Uniformly distributed load	Not to exceed 50 pounds per square foot.
Maximum height of scaffold	60 ft.
Poles or uprights	4 by 4 in.
Pole spacing (longitudinal)	8 ft. 0 in.
Pole spacing (transverse)	8 ft. 0 in.
Ledgers	2 by 9 in.
Vertical spacing of horizontal members	6 ft. 0 in.
Spacing of bearers	8 ft. 0 in.
Bearers	2 by 9 in. rough or 2 by 10 in.
Bracing, horizontal	1 by 6 in. or 1 1/4 by 4 in.
Bracing, diagonal	1 by 4 in.
Tie-ins	1 by 4 in.
Planking	2 by 9 in.
Toeboards	4 in. high (minimum).
Guardrail	2 by 4 in.

All members except planking are used on edge.

Uniformly distributed load Not to exceed 75 pounds per square foot.

Maximum height of scaffold 60 ft.
 Poles or uprights 4 by 4 in.
 Pole spacing (longitudinal) 6 ft. 0 in.
 Pole spacing (transverse) 8 ft. 0 in.
 Ledgers 2 by 9 in.
 Vertical spacing of horizontal members 4 ft. 6 in.
 Bearers 2 by 9 in. (rough).
 Bracing, horizontal and diagonal 2 by 4 in.
 Tie-ins 1 by 4 in.
 Planking 2 by 9 in.
 Toeboards 4 in. high (minimum).
 Guardrail 2 by 4 in.

All members except planking are used on edge.

(17) Materials being hoisted onto a scaffold shall have a tag line.

(18) Overhead protection shall be provided for (~~workmen~~) workers working on a scaffold when they are exposed to overhead hazards.

(19) Scaffolds shall be provided with a screen between the toe board and the guardrail, extending along the entire opening, consisting of No. 18 gauge U.S. Standard Wire one-half-inch mesh or the equivalent, where persons are required to work or pass under the scaffolds.

(20) Employees shall not work on scaffolds during storms or high winds.

(21) Employees shall not work on scaffolds which are covered with ice or snow.

(22) Tools, materials, and debris shall not be allowed to accumulate in quantities to cause a hazard.

(23) Only treated or protected fiber rope shall be used for or near any work involving the use of corrosive substances or chemicals.

(24) Wire or fiber rope used for scaffold suspension shall be capable of supporting at least six times the intended load.

(25) When acid solutions are used for cleaning buildings over 50 feet in height, wire rope supported scaffolds shall be used.

(26) The use of shore scaffolds or leanto scaffolds is prohibited.

(27) Lumber sizes, when used in WAC 296-24-82505 through 296-24-82545, refer to nominal sizes except where otherwise stated.

(28) Scaffolds shall be secured to permanent structures, through use of anchor bolts, reveal bolts, or other equivalent means. Window cleaners' anchor bolts shall not be used.

(29) Special precautions shall be taken to protect scaffold members, including any wire or fiber ropes, when using a heat-producing process.

(30) When rope falls are used to support swinging scaffolding, the rope falls shall be of sufficient length to reach the ground. Lengthening rope falls by tying on additional lengths shall be prohibited.

(31) When screw shackles are used to support staging, etc., the pin must be wired or pinned so that the shackle will not become unscrewed by strain or stress.

(32) All hooks on blocks used for raising scaffolding shall be provided with a safety latch or be "moused at the throat" to prevent the hook from becoming dislodged.

(33) Lifelines size shall be 3/4 inch manila rope or equivalent with a minimum breaking strength of 5400 pounds. Safety belt lanyards shall be a minimum of 1/2 inch nylon or equivalent with a maximum length to provide for a fall of no greater than 6 feet. This rope shall have a minimum breaking strength of 5400 pounds.

AMENDATORY SECTION (Amending Order 88-25, filed 11/14/88)

WAC 296-24-82513 Masons' adjustable multiple-point suspension scaffolds. (1) The scaffold shall be capable of sustaining a working load of fifty pounds per square foot and shall not be loaded in excess of that figure.

(2) The scaffold shall be provided with hoisting machines that meet the requirements of a nationally recognized testing laboratory. Refer to federal regulation 29 CFR 1910.7 for definition of a nationally recognized testing laboratory.

(3) The platform shall be supported by wire ropes in conformity with WAC 296-24-82503(~~((22))~~) (24), suspended from overhead outrigger beams.

(4) The scaffold outrigger beams shall consist of structural metal securely fastened or anchored to the frame or floor system of the building or structure.

(5) Each outrigger beam shall be equivalent in strength to at least a standard seven-inch, 15.3-pound steel I-beam, be at least fifteen feet long, and shall not project more than six feet six inches beyond the bearing point.

(6) Where the overhang exceeds six feet six inches, outrigger beams shall be composed of stronger beams or multiple beams and be installed in accordance with approved designs and instructions.

(7) If channel iron outrigger beams are used in place of I-beams, they shall be securely fastened together with the flanges turned out.

(8) All outrigger beams shall be set and maintained with their webs in a vertical position.

(9) A stop bolt shall be placed at each end of every outrigger beam.

(10) The outrigger beam shall rest on suitable wood-bearing blocks.

(11) All parts of the scaffold such as bolts, nuts, fittings, clamps, wire rope, and outrigger beams and their fastenings, shall be maintained in sound and good working condition and shall be inspected before each installation and periodically thereafter.

(12) The free end of the suspension wire ropes shall be equipped with proper size thimbles and be secured by

splicing or other equivalent means. The running ends shall be securely attached to the hoisting drum and at least four turns of rope shall at all times remain on the drum.

(13) Where a single outrigger beam is used, the steel shackles or clevises with which the wire ropes are attached to the outrigger beams shall be placed directly over the hoisting drums.

(14) The scaffold platform shall be equivalent in strength to at least two-inch planking. (For maximum planking spans see WAC 296-24-82503(~~((22))~~) (11).)

(15) Guardrails not less than two by four inches or the equivalent and not less than thirty-six inches or more than forty-two inches high, with a mid-rail, when required, of one-inch by four-inch nominal lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than eight feet above the ground or floor. Toeboards shall be a minimum of four inches nominal lumber in height. Wire mesh shall be installed in accordance with WAC 296-24-82503(~~((17))~~) (19).

(16) Overhead protection shall be provided on the scaffold, not more than nine feet above the platform, consisting of two-inch planking or material of equivalent strength laid tight, when (~~men~~) employees are at work on the scaffold and an overhead hazard exists.

(17) Each scaffold shall be installed or relocated in accordance with designs and instructions, of a registered professional engineer, and supervised by a competent, designated person to comply with the requirements of this section.

AMENDATORY SECTION (Amending Order 88-25, filed 11/14/88)

WAC 296-24-82515 Two-point suspension scaffolds (swinging scaffolds). (1) Two-point suspension scaffold platforms shall be not less than twenty inches nor more than thirty-six inches wide overall. The platform shall be securely fastened to the hangers by U-bolts or by other equivalent means.

(2) The hangers of two-point suspension scaffolds shall be made of wrought iron, mild steel, or other equivalent material having a cross-sectional area capable of sustaining four times the maximum intended load, and shall be designed with a support for guardrail, intermediate rail, and toeboard.

(3) When hoisting machines are used on two-point suspension scaffolds, such machines shall be of a design tested and approved by a nationally recognized testing laboratory. Refer to federal regulation 29 CFR 1910.7 for definition of nationally recognized testing laboratory.

(4) The roof irons or hooks shall be of wrought iron, mild steel, or other equivalent material of proper size and design, securely installed and anchored. Tiebacks of three-fourths-inch manila rope or the equivalent shall serve as a secondary means of anchorage, installed at right angles to the face of the building whenever possible and secured to a structurally sound portion of the building.

(5) Guardrails not less than two by four inches or the equivalent and not less than thirty-six inches or more than forty-two inches high, with a mid-rail, when required, of one-inch by four-inch nominal lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds

more than ten feet above the ground or floor. Toeboards shall be a minimum of four inches nominal lumber in height. Wire mesh shall be installed in accordance with WAC 296-24-82503(~~((17))~~) (19).

(6) Two-point suspension scaffolds shall be suspended by wire or fiber ropes. Wire and fiber ropes shall conform to WAC 296-24-82503(~~((22))~~) (24).

(7) The blocks for fiber ropes shall be of standard six-inch size, consisting of at least one double and one single block. The sheaves of all blocks shall fit the size of rope used.

(8) All wire ropes, fiber ropes, slings, hangers, platforms, and other supporting parts shall be inspected before every installation. Periodic inspections shall be made while the scaffold is in use.

(9) On suspension scaffolds designed for a working load of five hundred pounds, no more than two (~~(men)~~) persons shall be permitted to work at one time. On suspension scaffolds with a working load of seven hundred fifty pounds, no more than three (~~(men)~~) persons shall be permitted to work at one time. Each (~~(workman)~~) worker shall be protected by a safety lifeline attached to a lifeline. The lifeline shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the (~~(workman)~~) worker in case of a fall.

(10) Where acid solutions are used, fiber ropes are not permitted unless acid-proof.

(11) Two-point suspension scaffolds shall be securely lashed to the building or structure to prevent them from swaying. Window cleaners' anchors shall not be used for this purpose.

(12) The platform of every two-point suspension scaffold shall be one of the following types:

(a) The side stringer of ladder-type platforms shall be clear straight-grained spruce or materials of equivalent strength and durability. The rungs shall be of straight-grained oak, ash, or hickory, at least one and one-eighths-inch in diameter, with seven-eighths inch tenons mortised into the side stringers at least seven-eighths inch. The stringers shall be tied together with the tie rods not less than one-quarter inch in diameter, passing through the stringers and riveted up tight against washers on both ends. The flooring strips shall be spaced not more than five-eighths inch apart except at the side rails where the space may be one inch. Ladder-type platforms shall be constructed in accordance with Table D-17.

(b) Plank-type platforms shall be composed of not less than nominal two-inch by eight-inch unspliced planks, properly cleated together on the underside starting six inches from each end; intervals in between shall not exceed four feet. The plank-type platform shall not extend beyond the hangers more than eighteen inches. A bar or other effective means shall be securely fastened to the platform at each end to prevent its slipping off the hanger. The span between hangers for plank-type platforms shall not exceed ten feet.

(c) Beam platforms shall have side stringers of lumber not less than two by six inches set on edge. The span between hangers shall not exceed twelve feet when beam platforms are used. The flooring shall be supported on two-inch and six-inch crossbeams, laid flat and set into the upper edge of the stringers with a snug fit, at intervals of not more than four feet, securely nailed in place. The flooring shall

be of one-inch by six-inch material properly nailed. Floorboards shall not be spaced more than one-half inch apart. (See Table D-17.)

TABLE D-17
SCHEDULE FOR LADDER-TYPE PLATFORMS

	Length of platform (feet)				
	12	14&16	18&20	22&24	28&30
Side stringers, minimum cross section (finished sizes):					
At ends (in.)	1 3/4 x2 3/4	1 3/4 x2 3/4	1 3/4 x3	1 3/4 x3	1 3/4 x3 1/2
At middle (in.)	1 3/4 x3 3/4	1 3/4 x3 3/4	1 3/4 x4	1 3/4 x4 1/4	1 3/4 x5
Reinforcing strip (minimum)	A 1/8x7/8-in. steel reinforcing strip or its equivalent shall be attached to the side or underside, full length.				
Rungs	Rungs shall be 1 1/8-in. minimum diameter with at least 7/8-in. diameter tenons, and the maximum spacing shall be 12 in. center to center.				
Tie rods:					
Number (minimum)	3	4	4	5	6
Diameter (minimum)	1/4 in.	1/4 in.	1/4 in.	1/4 in.	1/4 in.
Flooring, minimum finished size (in.)	1/2 x2 3/4	1/2 x2 3/4	1/2 x2 3/4	1/2 x2 3/4	1/2 x2 3/4

AMENDATORY SECTION (Amending Order 88-25, filed 11/14/88)

WAC 296-24-82519 Single-point adjustable suspension scaffolds. (1) The scaffolding, including power units or manually operated winches, shall be of a type tested and listed by a nationally recognized testing laboratory. Refer to WAC 296-24-95601(~~((77))~~) (78) for definition of listed, and 29 CFR 1910.7 for nationally recognized testing laboratory.

(2) The power units may be either electrically or air motor driven.

(3) All power-operated gears and brakes shall be enclosed.

(4) In addition to the normal operating brake, all-power driven units must have an emergency brake which engages automatically when the normal speed of descent is exceeded.

(5) Guards, mid-rails, and toeboards shall completely enclose the cage or basket. Guardrails shall be no less than 2 by 4 inches nominal lumber or the equivalent installed no less than 36 inches nor more than 42 inches above the platform. Mid-rails shall be 1 by 6 inches nominal lumber or the equivalent, installed equidistant between the guardrail and the platform. Toeboards shall be a minimum of 4 inches nominal lumber in height.

(6) The hoisting machines, cables, and equipment shall be regularly serviced and inspected after each installation and every 30 days thereafter.

(7) The units may be combined to form a two-point suspension scaffold. Such scaffold shall comply with WAC 296-24-82515.

(8) The supporting cable shall be straight for its entire length, and the operator shall not sway the basket and fix the cable to any intermediate points to change ~~((his))~~ their original path of travel.

(9) Equipment shall be maintained and used in accordance with the manufacturers' instructions.

(10) Suspension methods shall conform to applicable provisions of WAC 296-24-82515 and 296-24-82517.

AMENDATORY SECTION (Amending Order 80-14, filed 8/8/80)

WAC 296-24-82521 Boatswain's chairs. (1) The chair seat shall be not less than 12 by 24 inches, and of 1-inch thickness. The seat shall be reinforced on the underside to prevent the board from splitting.

(2) The two fiber rope seat slings shall be of 5/8-inch diameter, reeved through the four seat holes so as to cross each other on the underside of the seat.

(3) Seat slings shall be of at least 3/8-inch wire rope when a ~~((workman))~~ worker is conducting a heat producing process such as gas or arc welding.

(4) The ~~((workman))~~ worker shall be protected by a safety life belt attached to a lifeline. The lifeline shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the worker in case of a fall.

(5) The tackle shall consist of correct size ball bearing or bushed blocks and properly spliced 5/8-inch diameter first-grade manila rope or equivalent strength synthetic-fiber rope.

(6) The roof irons, hooks, or the object to which the tackle is anchored shall be securely installed. Tiebacks when used shall be installed at right angles to the face of the building and securely fastened to a chimney.

AMENDATORY SECTION (Amending Order 79-9, filed 7/31/79)

WAC 296-24-82529 Needle beam scaffold. (1) Wood needle beams shall be in accordance with WAC 296-24-82503 ~~((5))~~ (7) and ~~((9))~~ (11) and shall be not less than 4 by 6 inches in size, with the greater dimension placed in a vertical direction. Metal beams or the equivalent conforming to WAC 296-24-82503 ~~((4))~~ (6) and ~~((8))~~ (10) may be used.

(2) Ropes or hangers shall be provided for supports. The span between supports on the needle beam shall not exceed 10 feet for 4- by 6-inch timbers. Rope supports shall be equivalent in strength to 1-inch diameter first-grade manila rope.

(3) The ropes shall be attached to the needle beams by a scaffold hitch or a properly made eye splice. The loose end of the rope shall be tied by a bowline knot or by a round turn and one-half hitch.

(4) The platform span between the needle beams shall not exceed 8 feet when using 2-inch scaffold plank. For spans greater than 8 feet, platforms shall be designed based on design requirements for the special span. The overhang

of each end of the platform planks shall be not less than 1 foot and not more than 18 inches.

(5) When one needle beam is higher than the other or when the platform is not level the platform shall be secured against slipping.

(6) All unattached tools, bolts, and nuts used on needle beam scaffolds shall be kept in suitable containers.

(7) One end of a needle beam scaffold may be supported by a permanent structural member conforming to WAC 296-24-82503 ~~((4))~~ (6) and ~~((8))~~ (10).

(8) Each ~~((man))~~ person working on a needle beam scaffold 10 feet or more above the ground or floor, shall be protected by a safety life belt attached to a lifeline. The lifeline shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the ~~((workman))~~ worker in case of a fall.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-82537 Window-jack scaffolds. (1) Window-jack scaffolds shall be used only for the purpose of working at the window opening through which the jack is placed.

(2) Window jacks shall not be used to support planks placed between one window jack and another or for other elements of scaffolding.

(3) Window-jack scaffolds shall be provided with suitable guardrails unless safety belts with lifelines are attached and provided for the ~~((workman))~~ workers. Window-jack scaffolds shall be used by one ~~((man))~~ person only.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-82543 Float or ship scaffolds. (1) Float or ship scaffolds shall support not more than three ~~((men))~~ persons and a few light tools, such as those needed for riveting, bolting, and welding. They shall be constructed in accordance with WAC 296-24-82543 (2) through (6), unless substitute designs and materials provide equivalent strength, stability, and safety.

(2) The platform shall be not less than 3 feet wide and 6 feet long, made of three-quarter-inch plywood, equivalent to American Plywood Association Grade B-B, Group I, Exterior.

(3) Under the platform, there shall be two supporting bearers made from 2- x 4-inch, or 1- x 10-inch rough, selected lumber, or better. They shall be free of knots or other flaws and project 6 inches beyond the platform on both sides. The ends of the platform shall extend about 6 inches beyond the outer edges of the bearers. Each bearer shall be securely fastened to the platform.

(4) An edging of wood not less than 3/4 x 1 1/2 inches, or equivalent, shall be placed around all sides of the platform to prevent tools from rolling off.

(5) Supporting ropes shall be 1-inch diameter manila rope or equivalent, free from deterioration, chemical damage, flaws, or other imperfections. Rope connections shall be such that the platform cannot shift or slip. If two ropes are used with each float, they should be arranged so as to provide four ends which are to be securely fastened to an

overhead support. Each of the two supporting ropes shall be hitched around one end of a bearer and pass under the platforms to the other end of the bearer where it is hitched again, leaving sufficient rope at each end for the supporting ties.

(6) Each (~~(workman))~~ worker shall be protected by a safety lifeline attached to a lifeline. The lifeline shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the (~~(workman))~~ worker in case of a fall.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-84001 Definitions. The following terms shall have the meaning ascribed in this section when referred to in WAC 296-24-84003 through 296-24-84013 unless the context requires otherwise.

(1) Bearer. A horizontal member of a scaffold upon which the platform rests and which may be supported by ledgers.

(2) Brace. A tie that holds one scaffold member in a fixed position with respect to another member.

(3) Climbing ladder. A separate ladder with equally spaced rungs usually attached to the scaffold structure for climbing and descending.

(4) Coupler. A device for locking together the components of a tubular metal scaffold which shall be designed and used to safely support the maximum intended loads.

(5) Design working load. The maximum intended load, being the total of all loads including the weight of the (~~(men))~~ people, materials, equipment, and platform.

(6) Equivalent. Alternative design or features, which will provide an equal degree or factor of safety.

(7) Guardrail. A barrier secured to uprights and erected along the exposed sides and ends of platforms to prevent falls of persons.

(8) Handrail. A rail connected to a ladder stand running parallel to the slope and/or top step.

(9) Ladder stand. A mobile fixed size self-supporting ladder consisting of a wide flat tread ladder in the form of stairs. The assembly may include handrails.

(10) Ledger (stringer). A horizontal scaffold member which extends from post to post and which supports the bearer forming a tie between the posts.

(11) Mobile scaffold (tower). A light, medium, or heavy duty scaffold mounted on casters or wheels.

(12) Mobile. "Manually propelled."

(13) Mobile work platform. Generally a fixed work level one frame high on casters or wheels, with bracing diagonally from platform to vertical frame.

(14) Runner. The lengthwise horizontal bracing and/or bearing members.

(15) Scaffold. Any temporary elevated platform and its necessary vertical, diagonal, and horizontal members used for supporting (~~(workmen))~~ workers and materials. (Also known as a scaffold tower.)

(16) Toeboard. A barrier at platform level erected along the exposed sides and ends of a scaffold platform to prevent falls of materials.

(17) Tube and coupler scaffold. An assembly consisting of tubing which serves as posts, bearers, braces, ties, and

runners, a base supporting the posts, and uprights, and serves to join the various members, usually used in fixed locations.

(18) Tubular welded frame scaffold. A sectional, panel, or frame metal scaffold substantially built up of prefabricated welded sections, which consist of posts and bearers with intermediate connecting members and braced with diagonal or cross braces.

(19) Tubular welded sectional folding scaffold. A sectional, folding metal scaffold either of ladder frame or inside stairway design, substantially built of prefabricated welded sections, which consist of end frames, platform frame, inside inclined stairway frame and braces, or hinged connected diagonal and horizontal braces, capable of being folded into a flat package when the scaffold is not in use.

(20) Work level. The elevated platform, used for supporting (~~(workmen))~~ workers and their materials, comprising the necessary vertical, horizontal, and diagonal braces, guardrails, and ladder for access to the work platform.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-84005 Mobile tubular welded frame scaffolds. (1) General. Units shall be designed to comply with the requirements of WAC 296-24-84003.

(2) Bracing. Scaffolds shall be properly braced by cross braces and/or diagonal braces for securing vertical members together laterally. The cross braces shall be of a length that will automatically square and align vertical members so the erected scaffold is always plumb, square, and rigid.

(3) Spacing. Spacing of panels or frames shall be consistent with the loads imposed. The frames shall be placed one on top of the other with coupling or stacking pins to provide proper vertical alignment of the legs.

(4) Locking. Where uplift may occur, panels shall be locked together vertically by pins or other equivalent means.

(5) Erection. Only the manufacturer of a scaffold or (~~(his))~~ the manufacturers qualified designated agent shall be permitted to erect or supervise the erection of scaffolds exceeding 50 feet in height above the base, unless such structure is approved in writing by a registered professional engineer or erected in accordance with instructions furnished by the manufacturer.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-84007 Mobile tubular welded sectional folding scaffolds. (1) General. Units including sectional stairway and sectional ladder scaffolds shall be designed to comply with the requirements of WAC 296-24-84003.

(2) Stairway. An integral stairway and work platform shall be incorporated into the structure of each sectional folding stairway scaffold.

(3) Bracing. An integral set of pivoting and hinged folding diagonal and horizontal braces and a detachable work platform shall be incorporated into the structure of each sectional folding ladder scaffold.

(4) Sectional folding stairway scaffolds. Sectional folding stairway scaffolds shall be designed as medium duty scaffolds except for high clearance. These special base sections shall be designed as light duty scaffolds. When

upper sectional folding stairway scaffolds are used with a special high clearance base, the load capacity of the entire scaffold shall be reduced accordingly. The width of a sectional folding stairway scaffold shall not exceed 4 1/2 feet. The maximum length of a sectional folding stairway scaffold shall not exceed 6 feet.

(5) Sectional folding ladder scaffolds. Sectional folding ladder scaffolds shall be designed as light duty scaffolds including special base (open end) sections which are designed for high clearance. For certain special applications the six-foot folding ladder scaffolds, except for special high clearance base sections, shall be designed for use as medium duty scaffolds. The width of a sectional folding ladder scaffold shall not exceed 4 1/2 feet. The maximum length of a sectional folding ladder scaffold shall not exceed 6 feet 6 inches for a six-foot long unit, 8 feet 6 inches for an eight-foot unit or 10 feet 6 inches for a ten-foot long unit.

(6) End frames. The end frames of sectional ladder and stairway scaffolds shall be designed so that the horizontal bearers provide supports for multiple planking levels.

(7) Erection. Only the manufacturer of the scaffold or ~~((his))~~ the manufacturers qualified designated agent shall be permitted to erect or supervise the erection of scaffolds exceeding 50 feet in height above the base, unless such structure is approved in writing by a licensed professional engineer, or erected in accordance with instructions furnished by the manufacturer to comply with requirements in this section.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-84009 Mobile tube and coupler scaffolds. (1) Design. Units shall be designed to comply with the applicable requirements of WAC 296-24-84003.

(2) Material. The material used for the couplers shall be of a structural type, such as a drop-forged steel, malleable iron or structural grade aluminum. The use of gray cast iron is prohibited.

(3) Erection. Only the manufacturer of the scaffold or ~~((his))~~ their qualified designated agent shall be permitted to erect or supervise the erection of scaffolds exceeding 50 feet in height above the base, unless such structure is approved in writing by a licensed professional engineer, or erected in accordance with instructions furnished by the manufacturer to comply with requirements in this section.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-85505 Veneer machinery. (1) Sides of steam vats shall extend to a height of not less than 36 inches above the floor, working platform, or ground.

(2) Large steam vats divided into sections shall be provided with substantial walkways between sections. Each walkway shall be provided with a standard handrail on each exposed side. These handrails may be removable, if necessary.

(3) Covers shall be removed only from that portion of steaming vats on which ~~((men))~~ people are working and a portable railing shall be placed at this point to protect the operators.

(4) ~~((Workman))~~ Workers shall not ride or step on logs in steam vats.

AMENDATORY SECTION (Amending Order 90-01, filed 4/10/90, effective 5/25/90)

WAC 296-24-87001 Definitions. (1) Anemometer. An instrument for measuring wind velocity.

(2) Angulated roping. A system of platform suspension in which the upper wire rope sheaves or suspension points are closer to the plane of the building face than the corresponding attachment points on the platform, thus causing the platform to press against the face of the building during its vertical travel.

(3) ANSI. American National Standards Institute.

(4) Babbitted fastenings. The method of providing wire rope attachments in which the ends of the wire strands are bent back and are held in a tapered socket by means of poured molten babbitt metal.

(5) Brake-disc type. A brake in which the holding effect is obtained by frictional resistance between one or more faces of discs keyed to the rotating member to be held and fixed discs keyed to the stationary or housing member (pressure between the discs being applied axially).

(6) Brake-self-energizing band type. An essentially unidirectional brake in which the holding effect is obtained by the snubbing action of a flexible band wrapped about a cylindrical wheel or drum affixed to the rotating member to be held, the connections and linkages being so arranged that the motion of the brake wheel or drum will act to increase the tension or holding force of the band.

(7) Brake-shoe type. A brake in which the holding effect is obtained by applying the direct pressure of two or more segmental friction elements held to a stationary member against a cylindrical wheel or drum affixed to the rotating member to be held.

(8) Building face rollers. A specialized form of guide roller designed to contact a portion of the outer face or wall structure of the building, and to assist in stabilizing the operators' platform during vertical travel.

(9) Building maintenance. Operations such as window cleaning, caulking, metal polishing, reglazing, and general maintenance on building surfaces.

(10) Cable. A conductor, or group of conductors, enclosed in a weatherproof sheath, that may be used to supply electrical power and/or control current for equipment or to provide voice communication circuits.

(11) Carriage. A wheeled vehicle used for the horizontal movement and support of other equipment.

(12) Certification. A written, signed, and dated statement confirming the performance of a requirement of this section.

(13) Combination cable. A cable having both steel structural members capable of supporting the platform, and copper or other electrical conductors insulated from each other and the structural members by nonconductive barriers.

(14) Competent person. A person who, because of training and experience, is capable of identifying hazardous or dangerous conditions in powered platform installations and of training employees to identify such conditions.

(15) Continuous pressure. Operation by means of buttons or switches, any one of which may be used to

control the movement of the working platform or roof car, only as long as the button or switch is manually maintained in the actuating position.

(16) Control. A system governing starting, stopping, direction, acceleration, speed, and retardation of moving members.

(17) Controller. A device or group of devices, usually contained in a single enclosure, which serves to control in some predetermined manner the apparatus to which it is connected.

(18) Davit. A device, used singly or in pairs, for suspending a powered platform from work, storage and rigging locations on the building being serviced. Unlike outriggers, a davit reacts its operating load into a single roof socket or carriage attachment.

(19) Electrical ground. A conducting connection between an electrical circuit or equipment and the earth, or some conducting body which serves in place of the earth.

(20) Equivalent. Alternative designs, materials or methods which the employer can demonstrate will provide an equal or greater degree of safety for employees than the methods, materials or designs specified in the standard.

(21) Ground rigging. A method of suspending a working platform starting from a safe surface to a point of suspension above the safe surface.

(22) Ground rigged davit. A davit which cannot be used to raise a suspended working platform above the building face being serviced.

(23) Guide button. A building face anchor designed to engage a guide track mounted on a platform.

(24) Guide roller. A rotating, bearing-mounted, generally cylindrical member, operating separately or as part of a guide shoe assembly, attached to the platform, and providing rolling contact with building guideways, or other building contact members.

(25) Guide shoe. An assembly of rollers, slide members, or the equivalent, attached as a unit to the operators' platform, and designed to engage with the building members provided for the vertical guidance of the operators' platform.

(26) Hoisting machine. A device intended to raise and lower a suspended or supported unit.

(27) Hoist rated load. The hoist manufacturer's maximum allowable operating load.

(28) Installation. All the equipment and all affected parts of a building which are associated with the performance of building maintenance using powered platforms.

(29) Interlock. A device actuated by the operation of some other device with which it is directly associated, to govern succeeding operations of the same or allied devices.

(30) Intermittent stabilization. A method of platform stabilization in which the angulated suspension wire rope(s) are secured to regularly spaced building anchors.

(31) Lanyard. A flexible line of rope, wire rope or strap which is used to secure the body harness to a deceleration device, lifeline or anchorage.

(32) Lifeline. A component consisting of a flexible line for connection to an anchorage at one end to hang vertically (vertical lifeline), or for connection to anchorages at both ends to stretch horizontally (horizontal lifeline), and which serves as a means for connecting other components of a personal fall arrest system to the anchorage.

(33) Live load. The total static weight of workers, tools, parts, and supplies that the equipment is designed to support.

(34) Obstruction detector. A control that will stop the suspended or supported unit in the direction of travel if an obstruction is encountered, and will allow the unit to move only in a direction away from the obstruction.

(35) Operating control. A mechanism regulating or guiding the operation of equipment that ensures a specific operating mode.

(36) Operating device. A pushbutton, lever, or other manual device used to actuate a control.

(37) Outrigger. A device, used singly or in pairs, for suspending a working platform from work, storage, and rigging locations on the building being serviced. Unlike davits, an outrigger reacts its operating moment load as at least two opposing vertical components acting into two or more distinct roof points and/or attachments.

(38) Platform rated load. The combined weight of workers, tools, equipment and other material which is permitted to be carried by the working platform at the installation, as stated on the load rating plate.

(39) Poured socket. The method of providing wire rope terminations in which the ends of the rope are held in a tapered socket by means of poured spelter or resins.

(40) Powered platform. Equipment to provide access to the exterior of a building for maintenance, consisting of a suspended power-operated working platform, a roof car, or other suspension means, and the requisite operating and control devices.

(41) Primary brake. A brake designed to be applied automatically whenever power to the prime mover is interrupted or discontinued.

(42) Prime mover. The source of mechanical power for a machine.

(43) Rated load. The ~~((combined weight of employees, tools, equivalent, and other material which the working platform is designed and installed to lift))~~ manufacturer's recommended maximum load.

(44) Rated strength. The strength of wire rope, as designated by its manufacturer or vendor, based on standard testing procedures or acceptable engineering design practices.

(45) Rated working load. The combined static weight of ~~((men))~~ workers, materials, and suspended or supported equipment.

(46) Registered professional engineer. A person who has been duly and currently registered and licensed by an authority within the United States or its territories to practice the profession of engineering.

(47) Relay, direction. An electrically energized contactor responsive to an initiating control circuit, which in turn causes a moving member to travel in a particular direction.

(48) Relay, potential for vertical travel. An electrically energized contactor responsive to initiating control circuit, which in turn controls the operation of a moving member in both directions. This relay usually operates in conjunction with direction relays, as covered under the definition "relay direction."

(49) Roof car. A structure for the suspension of a working platform, providing for its horizontal movement to working positions.

(50) Roof-powered platform. A powered platform having the raising and lowering mechanism located on a roof car.

(51) Roof rigged davit. A davit used to raise the suspended working platform above the building face being serviced. This type of davit can also be used to raise a suspended working platform which has been ground-rigged.

(52) Rope. The equipment used to suspend a component of an equipment installation, i.e., wire rope.

(53) Safe surface. A horizontal surface intended to be occupied by personnel, which is so protected by a fall protection system that it can be reasonably assured that said occupants will be protected against falls.

(54) Secondary brake. A brake designed to arrest the descent of the suspended or supported equipment in the event of an overspeed condition.

(55) Self-powered platform. A powered platform having the raising and lowering mechanism located on the working platform.

(56) Speed reducer. A positive type speed reducing machine.

(57) Stability factor. The ratio of the stabilizing moment to the overturning moment.

(58) Stabilizer tie. A flexible line connecting the building anchor and the suspension wire rope supporting the platform.

(59) Supported equipment. Building maintenance equipment that is held or moved to its working position by means of attachment directly to the building or extensions of the building being maintained.

(60) Suspended equipment. Building maintenance equipment that is suspended and raised or lowered to its working position by means of ropes or combination cables attached to some anchorage above the equipment.

(61) Suspended scaffold (swinging scaffold). A scaffold supported on wire or other ropes, used for work on, or for providing access to, vertical sides of structures on a temporary basis. Such scaffold is not designed for use on a specific structure or group of structures.

(62) Tail line. The nonsupporting end of the wire rope used to suspend the platform.

(63) Tie-in guides. The portion of a building that provides continuous positive engagement between the building and a suspended or supported unit during its vertical travel on the face of the building.

(64) Traction hoist. A type of hoisting machine that does not accumulate the suspension wire rope on the hoisting drum or sheave, and is designed to raise and lower a suspended load by the application of friction forces between the suspension wire rope and the drum or sheave.

(65) Transportable outriggers. Outriggers designed to be moved from one work location to another.

(66) Traveling cable. A cable made up of electrical or communication conductors or both, and providing electrical connection between the working platform and the roof car or other fixed point.

(67) Trolley carriage. A carriage suspended from an overhead track structure.

(68) Verified. Accepted by design, evaluation, or inspection by a registered professional engineer.

(69) Weatherproof. Equipment so constructed or protected that exposure to the weather will not interfere with its proper operation.

(70) Winding drum hoist. A type of hoisting machine that accumulates the suspension wire rope on the hoisting drum.

(71) Working platform. The suspended (~~structure arranged for vertical travel which provides access to the exterior of the building or structure~~) or supported equipment intended to provide access to the face of the building and manned by persons engaged in building maintenance.

(72) Wrap. One complete turn of the suspension wire rope around the surface of a hoist drum.

(73) Yield point. The stress at which the material exhibits a permanent set of 0.2 percent.

(74) Zinc fastenings. The method of providing wire rope attachments in which the splayed or fanned wire ends are held in a tapered socket by means of poured molten zinc.

AMENDATORY SECTION (Amending Order 90-01, filed 4/10/90, effective 5/25/90)

WAC 296-24-87013 Powered platform installations—Equipment. (1) General requirements. The following requirements apply to equipment which are part of a powered platform installation, such as platforms, stabilizing components, carriages, outriggers, davits, hoisting machines, wire ropes and electrical components.

(a) Equipment installations shall be designed by or under the direction of a registered professional engineer experienced in such design;

(b) The design shall provide for a minimum live load of 250 pounds (113.6 kg) for each occupant of a suspended or supported platform;

(c) Equipment that is exposed to wind when not in service shall be designed to withstand forces generated by winds of at least 100 miles per hour (44.7 m/s) at 30 feet (9.2 m) above grade; and

(d) Equipment that is exposed to wind when in service shall be designed to withstand forces generated by winds of at least 50 miles per hour (22.4 m/s) for all elevations.

(2) Construction requirements. Bolted connections shall be self-locking or shall otherwise be secured to prevent loss of the connections by vibration.

(3) Suspension methods. Elevated building maintenance equipment shall be suspended by a carriage, outriggers, davits or an equivalent method.

(a) Carriages. Carriages used for suspension of elevated building maintenance equipment shall comply with the following:

(i) The horizontal movement of a carriage shall be controlled so as to ensure its safe movement and allow accurate positioning of the platform for vertical travel or storage;

(ii) Powered carriages shall not exceed a traversing speed of 50 feet per minute (0.3 m/s);

(iii) The initiation of a traversing movement for a manually propelled carriage on a smooth level surface shall not require a person to exert a horizontal force greater than 40 pounds (444.8 n);

(iv) Structural stops and curbs shall be provided to prevent the traversing of the carriage beyond its designed limits of travel;

(v) Traversing controls for a powered carriage shall be of a continuous pressure weatherproof type. Multiple controls when provided shall be arranged to permit operation from only one control station at a time. An emergency stop device shall be provided on each end of a powered carriage for interrupting power to the carriage drive motors;

(vi) The operating control(s) shall be so connected that in the case of suspended equipment, traversing of a carriage is not possible until the suspended portion of the equipment is located at its uppermost designed position for traversing; and is free of contact with the face of the building or building guides. In addition, all protective devices and interlocks are to be in the proper position to allow traversing of the carriage;

(vii) Stability for underfoot supported carriages shall be obtained by gravity, by an attachment to a structural support, or by a combination of gravity and a structural support. The use of flowing counterweights to achieve stability is prohibited.

(A) The stability factor against overturning shall not be less than 2 for horizontal traversing of the carriage, including the effects of impact and wind.

(B) The carriages and their anchorages shall be capable of resisting accidental over-tensioning of the wire ropes suspending the working platform, and this calculated value shall include the effect of one and one-half times the stall capacity of the hoist motor. All parts of the installation shall be capable of withstanding without damage to any part of the installation the forces resulting from the stall load of the hoist and one-half the wind load.

(C) Roof carriages which rely on having tie-down devices secured to the building to develop the required stability against overturning shall be provided with an interlock which will prevent vertical platform movement unless the tie-down is engaged;

(viii) An automatically applied braking or locking system, or equivalent, shall be provided that will prevent unintentional traversing of power-traversed or power assisted carriages;

(ix) A manual or automatic braking or locking system or equivalent, shall be provided that will prevent unintentional traversing of manually propelled carriages;

(x) A means to lock out the power supply for the carriage shall be provided;

(xi) Safe access to and egress from the carriage shall be provided from a safe surface. If the carriage traverses an elevated area, any operating area on the carriage shall be protected by a guardrail system in compliance with the provisions of subsection (5)(a)(vi) of this section. Any access gate shall be self-closing and self-latching, or provided with an interlock;

(xii) Each carriage work station position shall be identified by location markings and/or position indicators; and

(xiii) The motors shall stall if the load on the hoist motors is at any time in excess of three times that necessary for lifting the working platform with its rated load.

(b) Transportable outriggers.

(i) Transportable outriggers may be used as a method of suspension for ground rigged working platforms where the point of suspension does not exceed 300 feet (91.5 m) above a safe surface. Tie-in guide system(s) shall be provided which meet the requirements of WAC 296-24-87011(2).

(ii) Transportable outriggers shall be used only with self-powered, ground rigged working platforms.

(iii) Each transportable outrigger shall be secured with a tie-down to a verified anchorage on the building during the entire period of its use. The anchorage shall be designed to have a stability factor of not less than 4 against overturning or upsetting of the outrigger.

(iv) Access to and egress from the working platform shall be from and to a safe surface below the point of suspension.

(v) Each transportable outrigger shall be designed for lateral stability to prevent roll-over in the event an accidental lateral load is applied to the outrigger. The accidental lateral load to be considered in this design shall be not less than 70 percent of the rated load of the hoist.

(vi) Each transportable outrigger shall be designed to support an ultimate load of not less than 4 times the rated load of the hoist.

(vii) Each transportable outrigger shall be so located that the suspension wire ropes for two point suspended working platforms are hung parallel.

(viii) A transportable outrigger shall be tied-back to a verified anchorage on the building with a rope equivalent in strength to the suspension rope.

(ix) The tie-back rope shall be installed parallel to the centerline of the outrigger.

(c) Davits.

(i) Every davit installation, fixed or transportable, rotatable or nonrotatable shall be designed and installed to insure that it has a stability factor against overturning of not less than 4.

(ii) The following requirements apply to roof rigged davit systems:

(A) Access to and egress from the working platform shall be from a safe surface. Access or egress shall not require persons to climb over a building's parapet or guard railing; and

(B) The working platform shall be provided with wheels, casters or a carriage for traversing horizontally.

(iii) The following requirements apply to ground rigged davit systems:

(A) The point of suspension shall not exceed 300 feet (91.5 m) above a safe surface. Guide system(s) shall be provided which meet the requirements of WAC 296-24-87011(2);

(B) Access and egress to and from the working platform shall only be from a safe surface below the point of suspension.

(iv) A rotating davit shall not require a horizontal force in excess of 40 pounds (177.9 n) per person to initiate a rotating movement.

(v) The following requirements shall apply to transportable davits:

(A) A davit or part of a davit weighing more than 80 pounds (36 kg) shall be provided with a means for its transport, which shall keep the center of gravity of the davit

at or below 36 inches (914 mm) above the safe surface during transport;

(B) A davit shall be provided with a pivoting socket or with a base that will allow the insertion or removal of a davit at a position of not more than 35 degrees above the horizontal, with the complete davit inboard of the building face being serviced; and

(C) Means shall be provided to lock the davit to its socket or base before it is used to suspend the platform.

(4) Hoisting machines.

(a) Raising and lowering of suspended or supported equipment shall be performed only by a hoisting machine.

(b) Each hoisting machine shall be capable of arresting any overspeed descent of the load.

(c) Each hoisting machine shall be powered only by air, electric or hydraulic sources.

(d) Flammable liquids shall not be carried on the working platform.

(e) Each hoisting machine shall be capable of raising or lowering 125 percent of the rated load of the hoist.

(f) Moving parts of a hoisting machine shall be enclosed or guarded in compliance with Part C of chapter 296-24 WAC.

(g) Winding drums, traction drums and sheaves and directional sheaves used in conjunction with hoisting machines shall be compatible with, and sized for, the wire rope used.

(h) Each winding drum shall be provided with a positive means of attaching the wire rope to the drum. The attachment shall be capable of developing at least 4 times the rated load of the hoist.

(i) Each hoisting machine shall be provided with a primary brake and at least one independent secondary brake, each capable of stopping and holding not less than 125 percent of the lifting capacity of the hoist.

(i) The primary brake shall be directly connected to the drive train of the hoisting machine, and shall not be connected through belts, chains, clutches, or set screw type devices. The brake shall automatically set when power to the prime mover is interrupted.

(ii) The secondary brake shall be an automatic emergency type of brake that, if actuated during each stopping cycle, shall not engage before the hoist is stopped by the primary brake.

(iii) When a secondary brake is actuated, it shall stop and hold the platform within a vertical distance of 24 inches (609.6 mm).

(j) Any component of a hoisting machine which requires lubrication for its protection and proper functioning shall be provided with a means for that lubrication to be applied.

(5) Suspended equipment.

(a) General requirements.

(i) Each suspended unit component, except suspension ropes and guardrail systems, shall be capable of supporting, without failure, at least 4 times the maximum intended live load applied or transmitted to that component.

(ii) Each suspended unit component shall be constructed of materials that will withstand anticipated weather conditions.

(iii) Each suspended unit shall be provided with a load rating plate, conspicuously located, stating the unit weight and rated load of the suspended unit.

(iv) When the suspension points on a suspended unit are not at the unit ends, the unit shall be capable of remaining continuously stable under all conditions of use and position of the live load, and shall maintain at least a 1.5 to 1 stability factor against unit upset.

(v) Guide rollers, guide shoes or building face rollers shall be provided, and shall compensate for variations in building dimensions and for minor horizontal out-of-level variations of each suspended unit.

(vi) Each working platform of a suspended unit shall be secured to the building facade by one or more of the following methods, or by an equivalent method:

(A) Continuous engagement to building anchors as provided in WAC 296-24-87011 (2)(a);

(B) Intermittent engagement to building anchors as provided in WAC 296-24-87011 (2)(c)(i);

(C) Button guide engagement as provided in WAC 296-24-87011 (2)(c)(ii);

(D) Angulated roping and building face rollers as provided in WAC 296-24-87011 (2)(c)(iii).

(vii) Each working platform of a suspended unit shall be provided with a guardrail system on all sides which shall meet the following requirements:

(A) The system shall consist of a top guardrail, midrail, and a toeboard;

(B) The top guardrail shall not be less than 36 inches (914 mm) high and shall be able to withstand at least a 200-pound (~~((444 n))~~) (890 n) force in any downward or outward direction;

(C) The midrail shall be able to withstand at least a 75-pound (333 n) force in any downward or outward direction; and

(D) The areas between the guardrail and toeboard on the ends and outboard side, and the area between the midrail and toeboard on the inboard side, shall be closed with a material that is capable of withstanding a load of 100 pounds (45.4 KG.) applied horizontally over any area of one square foot (.09 m²). The material shall have all openings small enough to reject passage of life lines and potential falling objects which may be hazardous to persons below.

(E) Toeboards shall be capable of withstanding, without failure, a force of at least 50 pounds (222 n) applied in any downward or horizontal direction at any point along the toeboard.

(F) Toeboards shall be 4 inches (9 cm) minimum in length from their top edge to the level of the platform floor.

(G) Toeboards shall be securely fastened in place at the outermost edge of the platform and have no more than one-half inch (1.3 cm) clearance above the platform floor.

(H) Toeboards shall be solid or with an opening not over one inch (2.5 cm) in the greatest dimension.

(b) Two and four-point suspended working platforms.

(i) The working platform shall be not less than 24 inches (610 mm) wide and shall be provided with a minimum of a 12 inch (305 mm) wide passage at or past any obstruction on the platform.

(ii) The flooring shall be of a slip-resistant type and shall contain no opening that would allow the passage of life lines, cables and other potential falling objects. If a larger opening is provided, it shall be protected by placing a material under the opening which shall prevent the passage of life lines, cables and potential falling objects.

(iii) The working platform shall be provided with a means of suspension that will restrict the platform's inboard to outboard roll about its longitudinal axis to a maximum of 15 degrees from a horizontal plane when moving the live load from the inboard to the outboard side of the platform.

(iv) Any cable suspended from above the platform shall be provided with a means for storage to prevent accumulation of the cable on the floor of the platform.

(v) All operating controls for the vertical travel of the platform shall be of the continuous-pressure type, and shall be located on the platform.

(vi) Each operating station of every working platform shall be provided with a means of interrupting the power supply to all hoist motors to stop any further powered ascent or descent of the platform.

(vii) The maximum rated speed of the platform shall not exceed 50 feet per minute (0.3 ms) with single speed hoists, nor 75 feet per minute (0.4 ms) with multispeed hoists.

(viii) Provisions shall be made for securing all tools, water tanks, and other accessories to prevent their movement or accumulation on the floor of the platform.

(ix) Portable fire extinguishers conforming to the provisions of WAC 296-24-585 and 296-24-592 shall be provided and securely attached on all working platforms.

(x) Access to and egress from a working platform, except for those that land directly on a safe surface, shall be provided by stairs, ladders, platforms and runways conforming to the provisions of Part J-1 of chapter 296-24 WAC. Access gates shall be self-closing and self-latching.

(xi) Means of access to or egress from a working platform which is 48 inches (1.2 m) or more above a safe surface shall be provided with a guardrail system or ladder handrails that conform to the provisions of Part J-1 of chapter 296-24 WAC.

(xii) The platform shall be provided with a secondary wire rope suspension system if the platform contains overhead structures which restrict the emergency egress of employees. A horizontal lifeline or a direct connection anchorage shall be provided, as part of a fall arrest system which meets the requirements of Appendix C, for each employee on such a platform.

(xiii) A vertical lifeline shall be provided as part of a fall arrest system which meets the requirements of Appendix C, for each employee on a working platform suspended by 2 or more wire ropes, if the failure of one wire rope or suspension attachment will cause the platform to upset. If a secondary wire rope suspension is used, vertical lifelines are not required for the fall arrest system, provided that each employee is attached to a horizontal lifeline anchored to the platform.

(xiv) An emergency electric operating device shall be provided on roof powered platforms near the hoisting machine for use in the event of failure of the normal operating device located on the working platform, or failure of the cable connected to the platform. The emergency electric operating device shall be mounted in a secured compartment, and the compartment shall be labeled with instructions for use. A means for opening the compartment shall be mounted in a break-glass (~~receptacle~~ ~~receptacle~~) receptacle located near the emergency electric operating device or in an equipment secure and accessible location.

(c) Single point suspended working platforms.

(i) The requirements of (b)(i) through (xi) of this subsection shall also apply to a single point working platform.

(ii) Each single point suspended working platform shall be provided with a secondary wire rope suspension system, which will prevent the working platform from falling should there be a failure of the primary means of support, or if the platform contains overhead structures which restrict the egress of the employees. A horizontal life line or a direct connection anchorage shall be provided, as part of a fall arrest system which meets the requirements of Appendix C, for each employee on the platform.

(d) Ground-rigged working platforms.

(i) Ground-rigged working platforms shall comply with all the requirements of (b)(i) through (xiii) of this subsection.

(ii) After each day's use, the power supply within the building shall be disconnected from a ground-rigged working platform, and the platform shall be either disengaged from its suspension points or secured and stored at grade.

(e) Intermittently stabilized platforms.

(i) The platform shall comply with (b)(i) through (xiii) of this subsection.

(ii) Each stabilizer tie shall be equipped with a "quick connect-quick disconnect" device which cannot be accidentally disengaged, for attachment to the building anchor, and shall be resistant to adverse environmental conditions.

(iii) The platform shall be provided with a stopping device that will interrupt the hoist power supply in the event the platform contacts a stabilizer tie during its ascent.

(iv) Building face rollers shall not be placed at the anchor setting if exterior anchors are used on the building face.

(v) Stabilizer ties used on intermittently stabilized platforms shall allow for the specific attachment length needed to effect the predetermined angulation of the suspended wire rope. The specific attachment length shall be maintained at all building anchor locations.

(vi) The platform shall be in continuous contact with the face of the building during ascent and descent.

(vii) The attachment and removal of stabilizer ties shall not require the horizontal movement of the platform.

(viii) The platform-mounted equipment and its suspension wire ropes shall not be physically damaged by the loads from the stabilizer tie or its building anchor. The platform, platform-mounted equipment and wire ropes shall be able to withstand a load that is at least twice the ultimate strength of the stabilizer tie.

Note: See Figure 2 in Appendix B of this section for a description of a typical intermittent stabilization system.

(f) Button-guide stabilized platforms.

(i) The platform shall comply with (b)(i) through (xiii) of this subsection.

(ii) Each guide track on the platform shall engage a minimum of two guide buttons during any vertical travel of the platform following the initial button engagement.

(iii) Each guide track on a platform that is part of a roof rigged system shall be provided with a storage position on the platform.

(iv) Each guide track on the platform shall be sufficiently maneuverable by platform occupants to permit easy

engagement of the guide buttons, and easy movement into and out of its storage position on the platform.

(v) Two guide tracks shall be mounted on the platform and shall provide continuous contact with the building face.

(vi) The load carrying components of the button guide stabilization system which transmit the load into the platform shall be capable of supporting the weight of the platform, or provision shall be made in the guide track connectors or platform attachments to prevent the weight of the platform from being transmitted to the platform attachments.

Note: See Figure 3 in Appendix B of this section for a description of a typical button guide stabilization system.

(6) Supported equipment.

(a) Supported equipment shall maintain a vertical position in respect to the face of the building by means other than friction.

(b) Cog wheels or equivalent means shall be incorporated to provide climbing traction between the supported equipment and the building guides. Additional guide wheels or shoes shall be incorporated as may be necessary to ensure that the drive wheels are continuously held in positive engagement with the building guides.

(c) Launch guide mullions indexed to the building guides and retained in alignment with the building guides shall be used to align drive wheels entering the building guides.

(d) Manned platforms used on supported equipment shall comply with the requirements of (b)(i), (ii), and (iv) through (xi) of this subsection, covering suspended equipment.

(7) Suspension wire ropes and rope connections.

(a) Each specific installation shall use suspension wire ropes or combination cable and connections meeting the specification recommended by the manufacturer of the hoisting machine used. Connections shall be capable of developing at least 80 percent of the rated breaking strength of the wire rope.

(b) Each suspension rope shall have a "Design Factor" of at least 10. The "Design Factor" is the ratio of the rated strength of the suspension wire rope to the rated working load, and shall be calculated using the following formula:

$$F = \frac{S(N)}{W}$$

Where:

F = Design factor

S = Manufacturer's rated strength of one suspension rope

N = Number of suspension ropes under load

W = Rated working load on all ropes at any point of travel

(c) Suspension wire rope grade shall be at least improved plow steel or equivalent.

(d) Suspension wire ropes shall be sized to conform with the required design factor, but shall not be less than 5/16 inch (7.94 mm) in diameter.

(e) No more than one reverse bend in 6 wire rope lays shall be permitted.

(f) A corrosion-resistant tag shall be securely attached to one of the wire rope fastenings when a suspension wire rope is to be used at a specific location and will remain in

that location. This tag shall bear the following wire rope data:

- (i) The diameter (inches and/or mm);
- (ii) Construction classification;
- (iii) Whether nonpreformed or preformed;
- (iv) The grade of material;
- (v) The manufacturer's rated strength;
- (vi) The manufacturer's name;
- (vii) The month and year the ropes were installed; and
- (viii) The name of the person or company which installed the ropes.

(g) A new tag shall be installed at each rope renewal.

(h) The original tag shall be stamped with the date of the resocketing, or the original tag shall be retained and a supplemental tag shall be provided when ropes are resocketed. The supplemental tag shall show the date of resocketing and the name of the person or company that resocketed the rope.

(i) Winding drum type hoists shall contain at least 3 wraps of the suspension wire rope on the drum when the suspended unit has reached the lowest possible point of its vertical travel.

(j) Traction drum and sheave type hoists shall be provided with a wire rope of sufficient length to reach the lowest possible point of vertical travel of the suspended unit, and an additional length of the wire rope of at least 4 feet (1.2 m).

(k) The lengthening or repairing of suspension wire ropes is prohibited.

(l) Babbitted fastenings for suspension wire rope are prohibited.

(8) Control circuits, power circuits and their components.

(a) Electrical wiring and equipment shall comply with Part L of chapter 296-24 WAC, except as otherwise required by this section.

(b) Electrical runway conductor systems shall be of a type designed for use in exterior locations, and shall be located so that they do not come into contact with accumulated snow or water.

(c) Cables shall be protected against damage resulting from overtensioning or from other causes.

(d) Devices shall be included in the control system for the equipment which will provide protection against electrical overloads, three phase reversal and phase failure. The control system shall have a separate method, independent of the direction control circuit, for breaking the power circuit in case of an emergency or malfunction.

(e) Suspended or supported equipment shall have a control system which will require the operator of the equipment to follow predetermined procedures.

(f) The following requirements shall apply to electrical protection devices:

(i) On installations where the carriage does not have a stability factor of at least 4 against overturning, electrical contract(s) shall be provided and so connected that the operating devices for the suspended or supported equipment shall be operative only when the carriage is located and mechanically retained at an established operating point.

(ii) Overload protection shall be provided in the hoisting or suspension system to protect against the equipment

operating in the "up" direction with a load in excess of 125 percent of the rated load of the platform; and

(iii) An automatic detector shall be provided for each suspension point that will interrupt power to all hoisting motors for travel in the "down" direction, and apply the primary brakes if any suspension wire rope becomes slack. A continuous-pressure rigging-bypass switch designed for use during rigging is permitted. This switch shall only be used during rigging.

(g) Upper and lower directional switches designed to prevent the travel of suspended units beyond safe upward and downward levels shall be provided.

(h) Emergency stop switches shall be provided on remote controlled, roof-powered manned platforms adjacent to each control station on the platform.

(i) Cables which are in constant tension shall have overload devices which will prevent the tension in the cable from interfering with the load limiting device required in (f)(ii) of this subsection, or with the platform roll limiting device required in subsection (5)(b)(iii) of this section. The setting of these devices shall be coordinated with other overload settings at the time of design of the system, and shall be clearly indicated on or near the device. The device shall interrupt the equipment travel in the "down" direction.

AMENDATORY SECTION (Amending Order 90-01, filed 4/10/90, effective 5/25/90)

WAC 296-24-87015 Maintenance. (1) General maintenance. All parts of the equipment affecting safe operation shall be maintained in proper working order so that they may perform the functions for which they were intended. The equipment shall be taken out of service when it is not in proper working order.

(2) Cleaning.

(a) Control or power contactors and relays shall be kept clean.

(b) All other parts shall be kept clean if their proper functioning would be affected by the presence of dirt or other contaminants.

(3) Periodic resocketing of wire rope fastenings.

(a) Hoisting ropes utilizing poured socket fastenings shall be resocketed at the nondrum ends at intervals not exceeding 24 months. In resocketing the ropes, a sufficient length shall be cut from the end of the rope to remove damaged or fatigued portions.

(b) Resocketed ropes shall conform to the requirements of WAC 296-24-87013(7).

(c) Limit switches affected by the resocketed ropes shall be reset, if necessary.

(4) Periodic reshackling of suspension wire ropes. The hoisting ropes shall be reshackled at the nondrum ends at intervals not exceeding 24 months. When reshackling the ropes, a sufficient length shall be cut from the end of the rope to remove damaged or fatigued portions.

(5) Roof systems. Roof track systems, tie-downs, or similar equipment shall be maintained in proper working order so that they perform the function for which they were intended.

(6) Building face guiding members. T-rails, indented mullions, or equivalent guides located in the face of a building shall be maintained in proper working order so that

they perform the functions for which they were intended. Brackets for cable stabilizers shall similarly be maintained in proper working order.

(7) Inoperative safety devices. No person shall render a required safety device or electrical protective device inoperative, except as necessary for tests, inspections, and maintenance. Immediately upon completion of such tests, inspections, and maintenance, the device shall be restored to its normal operating condition.

~~((8) Damaged rope. Wire ropes shall be replaced whenever there are six or more broken wires in any one lay of the wire rope, or whenever the ropes are damaged or in a deteriorated condition.))~~

AMENDATORY SECTION (Amending Order 90-01, filed 4/10/90, effective 5/25/90)

WAC 296-24-87031 Appendix A—Guidelines (advisory). (1) Use of the appendix. Appendix A provides examples of equipment and methods to assist the employer in meeting the requirements of the indicated provision of the standard. Employers may use other equipment or procedures which conform to the requirements of the standard. This appendix neither adds to nor detracts from the mandatory requirements set forth in WAC 296-24-870 through 296-24-87037.

(2) Assurance. WAC 296-24-870(3) requires the building owner to inform the employer in writing that the powered platform installation complies with certain requirements of the standard, since the employer may not have the necessary information to make these determinations. The employer, however, remains responsible for meeting these requirements which have not been set off in WAC 296-24-870 (3)(a).

(3) Design requirements. The design requirements for each installation should be based on the limitations (stresses, deflections, etc.), established by nationally recognized standards as promulgated by the following organizations, or to equivalent standards:

AA—The Aluminum Association, ~~((818 Connecticut Avenue N.W.))~~ 900 19th Street Northwest, Suite 300, Washington, D.C. 20006

Aluminum Construction Manual
Specifications for Aluminum Structures
Aluminum Standards and Data

AGMA—American Gear Manufacturers Association, ~~((101 North Fort Meyer Dr., Suite 1000, Arlington, VA 22209))~~ 1500 King Street, Suite 201, Alexandria, VA 22314

AISC—American Institute of Steel Construction, ~~((400 North Michigan Avenue))~~ 1 East Wacker Drive, Suite 3100, Chicago, IL ((60611)) 60601-2001

ANSI—American National Standards Institute, Inc., ~~((1430 Broadway))~~ 11 West 42nd Street, New York, NY ((10018)) 10036

ASCE—American Society of Civil Engineers, 345 East 47th Street, New York, NY 10017

ASME—American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017

ASTM—American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103-1187

AWS—American Welding Society, Inc., Box 351040, 550 N.W. LeJeune Road, Miami, FL 33126

~~((JIC—Joint Industrial Council, 2139 Wisconsin Avenue N.W., Washington, D.C. 20007))~~

NEMA—National Electric Manufacturers Association, 2101 L Street N.W., Washington, D.C. 20037

(4) Tie-in guides. Indented mullions, T-rails or other equivalent guides are acceptable as tie-in guides in a building face for a continuous stabilization system. Internal guides are embedded in other building members with only the opening exposed (see Figure 1 of Appendix B). External guides, however, are installed external to the other building members and so are fully exposed. The minimum opening for tie-in guides is three-quarters of an inch (19 mm), and the minimum inside dimensions are one-inch (25 mm) deep and two inches (50 mm) wide.

Employers should be aware of the hazards associated with tie-in guides in a continuous stabilization system which was not designed properly. For example, joints in these track systems may become extended or discontinuous due to installation or building settlement. If this alignment problem is not corrected, the system could jam when a guide roller or guide shoe strikes a joint and this would cause a hazardous situation for employees. In another instance, faulty design will result in guide rollers being mounted in a line so they will jam in the track at the slightest misalignment.

(5) Building anchors (intermittent stabilization system). In the selection of the vertical distance between building anchors, certain factors should be given consideration. These factors include building height and architectural design, platform length and weight, wire rope angulation, and the wind velocities in the building area. Another factor to consider is the material of the building face, since this material may be adversely affected by the building rollers.

External or indented type building anchors are acceptable. Receptacles in the building facade used for the indented type should be kept clear of extraneous materials which will hinder their use. During the inspection of the platform installation, evidence of a failure or abuse of the anchors should be brought to the attention of the employer.

(6) Stabilizer tie length. A stabilizer tie should be long enough to provide for the planned angulation of the suspension cables. However, the length of the tie should not be excessive and become a problem by possibly becoming entangled in the building face rollers or parts of the platform machinery.

The attachment length may vary due to material elongation and this should be considered when selecting the material to be used. Consideration should also be given to the use of ties which are easily installed by employees, since this will encourage their use.

(7) Intermittent stabilization system. Intermittent stabilization systems may use different equipment, tie-in

devices and methods to restrict the horizontal movement of a powered platform with respect to the face of the building. One acceptable method employs corrosion-resistant building anchors secured in the face of the building in vertical rows every third floor or 50 feet (15.3 m), whichever is less. The anchors are spaced horizontally to allow a stabilization attachment (stabilizer tie) for each of the two platform suspension wire ropes. The stabilizer tie consists of two parts. One part is a quick connect-quick disconnect device which utilizes a corrosion-resistant yoke and retainer spring that is designed to fit over the building anchors. The second part of the stabilizer tie is a lanyard which is used to maintain a fixed distance between the suspension wire rope and the face of the building.

In this method, as the suspended powered platform descends past the elevation of each anchor, the descent is halted and each of the platform occupants secures a stabilizer tie between a suspension wire rope and a building anchor. The procedure is repeated as each elevation of a building anchor is reached during the descent of the powered platform.

As the platform ascends, the procedure is reversed; that is, the stabilizer ties are removed as each elevation of a building anchor is reached. The removal of each stabilizer tie is assured since the platform is provided with stopping devices which will interrupt power to its hoist(s) in the event either stopping device contacts a stabilizer during the ascent of the platform.

Figure 2 of Appendix B illustrates another type of acceptable intermittent stabilization system which utilizes retaining pins as the quick connect-quick disconnect device in the stabilizer tie.

(8) Wire rope inspection. The inspection of the suspension wire rope is important since the rope gradually loses strength during its useful life. The purpose of the inspection is to determine whether the wire rope has sufficient integrity to support a platform with the required design factor.

If there is any doubt concerning the condition of a wire rope or its ability to perform the required work, the rope should be replaced. The cost of wire rope replacement is quite small if compared to the cost in terms of human injuries, equipment down time and replacement.

No listing of critical inspection factors, which serve as a basis for wire rope replacement in the standard, can be a substitute for an experienced inspector of wire rope. The listing serves as a user's guide to the accepted standards by which ropes must be judged.

Rope life can be prolonged if preventive maintenance is performed regularly. Cutting off an appropriate length of rope at the end termination before the core degrades and valley brakes appear minimizes degradation at these sections.

(9) General maintenance. In meeting the general maintenance requirement in WAC 296-24-87015(1), the employer should undertake the prompt replacement of broken, worn and damaged parts, switch contacts, brushes, and short flexible conductors of electrical devices. The components of the electrical service system and traveling cables should be replaced when damaged or significantly abraded. In addition, gears, shafts, bearings, brakes and hoisting drums should be kept in proper alignment.

(10) Training. In meeting the training requirement of WAC 296-24-87017(1), employers should use both on the

job training and formal classroom training. The written work procedures used for this training should be obtained from the manufacturer, if possible, or prepared as necessary for the employee's information and use.

Employees who will operate powered platforms with intermittent stabilization systems should receive instruction in the specific ascent and descent procedures involving the assembly and disassembly of the stabilizer ties.

An acceptable training program should also include employee instruction in basic inspection procedures for the purpose of determining the need for repair and replacement of platform equipment. In addition, the program should cover the inspection, care and use of the personal fall protection equipment required in Appendix C, Part I, subsections (5) and (6).

In addition, the training program should also include emergency action plan elements. OSHA brochure #3088 (Rev.) 1985, "How to Prepare for Workplace Emergencies," details the basic steps needed to prepare to handle emergencies in the workplace.

Following the completion of a training program, the employee should be required to demonstrate competency in operating the equipment safely. Supplemental training of the employee should be provided by the employer, as necessary, if the equipment used or other working conditions should change.

An employee who is required to work with chemical products on a platform should receive training in proper cleaning procedures, and in the hazards, care and handling of these products. In addition, the employee should be supplied with the appropriate personal protective equipment, such as gloves and eye and face protection.

(11) Suspension and securing of powered platforms (equivalency). One acceptable method of demonstrating the equivalency of a method of suspending or securing a powered platform, as required in WAC 296-24-87011 (2)(c), 296-24-87013(3), and (5)(a)(vi), is to provide an engineering analysis by a registered professional engineer. The analysis should demonstrate that the proposed method will provide an equal or greater degree of safety for employees than any one of the methods specified in the standard.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-88501 Definitions. (1) Aerial device. Any vehicle-mounted device, telescoping or articulating or both, which is used to position (~~(workmen))~~ workers and/or materials.

(2) Aerial ladder. An aerial device consisting of a single- or multiple-section extensible ladder.

(3) Articulating boom platform. An aerial device with two or more hinged boom sections.

(4) Extensible boom platform. An aerial device (except ladders) with a telescopic or extensible boom. Telescopic derricks with personnel platform attachments shall be considered to be extensible boom platforms when used with a personnel platform.

(5) Electric line truck. A truck used to transport (~~(men))~~ people, tools and material, and to serve as a traveling workshop for electric power line construction and maintenance work. It is sometimes equipped with a boom

and auxiliary equipment for setting poles, digging holes and elevating material and/or (~~(men))~~ people.

(6) Mobile unit. A combination of an aerial device, its vehicle, and related equipment.

(7) Platform. Any personnel-carrying device (basket or bucket) which is a component of an aerial device.

(8) Vehicle. Any carrier that is not manually propelled.

(9) Vertical tower. An aerial device designed to elevate a platform in a substantially vertical axis.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-88505 Specific requirements. (1) Ladder trucks and tower trucks. Before the truck is moved for highway travel, aerial ladders shall be secured in the lower traveling position by the locking device above the truck cab, and the manually operated device at the base of the ladder, or by other equally effective means (e.g., cradles which prevent rotation of the ladder in combination with positive acting linear actuators).

(2) Extensible and articulating boom platforms.

(a) Lift controls shall be tested each day prior to use to determine that such controls are in safe working condition.

(b) Only trained persons shall operate an aerial lift.

(c) Belting off to an adjacent pole, structure, or equipment while working from an aerial lift shall not be permitted.

(d) Employees shall always stand firmly on the floor of the basket, and shall not sit or climb on the edge of the basket or use planks, ladders, or other devices for a work position.

(e) A body belt shall be worn and a lanyard attached to the boom or basket when working from an aerial lift.

(f) Boom and basket load limits specified by the manufacturer shall not be exceeded.

(g) The brakes shall be set and outriggers, when used, shall be positioned on pads or a solid surface. Wheel chocks shall be installed before using an aerial lift on an incline.

(h) An aerial lift truck may not be moved when the boom is elevated in a working position with (~~(men))~~ workers in the basket, except for equipment which is specifically designed for this type of operation in accordance with the provisions of WAC 296-24-88503 (1)(2).

(i) Articulating boom and extensible boom platforms, primarily designed as personnel carriers, shall have both platform (upper) and lower controls. Upper controls shall be in or beside the platform within easy reach of the operator. Lower controls shall provide for overriding the upper controls. Controls shall be plainly marked as to their function. Lower level controls shall not be operated unless permission has been obtained from the employee in the lift, except in case of emergency.

(j) Climbers shall not be worn while performing work from an aerial lift.

(k) Before moving an aerial lift for travel, the boom(s) shall be inspected to see that it is properly cradled and outriggers are in stowed position, except as provided in subdivision (h).

(3) Bursting safety factor. All critical hydraulic and pneumatic components shall comply with the provisions of the American National Standards Institute Standard, ANSI

A92.2-1969, Section 4.9 Bursting Safety Factor. Critical components are those in which a failure would result in a free fall or free rotation of the boom. All noncritical components shall have a bursting safety factor of at least two to one.

(4) Welding standards. All welding shall conform to the following (~~(Automotive)~~) American Welding Society (AWS) Standards, as applicable:

- (a) Standard Qualification Procedure, AWS B3.0-41.
- (b) Recommended Practices for Automotive Welding Design, AWS D8.4-61.
- (c) Standard Qualification of Welding Procedures and Welders for Piping and Tubing, AWS D10.9-69.
- (d) Specifications for Welding Highway and Railway Bridges, AWS D2.0-69. (Rev. 2-5-76.)

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-90001 Definitions. (1) Handhold (handgrip). A handhold is a device attached to the belt which can be grasped by the passenger to provide a means of maintaining balance.

(2) Open type. One which has a handgrip surface fully exposed and capable of being encircled by the passenger's fingers.

(3) Closed type. A cup-shaped device, open at the top in the direction of travel of the step for which it is to be used, and closed at the bottom into which the passenger may place (~~(his)~~) fingers.

(4) Limit switch. A device, the purpose of which is to cut off the power to the motor and apply the brakes to stop the carrier in the event that a loaded step passes the terminal landing.

(5) Manlift. A device consisting of a power-driven endless belt moving in one direction only, and provided with steps or platforms and handholds attached to it for the transportation of personnel from floor to floor.

(6) Rated speed. Rated speed is the speed for which the device is designed and installed.

(7) Split-rail switch. An electric limit switch operated mechanically by the rollers on the manlift steps. It consists of an additional hinged or "split" rail, mounted on the regular guiderail, over which the step rollers pass. It is spring-loaded in the "split" position. If the step supports no load, the rollers will "bump" over the switch; if a loaded step should pass over the section, the split rail will be forced straight, tripping the switch and opening the electrical circuit.

(8) Step (platform). A step is a passenger carrying unit.

(9) Travel. The travel is the distance between the centers of the top and bottom pulleys.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-24-90005 Mechanical requirements. (1) Machines, general.

(a) Brakes. Brakes provided for stopping and holding a manlift shall be inherently self-engaging, by requiring power or force from an external source to cause disengagement. The brake shall be electrically released, and shall be applied to the motor shaft for direct-connected units or to the input shaft for belt-driven units. The brake shall be capable

of stopping and holding the manlift when the descending side is loaded with 250 lb on each step.

(b) Belt.

(i) The belts shall be of hard-woven canvas, rubber-coated canvas, leather, or other material meeting the strength requirements of WAC 296-24-90003(3) and having a coefficient of friction such that when used in conjunction with an adequate tension device it will meet the brake test specified in WAC 296-24-90005 (1)(a).

(ii) The width of the belt shall be not less than 12 inches for a travel not exceeding 100 feet, not less than 14 inches for a travel greater than 100 feet but not exceeding 150 feet and 16 inches for a travel exceeding 150 feet.

(iii) A belt that has become torn while in use on a manlift shall not be spliced and put back in service.

(iv) Belt fastenings. Belts shall be fastened by a lapped splice or shall be butt spliced with a strap on the side of the belt away from the pulley. For lapped splices, the overlap of the belt at the splice shall be not less than three feet where the total travel of the manlift does not exceed one hundred feet and not less than four feet, if the travel exceeds one hundred feet.

Where butt splices are used the straps shall extend not less than three feet on one side of the butt for a travel not in excess of one hundred feet, and four feet for a travel in excess of one hundred feet.

For twelve inch belts, the joint shall be fastened with not less than twenty special elevator bolts, each of a minimum diameter of one-quarter inch. These bolts shall be arranged (~~(symmetrically)~~) symmetrically in five rows so arranged as to cover the area of the joint effectively. The minimum number of bolts for a belt width of fourteen inches shall be not less than twenty-three and for belt widths of sixteen inches, the number of bolts shall be not less than twenty-seven.

(v) Pulleys. Drive pulleys and idler (boot) pulleys shall have a diameter not less than given in Table 1.

Belt Construction	Minimum Strength (lb. per inch of width)	Minimum Pulley (diameter inches)
5 ply	1500	20
6 ply	1800	20
7 ply	2100	22

Note: Table No. 1 is included solely for the purpose of determining the minimum diameter of pulley required for the listed number of plies of belt construction.

[(vi) Pulley protection. The machine shall be so designed] and constructed as to catch and hold the driving pulley in event of shaft failure.

(2) Speed. (~~(a)~~) Maximum speed. No manlift designed for a speed in excess of 80 feet per minute shall be installed.

(3) Platforms or steps.

(a) Minimum depth. Steps or platforms shall be not less than 12 inches nor more than 14 inches deep, measured from the belt to the edge of the step or platform.

(b) Width. The width of the step or platform shall be not less than the width of the belt to which it is attached.

(c) Distance between steps. The distance between steps shall be equally spaced and not less than 16 feet measured from the upper surface of one step to the upper surface of the next step above it.

(d) Angle of step. The surface of the step shall make approximately a right angle with the "up" and "down" run of the belt, and shall travel in the approximate horizontal position with the "up" and "down" run of the belt.

(e) Surfaces. The upper or working surfaces of the step shall be of a material having inherent nonslip characteristics (coefficient of friction not less than 0.5) or shall be covered completely by a nonslip tread securely fastened to it.

(f) Strength of step supports. When subjected to a load of 400 pounds applied at the approximate center of the step, step frames, or supports and their guides shall be of adequate strength to:

(i) Prevent the disengagement of any step roller.

(ii) Prevent any appreciable misalignment.

(iii) Prevent any visible deformation of the steps or its support.

(g) Prohibition of steps without handholds. No steps shall be provided unless there is a corresponding handhold above or below it meeting the requirements of WAC 296-24-90005(4). If a step is removed for repairs or permanently, the handholds immediately above and below it shall be removed before the lift is again placed in service.

(4) Handholds.

(a) Location. Handholds attached to the belt shall be provided and installed so that they are not less than 4 feet nor more than 4 feet 8 inches above the step tread. These shall be so located as to be available on the both "up" and "down" run of the belt.

(b) Size. The grab surface of the handhold shall be not less than 4 1/2 inches in width, not less than 3 inches in depth, and shall provide 2 inches of clearance from the belt. Fastenings for handholds shall be located not less than 1 inch from the edge of the belt.

(c) Strength. The handhold shall be capable of withstanding, without damage, a load of 300 pounds applied parallel to the run of the belt.

(d) Prohibition of handhold without steps. No handhold shall be provided without a corresponding step. If a handhold is removed permanently or temporarily, the corresponding step and handhold for the opposite direction of travel shall also be removed before the lift is again placed in service.

(e) Type. All handholds shall be of the closed type.

(5) Up limit stops.

(a) Requirements. Two separate automatic stop devices shall be provided to cut off the power and apply the brake when a loaded step passes the upper terminal landing. One of these shall consist of a split-rail switch mechanically operated by the step roller and located not more than 6 inches above the top terminal landing. The second automatic stop device may consist of any of the following:

(i) Any split-rail switch placed 6 inches above and on the side opposite the first limit switch.

(ii) An electronic device.

(iii) A switch actuated by a lever, rod, or plate, the latter to be placed on the "up" side of the head pulley so as to just clear a passing step.

(b) Emergency stop switch, treadle type in pit on down side. An emergency stop treadle switch shall be placed in the area below the lowest landing on the "down" side. This switch must stop the mechanism if a person should fail to get off at the lowest landing and be ejected from the step as it approaches its position to travel around the boot pulley.

(c) Manual reset location. After the manlift has been stopped by a stop device it shall be necessary to reset the automatic stop manually. The device shall be so located that a person resetting it shall have a clear view of both the "up" and "down" runs of the manlift. It shall not be possible to reset the device from any step or platform.

(d) Cut-off point. The initial limit stop device shall function so that the manlift will be stopped before the loaded step has reached a point of 24 inches above the top terminal landing.

(e) Electrical requirements.

(i) Where such switches open the main motor circuit directly they shall be of the multipole type.

(ii) Where electronic devices are used they shall be so designed and installed that failure will result in shutting off the power to the driving motor.

(iii) Where flammable vapors or dusts may be present all electrical installations shall be according to chapter 296-24 WAC Part L.

(iv) Unless of the oil-immersed type controller contacts carrying the main motor current shall be copper to carbon or equal, except where the circuit is broken at two or more points simultaneously.

(6) Emergency stop.

(a) General. An emergency stop means shall be provided.

(b) Location. This stop means shall be within easy reach of the ascending and descending runs of the belt.

(c) Operation. This stop means shall be so connected with the control lever or operating mechanism that it will cut off the power and apply the brake when pulled in the direction of travel.

(d) Rope. If rope is used, it shall be not less than three-eighths inch in diameter. Wire rope, unless marlin-covered, shall not be used.

(7) Instruction and warning signs.

(a) Instruction signs at landings or belts. Signs of conspicuous and easily read style giving instructions for the use of the manlift shall be posted at each landing or stenciled on the belt.

(i) Such signs shall be of letters not less than 1 inch in height and of a color having high contrast with the surface on which it is stenciled or painted (white or yellow on black or black on white or gray).

(ii) The instructions shall read approximately as follows:

Face the belt.

Use the handholds.

To stop-pull rope.

(b) Top floor warning sign and light.

(i) At the top floor an illuminated sign shall be displayed bearing the following wording:

"TOP FLOOR-GET OFF"

Signs shall be in block letters not less than 2 inches in height. This sign shall be located within easy view of an ascending passenger and not more than 2 feet above the top terminal landing.

(ii) In addition to the sign required by WAC 296-24-90005(7), a red warning light of not less than 40-watt rating shall be provided immediately below the upper landing terminal and so located as to shine in the passenger's face.

(c) Bottom of manlift warning signs, light and buzzer.

(i) Sign or light. A sign or light warning (~~the~~) any passengers (~~he is~~) they are approaching the bottom landing shall be posted above bottom landing in a conspicuous place. Sign or light to be similar in size to top warning light and sign noted above.

(ii) An electric buzzer. An electric buzzer shall be installed five feet above the bottom landing on the down side to warn (~~the~~) any riders (~~that he is~~) they are approaching the bottom landing and the buzzer shall be activated automatically by the weight of a load on a step.

(d) Visitor warning. A conspicuous sign having the following legend-AUTHORIZED PERSONNEL ONLY-shall be displayed at each landing. The sign shall be of block letters not less than 2 inches in height and shall be of a color offering high contrast with the background color.

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 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-90009 Periodic inspection. (1) Frequency. All manlifts shall be inspected by a competent designated person at intervals of not more than 30 days. Limit switches shall be checked weekly. Manlifts found to be unsafe shall not be operated until properly repaired.

(2) Items covered. This periodic inspection shall cover but is not limited to the following items:

- Steps.
- Step fastenings.
- Rails.
- Rail supports and fastenings.
- Rollers and slides.
- Belt and belt tension.
- Handholds and fastenings.
- Floor landings.
- Guardrails.
- Lubrication.
- Limit switches.
- Warning signs and lights.
- Illumination.
- Drive pulley.
- Bottom (boot) pulley and clearance.
- Pulley supports.
- Motor.
- Driving mechanism.

Brake.

Electrical switches.

Vibration and misalignment.

"Skip" on up or down run when mounting step (indicating worn gears).

(3) Inspection log. A written record shall be kept of findings at each inspection. Records of inspection shall be made available to the director of labor and industries or his/her duly authorized representative.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-92003 General requirements. (1) Application.

(a) Each employer shall determine that compressed gas cylinders under (~~his~~) the employers control are in a safe condition to the extent that this can be determined by visual, and other inspection required by WAC 296-24-920 through 296-24-92011.

(b) The requirements contained in these standards are not intended to apply to cylinders manufactured under specification DOT (ICC)-3HT (49 CFR Ch.1). Separate requirements covering service life and standards for visual inspection of these cylinders are contained in Compressed Gas Association Pamphlet C-8, "Standard for Requalification of ICC-3HT Cylinders."

(2) Quality of inspection. Experience in the inspection of cylinders is an important factor in determining the acceptability of a given cylinder for continued service.

Note: Users lacking this experience and having doubtful cylinders should return them to a manufacturer of the same type of cylinders for reinspection.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-93503 General requirements. (1) Application. See WAC 296-24-93003(1).

(2) Specifications and tests. All safety relief devices covered by these standards shall meet the design, construction, marking, and test specifications of the "Compressed Gas Association Safety Relief Device Standards Part 2-Cargo and Portable Tanks for Compressed Gases: S-1.2-1963."

(3) Specific requirements for safety relief devices.

(a) Each container shall be provided with one or more safety relief devices which, unless otherwise specified, shall be safety relief valves of the spring-loaded type.

(b) Safety relief valves shall be set to start-to-discharge at a pressure not in excess of 110 percent of the DOT design pressure of the container nor less than the DOT design pressure of the container except as follows:

(i) If an oversized container is used, the set pressure of the safety relief valve may be between the minimum required DOT design pressure for the lading and 110 percent of the DOT design pressure of the container used.

(ii) For sulfur dioxide containers, a minimum set pressure of 120 and 110 p.s.i.g. is permitted for the 150 and 125 p.s.i.g. DOT design pressure containers, respectively.

(iii) For carbon dioxide (refrigerated), nitrous oxide (refrigerated), and pressurized liquid argon, nitrogen and oxygen, there shall be no minimum set pressure.

(iv) For butadiene, inhibited, and liquefied petroleum gas containers, a minimum set pressure of 90 percent of the minimum design pressure permitted for these loadings may be used.

(v) For containers constructed in accord with paragraph U-68 or U-69 of the Code 1949 Edition, the set pressure marked on the safety relief valve may be 125 percent of the original DOT design pressure of the container.

(c) Only replacement parts or assemblies provided by the manufacturer of the device shall be used unless the suitability of interchange is proved by adequate tests.

(d) Safety relief valves shall have direct communication with the vapor space of the container.

(e) Any portion of liquid piping or hose which at any time may be closed at each end must be provided with a safety relief device to prevent excessive pressure.

(f) The additional restrictions of this subdivision apply to safety relief devices on containers for carbon dioxide or nitrous oxide which are shipped in refrigerated and insulated containers. The maximum operating pressure in the container may be regulated by the use of one or more pressure controlling devices, which devices shall not be in lieu of the safety relief valve required in WAC 296-24-93503 (3)(a).

(g) All safety relief devices shall be so installed and located that the cooling effect of the contents will not prevent the effective operation of the device.

(h) In addition to the safety relief valves required by WAC 296-24-93503 (3)(a) each container for carbon dioxide may be equipped with one or more frangible disc safety relief devices of suitable design set to function at a pressure not exceeding two times the DOT design pressure of the container.

(i) Subject to conditions of 49 CFR 173.315(a)(1) (DOT regulations) for methyl chloride and sulfur dioxide optional portable tanks of 225 p.s.i.g. minimum DOT design pressure, one or more fusible plugs approved by the Bureau of Explosives, (~~63 Vesey Street, New York, NY 10007~~) 50 "F" Street Northwest, Washington, D.C. 20001, may be used in lieu of safety relief valves of the spring-loaded type. If the container is over 30 inches long a safety relief device having the total required flow capacity must be at both ends.

(j) When storage containers for liquefied petroleum gas are permitted to be shipped in accordance with 49 CFR 173.315(j) (DOT regulations), they must be equipped with safety relief devices in compliance with the requirements for safety relief devices on above-ground containers as specified in the National Fire Protection Association Pamphlet No. 58-1969 "Standard for the Storage and Handling of Liquefied Petroleum Gases."

(k) When containers are filled by pumping equipment which has a discharge capacity in excess of the capacity of the container safety relief devices, and which is capable of producing pressures in excess of DOT design pressure of the container, precautions should be taken to prevent the development of pressures in the container in excess of 120 percent of its DOT design pressure. This may be done by providing additional capacity of the safety relief valves on the container, by providing a bypass on the pump discharge, or by any other suitable method.

(l) This additional requirement applies to safety relief devices on containers for liquefied hydrogen and pressurized liquid argon, nitrogen, and oxygen. The liquid container

shall be protected by one or more safety relief valves and one or more frangible discs.

(m) Safety relief devices shall be arranged to discharge unobstructed to the open air in such a manner as to prevent any impingement of escaping gas upon the container. Safety relief devices shall be arranged to discharge upward except this is not required for carbon dioxide, nitrous oxide and pressurized liquid argon, nitrogen, and oxygen.

(n) No shutoff valves shall be installed between the safety relief devices and the container except, in cases where two or more safety relief devices are installed on the same container, a shutoff valve may be used where the arrangement of the shutoff valve or valves is such as always to insure full required capacity flow through at least one safety relief device.

(4) Maintenance requirements for safety relief devices.

(a) Care shall be exercised to avoid damage to safety relief devices. Care shall also be exercised to avoid plugging by paint or other dirt accumulation of safety relief device channels or other parts which could interfere with the functioning of the device.

(b) Only qualified personnel shall be allowed to service safety relief devices. Any servicing or repairs which require resetting of safety relief valves shall be done only by or after consultation with the valve manufacturer.

(c) Safety relief devices periodically shall be examined externally for corrosion damage, plugging of external safety relief device channels, and mechanical defects such as leakage or extrusion of fusible metal. Valves equipped with secondary resilient seals shall have the seals inspected periodically. If there is any doubt regarding the suitability of the safety relief device for service the container shall not be filled until it is equipped with a suitable safety relief device.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-94001 General requirements. (1) Application. These standards apply to compressed air receivers, and other equipment used in providing and utilizing compressed air for performing operations such as cleaning, drilling, hoisting, and chipping. On the other hand, however, this section does not deal with the special problems created by using compressed air to convey materials nor the problems created when (~~men work~~) working in compressed air as in tunnels and caissons. These standards are not intended to apply to compressed air machinery and equipment used on transportation vehicles such as steam railroad cars, electric railway cars, and automotive equipment.

(2) New and existing equipment.

(a) All new air receivers installed after the effective date of these standards shall be constructed in accordance with the 1968 Edition of the A.S.M.E. Boiler and Pressure Vessel Code, section VIII.

(b) All safety valves used shall be constructed, installed, and maintained in accordance with the A.S.M.E. Boiler and Pressure Vessel Code, section VIII edition 1968.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-24-95601 Definitions applicable to WAC 296-24-956 through 296-24-985. Unless the context indicates otherwise, words used in this section shall have the meaning given.

(1) **Acceptable.** An installation or equipment is acceptable to the director of labor and industries, and approved within the meaning of this section:

(a) If it is accepted, or certified, or listed, or labeled, or otherwise determined to be safe by a nationally recognized testing laboratory; or

(b) With respect to an installation or equipment of a kind which no nationally recognized testing laboratory accepts, certifies, lists, labels, or determines to be safe, if it is inspected or tested by another federal agency, or by a state, municipal, or other local authority responsible for enforcing occupational safety provisions of the National Electrical Code, and found in compliance with the provisions of the National Electrical Code as applied in this section; or

(c) With respect to custom-made equipment or related installations which are designed, fabricated for, and intended for use by a particular customer, if it is determined to be safe for its intended use by its manufacturer on the basis of test data which the employer keeps and makes available for inspection to the director and his/her authorized representatives. Refer to federal regulation 29 CFR 1910.7 for definition of nationally recognized testing laboratory.

(2) **Accepted.** An installation is "accepted" if it has been inspected and found by a nationally recognized testing laboratory to conform to specified plans or to procedures of applicable codes.

(3) **Accessible.** (As applied to wiring methods.) Capable of being removed or exposed without damaging the building structure of finish, or not permanently closed in by the structure or finish of the building. (See "concealed" and "exposed.")

(4) **Accessible.** (As applied to equipment.) Admitting close approach; not guarded by locked doors, elevation, or other effective means. (See "readily accessible.")

(5) **Ampacity.** Current-carrying capacity of electric conductors expressed in amperes.

(6) **Appliances.** Utilization equipment, generally other than industrial, normally built in standardized sizes or types, which is installed or connected as a unit to perform one or more functions such as clothes washing, air conditioning, food mixing, deep frying, etc.

(7) **Approved.** Acceptable to the authority enforcing this section. The authority enforcing this section is the director of labor and industries. The definition of "acceptable" indicates what is acceptable to the director and therefore approved within the meaning of this section.

(8) **Approved for the purpose.** Approved for a specific purpose, environment, or application described in a particular standard requirement.

Suitability of equipment or materials for a specific purpose, environment or application may be determined by a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation as part of its listing and labeling program. (See "labeled" or "listed.")

(9) **Armored cable.** Type AC armored cable is a fabricated assembly of insulated conductors in a flexible metallic enclosure.

(10) **Askarel.** A generic term for a group of nonflammable synthetic chlorinated hydrocarbons used as electrical insulating media. Askarels of various compositional types are used. Under arcing conditions the gases produced, while consisting predominantly of noncombustible hydrogen chloride, can include varying amounts of combustible gases depending upon the askarel type.

(11) **Attachment plug (plug cap) (cap).** A device which, by insertion in a receptacle, establishes connection between the conductors of the attached flexible cord and the conductors connected permanently to the receptacle.

(12) **Automatic.** Self-acting, operating by its own mechanism when actuated by some impersonal influence, as, for example, a change in current strength, pressure, temperature, or mechanical configuration.

(13) **Bare conductor, see "conductor."**

(14) **Bonding.** The permanent joining of metallic parts to form an electrically conductive path which will assure electrical continuity and the capacity to conduct safely any current likely to be imposed.

(15) **Bonding jumper.** A reliable conductor to assure the required electrical conductivity between metal parts required to be electrically connected.

(16) **Branch circuit.** The circuit conductors between the final overcurrent device protecting the circuit and the outlet(s).

(17) **Building.** A structure which stands alone or which is cut off from adjoining structures by fire walls with all openings therein protected by approved fire doors.

(18) **Cabinet.** An enclosure designed either for surface or flush mounting, and provided with a frame, mat, or trim in which a swinging door or doors are or may be hung.

(19) **Cable tray system.** A cable tray system is a unit or assembly of units or sections, and associated fittings, made of metal or other noncombustible materials forming a rigid structural system used to support cables. Cable tray systems include ladders, troughs, channels, solid bottom trays, and other similar structures.

(20) **Cablebus.** Cablebus is an approved assembly of insulated conductors with fittings and conductor terminations in a completely enclosed, ventilated, protective metal housing.

(21) **Center pivot irrigation machine.** A center pivot irrigation machine is a multimotored irrigation machine which revolves around a central pivot and employs alignment switches or similar devices to control individual motors.

(22) **Certified.** Equipment is "certified" if it (a) has been tested and found by a nationally recognized testing laboratory to meet nationally recognized standards or to be safe for use in a specified manner, or (b) is of a kind whose production is periodically inspected by a nationally recognized testing laboratory, and (c) it bears a label, tag, or other record of certification.

(23) **Circuit breaker.**

(a) **(600 volts nominal, or less.)** A device designed to open and close a circuit by nonautomatic means and to open the circuit automatically on a predetermined overcurrent

without injury to itself when properly applied within its rating.

(b) **(Over 600 volts, nominal.)** A switching device capable of making, carrying, and breaking currents under normal circuit conditions, and also making, carrying for a specified time, and breaking currents under specified abnormal circuit conditions, such as those of short circuit.

(24) Class I locations. Class I locations are those in which flammable gases or vapors are or may be present in the air in quantities sufficient to produce explosive or ignitable mixtures. Class I locations include the following:

(a) **Class I, Division 1.** A Class I, Division 1 location is a location:

(i) In which hazardous concentrations of flammable gases or vapors may exist under normal operating conditions; or

(ii) In which hazardous concentrations of such gases or vapors may exist frequently because of repair or maintenance operations or because of leakage; or

(iii) In which breakdown or faulty operation of equipment or processes might release hazardous concentrations of flammable gases or vapors, and might also cause simultaneous failure of electric equipment.

Note: This classification usually includes locations where volatile flammable liquids or liquefied flammable gases are transferred from one container to another; interiors of spray booths and areas in the vicinity of spraying and painting operations where volatile flammable solvents are used; locations containing open tanks or vats of volatile flammable liquids; drying rooms or compartments for the evaporation of flammable solvents; locations containing fat and oil extraction equipment using volatile flammable solvents; portions of cleaning and dyeing plants where flammable liquids are used; gas generator rooms and other portions of gas manufacturing plants where flammable gas may escape; inadequately ventilated pump rooms for flammable gas or for volatile flammable liquids; the interiors of refrigerators and freezers in which volatile flammable materials are stored in open, lightly stoppered, or easily ruptured containers; and all other locations where ignitable concentrations of flammable vapors or gases are likely to occur in the course of normal operations.

(b) **Class I, Division 2.** A Class I, Division 2 location is a location:

(i) In which volatile flammable liquids or flammable gases are handled, processed, or used, but in which the hazardous liquids, vapors, or gases will normally be confined within closed containers or closed systems from which they can escape only in case of accidental rupture or breakdown of such containers or systems, or in case of abnormal operation of equipment; or

(ii) In which hazardous concentrations of gases or vapors are normally prevented by positive mechanical ventilation, and which might become hazardous through failure or abnormal operations of the ventilating equipment; or

(iii) That is adjacent to a Class I, Division 1 location, and to which hazardous concentrations of gases or vapors might occasionally be communicated unless such communication is prevented by adequate positive-pressure ventilation from a source of clean air, and effective safeguards against ventilation failure are provided.

Note: This classification usually includes locations where volatile flammable liquids or flammable gases or vapors are used, but which would become hazardous only in case of an accident or of some unusual operating condition. The quantity of flammable material that might escape in case of accident, the adequacy of ventilating equipment, the total area involved, and the record of the industry or business with respect to explosions or fires are all factors that merit consideration in determining the classification and extent of each location.

Piping without valves, checks, meters, and similar devices would not ordinarily introduce a hazardous condition even though used for flammable liquids or gases. Locations used for the storage of flammable liquids or a liquefied or compressed gases in sealed containers would not normally be considered hazardous unless also subject to other hazardous conditions.

Electrical conduits and their associated enclosures separated from process fluids by a single seal or barrier are classed as a Division 2 location if the outside of the conduit and enclosures is a nonhazardous location.

(25) Class II locations. Class II locations are those that are hazardous because of the presence of combustible dust. Class II locations include the following:

(a) **Class II, Division 1.** A Class II, Division 1 location is a location:

(i) In which combustible dust is or may be in suspension in the air under normal operating conditions, in quantities sufficient to produce explosives or ignitable mixtures; or

(ii) Where mechanical failure or abnormal operation of machinery or equipment might cause such explosive or ignitable mixtures to be produced, and might also provide a source of ignition through simultaneous failure of electric equipment, operation of protection devices, or from other causes; or

(iii) In which combustible dusts of an electrically conductive nature may be present.

Note: This classification may include areas of grain handling and processing plants, starch plants, sugar-pulverizing plants, malting plants, hay-grinding plants, coal pulverizing plants, areas where metal dusts and powders are produced or processed, and other similar locations which contain dust producing machinery and equipment (except where the equipment is dust-tight or vented to the outside). These areas would have combustible dust in the air, under normal operating conditions, in quantities sufficient to produce explosive or ignitable mixtures. Combustible dusts which are electrically nonconductive include dusts produced in the handling and processing of grain and grain products, pulverized sugar and cocoa, dried egg and milk powders, pulverized spices, starch and pastes, potato and woodflour, oil meal from beans and seed, dried hay, and other organic materials which may produce combustible dusts when processed or handled. Dusts containing magnesium or aluminum are particularly hazardous and the use of extreme caution is necessary to avoid ignition and explosion.

(b) **Class II, Division 2.** A Class II, Division 2 location is a location in which:

(i) Combustible dust will not normally be in suspension in the air in quantities sufficient to produce explosive or ignitable mixtures; and dust accumulations are normally insufficient to interfere with the normal operation of electrical equipment or other apparatus; or

(ii) Dust may be in suspension in the air as a result of infrequent malfunctioning of handling or processing equipment, and dust accumulations resulting therefrom may be

ignitable by abnormal operation or failure of electrical equipment or other apparatus.

Note: This classification includes locations where dangerous concentrations of suspended dust would not be likely but where dust accumulations might form on or in the vicinity of electric equipment. These areas may contain equipment from which appreciable quantities of dust would escape under abnormal operating conditions or be adjacent to a Class II Division 1 location, as described above, into which an explosive or ignitable concentration of dust may be put into suspension under abnormal operating conditions.

(26) **Class III locations.** Class III locations are those that are hazardous because of the presence of easily ignitable fibers or flyings but in which such fibers or flyings are not likely to be in suspension in the air in quantities sufficient to produce ignitable mixtures. Class III locations include the following:

(a) **Class III, Division 1.** A Class III, Division 1 location is a location in which easily ignitable fibers or materials producing combustible flyings are handled, manufactured, or used.

Note: Such locations usually include some parts of rayon, cotton, and other textile mills; combustible fiber manufacturing and processing plants; cotton gins and cottonseed mills; flax-processing plants; clothing manufacturing plants; woodworking plants, and establishments; and industries involving similar hazardous processes or conditions.

Easily ignitable fibers and flyings include rayon, cotton (including cotton linters and cotton waste), sisal or henequen, istle, jute, hemp, tow, cocoa fiber, oakum, baled waste kapok, Spanish moss, excelsior, and other materials of similar nature.

(b) **Class III, Division 2.** A Class III, Division 2 location is a location in which easily ignitable fibers are stored or handled, except in process of manufacture.

(27) **Collector ring.** A collector ring is an assembly of slip rings for transferring electrical energy from a stationary to a rotating member.

(28) **Concealed.** Rendered inaccessible by the structure or finish of the building. Wires in concealed raceways are considered concealed, even though they may become accessible by withdrawing them. (See "accessible. (As applied to wiring methods.")")

(29) **Conductor.**

(a) **Bare.** A conductor having no covering or electrical insulation whatsoever.

(b) **Covered.** A conductor encased within material of composition or thickness that is not recognized as electrical insulation.

(c) **Insulated.** A conductor encased within material of composition and thickness that is recognized as electrical insulation.

(30) **Conduit body.** A separate portion of a conduit or tubing system that provides access through a removable cover(s) to the interior of the system at a junction of two or more sections of the system or at a terminal point of the system. Boxes such as FS and FD or larger cast or sheet metal boxes are not classified as conduit bodies.

(31) **Controller.** A device or group of devices that serves to govern, in some predetermined manner, the electric power delivered to the apparatus to which it is connected.

(32) **Cooking unit, counter-mounted.** A cooking appliance designed for mounting in or on a counter and

consisting of one or more heating elements, internal wiring, and built-in or separately mountable controls. (See "oven, wall-mounted.")

(33) **Covered conductor.** See "conductor."

(34) **Cutout.** (Over 600 volts, nominal.) An assembly of a fuse support with either a fuseholder, fuse carrier, or disconnecting blade. The fuseholder or fuse carrier may include a conducting element (fuse link), or may act as the disconnecting blade by the inclusion of a nonfusible member.

(35) **Cutout box.** An enclosure designed for surface mounting and having swinging doors or covers secured directly to and telescoping with the walls of the box proper. (See "cabinet.")

(36) **Damp location.** See "location."

(37) **Dead front.** Without live parts exposed to a person on the operating side of the equipment.

(38) **Device.** A unit of an electrical system which is intended to carry but not utilize electric energy.

(39) **Dielectric heating.** Dielectric heating is the heating of a nominally insulating material due to its own dielectric losses when the material is placed in a varying electric field.

(40) **Disconnecting means.** A device, or group of devices, or other means by which the conductors of a circuit can be disconnected from their source of supply.

(41) **Disconnecting (or isolating) switch.** (Over 600 volts, nominal.) A mechanical switching device used for isolating a circuit or equipment from a source of power.

(42) **Dry location.** See "location."

(43) **Electric sign.** A fixed, stationary, or portable self-contained, electrically illuminated utilization equipment with words or symbols designed to convey information or attract attention.

(44) **Enclosed.** Surrounded by a case, housing, fence or walls which will prevent persons from accidentally contacting energized parts.

(45) **Enclosure.** The case or housing of apparatus, or the fence or walls surrounding an installation to prevent personnel from accidentally contacting energized parts, or to protect the equipment from physical damage.

(46) **Equipment.** A general term including material, fittings, devices, appliances, fixtures, apparatus, and the like, used as a part of, or in connection with, an electrical installation.

(47) **Equipment grounding conductor.** See "grounding conductor, equipment."

(48) **Explosion-proof apparatus.** Apparatus enclosed in a case that is capable of withstanding an explosion of a specified gas or vapor which may occur within it and of preventing the ignition of a specified gas or vapor surrounding the enclosure by sparks, flashes, or explosion of the gas or vapor within, and which operates at such an external temperature that it will not ignite a surrounding flammable atmosphere.

(49) **Exposed.** (As applied to live parts.) Capable of being inadvertently touched or approached nearer than a safe distance by a person. It is applied to parts not suitably guarded, isolated, or insulated. (See "accessible" and "concealed.")

(50) **Exposed.** (As applied to wiring methods.) On or attached to the surface or behind panels designed to allow access. (See "accessible. (As applied to wiring methods.)")

(51) **Exposed.** (For the purpose of WAC 296-24-95615(5), communications systems.) Where the circuit is in such a position that in case of failure of supports or insulation, contact with another circuit may result.

(52) **Externally operable.** Capable of being operated without exposing the operator to contact with live parts.

(53) **Feeder.** All circuit conductors between the service equipment, or the generator switchboard of an isolated plant, and the final branch-circuit overcurrent device.

(54) **Fitting.** An accessory such as a locknut, bushing, or other part of a wiring system that is intended primarily to perform a mechanical rather than an electrical function.

(55) **Fuse.** (Over 600 volts, nominal.) An overcurrent protective device with a circuit opening fusible part that is heated and severed by the passage of overcurrent through it. A fuse comprises all the parts that form a unit capable of performing the prescribed functions. It may or may not be the complete device necessary to connect it into an electrical circuit.

(56) **Ground.** A conducting connection, whether intentional or accidental, between an electrical circuit or equipment and the earth, or to some conducting body that serves in place of the earth.

(57) **Grounded.** Connected to earth or to some conducting body that serves in place of the earth.

(58) **Grounded, effectively.** (Over 600 volts, nominal.) Permanently connected to earth through a ground connection of sufficiently low impedance and having sufficient ampacity that ground fault current which may occur cannot build up to voltages dangerous to personnel.

(59) **Grounded conductor.** A system or circuit conductor that is intentionally grounded.

(60) **Grounding conductor.** A conductor used to connect equipment or the grounded circuit of a wiring system to a grounding electrode or electrodes.

(61) **Grounding conductor, equipment.** The conductor used to connect the noncurrent-carrying metal parts of equipment, raceways, and other enclosures to the system grounded conductor and/or the grounding electrode conductor at the service equipment or at the source of a separately derived system.

(62) **Grounding electrode conductor.** The conductor used to connect the grounding electrode to the equipment grounding conductor and/or to the grounded conductor of the circuit at the service equipment or at the source of a separately derived system.

(63) **Ground-fault circuit-interrupter.** A device whose function is to interrupt the electric circuit to the load when a fault current to ground exceeds some predetermined value that is less than that required to operate the overcurrent protective device of the supply circuit.

(64) **Guarded.** Covered, shielded, fenced, enclosed, or otherwise protected by means of suitable covers, casings, barriers, rails, screens, mats, or platforms to remove the likelihood of approach to a point of danger or contact by persons or objects.

(65) **Health care facilities.** Buildings or portions of buildings and mobile homes that contain, but are not limited

to, hospitals, nursing homes, extended care facilities, clinics, and medical and dental offices, whether fixed or mobile.

(66) **Heating equipment.** For the purposes of WAC 296-24-95611(7), the term "heating equipment" includes any equipment used for heating purposes if heat is generated by induction or dielectric methods.

(67) **Hoistway.** Any shaftway, hatchway, well hole, or other vertical opening or space in which an elevator or dumbwaiter is designed to operate.

(68) **Identified.** Identified, as used in reference to a conductor or its terminal, means that such conductor or terminal can be readily recognized as grounded.

(69) **Induction heating.** Induction heating is the heating of a nominally conductive material due to its own I²R losses when the material is placed in a varying electromagnetic field.

(70) **Insulated conductor.** See "conductor."

(71) **Interrupter switch.** (Over 600 volts, nominal.) A switch capable of making, carrying, and interrupting specified currents.

(72) **Irrigation machine.** An irrigation machine is an electrically driven or controlled machine, with one or more motors, not hand portable, and used primarily to transport and distribute water for agricultural purposes.

(73) **Isolated.** Not readily accessible to persons unless special means for access are used.

(74) **Isolated power system.** A system comprising an isolating transformer or its equivalent, a line isolation monitor, and its ungrounded circuit conductors.

(75) **Labeled.** Equipment is "labeled" if there is attached to it a label, symbol, or other identifying mark of a nationally recognized testing laboratory which, (a) makes periodic inspections of the production of such equipment, and (b) whose labeling indicates compliance with nationally recognized standards or tests to determine safe use in a specified manner.

(76) **Lighting outlet.** An outlet intended for the direct connection of a lampholder, a lighting fixture, or a pendant cord terminating in a lampholder.

(77) **Line-clearance tree trimming.** The pruning, trimming, repairing, maintaining, removing, or clearing of trees or cutting of brush that is within 10 feet of electric supply lines and equipment.

(78) **Listed.** Equipment is "listed" if it is of a kind mentioned in a list which, (a) is published by a nationally recognized laboratory which makes periodic inspection of the production of such equipment, and (b) states such equipment meets nationally recognized standards or has been tested and found safe for use in a specified manner.

(79) **Location.**

(a) **Damp location.** Partially protected locations under canopies, marquees, roofed open porches, and like locations, and interior locations subject to moderate degrees of moisture, such as some basements, some barns, and some cold-storage warehouses.

(b) **Dry location.** A location not normally subject to dampness or wetness. A location classified as dry may be temporarily subject to dampness or wetness, as in the case of a building under construction.

(c) **Wet location.** Installations underground or in concrete slabs or masonry in direct contact with the earth, and locations subject to saturation with water or other

liquids, such as vehicle-washing areas, and locations exposed to weather and unprotected.

(80) **Medium voltage cable.** Type MV medium voltage cable is a single or multiconductor solid dielectric insulated cable rated 2000 volts or higher.

(81) **Metal-clad cable.** Type MC cable is a factory assembly of one or more conductors, each individually insulated and enclosed in a metallic sheath of interlocking tape, or a smooth or corrugated tube.

(82) **Mineral-insulated metal-sheathed cable.** Type MI mineral-insulated metal-sheathed cable is a factory assembly of one or more conductors insulated with a highly compressed refractory mineral insulation and enclosed in a liquidtight and gastight continuous copper sheath.

(83) **Mobile x-ray.** X-ray equipment mounted on a permanent base with wheels and/or casters for moving while completely assembled.

(84) **Nonmetallic-sheathed cable.** Nonmetallic-sheathed cable is a factory assembly of two or more insulated conductors having an outer sheath of moisture resistant, flame-retardant, nonmetallic material. Nonmetallic sheathed cable is manufactured in the following types:

(a) **Type NM.** The overall covering has a flame-retardant and moisture-resistant finish.

(b) **Type NMC.** The overall covering is flame-retardant, moisture-resistant, fungus-resistant, and corrosion-resistant.

(85) **Oil (filled) cutout.** (Over 600 volts, nominal.) A cutout in which all or part of the fuse support and its fuse link or disconnecting blade are mounted in oil with complete immersion of the contacts and the fusible portion of the conducting element (fuse link), so that arc interruption by severing of the fuse link or by opening of the contacts will occur under oil.

(86) **Open wiring on insulators.** Open wiring on insulators is an exposed wiring method using cleats, knobs, tubes, and flexible tubing for the protection and support of single insulated conductors run in or on buildings, and not concealed by the building structure.

(87) **Outlet.** A point on the wiring system at which current is taken to supply utilization equipment.

(88) **Outline lighting.** An arrangement of incandescent lamps or electric discharge tubing to outline or call attention to certain features such as the shape of a building or the decoration of a window.

(89) **Oven, wall-mounted.** An oven for cooking purposes designed for mounting in or on a wall or other surface and consisting of one or more heating elements, internal wiring, and built-in or separately mountable controls. (See "cooking unit, counter-mounted.")

(90) **Overcurrent.** Any current in excess of the rated current of equipment or the ampacity of a conductor. It may result from overload (see definition), short circuit, or ground fault. A current in excess of rating may be accommodated by certain equipment and conductors for a given set of conditions. Hence the rules for overcurrent protection are specific for particular situations.

(91) **Overload.** Operation of equipment in excess of normal, full load rating, or of a conductor in excess of rated ampacity which, when it persists for a sufficient length of time, would cause damage or dangerous overheating. A

fault, such as a short circuit or ground fault, is not an overload. (See "overcurrent.")

(92) **Panelboard.** A single panel or group of panel units designed for assembly in the form of a single panel; including buses, automatic overcurrent devices, and with or without switches for the control of light, heat, or power circuits; designed to be placed in a cabinet or cutout box placed in or against a wall or partition and accessible only from the front. (See "switchboard.")

(93) **Permanently installed decorative fountains and reflection pools.** Those that are constructed in the ground, on the ground, or in a building in such a manner that the pool cannot be readily disassembled for storage and are served by electrical circuits of any nature. These units are primarily constructed for their aesthetic value and not intended for swimming or wading.

(94) **Permanently installed swimming pools, wading and therapeutic pools.** Those that are constructed in the ground, on the ground, or in a building in such a manner that the pool cannot be readily disassembled for storage whether or not served by electrical circuits of any nature.

(95) **Portable x-ray.** X-ray equipment designed to be hand-carried.

(96) **Power and control tray cable.** Type TC power and control tray cable is a factory assembly of two or more insulated conductors, with or without associated bare or covered grounding conductors under a nonmetallic sheath, approved for installation in cable trays, in raceways, or where supported by a messenger wire.

(97) **Power fuse.** (Over 600 volts, nominal.) See "fuse."

(98) **Power-limited tray cable.** Type PLTC nonmetallic-sheathed power limited tray cable is a factory assembly of two or more insulated conductors under a nonmetallic jacket.

(99) **Power outlet.** An enclosed assembly which may include receptacles, circuit breakers, fuseholders, fused switches, buses and watt-hour meter mounting means; intended to supply and control power to mobile homes, recreational vehicles or boats, or to serve as a means for distributing power required to operate mobile or temporarily installed equipment.

(100) **Premises wiring system.** That interior and exterior wiring, including power, lighting, control, and signal circuit wiring together with all of its associated hardware, fittings, and wiring devices, both permanently and temporarily installed, which extends from the load end of the service drop, or load end of the service lateral conductors to the outlet(s). Such wiring does not include wiring internal to appliances, fixtures, motors, controllers, motor control centers, and similar equipment.

(101) **Qualified person.** One familiar with the construction and operation of the equipment and the hazards involved.

Note 1: Whether an employee is considered to be a "qualified person" will depend upon various circumstances in the workplace. It is possible and, in fact, likely for an individual to be considered "qualified" with regard to certain equipment in the workplace, but "unqualified" as to other equipment. (See WAC 296-24-970 for training requirements that specifically apply to qualified persons.)

Note 2: An employee who is undergoing on-the-job training and who, in the course of such training, has demonstrated an ability to perform duties safely at his or her level of training and who is under the direct supervision of a qualified person is considered to be a qualified person for the performance of those duties.

(102) **Raceway.** A channel designed expressly for holding wires, cables, or busbars, with additional functions as permitted in this ((subpart)) part. Raceways may be of metal or insulating material, and the term includes rigid metal conduit, rigid nonmetallic conduit, intermediate metal conduit, liquidtight flexible metal conduit, flexible metallic tubing, flexible metal conduit, electrical metallic tubing, underfloor raceways, cellular concrete floor raceways, cellular metal floor raceways, surface raceways, wireways, and busways.

(103) **Readily accessible.** Capable of being reached quickly for operation, renewal, or inspections, without requiring those to whom ready access is requisite to climb over or remove obstacles or to resort to portable ladders, chairs, etc. (See "accessible.")

(104) **Receptacle.** A receptacle is a contact device installed at the outlet for the connection of a single attachment plug. A single receptacle is a single contact device with no other contact device on the same yoke. A multiple receptacle is a single device containing two or more receptacles.

(105) **Receptacle outlet.** An outlet where one or more receptacles are installed.

(106) **Remote-control circuit.** Any electric circuit that controls any other circuit through a relay or an equivalent device.

(107) **Sealable equipment.** Equipment enclosed in a case or cabinet that is provided with a means of sealing or locking so that live parts cannot be made accessible without opening the enclosure. The equipment may or may not be operable without opening the enclosure.

(108) **Separately derived system.** A premises wiring system whose power is derived from generator, transformer, or converter winding and has no direct electrical connection, including a solidly connected grounded circuit conductor, to supply conductors originating in another system.

(109) **Service.** The conductors and equipment for delivering energy from the electricity supply system to the wiring system of the premises served.

(110) **Service cable.** Service conductors made up in the form of a cable.

(111) **Service conductors.** The supply conductors that extend from the street main or from transformers to the service equipment of the premises supplied.

(112) **Service drop.** The overhead service conductors from the last pole or other aerial support to and including the splices, if any, connecting to the service-entrance conductors at the building or other structure.

(113) **Service-entrance cable.** Service-entrance cable is a single conductor or multiconductor assembly provided with or without an overall covering, primarily used for services and of the following types:

(a) **Type SE,** having a flame-retardant, moisture-resistant covering, but not required to have inherent protection against mechanical abuse.

(b) **Type USE,** recognized for underground use, having a moisture-resistant covering, but not required to have a flame-retardant covering or inherent protection against mechanical abuse. Single-conductor cables having an insulation specifically approved for the purpose do not require an outer covering.

(114) **Service-entrance conductors, overhead system.** The service conductors between the terminals of the service equipment and a point usually outside the building, clear of building walls, where joined by tap or splice to the service drop.

(115) **Service entrance conductors, underground system.** The service conductors between the terminals of the service equipment and the point of connection to the service lateral. Where service equipment is located outside the building walls, there may be no service-entrance conductors, or they may be entirely outside the building.

(116) **Service equipment.** The necessary equipment, usually consisting of a circuit breaker or switch and fuses, and their accessories, located near the point of entrance of supply conductors to a building or other structure, or an otherwise defined area, and intended to constitute the main control and means of cutoff of the supply.

(117) **Service raceway.** The raceway that encloses the service-entrance conductors.

(118) **Shielded nonmetallic-sheathed cable.** Type SNM, shielded nonmetallic-sheathed cable is a factory assembly of two or more insulated conductors in an extruded core of moisture-resistant, flame-resistant nonmetallic material, covered with an overlapping spiral metal tape and wire shield and jacketed with an extruded moisture-resistant, flame-resistant, oil-resistant, corrosion-resistant, fungus-resistant, and sunlight-resistant nonmetallic material.

(119) **Show window.** Any window used or designed to be used for the display of goods or advertising material, whether it is fully or partly enclosed or entirely open at the rear and whether or not it has a platform raised higher than the street floor level.

(120) **Sign.** See "electric sign."

(121) **Signaling circuit.** Any electric circuit that energizes signaling equipment.

(122) **Special permission.** The written consent of the authority having jurisdiction.

(123) **Storable swimming or wading pool.** A pool with a maximum dimension of fifteen feet and a maximum wall height of three feet and is so constructed that it may be readily disassembled for storage and reassembled to its original integrity.

(124) **Switchboard.** A large single panel, frame, or assembly of panels which have switches, buses, instruments, overcurrent and other protective devices mounted on the face or back or both. Switchboards are generally accessible from the rear as well as from the front and are not intended to be installed in cabinets. (See "panelboard.")

(125) **Switches.**

(a) **General-use switch.** A switch intended for use in general distribution and branch circuits. It is rated in amperes, and it is capable of interrupting its rated current at its rated voltage.

(b) **General-use snap switch.** A form of general-use switch so constructed that it can be installed in flush device

boxes or on outlet box covers, or otherwise used in conjunction with wiring systems recognized by this ((subpart)) part.

(c) **Isolating switch.** A switch intended for isolating an electric circuit from the source of power. It has no interrupting rating, and it is intended to be operated only after the circuit has been opened by some other means.

(d) **Motor-circuit switch.** A switch, rated in horsepower, capable of interrupting the maximum operating overload current of a motor of the same horsepower rating as the switch at the rated voltage.

(126) **Switching devices.** (Over 600 volts, nominal.) Devices designed to close and/or open one or more electric circuits. Included in this category are circuit breakers, cutouts, disconnecting (or isolating) switches, disconnecting means, interrupter switches, and oil (filled) cutouts.

(127) **Transportable x-ray.** X-ray equipment installed in a vehicle or that may readily be disassembled for transport in a vehicle.

(128) **Utilization equipment.** Utilization equipment means equipment which utilizes electric energy for mechanical, chemical, heating, lighting, or similar useful purpose.

(129) **Utilization system.** A utilization system is a system which provides electric power and light for employee workplaces, and includes the premises wiring system and utilization equipment.

(130) **Ventilated.** Provided with a means to permit circulation of air sufficient to remove an excess of heat, fumes, or vapors.

(131) **Volatile flammable liquid.** A flammable liquid having a flash point below 38 degrees C (100 degrees F) or whose temperature is above its flash point.

(132) **Voltage (of a circuit).** The greatest root-mean-square (effective) difference of potential between any two conductors of the circuit concerned.

(133) **Voltage, nominal.** A nominal value assigned to a circuit or system for the purpose of conveniently designating its voltage class (as 120/240, 480Y/277, 600, etc.). The actual voltage at which a circuit operates can vary from the nominal within a range that permits satisfactory operation of equipment.

(134) **Voltage to ground.** For grounded circuits, the voltage between the given conductor and that point or conductor of the circuit that is grounded; for undergrounded circuits, the greatest voltage between the given conductor and any other conductor of the circuit.

(135) **Watertight.** So constructed that moisture will not enter the enclosure.

(136) **Weatherproof.** So constructed or protected that exposure to the weather will not interfere with successful operation. Rainproof, raintight, or watertight equipment can fulfill the requirements for weatherproof where varying weather conditions other than wetness, such as snow, ice, dust, or temperature extremes, are not a factor.

(137) **Wet location.** See "location."

(138) **Wireways.** Wireways are sheet-metal troughs with hinged or removable covers for housing and protecting electric wires and cable and in which conductors are laid in place after the wireway has been installed as a complete system.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-24-95605 General requirements. (1) **Approval.** The conductors and equipment required or permitted by this section shall be acceptable only if approved.

(2) **Examination, installation, and use of equipment.**

(a) **Examination.** Electrical equipment shall be free from recognized hazards that are likely to cause death or serious physical harm to employees. Safety of equipment shall be determined using the following considerations:

(i) Suitability for installation and use in conformity with the provisions of this ((subpart)) part. Suitability of equipment for an identified purpose may be evidenced by listing or labeling for that identified purpose.

(ii) Mechanical strength and durability, including, for parts designed to enclose and protect other equipment, the adequacy of the protection thus provided.

(iii) Electrical insulation.

(iv) Heating effects under conditions of use.

(v) Arcing effects.

(vi) Classification by type, size, voltage, current capacity, specific use.

(vii) Other factors which contribute to the practical safeguarding of employees using or likely to come in contact with the equipment.

(b) **Installation and use.** Listed or labeled equipment shall be used or installed in accordance with any instructions included in the listing or labeling.

(3) **Splices.** Conductors shall be spliced or joined with splicing devices suitable for the use or by brazing, welding, or soldering with a fusible metal or alloy. Soldered splices shall first be so spliced or joined as to be mechanically and electrically secure without solder and then soldered. All splices and joints and the free ends of conductors shall be covered with an insulation equivalent to that of the conductors or with an insulating device suitable for the purpose.

(4) **Arcing parts.** Parts of electric equipment which in ordinary operation produce arcs, sparks, flames, or molten metal shall be enclosed or separated and isolated from all combustible material.

(5) **Marking.** Electrical equipment may not be used unless the manufacturer's name, trademark, or other descriptive marking by which the organization responsible for the product may be identified is placed on the equipment. Other markings shall be provided giving voltage, current, wattage, or other ratings as necessary. The marking shall be of sufficient durability to withstand the environment involved.

(6) **Identification of disconnecting means and circuits.** Each disconnecting means required by this ((subpart)) part for motors and appliances shall be legibly marked to indicate its purpose, unless located and arranged so the purpose is evident. Each service, feeder, and branch circuit, at its disconnecting means or overcurrent device, shall be legibly marked to indicate its purpose, unless located and arranged so the purpose is evident. These markings shall be of sufficient durability to withstand the environment involved.

(7) **600 volts, nominal, or less.**

(a) **Working space about electric equipment.** Sufficient access and working space shall be provided and

maintained about all electric equipment to permit ready and safe operation and maintenance of such equipment.

(i) **Working clearances.** Except as required or permitted elsewhere in this chapter, the dimension of the working space in the direction of access to live parts operating at 600 volts or less and likely to require examination, adjustment, servicing, or maintenance while alive may not be less than indicated in Table S-1. In addition to the dimensions shown in Table S-1, workspace may not be less than 30 inches wide in front of the electric equipment. Distances shall be measured from the live parts if they are exposed, or from the enclosure front or opening if the live parts are enclosed. Concrete, brick, or tile walls are considered to be grounded. Working space is not required in back of assemblies such as dead-front switchboards or motor control centers where there are no renewable or adjustable parts such as fuses or switches on the back and where all connections are accessible from locations other than the back.

TABLE S-1—Working clearances

Nominal voltage to ground	Minimum clear distance for condition ² (ft)		
	(a)	(b)	(c)
0-150	1 3/4	1 3/4	3
151-600	1 3/4	3 1/2	4

¹ Minimum clear distances may be 2 feet 6 inches for installations built prior to effective date of this section.

² Conditions (a), (b), (c), are as follows: (a) Exposed live parts on one side and no live or grounded parts on the other side of the working space, or exposed live parts on both sides effectively guarded by suitable wood or other insulating material. Insulated wire or insulated busbars operating at not over 300 volts are not considered live parts. (b) Exposed live parts on one side and grounded parts on the other side (c) Exposed live parts on both sides of the workspace (not guarded as provided in condition (a)) with the operator between.

(ii) **Clear spaces.** Working space required by this ((subpart)) part may not be used for storage. When normally enclosed live parts are exposed for inspection or servicing, the working space, if in a passageway or general open space, shall be suitably guarded.

(iii) **Access and entrance to working space.** At least one entrance of sufficient area shall be provided to give access to the working space about electric equipment.

(iv) **Front working space.** Where there are live parts normally exposed on the front of switchboards or motor control centers, the working space in front of such equipment may not be less than 3 feet.

(v) **Illumination.** Illumination shall be provided for all working spaces about service equipment, switchboards, panelboards, and motor control centers installed indoors.

(vi) **Headroom.** The minimum headroom of working spaces about service equipment, switchboards, panelboards, or motor control centers shall be 6 feet 3 inches.

Note: As used in this section, a motor control center is an assembly of one or more enclosed sections having a common power bus and principally containing motor control units.

(b) Guarding of live parts.

(i) Except as required or permitted elsewhere in this section, live parts of electric equipment operating at 50 volts

or more shall be guarded against accidental contact by approved cabinets or other forms of approved enclosures, or by any of the following means:

(A) By location in a room, vault, or similar enclosure that is accessible only to qualified persons.

(B) By suitable permanent, substantial partitions or screens so arranged that only qualified persons will have access to the space within reach of the live parts. Any openings in such partitions or screens shall be so sized and located that persons are not likely to come into accidental contact with live parts or to bring conducting objects into contact with them.

(C) By location on a suitable balcony, gallery, or platform so elevated and arranged as to exclude unqualified persons.

(D) By elevation of 8 feet or more above the floor or other working surface.

(ii) In locations where electric equipment would be exposed to physical damage, enclosures or guards shall be so arranged and of such strength as to prevent such damage.

(iii) Entrances to rooms and other guarded locations containing exposed live parts shall be marked with conspicuous warning signs forbidding unqualified persons to enter.

(8) Over 600 volts, nominal.

(a) **General.** Conductors and equipment used on circuits exceeding 600 volts, nominal, shall comply with all applicable provisions of subsections (1) through (7) of this section and with the following provisions which supplement or modify those requirements. The provisions of (b), (c) and (d) of this subsection do not apply to equipment on the supply side of the service conductors.

(b) **Enclosure for electrical installations.** Electrical installations in a vault, room, closet or in an area surrounded by a wall, screen, or fence, access to which is controlled by lock and key or other approved means, are considered to be accessible to qualified persons only. A wall, screen, or fence less than 8 feet in height is not considered to prevent access unless it has other features that provide a degree of isolation equivalent to an 8 foot fence. The entrances to all buildings, rooms, or enclosures containing exposed live parts or exposed conductors operating at over 600 volts, nominal, shall be kept locked or shall be under the observation of a qualified person at all times.

(i) **Installations accessible to qualified persons only.** Electrical installations having exposed live parts shall be accessible to qualified persons only and shall comply with the applicable provisions of (c) of this subsection.

(ii) **Installations accessible to unqualified persons.** Electrical installations that are open to unqualified persons shall be made with metal-enclosed equipment or shall be enclosed in a vault or in an area, access to which is controlled by a lock. If metal-enclosed equipment is installed so that the bottom of the enclosure is less than 8 feet above the floor, the door or cover shall be kept locked. Metal-enclosed switchgear, unit substations, transformers, pull boxes, connection boxes, and other similar associated equipment shall be marked with appropriate caution signs. If equipment is exposed to physical damage from vehicular traffic, suitable guards shall be provided to prevent such damage. Ventilating or similar openings in metal-enclosed equipment shall be designed so that foreign objects inserted

through these openings will be deflected from energized parts.

(c) **Workspace about equipment.** Sufficient space shall be provided and maintained about electric equipment to permit ready and safe operation and maintenance of such equipment. Where energized parts are exposed, the minimum clear workspace may not be less than 6 feet 6 inches high (measured vertically from the floor or platform), or less than 3 feet wide (measured parallel to the equipment). The depth shall be as required in Table S-2. The workspace shall be adequate to permit at least a 90-degree opening of doors or hinged panels.

(i) **Working space.** The minimum clear working space in front of electric equipment such as switchboards, control panels, switches, circuit breakers, motor controllers, relays, and similar equipment may not be less than specified in Table S-2 unless otherwise specified in this ((~~subpart~~) **part**). Distances shall be measured from the live parts if they are exposed, or from the enclosure front or opening if the live parts are enclosed. However, working space is not required in back of equipment such as deadfront switchboards or control assemblies where there are no renewable or adjustable parts (such as fuses or switches) on the back and where all connections are accessible from locations other than the back. Where rear access is required to work on deenergized parts on the back of enclosed equipment, a minimum working space of 30 inches horizontally shall be provided.

TABLE S-2—Minimum Depth of Clear Working Space in Front of Electric Equipment

Nominal voltage to ground	Conditions ² (ft)		
	(a)	(b)	(c)
601 to 2,500	3	4	5
2,501 to 9,000	4	5	6
9,001 to 25,000	5	6	9
25,001 to 75kV ¹	6	8	10
Above 75kV ¹	8	10	12

¹ Minimum depth of clear working space in front of electric equipment with a nominal voltage to ground above 25,000 volts may be the same as for 25,000 volts under conditions (a), (b) and (c) for installations built prior to April 16, 1981. (2) Conditions (a), (b) and (c) are as follows: (a) Exposed live parts on one side and no live or grounded parts on the other side of the working space, or exposed live parts on both sides effectively guarded by suitable wood or other insulating materials. Insulated wire or insulated busbars operating at not over 300 volts are not considered live parts. (b) Exposed live parts on one side and grounded parts on the other side. Concrete, brick, or tile walls will be considered as grounded surfaces. (c) Exposed live parts on both sides of the workspace not guarded as provided in condition (a) with the operator between.

(ii) **Illumination.** Adequate illumination shall be provided for all working spaces about electric equipment. The lighting outlets shall be so arranged that persons changing lamps or making repairs on the lighting system will not be endangered by live parts or other equipment. The points of control shall be so located that persons are not likely to come in contact with any live part or moving part of the equipment while turning on the lights.

(iii) **Elevation of unguarded live parts.** Unguarded live parts above working space shall be maintained at elevations not less than specified in Table S-3.

TABLE S-3—Elevation of Unguarded Energized Parts Above Working Space

Nominal voltage between phases	Minimum elevation
601 to 7,500	*8 feet 6 inches.
7,501 to 35,000	9 feet.
Over 35kV	9 feet + 0.37 inches per kV above 35kV.

Note: Minimum elevation may be 8 feet 0 inches for installations built prior to April 16, 1981, if the nominal voltage between phases is in the range of 601-6600 volts.

(d) **Entrance and access to workspace.** (See WAC 296-24-95603 (2)(c).)

(i) At least one entrance not less than 24 inches wide and 6 feet 6 inches high shall be provided to give access to the working space about electric equipment. On switchboard and control panels exceeding 48 inches in width, there shall be one entrance at each end of such board where practicable. Where bare energized parts at any voltage or insulated energized parts above 600 volts are located adjacent to such entrance, they shall be suitably guarded.

(ii) Permanent ladders or stairways shall be provided to give safe access to the working space around electric equipment installed on platforms, balconies, mezzanine floors, or in attic or roof rooms or spaces.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-24-95609 Wiring methods, components, and equipment for general use. (1) **Wiring methods.** The provisions of this section do not apply to the conductors that are an integral part of factory-assembled equipment.

(a) **General requirements.**

(i) **Electrical continuity of metal raceways and enclosures.** Metal raceways, cable armor, and other metal enclosures for conductors shall be metallically joined together into a continuous electric conductor and shall be so connected to all boxes, fittings, and cabinets as to provide effective electrical continuity.

(ii) **Wiring in ducts.** No wiring systems of any type shall be installed in ducts used to transport dust, loose stock or flammable vapors. No wiring system of any type may be installed in any duct used for vapor removal or for ventilation of commercial-type cooking equipment, or in any shaft containing only such ducts.

(b) **Temporary wiring.** Temporary electrical power and lighting wiring methods may be of a class less than would be required for a permanent installation. Except as specifically modified in this ((~~paragraph~~) **section**), all other requirements of this ((~~subpart~~) **part**) for permanent wiring shall apply to temporary wiring installations.

(i) **Uses permitted, 600 volts, nominal or less.** Temporary electrical power and lighting installations 600 volts, nominal, or less may be used only:

(A) During and for remodeling, maintenance, repair, or demolition of buildings, structures, or equipment, and similar activities;

(B) For experimental or development work; and

(C) For a period not to exceed 90 days for Christmas decorative lighting, carnivals, and similar purposes.

(ii) **Uses permitted, over 600 volts, nominal.** Temporary wiring over 600 volts, nominal, may be used only during periods of tests, experiments, or emergencies.

(iii) **General requirements for temporary wiring.**

(A) Feeders shall originate in an approved distribution center. The conductors shall be run as multiconductor cord or cable assemblies, or, where not subject to physical damage, they may be run as open conductors on insulators not more than 10 feet apart.

(B) Branch circuits shall originate in an approved power outlet or panelboard. Conductors shall be multiconductor cord or cable assemblies or open conductors. If run as open conductors they shall be fastened at ceiling height every 10 feet. No branch-circuit conductor may be laid on the floor. Each branch circuit that supplies receptacles or fixed equipment shall contain a separate equipment grounding conductor if run as open conductors.

(C) Receptacles shall be of the grounding type. Unless installed in a complete metallic raceway, each branch circuit shall contain a separate equipment grounding conductor and all receptacles shall be electrically connected to the grounding conductor.

(D) No bare conductors nor earth returns may be used for the wiring of any temporary circuit.

(E) Suitable disconnecting switches or plug connectors shall be installed to permit the disconnection of all ungrounded conductors of each temporary circuit.

(F) Lamps for general illumination shall be protected from accidental contact or breakage. Protection shall be provided by elevation of at least 7 feet from normal working surface or by a suitable fixture or lampholder with a guard.

(G) Flexible cords and cables shall be protected from accidental damage. Sharp corners and projections shall be avoided. Where passing through doorways or other pinch points, flexible cords and cables shall be provided with protection to avoid damage.

(c) **Cable trays.**

(i) **Uses permitted.**

(A) Only the following may be installed in cable tray systems:

- (I) Mineral-insulated metal-sheathed cable (Type MI);
- (II) Armored cable (Type AC);
- (III) Metal-clad cable (Type MC);
- (IV) Power-limited tray cable (Type PLTC);
- (V) Nonmetallic-sheathed cable (Type NM or NMC);
- (VI) Shielded nonmetallic-sheathed cable (Type SNM);
- (VII) Multiconductor service-entrance cable (Type SE or USE);

(VIII) Multiconductor underground feeder and branch-circuit cable (Type UF);

(IX) Power and control tray cable (Type TC);

(X) Other factory-assembled, multiconductor control, signal, or power cables which are specifically approved for installation in cable trays; or

(XI) Any approved conduit or raceway with its contained conductors.

(B) In industrial establishments only, where conditions of maintenance and supervision assure that only qualified persons will service the installed cable tray system, the

following cables may also be installed in ladder, ventilated trough, or 4 inch ventilated channel-type cable trays:

(I) Single conductor cables which are 250 MCM or larger and are Types RHH, RHW, MV, USE, or THW, and other 250 MCM or larger single conductor cables if specifically approved for installation in cable trays. Where exposed to direct rays of the sun, cables shall be sunlight-resistant.

(II) Type MV cables, where exposed to direct rays of the sun, shall be sunlight-resistant.

(C) Cable trays in hazardous (classified) locations shall contain only the cable types permitted in such locations.

(ii) **Uses not permitted.** Cable tray systems may not be used in hoistways or where subjected to severe physical damage.

(d) **Open wiring on insulators.**

(i) **Uses permitted.** Open wiring on insulators is only permitted on systems of 600 volts, nominal, or less for industrial or agricultural establishments and for services.

(ii) **Conductor supports.** Conductors shall be rigidly supported on noncombustible, nonabsorbent insulating materials and may not contact any other objects.

(iii) **Flexible nonmetallic tubing.** In dry locations where not exposed to severe physical damage, conductors may be separately enclosed in flexible nonmetallic tubing. The tubing shall be in continuous lengths not exceeding 15 feet and secured to the surface by straps at intervals not exceeding 4 feet 6 inches.

(iv) **Through walls, floors, wood cross members, etc.**

Open conductors shall be separated from contact with walls, floors, and wood cross members, or partitions through which they pass by tubes or bushings of noncombustible, nonabsorbent insulating material. If the bushing is shorter than the hole, a waterproof sleeve of nonconductive material shall be inserted in the hole and an insulating bushing slipped into the sleeve at each end in such a manner as to keep the conductors absolutely out of contact with the sleeve. Each conductor shall be carried through a separate tube or sleeve.

(v) **Protection from physical damage.** Conductors within 7 feet from the floor are considered exposed to physical damage. Where open conductors cross ceiling joints and wall studs and are exposed to physical damage, they shall be protected.

(2) **Cabinets, boxes, and fittings.**

(a) **Conductors entering boxes, cabinets, or fittings.**

Conductors entering boxes, cabinets, or fittings shall be protected from abrasion, and openings through which conductors enter shall be effectively closed. Unused openings in cabinets, boxes, and fittings shall also be effectively closed.

(b) **Covers and canopies.** All pull boxes, junction boxes, and fittings shall be provided with covers approved for the purpose. If metal covers are used they shall be grounded. In completed installations each outlet box shall have a cover, faceplate, or fixture canopy. Covers of outlet boxes having holes through which flexible cord pendants pass shall be provided with bushings designed for the purpose or shall have smooth, well-rounded surfaces on which the cords may bear.

(c) **Pull and junction boxes for systems over 600 volts, nominal.** In addition to other requirements in this section for pull and junction boxes, the following shall apply to these boxes for systems over 600 volts, nominal:

(i) Boxes shall provide a complete enclosure for the contained conductors or cables.

(ii) Boxes shall be closed by suitable covers securely fastened in place. Underground box covers that weight over 100 pounds meet this requirement. Covers for boxes shall be permanently marked "HIGH VOLTAGE." The marking shall be on the outside of the box cover and shall be readily visible and legible.

(3) Switches.

(a) **Knife switches.** Single-throw knife switches shall be so connected that the blades are dead when the switch is in the open position. Single-throw knife switches shall be so placed that gravity will not tend to close them. Single-throw knife switches approved for use in the inverted position shall be provided with a locking device that will ensure that the blades remain in the open position when so set. Double-throw knife switches may be mounted so that the throw will be either vertical or horizontal. However, if the throw is vertical a locking device shall be provided to ensure that the blades remain in the open position when so set.

(b) **Faceplates for flush-mounted snap switches.** Flush snap switches that are mounted in ungrounded metal boxes and located within reach of conducting floors or other conducting surfaces shall be provided with faceplates of nonconducting, noncombustible material.

(4) **Switchboards and panelboards.** Switchboards that have any exposed live parts shall be located in permanently dry locations and accessible only to qualified persons. Panelboards shall be mounted in cabinets, cutout boxes, or enclosures approved for the purpose and shall be dead front. However, panelboards other than the dead front externally-operable type are permitted where accessible only to qualified persons. Exposed blades of knife switches shall be dead when open.

(5) Enclosures for damp or wet locations.

(a) Cabinets, cutout boxes, fittings, boxes, and panelboard enclosures in damp or wet locations shall be installed so as to prevent moisture or water from entering and accumulating within the enclosures. In wet locations the enclosures shall be weatherproof.

(b) Switches, circuit breakers, and switchboards installed in wet locations shall be enclosed in weatherproof enclosures.

(6) **Conductors for general wiring.** All conductors used for general wiring shall be insulated unless otherwise permitted in this section. The conductor insulation shall be of a type that is approved for the voltage, operating temperature, and location of use. Insulated conductors shall be distinguishable by appropriate color or other suitable means as being grounded conductors, ungrounded conductors, or equipment grounding conductors.

(7) Flexible cords and cables.

(a) Use of flexible cords and cables.

(i) Flexible cords and cables shall be approved and suitable for conditions of use and location. Flexible cords and cables shall be used only for:

- (A) Pendants;
- (B) Wiring of fixtures;
- (C) Connection of portable lamps or appliances;
- (D) Elevator cables;
- (E) Wiring of cranes and hoists;

(F) Connection of stationary equipment to facilitate their frequent interchange;

(G) Prevention of the transmission of noise or vibration;

(H) Appliances where the fastening means and mechanical connections are designed to permit removal for maintenance and repair; or

(I) Data processing cables approved as a part of the data processing system.

(ii) If used as permitted in subitem (a)(i)(C), (a)(i)(F) or (a)(i)(H) of this subsection, the flexible cord shall be equipped with an attachment plug and shall be energized from an approved receptacle outlet.

(iii) Unless specifically permitted in item (a)(i) of this subsection, flexible cords and cables may not be used:

(A) As a substitute for the fixed wiring of a structure;

(B) Where run through holes in walls, ceilings, or floors;

(C) Where run through doorways, windows, or similar openings;

(D) Where attached to building surfaces; or

(E) Where concealed behind building walls, ceilings, or floors.

(iv) Flexible cords used in show windows and showcases shall be Type S, SO, SJ, SJO, ST, STO, SJT, SJTO, or AFS except for the wiring of chain-supported lighting fixtures and supply cords for portable lamps and other merchandise being displayed or exhibited.

(b) Identification, splices, and terminations.

(i) A conductor of a flexible cord or cable that is used as a grounded conductor or an equipment grounding conductor shall be distinguishable from other conductors. Types SJ, SJO, SJT, SJTO, S, SO, ST, and STO shall be durably marked on the surface with the type designation, size, and number of conductors.

(ii) Flexible cords shall be used only in continuous lengths without splice or tap. Hard service flexible cords No. 12 or larger may be repaired if spliced so that the splice retains the insulation, outer sheath properties, and usage characteristics of the cord being spliced.

(iii) Flexible cords shall be connected to devices and fittings so that strain relief is provided which will prevent pull from being directly transmitted to joints or terminal screws.

(8) Portable cables over 600 volts, nominal.

Multiconductor portable cable for use in supplying power to portable or mobile equipment at over 600 volts, nominal, shall consist of No. 8 or larger conductors employing flexible stranding. Cables operated at over 2,000 volts shall be shielded for the purpose of confining the voltage stresses to the insulation. Grounding conductors shall be provided. Connectors for these cables shall be of a locking type with provisions to prevent their opening or closing while energized. Strain relief shall be provided at connections and terminations. Portable cables may not be operated with splices unless the splices are of the permanent molded, vulcanized, or other approved type. Termination enclosures shall be suitably marked with a high voltage hazard warning, and terminations shall be accessible only to authorized and qualified personnel.

(9) Fixture wires.

(a) **General.** Fixture wires shall be approved for the voltage, temperature, and location of use. A fixture wire which is used as a grounded conductor shall be identified.

(b) **Uses permitted.** Fixture wires may be used:

(i) For installation in lighting fixtures and in similar equipment where enclosed or protected and not subject to bending or twisting in use; or

(ii) For connecting lighting fixtures to the branch-circuit conductors supplying the fixtures.

(c) **Uses not permitted.** Fixture wires may not be used as branch-circuit conductors except as permitted for Class 1 power limited circuits.

(10) **Equipment for general use.**

(a) **Lighting fixtures, lampholders, lamps, and receptacles.**

(i) Fixtures, lampholders, lamps, rosettes, and receptacles may have no live parts normally exposed to employee contact. However, rosettes and cleat-type lampholders and receptacles located at least 8 feet above the floor may have exposed parts.

(ii) Handlamps of the portable type supplied through flexible cords shall be equipped with a handle of molded composition or other material approved for the purpose, and a substantial guard shall be attached to the lampholder or the handle.

(iii) Lampholders of the screw-shell type shall be installed for use as lampholders only. Lampholders installed in wet or damp locations shall be of the weatherproof type.

(iv) Fixtures installed in wet or damp locations shall be approved for the purpose and shall be so constructed or installed that water cannot enter or accumulate in wireways, lampholders, or other electrical parts.

(b) **Receptacles, cord connectors, and attachment plugs (caps).**

(i) Receptacles, cord connectors, and attachment plugs shall be constructed so that no receptacle or cord connector will accept an attachment plug with a different voltage or current rating than that for which the device is intended. However, a 20-ampere T-slot receptacle or cord connector may accept a 15-ampere attachment plug of the same voltage rating.

(ii) A receptacle installed in a wet or damp location shall be suitable for the location.

(c) **Appliances.**

(i) Appliances, other than those in which the current-carrying parts at high temperatures are necessarily exposed, may have no live parts normally exposed to employee contact.

(ii) A means shall be provided to disconnect each appliance.

(iii) Each appliance shall be marked with its rating in volts and amperes or volts and watts.

(d) **Motors.** This (~~paragraph~~) subdivision applies to motors, motor circuits, and controllers.

(i) **In sight from.** If specified that one piece of equipment shall be "in sight from" another piece of equipment, one shall be visible and not more than 50 feet from the other.

(ii) **Disconnecting means.**

(A) A disconnecting means shall be located in sight from the controller location. However, a single disconnecting means may be located adjacent to a group of coordinated

controllers mounted adjacent to each other or a multimotor continuous process machine. The controller disconnecting means for motor branch circuits over 600 volts, nominal, may be out of sight of the controller, if the controller is marked with a warning label giving the location and identification of the disconnecting means which is to be locked in the open position.

(B) The disconnecting means shall disconnect the motor and the controller from all ungrounded supply conductors and shall be so designed that no pole can be operated independently.

(C) If a motor and the driven machinery are not in sight from the controller location, the installation shall comply with one of the following conditions:

(I) The controller disconnecting means shall be capable of being locked in the open position.

(II) A manually operable switch that will disconnect the motor from its source of supply shall be placed in sight from the motor location.

(D) The disconnecting means shall plainly indicate whether it is in the open (off) or closed (on) position.

(E) The disconnecting means shall be readily accessible. If more than one disconnect is provided for the same equipment, only one need be readily accessible.

(F) An individual disconnecting means shall be provided for each motor, but a single disconnecting means may be used for a group of motors under any one of the following conditions:

(I) If a number of motors drive special parts of a single machine or piece of apparatus, such as a metal or wood-working machine, crane, or hoist;

(II) If a group of motors is under the protection of one set of branch-circuit protective devices; or

(III) If a group of motors is in a single room in sight from the location of the disconnecting means.

(iii) **Motor overload, short-circuit, and ground-fault protection.** Motors, motor-control apparatus, and motor branch-circuit conductors shall be protected against overheating due to motor overloads or failure to start, and against short-circuits or ground faults. These provisions shall not require overload protection that will stop a motor where a shutdown is likely to introduce additional or increased hazards, as in the case of fire pumps, or where continued operation of a motor is necessary for a safe shutdown of equipment or process and motor overload sensing devices are connected to a supervised alarm.

(iv) **Protection of live parts—all voltages.**

(A) Stationary motors having commutators, collectors, and brush rigging located inside of motor end brackets and not conductively connected to supply circuits operating at more than 150 volts to ground need not have such parts guarded. Exposed live parts of motors and controllers operating at 50 volts or more between terminals shall be guarded against accidental contact by any of the following:

(I) By installation in a room or enclosure that is accessible only to qualified persons;

(II) By installation on a suitable balcony, gallery, or platform, so elevated and arranged as to exclude unqualified persons; or

(III) By elevation 8 feet or more above the floor.

(B) Where live parts of motors or controllers operating at over 150 volts to ground are guarded against accidental

contact only by location, and where adjustment or other attendance may be necessary during the operation of the apparatus, suitable insulating mats or platforms shall be provided so that the attendant cannot readily touch live parts unless standing on the mats or platforms.

(e) **Transformers.**

(i) The following ((paragraphs)) items cover the installation of all transformers except the following:

(A) Current transformers;

(B) Dry-type transformers installed as a component part of other apparatus;

(C) Transformers which are an integral part of an x-ray, high frequency, or electrostatic-coating apparatus;

(D) Transformers used with Class 2 and Class 3 circuits, sign and outline lighting, electric discharge lighting, and power-limited fire-protective signalling circuits; and

(E) Liquid-filled or dry-type transformers used for research, development, or testing, where effective safeguard arrangements are provided.

(ii) The operating voltage of exposed live parts of transformer installations shall be indicated by warning signs or visible markings on the equipment or structure.

(iii) Dry-type, high fire point liquid-insulated, and askarel-insulated transformers installed indoors and rated over 35kV shall be in a vault.

(iv) If they present a fire hazard to employees, oil-insulated transformers installed indoors shall be in a vault.

(v) Combustible material, combustible buildings and parts of buildings, fire escapes, and door and window openings shall be safeguarded from fires which may originate in oil-insulated transformers attached to or adjacent to a building or combustible material.

(vi) Transformer vaults shall be constructed so as to contain fire and combustible liquids within the vault and to prevent unauthorized access. Locks and latches shall be so arranged that a vault door can be readily opened from the inside.

(vii) Any pipe or duct system foreign to the vault installation may not enter or pass through a transformer vault.

(viii) Materials may not be stored in transformer vaults.

(f) **Capacitors.**

(i) All capacitors, except surge capacitors or capacitors included as a component part of other apparatus, shall be provided with an automatic means of draining the stored charge after the capacitor is disconnected from its source of supply.

(ii) Capacitors rated over 600 volts, nominal, shall comply with the following additional requirements:

(A) Isolating or disconnecting switches (with no interrupting rating) shall be interlocked with the load interrupting device or shall be provided with prominently displayed caution signs to prevent switching load current.

(B) For series capacitors (see WAC 296-24-95603 (2)(c)), the proper switching shall be assured by use of at least one of the following:

(I) Mechanically sequenced isolating and bypass switches;

(II) Interlocks; or

(III) Switching procedure prominently displayed at the switching location.

(g) **Storage batteries.** Provisions shall be made for sufficient diffusion and ventilation of gases from storage batteries to prevent the accumulation of explosive mixtures.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-24-95613 Hazardous (classified) locations.

(1) **Scope.** This section covers the requirements for electric equipment and wiring in locations which are classified depending on the properties of the flammable vapors, liquids or gases, or combustible dusts or fibers which may be present therein and the likelihood that a flammable combustible concentration or quantity is present. Hazardous (classified) locations may be found in occupancies such as, but not limited to, the following: Aircraft hangars, gasoline dispensing and service stations, bulk storage plants for gasoline or other volatile flammable liquids, paint-finishing process plants, health care facilities, agricultural or other facilities where excessive combustible dusts may be present, marinas, boat yards, and petroleum and chemical processing plants. Each room, section or area shall be considered individually in determining its classification. These hazardous (classified) locations are assigned six designations as follows:

Class I,	Division 1
Class I,	Division 2
Class II,	Division 1
Class II,	Division 2
Class III,	Division 1
Class III,	Division 2

For definitions of these locations see WAC 296-24-95601(1). All applicable requirements in this ((subpart)) part shall apply to hazardous (classified) locations, unless modified by provisions of this section.

(2) **Electrical installations.** Equipment, wiring methods, and installations of equipment in hazardous (classified) locations shall be intrinsically safe, or approved for the hazardous (classified) location, or safe for the hazardous (classified) location. Requirements for each of these options are as follows:

(a) **Intrinsically safe.** Equipment and associated wiring approved as intrinsically safe shall be permitted in any hazardous (classified) location for which it is approved.

(b) **Approved for the hazardous (classified) location.**

(i) Equipment shall be approved not only for the class of location but also for the ignitable or combustible properties of the specific gas, vapor, dust, or fiber that will be present.

Note: NFPA 70, the National Electrical Code, lists or defines hazardous gases, vapors, and dusts by "groups" characterized by their ignitable or combustible properties.

(ii) Equipment shall be marked to show the class, group, and operating temperature or temperature range, based on operation in a 40 degrees C ambient, for which it is approved. The temperature marking may not exceed the ignition temperature of the specific gas or vapor to be encountered. However, the following provisions modify this marking requirement for specific equipment:

(A) Equipment of the nonheat-producing type, such as junction boxes, conduit, and fittings, and equipment of the heat-producing type having a maximum temperature not

more than 100 degrees C (212 degrees F) need not have a marked operating temperature or temperature range.

(B) Fixed lighting fixtures marked for use in Class I, Division 2 locations only, need not be marked to indicate the group.

(C) Fixed general-purpose equipment in Class I locations, other than lighting fixtures, which is acceptable for use in Class I, Division 2 locations need not be marked with the class, group, division, or operating temperature.

(D) Fixed dust-tight equipment, other than lighting fixtures, which is acceptable for use in Class II, Division 2 and Class III locations need not be marked with the class, group, division, or operating temperature.

(c) **Safe for the hazardous (classified) location.** Equipment which is safe for the location shall be of a type and design which the employer demonstrates will provide protection from the hazards arising from the combustibility and flammability of vapors, liquids, gases, dusts, or fibers.

Note: The National Electrical Code, NFPA 70, contains guidelines for determining the type and design of equipment and installations which will meet this requirement. The guidelines of this document address electric wiring, equipment, and systems installed in hazardous (classified) locations and contain specific provisions for the following: Wiring methods, wiring connections; conductor insulation, flexible cords, sealing and drainage, transformers, capacitors, switches, circuit breakers, fuses, motor controllers, receptacles, attachment plugs, meters, relays, instruments, resistors, generators, motors, lighting fixtures, storage battery charging equipment, electric cranes, electric hoists and similar equipment, utilization equipment, signaling systems, alarm systems, remote control systems, local loud speaker and communication systems, ventilation piping, live parts, lighting surge protection, and grounding. Compliance with these guidelines will constitute one means, but not the only means, of compliance with this subsection.

(3) **Conduits.** All conduits shall be threaded and shall be made wrench-tight. Where it is impractical to make a threaded joint tight, a bonding jumper shall be utilized.

(4) **Equipment in Division 2 locations.** Equipment that has been approved for a Division 1 location may be installed in a Division 2 location of the same class and group. General-purpose equipment or equipment in general-purpose enclosures may be installed in Division 2 locations if the equipment does not constitute a source of ignition under normal operating conditions.

(5) **Motors and generators.** Motors and generators shall conform to the following: Class I, Division 1. In Class I, Division 1 locations, motors, generators and other rotating electric machinery shall be: (a) Approved for Class I, Division 1 locations (explosion-proof); or (b) of the totally enclosed type supplied with positive-pressure ventilation from a source of clean air with discharge to a safe area, so arranged to prevent energizing of the machine until ventilation has been established and the enclosure has been purged with at least 10 volumes of air, and also arranged to automatically deenergize the equipment when the air supply fails; or (c) of the totally enclosed inert-gas-filled type supplied with a suitable reliable source of inert gas for pressuring the enclosure, with devices provided to ensure a positive pressure in the enclosure and arranged to automatically deenergize the equipment when the gas supply fails; or (d) of a type designed to be submerged in a liquid which is flammable only when vaporized and mixed with air, or in a gas or vapor at a pressure greater than atmospheric and

which is flammable only when mixed with air; and the machine is so arranged to prevent energizing it until it has been purged with the liquid or gas to exclude air, and also arranged to automatically deenergize the equipment when the supply of liquid, or gas or vapor fails or the pressure is reduced to atmospheric. Totally enclosed motors of types (b) and (c) shall have no external surface with an operating temperature in degrees Celsius in excess of eighty percent of the ignition temperature of the gas or vapor involved, as determined by ASTM test procedure (Designation: D-2155-69). Appropriate devices shall be provided to detect any increase in temperature of the motor beyond design limits and automatically deenergize the equipment or provide an adequate alarm. Auxiliary equipment shall be of a type approved for the location in which it is installed.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-24-960 Working on or near exposed energized parts. (1) Application. This section applies to work performed on exposed live parts (involving either direct contact or contact by means of tools or materials) or near enough to them for employees to be exposed to any hazard they present.

(2) Work on energized equipment. Only qualified persons shall work on electric circuit parts or equipment that have not been deenergized under the procedures of WAC 296-24-975(2). Such persons shall be capable of working safely on energized circuits and shall be familiar with the proper use of special precautionary techniques, personal protective equipment, insulating and shielding materials, and insulated tools.

(3) General requirements - high voltage lines.

(a) Minimum clearance.

(i) No work shall be performed, no material shall be piled, stored or otherwise handled, no scaffolding, commercial signs, or structures shall be erected or dismantled, nor any tools, machinery or equipment operated within the specified minimum distances from any energized high voltage electrical conductor capable of energizing the material or equipment; except where the electrical distribution and transmission lines have been deenergized and visibly grounded at point of work, or where insulating barriers not a part of or an attachment to the equipment have been erected, to prevent physical contact with the lines, equipment shall be operated proximate to, under, over, by, or near powerlines only in accordance with the following:

(ii) For lines rated 50 kv. or below, minimum clearance between the lines and any part of the equipment or load shall be 10 feet.

(iii) For lines rated over 50 kv. minimum, clearance between the lines and any part of the equipment or load shall be 10 feet plus 0.4 inch for each 1 kv. over 50 kv., or twice the length of the line insulator but never less than 10 feet.

(b) Overhead electric lines. Where overhead electric conductors are encountered in proximity to a work area, the employer shall be responsible for:

(i) Ascertaining the voltage and minimum clearance distance required, and

(ii) Maintaining the minimum clearance distance, and

(iii) Ensuring that the requirements of subsection ((4)) of this section are complied with.

(c) Not covered: Employees working under chapters 296-32 and 296-45 WAC.

(4) Low voltage lines. When work is being carried out in proximity to energized electrical service conductors operating at 750 volts or less, such work shall be performed in a manner to prevent contact by any worker with the energized conductors.

(5) Overhead lines. If work is to be performed near overhead lines, the lines shall be deenergized and grounded, or other protective measures shall be provided before work is started. If the lines are to be deenergized, arrangements shall be made with the person or organization that operates or controls the electric circuits involved to deenergize and ground them. If protective measures, such as guarding, isolating, or insulating, these precautions shall prevent employees from contacting such lines directly with any part of their body or indirectly through conductive materials, tools, or equipment.

(6) Unqualified persons. When an unqualified person is working in an elevated position, or on the ground, near overhead lines, the location shall be such that the person and the longest conductive object he or she may contact cannot come closer to any unguarded, energized overhead line than the following distances:

(a) For voltages to ground 50kV or below—10 ft.;

(b) For voltages to ground over 50kV—10 ft. plus 0.4 inch for every 1 kV over 50 kV.

(7) Qualified persons. When a qualified person is working in the vicinity of overhead lines, whether in an elevated position or on the ground, the person shall not approach or take any conductive object without an approved insulating handle closer to exposed energized parts than shown in subsections (3) and (4) of this section unless:

(a) The person is insulated from the energized part (gloves, with sleeves if necessary, rated for the voltage involved are considered to be insulation of the person from the energized part on which work is performed); or

(b) The energized part is insulated both from all other conductive objects at a different potential and from the person; or

(c) The person is insulated from all conductive objects at a potential different from that of the energized part.

(8) Vehicular and mechanical equipment.

(a) Any vehicle or mechanical equipment capable of having parts of its structure elevated near energized overhead lines shall be operated so that a clearance of 10 ft. is maintained. If the voltage is higher than 50kV, the clearance shall be increased 0.4 inch for every 1kV over that voltage. However, under any of the following conditions, the clearance may be reduced:

(i) If the vehicle is in transit with its structure lowered, the clearance may be reduced to 4 ft. If the voltage is higher than 50kV, the clearance shall be increased 0.4 inch for every 1kV over that voltage.

(ii) If insulating barriers are installed to prevent contact with the lines, and if the barriers are rated for the voltage of the line being guarded and are not a part of or an attachment to the vehicle or its raised structure, the clearance may be reduced to a distance within the designed working dimensions of the insulating barrier.

(b) If the equipment is an aerial lift insulated for the voltage involved, and if the work is performed by a qualified person, the clearance (between the uninsulated portion of the aerial lift and the power line) may be reduced to the distance given in subsections (3) and (4) of this section.

(c) Employees standing on the ground shall not contact the vehicle or mechanical equipment or any of its attachments, unless:

(i) The employee is using protective equipment rated for the voltage; or

(ii) The equipment is located so that no uninsulated part of its structure (that portion of the structure that provides a conductive path to employees on the ground) can come closer to the line than permitted in this section.

(d) If any vehicle or mechanical equipment capable of having parts of its structure elevated near energized overhead lines is intentionally grounded, employees working on the ground near the point of grounding shall not stand at the grounding location whenever there is a possibility of overhead line contact. Additional precautions, such as the use of barricades or insulation, shall be taken to protect employees from hazardous ground potentials, depending on earth resistivity and fault currents, which can develop within the first few feet or more outward from the grounding point.

(9) Illumination.

(a) Employees shall not enter spaces containing exposed energized parts, unless illumination is provided that enables the employees to perform the work safely.

(b) Where lack of illumination or an obstruction precludes observation of the work to be performed, employees shall not perform tasks near exposed energized parts. Employees shall not reach blindly into areas which may contain energized parts.

(10) Confined or enclosed work spaces. When an employee works in a confined or enclosed space (such as a manhole or vault) that contains exposed energized parts, the employer shall provide, and the employee shall use, protective shields, protective barriers, or insulating materials as necessary to avoid inadvertent contact with these parts. Doors, hinged panels, and the like shall be secured to prevent their swinging into an employee and causing the employee to contact exposed energized parts.

(11) Conductive materials and equipment. Conductive materials and equipment that are in contact with any part of an employee's body shall be handled in a manner that will prevent them from contacting exposed energized conductors or circuit parts. If an employee must handle long dimensional conductive objects (such as ducts and pipes) in areas with exposed live parts, the employer shall institute work practices (such as the use of insulation, guarding, and material handling techniques) which will minimize the hazard.

(12) Portable ladders. Portable ladders shall have nonconductive siderails if they are used where the employee or the ladder could contact exposed energized parts.

(13) Conductive apparel. Conductive articles of jewelry and clothing (such as watch bands, bracelets, rings, key chains, necklaces, metalized aprons, cloth with conductive thread, or metal headgear) shall not be worn if they might contact exposed energized parts.

(14) Housekeeping duties.

(a) Where live parts present an electrical contact hazard, employees shall not perform housekeeping duties at such close distances to the parts that there is a possibility of contact, unless adequate safeguards (such as insulating equipment or barriers) are provided.

(b) Electrically conductive cleaning materials (including conductive solids such as steel wool, metalized cloth, and silicon carbide, as well as conductive liquid solutions) shall not be used in proximity to energized parts unless procedures are followed which will prevent electrical contact.

(15) Interlocks. Only a qualified person following the requirements of this section may defeat an electrical safety interlock, and then only temporarily while he or she is working on the equipment. The interlock system shall be returned to its operable condition when this work is completed.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-24-975 Selection and use of work practices. (1) General. Safety-related work practices shall be employed to prevent electric shock or other injuries resulting from either direct or indirect electrical contacts, when work is performed near or on equipment or circuits which are or may be energized. The specific safety-related work practices shall be consistent with the nature and extent of the associated electrical hazards.

(a) Deenergized parts. Live parts to which an employee may be exposed shall be deenergized before the employee works on or near them, unless the employer can demonstrate that deenergizing introduces additional or increased hazards or is infeasible due to equipment design or operational limitations. Live parts that operate at less than 50 volts to ground need not be deenergized if there will be no increased exposure to electrical burns or to explosion due to electric arcs.

Note 1: Examples of increased or additional hazards include interruption of life support equipment, deactivation of emergency alarm systems, shutdown of hazardous location ventilation equipment, or removal of illumination for an area.

Note 2: Examples of work that may be performed on or near energized circuit parts because of infeasibility due to equipment design or operational limitations include testing of electric circuits that can only be performed with the circuit energized and work on circuits that form an integral part of a continuous industrial process in a chemical plant that would otherwise need to be completely shut down in order to permit work on one circuit or piece of equipment.

Note 3: Work on or near deenergized parts is covered by subsection (2) of this section.

(b) Energized parts. If the exposed live parts are not deenergized (i.e., for reasons of increased or additional hazards or infeasibility), other safety-related work practices shall be used to protect employees who may be exposed to the electrical hazards involved. Such work practices shall protect employees against contact with energized circuit parts directly with any part of their body or indirectly through some other conductive object. The work practices that are used shall be suitable for the conditions under which the work is to be performed and for the voltage level of the exposed electric conductors or circuit parts. Specific work practice requirements are detailed in WAC 296-24-960.

(2) Working on or near exposed deenergized parts.

(a) Application. This subsection applies to work on exposed deenergized parts or near enough to them to expose the employee to any electrical hazard they present. Conductors and parts of electric equipment that have been deenergized but have not been locked out or tagged according to this subsection shall be treated as energized parts, and WAC 296-24-960 applies to work on or near them.

(b) Lockout and tagging. While any employee is exposed to contact with parts of fixed electric equipment or circuits which have been deenergized, the circuits energizing the parts shall be locked out or tagged or both according to the requirements of this section. The requirements shall be followed in the order in which they are presented (i.e., (b)(i) of this subsection first, then (b)(ii) of this subsection.

Note 1: As used in this section, fixed equipment refers to equipment fastened in place or connected by permanent wiring methods.

Note 2: Lockout and tagging procedures that comply with chapter 296-24 WAC Part A-4 will also be deemed to comply with (b) of this subsection provided that:

1. The procedures address the electrical safety hazards covered by this ~~((subpart))~~ part; and
2. The procedures also incorporate the requirements of (b)(iii)(D) and (b)(iv)(B) of this subsection.

(i) Procedures. The employer shall maintain a written copy of the procedures outlined in (b) of this subsection and shall make it available for inspection by employees and by the director and his or her authorized representatives.

Note: The written procedures may be in the form of a copy of subsection (2) of this section.

(ii) Deenergizing equipment.

(A) Safe procedures for deenergizing circuits and equipment shall be determined before circuits or equipment are deenergized.

(B) The circuits and equipment to be worked on shall be disconnected from all electric energy sources. Control circuit devices, such as push buttons, selector switches, and interlocks, shall not be used as the sole means for deenergizing circuits or equipment. Interlocks for electric equipment shall not be used as a substitute for lockout and tagging procedures.

(C) Stored electric energy which might endanger personnel shall be released. Capacitors shall be discharged and high capacitance elements shall be short-circuited and grounded, if the stored electric energy might endanger personnel.

Note: If the capacitors or associated equipment are handled in meeting this requirement, they shall be treated as energized.

(D) Stored nonelectrical energy in devices that could reenergize electric circuit parts shall be blocked or relieved to the extent that the circuit parts could not be accidentally energized by the device.

(iii) Application of locks and tags.

(A) A lock and a tag shall be placed on each disconnecting means used to deenergize circuits and equipment on which work is to be performed, except as provided in subitems (C) and (E) of this item. The lock shall be attached to prevent persons from operating the disconnecting means unless they resort to undue force or the use of tools.

(B) Each tag shall contain a statement prohibiting unauthorized operation of the disconnecting means and removal of the tag.

(C) If a lock cannot be applied, or if the employer can demonstrate that tagging procedures will provide a level of safety equivalent to that obtained by the use of a lock, a tag may be used without a lock.

(D) A tag used without a lock, as permitted by subitem (C) of this item, shall be supplemented by at least one additional safety measure that provides a level of safety equivalent to that obtained by the use of a lock. Examples of additional safety measures include the removal of an isolating circuit element, blocking of a controlling switch, or opening of an extra disconnecting device.

(E) A lock may be placed without a tag only under the following conditions:

(I) Only one circuit or piece of equipment is deenergized; and

(II) The lockout period does not extend beyond the work shift; and

(III) Employees exposed to the hazards associated with reenergizing the circuit or equipment are familiar with this procedure.

(iv) Verification of deenergized condition. The requirements of this ~~(paragraph)~~ subsection shall be met before any circuits or equipment can be considered and worked as deenergized.

(A) A qualified person shall operate the equipment operating controls or otherwise verify that the equipment cannot be restarted.

(B) A qualified person shall use test equipment to test the circuit elements and electrical parts of equipment to which employees will be exposed and shall verify that the circuit elements and equipment parts are deenergized. The test shall also determine if any energized condition exists as a result of inadvertently induced voltage or unrelated voltage backfeed even though specific parts of the circuit have been deenergized and presumed to be safe. If the circuit to be tested is over 600 volts, nominal, the test equipment shall be checked for proper operation immediately before and immediately after this test.

(v) Reenergizing equipment. These requirements shall be met, in the order given, before circuits or equipment are reenergized, even temporarily.

(A) A qualified person shall conduct tests and visual inspections, as necessary, to verify that all tools, electrical jumpers, shorts, grounds, and other such devices have been removed, so that the circuits and equipment can be safely energized.

(B) Employees exposed to the hazards associated with reenergizing the circuit or equipment shall be warned to stay clear of circuits and equipment.

(C) Each lock and tag shall be removed by the employee who applied it or under his or her direct supervision. However, if this employee is absent from the workplace, then the lock or tag may be removed by a qualified person designated to perform this task provided that:

(I) The employer ensures that the employee who applied the lock or tag is not available at the workplace; and

(II) The employer ensures that the employee is aware that the lock or tag has been removed before he or she resumes work at that workplace.

(D) There shall be a visual determination that all employees are clear of the circuits and equipment.

AMENDATORY SECTION (Amending Order 79-9, filed 7/31/79)

WAC 296-27-050 Supplementary record. In addition to the log and summary of occupational injuries and illnesses provided for under WAC 296-27-030, each employer shall have available for inspection at each establishment or other location as specified in WAC 296-27-020 within six working days after receiving information that a recordable case has occurred, a supplementary record for each occupational injury or illness for that establishment. The record shall be completed in the detail prescribed in the instructions accompanying Form OSHA No. 101. The department of labor and industries accident report Form ~~(LI-210-130)~~ F 242-130-000 may be used as an alternative to the Form OSHA 101. Other reports are acceptable alternative records if they contain the information required by Form OSHA No. 101. If no acceptable alternative record is maintained for other purposes, Form OSHA No. 101 shall be used for the necessary information or shall be otherwise maintained in a convenient form.

AMENDATORY SECTION (Amending Order 78-10, filed 6/28/78)

WAC 296-27-060 Annual summary. (1) Each employer shall post an annual summary of occupational injuries and illnesses for each establishment. This summary shall consist of a copy of the year's totals from the Form OSHA No. 200 and the following information from that form: Calendar year covered, company name, establishment name, establishment address, certification signature, title, and date. A Form OSHA No. 200 shall be used in presenting the summary. If no injuries or illnesses occurred in the year, zeros must be entered on the totals line, and the form must be posted.

(2) The summary shall be completed by February 1 ~~((beginning with the calendar year 1979))~~ each calendar year.

(3) Each employer, or the officer or employee of the employer who supervises the preparation of the log and summary of occupational injuries and illnesses, shall certify that the annual summary of occupational injuries and illnesses is true and complete. The certification shall be accomplished by affixing the signature of the employer, or the officer or employer who supervises the preparation of the annual summary of occupational injuries and illnesses, at the bottom of the last page of the log and summary, or by appending a separate statement to the log and summary certifying that the summary is true and complete.

(4)(a) Each employer shall post a copy of the establishment's summary in each establishment. The summary covering the previous calendar year shall be posted no later than February 1, and shall remain in place until March 1. For employees who do not primarily report or work at a single establishment, or who do not report to any fixed establishment on a regular basis, employers shall satisfy this posting requirement by presenting or mailing a copy of the summary portion of the log and summary during the month of February of the following year to each such

employee who receives pay during that month. For multi-establishment employers where operations have closed down in some establishments during the calendar year, it will not be necessary to post summaries for those establishments.

(b) A failure to post a copy of the establishment's summary, or otherwise satisfy the posting requirements as specified in this section, may result in the issuance of citations and assessments of penalties pursuant to RCW 49.17.120 and 49.17.180.

AMENDATORY SECTION (Amending Order 79-9, filed 7/31/79)

WAC 296-27-070 Retention of records. Records provided for in WAC 296-27-030, 296-27-050, and 296-27-060 including Form OSHA No. 200 (~~and its predecessor Forms WISHA No. 100 and WISHA No. 102~~) shall be retained in each establishment for five years following the end of the year to which they relate.

AMENDATORY SECTION (Amending Order 83-34, filed 11/30/83)

WAC 296-27-078 Private employers classified in standard industrial classification codes (SIC) 52 through 89, (except 52 through 54, 70, 75, 76, 79 and 80). A private employer whose establishment is classified in SIC's 52 through 89, (excluding 52 through 54, 70, 75, 76, 79 and 80) need not comply, for such establishment, with the recordkeeping requirements of this chapter except the following:

(1) Obligation to report under WAC 296-27-090 concerning fatalities or multiple hospitalization accidents.

(2) Obligation to maintain a log of occupational injuries and illnesses under WAC 296-27-140, upon being notified in writing by the Bureau of Labor Statistics that the employer has been selected to participate in a statistical survey of occupational injuries and illnesses.

(3) The requirements of this section shall become effective January 1, 1984.

AMENDATORY SECTION (Amending Order 79-9, filed 7/31/79)

WAC 296-27-080 Access to records. (1) Each employer shall provide upon request records provided for in WAC 296-27-030, 296-27-050, and 296-27-060, for inspection and copying by designated or authorized representatives of the department of labor and industries, compliance safety and health officers of the Occupational Safety and Health Administration, U.S. Department of Labor during any occupational safety and health inspection provided for under 29 CFR 1903 and section 8 of the Federal Occupational Safety and Health Act, by any representatives of the Bureau of Labor Statistics, U.S. Department of Labor, or by any representative of the Secretary of Health(~~Education and Welfare~~) and Human Services during any investigation under section 20(b) of the Federal Occupational Safety and Health Act.

(2)(a) The log and summary of all recordable occupational injuries and illnesses (OSHA No. 200) (the log) provided for in WAC 296-27-030 shall, upon request, be made available by the employer to any employee, former

employee, and to their representatives for examination and copying in a reasonable manner and at reasonable times. The employee, former employee, and their representatives shall have access to the log for any establishment in which the employee is or has been employed.

(b) Nothing in this section shall be deemed to preclude employees and employee representatives from collectively bargaining to obtain access to information relating to occupational injuries and illnesses in addition to the information made available under this section.

(c) Access to the log provided under this section shall pertain to all logs retained under the requirements of WAC 296-27-070.

AMENDATORY SECTION (Amending Order 86-02, filed 1/17/86)

WAC 296-27-090 Reporting of fatality or multiple hospitalization accidents. (1) Within twenty-four hours after the occurrence of an employment accident which results in an immediate or probable fatality to one or more employees, or which results in hospitalization of two or more employees, the employer of any employee so injured or killed shall report the accident either orally or in writing to the nearest office of the department. The reporting may be by telephone or telegraph. The reporting shall relate the circumstances of the accident, the number of fatalities, and the extent of any injuries. The director may require such additional reports, in writing or otherwise, as he/she deems necessary, concerning the accident.

(2) Equipment involved in an accident resulting in an immediate fatality or in the hospitalization of two or more employees shall not be moved until a representative of the division of (~~industrial safety and health~~) consultation and compliance investigates the accident and authorizes removal of such equipment, when removal of such equipment is necessary in order to prevent further accident or to remove the victim, such equipment may be moved as required.

AMENDATORY SECTION (Amending Order 74-22, filed 5/6/74)

WAC 296-27-110 Change of ownership. Where an establishment has changed ownership, the employer shall be responsible for maintaining records and filing reports only for that period of the year during which he/she owned such establishment. However, in the case of any change of ownership, the employer shall preserve those records, if any, of the prior ownership which are required to be kept under this chapter. These records shall be retained at each establishment to which they relate, for the period, or the remainder thereof, required under WAC 296-27-070.

AMENDATORY SECTION (Amending Order 78-10, filed 6/28/78)

WAC 296-27-120 Petitions for recordkeeping exceptions. (1)(a) In order to achieve a uniform, national system for the recordkeeping and reporting of occupational injuries and illnesses, the state of Washington and the United States Department of Labor have agreed that as applied to employers as defined by subsection 3(5) of the Occupational Safety and Health Act of 1970 (Public Law 91-596, 81

STAT 1950) the state shall not grant any variances or exceptions to the record keeping and reporting regulations of this chapter, with the exception of approval of forms to serve as the substitutes for OSHA 101 and OSHA 200 (see WAC 296-27-030 and 296-27-050), without prior approval of the bureau of labor statistics.

(b) Any public employer who wishes to maintain records in a manner different from that prescribed by this chapter may submit a petition containing the information specified in subsection (5) of this section to the director, Department of Labor and Industries, (~~General Administration Building~~) P.O. Box 44000, Olympia, Washington 98504(~~(F-3)~~)-4000.

(2) All petitions for authorization to maintain records in a manner different than that required by this chapter shall be submitted to the director or directly to the bureau of labor statistics. The director, upon receipt of a petition submitted pursuant to the provisions of subsection (3) of this section, shall immediately forward copies of same to appropriate officials of the bureau of labor statistics. Should said federal officials inform the director of their belief in the desirability or necessity of additional notice or conferences pursuant to provisions of subsection (7) of this section, the director shall provide or cause to be provided such additional notice and/or afford an opportunity for interested parties for informal conferences or hearings concerning the petition. For the purposes of this section, the occupational safety and health administration and the bureau of labor statistics shall be considered interested parties.

The bureau of labor statistics shall be afforded the opportunity to review the petition and any comments submitted in regard thereto. The director shall not grant the petition prior to a finding by the said federal agency that the alternative procedure proposed will not hamper or interfere with the purposes of the Occupational Safety and Health Act of 1970.

(3) Submission of petition. Any employer, who for good cause wishes to maintain records in a manner different from that required by this chapter, may submit a petition containing the information specified in subsection (5) of this section to the director.

(4) Opportunity for comment. Affected employees, or their representatives shall have an opportunity to submit written data, views, or arguments concerning the petition to the director within ten working days following the receipt of notice under subdivision (5)(e) of this section.

(5) Contents of petition. A petition filed under subsection (3) of this section shall include:

- (a) The name and address of the applicant;
- (b) The address of the place or places (establishment or establishments) of the employment involved;
- (c) Specifications of the reasons for seeking relief;
- (d) A description of the different recordkeeping procedures which are proposed by the applicant;
- (e) A statement that:

(i) The applicant has informed his/her affected employees of the petition by giving a copy thereof to them or to their authorized representative, posting a statement giving a summary of the petition and specifying where a copy of the petition may be obtained, at the place or places where notices to employees are normally posted, and by other appropriate means. A statement posted pursuant to these

provisions shall be posted in each establishment identified in WAC (~~(296-27-120(4)(b))~~) 296-27-020(8).

(ii) The applicant has in the same manner informed affected employees and their representatives of their rights under subsection (3) of this section.

(6) Additional notice - conferences.

(a) In addition to the actual notice provided for in subdivision (5)(e) of this section, the director may provide, or cause to be provided, such additional notice of the petition as he/she may deem appropriate.

(b) The director may also afford an opportunity to interested parties for informational conferences or hearings concerning the petition.

(7) After review of the petition, and any comments submitted in regard thereto, and upon completion of any necessary appropriate investigation concerning the petition, if the director finds that the alternative procedure proposed will not hamper or interfere with the purposes of the act, and will provide equivalent information, he/she may grant the petition subject to such conditions as he/she may determine appropriate, subject to the provisions of WAC (~~(296-200-120)~~) 296-27-120(2), and subject to revocation for cause.

(8) Publication. When any relief is granted to an applicant under this chapter, notice of such relief, and the reasons therefor, may be published in the federal register.

(9) Revocation. Whenever any relief under this section is sought to be revoked for any failure to comply with the conditions thereof, an opportunity for informal hearing or conference shall be afforded to the employers and effected employees, or their representatives, and other interested parties. Except in cases of willfulness or where public safety or health requires otherwise, before the commencement of any such informal proceeding, the employer shall:

- (a) Be notified in writing of the facts of conduct which may warrant the action and,
- (b) Be given an opportunity to demonstrate or achieve compliance.

(10) Compliance after submission of petitions. The submission of a petition or any delay by the director in acting upon a petition shall not relieve any employer from any obligation to comply with the provisions of this chapter.

(11) The director shall honor exceptions to the provisions of 29 CFR 1904 - RECORDING AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES, granted by the bureau of labor statistics to companies having establishments in states other than Washington, when such exceptions apply to the establishments within this state.

(12) There shall be consultation between the appropriate representatives of the department, the occupational safety and health administration, and the bureau of labor statistics in order to enjoy the effective implementation of this chapter.

AMENDATORY SECTION (Amending Order 78-10, filed 6/28/78)

WAC 296-27-140 Duties of employers—Statistical program. Upon receipt of an occupational injuries and illnesses survey form, (~~Form OSHA No. 200-S~~) supplied by the department of labor and industries in conjunction with the Bureau of Labor Statistics, the employer shall promptly complete the form in accordance with the instructions

contained therein and return it in accordance with the aforesaid instructions.

AMENDATORY SECTION (Amending Order 88-11, filed 7/6/88)

WAC 296-27-15501 Division of ~~((industrial safety and health))~~ consultation and compliance, public records. Requests for inspection or copies of records and documents in the custody of the ~~((division of industrial safety and health))~~ department should be made to the ~~((division's))~~ department's designated records officer. The ~~((division's))~~ department's records are maintained at ~~((805 Plum Street Southeast,))~~ 7273 Linderson Way, SW, Tumwater, WA P.O. Box ~~((207))~~ 44632, Olympia, WA 98504-4632. General information can be obtained at service locations and field offices throughout the state.

AMENDATORY SECTION (Amending Order 86-02, filed 1/17/86)

WAC 296-27-15503 Confidential reports within the department's files. Whenever a ~~((divisional))~~ departmental file contains any report or information from an independent source that has requested that the information contained in the department's file be protected as confidential, such information will not be released without court order. When such information is withheld the records officer shall clearly identify which information has been withheld and the information's source.

AMENDATORY SECTION (Amending Order 86-02, filed 1/17/86)

WAC 296-27-15505 Accident investigation reports. Results of accident investigations and related reports are confidential and will not be freely released by the department, see RCW 49.17.260.

Accident investigation reports will be made available without the need of a court order only to the following:

- (1) Employees of governmental agencies in the performance of their official duties;
- (2) The injured worker, his/her legal representative, or his/her labor organization representative;
- (3) The legal representative or labor organization representative of a deceased worker, including any beneficiary of a deceased worker actually receiving benefits under the terms of Title 51 RCW, the Industrial Insurance Act. The records officer may provide accident investigation reports to the closest surviving member of the deceased worker's immediate family;
- (4) The employer of any injured or deceased ~~((workman))~~ worker;
- (5) Any other employer or person whose actions or business operations are the subject of the report or investigation; or
- (6) Any attorney representing a party in any pending legal action in which an investigative report constitutes material and relevant evidence.

AMENDATORY SECTION (Amending Order 86-48, filed 1/12/87)

WAC 296-27-16020 Inspection selection, scheduling criteria, and limit on number of inspections. (1) Inspection selection criteria.

(a) WISHA's priority system for inspection scheduling is intended to distribute available resources as efficiently as possible to ensure that the maximum protection is effectively provided to the working men and women of this state.

(b) The assistant director of the ~~((industrial safety and health))~~ consultation and compliance division shall ensure that inspections are scheduled within the framework of this chapter and are consistent with the objectives of chapter 49.17 RCW, the Washington Industrial Safety and Health Act of 1973, as currently amended, or as amended in the future.

(c) The assistant director shall not permit more than two scheduled comprehensive inspections at the same fixed site location of an individual employer within any period of twelve consecutive months.

(2) Employer contacts. Employer requests for information or voluntary compliance services will not initiate compliance inspection.

(a) Such employer requests shall not protect the establishment from compliance inspections conducted pursuant to the guidelines established by this chapter.

(b) If an employer or their representative indicates that an imminent danger exists or that a fatality or catastrophe has occurred, the assistant director shall ensure that action is taken in accordance with the inspection priority procedures established by this chapter.

AMENDATORY SECTION (Amending Order 76-38, filed 12/30/76)

WAC 296-32-210 Definitions. (1) The terms used in these standards shall be interpreted in the most commonly accepted sense consistent with the communications industry. The words "shall" and "must," are used to indicate the provisions which are mandatory.

(2) "Aerial lifts." Aerial lifts include the following types of vehicle-mounted aerial devices used to elevate personnel to jobsites above ground:

- (a) Extensible boom platforms,
- (b) Aerial ladders,
- (c) Articulating boom platforms,
- (d) Vertical towers,
- (e) A combination of any of the above defined in ANSI A92.2-1969. These devices are made of metal, wood, fiberglass, reinforced plastic (FRP), or other material; are powered or manually operated and are deemed to be aerial lifts whether or not they are capable of rotating above a substantially vertical axis.

(3) "Aerial splicing platform." This consists of a platform, approximately 3 feet x 4 feet, used to perform aerial cable work. It is furnished with fiber or synthetic ropes for supporting the platform from aerial strand, detachable guy ropes for anchoring it, and a device for raising and lowering it with a handline.

(4) "Aerial tent." A small tent usually constructed of vinyl coated canvas which is usually supported by light metal or plastic tubing. It is designed to protect employees

in inclement weather while working on ladders, aerial splicing platforms, or aerial devices.

(5) "Alive or live (energized)." Electrically connected to a source of potential difference, or electrically charged so as to have a potential significantly different from that of the earth in the vicinity. The term "live" is sometimes used in the place of the term "current-carrying," where the intent is clear, to avoid repetition of the longer term.

(6) "Barricade." A physical obstruction such as tapes, cones, or "A" frame type wood and/or metal structure intended to warn and limit access to a work area.

(7) "Barrier." A physical obstruction which is intended to prevent contact with energized lines or equipment, or to prevent unauthorized access to work area.

(8) "Bond." An electrical connection from one conductive element to another for the purpose of minimizing potential differences or providing suitable conductivity for fault current or for mitigation of leakage current and electrolytic action.

(9) "Cable." A conductor with insulation, or a stranded conductor with or without insulation and other coverings (single-conductor cable), or a combination of conductors insulated from one another (multiple-conductor cable).

(10) "Cable sheath." A protective covering applied to cables.

Note: A cable sheath may consist of multiple layers of which one or more is conductive.

(11) "Circuit." A conductor or system of conductors through which an electric current is intended to flow.

(12) "Clearance."

(a) The certification by the proper authority that a specified line or piece of equipment is de-energized; that the proper precautionary measures have been taken and that the line or equipment is being turned over to the workers.

(b) Separation or protection by the use of protective devices to prevent accidental contact by persons or objects on approach to a point of danger.

(13) "Climbing space." The vertical space reserved along the side of poles or structures to permit ready access for ~~((linemen))~~ lineworkers to equipment and conductors located on poles or structures.

(14) "Communication lines." The conductors and their supporting or containing structures for telephone, telegraph, railroad signal, data, clock, fire, police-alarm, community television antenna and other systems which are used for public or private signal or communication service, and which operate at potentials not exceeding 400 volts to ground or 750 volts between any two points of the circuit, and the transmitted power of which does not exceed 150 watts. When communications lines operate at less than 150 volts to ground, no limit is placed on the capacity of the system. Specifically designed communications cables may include communication circuits not complying with the preceding limitations, where such circuits are also used incidentally to supply power to communication equipment.

(15) "Communication plant." The conductors and their associated equipment required to provide public or private signals or communicative service.

(16) "Competent or qualified person." A person who is familiar with the construction of, or operation of, such lines and/or equipment that concerns ~~((his))~~ their position and who

is fully aware of the hazards connected therewith OR one who has passed a journeyman's examination for the particular branch of the trades with which ~~((he))~~ they may be connected. In case of dispute, competency shall be established by a committee appointed by the director or assistant director of the ~~((division of industrial safety and health))~~ department of labor and industries consisting of representatives of all interested parties.

(17) "Conductor." A material, usually in the form of a wire, cable, or bus bar, suitable for carrying an electric current.

(18) "Effectively grounded." Intentionally connected to earth through a ground connection or connections of sufficiently low impedance and having sufficient current-carrying capacity to prevent the build-up of voltages which may result in undue hazard to connected equipment or to persons.

(19) "Emergency." When an unusual condition exists that endangers life and/or property.

(20) "Energized." Electrically connected to a source of potential difference or electrically charged so as to have a potential different from that of the earth or different from that of adjacent conductors or equipment. For the purpose of these rules, potential differences less than 100 volts shall not apply. This definition does not include communication lines of less than 300 volts.

(21) "Equipment." A general term which includes materials, fittings, devices, appliances, fixtures, apparatus, and similar items used as part of, or in connection with, a supply or communications installation.

(22) "~~((Foreman))~~ Crewleader or ~~((man))~~ person-in-charge." That person directly in charge of workers doing the work regardless of title.

(23) "Ground (reference)." That conductive body usually earth, to which an electric potential is referenced.

(24) "Ground (as a noun)." A conductive connection, whether intentional or accidental, by which an electric circuit or equipment is connected to reference ground.

(25) "Ground (as a verb)." The connecting or establishment of a connection, whether by intention or accident, of an electric circuit or equipment to reference ground.

(26) "Grounding." The act of placing shorts and grounds on conductors and equipment for the purpose of protecting workers from dangerous voltages while working on such lines or equipment.

(27) "Ground tent." A small tent usually constructed of vinyl coated canvas supported by a metal or plastic frame. Its purpose is to protect employees from inclement weather while working at buried cable pedestal sites or similar locations.

(28) "Grounded conductor." A system or circuit conductor which is intentionally grounded.

(29) "Grounded systems." A system of conductors in which at least one conductor or point (usually the middle wire, or the neutral point of transformer or generator windings) is intentionally grounded, either solidly or through a current-limiting device (not a current-interrupting device).

(30) "Grounding electrode conductor (grounding conductor)." A conductor used to connect equipment or the grounded circuit of a wiring system to a grounding electrode.

(31) "Guard or guarded." Covered, shielded, fenced, enclosed, or otherwise protected by means of suitable covers, casings, barriers, rails, screens, mats, platforms, or warning

signs or devices to remove the possibility of dangerous contact on approach by other persons or objects to a point of danger.

(32) "Insulated." Separated from other conducting surfaces by a dielectric substance (including air space) offering a high resistance to the passage of current.

Note: When any object is said to be insulated, it is understood to be insulated in suitable manner for the conditions to which it is subjected. Otherwise, it is, within the purpose of these standards, uninsulated. Insulating coverings of conductors is one means of making the conductor insulated.

(33) "Insulation (as applied to cable)." That which is relied upon to insulate the conductor from other conductors or conducting parts or from ground.

(34) "Joint use." The sharing of a common facility, such as a manhole, trench or pole, by two or more different kinds of utilities, (e.g., power and telecommunications).

(35) "Ladder platform." A device designed to facilitate working aloft from an extension ladder. A typical device consists of a platform (approximately 9" x 18") hinged to a welded pipe frame. The rear edge of the platform and the bottom crossmember of the frame are equipped with latches to lock the platform to ladder rungs.

(36) "Ladder seat." A removable seat used to facilitate work at an elevated position on rolling ladders in telecommunication centers.

(37) "Manhole." A subsurface enclosure which personnel may enter and which is used for the purpose of installing, operating, and maintaining submersible equipment and/or cable.

(38) "Manhole platform." A platform consisting of separate planks which are laid across steel platform supports. The ends of the supports are engaged in the manhole cable racks.

(39) "Manlift equipment." Such types of portable truck-mounted equipment as mechanical, electric or hydraulic ladders and boom-mounted buckets or cages.

(40) "Microwave transmission." The act of communicating or signaling utilizing a frequency between 1 GHz_z (gigahertz) and 300 GHz_z inclusively.

(41) "Nominal voltage." The nominal voltage of a system or circuit is the value assigned to a system or circuit of a given voltage class for the purpose of convenient designation. The actual voltage may vary above or below this value.

(42) "Pole balcony or seat." A balcony or seat used as a support for workers at pole-mounted equipment or terminal boxes. A typical device consists of a bolted assembly of steel details and a wooden platform. Steel braces run from the pole to the underside of the balcony. A guard rail (approximately 30" high) may be provided.

(43) "Pole platform." A platform intended for use by a worker in splicing and maintenance operations in an elevated position adjacent to a pole. It consists of a platform equipped at one end with a hinged chain binder for securing the platform to a pole. A brace from the pole to the underside of the platform is also provided.

(44) "Protection from hazardous voltage." The isolation from or de-energizing of equipment to prevent accidental contact by persons or objects on approach to point of danger.

(45) "Protective devices." Those devices such as rubber gloves, rubber blankets, line hose, rubber hoods or other

insulating devices, which are specially designed for the protection of workers.

(46) "Public highway." Every way, land, road, street, boulevard, and every way or place in the state open as matter of right to public vehicular travel, both inside and outside the limit of cities and towns.

(47) "Qualified employee." Any worker who by reason of ~~((his))~~ their training and experience has demonstrated ~~((his))~~ an ability to safely perform ~~((his))~~ their duties.

(48) "Qualified line-clearance tree trimmer." A tree worker who through related training and on-the-job experience is familiar with the special techniques and hazards involved in line clearance.

(49) "Qualified line-clearance tree-trimmer trainee." Any worker regularly assigned to a line-clearance tree-trimming crew and undergoing on-the-job training who, in the course of such training, has demonstrated ~~((his))~~ their ability to perform ~~((his))~~ their duties safely at ~~((his))~~ their level of training.

(50) "Sheath." As applied to sharp tools that effectively covers the tool.

(51) "System operator/owner." The person or organization that operates or controls the electrical conductors involved.

(52) "Telecommunications center." An installation of communication equipment under the exclusive control of an organization providing telecommunications service, that is located outdoors or in a vault, chamber, or a building space used primarily for such installations.

Note: Telecommunication centers are facilities established, equipped and arranged in accordance with engineered plans for the purpose of providing telecommunications service. They may be located on premises owned or leased by the organization providing telecommunication service, or on the premises owned or leased by others. This definition includes switch rooms (whether electromechanical, electronic, or computer controlled), terminal rooms, power rooms, repeater rooms, transmitter and receiver rooms, switchboard operating rooms, cable vaults, and miscellaneous communications equipment rooms. Simulation rooms of telecommunication centers for training or developmental purposes are also included.

(53) "Telecommunications derricks." Rotating or nonrotating derrick structures permanently mounted on vehicles for the purpose of lifting, lowering, or positioning hardware and materials used in telecommunications work.

(54) "Telecommunication line truck." A truck used to transport ~~((men))~~ workers, tools, and material, and to serve as a traveling workshop for telecommunication installation and maintenance work. It is sometimes equipped with a boom and auxiliary equipment for setting poles, digging holes, and elevating material or workers.

(55) "Telecommunication service." The furnishing of a capability to signal or communicate at a distance by means such as telephone, telegraph, police and fire-alarm, community antenna television, or similar system, using wire, conventional cable, coaxial cable, wave guides, microwave transmission, or other similar means.

(56) "Unvented vault." An enclosed vault in which the only openings are access openings.

(57) "Vault." An enclosure above or below ground which personnel may enter, and which is used for the purpose of installing, operating, and/or maintaining equipment and/or cable which need not be of submersible design.

(58) "Vented vault." An enclosure as described in subsection (57) of this section, with provision for air changes using exhaust flue stack(s) and low level air intake(s), operating on differentials of pressure and temperature providing for air flow.

(59) "Voltage communications." Voltage used for electronic communications equipment to which workers or protective equipment may be subjected.

(a) *High* means over 600 volts to ground—RMS AC or DC or over 1,000 volts RMS across bare parts.

(b) *Medium high* means 151 to 600 volts to ground—RMS AC or DC or 301 to 1,000 volts RMS AC across any bare parts.

(60) "Voltage electric supply." The maximum effective line voltage to which the workers or protective equipment may be subjected.

(a) *Low* includes voltages from 100 to 750 volts.

(b) *High* means those voltages in excess of 750 volts.

(61) "Voltage of an effectively grounded circuit." The voltage between any conductor and ground unless otherwise indicated.

(62) "Voltage of a circuit not effectively grounded." The voltage between any two conductors. If one circuit is directly connected to and supplied from another circuit of higher voltage (as in the case of an autotransformer), both are considered as of the higher voltage, unless the circuit of lower voltage is effectively grounded, in which case its voltage is not determined by the circuit of higher voltage. Direct connection implies electric connection as distinguished from connection merely through electromagnetic or electrostatic induction.

AMENDATORY SECTION (Amending Order 76-38, filed 12/30/76)

WAC 296-32-220 General. (1) Buildings containing telecommunications centers.

(a) *Illumination.* Lighting in telecommunication centers shall be provided in an amount such that continuing work operations, routine observations, and the passage of employees can be carried out in a safe and healthful manner.

(b) Specific tasks in centers, such as splicing cable and the maintenance and repair of equipment frame lineups, the employer shall install permanent lighting or portable supplemental lighting to attain a higher level of illumination.

(c) Refer to WAC 296-62-09003 (general occupational health standards) which shall apply as minimum standards of illumination for industrial interiors.

(d) *Illumination of field work.* Whenever natural light is insufficient to illuminate the worksite, artificial illumination shall be provided to enable the employee to perform the work safely.

(2) *Working surfaces.*

(a) Working surfaces shall be in conformance with the latest edition of the general safety and health standard WAC 296-24-735 through 296-24-76523.

(b) Guard rails and toe boards may be omitted on distribution frame mezzanine platforms to permit access to equipment. This exemption applies only on the side or sides of the platform facing the frames and only on those portions of the platform adjacent to equipped frames.

(3) *Working spaces.*

(a) Space shall be provided for access to all medium high and high voltage equipment.

(b) Every structure, new or old, designed for human occupancy shall be provided with exits to permit the prompt escape of occupants in case of fire or other emergency. The means of egress shall be a continuous and unobstructed way of exit travel from any point in a building or structure to a public way and consist of three separate and distinct parts; the way of exit access, the exit and the way of exit discharge. A means of egress comprises the vertical and horizontal ways of travel and shall include intervening room spaces, doorways, hallways, corridors, passageways, balconies, ramps, stairs, enclosures, lobbies, escalators, horizontal exits, courts and yards.

(c) "Maintenance aisles," or "wiring aisles," between equipment frame lineups are working spaces and are not a means of egress for purposes of WAC 296-24-550((++)).

(4) *Special doors.*

(a) When blastproof or power actuated doors are installed in specially designed hardsite security buildings and spaces, they shall be designed and installed so that they can be used as a means of egress in emergencies.

(b) When high voltage apparatus is isolated in a supplementary enclosure, interlocks shall be provided on all access doors. Warning signs shall be provided, which are visible both when the guard or cover is in place or removed.

(5) *Equipment, machinery and machine guarding.*

(a) When power plant machinery in telecommunications centers is operated with commutators and couplings uncovered, the adjacent housing shall be clearly marked to alert personnel to the rotating machinery.

(b) All power switches on power panels shall be in an open position when they are not controlling an operating circuit. Before opening any power circuit, the load shall be reduced. "Men working" signs, or similar wording shall be placed on switches associated with motors or generators under repair.

(c) When working on the brushes of a machine in operation, employees shall use care not to break a circuit. When it is necessary to remove a brush from the holder, the machine shall be shut down.

(d) Only fuse pullers specifically designed for that purpose shall be used when replacing cartridge type fuses.

(6) *Battery handling.*

(a) Eye protection devices which provide side as well as frontal eye protection for employees shall be provided when measuring storage battery specific gravity or handling electrolyte, and the employer shall ensure that such devices are used by the employees.

(b) The employer shall also ensure that acid resistant gloves and aprons shall be worn for protection against spattering.

(c) Facilities for quick drenching or flushing of the eyes and body shall be provided unless the storage batteries are of the enclosed type and equipped with explosion proof vents, in which case sealed water rinse or neutralizing packs may be substituted for the quick drenching or flushing facilities.

(d) Employees assigned to work with storage batteries shall be instructed in emergency procedures such as dealing with accidental acid spills.

(e) Electrolyte (acid or base, and distilled water) for battery cells shall be mixed in a well ventilated room. Acid or base shall be poured gradually, while stirring, into the water. Water shall never be poured into concentrated (greater than 75 percent) acid solutions. Electrolyte shall never be placed in metal containers nor stirred with metal objects.

(f) When taking specific gravity readings, the open end of the hydrometer shall be covered with an acid resistant material while moving it from cell to cell to avoid splashing or throwing the electrolyte.

(g) Ventilation, shall be provided to ensure diffusion of the gasses from the battery to prevent the accumulation of an explosive type mixture.

(h) Racks and trays shall be substantial and treated to be resistant to the electrolyte.

(i) Floors shall be of acid resistant construction or be protected from acid accumulation.

(7) Hazardous materials.

(a) Highway mobile vehicles and trailers stored in garages in accordance with WAC 296-24-47513 (4)(b) may be equipped to carry more than one LP-gas container, but the total capacity of LP-gas containers per work vehicle stored in garages shall not exceed 100 pounds of LP-gas.

(b) All container valves shall be closed when not in use.

(8) Compressed gas.

(a) When using or transporting nitrogen cylinders, special compartments, racks, or blocking shall be provided to prevent cylinder movement.

(b) Regulators shall be removed or guarded before a cylinder is transported.

(9) Support structures.

(a) No employee, or any material or equipment, shall be supported or permitted to be supported on any portion of a pole structure, platform, ladder, walkway or other elevated structure or aerial device unless the employer ensures that the support structure is first inspected by a competent person and it is determined to be strong, in good working condition and properly secured in place.

(b) ~~((Workmen))~~ Workers shall not throw anything from pole to ground, from pole to pole or from ground to pole.

(10) Power exposures.

(a) The employer shall ensure that no employee approaches or takes any conductive object closer to any electrically energized overhead power lines and parts than prescribed in Table 1 unless:

(i) The employee is insulated or guarded from the energized parts (insulating gloves rated for the voltage involved shall be considered adequate insulation), or

(ii) The energized parts are insulated or guarded from the employee and any other conductive object at a different potential, or

(iii) The power conductors and equipment are deenergized and grounded.

(b) While handling communication wires, metal sheaths, or communication equipment, contact shall be avoided with street lamp brackets, trolley span wires, power guys, transformer cases and any other power equipment that may be energized. The safest possible working position shall be assumed before starting work.

(c) Communication employees shall never work in the pole space on jointly used poles between normal primary and secondary attachments.

(d) Where a hazard of a power contact exists, due to use of long handled tools, proper rubber equipment shall be used.

TABLE 1
APPROACH DISTANCES TO EXPOSED ENERGIZED OVERHEAD POWER LINES AND PARTS

Voltage Range (phase to phase, RMS)	Approach Distance (inches)
300 V and less	(1)
Over 300 V, not over 750 V	12
Over 750 V not over 2 kV	18
Over 2 kV, not over 15 kV	24
Over 15 kV, not over 37 kV	36
Over 37 kV, not over 87.5 kV	42
Over 87.5 kV, not over 121 kV	48
Over 121 kV, not over 140 kV	54

(1) Avoid contact.

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-32-230 Training. (1) Employers shall provide training in the various precautions and safe practices described in this section and shall insure that employees do not engage in the activities to which this chapter applies until such employees have received proper training in the various precautions and safe practices required by this section. However, where the employer can demonstrate that an employee is already trained in the precautions and safe practices required by this section prior to ~~((his))~~ their employment, training need not be provided to that employee in accordance with this section.

(2) Where training is required, it shall consist of on-the-job training or classroom-type training or a combination of both.

(3) The training program shall include a list of the subject courses and the types of personnel required to receive such instruction. A written description of the training program and a record of employees who have received such training shall be maintained for the duration of the employee's employment and shall be made available upon request to the ~~((assistant))~~ director of ~~((industrial safety and health))~~ the department of labor and industries, or his/her authorized representative.

(4) Such training shall, where appropriate, include the following subjects:

(a) Recognition and avoidance of dangers relating to encounters with harmful substances, and animal, insect, or plant life.

(b) Procedures to be followed in emergency situations, and

(c) First aid training, including instruction in artificial respiration.

(5) It shall be the responsibility of the employer to hold monthly safety meetings at practical points throughout the operation and insist upon employees attending said meetings. Minutes shall be kept of each safety meeting and retained for a period of one year.

(6) It shall be the responsibility of management to develop and maintain a hazard communication program as required by ~~((WAC 296-62-054 through 296-62-05427))~~ chapter 296-62 WAC, Part C which will provide information to all employees relative to hazardous chemicals or substances to which they are exposed, or may become exposed, in the course of their employment.

AMENDATORY SECTION (Amending Order 76-38, filed 12/30/76)

WAC 296-32-270 Personal climbing equipment. (1) General. Safety belts and straps shall be provided and the employer shall ensure their use when work is performed at positions more than 4 feet above ground, on poles, and on towers, except as provided in WAC 296-32-340 (7)(8) of this chapter. No safety belts, safety straps or lanyards acquired after January 1, 1976, may be used unless they meet the tests set forth in chapter 296-45 WAC. The employer shall ensure that all safety belts and straps are inspected by a competent person prior to each day's use to determine that they are in safe working condition.

(2) Telecommunication lineman's body belts, safety straps and lanyards~~((--))~~, ~~((+))~~ general requirements. ~~((+))~~ Hardware for lineman's body belts, safety straps and lanyards shall be drop forged or pressed steel and shall have a corrosion resistant finish tested to meet the requirements of the American Society for Testing and Materials B117-64 (50-hour test).

Exception: Lineman's body belts shall be at least four inches in width.

(3) Pole climbers.

(a) Pole climbers may not be used if the gaffs are less than 1-1/4 inches in length as measured on the underside of the gaff.

~~((+))~~ (b) The gaffs of pole climbers shall be covered with safety caps when not being used for their intended use.

~~((b))~~ (c) The employer shall ensure that pole climbers are inspected by a competent person for the following conditions: Fractured or cracked gaffs or leg irons, loose or dull gaffs, broken straps or buckles. If any of these conditions exist, the defect shall be corrected before the climbers are used.

~~((e))~~ (d) Pole climbers shall be inspected as required in this subsection before each day's use and a gaff cut-out test performed at least weekly when in use.

~~((e))~~ (e) Pole climbers shall not be worn when:

(i) Working in trees (specifically designed tree climbers shall be used for tree climbing),

(ii) Working on ladders,

(iii) Working in an aerial lift,

(iv) Driving a vehicle,

(v) Walking on rocky, hard, frozen, brushy or hilly terrain.

AMENDATORY SECTION (Amending Order 76-38, filed 12/30/76)

WAC 296-32-280 Ladders. (1) The employer shall ensure that no employee nor any material or equipment shall be supported or permitted to be supported on any portion of a ladder unless it is first determined, by inspections and

checks conducted by a competent person that such ladder is free of defects, in good condition and secured in place.

(2) The spacing between steps or rungs permanently installed on poles and towers shall be no more than 18 inches (36 inches on any one side). This requirement also applies to fixed ladders on towers, when towers are so equipped. Spacing between steps shall be uniform above the initial unstepped section, except where working, standing, or access steps are required. Fixed ladder rungs and step rungs for poles and towers shall have a minimum diameter of 5/8 inch. Fixed ladder rungs shall have a minimum clear width of 12 inches. Steps for poles and towers shall have a minimum clear width of 4-1/2 inches. The spacing between detachable steps may not exceed 30 inches on any one side, and these steps shall be secured when in use.

(3) After October 31, 1975, portable wood ladders intended for general use shall not be painted but may be coated with a translucent nonconductive coating. Portable wood ladders shall not be longitudinally reinforced with metal.

(4) Portable wood ladders that are not being carried on vehicles and are not in active use shall be stored where they will not be exposed to the elements and where there is good ventilation.

(5) Rolling ladders.

(a) Rolling ladders used in telecommunication centers shall have a width between the side rails, inside to inside, of at least 12 inches.

~~((+))~~ (b) Except in working spaces that are not a means of egress, the ladders shall have a minimum inside width, between the side rails, of at least eight inches.

(6) Climbing ladders or stairways on scaffolds used for access and egress shall be affixed or built into the scaffold by proper design and engineering, and shall be so located that their use will not disturb the stability of the scaffold. The rungs of the climbing device shall be equally spaced, but may not be less than 12 inches nominal nor more than 16 inches nominal apart. Horizontal end rungs used for platform support may also be utilized as a climbing device if such rungs meet the spacing requirement of this subsection, and if clearance between the rung and the edge of the platform is sufficient to afford a secure handhold. If a portable ladder is affixed to the scaffold, it shall be securely attached and shall have rungs meeting the spacing requirements of this subsection. Clearance shall be provided in the back of the ladder of not less than 6 inches from center of rung to the nearest scaffold structural member.

(7) When a ladder is supported by an aerial strand, and ladder hooks or other supports are not being used, the ladder shall be extended at least 2 feet above the strand and shall be secured to it (e.g. lashed or held by a safety strap around the strand and ladder side rail). When a ladder is supported by a pole, it shall be securely lashed to the pole unless the ladder is specifically designed to prevent movement when used in this application.

(8) Portable wood straight ladders, when in use, shall be equipped with safety shoes.

(9) Ladders shall be inspected by a competent person prior to each use. Ladders which have developed defects shall be withdrawn from service for repair or destruction and tagged or marked as "dangerous do not use."

AMENDATORY SECTION (Amending Order 76-38, filed 12/30/76)

WAC 296-32-290 Vehicle-mounted material handling devices and other mechanical equipment. (1) General.

(a) The employer shall ensure that visual inspections are made of the equipment by a competent person each day the equipment is to be used to ascertain that it is in good condition.

(b) The employer shall ensure that tests shall be made at the beginning of each shift by a competent person to insure the vehicle brakes and operating systems are in proper working condition.

(2) Scrapers, loaders, dozers, graders and tractors.

~~((a))~~ All mobile, self-propelled scrapers, mobile front end loaders, mobile dozers, agricultural and industrial tractors, crawler tractors, crawler-type loaders, and motor graders, with or without attachments, that are used in telecommunications work shall have rollover protective structures that meet the requirements of WAC 296-155-950 through 296-155-965.

(3) Aerial manlift equipment.

(a) These devices shall not be operated with any conductive part of the equipment closer to exposed energized power lines than the clearances set forth in Table 1 of this chapter.

(b) Only qualified drivers shall be permitted to operate aerial manlift equipment and shall possess a current motor vehicle operator's license.

(c) When performing work from aerial manlift equipment, the ~~((workman))~~ worker shall wear a safety belt attached to the boom.

(d) When any aerial manlift equipment is parked at the jobsite, the brakes shall be set. Wheel chocks shall be used to prevent uncontrolled movement. If equipped with outriggers, the outriggers shall be implanted on firm footing.

(e) Manufacturer's recommended maximum load limit shall be posted near each set of controls, kept in legible condition and the maximum load limit shall not be exceeded.

(f) Flashing warning lights shall be installed and maintained on all aerial manlift equipment used on public thoroughfares.

(4)(a) The operation of all motor vehicles and trailers shall be in conformance with the motor vehicle laws, the general safety and health standards of the state of Washington and all local traffic ordinances.

(b) When it is necessary for the worker to work in the bucket at an elevated position with the vehicle in motion, there shall be direct communication between the worker and the vehicle operator.

(5) Derrick trucks and similar equipment.

(a) This equipment shall not be operated with any conductive part of the equipment closer to exposed energized power lines than the clearances set forth in Table 1 of this chapter.

(b) When derricks are used to handle poles near energized power conductors, these operations shall comply with the requirements contained in WAC 296-32-220(10) and 296-32-330(11) of this chapter.

(c) Moving parts of equipment and machinery carried on or mounted on telecommunications line trucks shall be

guarded. This may be done with barricades as specified in WAC 296-32-240(2) of this chapter.

(d) Derricks and the operation of derricks shall comply with the following requirements:

(i) Manufacturer's specifications, load ratings and instructions for derrick operation shall be strictly observed.

(ii) Rated load capacities and instructions related to derrick operation shall be conspicuously posted on a permanent weather-resistant plate or decal in a location on the derrick that is plainly visible to the derrick operator.

(iii) Prior to derrick operation the parking brake must be set and the stabilizers extended if the vehicle is so equipped. When the vehicle is situated on a grade, at least two wheels must be chocked on the downgrade side.

(iv) Only persons trained in the operation of the derrick shall be permitted to operate the derrick.

(v) Hand signals to derrick operators shall be those prescribed by ANSI B30.6-1969, "Safety Code for Derricks."

(vi) The employer shall ensure that the derrick and its associated equipment are inspected by a competent person at intervals set by the manufacturer but in no case less than once per year. Records shall be maintained including the dates of inspections, and necessary repairs made.

(vii) Modifications or additions to the derrick and its associated equipment that alter its capacity or affect its safe operation shall be made only with written certification from the manufacturer, or other equivalent entity, such as a nationally recognized testing laboratory, that the modification results in the equipment being safe for its intended use. Such changes shall require the changing and posting of revised capacity and instruction decals or plates. These new ratings or limitations shall be as provided by the manufacturer or other equivalent entity.

(viii) Wire rope used with derricks shall be of improved plow steel or equivalent. Wire rope safety factors shall be in accordance with American National Standards Institute B30.6-1969.

(ix) Wire rope shall be taken out of service, or the defective portion removed, when any of the following conditions exist:

(A) The rope strength has been significantly reduced due to corrosion, pitting, or excessive heat, or

(B) The thickness of the outer wires of the rope has been reduced to two-thirds or less of the original thickness, or

(C) There are more than six broken wires in any one rope lay, or

(D) There is excessive permanent distortion caused by kinking, crushing, or severe twisting of the rope.

AMENDATORY SECTION (Amending Order 76-38, filed 12/30/76)

WAC 296-32-300 Materials handling and storage.

(1) Poles.

(a) When working with poles in piles or stacks, work shall be performed from the ends of the poles and precautions shall be taken for the safety of employees at the other end of the pole.

(b) During pole hauling operations, all loads shall be secured to prevent displacement. Lights, reflectors and/or flags shall be displayed on the end and sides of the load.

(c) The requirements for installation, removal, or other handling of poles in pole lines are prescribed in WAC 296-32-330 which pertains to overhead lines.

(d) In the case of hoisting machinery equipped with a positive stop load-holding device, it shall be permissible for the operator to leave ~~(his)~~ their position at the controls (while a load is suspended) for the sole purpose of assisting in positioning the load prior to landing it.

(e) Prior to unloading steel, poles, crossarms, and similar material, the load shall be thoroughly examined to ascertain that the load has not shifted, that binders or stakes have not broken, and that the load is not otherwise hazardous to employees.

(2) Cable reels. Cable reels and poles in storage shall be checked or otherwise restrained to prevent uncontrollable movement.

(3) All tools and materials shall be stored in a safe and orderly manner.

(4) Workers shall not carry loose materials, tools, or equipment on or in vehicles in a manner that would constitute a hazard.

(5) All buildings, storage yards, equipment and other property shall be kept in a clean and orderly manner.

AMENDATORY SECTION (Amending Order 76-38, filed 12/30/76)

WAC 296-32-320 Grounding for employee protection—Pole lines. (1) Power conductors. Electric power conductors and equipment shall be considered as energized until the employee can determine that they are bonded to one of the grounds as listed in subsection (4) of this section.

(2) Nonworking open wire. Nonworking open wire communications lines shall be bonded to one of the grounds listed in subsection (4) of this section.

(3) Vertical power conduit, power ground wires and street light fixtures.

(a) Metal power conduit on joint use poles, exposed vertical power ground wires, and street light fixtures which are below communications attachments or less than 20 inches above these attachments, shall be considered energized and shall be tested for voltage unless the employee can visually determine that they are bonded to the communications suspension strand or cable sheath.

(b) If no hazardous voltage is shown by the voltage test, a temporary bond shall be placed between such street light fixture, exposed vertical power grounding conductor, or metallic power conduit and the communications cable strand. Temporary bonds used for this purpose shall have sufficient conductivity to carry at least 500 amperes for a period of one second without fusing.

(4) Protective grounding. Acceptable grounds for protective grounding are as follows:

(a) A vertical ground wire which has been tested, found safe, and is connected to a power system multigrounded neutral or the grounded neutral of a power secondary system where there are at least three services connected;

(b) Communications cable sheath or shield and its supporting strand where the sheath or shield is:

(i) Bonded to an underground or buried cable which is connected to a central office ground, or

(ii) Bonded to an underground metallic piping system, or

(iii) Bonded to a power system multigrounded neutral or grounded neutral of a power secondary system which has at least three services connected;

(c) Guys which are bonded to the grounds specified in subdivisions (a) and (b) of this subsection and which have continuity uninterrupted by an insulator; and

(d) If all of the preceding grounds are not available, arrays of driven ground rods where the resultant resistance to ground will be low enough to eliminate danger to personnel or permit prompt operation of protective devices.

(5) Attaching and removing temporary bonds. When attaching grounds (bonds), the first attachment shall be made to the protective ground. When removing bonds, the connection to the line or equipment shall be removed first. Insulating gloves shall be worn during these operations.

(6) Temporary grounding of suspension strand.

(a) The suspension strand shall be grounded to the existing grounds listed in subsection (4) of this section when being placed on jointly used poles.

(b) Where power crossings are encountered on nonjoint lines, the strand shall be bonded to an existing ground listed in subsection (4) of this section as close as possible to the crossing. This bonding is not required where crossings are made on a common crossing pole unless there is an upward change in grade at the pole.

(c) Where traveling roller-type bonds are used, they shall be restrained so as to avoid stressing the electrical connections.

(d) Bonds between the suspension strand and the existing ground shall be at least No. 6AWG copper.

(e) Temporary bonds shall be left in place until the strand has been tensioned, dead-ended, and permanently grounded.

(f) The requirements of subdivision (a) through (e) of this subsection do not apply to the installation of insulated strand.

(7) Antenna work-radio transmitting stations 3-30 MHZ.

(a) Prior to grounding a radio transmitting station antenna, the employer shall insure that the rigger in charge:

(i) Prepares a danger tag signed with ~~(his)~~ their signature,

(ii) Requests the transmitting technician to shutdown the transmitter and to ground the antenna with its grounding switch,

(iii) Is notified by the transmitting technician that the transmitter has been shutdown, and

(iv) Tags the antenna ground switch personally in the presence of the transmitting technician after the antenna has been grounded by the transmitting technician.

(b) Power shall not be applied to the antenna, nor shall the grounding switch be opened under any circumstances while the tag is affixed.

(c)(i) Where no grounding switches are provided, grounding sticks shall be used, one on each side of line, and tags shall be placed on the grounding sticks, antenna switch, or plate power switch in a conspicuous place.

(ii) To further reduce excessive radio frequency pickup, ground sticks or short circuits shall be placed directly on the transmission lines near the transmitter in addition to the regular grounding switches.

(iii) In other cases, the antenna lines may be disconnected from ground and the transmitter to reduce pickup at the point in the field.

(d) All radio frequency line wires shall be tested for pickup with an insulated probe before they are handled either with bare hands or with metal tools.

(e) The employer shall insure that the transmitting technician warn the riggers about adjacent lines which are, or may become energized.

(f) The employer shall insure that when antenna work has been completed, the rigger in charge of the job returns to the transmitter, notifies the transmitting technician in charge that work has been completed, and personally removes the tag from the antenna ground switch.

AMENDATORY SECTION (Amending Order 76-38, filed 12/30/76)

WAC 296-32-360 Tree trimming—Electrical hazards. (1) General.

(a) Employees engaged in pruning, trimming, removing, or clearing trees from lines shall be required to consider all overhead and underground electrical power conductors to be energized with potentially fatal voltages, never to be touched (contacted) either directly or indirectly.

(b) Employees engaged in line-clearing operations shall be instructed that:

(i) A direct contact is made when any part of the body touches or contacts an energized conductor, or other energized electrical fixture or apparatus.

(ii) An indirect contact is made when any part of the body touches any object in contact with an energized electrical conductor, or other energized fixture or apparatus.

(iii) An indirect contact can be made through conductive tools, tree branches, truck equipment, or other objects, or as a result of communications wires, cables, fences, or guy wires being accidentally energized.

(iv) Electric shock will occur when an employee, by either direct or indirect contact with an energized conductor, energized tree limb, tool, equipment, or other object, provides a path for the flow of electricity to a grounded object or to the ground itself. Simultaneous contact with two energized conductors will also cause electric shock which may result in serious or fatal injury.

(c) Before any work is performed in proximity to energized conductors, the system operator/owner of the energized conductors shall be contacted to ascertain if ~~((he))~~ they know~~((s))~~ of any hazards associated with the conductors which may not be readily apparent. This rule does not apply when operations are performed by the system operator/owner.

(2) Working in proximity to electrical hazards.

(a) Employers shall ensure that a close inspection is made by the employee and by the ~~((foreman))~~ crewleader or supervisor in charge before climbing, entering, or working around any tree, to determine whether an electrical power conductor passes through the tree, or passes within reaching distance of an employee working in the tree. If any of these conditions exist either directly or indirectly, an electrical hazard shall be considered to exist unless the system operator/owner has caused the hazard to be removed by deenergizing the lines, or installing protective equipment.

(b) Only employees or trainees, familiar with the special techniques and hazards involved in line clearance, shall be permitted to perform the work if it is found that an electrical hazard exists.

(c) During all tree working operations aloft where an electrical hazard of more than 750 volts exists, there shall be a second employee or trainee qualified in line clearance tree trimming within normal voice communication.

(d) Where tree work is performed by employees qualified in line-clearance tree trimming and trainees qualified in line-clearance tree trimming, the clearances from energized conductors given in Table 2 shall apply.

TABLE 2

Minimum Working Distances From Energized Conductors For Line-Clearance Tree Trimmers and Line-Clearance Tree-Trimner Trainees

Voltage Range (Phase to Phase) (kilovolts)	Minimum Working Distance
2.1 to 15.0	2 ft. 0 in.
15.1 to 35.0	2 ft. 4 in.
35.1 to 46.0	2 ft. 6 in.
46.1 to 72.5	3 ft. 0 in.
72.6 to 121.0	3 ft. 4 in.
138.0 to 145.0	3 ft. 6 in.
161.0 to 169.0	3 ft. 8 in.
230.0 to 242.0	5 ft. 0 in.
345.0 to 362.0	7 ft. 0 in.
500.0 to 552.0	11 ft. 0 in.
700.0 to 765.0	15 ft. 0 in.

(e) Branches hanging on an energized conductor may only be removed using insulated equipment by a qualified electrical worker.

(f) Rubber footwear, including lineman's overshoes, shall not be considered as providing any measure of safety from electrical hazards.

(g) Ladders, platforms, and aerial devices, including insulated aerial devices, shall not be brought in contact with an electrical conductor. Reliance shall not be placed on their dielectric capabilities.

(h) When an aerial lift device contacts an electrical conductor, the truck supporting the aerial lift device shall be considered as energized.

(3) Storm work and emergency conditions.

(a) Since storm work and emergency conditions create special hazards, only authorized representatives of the electric utility system operator/owner and not telecommunication workers may perform tree work in these situations where energized electrical power conductors are involved.

(b) When an emergency condition develops due to tree operations, work shall be suspended and the system operator/owner shall be notified immediately.

AMENDATORY SECTION (Amending Order 92-06, filed 10/30/92, effective 12/8/92)

WAC 296-37-510 Scope and application. (1) The requirements included in this vertical chapter shall apply throughout the state wherever diving takes place within the jurisdiction of the department of labor and industries. These requirements shall also be applicable to those diving related and supportive work activities not at the diving site but which have a direct effect on the safety of the diving

operations. Examples may include but are not limited to: The supply of breathing air or gas; the supply of materials, equipment or supplies required by this chapter; the maintenance of diving equipment.

(2) This standard applies to diving and related support operations conducted in connection with all types of work and employments, including general industry, construction, ship repairing, shipbuilding, shipbreaking and longshoring. However, this standard does not apply to any diving operation:

(a) Performed solely for instructional purposes, using open-circuit, compressed-air SCUBA and conducted within the no-decompression limits;

(b) Performed solely for search, rescue, or related public safety purposes by or under the control of a governmental agency; or

(c) Governed by 45 CFR Part 46 (Protection of Human Subjects, United States Department of Health (~~(Education, and Welfare)~~)) and Human Services) or equivalent rules or regulations established by another federal agency, which regulate research, development, or related purposes involving human subjects.

(d) Defined as scientific diving and which is under the direction and control of a diving program containing at least the following elements:

(i) Diving safety manual which includes at a minimum: Procedures covering all diving operations specific to the program; procedures for emergency care, including recompression and evacuation; and criteria for diver training and certification.

(ii) Diving control (safety) board, with the majority of its members being active divers, which shall at a minimum have the authority to: Approve and monitor diving projects; review and revise the diving safety manual; assure compliance with the manual; certify the depths to which a diver has been trained; take disciplinary action for unsafe practices; and, assure adherence to the buddy system (a diver is accompanied by and is in continuous contact with another diver in the water) for SCUBA diving.

(3) This chapter shall augment the requirements of the general safety and health standard, chapter 296-24 WAC and the general occupational health standard, chapter 296-62 WAC. In instances where this chapter is in direct conflict with the requirements of any general horizontal standard, the requirements of this chapter shall apply.

(4) Hoisting gear used in diving operations shall be inspected and certified as required by chapter 296-56 WAC, safety standards for longshore, stevedore and related waterfront operations.

(5) Application in emergencies. An employer may deviate from the requirements of this standard to the extent necessary to prevent or minimize a situation which is likely to cause death, serious physical harm, or major environmental damage, provided that the employer:

(a) Notifies the assistant director of the department of labor and industries in Olympia or the regional administrator for the region within 48 hours of the onset of the emergency situation indicating the nature of the emergency and extent of the deviation from the prescribed regulations; and

(b) Upon request from the authority notified, submits such information in writing.

(6) Employer obligation. The employer shall be responsible for compliance with:

(a) All provisions of this standard of general applicability; and

(b) All requirements pertaining to specific diving modes to the extent diving operations in such modes are conducted.

AMENDATORY SECTION (Amending Order 78-18, filed 10/2/78)

WAC 296-37-512 Variance and procedure. Realizing that conditions may exist in operations under which certain state standards will not have practical application, the director of the department of labor and industries or his/her authorized representative may, pursuant to this section, RCW 49.17.080 and/or 49.17.090 and appropriate administrative rules of this state and the department of labor and industries and upon receipt of application and after adequate investigation by the department, permit a variation from these requirements when other means of providing an equivalent measure of protection are afforded. Such variation granted shall be limited to the particular case or cases covered in the application for variance and may be revoked for cause. The permit for variance shall be conspicuously posted on the premises and shall remain posted during the time it is in effect. All requests for variances from safety and health standards included in this or any other chapter of Title 296 WAC, shall be made in writing to the director of the department of labor and industries at Olympia, Washington, or his/her duly authorized representative, or the assistant director, (~~(division of industrial safety and health,)~~) Department of Labor and Industries, P.O. Box 44600, Olympia, Washington 98504-4600. Variance application forms may be obtained from the department upon request.

AMENDATORY SECTION (Amending Order 92-06, filed 10/30/92, effective 12/8/92)

WAC 296-37-575 Recordkeeping requirements. (1) Recording and reporting.

(a) The employer shall comply with the requirements of chapters 296-27 and 296-350 WAC.

(b) The employer shall record the occurrence of any diving-related injury or illness which requires any dive team member to be hospitalized for 24 hours or more, specifying the circumstances of the incident and the extent of any injuries or illnesses.

(2) Availability of records.

(a) Upon the request of the director of the department of labor and industries or his duly authorized designees, the employer shall make available for inspection and copying any record or document required by this standard.

(b) Records and documents required by this standard shall be provided upon request to employees, designated representatives, and the assistant director in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217. Safe practices manuals (WAC 296-37-530), depth-time profiles (WAC 296-37-540), recording of dives (WAC 296-37-545), decompression procedure assessment evaluations (WAC 296-37-545), and records of hospitalizations (WAC 296-37-575) shall be provided in the same manner as employee exposure records or analyses using exposure or medical records. Equipment

inspections and testing records which pertain to employees (WAC 296-37-570) shall also be provided upon request to employees and their designated representatives.

(c) Records and documents required by this standard shall be retained by the employer for the following period:

(i) Dive team member medical records (physician's reports) (WAC 296-37-525) - five years;

(ii) Safe practices manual (WAC 296-37-530) - current document only;

(iii) Depth-time profile (WAC 296-37-540) - until completion of the recording of dive, or until completion of decompression procedure assessment where there has been an incident of decompression sickness;

(iv) Recording dive (WAC 296-37-545) one year, except five years where there has been an incident of decompression sickness;

(v) Decompression procedure assessment evaluations (WAC 296-37-545) - five years;

(vi) Equipment inspections and testing records (WAC 296-37-570) - current entry or tag, or until equipment is withdrawn from service;

(vii) Records of hospitalizations (WAC 296-37-575) - five years.

(d) After the expiration of the retention period of any record required to be kept for five years, the employer shall forward such records to the National Institute for Occupational Safety and Health, Department of Health and Human Services. The employer shall also comply with any additional requirements set forth in WAC 296-62-05215.

(e) In the event the employer ceases to do business:

(i) The successor employer shall receive and retain all dive and employee medical records required by this standard; or

(ii) If there is no successor employer, dive and employee medical records shall be forwarded to the National Institute for Occupational Safety and Health, Department of Health (~~(, Education, and Welfare)~~) and Human Services.

AMENDATORY SECTION (Amending Order 83-34, filed 11/30/83)

WAC 296-62-020 Definitions applicable to all sections of this chapter. Unless the context indicates otherwise, words used in this chapter shall have the meaning given in this section.

(1) "Adequate" or "effective" means compliance with terms and intent of these standards.

(2) "Appendix" means references or recommendations to be used as guides in applying the provisions of this chapter.

(3) "Approved" means approved by the director of the department of labor and industries or his authorized representative: *Provided, however,* That should a provision of this chapter state that approval by an agency or organization other than the department of labor and industries is required, such as Underwriters' Laboratories or the (~~Bureau of Mines~~) Mine Safety and Health Administration and the National Institute for Occupational Safety and Health, the provision of WAC 296-24-006 shall apply.

(4) "Authorized person" means a person approved or assigned by the employer to perform a specific type of duty

or duties or to be at a specific location or locations at the job site.

(5) "Coal tar pitch volatiles" as used in WAC 296-62-07515, Table I, include the fused polycyclic hydrocarbons which volatilize from the distillation residues of coal, petroleum, (excluding asphalt), wood, and other organic matter. Asphalt (CAS 8052-42-4, and CAS 64742-93-4) is not covered under the "coal tar pitch volatiles" standard.

(6) "Competent person" means one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective action to eliminate them.

(7) "Department" means the department of labor and industries.

(8) "Director" means the director of the department of labor and industries, or his designated representative.

(9) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees or who contracts with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state[,] and charitable organizations: *Provided,* That any persons, partnership, or business entity not having employees, and who is covered by the industrial insurance act shall be considered both an employer and an employee.

(10) "Hazard" means that condition, potential or inherent, which can cause injury, death, or occupational disease.

(11) "Occupational disease" means such disease or infection as arises naturally and proximately out of employment.

(12) "Qualified" means one who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training, and experience, has successfully demonstrated (~~his~~) ability to solve or resolve problems relating to the subject matter, the work, or the project.

(13) "Shall" or "must" means mandatory.

(14) "Should" or "may" means recommended.

(15) "Suitable" means that which fits, or has the qualities or qualifications to meet a given purpose, occasion, condition, function, or circumstance.

(16) "~~(Workmen)~~ Worker," "personnel," ("~~man,~~") "person," "employee," and other terms of like meaning, unless the context of the provision containing such term indicates otherwise, mean an employee of an employer who is employed in the business of (~~his~~) their employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is (~~his~~) their personal labor for an employer whether by manual labor or otherwise.

(17) "Work place" means any plant, yard, premises, room, or other place where an employee or employees are employed for the performance of labor or service over which the employer has the right of access or control[,] and includes, but is not limited to, all work places covered by

industrial insurance under Title 51 RCW, as now or hereafter amended.

(18) Abbreviations used in this chapter:

(a) "ANSI" means American National Standards Institute.

(b) "ASHRE" means American Society of Heating and Refrigeration Engineers.

(c) "BTU" means British thermal unit.

(d) "BTUH" means British thermal unit per hour.

(e) "CFM" means cubic feet per minute.

(f) "CFR" means Code of Federal Register.

(g) "CGA" means Compressed Gas Association.

(h) "ID" means inside diameter.

(i) "MCA" means Manufacturing Chemist Association or Chemical Manufacturer Association (CMA).

(j) "NEMA" means National Electrical Manufacturing Association.

(k) "NFPA" means National Fire Protection Association.

(l) "OD" means outside diameter.

(m) "WAC" means Washington Administrative Code.

(n) "WISHA" means Washington Industrial Safety and Health Act (Chapter 80, Laws of 1973).

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 93-04, filed 9/22/93, effective 11/1/93)

WAC 296-62-07105 Definitions. (1) Abrasive-blasting respirator. See "respirator." A respirator designed to protect the wearer against inhalation of abrasive material and against impact and abrasion from rebounding abrasive material.

(2) Accepted. Reviewed and listed as satisfactory for a specified use by the director or his or her designee.

(3) Aerodynamic diameter. The diameter of a unit density sphere having the same settling velocity as the particle in question of whatever shape and density.

(4) Aerosol. A system consisting of particles, solid or liquid, suspended in air.

(5) Air-line respirator. See "respirator."

(6) Air-purifying respirator. See "respirator."

(7) Air-regulating valve. An adjustable valve used to regulate, but which cannot completely shut off the airflow to the facepiece, helmet, hood, or suit of an air-line respirator.

(8) Air-supply device. A hand- or motor-operated blower for the hose mask, or a compressor or other source of respirable air for the air-line respirator.

(9) Approved. Tested and listed as satisfactory by the Bureau of Mines (BM) of the U.S. Department of Interior, or jointly by the Mining Enforcement and Safety Administration (MESA) of the U.S. Department of Interior and the National Institute for Occupational Safety and Health (NIOSH) of the U.S. Department of Health and Human Services, or jointly by the Mine Safety and Health Administration (MSHA) of the U.S. Department of Labor and NIOSH under the provisions of Title 30, Code of Federal Regulations, Part 11.

(10) Bioassay. A determination of the concentration of a substance in a human body by an analysis of urine, feces, blood, bone, or tissue.

(11) Breathing tube. A tube through which air or oxygen flows to the facepiece, mouthpiece, helmet, hood, or suit.

(12) Canister (air-purifying). A container with a filter, sorbent, or catalyst, or any combination thereof, which removes specific contaminants from the air drawn through it.

(13) Canister (oxygen-generating). A container filled with a chemical which generates oxygen by chemical reaction.

(14) Carcinogen. A substance known to produce cancer in some individuals following a latent period (for example: Asbestos, Chromates, radioactive particulates).

(15) Cartridge (air-purifying). A small canister.

(16) Catalyst. In respirator use, a substance which converts a toxic gas (or vapor) into a less-toxic gas (or vapor).

(17) Ceiling concentration. The concentration of an airborne substance that shall not be exceeded.

(18) Chemical-cartridge respirator. See respirator.

(19) Confined space. Chapter 296-62 WAC Part M.

(20) Contaminant. A harmful, irritating, or nuisance material that is foreign to the normal atmosphere.

(21) Corrective lens. A lens ground to the wearer's individual corrective prescription to permit normal visual acuity.

(22) Demand. A type of self-contained breathing apparatus or type of air-line respirator which functions due to the negative pressure created by inhalation (i.e., air flow into the facepiece on "demand").

(23) Detachable coupling. A device which permits the respirator wearer, without using hand tools, to detach the air-supply line from that part of the respirator worn on the person.

(24) Dust. See WAC 296-62-07001(1).

(25) Emergency respirator use. Wearing a respirator when a hazardous atmosphere suddenly occurs that requires immediate use of a respirator either for escape from the hazardous atmosphere or for entry into the hazardous atmosphere.

(26) Exhalation valve. A device that allows exhaled air to leave a respirator and prevents outside air from entering through the valve.

(27) Eyepiece. A gas-tight, transparent window(s) in a full facepiece, helmet, hood, or suit, through which the wearer may see.

(28) Facepiece. That portion of a respirator that covers the wearer's nose and mouth in quarter-mask (above the chin) or half-mask (under the chin) facepiece or that covers the nose, mouth, and eyes in a full facepiece. It is designed to make a gas-tight or particle-tight fit with the face and includes the headbands, exhalation valve(s), and connections for an air-purifying device or respirable gas source, or both.

(29) Face shield. A device worn in front of the eyes and a portion of, or all of, the face, whose predominant function is protection of the eyes and the face.

(30) Fibrosis-producing dust. Dust which, when inhaled, deposited, and retained in the lungs, may produce findings of fibrotic growth that may cause pulmonary disease.

(31) Filter. A media component used in respirators to remove solid or liquid particles from the inspired air.

(32) Filter respirator. See respirator.

(33) Fog. A mist of sufficient concentration to perceptibly obscure vision.

(34) Full facepiece. See facepiece.

(35) Fume. See WAC 296-62-07001(2).

(36) Gas. An aeriform fluid which is in the gaseous state at ordinary temperature and pressure.

(37) Gas mask. See respirator.

(38) Goggle. A device, with contour-shaped eyecups with glass or plastic lenses, worn over eyes and held in place by a headband or other suitable means for the protection of the eyes and eye sockets.

(39) Half-mask facepiece. See facepiece.

(40) Hazardous atmosphere. Any atmosphere, either immediately or not immediately dangerous to life or health, which is oxygen deficient or which contains a toxic or disease-producing contaminant.

(41) Head harness. That part of a facepiece assembly which secures the facepiece to the wearer.

(42) Helmet. That portion of a respirator which shields the eyes, face, neck, and other parts of the head.

(43) High-efficiency filter. A filter which removes from air 99.97% or more of monodisperse dioctyl phthalate (DOP) particles having a mean particle diameter of 0.3 micrometer.

(44) Hood. That portion of a respirator which completely covers the head, neck, and portions of the shoulders.

(45) Hose mask. See respirator.

(46) Immediately dangerous to life or health (IDLH). Any atmosphere that poses an immediate hazard to life or produces immediate irreversible debilitating effects on health.

(47) Inhalation valve. A device that allows respirable air to enter a respirator and prevents exhaled air from leaving the respirator through the valve.

(48) Irrespirable. Unfit for breathing.

(49) Maximum use limit of filter, cartridge, or canister. The maximum concentration of a contaminant for which an air-purifying filter, cartridge, or canister is approved for use.

(50) Mist. See WAC 296-62-07001(4).

(51) Mouthpiece. That portion of a respirator which is held in the wearer's mouth and is connected to an air-purifying device or respirable gas source, or both. It is designed to make a gas-tight or particle-tight fit with the mouth.

(52) MPCa. Maximum permissible airborne concentration. These concentrations are set by the National Committee on Radiation Protection. They are recommended maximum average concentrations of radionuclides to which a worker may be exposed, assuming that he/she works 8 hours a day, 5 days a week, and 50 weeks a year.

(53) Negative pressure respirator. A respirator in which the air pressure inside the respiratory-inlet covering is positive during exhalation in relation to the air pressure of the outside atmosphere and negative during inhalation in relation to the air pressure of the outside atmosphere.

(54) Nonroutine respirator use. Wearing a respirator when carrying out a special task that occurs infrequently.

(55) Nose clamp. A device used with a respirator equipped with a mouthpiece that closes the nostrils of the wearer (sometimes called a nose clip).

(56) Not immediately dangerous to life or health. Any hazardous atmosphere which may produce physical discomfort immediately, chronic poisoning after repeated exposure,

or acute adverse physiological symptoms after prolonged exposure.

(57) Odor threshold limit. The lowest concentration of a contaminant in air that can be detected by the olfactory sense.

(58) Oxygen deficiency - immediately dangerous to life or health. An atmosphere which causes an oxygen partial pressure of ~~((100))~~ 95 millimeters of mercury column or less or has less than 12.5% by volume in the freshly inspired air in the upper portion of the lungs which is saturated with water vapor.

(59) Oxygen deficiency - not immediately dangerous to life or health. An atmosphere having an oxygen concentration below the minimum legal requirement of 19.5% by volume or has a partial pressure of oxygen of 148 millimeters of mercury for respirable air at sea-level conditions, but above that which is immediately dangerous to life or health.

(60) Particulate matter. A suspension of fine solid or liquid particles in air, such as: Dust, fog, fume, mist, smoke, or spray. Particulate matter suspended in air is commonly known as an aerosol.

(61) Permissible exposure limit (PEL). The legally established time-weighted average (TWA) concentration or ceiling concentration of a contaminant that shall not be exceeded.

(62) Pneumoconiosis-producing dust. Dust which, when inhaled, deposited, and retained in the lungs, may produce signs, symptoms, and findings of pulmonary disease.

(63) Positive-pressure respirator. A respirator in which the air pressure inside the respiratory-inlet covering is positive in relation to the air pressure of the outside atmosphere during exhalation and inhalation.

(64) Powered air-purifying respirator. See respirator.

(65) Pressure demand. Similar to a demand type respirator but so designed to maintain positive pressure in the facepiece at all times.

(66) Protection factor. The ratio of the ambient concentration of an airborne substance to the concentration of the substance inside the respirator at the breathing zone of the wearer. The protection factor is a measure of the degree of protection provided by a respirator to the wearer. As used herein, a protection factor is synonymous with the fit factor assigned to a respirator facepiece by the use of qualitative and quantitative fitting tests.

(67) Rescue respirator use. Wearing a respirator for entry into a hazardous atmosphere to rescue a person(s) in the hazardous atmosphere.

(68) Resistance. Opposition to the flow of air, as through a canister, cartridge, particulate filter, orifice, valve, or hose.

(69) Respirable. Suitable for breathing.

(70) Respirator. A device designed to protect the wearer from the inhalation of harmful atmospheres.

(71) Respiratory-inlet covering. That portion of a respirator which connects the wearer's respiratory tract to an air-purifying device or respirable gas source, or both. It may be a facepiece, helmet, hood, suit, or mouthpiece/nose clamp.

(72) Routine respirator use. Wearing a respirator as a normal procedure when carrying out a regular and frequently repeated task.

(73) Sanitization. The removal of dirt and the inhibiting of the action of agents that cause infection or disease.

(74) Self-contained breathing apparatus. See respirator.

(75) Service life. The period of time that a respirator provides adequate protection to the wearer - for example, the period of time that an air-purifying device is effective for removing a harmful substance from inspired air.

(76) Smoke. A system which includes the products of combustion, pyrolysis, or chemical reaction of substances in the form of visible and invisible solid and liquid particles and gaseous products in air. Smoke is usually of sufficient concentration to perceptibly obscure vision.

(77) Sorbent. A material which is contained in cartridge or canister and which removes toxic gases and vapors from the inhaled air.

(78) Spray. A liquid, mechanically produced particle with sizes generally in the visible or macroscopic range.

(79) Supplied-air respirator. See respirator.

(80) Supplied-air suit. A suit that is impermeable to most particulate and gaseous contaminants and that is provided with an adequate supply of respirable air.

(81) Time-weighted average (TWA). The average concentration of a contaminant in air during a specific time period.

(82) Valve (air or oxygen). A device which controls the pressure, direction, or rate of flow of air or oxygen.

(83) Vapor. The gaseous state of a substance that is solid or liquid at ordinary temperature and pressure.

(84) Welding helmet. A device designed to provide protection for the eyes and face against intense radiant energy and molten metal splatter encountered in the welding and cutting of metals.

(85) Window indicator. A device on a cartridge or canister that visually denotes the service life of the cartridge or canister.

AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

WAC 296-62-07302 List of carcinogens. (1) The following substances are deemed to be carcinogens for the purposes of WAC 296-62-073 through 296-62-07316.

(2) Any reference to carcinogens in WAC 296-62-07304 through 296-62-07316 shall mean only those carcinogens listed in WAC 296-62-07302.

(a) 4-Nitrobiphenyl - Chemical Abstracts Registry Number ((~~92933~~)) 92-93-3.

(b) Alpha-Naphthylamine - Chemical Abstracts Registry Number ((~~134327~~)) 134-32-7.

(c) 4,4' Methylene bis (2 - chloroaniline) - Chemical Abstracts Service Registry Number ((~~40144~~)) 101-14-4.

(d) Methyl chloromethyl ether - Chemical Abstracts Service Registry Number ((~~407302~~)) 107-30-2.

(e) 3,3'-Dichlorobenzidine (and its salts) - Chemical Abstracts Service Registry Number ((~~91941~~)) 91-94-1.

(f) Bis-Chloromethyl ether - Chemical Abstracts Service Registry Number ((~~542884~~)) 542-88-1.

(g) Beta-Naphthylamine - Chemical Abstracts Service Registry Number ((~~91598~~)) 91-59-8.

(h) Benzidine - Chemical Abstracts Service Registry Number ((~~92875~~)) 92-87-5.

(i) 4-Aminodiphenyl - Chemical Abstracts Service Registry Number ((~~92674~~)) 92-67-1.

(j) Ethyleneimine - Chemical Abstracts Service Registry Number ((~~451564~~)) 151-56-4.

(k) Beta-Propiolactone - Chemical Abstracts Service Registry Number ((~~57578~~)) 57-57-8.

(l) 2-Acetylaminofluorene - Chemical Abstracts Service Registry Number ((~~53963~~)) 53-96-3.

(m) 4-Dimethylaminoazobenzene - Chemical Abstracts Service Registry Number ((~~60117~~)) 60-11-7.

(n) N-Nitrosodimethylamine - Chemical Abstracts Service Registry Number ((~~62759~~)) 62-75-9.

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-62-07329 Vinyl chloride. (1) Scope and application.

(a) This section includes requirements for the control of employee exposure to vinyl chloride (chloroethene), Chemical Abstracts Service Registry No. 75014.

(b) This section applies to the manufacture, reaction, packaging, repackaging, storage, handling or use of vinyl chloride or polyvinyl chloride, but does not apply to the handling or use of fabricated products made of polyvinyl chloride.

(c) This section applies to the transportation of vinyl chloride or polyvinyl chloride except to the extent that the department of transportation may regulate the hazards covered by this section.

(2) Definitions.

(a) "Action level" means a concentration of vinyl chloride of 0.5 ppm averaged over an 8-hour work day.

(b) "Authorized person" means any person specifically authorized by the employer whose duties require him/her to enter a regulated area or any person entering such an area as a designated representative of employees for the purpose of exercising an opportunity to observe monitoring and measuring procedures.

(c) "Director" means ((~~chief, industrial hygiene section~~)) the director of department of labor and industries or his/her designated representative.

(d) "Emergency" means any occurrence such as, but not limited to, equipment failure, or operation of a relief device which is likely to, or does, result in massive release of vinyl chloride.

(e) "Fabricated product" means a product made wholly or partly from polyvinyl chloride, and which does not require further processing at temperatures, and for times, sufficient to cause mass melting of the polyvinyl chloride resulting in the release of vinyl chloride.

(f) "Hazardous operation" means any operation, procedure, or activity where a release of either vinyl chloride liquid or gas might be expected as a consequence of the operation or because of an accident in the operation, which would result in an employee exposure in excess of the permissible exposure limit.

(g) "Polyvinyl chloride" means polyvinyl chloride homopolymer or copolymer before such is converted to a fabricated product.

(h) "Vinyl chloride" means vinyl chloride monomer.

(3) Permissible exposure limit.

(a) No employee may be exposed to vinyl chloride at concentrations greater than 1 ppm averaged over any 8-hour period, and

(b) No employee may be exposed to vinyl chloride at concentrations greater than 5 ppm averaged over any period not exceeding 15 minutes.

(c) No employee may be exposed to vinyl chloride by direct contact with liquid vinyl chloride.

(4) Monitoring.

(a) A program of initial monitoring and measurement shall be undertaken in each establishment to determine if there is any employee exposed, without regard to the use of respirators, in excess of the action level.

(b) Where a determination conducted under ~~((paragraph (4)))~~ subdivision (a) of this ~~((section))~~ subsection shows any employee exposures without regard to the use of respirators, in excess of the action level, a program for determining exposures for each such employee shall be established. Such a program:

(i) Shall be repeated at least monthly where any employee is exposed, without regard to the use of respirators, in excess of the permissible exposure limit.

(ii) Shall be repeated not less than quarterly where any employee is exposed, without regard to the use of respirators, in excess of the action level.

(iii) May be discontinued for any employee only when at least two consecutive monitoring determinations, made not less than 5 working days apart, show exposures for that employee at or below the action level.

(c) Whenever there has been a production, process or control change which may result in an increase in the release of vinyl chloride, or the employer has any other reason to suspect that any employee may be exposed in excess of the action level, a determination of employee exposure under ~~((subsection (4)))~~ subdivision (a) of this ~~((section))~~ subsection shall be performed.

(d) The method of monitoring and measurement shall have an accuracy (with a confidence level of 95 percent) of not less than plus or minus 50 percent from 0.25 through 0.5 ppm, plus or minus 35 percent from over 0.5 ppm through 1.0 ppm, plus or minus 25 percent over 1.0 ppm, (methods meeting these accuracy requirements are available from the director).

(e) Employees or their designated representatives shall be afforded reasonable opportunity to observe the monitoring and measuring required by this ~~((subdivision))~~ subsection.

(5) Regulated area.

(a) A regulated area shall be established where:

(i) Vinyl chloride or polyvinyl chloride is manufactured, reacted, repackaged, stored, handled or used; and

(ii) Vinyl chloride concentrations are in excess of the permissible exposure limit.

(b) Access to regulated areas shall be limited to authorized persons.

(6) Methods of compliance. Employee exposures to vinyl chloride shall be controlled to at or below the permissible exposure limit provided in subsection (3) of this section by engineering, work practice, and personal protective controls as follows:

(a) Feasible engineering and work practice controls shall immediately be used to reduce exposures to at or below the permissible exposure limit.

(b) Wherever feasible engineering and work practice controls which can be instituted immediately are not sufficient to reduce exposures to at or below the permissible exposure limit, they shall nonetheless be used to reduce exposures to the lowest practicable level, and shall be supplemented by respiratory protection in accordance with subsection ~~((6))~~ (7) of this section. A program shall be established and implemented to reduce exposures to at or below the permissible exposure limit, or to the greatest extent feasible, solely by means of engineering and work practice controls, as soon as feasible.

(c) Written plans for such a program shall be developed and furnished upon request for examination and copying to the director. Such plans shall be updated at least every six months.

(7) Respiratory protection. Where respiratory protection is required under this section:

(a) The employer shall provide a respirator which meets the requirements of this subdivision and shall assure that the employee uses such respirator.

(b) Respirators shall be selected from among those jointly approved by the ~~((Mining Enforcement and))~~ Mine Safety and Health Administration, ~~((Department of the Interior))~~ and the National Institute for Occupational Safety and Health under the provisions of 30 CFR Part 11.

Note: The Department of Interior published an article in Federal Register in April 1976 which extended time requirement for respirators used for protection against vinyl chloride to have a cartridge or canister with an end-of-service-life indicator. The indicator is an additional safety feature but does not adversely affect the effectiveness of currently approved respirator cartridges or canisters. Until approved end-of-service-life indicators are available, the respirators, cartridges, or canisters presently approved are considered to meet requirements for vinyl chloride when used per manufacturer's instructions.

(c) A respiratory protection program meeting the requirements of chapter 296-62 WAC shall be established and maintained.

(d) Selection of respirators for vinyl chloride shall be as follows:

Atmospheric concentration of Vinyl Chloride	Required Apparatus
(i) Unknown, or above 3,600 ppm	Open-circuit, self-contained breathing apparatus, pressure demand type, with full facepiece.
(ii) Not over 3,600 ppm	Combination Type C supplied air respirator, pressure demand type, with full or half facepiece, and auxiliary self-contained air supply.
(iii) Not over 250 ppm	Type C, supplied air respirator, continuous flow type, with full or half facepiece, helmet or hood.
(iv) Not over 100 ppm	Supplied air respirator demand type, with full facepiece.

(v) Not over 25 ppm — (A) A powered air-purifying respirator with hood, helmet, full or half face-piece, and a canister which provides a service life of at least 4 hours for concentrations of vinyl chloride up to 25 ppm, or (B) Gas mask, front or back-mounted canister which provides a service life of at least 4 hours for concentrations of vinyl chloride up to 25 ppm.

(vi) Not over 10 ppm — Any chemical cartridge respirator with a vinyl chloride cartridge which provides a service life of at least 1 hour for concentrations of vinyl chloride up to 10 ppm.

(e)(i) Entry into unknown concentrations or concentrations greater than 36,000 ppm (lower explosive limit) may be made only for purposes of life rescue; and

(ii) Entry into concentrations of less than 36,000 ppm, but greater than 3,600 ppm may be made only for purposes of life rescue, fire fighting, or securing equipment so as to prevent a greater hazard from release of vinyl chloride.

(f) Where air-purifying respirators are used:

(i) Air-purifying canisters or cartridges shall be replaced prior to the expiration of their service life or the end of the shift in which they are first used, whichever occurs first, and

(ii) A continuous monitoring and alarm system shall be provided where concentrations of vinyl chloride could reasonably exceed the allowable concentrations for the devices in use. Such system shall be used to alert employees when vinyl chloride concentrations exceed the allowable concentrations for the devices in use.

(g) Apparatus prescribed for higher concentrations may be used for any lower concentration.

(8) Hazardous operations.

(a) Employees engaged in hazardous operations, including entry of vessels to clean polyvinyl chloride residue from vessel walls, shall be provided and required to wear and use;

(i) Respiratory protection in accordance with subsections (3) and ~~((6))~~ (7) of this section; and

(ii) Protective garments to prevent skin contact with liquid vinyl chloride or with polyvinyl chloride residue from vessel walls. The protective garments shall be selected for the operation and its possible exposure conditions.

(b) Protective garments shall be provided clean and dry for each use.

~~((4))~~ (c) Emergency situations. A written operational plan for emergency situations shall be developed for each facility storing, handling, or otherwise using vinyl chloride as a liquid or compressed gas. Appropriate portions of the plan shall be implemented in the event of an emergency. The plan shall specifically provide that:

~~((A))~~ (i) Employees engaged in hazardous operations or correcting situations of existing hazardous releases shall

be equipped as required in ~~((subsection (8)))~~ subdivisions (a) and (b) of this ~~((section))~~ subsection;

~~((B))~~ (ii) Other employees not so equipped shall evacuate the area and not return until conditions are controlled by the methods required in subsection (6) of this section and the emergency is abated.

(9) Training. Each employee engaged in vinyl chloride or polyvinyl chloride operations shall be provided training in a program relating to the hazards of vinyl chloride and precautions for its safe use.

(a) The program shall include:

(i) The nature of the health hazard from chronic exposure to vinyl chloride including specifically the carcinogenic hazard;

(ii) The specific nature of operations which could result in exposure to vinyl chloride in excess of the permissible limit and necessary protective steps;

(iii) The purpose for, proper use, and limitations of respiratory protective devices;

(iv) The fire hazard and acute toxicity of vinyl chloride, and the necessary protective steps;

(v) The purpose for and a description of the monitoring program;

(vi) The purpose for and a description of, the medical surveillance program;

(vii) Emergency procedures:

(A) Specific information to aid the employee in recognition of conditions which may result in the release of vinyl chloride; and

(B) A review of this standard at the employee's first training and indoctrination program, and annually thereafter.

(b) All materials relating to the program shall be provided upon request to the director.

(10) Medical surveillance. A program of medical surveillance shall be instituted for each employee exposed, without regard to the use of respirators, to vinyl chloride in excess of the action level. The program shall provide each such employee with an opportunity for examinations and tests in accordance with this subsection. All medical examinations and procedures shall be performed by or under the supervision of a licensed physician and shall be provided without cost to the employee.

(a) At the time of initial assignment, or upon institution of medical surveillance;

(i) A general physical examination shall be performed with specific attention to detecting enlargement of liver, spleen or kidneys, or dysfunction in these organs, and for abnormalities in skin, connective tissues and the pulmonary system (see Appendix A).

(ii) A medical history shall be taken, including the following topics:

(A) Alcohol intake,

(B) Past history of hepatitis,

(C) Work history and past exposure to potential hepatotoxic agents, including drugs and chemicals,

(D) Past history of blood transfusions, and

(E) Past history of hospitalizations.

(iii) A serum specimen shall be obtained and determinations made of:

(A) Total bilirubin,

(B) Alkaline phosphatase,

(C) Serum glutamic oxalacetic transaminase (SGOT),

PROPOSED

- (D) Serum glutamic pyruvic transaminase (SGPT), and
- (E) Gamma glutamyl transpeptidase.

(b) Examinations provided in accordance with this subdivision shall be performed at least:

(i) Every 6 months for each employee who has been employed in vinyl chloride or polyvinyl chloride manufacturing for 10 years or longer; and

(ii) Annually for all other employees.

(c) Each employee exposed to an emergency shall be afforded appropriate medical surveillance.

(d) A statement of each employee's suitability for continued exposure to vinyl chloride including use of protective equipment and respirators, shall be obtained from the examining physician promptly after any examination. A copy of the physician's statement shall be provided each employee.

(e) If any employee's health would be materially impaired by continued exposure, such employee shall be withdrawn from possible contact with vinyl chloride.

(f) Laboratory analyses for all biological specimens included in medical examinations shall be performed in laboratories licensed under 42 CFR Part 74.

(g) If the examining physician determines that alternative medical examinations to those required by ~~((subsection (10)))~~ subdivision (a) of this ~~((section))~~ subsection will provide at least equal assurance of detecting medical conditions pertinent to the exposure to vinyl chloride, the employer may accept such alternative examinations as meeting the requirements of ~~((subsection (10)))~~ subdivision (a) of this ~~((section))~~ subsection, if the employer obtains a statement from the examining physician setting forth the alternative examinations and the rationale for substitution. This statement shall be available upon request for examination and copying to authorized representatives of the director.

(11) Signs and labels.

(a) Entrances to regulated areas shall be posted with legible signs bearing the legend:

CANCER-SUSPECT AGENT AREA AUTHORIZED PERSONNEL
ONLY

(b) Areas containing hazardous operations or where an emergency currently exists shall be posted with legible signs bearing the legend:

CANCER-SUSPECT AGENT IN THIS AREA PROTECTIVE
EQUIPMENT REQUIRED AUTHORIZED PERSONNEL ONLY

(c) Containers of polyvinyl chloride resin waste from reactors or other waste contaminated with vinyl chloride shall be legibly labeled:

CONTAMINATED WITH VINYL CHLORIDE CANCER-SUSPECT
AGENT

(d) Containers of polyvinyl chloride shall be legibly labeled:

POLYVINYL CHLORIDE (OR TRADE NAME) CONTAINS VINYL
CHLORIDE VINYL CHLORIDE IS A CANCER-SUSPECT AGENT

(e) Containers of vinyl chloride shall be legibly labeled either:

VINYL CHLORIDE EXTREMELY FLAMMABLE GAS UNDER
PRESSURE CANCER-SUSPECT AGENT

(or)

(f) In accordance with 49 CFR Part 173, Subpart H, with the additional legends:

CANCER-SUSPECT AGENT

applied near the label or placard.

(g) No statement shall appear on or near any required sign, label or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(12) Records.

(a) All records maintained in accordance with this section shall include the name and social security number of each employee where relevant.

(b) Records of required monitoring and measuring and medical records shall be provided upon request to employees, designated representatives, and the ~~((assistant))~~ director in accordance with WAC 296-62-05201 through 296-62-05209; and 296-62-05213 through 296-62-05217. These records shall be provided upon request to the director. Authorized personnel rosters shall also be provided upon request to the ~~((assistant))~~ director.

(i) Monitoring and measuring records shall:

(A) State the date of such monitoring and measuring and the concentrations determined and identify the instruments and methods used;

(B) Include any additional information necessary to determine individual employee exposures where such exposures are determined by means other than individual monitoring of employees; and

(C) Be maintained for not less than 30 years.

(ii) Medical records shall be maintained for the duration of the employment of each employee plus 20 years, or 30 years, whichever is longer.

(c) In the event that the employer ceases to do business and there is no successor to receive and retain his/her records for the prescribed period, these records shall be transmitted by registered mail to the director, and each employee individually notified in writing of this transfer. The employer shall also comply with any additional requirements set forth in WAC 296-62-05215.

(d) Employees or their designated representatives shall be provided access to examine and copy records of required monitoring and measuring.

(e) Former employees shall be provided access to examine and copy required monitoring and measuring records reflecting their own exposures.

(f) Upon written request of any employee, a copy of the medical record of that employee shall be furnished to any physician designated by the employee.

(13) Reports.

(a) Not later than 1 month after the establishment of a regulated area, the following information shall be reported to the director. Any changes to such information shall be reported within 15 days.

(i) The address and location of each establishment which has one or more regulated areas; and

(ii) The number of employees in each regulated area during normal operations, including maintenance.

(b) Emergencies and the facts obtainable at that time, shall be reported within 24 hours to the director. Upon

request of the director, the employer shall submit additional information in writing relevant to the nature and extent of employee exposures and measures taken to prevent future emergencies of similar nature.

(c) Within 10 working days following any monitoring and measuring which discloses that any employee has been exposed, without regard to the use of respirators, in excess of the permissible exposure limit, each such employee shall be notified in writing of the results of the exposure measurement and the steps being taken to reduce the exposure to within the permissible exposure limit.

((+)) (14) Effective January 1, 1975, the provisions set forth in WAC 296-62-07329 shall apply.

APPENDIX A SUPPLEMENTARY MEDICAL INFORMATION

When required tests under ((paragraph)) subsection (10)(a) of this section show abnormalities, the tests should be repeated as soon as practicable, preferably within 3 to 4 weeks. If tests remain abnormal, consideration should be given to withdrawal of the employee from contact with vinyl chloride, while a more comprehensive examination is made.

Additional tests which may be useful:

(A) For kidney dysfunction: Urine examination for albumin, red blood cells, and exfoliative abnormal cells.

(B) Pulmonary system: Forced vital capacity, forced expiratory volume at 1 second, and chest roentgenogram (posterior-anterior, 14 x 17 inches).

(C) Additional serum tests: Lactic acid dehydrogenase, lactic acid dehydrogenase isoenzyme, protein determination, and protein electrophoresis.

(D) For a more comprehensive examination on repeated abnormal serum tests: Hepatitis B antigen, and liver scanning.

AMENDATORY SECTION (Amending Order 88-04, filed 5/11/88)

WAC 296-62-07337 Appendix A—Substance safety data sheet for acrylonitrile. (1) Substance identification.

(a) Substance: Acrylonitrile (CH₂CHCN).

(b) Synonyms: Propenenitrile; vinyl cyanide; cyanoethylene; AN; VCN; acylon; carbacryl; fumigrian; ventox.

(c) Acrylonitrile can be found as a liquid or vapor, and can also be found in polymer resins, rubbers, plastics, polyols, and other polymers having acrylonitrile as a raw or intermediate material.

(d) AN is used in the manufacture of acrylic and modiacrylic fibers, acrylic plastics and resins, speciality polymers, nitrile rubbers, and other organic chemicals. It has also been used as a fumigant.

(e) Appearance and odor: Colorless to pale yellow liquid with a pungent odor which can only be detected at concentrations above the permissible exposure level, in a range of 13-19 parts AN per million parts of air (13-19 ppm).

(f) Permissible exposure: Exposure may not exceed either:

(i) Two parts AN per million parts of air (2 ppm) averaged over the eight-hour workday; or

(ii) Ten parts AN per million parts of air (10 ppm) averaged over any fifteen-minute period in the workday.

(iii) In addition, skin and eye contact with liquid AN is prohibited.

(2) Health hazard data.

(a) Acrylonitrile can affect your body if you inhale the vapor (breathing), if it comes in contact with your eyes or skin, or if you swallow it. It may enter your body through your skin.

(b) Effects of overexposure:

(i) Short-term exposure: Acrylonitrile can cause eye irritation, nausea, vomiting, headache, sneezing, weakness, and light-headedness. At high concentrations, the effects of exposure may go on to loss of consciousness and death. When acrylonitrile is held in contact with the skin after being absorbed into shoe leather or clothing, it may produce blisters following several hours of no apparent effect. Unless the shoes or clothing are removed immediately and the area washed, blistering will occur. Usually there is no pain or inflammation associated with blister formation.

(ii) Long-term exposure: Acrylonitrile has been shown to cause cancer in laboratory animals and has been associated with higher incidences of cancer in humans. Repeated or prolonged exposure of the skin to acrylonitrile may produce irritation and dermatitis.

(iii) Reporting signs and symptoms: You should inform your employer if you develop any signs or symptoms and suspect they are caused by exposure to acrylonitrile.

(3) Emergency first aid procedures.

(a) Eye exposure: If acrylonitrile gets into your eyes, wash your eyes immediately with large amounts of water, lifting the lower and upper lids occasionally. Get medical attention immediately. Contact lenses should not be worn when working with this chemical.

(b) Skin exposure: If acrylonitrile gets on your skin, immediately wash the contaminated skin with water. If acrylonitrile soaks through your clothing, especially your shoes, remove the clothing immediately and wash the skin with water. If symptoms occur after washing, get medical attention immediately. Thoroughly wash the clothing before reusing. Contaminated leather shoes or other leather articles should be discarded.

(c) Inhalation: If you or any other person breathes in large amounts of acrylonitrile, move the exposed person to fresh air at once. If breathing has stopped, perform artificial respiration. Keep the affected person warm and at rest. Get medical attention as soon as possible.

(d) Swallowing: When acrylonitrile has been swallowed, give the person large quantities of water immediately. After the water has been swallowed, try to get the person to vomit by having him touch the back of his throat with his finger. Do not make an unconscious person vomit. Get medical attention immediately.

(e) Rescue: Move the affected person from the hazardous exposure. If the exposed person has been overcome, notify someone else and put into effect the established emergency procedures. Do not become a casualty yourself. Understand your emergency rescue procedures and know the location of the emergency equipment before the need arises.

(f) Special first aid procedures: First aid kits containing an adequate supply (at least two dozen) of amyl nitrite pearls, each containing 0.3 ml, should be maintained at each site where acrylonitrile is used. When a person is suspected of receiving an overexposure to acrylonitrile, immediately

remove that person from the contaminated area using established rescue procedures. Contaminated clothing must be removed and the acrylonitrile washed from the skin immediately. Artificial respiration should be started at once if breathing has stopped. If the person is unconscious, amyl nitrite may be used as an antidote by a properly trained individual in accordance with established emergency procedures. Medical aid should be obtained immediately.

(4) Respirators and protective clothing.

(a) Respirators:

(i) You may be required to wear a respirator for nonroutine activities, in emergencies, while your employer is in the process of reducing acrylonitrile exposures through engineering controls, and in areas where engineering controls are not feasible. If respirators are worn, they must have a Mine Safety and Health Administration (MSHA or MESA) or National Institute for Occupational Safety and Health (NIOSH) label of approval for use with organic vapors. (Older respirators may have a Bureau of Mines approval label.) For effective protection, respirators must fit your face and head snugly. Respirators should not be loosened or removed in work situations where their use is required.

(ii) Acrylonitrile does not have a detectable odor except at levels above the permissible exposure limits. Do not depend on odor to warn you when a respirator cartridge or canister is exhausted. Cartridges or canisters must be changed daily or before the end-of-service-life, whichever comes first. Reuse of these may allow (~~acrylonitrile~~) acrylonitrile to gradually filter through the cartridge and cause exposures which you cannot detect by odor. If you can smell (~~acrylonitrile~~) acrylonitrile while wearing a respirator, proceed immediately to fresh air. If you experience difficulty breathing while wearing a respirator, tell your employer.

(b) Supplied-air suits: In some work situations, the wearing of supplied-air suits may be necessary. Your employer must instruct you in their proper use and operation.

(c) Protective clothing:

(i) You must wear impervious clothing, gloves, face shield, or other appropriate protective clothing to prevent skin contact with liquid (~~acrylonitrile~~) acrylonitrile. Where protective clothing is required, your employer is required to provide clean garments to you as necessary to assume that the clothing protects you adequately.

(ii) Replace or repair impervious clothing that has developed leaks.

(iii) Acrylonitrile should never be allowed to remain on the skin. Clothing and shoes which are not impervious to acrylonitrile should not be allowed to become contaminated with acrylonitrile, and if they do the clothing and shoes should be promptly removed and decontaminated. The clothing should be laundered or discarded after the AN is removed. Once acrylonitrile penetrates shoes or other leather articles, they should not be worn again.

(d) Eye protection: You must wear splashproof safety goggles in areas where liquid acrylonitrile may contact your eyes. In addition, contact lenses should not be worn in areas where eye contact with acrylonitrile can occur.

(5) Precautions for safe use, handling, and storage.

(a) Acrylonitrile is a flammable liquid, and its vapors can easily form explosive mixtures in air.

(b) Acrylonitrile must be stored in tightly closed containers in a cool, well-ventilated area, away from heat, sparks, flames, strong oxidizers (especially bromine), strong bases, copper, copper alloys, ammonia, and amines.

(c) Sources of ignition such as smoking and open flames are prohibited wherever acrylonitrile is handled, used, or stored in a manner that could create a potential fire or explosion hazard.

(d) You should use nonsparking tools when opening or closing metal containers of acrylonitrile, and containers must be bonded and grounded when pouring or transferring liquid acrylonitrile.

(e) You must immediately remove any nonimpervious clothing that becomes wetted with acrylonitrile, and this clothing must not be reworn until the acrylonitrile is removed from the clothing.

(f) Impervious clothing wet with liquid acrylonitrile can be easily ignited. This clothing must be washed down with water before you remove it.

(g) If your skin becomes wet with liquid acrylonitrile, you must promptly and thoroughly wash or shower with soap or mild detergent to remove any acrylonitrile from your skin.

(h) You must not keep food, beverages, or smoking materials, nor are you permitted to eat or smoke in regulated areas where acrylonitrile concentrations are above the permissible exposure limits.

(i) If you contact liquid acrylonitrile, you must wash your hands thoroughly with soap or mild detergent and water before eating, smoking, or using toilet facilities.

(j) Fire extinguishers and quick drenching facilities must be readily available, and you should know where they are and how to operate them.

(k) Ask your supervisor where acrylonitrile is used in your work area and for any additional plant safety and health rules.

(6) Access to information.

(a) Each year, your employer is required to inform you of the information contained in this Substance Safety Data Sheet for acrylonitrile. In addition, your employer must instruct you in the proper work practices for using acrylonitrile, emergency procedures, and the correct use of protective equipment.

(b) Your employer is required to determine whether you are being exposed to acrylonitrile. You or your representative has the right to observe employee measurements and to record the results obtained. Your employer is required to inform you of your exposure. If your employer determines that you are being overexposed, he or she is required to inform you of the actions which are being taken to reduce your exposure to within permissible exposure limits.

(c) Your employer is required to keep records of your exposures and medical examinations. These records must be kept by the employer for at least forty years or for the period of your employment plus twenty years, whichever is longer.

(d) Your employer is required to release your exposure and medical records to you or your representative upon your request.

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

AMENDATORY SECTION (Amending Order 88-04, filed 5/11/88)**WAC 296-62-07343 Appendix A—Substance safety data sheet for DBCP.** (1) Substance identification.

(a) Synonyms and trades names: DBCP; Dibromochloropropane; Fumazone (Dow Chemical Company TM); Nemaflume; Nemagon (Shell Chemical Co. TM); Nemaset; BBC 12; and OS 1879.

(b) Permissible exposure:

(i) Airborne. 1 part DBCP vapor per billion parts of air (1 ppb); time-weighted average (TWA) for an eight-hour workday.

(ii) Dermal. Eye contact and skin contact with DBCP are prohibited.

(c) Appearance and odor: Technical grade DBCP is a dense yellow or amber liquid with a pungent odor. It may also appear in granular form, or blended in varying concentrations with other liquids.

(d) Uses: DBCP is used to control nematodes, very small worm-like plant parasites, on crops including cotton, soybeans, fruits, nuts, vegetables and ornamentals.

(2) Health hazard data.

(a) Routes of entry: Employees may be exposed:

(i) Through inhalation (breathing);

(ii) Through ingestion (swallowing);

(iii) Skin contact; and

(iv) Eye contact.

(b) Effects of exposure:

(i) Acute exposure. DBCP may cause drowsiness, irritation of the eyes, nose, throat and skin, nausea and vomiting. In addition, overexposure may cause damage to the lungs, liver or kidneys.

(ii) Chronic exposure. Prolonged or repeated exposure to DBCP has been shown to cause sterility in humans. It also has been shown to produce cancer and sterility in laboratory animals and has been determined to constitute an increased risk of cancer in ~~((man))~~ people.

(iii) Reporting signs and symptoms. If you develop any of the above signs or symptoms that you think are caused by exposure to DBCP, you should inform your employer.

(3) Emergency first-aid procedures.

(a) Eye exposure. If DBCP liquid or dust containing DBCP gets into your eyes, wash your eyes immediately with large amounts of water, lifting the lower and upper lids occasionally. Get medical attention immediately. Contact lenses should not be worn when working with DBCP.

(b) Skin exposure. If DBCP liquids or dusts containing DBCP get on your skin, immediately wash using soap or mild detergent and water. If DBCP liquids or dusts containing DBCP penetrate through your clothing, remove the clothing immediately and wash. If irritation is present after washing get medical attention.

(c) Breathing. If you or any person breathe in large amounts of DBCP, move the exposed person to fresh air at once. If breathing has stopped, perform artificial respiration. Do not use mouth-to-mouth. Keep the affected person warm and at rest. Get medical attention as soon as possible.

(d) Swallowing. When DBCP has been swallowed and the person is conscious, give the person large amounts of water immediately. After the water has been swallowed, try to get the person to vomit by having him touch the back of

his throat with his finger. Do not make an unconscious person vomit. Get medical attention immediately.

(e) Rescue. Notify someone. Put into effect the established emergency rescue procedures. Know the locations of the emergency rescue equipment before the need arises.

(4) Respirators and protective clothing.

(a) Respirators. You may be required to wear a respirator in emergencies and while your employer is in the process of reducing DBCP exposures through engineering controls. If respirators are worn, they must have a National Institute for Occupational Safety and Health (NIOSH) approval label (older respirators may have a Bureau of Mines Approval label). For effective protection, a respirator must fit your face and head snugly. The respirator should not be loosened or removed in work situations where its use is required. DBCP does not have a detectable odor except at 1,000 times or more above the permissible exposure limit. If you can smell DBCP while wearing a respirator, the respirator is not working correctly; go immediately to fresh air. If you experience difficulty breathing while wearing a respirator, tell your employer.

(b) Protective clothing. When working with DBCP you must wear for your protection impermeable work clothing provided by your employer. (Standard rubber and neoprene protective clothing do not offer adequate protection). DBCP must never be allowed to remain on the skin. Clothing and shoes must not be allowed to become contaminated with DBCP, and if they do, they must be promptly removed and not worn again until completely free of DBCP. Turn in impermeable clothing that has developed leaks for repair or replacement.

(c) Eye protection. You must wear splashproof safety goggles where there is any possibility of DBCP liquid or dust contacting your eyes.

(5) Precautions for safe use, handling, and storage.

(a) DBCP must be stored in tightly closed containers in a cool, well-ventilated area.

(b) If your work clothing may have become contaminated with DBCP, or liquids or dusts containing DBCP, you must change into uncontaminated clothing before leaving the work premises.

(c) You must promptly remove any protective clothing that becomes contaminated with DBCP. This clothing must not be reworn until the DBCP is removed from the clothing.

(d) If your skin becomes contaminated with DBCP, you must immediately and thoroughly wash or shower with soap or mild detergent and water to remove any DBCP from your skin.

(e) You must not keep food, beverages, cosmetics, or smoking materials, nor eat or smoke, in regulated areas.

(f) If you work in a regulated area, you must wash your hands thoroughly with soap or mild detergent and water, before eating, smoking or using toilet facilities.

(g) If you work in a regulated area, you must remove any protective equipment or clothing before leaving the regulated area.

(h) Ask your supervisor where DBCP is used in your work area and for any additional safety and health rules.

(6) Access to information.

(a) Each year, your employer is required to inform you of the information contained in this substance safety data

sheet for DBCP. In addition, your employer must instruct you in the safe use of DBCP, emergency procedures, and the correct use of protective equipment.

(b) Your employer is required to determine whether you are being exposed to DBCP. You or your representative have the right to observe employee exposure measurements and to record the result obtained. Your employer is required to inform you of your exposure. If your employer determines that you are being overexposed, ~~((he is))~~ they are required to inform you of the actions which are being taken to reduce your exposure.

(c) Your employer is required to keep records of your exposure and medical examinations. Your employer is required to keep exposure and medical data for at least forty years or the duration of your employment plus twenty years, whichever is longer.

(d) Your employer is required to release exposure and medical records to you, your physician, or other individual designated by you upon your written request.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

WAC 296-62-07347 Inorganic arsenic. (1) Scope and application. This section applies to all occupational exposures to inorganic arsenic except that this section does not apply to employee exposures in agriculture or resulting from pesticide application, the treatment of wood with preservatives or the utilization of arsenically preserved wood.

(2) Definitions.

(a) "Action level" - a concentration of inorganic arsenic of 5 micrograms per cubic meter of air ($5 \mu\text{g}/\text{m}^3$) averaged over any eight-hour period.

(b) "Authorized person" - any person specifically authorized by the employer whose duties require the person to enter a regulated area, or any person entering such an area as a designated representative of employees for the purpose of exercising the right to observe monitoring and measuring procedures under subsection (5) of this section.

(c) "Director" - the director of the department of labor and industries, or his/her designated representative.

(d) "Inorganic arsenic" - copper aceto-arsenite and all inorganic compounds containing arsenic except arsine, measured as arsenic (As).

(3) Permissible exposure limit. The employer shall assure that no employee is exposed to inorganic arsenic at concentrations greater than 10 micrograms per cubic meter of air ($10 \mu\text{g}/\text{m}^3$), averaged over any eight-hour period.

(4) Notification of use.

(a) By October 1, 1978, or within sixty days after the introduction of inorganic arsenic into the workplace, every employer who is required to establish a regulated area in his/her workplaces shall report in writing to the department of labor and industries for each such workplace:

(i) The address of each such workplace;

(ii) The approximate number of employees who will be working in regulated areas; and

(iii) A brief summary of the operations creating the exposure and the actions which the employer intends to take to reduce exposures.

(b) Whenever there has been a significant change in the information required by subsection (4)(a) of this section, the

employer shall report the changes in writing within sixty days to the department of labor and industries.

(5) Exposure monitoring.

(a) General.

(i) Determinations of airborne exposure levels shall be made from air samples that are representative of each employee's exposure to inorganic arsenic over an eight-hour period.

(ii) For the purposes of this section, employee exposure is that exposure which would occur if the employee were not using a respirator.

(iii) The employer shall collect full shift (for at least seven continuous hours) personal samples including at least one sample for each shift for each job classification in each work area.

(b) Initial monitoring. Each employer who has a workplace or work operation covered by this standard shall monitor each such workplace and work operation to accurately determine the airborne concentration of inorganic arsenic to which employees may be exposed.

(c) Frequency.

(i) If the initial monitoring reveals employee exposure to be below the action level the measurements need not be repeated except as otherwise provided in subsection (5)(d) of this section.

(ii) If the initial monitoring, required by this section, or subsequent monitoring reveals employee exposure to be above the permissible exposure limit, the employer shall repeat monitoring at least quarterly.

(iii) If the initial monitoring, required by this section, or subsequent monitoring reveals employee exposure to be above the action level and below the permissible exposure limit the employee shall repeat monitoring at least every six months.

(iv) The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least seven days apart, are below the action level at which time the employer may discontinue monitoring for that employee until such time as any of the events in subsection (5)(d) of this section occur.

(d) Additional monitoring. Whenever there has been a production, process, control or personal change which may result in new or additional exposure to inorganic arsenic, or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to inorganic arsenic, additional monitoring which complies with subsection (5) of this section shall be conducted.

(e) Employee notification.

(i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of the results which represent that employee's exposures.

(ii) Whenever the results indicate that the representative employee exposure exceeds the permissible exposure limit, the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action taken to reduce exposure to or below the permissible exposure limit.

(f) Accuracy of measurement.

(i) The employer shall use a method of monitoring and measurement which has an accuracy (with a confidence level of 95 percent) of not less than plus or minus 25 percent for

concentrations of inorganic arsenic greater than or equal to $10 \mu\text{g}/\text{m}^3$.

(ii) The employer shall use a method of monitoring and measurement which has an accuracy (with confidence level of 95 percent) of not less than plus or minus 35 percent for concentrations of inorganic arsenic greater than $5 \mu\text{g}/\text{m}^3$ but less than $10 \mu\text{g}/\text{m}^3$.

(6) Regulated area.

(a) Establishment. The employer shall establish regulated areas where worker exposures to inorganic arsenic, without regard to the use of respirators, are in excess of the permissible limit.

(b) Demarcation. Regulated areas shall be demarcated and segregated from the rest of the workplace in any manner that minimizes the number of persons who will be exposed to inorganic arsenic.

(c) Access. Access to regulated areas shall be limited to authorized persons or to persons otherwise authorized by the Act or regulations issued pursuant thereto to enter such areas.

(d) Provision of respirators. All persons entering a regulated area shall be supplied with a respirator, selected in accordance with subsection (8)(b) of this section.

(e) Prohibited activities. The employer shall assure that in regulated areas, food or beverages are not consumed, smoking products, chewing tobacco and gum are not used and cosmetics are not applied, except that these activities may be conducted in the lunchrooms, change rooms and showers required under subsection (12) of this section. Drinking water may be consumed in the regulated area.

(7) Methods of compliance.

(a) Controls.

(i) The employer shall institute at the earliest possible time but not later than December 31, 1979, engineering and work practice controls to reduce exposures to or below the permissible exposure limit, except to the extent that the employer can establish that such controls are not feasible.

(ii) Where engineering and work practice controls are not sufficient to reduce exposures to or below the permissible exposure limit, they shall nonetheless be used to reduce exposures to the lowest levels achievable by these controls and shall be supplemented by the use of respirators in accordance with subsection (8) of this section and other necessary personal protective equipment. Employee rotation is not required as a control strategy before respiratory protection is instituted.

(b) Compliance program.

(i) The employer shall establish and implement a written program to reduce exposures to or below the permissible exposure limit by means of engineering and work practice controls.

(ii) Written plans for these compliance programs shall include at least the following:

(A) A description of each operation in which inorganic arsenic is emitted; e.g., machinery used, material processed, controls in place, crew size, operating procedures and maintenance practices;

(B) Engineering plans and studies used to determine methods selected for controlling exposure to inorganic arsenic;

(C) A report of the technology considered in meeting the permissible exposure limit;

(D) Monitoring data;

(E) A detailed schedule for implementation of the engineering controls and work practices that cannot be implemented immediately and for the adaption and implementation of any additional engineering and work practices necessary to meet the permissible exposure limit;

(F) Whenever the employer will not achieve the permissible exposure limit with engineering controls and work practices by December 31, 1979, the employer shall include in the compliance plan an analysis of the effectiveness of the various controls, shall install engineering controls and institute work practices on the quickest schedule feasible, and shall include in the compliance plan and implement a program to minimize the discomfort and maximize the effectiveness of respirator use; and

(G) Other relevant information.

(iii) Written plans for such a program shall be submitted upon request to the director, and shall be available at the worksite for examination and copying by the director, any affected employee or authorized employee representatives.

(iv) The plans required by this subsection shall be revised and updated at least every six months to reflect the current status of the program.

(8) Respiratory protection.

(a) General. The employer shall assure that respirators are used where required under this section to reduce employee exposures to below the permissible exposure limit and in emergencies. Respirators shall be used in the following circumstances:

(i) During the time period necessary to install or implement feasible engineering or work practice controls;

(ii) In work operations such as maintenance and repair activities in which the employer establishes that engineering and work practice controls are not feasible;

(iii) In work situations in which engineering controls and supplemental work practice controls are not yet sufficient to reduce exposures to or below the permissible exposure limit; or

(iv) In emergencies.

(b) Respirator selection.

(i) Where respirators are required under this section the employer shall select, provide at no cost to the employee and assure the use of the appropriate respirator or combination of respirators from Table I for inorganic arsenic compounds without significant vapor pressure, or Table II for inorganic arsenic compounds which have significant vapor pressure.

(ii) Where employee exposures exceed the permissible exposure limit for inorganic arsenic and also exceed the relevant limit for particular gasses such as sulfur dioxide, any air purifying respirator supplied to the employee as permitted by this standard must have a combination high efficiency filter with an appropriate gas sorbent. (See footnote in Table I)

TABLE I

RESPIRATORY PROTECTION FOR INORGANIC ARSENIC PARTICULATE EXCEPT FOR THOSE WITH SIGNIFICANT VAPOR PRESSURE

Concentration of Inorganic Arsenic (as As) or Condition of Use	Required Respirator
(i) Unknown or greater or lesser than 20,000 $\mu\text{g}/\text{m}^3$ (20 mg/m^3) firefighting.	(A) Any full facepiece self-contained or breathing apparatus operated in positive pressure mode.
(ii) Not greater than 20,000 $\mu\text{g}/\text{m}^3$ (20 mg/m^3)	(A) Supplied air respirator with full facepiece, hood, or helmet or suit and operated in positive pressure mode.
(iii) Not greater than 10,000 $\mu\text{g}/\text{m}^3$ (10 mg/m^3)	(A) Powered air-purifying respirators in all inlet face coverings with high-efficiency filters. ¹ (B) Half-mask supplied air respirators operated in positive pressure mode.
(iv) Not greater than 500 $\mu\text{g}/\text{m}^3$	(A) Full facepiece air-purifying respirator equipped with high-efficiency filter. ¹ (B) Any full facepiece supplied air respirator. (C) Any full facepiece self-contained breathing apparatus.
(v) Not greater than 100 $\mu\text{g}/\text{m}^3$	(A) Half-mask air-purifying respirator equipped with high-efficiency filter. ¹ (B) Any half-mask supplied air respirator.

¹ High-efficiency filter-99.97 pct efficiency against 0.3 micrometer monodisperse diethyl-hexyl phthalate (DOP) particles.

TABLE II

RESPIRATORY PROTECTION FOR INORGANIC ARSENICALS (SUCH AS ARSENIC TRICHLORIDE² AND ARSENIC PHOSPHIDE) WITH SIGNIFICANT VAPOR PRESSURE

Concentration of Inorganic Arsenic (as As) or Condition of Use	Required Respirator
(i) Unknown or greater or lesser than 20,000 $\mu\text{g}/\text{m}^3$ (20 mg/m^3) or firefighting.	(A) Any full facepiece contained breathing apparatus operated in positive pressure mode.
(ii) Not greater than 20,000 $\mu\text{g}/\text{m}^3$ (20 mg/m^3)	(A) Supplied air respirator with full facepiece hood, or helmet or suit and operated in positive pressure mode.
(iii) Not greater than 10,000 $\mu\text{g}/\text{m}^3$ (10 mg/m^3)	(A) Half-mask ² supplied air respirator operated in positive pressure mode.
(iv) Not greater than 500 $\mu\text{g}/\text{m}^3$	(A) Front or back mounted gas mask equipped with high-efficiency filter ¹ and acid gas canister. (B) Any full facepiece supplied air respirator. (C) Any full facepiece self-contained breathing apparatus.

(v) Not greater than 100 $\mu\text{g}/\text{m}^3$

(A) Half-mask² air-purifying respirator equipped with high-efficiency filter¹ and acid gas cartridge. (B) Any half-mask supplied air respirator.

¹ High efficiency filter-99.97 pct efficiency against 0.3 micrometer monodisperse diethyl-hexyl phthalate (DOP) particles.

² Half-mask respirators shall not be used for protection against arsenic trichloride, as it is rapidly absorbed through the skin.

(iii) The employer shall select respirators from among those approved for protection against dust, fume, and mist by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

(c) Respirator usage.

(i) The employer shall assure that the respirator issued to the employee exhibits minimum facepiece leakage and that the respirator is fitted properly.

(ii) The employer shall perform qualitative fit tests at the time of initial fitting and at least semi-annually thereafter for each employee wearing respirators, where quantitative fit tests are not required.

(iii) Employers with more than twenty employees wearing respirators shall perform a quantitative face fit test at the time of initial fitting and at least semi-annually thereafter for each employee wearing negative pressure respirators. The test shall be used to select facepieces that provide the required protection as prescribed in Table I or II.

(iv) If an employee has demonstrated difficulty in breathing during the fitting test or during use, he or she shall be examined by a physician trained in pulmonary medicine to determine whether the employee can wear a respirator while performing the required duty.

(d) Respirator program.

(i) The employer shall institute a respiratory protection program in accordance with WAC 296-62-071.

(ii) The employer shall permit each employee who uses a filter respirator to change the filter elements whenever an increase in breathing resistance is detected and shall maintain an adequate supply of filter elements for this purpose.

(iii) Employees who wear respirators shall be permitted to leave work areas to wash their face and respirator facepiece to prevent skin irritation associated with respirator use.

(e) Commencement of respirator use.

(i) The employer's obligation to provide respirators commences on August 1, 1978, for employees exposed over 500 $\mu\text{g}/\text{m}^3$ of inorganic arsenic, as soon as possible but not later than October 1, 1978, for employees exposed to over 50 $\mu\text{g}/\text{m}^3$ of inorganic arsenic, and as soon as possible but not later than December 1, 1978, for employees exposed between 10 and 50 $\mu\text{g}/\text{m}^3$ of inorganic arsenic.

(ii) Employees with exposures below 50 $\mu\text{g}/\text{m}^3$ of inorganic arsenic may choose not to wear respirators until December 31, 1979.

(iii) After December 1, 1978, any employee required to wear air purifying respirators may choose, and if so chosen the employer must provide, if it will give proper protection, a powered air purifying respirator and in addition if necessary a combination dust and acid gas respirator for times

where exposures to gases are over the relevant exposure limits.

(9) **Reserved.**

(10) Protective work clothing and equipment.

(a) Provision and use. Where the possibility of skin or eye irritation from inorganic arsenic exists, and for all workers working in regulated areas, the employer shall provide at no cost to the employee and assure that employees use appropriate and clean protective work clothing and equipment such as, but not limited to:

(i) Coveralls or similar full-body work clothing;

(ii) Gloves, and shoes or coverlets;

(iii) Face shields or vented goggles when necessary to prevent eye irritation, which comply with the requirements of WAC 296-24-07801 (1) - (6).

(iv) Impervious clothing for employees subject to exposure to arsenic trichloride.

(b) Cleaning and replacement.

(i) The employer shall provide the protective clothing required in subsection (10)(a) of this section in a freshly laundered and dry condition at least weekly, and daily if the employee works in areas where exposures are over 100 $\mu\text{g}/\text{m}^3$ of inorganic arsenic or in areas where more frequent washing is needed to prevent skin irritation.

(ii) The employer shall clean, launder, or dispose of protective clothing required by subsection (10)(a) of this section.

(iii) The employer shall repair or replace the protective clothing and equipment as needed to maintain their effectiveness.

(iv) The employer shall assure that all protective clothing is removed at the completion of a work shift only in change rooms prescribed in subsection (13)(a) of this section.

(v) The employer shall assure that contaminated protective clothing which is to be cleaned, laundered, or disposed of, is placed in a closed container in the change-room which prevents dispersion of inorganic arsenic outside the container.

(vi) The employer shall inform in writing any person who cleans or launders clothing required by this section, of the potentially harmful affects including the carcinogenic effects of exposure to inorganic arsenic.

(vii) The employer shall assure that the containers of contaminated protective clothing and equipment in the workplace or which are to be removed from the workplace are labeled as follows:

Caution: Clothing contaminated with inorganic arsenic; do not remove dust by blowing or shaking. Dispose of inorganic arsenic contaminated wash water in accordance with applicable local, state, or federal regulations.

(viii) The employer shall prohibit the removal of inorganic arsenic from protective clothing or equipment by blowing or shaking.

(11) Housekeeping.

(a) Surfaces. All surfaces shall be maintained as free as practicable of accumulations of inorganic arsenic.

(b) Cleaning floors. Floors and other accessible surfaces contaminated with inorganic arsenic may not be cleaned by the use of compressed air, and shoveling and brushing may be used only where vacuuming or other

relevant methods have been tried and found not to be effective.

(c) Vacuuming. Where vacuuming methods are selected, the vacuums shall be used and emptied in a manner to minimize the reentry of inorganic arsenic into the workplace.

(d) Housekeeping plan. A written housekeeping and maintenance plan shall be kept which shall list appropriate frequencies for carrying out housekeeping operations, and for cleaning and maintaining dust collection equipment. The plan shall be available for inspection by the director.

(e) Maintenance of equipment. Periodic cleaning of dust collection and ventilation equipment and checks of their effectiveness shall be carried out to maintain the effectiveness of the system and a notation kept of the last check of effectiveness and cleaning or maintenance.

(12) **Reserved.**

(13) Hygiene facilities and practices.

(a) Change rooms. The employer shall provide for employees working in regulated areas or subject to the possibility of skin or eye irritation from inorganic arsenic, clean change rooms equipped with storage facilities for street clothes and separate storage facilities for protective clothing and equipment in accordance with WAC 296-24-12011.

(b) Showers.

(i) The employer shall assure that employees working in regulated areas or subject to the possibility of skin or eye irritation from inorganic arsenic shower at the end of the work shift.

(ii) The employer shall provide shower facilities in accordance with WAC 296-24-12009(3).

(c) Lunchrooms.

(i) The employer shall provide for employees working in regulated areas, lunchroom facilities which have a temperature controlled, positive pressure, filtered air supply, and which are readily accessible to employees working in regulated areas.

(ii) The employer shall assure that employees working in the regulated area or subject to the possibility of skin or eye irritation from exposure to inorganic arsenic wash their hands and face prior to eating.

(d) Lavatories. The employer shall provide lavatory facilities which comply with WAC 296-24-12009 (1) and (2).

(e) Vacuuming clothes. The employer shall provide facilities for employees working in areas where exposure, without regard to the use of respirators, exceeds 100 $\mu\text{g}/\text{m}^3$ to vacuum their protective clothing and clean or change shoes worn in such areas before entering change rooms, lunchrooms or shower rooms required by subsection (10) of this section and shall assure that such employees use such facilities.

(f) Avoidance of skin irritation. The employer shall assure that no employee is exposed to skin or eye contact with arsenic trichloride, or to skin or eye contact with liquid or particulate inorganic arsenic which is likely to cause skin or eye irritation.

(14) Medical surveillance.

(a) General.

(i) Employees covered. The employer shall institute a medical surveillance program for the following employees:

(A) All employees who are or will be exposed above the action level, without regard to the use of respirators, at least thirty days per year; and

(B) All employees who have been exposed above the action level, without regard to respirator use, for thirty days or more per year for a total of ten years or more of combined employment with the employer or predecessor employers prior to or after the effective date of this standard. The determination of exposures prior to the effective date of this standard shall be based upon prior exposure records, comparison with the first measurements taken after the effective date of this standard, or comparison with records of exposures in areas with similar processes, extent of engineering controls utilized and materials used by that employer.

(ii) Examination by physician. The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and shall be provided without cost to the employee, without loss of pay and at a reasonable time and place.

(b) Initial examinations. By December 1, 1978, for employees initially covered by the medical provisions of this section, or thereafter at the time of initial assignment to an area where the employee is likely to be exposed over the action level at least thirty days per year, the employer shall provide each affected employee an opportunity for a medical examination, including at least the following elements:

(i) A work history and a medical history which shall include a smoking history and the presence and degree of respiratory symptoms such as breathlessness, cough, sputum production and wheezing.

(ii) A medical examination which shall include at least the following:

(A) A 14" by 17" posterior-anterior chest x-ray and International Labor Office UICC/Cincinnati (ILO U/C) rating;

(B) A nasal and skin examination;

(C) A sputum cytology examination; and

(D) Other examinations which the physician believes appropriate because of the employees exposure to inorganic arsenic or because of required respirator use.

(c) Periodic examinations.

(i) The employer shall provide the examinations specified in subsections (14)(b)(i) and (14)(b)(ii)(A), (B) and (D) of this section at least annually for covered employees who are under forty-five years of age with fewer than ten years of exposure over the action level without regard to respirator use.

(ii) The employer shall provide the examinations specified in subsections (14)(b)(i) and (ii) of this section at least semi-annually for other covered employees.

(iii) Whenever a covered employee has not taken the examinations specified in subsection (14)(b)(i) and (ii) of this section within six months preceding the termination of employment, the employer shall provide such examinations to the employee upon termination of employment.

(d) Additional examinations. If the employee for any reason develops signs or symptoms commonly associated with exposure to inorganic arsenic the employer shall provide an appropriate examination and emergency medical treatment.

(e) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this standard and its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's representative exposure level or anticipated exposure level;

(iv) A description of any personal protective equipment used or to be used; and

(v) Information from previous medical examinations of the affected employee which is not readily available to the examining physician.

(f) Physician's written opinion.

(i) The employer shall obtain a written opinion from the examining physician which shall include:

(A) The results of the medical examination and tests performed;

(B) The physician's opinion as to whether the employee has any detected medical conditions which would place the employee at increased risk of material impairment of the employee's health from exposure to inorganic arsenic;

(C) Any recommended limitations upon the employee's exposure to inorganic arsenic or upon the use of protective clothing or equipment such as respirators; and

(D) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further (~~explanation~~) examination or treatment.

(ii) The employer shall instruct the physician not to reveal in the written opinion specific findings or diagnoses unrelated to occupational exposure.

(iii) The employer shall provide a copy of the written opinion to the affected employee.

(15) Employee information and training.

(a) Training program.

(i) The employer shall institute a training program for all employees who are subject to exposure to inorganic arsenic above the action level without regard to respirator use, or for whom there is the possibility of skin or eye irritation from inorganic arsenic. The employer shall assure that those employees participate in the training program.

(ii) The training program shall be provided by October 1, 1978 for employees covered by this provision, at the time of initial assignment for those subsequently covered by this provision, and shall be repeated at least quarterly for employees who have optional use of respirators and at least annually for other covered employees thereafter, and the employer shall assure that each employee is informed of the following:

(A) The information contained in Appendix A;

(B) The quantity, location, manner of use, storage, sources of exposure, and the specific nature of operations which could result in exposure to inorganic arsenic as well as any necessary protective steps;

(C) The purpose, proper use, and limitation of respirators;

(D) The purpose and a description of medical surveillance program as required by subsection (14) of this section;

(E) The engineering controls and work practices associated with the employee's job assignment; and

(F) A review of this standard.

(b) Access to training materials.

(i) The employer shall make readily available to all affected employees a copy of this standard and its appendices.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(16) Signs and labels.

(a) General.

(i) The employer may use labels or signs required by other statutes, regulations, or ordinances in addition to, or in combination with, signs and labels required by this subsection.

(ii) The employer shall assure that no statement appears on or near any sign or label required by this subsection which contradicts or detracts from the meaning of the required sign or label.

(b) Signs.

(i) The employer shall post signs demarcating regulated areas bearing the legend:

DANGER
INORGANIC ARSENIC
CANCER HAZARD
AUTHORIZED PERSONNEL ONLY
NO SMOKING OR EATING
RESPIRATOR REQUIRED

(ii) The employer shall assure that signs required by this subsection are illuminated and cleaned as necessary so that the legend is readily visible.

(c) Labels. The employer shall apply precautionary labels to all shipping and storage containers of inorganic arsenic, and to all products containing inorganic arsenic except when the inorganic arsenic in the product is bound in such a manner so as to make unlikely the possibility of airborne exposure to inorganic arsenic. (Possible examples of products not requiring labels are semiconductors, light emitting diodes and glass.) The label shall bear the following legend:

DANGER
CONTAINS INORGANIC ARSENIC
CANCER HAZARD
HARMFUL IF INHALED OR
SWALLOWED
USE ONLY WITH ADEQUATE
VENTILATION
OR RESPIRATORY PROTECTION

(17) Recordkeeping.

(a) Exposure monitoring.

(i) The employer shall establish and maintain an accurate record of all monitoring required by subsection (5) of this section.

(ii) This record shall include:

(A) The date(s), number, duration location, and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure where applicable;

(B) A description of the sampling and analytical methods used and evidence of their accuracy;

(C) The type of respiratory protective devices worn, if any;

(D) Name, Social Security number, and job classification of the employees monitored and of all other employees whose exposure the measurement is intended to represent; and

(E) The environmental variables that could affect the measurement of the employee's exposure.

(iii) The employer shall maintain these monitoring records for at least forty years or for the duration of employment plus twenty years, whichever is longer.

(b) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by subsection (14) of this section.

(ii) This record shall include:

(A) The name, Social Security number, and description of duties of the employee;

(B) A copy of the physician's written opinions;

(C) Results of any exposure monitoring done for that employee and the representative exposure levels supplied to the physician; and

(D) Any employee medical complaints related to exposure to inorganic arsenic.

(iii) The employer shall in addition keep, or assure that the examining physician keeps, the following medical records:

(A) A copy of the medical examination results including medical and work history required under subsection (14) of this section;

(B) A description of the laboratory procedures and a copy of any standards or guidelines used to interpret the test results or references to that information;

(C) The initial x-ray;

(D) The x-rays for the most recent five years;

(E) Any x-rays with a demonstrated abnormality and all subsequent x-rays;

(F) The initial cytologic examination slide and written description;

(G) The cytologic examination slide and written description for the most recent five years; and

(H) Any cytologic examination slides with demonstrated atypia, if such atypia persists for three years, and all subsequent slides and written descriptions.

(iv) The employer shall maintain or assure that the physician maintains those medical records for at least forty years, or for the duration of employment, plus twenty years, whichever is longer.

(c) Availability.

(i) The employer shall make available upon request all records required to be maintained by subsection (17) of this section to the director for examination and copying.

(ii) Records required by this subsection shall be provided upon request to employees, designated representatives, and the assistant director in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217.

(iii) The employer shall make available upon request an employee's medical records and exposure records representative of that employee's exposure required to be maintained

by subsection (17) of this section to the affected employee or former employee or to a physician designated by the affected employee or former employee.

(d) Transfer of records.

(i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by this section.

(ii) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records required to be maintained by this section for the prescribed period, these records shall be transmitted to the director.

(iii) At the expiration of the retention period for the records required to be maintained by this section, the employer shall notify the director at least three months prior to the disposal of such records and shall transmit those records to the director if he requests them within that period.

(iv) The employer shall also comply with any additional requirements involving transfer of records set forth in WAC 296-62-05215.

(18) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to inorganic arsenic conducted pursuant to subsection (5) of this section.

(b) Observation procedures.

(i) Whenever observation of the monitoring of employee exposure to inorganic arsenic requires entry into an area where the use of respirators, protective clothing, or equipment is required, the employer shall provide the observer with and assure the use of such respirators, clothing, and such equipment, and shall require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring, observers shall be entitled to;

(A) Receive an explanation of the measurement procedures;

(B) Observe all steps related to the monitoring of inorganic arsenic performed at the place of exposure; and

(C) Record the results obtained or receive copies of the results when returned by the laboratory.

(19) Effective date. This standard shall become effective thirty days after filing with the code reviser.

(20) Appendices. The information contained in the appendices to this section is not intended by itself, to create any additional obligations not otherwise imposed by this standard nor detract from any existing obligation.

(21) Startup dates.

(a) General. The startup dates of requirements of this standard shall be the effective date of this standard unless another startup date is provided for, either in other subsections of this section or in this subsection.

(b) Monitoring. Initial monitoring shall be commenced by August 1, 1978, and shall be completed by September 15, 1978.

(c) Regulated areas. Regulated areas required to be established as a result of initial monitoring shall be set up as soon as possible after the results of that monitoring is known and no later than October 1, 1978.

(d) Compliance program. The written program required by subsection (7)(b) as a result of initial monitoring shall be

made available for inspection and copying as soon as possible and no later than December 1, 1978.

(e) Hygiene and lunchroom facilities. Construction plans for change-rooms, showers, lavatories, and lunchroom facilities shall be completed no later than December 1, 1978, and these facilities shall be constructed and in use no later than July 1, 1979. However, if as part of the compliance plan it is predicted by an independent engineering firm that engineering controls and work practices will reduce exposures below the permissible exposure limit by December 31, 1979, for affected employees, then such facilities need not be completed until one year after the engineering controls are completed or December 31, 1980, whichever is earlier, if such controls have not in fact succeeded in reducing exposure to below the permissible exposure limit.

(f) Summary of startup dates set forth elsewhere in this standard.

STARTUP DATES

August 1, 1978 - Respirator use over 500 $\mu\text{g}/\text{m}^3$.

AS SOON AS POSSIBLE BUT NO LATER THAN

September 15, 1978 - Completion of initial monitoring.

October 1, 1978 - Complete establishment of regulated areas.

Respirator use for employees exposed above 50 $\mu\text{g}/\text{m}^3$.

Completion of initial training. Notification of use.

December 1, 1978 - Respirator use over 10 $\mu\text{g}/\text{m}^3$. Comple-

tion of initial medical. Completion of compliance plan.

Optional use of powered air-purifying respirators.

July 1, 1979 - Completion of lunch rooms and hygiene facilities.

December 31, 1979 - Completion of engineering controls.

All other requirements of the standard have as their startup date August 1, 1978.

AMENDATORY SECTION (Amending Order 93-06, filed 10/20/93, effective 12/1/93)

WAC 296-62-07441 Appendix A, substance safety data sheet—Cadmium. (1) Substance identification.

(a) Substance: Cadmium.

(b) 8-Hour, time-weighted-average, permissible exposure limit (TWA PEL):

(c) TWA PEL: Five micrograms of cadmium per cubic meter of air 5 $\mu\text{g}/\text{m}^3$, time-weighted average (TWA) for an 8-hour workday.

(d) Appearance: Cadmium metal—soft, blue-white, malleable, lustrous metal or grayish-white powder. Some cadmium compounds may also appear as a brown, yellow, or red powdery substance.

(2) Health hazard data.

(a) Routes of exposure. Cadmium can cause local skin or eye irritation. Cadmium can affect your health if you inhale it or if you swallow it.

(b) Effects of overexposure.

(i) Short-term (acute) exposure: Cadmium is much more dangerous by inhalation than by ingestion. High exposures to cadmium that may be immediately dangerous to life or health occur in jobs where workers handle large quantities of cadmium dust or fume; heat cadmium-containing compounds or cadmium-coated surfaces; weld with

cadmium solders or cut cadmium-containing materials such as bolts.

(ii) Severe exposure may occur before symptoms appear. Early symptoms may include mild irritation of the upper respiratory tract, a sensation of constriction of the throat, a metallic taste and/or a cough. A period of one to ten hours may precede the onset of rapidly progressing shortness of breath, chest pain, and flu-like symptoms with weakness, fever, headache, chills, sweating, and muscular pain. Acute pulmonary edema usually develops within twenty-four hours and reaches a maximum by three days. If death from asphyxia does not occur, symptoms may resolve within a week.

(iii) Long-term (chronic) exposure. Repeated or long-term exposure to cadmium, even at relatively low concentrations, may result in kidney damage and an increased risk of cancer of the lung and of the prostate.

(c) Emergency first aid procedures.

(i) Eye exposure: Direct contact may cause redness or pain. Wash eyes immediately with large amounts of water, lifting the upper and lower eyelids. Get medical attention immediately.

(ii) Skin exposure: Direct contact may result in irritation. Remove contaminated clothing and shoes immediately. Wash affected area with soap or mild detergent and large amounts of water. Get medical attention immediately.

(iii) Ingestion: Ingestion may result in vomiting, abdominal pain, nausea, diarrhea, headache, and sore throat. Treatment for symptoms must be administered by medical personnel. Under no circumstances should the employer allow any person whom he/she retains, employs, supervises, or controls to engage in therapeutic chelation. Such treatment is likely to translocate cadmium from pulmonary or other tissue to renal tissue. Get medical attention immediately.

(iv) Inhalation: If large amounts of cadmium are inhaled, the exposed person must be moved to fresh air at once. If breathing has stopped, perform cardiopulmonary resuscitation. Administer oxygen if available. Keep the affected person warm and at rest. Get medical attention immediately.

(v) Rescue: Move the affected person from the hazardous exposure. If the exposed person has been overcome, attempt rescue only after notifying at least one other person of the emergency and putting into effect established emergency procedures. Do not become a casualty yourself. Understand your emergency rescue procedures and know the location of the emergency equipment before the need arises.

(3) Employee information.

(a) Protective clothing and equipment.

(i) Respirators: You may be required to wear a respirator for nonroutine activities; in emergencies; while your employer is in the process of reducing cadmium exposures through engineering controls; and where engineering controls are not feasible. If respirators are worn in the future, they must have a joint Mine Safety and Health Administration (MSHA) and National Institute for Occupational Safety and Health (NIOSH) label of approval. Cadmium does not have a detectable odor except at levels well above the permissible exposure limits. If you can smell cadmium while wearing a respirator, proceed immediately to fresh air. If you

experience difficulty breathing while wearing a respirator, tell your employer.

(ii) Protective clothing: You may be required to wear impermeable clothing, gloves, foot gear, a face shield, or other appropriate protective clothing to prevent skin contact with cadmium. Where protective clothing is required, your employer must provide clean garments to you as necessary to assure that the clothing protects you adequately. The employer must replace or repair protective clothing that has become torn or otherwise damaged.

(iii) Eye protection: You may be required to wear splash-proof or dust resistant goggles to prevent eye contact with cadmium.

(b) Employer requirements.

(i) Medical: If you are exposed to cadmium at or above the action level, your employer is required to provide a medical examination, laboratory tests and a medical history according to the medical surveillance provisions under WAC 296-62-07423. (See summary chart and tables in this section, appendix A.) These tests shall be provided without cost to you. In addition, if you are accidentally exposed to cadmium under conditions known or suspected to constitute toxic exposure to cadmium, your employer is required to make special tests available to you.

(ii) Access to records: All medical records are kept strictly confidential. You or your representative are entitled to see the records of measurements of your exposure to cadmium. Your medical examination records can be furnished to your personal physician or designated representative upon request by you to your employer.

(iii) Observation of monitoring: Your employer is required to perform measurements that are representative of your exposure to cadmium and you or your designated representative are entitled to observe the monitoring procedure. You are entitled to observe the steps taken in the measurement procedure, and to record the results obtained. When the monitoring procedure is taking place in an area where respirators or personal protective clothing and equipment are required to be worn, you or your representative must also be provided with, and must wear the protective clothing and equipment.

(c) Employee requirements. You will not be able to smoke, eat, drink, chew gum or tobacco, or apply cosmetics while working with cadmium in regulated areas. You will also not be able to carry or store tobacco products, gum, food, drinks, or cosmetics in regulated areas because these products easily become contaminated with cadmium from the workplace and can therefore create another source of unnecessary cadmium exposure. Some workers will have to change out of work clothes and shower at the end of the day, as part of their workday, in order to wash cadmium from skin and hair. Handwashing and cadmium-free eating facilities shall be provided by the employer and proper hygiene should always be performed before eating. It is also recommended that you do not smoke or use tobacco products, because among other things, they naturally contain cadmium. For further information, read the labeling on such products.

(4) Physician information.

(a) Introduction. The medical surveillance provisions of WAC 296-62-07423 generally are aimed at accomplishing three main interrelated purposes: First, identifying employ-

ees at higher risk of adverse health effects from excess, chronic exposure to cadmium; second, preventing cadmium-induced disease; and third, detecting and minimizing existing cadmium-induced disease. The core of medical surveillance in this standard is the early and periodic monitoring of the employee's biological indicators of:

- (i) Recent exposure to cadmium;
- (ii) Cadmium body burden; and
- (iii) Potential and actual kidney damage associated with exposure to cadmium.

The main adverse health effects associated with cadmium overexposure are lung cancer and kidney dysfunction. It is not yet known how to adequately biologically monitor human beings to specifically prevent cadmium-induced lung cancer. By contrast, the kidney can be monitored to provide prevention and early detection of cadmium-induced kidney damage. Since, for noncarcinogenic effects, the kidney is considered the primary target organ of chronic exposure to cadmium, the medical surveillance provisions of this standard effectively focus on cadmium-induced kidney disease. Within that focus, the aim, where possible, is to prevent the onset of such disease and, where necessary, to minimize such disease as may already exist. The by-products of successful prevention of kidney disease are anticipated to be the reduction and prevention of other cadmium-induced diseases.

(b) Health effects. The major health effects associated with cadmium overexposure are described below.

(i) Kidney: The most prevalent nonmalignant disease observed among workers chronically exposed to cadmium is kidney dysfunction. Initially, such dysfunction is manifested as proteinuria. The proteinuria associated with cadmium exposure is most commonly characterized by excretion of low-molecular weight proteins (15,000 to 40,000 MW) accompanied by loss of electrolytes, uric acid, calcium, amino acids, and phosphate. The compounds commonly excreted include: beta-2-microglobulin (β_2 -M), retinol binding protein (RBP), immunoglobulin light chains, and lysozyme. Excretion of low molecular weight proteins are characteristic of damage to the proximal tubules of the kidney (Iwao et al., 1980). It has also been observed that exposure to cadmium may lead to urinary excretion of high-molecular weight proteins such as albumin, immunoglobulin G, and glycoproteins (Ex. 29). Excretion of high-molecular weight proteins is typically indicative of damage to the glomeruli of the kidney. Bernard et al., (1979) suggest that damage to the glomeruli and damage to the proximal tubules of the kidney may both be linked to cadmium exposure but they may occur independently of each other. Several studies indicate that the onset of low-molecular weight proteinuria is a sign of irreversible kidney damage (Friberg et al., 1974; Roels et al., 1982; Piscator 1984; Elinder et al., 1985; Smith et al., 1986). Above specific levels of β_2 -M associated with cadmium exposure it is unlikely that β_2 -M levels return to normal even when cadmium exposure is eliminated by removal of the individual from the cadmium work environment (Friberg, Ex. 29, 1990). Some studies indicate that such proteinuria may be progressive; levels of β_2 -M observed in the urine increase with time even after cadmium exposure has ceased. See, for example, Elinder et al., 1985. Such observations, however, are not universal, and it has been suggested that studies in which proteinuria has not been observed to progress may not have tracked

patients for a sufficiently long time interval (Jarup, Ex. 8-661). When cadmium exposure continues after the onset of proteinuria, chronic nephrotoxicity may occur (Friberg, Ex. 29). Uremia results from the inability of the glomerulus to adequately filter blood. This leads to severe disturbance of electrolyte concentrations and may lead to various clinical complications including kidney stones (L-140-50). After prolonged exposure to cadmium, glomerular proteinuria, glucosuria, aminoaciduria, phosphaturia, and hypercalciuria may develop (Exs. 8-86, 4-28, 14-18). Phosphate, calcium, glucose, and amino acids are essential to life, and under normal conditions, their excretion should be regulated by the kidney. Once low molecular weight proteinuria has developed, these elements dissipate from the human body. Loss of glomerular function may also occur, manifested by decreased glomerular filtration rate and increased serum creatinine. Severe cadmium-induced renal damage may eventually develop into chronic renal failure and uremia (Ex. 55). Studies in which animals are chronically exposed to cadmium confirm the renal effects observed in humans (Friberg et al., 1986). Animal studies also confirm problems with calcium metabolism and related skeletal effects which have been observed among humans exposed to cadmium in addition to the renal effects. Other effects commonly reported in chronic animal studies include anemia, changes in liver morphology, immunosuppression and hypertension. Some of these effects may be associated with co-factors. Hypertension, for example, appears to be associated with diet as well as cadmium exposure. Animals injected with cadmium have also shown testicular necrosis (Ex. 8-86B).

(ii) Biological markers. It is universally recognized that the best measures of cadmium exposures and its effects are measurements of cadmium in biological fluids, especially urine and blood. Of the two, CdU is conventionally used to determine body burden of cadmium in workers without kidney disease. CdB is conventionally used to monitor for recent exposure to cadmium. In addition, levels of CdU and CdB historically have been used to predict the percent of the population likely to develop kidney disease (Thun et al., Ex. L-140-50; WHO, Ex. 8-674; ACGIH, Exs. 8-667, 140-50).

The third biological parameter upon which WISHA relies for medical surveillance is beta-2-microglobulin in urine (β_2 -M), a low molecular weight protein. Excess β_2 -M has been widely accepted by physicians and scientists as a reliable indicator of functional damage to the proximal tubule of the kidney (Exs. 8-447, 144-3-C, 4-47, L-140-45, 19-43-A). Excess β_2 -M is found when the proximal tubules can no longer reabsorb this protein in a normal manner. This failure of the proximal tubules is an early stage of a kind of kidney disease that commonly occurs among workers with excessive cadmium exposure. Used in conjunction with biological test results indicating abnormal levels of CdU and CdB, the finding of excess β_2 -M can establish for an examining physician that any existing kidney disease is probably cadmium-related (Trs. 6/6/90, pp. 82-86, 122, 134). The upper limits of normal levels for cadmium in urine and cadmium in blood are 3 μ g Cd/gram creatinine in urine and 5 μ gCd/liter whole blood, respectively. These levels were derived from broad-based population studies. Three issues confront the physicians in the use of β_2 -M as a marker of kidney dysfunction and material impairment. First, there are a few other causes of elevated levels of β_2 -M not related to

cadmium exposures, some of which may be rather common diseases and some of which are serious diseases (e.g., myeloma or transient flu, Exs. 29 and 8-086). These can be medically evaluated as alternative causes (Friberg, Ex. 29). Also, there are other factors that can cause β_2 -M to degrade so that low levels would result in workers with tubular dysfunction. For example, regarding the degradation of β_2 -M, workers with acidic urine (pH<6) might have β_2 -M levels that are within the "normal" range when in fact kidney dysfunction has occurred (Ex. L-140-1) and the low molecular weight proteins are degraded in acid urine. Thus, it is very important that the pH of urine be measured, that urine samples be buffered as necessary (See WAC 296-62-07451, appendix F.), and that urine samples be handled correctly, i.e., measure the pH of freshly voided urine samples, then if necessary, buffer to Ph>6 (or above for shipping purposes), measure Ph again and then, perhaps, freeze the sample for storage and shipping. (See also WAC 296-62-07451, appendix F.) Second, there is debate over the pathological significance of proteinuria, however, most world experts believe that β_2 -M levels greater than 300 $\mu\text{g/g}$ Cr are abnormal (Elinder, Ex. 55, Friberg, Ex. 29). Such levels signify kidney dysfunction that constitutes material impairment of health. Finally, detection of β_2 -M at low levels has often been considered difficult, however, many laboratories have the capability of detecting excess β_2 -M using simple kits, such as the Phadebas Delphia test, that are accurate to levels of 100 μg β_2 -M/g Cr U (Ex. L-140-1). Specific recommendations for ways to measure β_2 -M and proper handling of urine samples to prevent degradation of β_2 -M have been addressed by WISHA in WAC 296-62-07451, appendix F, in the section on laboratory standardization. All biological samples must be analyzed in a laboratory that is proficient in the analysis of that particular analyte, under WAC 296-62-07423 (1)(d). (See WAC 296-62-07451, appendix F). Specifically, under WAC 296-62-07423 (1)(d), the employer is to assure that the collecting and handling of biological samples of cadmium in urine (CdU), cadmium in blood (CdB), and beta-2 microglobulin in urine (β_2 -M) taken from employees is collected in a manner that assures reliability. The employer must also assure that analysis of biological samples of cadmium in urine (CdU), cadmium in blood (CdB), and beta-2 microglobulin in urine (β_2 -M) taken from employees is performed in laboratories with demonstrated proficiency for that particular analyte. (See WAC 296-62-07451, appendix F).

(iii) Lung and prostate cancer. The primary sites for cadmium-associated cancer appear to be the lung and the prostate (L-140-50). Evidence for an association between cancer and cadmium exposure derives from both epidemiological studies and animal experiments. Mortality from prostate cancer associated with cadmium is slightly elevated in several industrial cohorts, but the number of cases is small and there is not clear dose-response relationship. More substantive evidence exists for lung cancer. The major epidemiological study of lung cancer was conducted by Thun et al., (Ex. 4-68). Adequate data on cadmium exposures were available to allow evaluation of dose-response relationships between cadmium exposure and lung cancer. A statistically significant excess of lung cancer attributed to cadmium exposure was observed in this study even when confounding variables such as co-exposure to arsenic and

smoking habits were taken into consideration (Ex. L-140-50).

The primary evidence for quantifying a link between lung cancer and cadmium exposure from animal studies derives from two rat bioassay studies; one by Takenaka et al., (1983), which is a study of cadmium chloride and a second study by Oldiges and Glaser (1990) of four cadmium compounds. Based on the above cited studies, the U.S. Environmental Protection Agency (EPA) classified cadmium as "B1", a probable human carcinogen, in 1985 (Ex. 4-4). The International Agency for Research on Cancer (IARC) in 1987 also recommended that cadmium be listed as "2A", a probable human carcinogen (Ex. 4-15). The American Conference of Governmental Industrial Hygienists (ACGIH) has recently recommended that cadmium be labeled as a carcinogen. Since 1984, NIOSH has concluded that cadmium is possibly a human carcinogen and has recommended that exposures be controlled to the lowest level feasible.

(iv) Noncarcinogenic effects. Acute pneumonitis occurs 10 to 24 hours after initial acute inhalation of high levels of cadmium fumes with symptoms such as fever and chest pain (Exs. 30, 8-86B). In extreme exposure cases pulmonary edema may develop and cause death several days after exposure. Little actual exposure measurement data is available on the level of airborne cadmium exposure that causes such immediate adverse lung effects, nonetheless, it is reasonable to believe a cadmium concentration of approximately 1 mg/m^3 over an eight hour period is "immediately dangerous" (55 FR 4052, ANSI; Ex. 8-86B). In addition to acute lung effects and chronic renal effects, long term exposure to cadmium may cause other severe effects on the respiratory system. Reduced pulmonary function and chronic lung disease indicative of emphysema have been observed in workers who have had prolonged exposure to cadmium dust or fumes (Exs. 4-29, 4-22, 4-42, 4-50, 4-63). In a study of workers conducted by Kazantzis et al., a statistically significant excess of worker deaths due to chronic bronchitis was found, which in his opinion was directly related to high cadmium exposures of 1 mg/m^3 or more (Tr. 6/8/90, pp. 156-157). Cadmium need not be respirable to constitute a hazard. Inspirable cadmium particles that are too large to be respirable but small enough to enter the tracheobronchial region of the lung can lead to bronchoconstriction, chronic pulmonary disease, and cancer of that portion of the lung. All of these diseases have been associated with occupational exposure to cadmium (Ex. 8-86B). Particles that are constrained by their size to the extra-thoracic regions of the respiratory system such as the nose and maxillary sinuses can be swallowed through mucociliary clearance and be absorbed into the body (ACGIH, Ex. 8-692). The impaction of these particles in the upper airways can lead to anosmia, or loss of sense of smell, which is an early indication of overexposure among workers exposed to heavy metals. This condition is commonly reported among cadmium-exposed workers (Ex. 8-86-B).

(c) Medical surveillance. In general, the main provisions of the medical surveillance section of the standard, under WAC 296-62-07423 (1) through (16), are as follows:

- (i) Workers exposed above the action level are covered;
- (ii) Workers with intermittent exposures are not covered;
- (iii) Past workers who are covered receive biological monitoring for at least one year;

(iv) Initial examinations include a medical questionnaire and biological monitoring of cadmium in blood (CdB), cadmium in urine (CdU), and Beta-2-microglobulin in urine (β_2 -M);

(v) Biological monitoring of these three analytes is performed at least annually; full medical examinations are performed biennially;

(vi) Until five years from the effective date of the standard, medical removal is required when CdU is greater than 15 μ g/gram creatinine (g Cr), or CdB is greater than 15 μ g/liter whole blood (lwb), or β_2 -M is greater than 1500 μ g/g Cr, and CdB is greater than 5 μ g/lwb or CdU is greater than 3 μ g/g Cr;

(vii) Beginning five years after the standard is in effect, medical removal triggers will be reduced;

(viii) Medical removal protection benefits are to be provided for up to eighteen months;

(ix) Limited initial medical examinations are required for respirator usage;

(x) Major provisions are fully described under WAC 296-62-07423; they are outlined here as follows:

(A) Eligibility.

(B) Biological monitoring.

(C) Actions triggered by levels of CdU, CdB, and β_2 -M (See Summary Charts and Tables in WAC 296-62-07441(5).)

(D) Periodic medical surveillance.

(E) Actions triggered by periodic medical surveillance (See appendix A Summary Chart and Tables in WAC 296-62-07441(5).)

(F) Respirator usage.

(G) Emergency medical examinations.

(H) Termination examination.

(I) Information to physician.

(J) Physician's medical opinion.

(K) Medical removal protection.

(L) Medical removal protection benefits.

(M) Multiple physician review.

(N) Alternate physician review.

(O) Information employer gives to employee.

(P) Recordkeeping.

(Q) Reporting on OSHA form 200.

(xi) The above mentioned summary of the medical surveillance provisions, the summary chart, and tables for the actions triggered at different levels of CdU, CdB and β_2 -M (in subsection (5) of this section, Attachment 1) are included only for the purpose of facilitating understanding of the provisions of WAC 296-62-07423(3) of the final cadmium standard. The summary of the provisions, the summary chart, and the tables do not add to or reduce the requirements in WAC 296-62-07423(3).

(d) Recommendations to physicians.

(i) It is strongly recommended that patients with tubular proteinuria are counseled on: The hazards of smoking; avoidance of nephrotoxins and certain prescriptions and over-the-counter medications that may exacerbate kidney symptoms; how to control diabetes and/or blood pressure; proper hydration, diet, and exercise (Ex. 19-2). A list of prominent or common nephrotoxins is attached. (See subsection (6) of this section, Attachment 2.)

(ii) DO NOT CHELATE; KNOW WHICH DRUGS ARE NEPHROTOXINS OR ARE ASSOCIATED WITH NEPHRITIS.

(iii) The gravity of cadmium-induced renal damage is compounded by the fact there is no medical treatment to prevent or reduce the accumulation of cadmium in the kidney (Ex. 8-619). Dr. Friberg, a leading world expert on cadmium toxicity, indicated in 1992, that there is no form of chelating agent that could be used without substantial risk. He stated that tubular proteinuria has to be treated in the same way as other kidney disorders (Ex. 29).

(iv) After the results of a workers' biological monitoring or medical examination are received the employer is required to provide an information sheet to the patient, briefly explaining the significance of the results. (See subsection (7) of this section.)

(v) For additional information the physician is referred to the following additional resources:

(A) The physician can always obtain a copy of the OSHA final rule preamble, with its full discussion of the health effects, from OSHA's Computerized Information System (OCIS).

(B) The OSHA Docket Officer maintains a record of the OSHA rulemaking. The Cadmium Docket (H-057A), is located at 200 Constitution Ave. NW., Room N-2625, Washington, DC 20210; telephone: (202) 219-7894.

(C) The following articles and exhibits in particular from that docket (H- 057A):

Exhibit number	Author and paper title
8-447	Lauwerys et. al., Guide for physicians, "Health Maintenance of Workers Exposed to Cadmium," published by the Cadmium Council.
4-67	Takenaka, S., H. Oldiges, H. Konig, D. Hochrainer, G. Oberdorster. "Carcinogenicity of Cadmium Chloride Aerosols in Wistar Rats". JNCI 70:367-373, 1983. (32)
4-68	Thun, M.J., T.M. Schnoor, A.B. Smith, W.E. Halperin, R.A. Lemen. "Mortality Among a Cohort of U.S. Cadmium Production Workers—An Update." JNCI 74(2):325-33, 1985. (8)
4-25	Elinder, C.G., Kjellstrom, T., Hogstedt, C., et al., "Cancer Mortality of Cadmium Workers." Brit. J. Ind. Med. 42:651-655, 1985. (14)
4-26	Ellis, K.J. et al., "Critical Concentrations of Cadmium in Human Renal Cortex: Dose Effect Studies to Cadmium Smelter Workers." J. Toxicol. Environ. Health 7:691-703, 1981. (76)
4-27	Ellis, K.J., S.H. Cohn and T.J. Smith. "Cadmium Inhalation Exposure Estimates: Their Significance with Respect to Kidney and Liver Cadmium Burden." J. Toxicol. Environ. Health 15:173-187, 1985.

- 4-28 Falck, F.Y., Jr., Fine, L.J., Smith, R.G., McClatchey, K.D., Annesley, T., England, B., and Schork, A.M. "Occupational Cadmium Exposure and Renal Status." *Am. J. Ind. Med.* 4:541, 1983. (64)
- 8-86A Friberg, L., C.G. Elinder, et al., "Cadmium and Health a Toxicological and Epidemiological Appraisal, Volume I, Exposure, Dose, and Metabolism." CRC Press, Inc., Boca Raton, FL, 1986. (Available from the OSHA Technical Data Center)
- 8-86B Friberg, L., C.G. Elinder, et al., "Cadmium and Health: A Toxicological and Epidemiological Appraisal, Volume II, Effects and Response." CRC Press, Inc., Boca Raton, FL, 1986. (Available from the OSHA Technical Data Center)
- L-140-45 Elinder, C.G., "Cancer Mortality of Cadmium Workers", *Brit. J. Ind. Med.*, 42, 651-655, 1985.
- L-140-50 Thun, M., Elinder, C.G., Friberg, L., "Scientific Basis for an Occupational Standard for Cadmium, *Am. J. Ind. Med.*, 20; 629-642, 1991.

B, providing no result exceeds the levels listed for category B.

(vi) An employee is assigned category C if any monitoring result for any of the three biological markers are above the levels listed for category C.

(c) The user of Tables A and B should know that these tables are provided only to facilitate understanding of the relevant provisions of WAC 296-62-07423. Tables A and B are not meant to add to or subtract from the requirements of those provisions.

Table A
Categorization of Biological Monitoring Results
Applicable Through 1998 Only

Biological marker	Monitoring result categories		
	A	B	C
Cadmium in urine (CdU) (µg/g creatinine)	≤3	>3 and ≤15	>15
β ₂ -microglobulin (β ₂ -M) (µg/g creatinine)	≤300	>300 and ≤1500	>1500*
Cadmium in blood (CdB) (µg/liter whole blood)	≤5	>5 and ≤15	>15

* If an employee's β₂-M levels are above 1,500 µg/g creatinine, in order for mandatory medical removal to be required (See WAC 296-62-07441, Appendix A Table B.), either the employee's CdU level must also be >3 µg/g creatinine or CdB level must also be >5 µg/liter whole blood.

Applicable Beginning January 1, 1999

Biological marker	Monitoring result categories		
	A	B	C
Cadmium in urine (CdU) (µg/g creatinine)	≤3	>3 and ≤7	>7
β ₂ -microglobulin (β ₂ -M) (µg/g creatinine)	≤300	>300 and ≤750	>750*
Cadmium in blood (CdB) (µg/liter whole blood)	≤5	>5 and ≤10	>10

* If an employee's β₂-M levels are above 750 µg/g creatinine, in order for mandatory medical removal to be required (See WAC 296-62-07441, Appendix A Table B.), either the employee's CdU level must also be >3 µg/g creatinine or CdB level must also be >5 µg/liter whole blood.

Table B—Actions determined by biological monitoring.

This table presents the actions required based on the monitoring result in Table A. Each item is a separate requirement in citing noncompliance. For example, a medical examination within ninety days for an employee in category B is separate from the requirement to administer a periodic medical examination for category B employees on an annual basis.

Table B
Monitoring
result category

	A ¹	B ¹	C ¹
Required actions			
(1) Biological monitoring:			
(a) Annual.	X		
(b) Semiannual		X	
(c) Quarterly			X

(5) Information sheet. The information sheet (subsection (8) of this section, Attachment 3) or an equally explanatory one should be provided to you after any biological monitoring results are reviewed by the physician, or where applicable, after any medical examination.

(6) Attachment 1—Appendix A, summary chart and Tables A and B of actions triggered by biological monitoring.

(a) Summary chart: WAC 296-62-07423(3) Medical surveillance—Categorizing biological monitoring results.

(i) Biological monitoring results categories are set forth in Table A for the periods ending December 31, 1998, and for the period beginning January 1, 1999.

(ii) The results of the biological monitoring for the initial medical exam and the subsequent exams shall determine an employee's biological monitoring result category.

(b) Actions triggered by biological monitoring.

(i) The actions triggered by biological monitoring for an employee are set forth in Table B.

(ii) The biological monitoring results for each employee under WAC 296-62-07423(3) shall determine the actions required for that employee. That is, for any employee in biological monitoring category C, the employer will perform all of the actions for which there is an X in column C of Table B.

(iii) An employee is assigned the alphabetical category ("A" being the lowest) depending upon the test results of the three biological markers.

(iv) An employee is assigned category A if monitoring results for all three biological markers fall at or below the levels indicated in the table listed for category A.

(v) An employee is assigned category B if any monitoring result for any of the three biological markers fall within the range of levels indicated in the table listed for category

- (2) Medical examination:
 - (a) Biennial X
 - (b) Annual. X
 - (c) Semiannual. X
 - (d) Within 90 days X X
- (3) Assess within two weeks:
 - (a) Excess cadmium exposure X X
 - (b) Work practices X X
 - (c) Personal hygiene X X
 - (d) Respirator usage X X
 - (e) Smoking history X X
 - (f) Hygiene facilities X X
 - (g) Engineering controls X X
 - (h) Correct within 30 days X X
 - (i) Periodically assess exposures X X
- (4) Discretionary medical removal X X
- (5) Mandatory medical removal X²

¹ For all employees covered by medical surveillance exclusively because of exposures prior to the effective date of this standard, if they are in Category A, the employer shall follow the requirements of WAC 296-62-07423 (3)(a)(ii) and (4)(e)(i). If they are in Category B or C, the employer shall follow the requirements of WAC 296-62-07423 (4)(e)(ii) and (iii).

² See footnote in Table A.

(7) Attachment 2, list of medications.

(a) A list of the more common medications that a physician, and the employee, may wish to review is likely to include some of the following:

- (i) Anticonvulsants: Paramethadione, phenytoin, trimethadone;
- (ii) Antihypertensive drugs: Captopril, methyl dopa;
- (iii) Antimicrobials: Aminoglycosides, amphotericin B, cephalosporins, ethambutol;
- (iv) Antineoplastic agents: Cisplatin, methotrexate, mitomycin-C, nitrosoureas, radiation;
- (v) Sulfonamide diuretics: Acetazolamide, chlorthalidone, furosemide, thiazides;
- (vi) Halogenated alkanes, hydrocarbons, and solvents that may occur in some settings: Carbon tetrachloride, ethylene glycol, toluene; iodinated radiographic contrast media; nonsteroidal anti-inflammatory drugs; and
- (vii) Other miscellaneous compounds: Acetaminophen, allopurinol, amphetamines, azathioprine, cimetidine, cyclosporine, lithium, methoxyflurane, methysergide, D-penicillamine, phenacetin, phenendione.

(b) A list of drugs associated with acute interstitial nephritis includes:

- (i) Antimicrobial drugs: Cephalosporins, chloramphenicol, colistin, erythromycin, ethambutol, isoniazid, para-aminosalicylic acid, penicillins, polymyxin B, rifampin, sulfonamides, tetracyclines, and vancomycin;
- (ii) Other miscellaneous drugs: Allopurinol, antipyrine, azathioprine, captopril, cimetidine, clofibrate, methyl dopa, phenindione, phenylpropanolamine, phenytoin, probenecid, sulfapyrazone, sulfonamide diuretics, triamterene; and
- (iii) Metals: Bismuth, gold. This list has been derived from commonly available medical textbooks (e.g., Ex. 14-18). The list has been included merely to facilitate the physician's, employer's, and employee's understanding. The list does not represent an official OSHA opinion or policy regarding the use of these medications for particular employ-

ees. The use of such medications should be under physician discretion.

(8) Attachment 3—Biological monitoring and medical examination results.

Employee _____
 Testing _____
 Date _____

Cadmium in Urine ___ µg/g Cr—Normal Levels: ≤3 µg/g Cr.

Cadmium in Blood ___ µg/lwb—Normal Levels: ≤5 µg/lwb.

Beta-2-microglobulin in Urine ___ µg/g Cr—Normal Levels: ≤300 µg/g Cr.

Physical Examination Results: N/A ___ Satisfactory

___ Unsatisfactory (see physician again).

Physician's Review of Pulmonary Function Test:

N/A ___ Normal ___

Abnormal ___.

Next biological monitoring or medical examination scheduled for _____

(a) The biological monitoring program has been designed for three main purposes:

- (i) To identify employees at risk of adverse health effects from excess, chronic exposure to cadmium;
- (ii) To prevent cadmium-induced disease(s); and
- (iii) To detect and minimize existing cadmium-induced disease(s).

(b) The levels of cadmium in the urine and blood provide an estimate of the total amount of cadmium in the body. The amount of a specific protein in the urine (beta-2-microglobulin) indicates changes in kidney function. All three tests must be evaluated together. A single mildly elevated result may not be important if testing at a later time indicates that the results are normal and the workplace has been evaluated to decrease possible sources of cadmium exposure. The levels of cadmium or beta-2-microglobulin may change over a period of days to months and the time needed for those changes to occur is different for each worker.

(c) If the results for biological monitoring are above specific "high levels" (cadmium urine greater than 10 micrograms per gram of creatinine µg/g Cr), cadmium blood greater than 10 micrograms per liter of whole blood (µg/lwb), or beta-2-microglobulin greater than 1000 micrograms per gram of creatinine (µg/g Cr)), the worker has a much greater chance of developing other kidney diseases.

(d) One way to measure for kidney function is by measuring beta-2-microglobulin in the urine. Beta-2-microglobulin is a protein which is normally found in the blood as it is being filtered in the kidney, and the kidney reabsorbs or returns almost all of the beta-2-microglobulin to the blood. A very small amount (less than 300 µg/g Cr in the urine) of beta-2-microglobulin is not reabsorbed into the blood, but is released in the urine. If cadmium damages the kidney, the amount of beta-2-microglobulin in the urine increases because the kidney cells are unable to reabsorb the beta-2-microglobulin normally. An increase in the amount of beta-2-microglobulin in the urine is a very early sign of kidney dysfunction. A small increase in beta-2-microglobu-

lin in the urine will serve as an early warning sign that the worker may be absorbing cadmium from the air, cigarettes contaminated in the workplace, or eating in areas that are cadmium contaminated.

(e) Even if cadmium causes permanent changes in the kidney's ability to reabsorb beta-2-microglobulin, and the beta-2-microglobulin is above the "high levels," the loss of kidney function may not lead to any serious health problems. Also, renal function naturally declines as people age. The risk for changes in kidney function for workers who have biological monitoring results between the "normal values" and the "high levels" is not well known. Some people are more cadmium-tolerant, while others are more cadmium-susceptible.

(f) For anyone with even a slight increase of beta-2-microglobulin, cadmium in the urine, or cadmium in the blood, it is very important to protect the kidney from further damage. Kidney damage can come from other sources than excess cadmium-exposure so it is also recommended that if a worker's levels are "high" he/she should receive counseling about drinking more water; avoiding cadmium-tainted tobacco and certain medications (nephrotoxins, acetaminophen); controlling diet, vitamin intake, blood pressure and diabetes; etc.

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

AMENDATORY SECTION (Amending Order 88-23, filed 10/6/88, effective 11/7/88)

WAC 296-62-07533 Appendix E qualitative and quantitative fit testing procedures. Fit test protocols.

(1) The employer shall include the following provisions in the fit test procedures. These provisions apply to both qualitative fit testing (QLFT) and quantitative fit testing (QNFT).

(a) The test subject shall be allowed to pick the most comfortable respirator from a selection including respirators of various sizes from different manufacturers. The selection shall include at least three sizes of elastomeric facepieces of the type of respirator that is to be tested, i.e., three sizes of half mask; or three sizes of full facepiece; and units from at least two manufacturers.

(b) Prior to the selection process, the test subject shall be shown how to put on a respirator, how it should be positioned on the face, how to set strap tension and how to determine a comfortable fit. A mirror shall be available to assist the subject in evaluating the fit and positioning the respirator. This instruction may not constitute the subject's formal training on respirator use, as it is only a review.

(c) The test subject shall be informed that he/she is being asked to select the respirator which provides the most comfortable fit. Each respirator represents a different size and shape, and if fitted and used properly, will provide adequate protection.

(d) The test subject shall be instructed to hold each facepiece up to the face and eliminate those which obviously do not give a comfortable fit.

(e) The more comfortable facepieces are noted; the most comfortable mask is donned and worn at least five minutes to assess comfort. Assistance in assessing comfort can be

given by discussing the points in (f) of this subsection. If the test subject is not familiar with using a particular respirator, the test subject shall be directed to don the mask several times and to adjust the straps each time to become adept at setting proper tension on the straps.

(f) Assessment of comfort shall include reviewing the following points with the test subject and allowing the test subject adequate time to determine the comfort of the respirator:

- (i) Position of the mask on the nose;
- (ii) Room for eye protection;
- (iii) Room to talk; and
- (iv) Position of mask on face and cheeks.

(g) The following criteria shall be used to help determine the adequacy of the respirator fit:

- (i) Chin properly placed;
- (ii) Adequate strap tension, not overly tightened;
- (iii) Fit across nose bridge;
- (iv) Respirator of proper size to span distance from nose to chin;
- (v) Tendency of respirator to slip; and
- (vi) Self-observation in mirror to evaluate fit and respirator position.

(h) The test subject shall conduct the negative and positive pressure fit checks as described below or ANSI Z88.2-1980. Before conducting the negative or positive pressure test, the subject shall be told to seat the mask on the face by moving the head from side-to-side and up and down slowly while taking in a few slow deep breaths. Another facepiece shall be selected and retested if the test subject fails the fit check tests.

(i) Positive pressure test. Close off the exhalation valve and exhale gently onto the facepiece. The face fit is considered satisfactory if a slight positive pressure can be built up inside the facepiece without any evidence of outward leakage of air at the seal. For most respirators this method of leak testing requires the wearer to first remove the exhalation valve cover before closing off the exhalation valve and then carefully replacing it after the test.

(ii) Negative pressure test. Close off the inlet opening of the canister or cartridge(s) by covering with the palm of the hand(s) or by replacing the filter seal(s), inhale gently so that the facepiece collapses slightly, and hold the breath for ten seconds. If the facepiece remains in its slightly collapsed condition and no inward leakage of air is detected, the tightness of the respirator is considered satisfactory.

(i) The test shall not be conducted if there is any hair growth between the skin and the facepiece sealing surface, such as stubble beard growth, beard, or long sideburns which cross the respirator sealing surface. Any type of apparel which interferes with a satisfactory fit shall be altered or removed.

(j) If a test subject exhibits difficulty in breathing during the tests, she or he shall be referred to a physician trained in respiratory disease or pulmonary medicine to determine whether the test subject can wear a respirator while performing her or his duties.

(k) The test subject shall be given the opportunity to wear the successfully fitted respirator for a period of two weeks. If at any time during this period the respirator becomes uncomfortable, the test subject shall be given the opportunity to select a different facepiece and to be retested.

(l) The employer shall certify that a successful fit test has been administered to the employee. The certification shall include the following information:

- (i) Name of employee;
- (ii) Type, brand, and size of respirator; and
- (iii) Date of test.

Where QNFT is used, the fit factor, strip chart, or other recording of the results of the test, shall be retained with the certification. The certification shall be maintained until the next fit test is administered.

(m) Exercise regimen. Prior to the commencement of the fit test, the test subject shall be given a description of the fit test and the test subject's responsibilities during the test procedure. The description of the process shall include a description of the test exercises that the subject will be performing. The respirator to be tested shall be worn for at least five minutes before the start of the fit test.

(n) Test exercises. The test subject shall perform exercises, in the test environment, in the manner described below:

(i) Normal breathing. In a normal standing position, without talking, the subject shall breathe normally.

(ii) Deep breathing. In a normal standing position, the subject shall breathe slowly and deeply, taking caution so as to not hyperventilate.

(iii) Turning head side to side. Standing in place, the subject shall slowly turn his/her head from side to side between the extreme positions on each side. The head shall be held at each extreme momentarily so the subject can inhale at each side.

(iv) Moving head up and down. Standing in place, the subject shall slowly move his/her head up and down. The subject shall be instructed to inhale in the up position (i.e., when looking toward the ceiling).

(v) Talking. The subject shall talk out loud slowly and loud enough so as to be heard clearly by the test conductor. The subject can read from a prepared text such as the Rainbow Passage, count backward from one hundred, or recite a memorized poem or song.

(vi) Grimace. The test subject shall grimace by smiling or frowning.

(vii) Bending over. The test subject shall bend at the waist as if he/she were to touch his/her toes. Jogging in place shall be substituted for this exercise in those test environments such as shroud type QNFT units which prohibit bending at the waist.

(viii) Normal breathing. Same as exercise in (n)(i) of this subsection.

Each test exercise shall be performed for one minute except for the grimace exercise which shall be performed for fifteen seconds.

The test subject shall be questioned by the test conductor regarding the comfort of the respirator upon completion of the protocol. If it has become uncomfortable, another model of respirator shall be tried.

(2) Qualitative fit test (QLFT) protocols.

(a) General.

(i) The employer shall assign specific individuals who shall assume full responsibility for implementing the respirator qualitative fit test program.

(ii) The employer shall ensure that persons administering QLFT are able to prepare test solutions, calibrate

equipment and perform tests properly, recognize invalid tests, and assure that test equipment is in proper working order.

(iii) The employer shall assure that QLFT equipment is kept clean and well maintained so as to operate at the parameters for which it was designed.

(b) Isoamyl acetate protocol.

(i) Odor threshold screening.

The odor threshold screening test, performed without wearing a respirator, is intended to determine if the individual tested can detect the odor of isoamyl acetate.

(A) Three one-liter glass jars with metal lids are required.

(B) Odor free water (e.g., distilled or spring water) at approximately twenty-five degrees C shall be used for the solutions.

(C) The isoamyl acetate (IAA) (also known as isopentyl acetate) stock solution is prepared by adding 1 cc of pure IAA to 800 cc of odor free water in a one liter jar and shaking for thirty seconds. A new solution shall be prepared at least weekly.

(D) The screening test shall be conducted in a room separate from the room used for actual fit testing. The two rooms shall be well ventilated but shall not be connected to the same recirculating ventilation system.

(E) The odor test solution is prepared in a second jar by placing 0.4 cc of the stock solution into 500 cc of odor free water using a clean dropper or pipette. The solution shall be shaken for thirty seconds and allowed to stand for two to three minutes so that the IAA concentration above the liquid may reach equilibrium. This solution shall be used for only one day.

(F) A test blank shall be prepared in a third jar by adding 500 cc of odor free water.

(G) The odor test and test blank jars shall be labeled 1 and 2 for jar identification. Labels shall be placed on the lids so they can be periodically peeled, dried off, and switched to maintain the integrity of the test.

(H) The following instruction shall be typed on a card and placed on the table in front of the two test jars (i.e., 1 and 2): "The purpose of this test is to determine if you can smell banana oil at a low concentration. The two bottles in front of you contain water. One of these bottles also contains a small amount of banana oil. Be sure the covers are on tight, then shake each bottle for two seconds. Unscrew the lid of each bottle, one at a time, and sniff at the mouth of the bottle. Indicate to the test conductor which bottle contains banana oil."

(I) The mixtures used in the IAA odor detection test shall be prepared in an area separate from where the test is performed, in order to prevent olfactory fatigue in the subject.

(J) If the test subject is unable to correctly identify the jar containing the odor test solution, the IAA qualitative fit test shall not be performed.

(K) If the test subject correctly identifies the jar containing the odor test solution, the test subject may proceed to respirator selection and fit testing.

(ii) Isoamyl acetate fit test.

(A) The fit test chamber shall be similar to a clear fifty-five gallon drum liner suspended inverted over a two-foot diameter frame so that the top of the chamber is about six

inches above the test subject's head. The inside top center of the chamber shall have a small hook attached.

(B) Each respirator used for the fitting and fit testing shall be equipped with organic vapor cartridges or offer protection against organic vapors. The cartridges or masks shall be changed at least weekly.

(C) After selecting, donning, and properly adjusting a respirator, the test subject shall wear it to the fit testing room. This room shall be separate from the room used for odor threshold screening and respirator selection, and shall be well ventilated, as by an exhaust fan or lab hood, to prevent general room contamination.

(D) A copy of the test exercises and any prepared text from which the subject is to read shall be taped to the inside of the test chamber.

(E) Upon entering the test chamber, the test subject shall be given a six-inch by five-inch piece of paper towel, or other porous, absorbent, single-ply material, folded in half and wetted with 0.75 cc of pure IAA. The test subject shall hand the wet towel on the hook at the top of the chamber.

(F) Allow two minutes for the IAA test concentration to stabilize before starting the fit test exercises. This would be an appropriate time to talk with the test subject; to explain the fit test, the importance of his/her cooperation, and the purpose for the head exercises; or to demonstrate some of the exercises.

(G) If at any time during the test, the subject detects the banana like odor of IAA, the test has failed. The subject shall quickly exit from the test chamber and leave the test area to avoid olfactory fatigue.

(H) If the test has failed, the subject shall return to the selection room and remove the respirator, repeat the odor sensitivity test, select and put on another respirator, return to the test chamber and again begin the procedure described in (b)(ii)(A) through (G) of this subsection. The process continues until a respirator that fits well has been found. Should the odor sensitivity test be failed, the subject shall wait about five minutes before retesting. Odor sensitivity will usually have returned by this time.

(I) When a respirator is found that passes the test, its efficiency shall be demonstrated for the subject by having the subject break the face seal and take a breath before exiting the chamber.

(J) When the test subject leaves the chamber, the subject shall remove the saturated towel and return it to the person conducting the test. To keep the test area from becoming contaminated, the used towels shall be kept in a self sealing bag so there is no significant IAA concentration build-up in the test chamber during subsequent tests.

(c) Saccharin solution aerosol protocol. The saccharin solution aerosol QLFT protocol is the only currently available, validated test protocol for use with particulate disposable dust respirators not equipped with high-efficiency filters. The entire screening and testing procedure shall be explained to the test subject prior to the conduct of the screening test.

(i) Taste threshold screening. The saccharin taste threshold screening, performed without wearing a respirator, is intended to determine whether the individual being tested can detect the taste of saccharin.

(A) Threshold screening as well as fit testing subjects shall wear an enclosure about the head and shoulders that is approximately twelve inches in diameter by fourteen inches

tall with at least the front portion clear and that allows free movements of the head when a respirator is worn. An enclosure substantially similar to the 3M hood assembly, parts NZ FT 14 and NZ FT 15 combined, is adequate.

(B) The test enclosure shall have a three-quarter inch hole in front of the test subject's nose and mouth area to accommodate the nebulizer nozzle.

(C) The test subject shall don the test enclosure. Throughout the threshold screening test, the test subject shall breathe through his/her wide open mouth with tongue extended.

(D) Using a DeVilbiss Model 40 Inhalation Medication Nebulizer the test conductor shall spray the threshold check solution into the enclosure. This nebulizer shall be clearly marked to distinguish it from the fit test solution nebulizer.

(E) The threshold check solution consists of 0.83 grams of sodium saccharin USP in 1 cc of warm water. It can be prepared by putting 1 cc of the fit test solution (see ~~((b))~~(c)(ii)(E) of this subsection) in 100 cc of distilled water.

(F) To produce the aerosol, the nebulizer bulb is firmly squeezed so that it collapses completely, then released and allowed to fully expand.

(G) Ten squeezes are repeated rapidly and then the test subject is asked whether the saccharin can be tasted.

(H) If the first response is negative, ten more squeezes are repeated rapidly and the test subject is again asked whether the saccharin is tasted.

(I) If the second response is negative, ten more squeezes are repeated rapidly and the test subject is again asked whether the saccharin is tasted.

(J) The test conductor will take note of the number of squeezes required to solicit a taste response.

(K) If the saccharin is not tasted after thirty squeezes (subitem (J)), the test subject may not perform the saccharin fit test.

(L) If a taste response is elicited, the test subject shall be asked to take note of the taste for reference in the fit test.

(M) Correct use of the nebulizer means that approximately 1 cc of liquid is used at a time in the nebulizer body.

(N) The nebulizer shall be thoroughly rinsed in water, shaken dry, and refilled at least each morning and afternoon or at least every four hours.

(ii) Saccharin solution aerosol fit test procedure.

(A) The test subject may not eat, drink (except plain water), or chew gum for fifteen minutes before the test.

(B) The fit test uses the same enclosure described in (c)(i) of this subsection.

(C) The test subject shall don the enclosure while wearing the respirator selected in (c)(i) of this subsection. The respirator shall be properly adjusted and equipped with a particulate filter(s).

(D) A second DeVilbiss Model 40 Inhalation Medication Nebulizer is used to spray the fit test solution into the enclosure. This nebulizer shall be clearly marked to distinguish it from the screening test solution nebulizer.

(E) The fit test solution is prepared by adding eighty-three grams of sodium saccharin to 100 cc of warm water.

(F) As before, the test subject shall breathe through the open mouth with tongue extended.

(G) The nebulizer is inserted into the hole in the front of the enclosure and the fit test solution is sprayed into the

enclosure using the same number of squeezes required to elicit a taste response in the screening test.

(H) After generating the aerosol the test subject shall be instructed to perform the exercises in subsection (1)(h) of this section.

(I) Every thirty seconds the aerosol concentration shall be replenished using one-half the number of squeezes as initially.

(J) The test subject shall indicate to the test conductor if at any time during the fit test the taste of saccharin is detected.

(K) If the taste of saccharin is detected, the fit is deemed unsatisfactory and a different respirator shall be tried.

(d) Irritant fume protocol.

(i) The respirator to be tested shall be equipped with high-efficiency particulate air (HEPA) filters.

(ii) The test subject shall be allowed to smell a weak concentration of the irritant smoke before the respirator is donned to become familiar with its characteristic odor.

(iii) Break both ends of a ventilation smoke tube containing stannic oxychloride, such as the MSA part No. 5645, or equivalent. Attach one end of the smoke tube to a low flow air pump set to deliver two hundred milliliters per minute.

(iv) Advise the test subject that the smoke can be irritating to the eyes and instruct the subject to keep his/her eyes closed while the test is performed.

(v) The test conductor shall direct the stream of irritant smoke from the smoke tube towards the face seal area of the test subject. He/she shall begin at least twelve inches from the facepiece and gradually move to within one inch, moving around the whole perimeter of the mask.

(vi) The exercises identified in subsection (1)(n) of this section shall be performed by the test subject while the respirator seal is being challenged by the smoke.

(vii) Each test subject passing the smoke test without evidence of a response shall be given a sensitivity check of the smoke from the same tube once the respirator has been removed to determine whether he/she reacts to the smoke. Failure to evoke a response shall void the fit test.

(viii) The fit test shall be performed in a location with exhaust ventilation sufficient to prevent general contamination of the testing area by the test agent.

(3) Quantitative fit test (QNFT) protocol.

(a) General.

(i) The employer shall assign specific individuals who shall assume full responsibility for implementing the respirator quantitative fit test program.

(ii) The employer shall ensure that persons administering QNFT are able to calibrate equipment and perform tests properly, recognize invalid tests, calculate fit factors properly and assure that test equipment is in proper working order.

(iii) The employer shall assure that QNFT equipment is kept clean and well maintained so as to operate at the parameters for which it was designed.

(b) Definitions.

(i) "Quantitative fit test." The test is performed in a test chamber. The normal air-purifying element of the respirator is replaced by a high-efficiency particulate air (HEPA) filter in the case of particulate QNFT aerosols or a sorbent offering contaminant penetration protection equivalent to

high-efficiency filters where the QNFT test agent is a gas or vapor.

(ii) "Challenge agent" means the aerosol, gas, or vapor introduced into a test chamber so that its concentration inside and outside the respirator may be measured.

(iii) "Test subject" means the person wearing the respirator for quantitative fit testing.

(iv) "Normal standing position" means standing erect and straight with arms down along the sides and looking straight ahead.

(v) "Maximum peak penetration method" means the method of determining test agent penetration in the respirator as determined by strip chart recordings of the test. The highest peak penetration for a given exercise is taken to be representative of average penetration into the respirator for that exercise.

(vi) "Average peak penetration method" means the method of determining test agent penetration into the respirator utilizing a strip chart recorder, integrator, or computer. The agent penetration is determined by an average of the peak heights on the graph or by computer integration, for each exercise except the grimace exercise. Integrators or computers which calculate the actual test agent penetration into the respirator for each exercise will also be considered to meet the requirements of the average peak penetration method.

(vii) "Fit factor" means the ratio of challenge agent concentration outside with respect to the inside of a respirator inlet covering (facepiece or enclosure).

(c) Apparatus.

(i) Instrumentation. Aerosol generation, dilution, and measurement systems using corn oil or sodium chloride as test aerosols shall be used for quantitative fit testing.

(ii) Test chamber. The test chamber shall be large enough to permit all test subjects to perform freely all required exercises without disturbing the challenge agent concentration or the measurement apparatus. The test chamber shall be equipped and constructed so that the challenge agent is effectively isolated from the ambient air, yet uniform in concentration throughout the chamber.

(iii) When testing air-purifying respirators, the normal filter or cartridge element shall be replaced with a high-efficiency particulate filter supplied by the same manufacturer.

(iv) The sampling instrument shall be selected so that a strip chart record may be made of the test showing the rise and fall of the challenge agent concentration with each inspiration and expiration at fit factors of at least two thousand. Integrators or computers which integrate the amount of test agent penetration leakage into the respirator for each exercise may be used provided a record of the readings is made.

(v) The combination of substitute air-purifying elements, challenge agent and challenge agent concentration in the test chamber shall be such that the test subject is not exposed in excess of an established exposure limit for the challenge agent at any time during the testing process.

(vi) The sampling port on the test specimen respirator shall be placed and constructed so that no leakage occurs around the port (e.g., where the respirator is probed), a free air flow is allowed into the sampling line at all times and so

that there is no interference with the fit or performance of the respirator.

(vii) The test chamber and test set up shall permit the person administering the test to observe the test subject inside the chamber during the test.

(viii) The equipment generating the challenge atmosphere shall maintain the concentration of challenge agent inside the test chamber constant to within a ten percent variation for the duration of the test.

(ix) The time lag (interval between an event and the recording of the event on the strip chart or computer or integrator) shall be kept to a minimum. There shall be a clear association between the occurrence of an event inside the test chamber and its being recorded.

(x) The sampling line tubing for the test chamber atmosphere and for the respirator sampling port shall be of equal diameter and of the same material. The length of the two lines shall be equal.

(xi) The exhaust flow from the test chamber shall pass through a high-efficiency filter before release.

(xii) When sodium chloride aerosol is used, the relative humidity inside the test chamber shall not exceed fifty percent.

(xiii) The limitations of instrument detection shall be taken into account when determining the fit factor.

(xiv) Test respirators shall be maintained in proper working order and inspected for deficiencies such as cracks, missing valves and gaskets, etc.

(d) Procedural requirements.

(i) When performing the initial positive or negative pressure test the sampling line shall be crimped closed in order to avoid air pressure leakage during either of these tests.

(ii) An abbreviated screening isoamyl acetate test or irritant fume test may be utilized in order to quickly identify poor fitting respirators which passed the positive and/or negative pressure test and thus reduce the amount of QNFT time. When performing a screening isoamyl acetate test, combination high-efficiency organic vapor cartridges/canisters shall be used.

(iii) A reasonably stable challenge agent concentration shall be measured in the test chamber prior to testing. For canopy or shower curtain type of test units the determination of the challenge agent stability may be established after the test subject has entered the test environment.

(iv) Immediately after the subject enters the test chamber, the challenge agent concentration inside the respirator shall be measured to ensure that the peak penetration does not exceed five percent for a half mask or one percent for a full facepiece respirator.

(v) A stable challenge concentration shall be obtained prior to the actual start of testing.

(vi) Respirator restraining straps shall not be overtightened for testing. The straps shall be adjusted by the wearer without assistance from other persons to give a reasonable comfortable fit typical of normal use.

(vii) The test shall be terminated whenever any single peak penetration exceeds five percent for half masks and one percent for full facepiece respirators. The test subject shall be refitted and retested. If two of the three required tests are terminated, the fit shall be deemed inadequate.

(viii) In order to successfully complete a QNFT, three successful fit tests are required. The results of each of the three independent fit tests must exceed the minimum fit factor needed for the class of respirator (e.g., half mask respirator, full facepiece respirator).

(ix) Calculation of fit factors.

(A) The fit factor shall be determined for the quantitative fit test by taking the ratio of the average chamber concentration to the concentration inside the respirator.

(B) The average test chamber concentration is the arithmetic average of the test chamber concentration at the beginning and at the end of the test.

(C) The concentration of the challenge agent inside the respirator shall be determined by one of the following methods:

(I) Average peak concentration;

(II) Maximum peak concentration; or

(III) Integration by calculation of the area under the individual peak for each exercise. This includes computerized integration.

(x) Interpretation of test results. The fit factor established by the quantitative fit testing shall be the lowest of the three fit factor values calculated from the three required fit tests.

(xi) The test subject shall not be permitted to wear a half mask, or full facepiece respirator unless a minimum fit factor equivalent to at least ten times the hazardous exposure level is obtained.

(xii) Filters used for quantitative fit testing shall be replaced at least weekly, or whenever increased breathing resistance is encountered, or when the test agent has altered the integrity of the filter media. Organic vapor cartridges/canisters shall be replaced daily (when used) or sooner if there is any indication of breakthrough by a test agent.

AMENDATORY SECTION (Amending Order 92-13, filed 11/10/92, effective 12/18/92)

WAC 296-62-07540 Formaldehyde. (1) Scope and application. This standard applies to all occupational exposures to formaldehyde, i.e., from formaldehyde gas, its solutions, and materials that release formaldehyde.

(2) Definitions. For purposes of this standard, the following definitions shall apply:

(a) "Action level" means a concentration of 0.5 part formaldehyde per million parts of air (0.5 ppm) calculated as an 8-hour time-weighted average (TWA) concentration.

(b) "Approved" means approved by the director of the department of labor and industries or his/her authorized representative: *Provided, however,* That should a provision of this chapter state that approval by an agency or organization other than the department of labor and industries is required, such as Underwriters' Laboratories or the (~~Bureau of Mines~~) Mine Safety and Health Administration and the National Institute for Occupational Safety and Health, the provision of WAC 296-24-006 shall apply.

(c) "Authorized person" means any person required by work duties to be present in regulated work areas, or authorized to do so by the employer, by this section of the standard, or by the WISHA Act.

(d) "Director" means the director of the department of labor and industries, or his/her designated representative.

(e) "Emergency" is any occurrence, such as but not limited to equipment failure, rupture of containers, or failure of control equipment that results in an uncontrolled release of a significant amount of formaldehyde.

(f) "Employee exposure" means the exposure to airborne formaldehyde which would occur without corrections for protection provided by any respirator that is in use.

(g) "Formaldehyde" means the chemical substance, HCHO, Chemical Abstracts Service Registry No. 50-00-0.

(3) Permissible exposure limit (PEL).

(a) TWA: The employer shall assure that no employee is exposed to an airborne concentration of formaldehyde which exceeds ~~((one))~~ 0.75 part formaldehyde per million parts of air ~~((1 ppm))~~ as an 8-hour TWA.

(b) Short term exposure limit (STEL): The employer shall assure that no employee is exposed to an airborne concentration of formaldehyde which exceeds two parts formaldehyde per million parts of air (2 ppm) as a fifteen-minute STEL.

(4) Exposure monitoring.

(a) General.

(i) Each employer who has a workplace covered by this standard shall monitor employees to determine their exposure to formaldehyde.

(ii) Exception. Where the employer documents, using objective data, that the presence of formaldehyde or formaldehyde-releasing products in the workplace cannot result in airborne concentrations of formaldehyde that would cause any employee to be exposed at or above the action level or the STEL under foreseeable conditions of use, the employer will not be required to measure employee exposure to formaldehyde.

(iii) When an employee's exposure is determined from representative sampling, the measurements used shall be representative of the employee's full shift or short-term exposure to formaldehyde, as appropriate.

(iv) Representative samples for each job classification in each work area shall be taken for each shift unless the employer can document with objective data that exposure levels for a given job classification are equivalent for different workshifts.

(b) Initial monitoring. The employer shall identify all employees who may be exposed at or above the action level or at or above the STEL and accurately determine the exposure of each employee so identified.

(i) Unless the employer chooses to measure the exposure of each employee potentially exposed to formaldehyde, the employer shall develop a representative sampling strategy and measure sufficient exposures within each job classification for each workshift to correctly characterize and not underestimate the exposure of any employee within each exposure group.

(ii) The initial monitoring process shall be repeated each time there is a change in production, equipment, process, personnel, or control measures which may result in new or additional exposure to formaldehyde.

(iii) If the employer receives reports or signs or symptoms of respiratory or dermal conditions associated with formaldehyde exposure, the employer shall promptly monitor the affected employee's exposure.

(c) Periodic monitoring.

(i) The employer shall periodically measure and accurately determine exposure to formaldehyde for employees shown by the initial monitoring to be exposed at or above the action level or at or above the STEL.

(ii) If the last monitoring results reveal employee exposure at or above the action level, the employer shall repeat monitoring of the employees at least every six months.

(iii) If the last monitoring results reveal employee exposure at or above the STEL, the employer shall repeat monitoring of the employees at least once a year under worst conditions.

(d) Termination of monitoring. The employer may discontinue periodic monitoring for employees if results from two consecutive sampling periods taken at least seven days apart show that employee exposure is below the action level and the STEL. The results must be statistically representative and consistent with the employer's knowledge of the job and work operation.

(e) Accuracy of monitoring. Monitoring shall be accurate, at the ninety-five percent confidence level, to within plus or minus twenty-five percent for airborne concentrations of formaldehyde at the TWA and the STEL and to within plus or minus thirty-five percent for airborne concentrations of formaldehyde at the action level.

(f) Employee notification of monitoring results. Within fifteen days of receiving the results of exposure monitoring conducted under this standard, the employer shall notify the affected employees of these results. Notification shall be in writing, either by distributing copies of the results to the employees or by posting the results. If the employee exposure is over either PEL, the employer shall develop and implement a written plan to reduce employee exposure to or below both PELs, and give written notice to employees. The written notice shall contain a description of the corrective action being taken by the employer to decrease exposure.

(g) Observation of monitoring.

(i) The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to formaldehyde required by this standard.

(ii) When observation of the monitoring of employee exposure to formaldehyde requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the clothing and equipment to the observer, require the observer to use such clothing and equipment, and assure that the observer complies with all other applicable safety and health procedures.

(5) Regulated areas.

(a) The employer shall establish regulated areas where the concentration of airborne formaldehyde exceeds either the TWA or the STEL and post all entrances and accessways with signs bearing the following information:

DANGER
FORMALDEHYDE
IRRITANT AND POTENTIAL CANCER HAZARD
AUTHORIZED PERSONNEL ONLY

(b) The employer shall limit access to regulated areas to authorized persons who have been trained to recognize the hazards of formaldehyde.

(c) An employer at a multi-employer worksite who establishes a regulated area shall communicate the access restrictions and locations of these areas to other employers with work operations at that worksite.

(6) Methods of compliance.

(a) Engineering controls and work practices. The employer shall institute engineering and work practice controls to reduce and maintain employee exposures to formaldehyde at or below the TWA and the STEL.

(b) Exception. Whenever the employer has established that feasible engineering and work practice controls cannot reduce employee exposure to or below either of the PELs, the employer shall apply these controls to reduce employee exposures to the extent feasible and shall supplement them with respirators which satisfy this standard.

(7) Respiratory protection.

(a) General. Where respiratory protection is required, the employer shall provide the respirators at no cost to the employee and shall assure that they are properly used. The respirators shall comply with the requirements of this standard and shall reduce the concentration of formaldehyde inhaled by the employee to at or below both the TWA and the STEL. Respirators shall be used in the following circumstances:

- (i) During the interval necessary to install or implement feasible engineering and work practice controls;
- (ii) In work operations, such as maintenance and repair activities or vessel cleaning, for which the employer establishes that engineering and work practice controls are not feasible;
- (iii) In work situations where feasible engineering and work practice controls are not yet sufficient to reduce exposure to or below the PELs; and

(iv) In emergencies.

(b) Respirator selection.

(i) The appropriate respirators as specified in Table 1 shall be selected from those approved by the Mine Safety and Health Administration (MSHA) and by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

(ii) The employer shall make available a powered air-purifying respirator adequate to protect against formaldehyde exposure to any employee who experiences difficulty wearing a negative-pressure respirator to reduce exposure to formaldehyde.

(c) Respirator usage.

(i) Whenever respirator use is required by this standard, the employer shall institute a respiratory protection program in accordance with WAC 296-62-07109, 296-62-07111, 296-62-07115, and 296-62-07117.

(ii) The employer shall perform either quantitative or qualitative face fit tests in accordance with the procedures outlined in Appendix E at the time of initial fitting and at least annually thereafter for all employees required by this standard to wear negative-pressure respirators.

(A) Respirators selected shall be from those exhibiting the best facepiece fit.

(B) No respirator shall be chosen that would potentially permit the employee to inhale formaldehyde at concentrations in excess of either the TWA or the STEL.

TABLE 1
MINIMUM REQUIREMENTS FOR RESPIRATORY PROTECTION
AGAINST FORMALDEHYDE

Condition of use or formaldehyde concentration (ppm)	Minimum respirator required ¹
Up to 7.5 ppm (10 x PEL)	Full facepiece with cartridges or canisters specifically approved for protection against formaldehyde ² .
Up to 75 ppm (100 x PEL)	Full-face mask with chin style or chest or back mounted type industrial size canister specifically approved for protection against formaldehyde. Type C supplied-air respirator pressure demand or continuous flow type, with full facepiece, hood, or helmet.
Above 75 ppm or unknown (emergencies) (100 x PEL)	Self-contained breathing apparatus (SCBA) with positive-pressure full facepiece. Combination supplied-air, full facepiece positive-pressure respirator with auxiliary self-contained air supply.
Fire fighting	SCBA with positive-pressure in full facepiece.
Escape	SCBA in demand or pressure demand mode. Full-face mask with chin style or front or back mounted type industrial size canister specifically approved for protection against formaldehyde.

¹ Respirators specified for use at higher concentrations may be used at lower concentrations.

² A half-mask respirator with cartridges specifically approved for protection against formaldehyde can be substituted for the full facepiece respirator providing that effective gas-proof goggles are provided and used in combination with the half-mask respirator.

(iii) Where air-purifying chemical cartridge respirators are used, the cartridges shall be replaced after three hours of use or at the end of the workshift, whichever is sooner unless the cartridge contains a NIOSH-approved end-of-service indicator to show when breakthrough occurs.

(iv) Unless the canister contains a NIOSH-approved end-of-service life indicator to show when breakthrough occurs, canisters used in atmospheres up to 7.5 ppm (10 x PEL) shall be replaced every four hours and industrial sized canisters used in atmospheres up to 75 ppm (100 x PEL) shall be replaced every two hours or at the end of the workshift, whichever is sooner.

(v) Employers shall permit employees to leave the work area to wash their faces and respirator facepieces as needed to prevent skin irritation from respirator use.

(8) Protective equipment and clothing. Employers shall comply with the provisions of WAC 296-24-07501 and ((296-24-078)) 296-24-07801. When protective equipment or clothing is provided under these provisions, the employer

shall provide these protective devices at no cost to the employee and assure that the employee wears them.

(a) Selection. The employer shall select protective clothing and equipment based upon the form of formaldehyde to be encountered, the conditions of use, and the hazard to be prevented.

(i) All contact of the eyes and skin with liquids containing one percent or more formaldehyde shall be prevented by the use of chemical protective clothing made of material impervious to formaldehyde and the use of other personal protective equipment, such as goggles and face shields, as appropriate to the operation.

(ii) Contact with irritating or sensitizing materials shall be prevented to the extent necessary to eliminate the hazard.

(iii) Where a face shield is worn, chemical safety goggles are also required if there is a danger of formaldehyde reaching the area of the eye.

(iv) Full body protection shall be worn for entry into areas where concentrations exceed 100 ppm and for emergency reentry into areas of unknown concentration.

(b) Maintenance of protective equipment and clothing.

(i) The employer shall assure that protective equipment and clothing that has become contaminated with formaldehyde is cleaned or laundered before its reuse.

(ii) When ventilating formaldehyde-contaminated clothing and equipment, the employer shall establish a storage area so that employee exposure is minimized. Containers for contaminated clothing and equipment and storage areas shall have labels and signs containing the following information:

DANGER

FORMALDEHYDE-CONTAMINATED (CLOTHING) EQUIPMENT
AVOID INHALATION AND SKIN CONTACT

(iii) The employer shall assure that only persons trained to recognize the hazards of formaldehyde remove the contaminated material from the storage area for purposes of cleaning, laundering, or disposal.

(iv) The employer shall assure that no employee takes home equipment or clothing that is contaminated with formaldehyde.

(v) The employer shall repair or replace all required protective clothing and equipment for each affected employee as necessary to assure its effectiveness.

(vi) The employer shall inform any person who launders, cleans, or repairs such clothing or equipment of formaldehyde's potentially harmful effects and of procedures to safely handle the clothing and equipment.

(9) Hygiene protection.

(a) The employer shall provide change rooms, as described in WAC 296-24-120 for employees who are required to change from work clothing into protective clothing to prevent skin contact with formaldehyde.

(b) If employees' skin may become splashed with solutions containing one percent or greater formaldehyde, for example because of equipment failure or improper work practices, the employer shall provide conveniently located quick drench showers and assure that affected employees use these facilities immediately.

(c) If there is any possibility that an employee's eyes may be splashed with solutions containing 0.1 percent or greater formaldehyde, the employer shall provide acceptable

eyewash facilities within the immediate work area for emergency use.

(10) Housekeeping. For operations involving formaldehyde liquids or gas, the employer shall conduct a program to detect leaks and spills, including regular visual inspections.

(a) Preventative maintenance of equipment, including surveys for leaks, shall be undertaken at regular intervals.

(b) In work areas where spillage may occur, the employer shall make provisions to contain the spill, to decontaminate the work area, and to dispose of the waste.

(c) The employer shall assure that all leaks are repaired and spills are cleaned promptly by employees wearing suitable protective equipment and trained in proper methods for cleanup and decontamination.

(d) Formaldehyde-contaminated waste and debris resulting from leaks or spills shall be placed for disposal in sealed containers bearing a label warning of formaldehyde's presence and of the hazards associated with formaldehyde.

(11) Emergencies. For each workplace where there is the possibility of an emergency involving formaldehyde, the employer shall assure appropriate procedures are adopted to minimize injury and loss of life. Appropriate procedures shall be implemented in the event of an emergency.

(12) Medical surveillance.

(a) Employees covered.

(i) The employer shall institute medical surveillance programs for all employees exposed to formaldehyde at concentrations at or exceeding the action level or exceeding the STEL.

(ii) The employer shall make medical surveillance available for employees who develop signs and symptoms of overexposure to formaldehyde and for all employees exposed to formaldehyde in emergencies. When determining whether an employee may be experiencing signs and symptoms of possible overexposure to formaldehyde, the employer may rely on the evidence that signs and symptoms associated with formaldehyde exposure will occur only in exceptional circumstances when airborne exposure is less than 0.1 ppm and when formaldehyde is present in materials in concentrations less than 0.1 percent.

(b) Examination by a physician. All medical procedures, including administration of medical disease questionnaires, shall be performed by or under the supervision of a licensed physician and shall be provided without cost to the employee, without loss of pay, and at a reasonable time and place.

(c) Medical disease questionnaire. The employer shall make the following medical surveillance available to employees prior to assignment to a job where formaldehyde exposure is at or above the action level or above the STEL and annually thereafter. The employer shall also make the following medical surveillance available promptly upon determining that an employee is experiencing signs and symptoms indicative of possible overexposure to formaldehyde.

(i) Administration of a medical disease questionnaire, such as in Appendix D, which is designed to elicit information on work history, smoking history, any evidence of eye, nose, or throat irritation; chronic airway problems or hyperreactive airway disease; allergic skin conditions or dermatitis; and upper or lower respiratory problems.

(ii) A determination by the physician, based on evaluation of the medical disease questionnaire, of whether a medical examination is necessary for employees not required to wear respirators to reduce exposure to formaldehyde.

(d) Medical examinations. Medical examinations shall be given to any employee who the physician feels, based on information in the medical disease questionnaire, may be at increased risk from exposure to formaldehyde and at the time of initial assignment and at least annually thereafter to all employees required to wear a respirator to reduce exposure to formaldehyde. The medical examination shall include:

(i) A physical examination with emphasis on evidence of irritation or sensitization of the skin and respiratory system, shortness of breath, or irritation of the eyes.

(ii) Laboratory examinations for respirator wearers consisting of baseline and annual pulmonary function tests. As a minimum, these tests shall consist of forced vital capacity (FVC), forced expiratory volume in one second (FEV1), and forced expiratory flow (FEF).

(iii) Any other test which the examining physician deems necessary to complete the written opinion.

(iv) Counseling of employees having medical conditions that would be directly or indirectly aggravated by exposure to formaldehyde on the increased risk of impairment of their health.

(e) Examinations for employees exposed in an emergency. The employer shall make medical examinations available as soon as possible to all employees who have been exposed to formaldehyde in an emergency.

(i) The examination shall include a medical and work history with emphasis on any evidence of upper or lower respiratory problems, allergic conditions, skin reaction or hypersensitivity, and any evidence of eye, nose, or throat irritation.

(ii) Other examinations shall consist of those elements considered appropriate by the examining physician.

(f) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this standard and Appendices A, C, D, and E;

(ii) A description of the affected employee's job duties as they relate to the employee's exposure to formaldehyde;

(iii) The representative exposure level for the employee's job assignment;

(iv) Information concerning any personal protective equipment and respiratory protection used or to be used by the employee; and

(v) Information from previous medical examinations of the affected employee within the control of the employer.

(vi) In the event of a nonroutine examination because of an emergency, the employer shall provide to the physician as soon as possible: A description of how the emergency occurred and the exposure the victim may have received.

(g) Physician's written opinion.

(i) For each examination required under this standard, the employer shall obtain a written opinion from the examining physician. This written opinion shall contain the results of the medical examination except that it shall not reveal specific findings or diagnoses unrelated to occupational

exposure to formaldehyde. The written opinion shall include:

(A) The physician's opinion as to whether the employee has any medical condition that would place the employee at an increased risk of material impairment of health from exposure to formaldehyde;

(B) Any recommended limitations on the employee's exposure or changes in the use of personal protective equipment, including respirators;

(C) A statement that the employee has been informed by the physician of any medical conditions which would be aggravated by exposure to formaldehyde, whether these conditions may have resulted from past formaldehyde exposure or from exposure in an emergency, and whether there is a need for further examination or treatment.

(ii) The employer shall provide for retention of the results of the medical examination and tests conducted by the physician.

(iii) The employer shall provide a copy of the physician's written opinion to the affected employee within fifteen days of its receipt.

(h) Medical removal.

(i) The provisions of this subdivision apply when an employee reports significant irritation of the mucosa of the eyes or of the upper airways, respiratory sensitization, dermal irritation, or dermal sensitization attributed to workplace formaldehyde exposure. Medical removal provisions do not apply in case of dermal irritation or dermal sensitization when the product suspected of causing the dermal condition contains less than 0.05% formaldehyde.

(ii) An employee's report of signs or symptoms of possible overexposure to formaldehyde shall be evaluated by a physician selected by the employer pursuant to (c) of this subsection. If the physician determines that a medical examination is not necessary under (c)(ii) of this subsection, there shall be a two-week evaluation and remediation period to permit the employer to ascertain whether the signs or symptoms subside untreated or with the use of creams, gloves, first aid treatment, or personal protective equipment. Industrial hygiene measures that limit the employee's exposure to formaldehyde may also be implemented during this period. The employee shall be referred immediately to a physician prior to expiration of the two-week period if the signs or symptoms worsen. Earnings, seniority, and benefits may not be altered during the two-week period by virtue of the report.

(iii) If the signs or symptoms have not subsided or been remedied by the end of the two-week period, or earlier if signs or symptoms warrant, the employee shall be examined by a physician selected by the employer. The physician shall presume, absent contrary evidence, that observed dermal irritation or dermal sensitization are not attributable to formaldehyde when products to which the affected employee is exposed contain less than 0.1% formaldehyde.

(iv) Medical examinations shall be conducted in compliance with the requirements of (e)(i) and (ii) of this subsection. Additional guidelines for conducting medical exams are contained in WAC 296-62-07546, Appendix C.

(v) If the physician finds that significant irritation of the mucosa of the eyes or the upper airways, respiratory sensitization, dermal irritation, or dermal sensitization result from workplace formaldehyde exposure and recommends restrictions or removal. The employer shall promptly comply with

the restrictions or recommendations of removal. In the event of a recommendation of removal, the employer shall remove the affected employee from the current formaldehyde exposure and if possible, transfer the employee to work having no or significantly less exposure to formaldehyde.

(vi) When an employee is removed pursuant to item (v) of this subdivision, the employer shall transfer the employee to comparable work for which the employee is qualified or can be trained in a short period (up to six months), where the formaldehyde exposures are as low as possible, but not higher than the action level. The employer shall maintain the employee's current earnings, seniority, and other benefits. If there is no such work available, the employer shall maintain the employee's current earnings, seniority, and other benefits until such work becomes available, until the employee is determined to be unable to return to workplace formaldehyde exposure, until the employee is determined to be able to return to the original job status, or for six months, whichever comes first.

(vii) The employer shall arrange for a follow-up medical examination to take place within six months after the employee is removed pursuant to this subsection. This examination shall determine if the employee can return to the original job status, or if the removal is to be permanent. The physician shall make a decision within six months of the date the employee was removed as to whether the employee can be returned to the original job status, or if the removal is to be permanent.

(viii) An employer's obligation to provide earnings, seniority, and other benefits to a removed employee may be reduced to the extent that the employee receives compensation for earnings lost during the period of removal either from a publicly or employer-funded compensation program or from employment with another employer made possible by virtue of the employee's removal.

(ix) In making determinations of the formaldehyde content of materials under this subsection the employer may rely on objective data.

(i) Multiple physician review.

(i) After the employer selects the initial physician who conducts any medical examination or consultation to determine whether medical removal or restriction is appropriate, the employee may designate a second physician to review any findings, determinations, or recommendations of the initial physician and to conduct such examinations, consultations, and laboratory tests as the second physician deems necessary and appropriate to evaluate the effects of formaldehyde exposure and to facilitate this review.

(ii) The employer shall promptly notify an employee of the right to seek a second medical opinion after each occasion that an initial physician conducts a medical examination or consultation for the purpose of medical removal or restriction.

(iii) The employer may condition its participation in, and payment for, the multiple physician review mechanism upon the employee doing the following within fifteen days after receipt of the notification of the right to seek a second medical opinion, or receipt of the initial physician's written opinion, whichever is later:

(A) The employee informs the employer of the intention to seek a second medical opinion; and

(B) The employee initiates steps to make an appointment with a second physician.

(iv) If the findings, determinations, or recommendations of the second physician differ from those of the initial physician, then the employer and the employee shall assure that efforts are made for the two physicians to resolve the disagreement. If the two physicians are unable to quickly resolve their disagreement, then the employer and the employee through their respective physicians shall designate a third physician who shall be a specialist in the field at issue:

(A) To review the findings, determinations, or recommendations of the prior physicians; and

(B) To conduct such examinations, consultations, laboratory tests, and discussions with prior physicians as the third physician deems necessary to resolve the disagreement of the prior physicians.

(v) In the alternative, the employer and the employee or authorized employee representative may jointly designate such third physician.

(vi) The employer shall act consistent with the findings, determinations, and recommendations of the third physician, unless the employer and the employee reach an agreement which is otherwise consistent with the recommendations of at least one of the three physicians.

(13) Hazard communication.

(a) General. Notwithstanding any exemption granted in WAC 296-62-05403 (6)(c) for wood products, each employer who has a workplace covered by this standard shall comply with the requirements of WAC 296-62-05409 through 296-62-05419. The definitions of the hazard communication standard shall apply under this standard.

(i) The following shall be subject to the hazard communication requirements of this section: Formaldehyde gas, all mixtures or solutions composed of greater than 0.1 percent formaldehyde, and materials capable of releasing formaldehyde into the air under reasonably foreseeable concentrations reaching or exceeding 0.1 ppm.

(ii) As a minimum, specific health hazards that the employer shall address are: Cancer, irritation and sensitization of the skin and respiratory system, eye and throat irritation, and acute toxicity.

(b) Manufacturers and importers who produce or import formaldehyde or formaldehyde-containing products shall provide downstream employers using or handling these products with an objective determination through the required labels and MSDSs if these items may constitute a health hazard within the meaning of WAC 296-62-05407 under normal conditions of use.

(c) Labels.

(i) The employer shall assure that hazard warning labels complying with the requirements of WAC 296-62-05411 are affixed to all containers of materials listed in (a)(i) of this subsection, except to the extent that (a)(i) of this subsection is inconsistent with this item.

(ii) Information on labels. As a minimum, for all materials listed in (a)(i) of this subsection, capable of releasing formaldehyde at levels of 0.1 ppm to 0.5 ppm, labels shall identify that the product contains formaldehyde: List the name and address of the responsible party; and state that physical and health hazard information is readily

available from the employer and from material safety data sheets.

(iii) For materials listed in (a)(i) of this subsection, capable of releasing formaldehyde at levels above 0.5 ppm, labels shall appropriately address all the hazards as defined in Part C, WAC 296-62-054 through 296-62-05425, and Appendices A and B, including respiratory sensitization, and shall contain the words "Potential Cancer Hazard."

(iv) In making the determinations of anticipated levels of formaldehyde release, the employer may rely on objective data indicating the extent of potential formaldehyde release under reasonably foreseeable conditions of use.

(v) Substitute warning labels. The employer may use warning labels required by other statutes, regulations, or ordinances which impart the same information as the warning statements required by this subitem.

(d) Material safety data sheets.

(i) Any employer who uses formaldehyde-containing materials listed in (a)(i) of this subsection shall comply with the requirements of WAC 296-62-05413 with regard to the development and updating of material safety data sheets.

(ii) Manufacturers, importers, and distributors of formaldehyde containing materials listed in (a)(i) of this subsection shall assure that material safety data sheets and updated information are provided to all employers purchasing such materials at the time of the initial shipment and at the time of the first shipment after a material safety data sheet is updated.

(e) Written hazard communication program. The employer shall develop, implement, and maintain at the workplace, a written hazard communication program for formaldehyde exposures in the workplace, which at a minimum describes how the requirements specified in this section for labels and other forms of warning and material safety data sheets, and subsection (14) of this section for employee information and training, will be met. Employees in multi-employer workplaces shall comply with the requirements of WAC 296-62-05409 (2)(b).

(14) Employee information and training.

(a) Participation. The employer shall assure that all employees who are assigned to workplaces where there is a health hazard from formaldehyde participate in a training program, except that where the employer can show, using objective data, that employees are not exposed to formaldehyde at or above 0.1 ppm, the employer is not required to provide training.

(b) Frequency. Employers shall provide such information and training to employees at the time of their initial assignment and whenever a new exposure to formaldehyde is introduced into their work area. The training shall be repeated at least annually.

(c) Training program. The training program shall be conducted in a manner which the employee is able to understand and shall include:

(i) A discussion of the contents of this regulation and the contents of the material safety data sheet;

(ii) The purpose for and a description of the medical surveillance program required by this standard, including:

(A) A description of the potential health hazards associated with exposure to formaldehyde and a description of the signs and symptoms of exposure to formaldehyde.

(B) Instructions to immediately report to the employer the development of any adverse signs or symptoms that the employee suspects is attributable to formaldehyde exposure.

(iii) Description of operations in the work area where formaldehyde is present and an explanation of the safe work practices appropriate for limiting exposure to formaldehyde in each job;

(iv) The purpose for, proper use of, and limitations of personal protective clothing and equipment;

(v) Instructions for the handling of spills, emergencies, and clean-up procedures;

(vi) An explanation of the importance of engineering and work practice controls for employee protection and any necessary instruction in the use of these controls; and

(vii) A review of emergency procedures including the specific duties or assignments of each employee in the event of an emergency.

(d) Access to training materials.

(i) The employer shall inform all affected employees of the location of written training materials and shall make these materials readily available, without cost, to the affected employees.

(ii) The employer shall provide, upon request, all training materials relating to the employee training program to the director of labor and industries, or his/her designated representative.

(15) Recordkeeping.

(a) Exposure measurements. The employer shall establish and maintain an accurate record of all measurements taken to monitor employee exposure to formaldehyde. This record shall include:

(i) The date of measurement;

(ii) The operation being monitored;

(iii) The methods of sampling and analysis and evidence of their accuracy and precision;

(iv) The number, durations, time, and results of samples taken;

(v) The types of protective devices worn; and

(vi) The names, job classifications, Social Security numbers, and exposure estimates of the employees whose exposures are represented by the actual monitoring results.

(b) Exposure determinations. Where the employer has determined that no monitoring is required under this standard, the employer shall maintain a record of the objective data relied upon to support the determination that no employee is exposed to formaldehyde at or above the action level.

(c) Medical surveillance. The employer shall establish and maintain an accurate record for each employee subject to medical surveillance under this standard. This record shall include:

(i) The name and Social Security number of the employee;

(ii) The physician's written opinion;

(iii) A list of any employee health complaints that may be related to exposure to formaldehyde; and

(iv) A copy of the medical examination results, including medical disease questionnaires and results of any medical tests required by the standard or mandated by the examining physician.

(d) Respirator fit testing.

(i) The employer shall establish and maintain accurate records for employees subject to negative-pressure respirator fit testing required by this standard.

(ii) This record shall include:

(A) A copy of the protocol selected for respirator fit testing;

(B) A copy of the results of any fit testing performed;

(C) The size and manufacturer of the types of respirators available for selection; and

(D) The date of the most recent fit testing, the name and Social Security number of each tested employee, and the respirator type and facepiece selected.

(e) Record retention. The employer shall retain records required by this standard for at least the following periods:

(i) Exposure records and determinations shall be kept for at least thirty years;

(ii) Medical records shall be kept for the duration of employment plus thirty years; and

(iii) Respirator fit testing records shall be kept until replaced by a more recent record.

(f) Availability of records.

(i) Upon request, the employer shall make all records maintained as a requirement of this standard available for examination and copying to the director of labor and industries, or his/her designated representative.

(ii) The employer shall make employee exposure records, including estimates made from representative monitoring and available upon request for examination and copying, to the subject employee, or former employee, and employee representatives in accordance with WAC 296-62-052 through 296-62-05209 and 296-62-05213 through 296-62-05217.

(iii) Employee medical records required by this standard shall be provided upon request for examination and copying, to the subject employee, or former employee, or to anyone having the specific written consent of the subject employee or former employee in accordance with WAC 296-62-05201 through 296-62-05209, and 296-62-05213 through 296-62-05217.

~~((16) Dates.~~

~~(a) Effective dates.~~

~~(i) General. This standard shall become effective December 28, 1992, except as noted below.~~

~~(ii) Laboratories. This standard shall become effective for anatomy, histology, and pathology laboratories February 2, 1988, except as noted in the start-up date subsection. For all other laboratories, subsections (1) and (3) of this section shall become effective on February 2, 1988, and subsections (2) and (4) through (15) of this section shall become effective on September 1, 1988, except as noted in the start-up date subsection.~~

~~(b) Start-up dates.~~

~~(i) Exposure determinations. Initial monitoring or objective determinations that no monitoring is required by the standard shall be completed by April 27, 1993.~~

~~(ii) Medical surveillance. The initial medical surveillance of all eligible employees shall be completed by April 27, 1993.~~

~~(iii) Emergencies. The emergency procedures required by this standard shall be implemented by April 27, 1993.~~

~~(iv) Respiratory protection. Respiratory protection required to meet the amended PEL of 0.75 ppm TWA shall~~

~~be provided as soon as possible, but no later than January 1, 1993.~~

~~(v) Engineering and work practice controls. Engineering and work practice controls required by this standard shall be implemented as soon as possible, but no later than November 26, 1993.~~

~~(vi) Employee training. Written materials for employee training shall be updated as soon as possible, but no later than January 27, 1993.~~

~~(e) Start-up dates of amended sections.~~

~~(i) Respiratory protection. Respiratory protection required to meet the amended PEL of 0.75 ppm TWA shall be provided as soon as possible but no later than March 27, 1993.~~

~~(ii) Engineering and work practice controls. Engineering and work practice controls required to meet the amended PEL of 0.75 ppm TWA shall be implemented as soon as possible, but no later than December 27, 1993.~~

~~(iii) Medical removal protection. The medical removal protection provisions including the multiple physician review mechanism shall be implemented no later than December 26, 1992.~~

~~(iv) Hazard communication. The labeling provisions contained in amended subsection (13) of this section shall be implemented no later than December 28, 1992. Labeling of containers of formaldehyde products shall continue to comply with the provisions of WAC 296-62-054 until that time.~~

~~(v) Training. The periodic training mandated for all employees exposed to formaldehyde between 0.1 ppm and 0.5 ppm shall begin no later than February 28, 1993.)~~

AMENDATORY SECTION (Amending Order 92-13, filed 11/10/92, effective 12/18/92)

WAC 296-62-07542 Appendix A—Substance technical guideline for formalin. (1) The following substance technical guideline for formalin provides information on uninhibited formalin solution (thirty-seven percent formaldehyde, no methanol stabilizer). It is designed to inform employees at the production level of their rights and duties under the formaldehyde standard whether their job title defines them as workers or supervisors. Much of the information provided is general; however, some information is specific for formalin. When employee exposure to formaldehyde is from resins capable of releasing formaldehyde, the resin itself and other impurities or decomposition products may also be toxic, and employers should include this information as well when informing employees of the hazards associated with the materials they handle. The precise hazards associated with exposure to formaldehyde depend both on the form (solid, liquid, or gas) of the material and the concentration of formaldehyde present. For example, thirty-seven to fifty percent solutions of formaldehyde present a much greater hazard to the skin and eyes from spills or splashes than solutions containing less than one percent formaldehyde. Individual substance technical guidelines used by the employer for training employees should be modified to properly give information on the material actually being used.

(a) Substance identification.

(i) Chemical name: Formaldehyde.

- (ii) Chemical family: Aldehyde.
- (iii) Chemical formula: HCHO.
- (iv) Molecular weight: 30.03.
- (v) Chemical abstracts service number (CAS number): 50-00-0.

Synonyms: Formalin; Formic Aldehyde; Paraform; Formol; Formalin (Methanol-free); Fyde; Formalith; Methanal; Methyl Aldehyde; Methylene Glycol; Methylene Oxide; Tetraoxymethalene; Oxomethane; Oxymethylene.

(b) Components and contaminants.

- (i) Percent: 37.0 Formaldehyde.
- (ii) Percent: 63.0 water.

Note: Inhibited solutions contain methanol.

(iii) Other contaminants: Formic acid (alcohol free).

Exposure limits:

(A) WISHA TWA-0.75 ppm.

(B) WISHA STEL-2 ppm.

(c) Physical data.

(i) Description: Colorless liquid, pungent odor.

(ii) Boiling point: 214°F (101°C).

(iii) Specific gravity: 1.08 (H₂O=1 @ 20 C).

(iv) pH: 2.8-4.0.

(v) Solubility in water: Miscible.

(vi) Solvent solubility: Soluble in alcohol and acetone.

(vii) Vapor density: 1.04 (Air=1 @ 20 C).

(viii) Odor threshold: 0.8-1 ppm.

(d) Fire and explosion hazard.

(i) Moderate fire and explosion hazard when exposed to heat or flame.

(ii) The flash point of thirty-seven percent formaldehyde solutions is above normal room temperature, but the explosion range is very wide, from seven to seventy-three percent by volume in air.

(iii) Reaction of formaldehyde with nitrogen dioxide, nitromethane, perchloric acid and aniline, or peroxyformic acid yields explosive compounds.

(iv) Flash point: 185°F (85°C) closed cup.

(v) Lower explosion limit: Seven percent.

(vi) Upper explosion limit: Seventy-three percent.

(vii) Autoignition temperature: 806°F (430°C).

(viii) Flammable class (WISHA): III A.

Extinguishing media:

(I) Use dry chemical, "alcohol foam," carbon dioxide, or water in flooding amounts as fog. Solid streams may not be effective. Cool fire-exposed containers with water from side until well after fire is out.

(II) Use of water spray to flush spills can also dilute the spill to produce nonflammable mixtures. Water runoff, however, should be contained for treatment.

(ix) National Fire Protection Association Section 325M Designation:

(A) Health: 2-Materials hazardous to health, but areas may be entered with full-faced mask self-contained breathing apparatus which provides eye protection.

(B) Flammability: 2-Materials which must be moderately heated before ignition will occur. Water spray may be used to extinguish the fire because the material can be cooled below its flash point.

(C) Reactivity: D-Materials which (in themselves) are normally stable even under fire exposure conditions and

which are not reactive with water. Normal fire fighting procedures may be used.

(e) Reactivity.

(i) Stability: Formaldehyde solutions may self-polymerize to form paraformaldehyde which precipitates.

(ii) Incompatibility (materials to avoid):

(A) Strong oxidizing agents, caustics, strong alkalis, isocyanates, anhydrides, oxides, and inorganic acids.

(B) Formaldehyde reacts with hydrochloric acid to form the potent carcinogen, bis-chloromethyl ether. Formaldehyde reacts with nitrogen dioxide, nitromethane, perchloric acid and aniline, or peroxyformic acid to yield explosive compounds. A violent reaction occurs when formaldehyde is mixed with strong oxidizers.

(C) Hazardous combustion or decomposition products: Oxygen from the air can oxidize formaldehyde to formic acid, especially when heated. Formic acid is corrosive.

(f) Health hazard data.

(i) Acute effects of exposure.

(A) Ingestion (swallowing): Liquids containing ten to forty percent formaldehyde cause severe irritation and inflammation of the mouth, throat, and stomach. Severe stomach pains will follow ingestion with possible loss of consciousness and death. Ingestion of dilute formaldehyde solutions (0.03-0.04%) may cause discomfort in the stomach and pharynx.

(B) Inhalation (breathing):

(I) Formaldehyde is highly irritating to the upper respiratory tract and eyes. Concentrations of 0.5 to 2.0 ppm may irritate the eyes, nose, and throat of some individuals.

(II) Concentrations of 3 to 5 ppm also cause tearing of the eyes and are intolerable to some persons.

(III) Concentrations of 10 to 20 ppm cause difficulty in breathing, burning of the nose and throat, coughing, and heavy tearing of the eyes, and 25 to 30 ppm causes severe respiratory tract injury leading to pulmonary edema and pneumonitis. A concentration of 100 ppm is immediately dangerous to life and health. Deaths from accidental exposure to high concentrations of formaldehyde have been reported.

(C) Skin (dermal): Formalin is a severe skin irritant and a sensitizer. Contact with formalin causes white discoloration, smarting, drying, cracking, and scaling. Prolonged and repeated contact can cause numbness and a hardening or tanning of the skin. Previously exposed persons may react to future exposure with an allergic eczematous dermatitis or hives.

(D) Eye contact: Formaldehyde solutions splashed in the eye can cause injuries ranging from transient discomfort to severe, permanent corneal clouding and loss of vision. The severity of the effect depends on the concentration of formaldehyde in the solution and whether or not the eyes are flushed with water immediately after the accident.

Note: The perception of formaldehyde by odor and eye irritation becomes less sensitive with time as one adapts to formaldehyde. This can lead to overexposure if a worker is relying on formaldehyde's warning properties to alert him or her to the potential for exposure.

(E) Acute animal toxicity:

(I) Oral, rats: LD₅₀=800 mg/kg.

(II) Oral, mouse: LD₅₀=42 mg/kg.

(III) Inhalation, rats: LC₅₀=250 mg/kg.

(IV) Inhalation, mouse: LC50=900 mg/kg.

(V) Inhalation, rats: LC50=590 mg/kg.

(g) Chronic effects of exposure.

(i) Carcinogenicity: Formaldehyde has the potential to cause cancer in humans. Repeated and prolonged exposure increases the risk. Various animal experiments have conclusively shown formaldehyde to be a carcinogen in rats. In humans, formaldehyde exposure has been associated with cancers of the lung, nasopharynx and oropharynx, and nasal passages.

(ii) Mutagenicity: Formaldehyde is genotoxic in several in vitro test systems showing properties of both an initiator and a promoter.

(iii) Toxicity: Prolonged or repeated exposure to formaldehyde may result in respiratory impairment. Rats exposed to formaldehyde at 2 ppm developed benign nasal tumors and changes of the cell structure in the nose as well as inflamed mucous membranes of the nose. Structural changes in the epithelial cells in the human nose have also been observed. Some persons have developed asthma or bronchitis following exposure to formaldehyde, most often as the result of an accidental spill involving a single exposure to a high concentration of formaldehyde.

(h) Emergency and first-aid procedures.

(i) Ingestion (swallowing): If the victim is conscious, dilute, inactivate, or absorb the ingested formaldehyde by giving milk, activated charcoal, or water. Any organic material will inactivate formaldehyde. Keep affected person warm and at rest. Get medical attention immediately. If vomiting occurs, keep head lower than hips.

(ii) Inhalation (breathing): Remove the victim from the exposure area to fresh air immediately. Where the formaldehyde concentration may be very high, each rescuer must put on a self-contained breathing apparatus before attempting to remove the victim, and medical personnel should be informed of the formaldehyde exposure immediately. If breathing has stopped, give artificial respiration. Keep the affected person warm and at rest. Qualified first-aid or medical personnel should administer oxygen, if available, and maintain the patient's airways and blood pressure until the victim can be transported to a medical facility. If exposure results in a highly irritated upper respiratory tract and coughing continues for more than ten minutes, the worker should be hospitalized for observation and treatment.

(iii) Skin contact: Remove contaminated clothing (including shoes) immediately. Wash the affected area of your body with soap or mild detergent and large amounts of water until no evidence of the chemical remains (at least fifteen to twenty minutes). If there are chemical burns, get first aid to cover the area with sterile, dry dressing, and bandages. Get medical attention if you experience appreciable eye or respiratory irritation.

(iv) Eye contact: Wash the eyes immediately with large amounts of water occasionally lifting lower and upper lids, until no evidence of chemical remains (at least fifteen to twenty minutes). In case of burns, apply sterile bandages loosely without medication. Get medical attention immediately. If you have experienced appreciable eye irritation from a splash or excessive exposure, you should be referred promptly to an ophthalmologist for evaluation.

(i) Emergency procedures.

(i) Emergencies:

(A) If you work in an area where a large amount of formaldehyde could be released in an accident or from equipment failure, your employer must develop procedures to be followed in event of an emergency. You should be trained in your specific duties in the event of an emergency, and it is important that you clearly understand these duties. Emergency equipment must be accessible and you should be trained to use any equipment that you might need. Formaldehyde contaminated equipment must be cleaned before reuse.

(B) If a spill of appreciable quantity occurs, leave the area quickly unless you have specific emergency duties. Do not touch spilled material. Designated persons may stop the leak and shut off ignition sources if these procedures can be done without risk. Designated persons should isolate the hazard area and deny entry except for necessary people protected by suitable protective clothing and respirators adequate for the exposure. Use water spray to reduce vapors. Do not smoke, and prohibit all flames or flares in the hazard area.

(ii) Special fire fighting procedures:

(A) Learn procedures and responsibilities in the event of a fire in your workplace.

(B) Become familiar with the appropriate equipment and supplies and their location.

(C) In fire fighting, withdraw immediately in case of rising sound from venting safety device or any discoloration of storage tank due to fire.

(j) Spill, leak, and disposal procedures.

(i) Occupational spill: For small containers, place the leaking container in a well ventilated area. Take up small spills with absorbent material and place the waste into properly labeled containers for later disposal. For larger spills, dike the spill to minimize contamination and facilitate salvage or disposal. You may be able to neutralize the spill with sodium hydroxide or sodium sulfite. Your employer must comply with EPA rules regarding the clean-up of toxic waste and notify state and local authorities, if required. If the spill is greater than 1,000 lb/day, it is reportable under EPA's superfund legislation.

(ii) Waste disposal: Your employer must dispose of waste containing formaldehyde in accordance with applicable local, state, and federal law and in a manner that minimizes exposure of employees at the site and of the clean-up crew.

(k) Monitoring and measurement procedures.

(i) Monitoring requirements: If your exposure to formaldehyde exceeds the 0.5 ppm action level or the 2 ppm STEL, your employer must monitor your exposure. Your employer need not measure every exposure if a "high exposure" employee can be identified. This person usually spends the greatest amount of time nearest the process equipment. If you are a "representative employee," you will be asked to wear a sampling device to collect formaldehyde. This device may be a passive badge, a sorbent tube attached to a pump, or an impinger containing liquid. You should perform your work as usual, but inform the person who is conducting the monitoring of any difficulties you are having wearing the device.

(ii) Evaluation of 8-hour exposure: Measurements taken for the purpose of determining time-weighted average (TWA) exposures are best taken with samples covering the

full shift. Samples collected must be taken from the employee's breathing zone air.

(iii) Short-term exposure evaluation: If there are tasks that involve brief but intense exposure to formaldehyde, employee exposure must be measured to assure compliance with the STEL. Sample collections are for brief periods, only fifteen minutes, but several samples may be needed to identify the peak exposure.

(iv) Monitoring techniques: WISHA's only requirement for selecting a method for sampling and analysis is that the methods used accurately evaluate the concentration of formaldehyde in employees' breathing zones. Sampling and analysis may be performed by collection of formaldehyde on liquid or solid sorbents with subsequent chemical analysis. Sampling and analysis may also be performed by passive diffusion monitors and short-term exposure may be measured by instruments such as real-time continuous monitoring systems and portable direct reading instruments.

(v) Notification of results: Your employer must inform you of the results of exposure monitoring representative of your job. You may be informed in writing, but posting the results where you have ready access to them constitutes compliance with the standard.

(1) Protective equipment and clothing.

(Material impervious to formaldehyde is needed if the employee handles formaldehyde solutions of one percent or more. Other employees may also require protective clothing or equipment to prevent dermatitis.)

(i) Respiratory protection:

(A) Use NIOSH-approved full facepiece negative pressure respirators equipped with approved cartridges or canisters within the use limitations of these devices. (Present restrictions on cartridges and canisters do not permit them to be used for a full workshift.) In all other situations, use positive pressure respirators such as the positive-pressure air purifying respirator or the self-contained breathing apparatus (SCBA).

(B) If you use a negative pressure respirator, your employer must provide you with fit testing of the respirator at least once a year in accordance with the procedures outlined in WAC 296-62-07550 Appendix E.

(ii) Protective gloves:

(A) Wear protective (impervious) gloves provided by your employer, at no cost, to prevent contact with formalin.

(B) Your employer should select these gloves based on the results of permeation testing and in accordance with the ACGIH guidelines for selection of chemical protective clothing.

(iii) Eye protection:

(A) If you might be splashed in the eyes with formalin, it is essential that you wear goggles or some other type of complete protection for the eye.

(B) You may also need a face shield if your face is likely to be splashed with formalin, but you must not substitute face shields for eye protection. (This section pertains to formaldehyde solutions of one percent or more.)

(iv) Other protective equipment:

(A) You must wear protective (impervious) clothing and equipment provided by your employer at no cost to prevent repeated or prolonged contact with formaldehyde liquids.

(B) If you are required to change into whole-body chemical protective clothing, your employer must provide a

change room for your privacy and for storage of your normal clothing.

(C) If you are splashed with formaldehyde, use the emergency showers and eyewash fountains provided by your employer immediately to prevent serious injury. Report the incident to your supervisor and obtain necessary medical support.

(2) Entry into an IDLH atmosphere. Enter areas where the formaldehyde concentration might be 100 ppm or more only with complete body protection including a self-contained breathing apparatus with a full facepiece operated in a positive pressure mode or a supplied-air respirator with full facepiece and operated in a positive pressure mode. This equipment is essential to protect your life and health under such extreme conditions.

(a) Engineering controls.

(i) Ventilation is the most widely applied engineering control method for reducing the concentration of airborne substances in the breathing zones of workers. There are two distinct types of ventilation.

(ii) Local exhaust: Local exhaust ventilation is designed to capture airborne contaminants as near to the point of generation as possible. To protect you, the direction of contaminant flow must always be toward the local exhaust system inlet and away from you.

(iii) General (mechanical):

(A) General dilution ventilation involves continuous introduction of fresh air into the workroom to mix with the contaminated air and lower your breathing zone concentration of formaldehyde. Effectiveness depends on the number of air changes per hour.

(B) Where devices emitting formaldehyde are spread out over a large area, general dilution ventilation may be the only practical method of control.

(iv) Work practices: Work practices and administrative procedures are an important part of a control system. If you are asked to perform a task in a certain manner to limit your exposure to formaldehyde, it is extremely important that you follow these procedures.

(b) Medical surveillance.

(i) Medical surveillance helps to protect employees' health. You are encouraged strongly to participate in the medical surveillance program.

(ii) Your employer must make a medical surveillance program available at no expense to you and at a reasonable time and place if you are exposed to formaldehyde at concentrations above 0.5 ppm as an 8-hour average or 2 ppm over any fifteen-minute period.

(A) You will be offered medical surveillance at the time of your initial assignment and once a year afterward as long as your exposure is at least 0.5 ppm ((~~FWA~~)) (action level) or 2 ppm (STEL).

(B) Even if your exposure is below these levels, you should inform your employer if you have signs and symptoms that you suspect, through your training, are related to your formaldehyde exposure because you may need medical surveillance to determine if your health is being impaired by your exposure.

(iii) The surveillance plan includes:

(A) A medical disease questionnaire.

(B) A physical examination if the physician determines this is necessary.

(iv) If you are required to wear a respirator, your employer must offer you a physical examination and a pulmonary function test every year.

(v) The physician must collect all information needed to determine if you are at increased risk from your exposure to formaldehyde. At the physician's discretion, the medical examination may include other tests, such as a chest x-ray, to make this determination.

(vi) After a medical examination the physician will provide your employer with a written opinion which includes any special protective measures recommended and any restrictions on your exposure. The physician must inform you of any medical conditions you have which would be aggravated by exposure to formaldehyde. All records from your medical examinations, including disease surveys, must be retained at your employer's expense.

(c) Emergencies.

(i) If you are exposed to formaldehyde in an emergency and develop signs or symptoms associated with acute toxicity from formaldehyde exposure, your employer must provide you with a medical examination as soon as possible.

(ii) This medical examination will include all steps necessary to stabilize your health.

(iii) You may be kept in the hospital for observation if your symptoms are severe to ensure that any delayed effects are recognized and treated.

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-62-07717 Protective work clothing and equipment. (1) Provision and use. If an employee is exposed to asbestos above the permissible exposure limits, or where the possibility of eye irritation exists, the employer shall provide at no cost to the employee and ensure that the employee uses appropriate protective work clothing and equipment such as, but not limited to:

(a) Coveralls or similar full-body work clothing;

(b) Gloves, head coverings, and foot coverings; and

(c) Face shields, vented goggles, or other appropriate protective equipment which complies with WAC 296-24-07801.

(2) Removal and storage.

(a) The employer shall ensure that employees remove work clothing contaminated with asbestos only in change rooms provided in accordance with WAC 296-62-07719(1).

(b) The employer shall ensure that no employee takes contaminated work clothing out of the change room, except those employees authorized to do so for the purpose of laundering, maintenance, or disposal.

(c) Contaminated work clothing shall be placed and stored in closed containers which prevent dispersion of the asbestos outside the container.

(d) Containers of contaminated protective devices or work clothing which are to be taken out of change rooms or the workplace for cleaning, maintenance, or disposal, shall bear labels in accordance with WAC 296-62-07721((2))

(3).

(3) Cleaning and replacement.

(a) The employer shall clean, launder, repair, or replace protective clothing and equipment required by this paragraph to maintain their effectiveness. The employer shall provide

clean protective clothing and equipment at least weekly to each affected employee.

(b) The employer shall prohibit the removal of asbestos from protective clothing and equipment by blowing or shaking.

(c) Laundering of contaminated clothing shall be done so as to prevent the release of airborne fibers of asbestos in excess of the permissible exposure limits prescribed in WAC 296-62-07705.

(d) Any employer who gives contaminated clothing to another person for laundering shall inform such person of the requirement in (c) of this subsection to effectively prevent the release of airborne fibers of asbestos in excess of the permissible exposure limits.

(e) The employer shall inform any person who launders or cleans protective clothing or equipment contaminated with asbestos of the potentially harmful effects of exposure to asbestos.

(f) Contaminated clothing shall be transported in sealed impermeable bags, or other closed, impermeable containers, and labeled in accordance with WAC 296-62-07721.

(4) Protective clothing for removal, demolition, and renovation operations.

(a) The ~~((competent person))~~ certified asbestos supervisor shall periodically examine worksuits worn by employees for rips or tears that may occur during performance of work.

(b) When rips or tears are detected while an employee is working within a negative-pressure enclosure, rips and tears shall be immediately mended, or the worksuit shall be immediately replaced.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-62-07749 Appendix H—Medical surveillance guidelines for asbestos—Nonmandatory. (1) Route of entry inhalation, ingestion.

(2) Toxicology.

Clinical evidence of the adverse effects associated with exposure to asbestos is present in the form of several well-conducted epidemiological studies of occupationally exposed workers, family contacts of workers, and persons living near asbestos mines. These studies have shown a definite association between exposure to asbestos and an increased incidence of lung cancer, pleural and peritoneal ~~((mesothelioma))~~ mesothelioma, gastrointestinal cancer, and asbestosis. The latter is a disabling fibrotic lung disease that is caused only by exposure to asbestos. Exposure to asbestos has also been associated with an increased incidence of esophageal, kidney, laryngeal, pharyngeal, and buccal cavity cancers. As with other known chronic occupational diseases, disease associated with asbestos generally appears about twenty years following the first occurrence of exposure: There are no known acute effects associated with exposure to asbestos.

Epidemiological studies indicate that the risk of lung cancer among exposed workers who smoke cigarettes is greatly increased over the risk of lung cancer among nonexposed smokers or exposed nonsmokers. These studies suggest that cessation of smoking will reduce the risk of lung cancer for a person exposed to asbestos but will not

reduce it to the same level of risk as that existing for an exposed worker who has never smoked.

(3) Signs and symptoms of exposure-related disease.

The signs and symptoms of lung cancer or gastrointestinal cancer induced by exposure to asbestos are not unique, except that a chest x-ray of an exposed patient with lung cancer may show pleural plaques, pleural calcification, or pleural fibrosis. Symptoms characteristic of mesothelioma include shortness of breath, pain in the walls of the chest, or abdominal pain. Mesothelioma has a much longer latency period compared with lung cancer (forty years versus fifteen to twenty years), and mesothelioma is therefore more likely to be found among workers who were first exposed to asbestos at an early age. Mesothelioma is always fatal.

Asbestosis is pulmonary fibrosis caused by the accumulation of asbestos fibers in the lungs. Symptoms include shortness of breath, coughing, fatigue, and vague feelings of sickness. When the fibrosis worsens, shortness of breath occurs even at rest. The diagnosis of asbestosis is based on a history of exposure to asbestos, the presence of characteristic radiologic changes, endinspiratory crackles (rales), and other clinical features of fibrosing lung disease. Pleural plaques and thickening are observed on x-rays taken during the early stages of the disease. Asbestosis is often a progressive disease even in the absence of continued exposure, although this appears to be a highly individualized characteristic. In severe cases, death may be caused by respiratory or cardiac failure.

(4) Surveillance and preventive considerations.

As noted above, exposure to asbestos has been linked to an increased risk of lung cancer, mesothelioma, gastrointestinal cancer, and asbestosis among occupationally exposed workers. Adequate screening tests to determine an employee's potential for developing serious chronic diseases, such as cancer, from exposure to asbestos do not presently exist. However, some tests, particularly chest x-rays and pulmonary function tests, may indicate that an employee has been overexposed to asbestos increasing his or her risk of developing exposure-related chronic diseases. It is important for the physician to become familiar with the operating conditions in which occupational exposure to asbestos is likely to occur. This is particularly important in evaluating medical and work histories and in conducting physical examinations. When an active employee has been identified as having been overexposed to asbestos measures taken by the employer to eliminate or mitigate further exposure should also lower the risk of serious long-term consequences.

The employer is required to institute a medical surveillance program for all employees who are or will be exposed to asbestos at or above the action level (0.1 fiber per cubic centimeter of air). All examinations and procedures must be performed by or under the supervision of a licensed physician, at a reasonable time and place, and at no cost to the employee.

Although broad latitude is given to the physician in prescribing specific tests to be included in the medical surveillance program, WISHA requires inclusion of the following elements in the routine examination:

(a) Medical and work histories with special emphasis directed to symptoms of the respiratory system, cardiovascular system, and digestive tract.

(b) Completion of the respiratory disease questionnaire contained in WAC 296-62-07741, Appendix D.

(c) A physical examination including a chest roentgenogram and pulmonary function test that includes measurement of the employee's forced vital capacity (FVC) and forced expiratory volume at one second (FEV₁).

(d) Any laboratory or other test that the examining physician deems by sound medical practice to be necessary.

The employer is required to make the prescribed tests available at least annually to those employees covered; more often than specified if recommended by the examining physician; and upon termination of employment.

The employer is required to provide the physician with the following information: A copy of this standard and appendices; a description of the employee's duties as they relate to asbestos exposure; the employee's representative level of exposure to asbestos; a description of any personal protective and respiratory equipment used; and information from previous medical examinations of the affected employee that is not otherwise available to the physician. Making this information available to the physician will aid in the evaluation of the employee's health in relation to assigned duties and fitness to wear personal protective equipment, if required.

The employer is required to obtain a written opinion from the examining physician containing the results of the medical examination; the physician's opinion as to whether the employee has any detected medical conditions that would place the employee at an increased risk of exposure-related disease; any recommended limitations on the employee or on the use of personal protective equipment; and a statement that the employee has been informed by the physician of the results of the medical examination and of any medical conditions related to asbestos exposure that require further explanation or treatment. This written opinion must not reveal specific findings or diagnoses unrelated to exposure to asbestos and a copy of the opinion must be provided to the affected employee.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-62-07751 Appendix I—Work practices and engineering controls for major asbestos removal, renovation, and demolition operations—Nonmandatory. This is a nonmandatory appendix designed to provide guidelines to assist employers in complying with the requirements of WAC 296-62-077 through 296-62-07753. Specifically, this appendix describes the equipment, methods, and procedures that should be used in major asbestos removal projects conducted to abate a recognized asbestos hazard or in preparation for building renovation or demolition. These projects require the construction of negative-pressure temporary enclosures to contain the asbestos material and to prevent the exposure of bystanders and other employees at the worksite. WAC 296-62-07712(1) of the standard requires that "~~((... Whenever feasible, the employer shall establish negative-pressure enclosures before commencing asbestos))~~ The employer, wherever feasible, shall establish negative-pressure enclosures having a minimum of one air exchange every fifteen minutes within the enclosure before commencing removal, demolition, or renovation operations."

Employers should also be aware that, when conducting asbestos removal projects, they may be required under the National Emissions Standards for Hazardous Air Pollutants (NESHAPS), 40 CFR Part 61, Subpart M, or EPA regulations under the Clean Water Act.

(1) Introduction. Construction of a negative-pressure enclosure is a simple but time-consuming process that requires careful preparation and execution; however, if the procedures below are followed, contractors should be assured of achieving a temporary barricade that will protect employees and others outside the enclosure from exposure to asbestos and minimize to the extent possible the exposure of asbestos workers inside the barrier as well.

The equipment and materials required to construct these barriers are readily available and easily installed and used. In addition to an enclosure around the removal site, the standard requires employers to provide hygiene facilities that ensure that their asbestos contaminated employees do not leave the worksite with asbestos on their persons or clothing; the construction of these facilities is also described below. The steps in the process of preparing the asbestos removal site, building the enclosure, constructing hygiene facilities, removing the asbestos-containing material, and restoring the site include:

- (a) Planning the removal project;
- (b) Procuring the necessary materials and equipment;
- (c) Preparing the work area;
- (d) Removing the asbestos-containing material;
- (e) Cleaning the work area; and
- (f) Disposing of the asbestos-containing waste.

(2) Planning the removal project. The planning of an asbestos removal project is critical to completing the project safely and cost-effectively. A written asbestos removal plan should be prepared that describes the equipment and procedures that will be used throughout the project. The asbestos abatement plan will aid not only in executing the project but also in complying with the reporting requirements of the USEPA asbestos regulations (40 CFR 61, Subpart M), which call for specific information such as a description of control methods and control equipment to be used and the disposal sites the contractor proposes to use to dispose of the asbestos-containing materials.

The asbestos abatement plan should contain the following information:

- (a) A physical description of the work area;
- (b) A description of the approximate amount of material to be removed;
- (c) A schedule for turning off and sealing existing ventilation systems;
- (d) Personnel hygiene procedures;
- (e) Labeling procedures;
- (f) A description of personal protective equipment and clothing to be worn by employees;
- (g) A description of the local exhaust ventilation systems to be used;
- (h) A description of work practices to be observed by employees;
- (i) A description of the methods to be used to remove the asbestos-containing material;
- (j) The wetting agent to be used;
- (k) A description of the sealant to be used at the end of the project;

- (l) An air monitoring plan;
- (m) A description of the method to be used to transport waste material; and

- (n) The location of the dump site.

(3) Materials and equipment necessary for asbestos removal. Although individual asbestos removal projects vary in terms of the equipment required to accomplish the removal of the material, some equipment and materials are common to most asbestos removal operations. Equipment and materials that should be available at the beginning of each project are: (a) Rolls of polyethylene sheeting; (b) rolls of gray duct tape or clear plastic tape; (c) HEPA-filtered vacuum(s); (d) HEPA-filtered portable ventilation system(s); (e) a wetting agent; (f) an airless sprayer; (g) a portable shower unit; (h) appropriate respirators; (i) disposable coveralls; (j) signs and labels; (k) preprinted disposal bags; and (l) a manometer or pressure gauge.

(a) and (b) Rolls of polyethylene plastic and tape. Rolls of polyethylene plastic (6 mil in thickness) should be available to construct the asbestos removal enclosure and to seal windows, doors, ventilation systems, wall penetrations, and ceilings and floors in the work area. Gray duct tape or clear plastic tape should be used to seal the edges of the plastic and to seal any holes in the plastic enclosure. Polyethylene plastic sheeting can be purchased in rolls up to twelve to twenty feet in width and up to one hundred feet in length.

(c) HEPA-filtered vacuum. A HEPA-filtered vacuum is essential for cleaning the work area after the asbestos has been removed. Such vacuums are designed to be used with a HEPA (high-efficiency particulate air) filter, which is capable of removing 99.97 percent of the asbestos particles from the air. Various sizes and capacities of HEPA vacuums are available. One manufacturer produces three models that range in capacity from five and one-quarter gallons to seventeen gallons (see Figure I-1). All of these models are portable, and all have long hoses capable of reaching out-of-the-way places, such as areas above ceiling tiles, behind pipes, etc.

(d) Exhaust air filtration system. A portable ventilation system is necessary to create a negative-pressure within the asbestos removal enclosure. Such units are equipped with a HEPA filter and are designed to exhaust and clean the air inside the enclosure before exhausting it to the outside of the enclosure (see Figure I-2). Systems are available from several manufacturers. One supplier has two ventilation units that range in capacity from six hundred cubic feet per minute (CFM) to one thousand seven hundred CFM. According to the manufacturer's literature, these units filter particles of 0.3 micron in size with an efficiency of 99.99 percent. The number and capacity of units required to ventilate an enclosure depend on the size of the area to be ventilated.

Figure I-1. HEPA-filtered vacuums

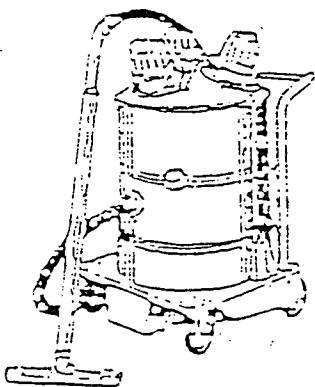
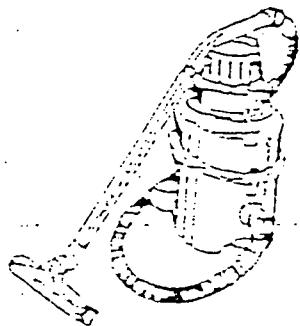
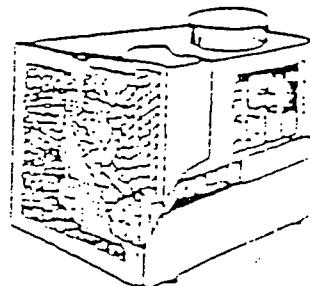


Figure I-2. Portable exhaust ventilation system with HEPA filter



Source: Product Catalog, Asbestos Control Technologies, Inc., Maple Shade, N.J., 1985

(e) Wetting agents. Wetting agents (surfactants) are added to water (which is then called amended water) and used to soak asbestos-containing materials; amended water penetrates more effectively than plain water and permits more thorough soaking of the asbestos-containing materials. Wetting the asbestos-containing material reduces the number of fibers that will break free and become airborne when the asbestos-containing material is handled or otherwise disturbed. Asbestos-containing materials should be thoroughly soaked before removal is attempted; the dislodged material should feel spongy to the touch. Wetting agents are generally prepared by mixing one to three ounces of wetting agent to five gallons of water.

One type of asbestos, amosite, is relatively resistant to soaking, either with plain or amended water. The work practices of choice when working with amosite-containing material are to soak the material as much as possible and then to bag it for disposal immediately after removal, so that the material has no time to dry and be ground into smaller particles that are more likely to liberate airborne asbestos.

In a very limited number of situations, it may not be possible to wet the asbestos-containing material before removing it. Examples of such rare situations are: (i) Removal of asbestos material from a "live" electrical box that was oversprayed with the material when the rest of the area was sprayed with asbestos-containing coating; and (ii) removing asbestos-containing insulation from a live steam pipe. In both of these situations, the preferred approach would be to turn off the electricity or steam, respectively, to permit wet removal methods to be used. However, where removal work must be performed during working hours, i.e., when normal operations cannot be disrupted, the asbestos-containing material must be removed dry. Immediate bagging is then the only method of minimizing the amount of airborne asbestos generated.

(f) Airless sprayer. Airless sprayers are used to apply amended water to asbestos-containing materials. Airless sprayers allow the amended water to be applied in a fine spray that minimizes the release of asbestos fibers by reducing the impact of the spray on the material to be removed. Airless sprayers are inexpensive and readily available.

Source: Product Catalog, Asbestos Control Technologies, Inc., Maple Shade, N.J., 1985

(g) Portable shower. Unless the site has available a permanent shower facility that is contiguous to the removal area, a portable shower system is necessary to permit employees to clean themselves after exposure to asbestos and to remove any asbestos contamination from their hair and bodies. Taking a shower prevents employees from leaving the work area with asbestos on their clothes and thus prevents the spread of asbestos contamination to areas outside the asbestos removal area. This measure also protects members of the families of asbestos workers from possible exposure to asbestos. Showers should be supplied with warm water and a drain. A shower water filtration system to filter asbestos fibers from the shower water is recommended. Portable shower units are readily available, inexpensive, and easy to install and transport.

(h) Respirators. Employees involved in asbestos removal projects should be provided with appropriate NIOSH-approved respirators. Selection of the appropriate respirator should be based on the concentration of asbestos fibers in the work area. If the concentration of asbestos fibers is unknown, employees should be provided with respirators that will provide protection against the highest concentration of asbestos fibers that can reasonably be expected to exist in the work area. For all work within an enclosure, employees should wear supplied air respirators (see WAC 296-62-07715(3)).

(i) Disposable coveralls. Employees involved in asbestos removal operations should be provided with disposable impervious coveralls that are equipped with head and foot covers. Such coveralls are typically made of Tyvek.¹ The coverall has a zipper front and elastic wrists and ankles.

(j) Signs and labels. Before work begins, a supply of signs to demarcate the entrance to the work area should be obtained. Signs are available that have the wording required by the final WISHA standard. The required labels are also commercially available as press-on labels and preprinted on the 6-mil polyethylene plastic bags used to dispose of asbestos-containing waste material.

(4) Preparing the work area. Preparation for constructing negative-pressure enclosures should begin with the removal of all movable objects from the work area, e.g., desks, chairs, rugs, and light fixtures, to ensure that these objects do not become contaminated with asbestos. When objects or surfaces are contaminated or are suspected of being contaminated, they should be vacuumed with a HEPA vacuum and cleaned with amended water, unless they are made of material that will be damaged by the wetting agent; wiping with plain water is recommended in those cases where amended water will damage the object. Before the asbestos removal work begins, objects that cannot be removed from the work area should be covered with a 6-mil-thick polyethylene plastic sheeting that is securely taped with duct tape or plastic tape to achieve an air-tight seal around the object.

(5) Constructing the enclosure. When all objects have either been removed from the work area or covered with plastic, all penetrations of the floor, walls, and ceiling should be sealed with 6-mil polyethylene plastic and tape to prevent airborne asbestos from escaping into areas outside the work area or from lodging in cracks around the penetrations. Penetrations that require sealing are typically found around

electrical conduits, telephone wires, and water supply and drain pipes. A single entrance to be used for access and egress to the work area should be selected, and all other doors and windows should be sealed with tape or be covered with 6-mil polyethylene plastic sheeting and securely taped. Covering windows and unnecessary doors with a layer of polyethylene before covering the walls provides a second layer of protection and saves time in installation because it reduces the number of edges that must be cut and taped. All other surfaces such as support columns, ledges, pipes, and other surfaces should also be covered with polyethylene plastic sheeting and taped before the walls themselves are completely covered with sheeting.

Next a thin layer of spray adhesive should be sprayed along the top of all walls surrounding the enclosed work area, close to the wall-ceiling interface, and a layer of polyethylene plastic sheeting should be stuck to this adhesive and taped. The entire inside surfaces of all wall areas are covered in this manner, and the sheeting over the walls is extended across the floor area until it meets in the center of the area, where it is taped to form a single layer of material encasing the entire room except for the ceiling. A final layer of plastic sheeting is then laid across the plastic-covered floor area and up the walls to a level of two feet or so; this layer provides a second protective layer of plastic sheeting over the floor, which can then be removed and disposed of easily after the asbestos-containing material that has dropped to the floor has been bagged and removed.

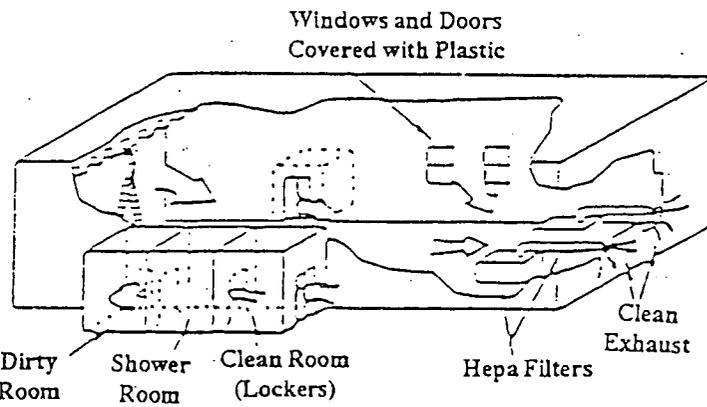
(6) Building hygiene facilities. WAC 296-62-07719 mandates that employers involved in asbestos removal, demolition, or renovation operations provide their employees with hygiene facilities to be used to decontaminate asbestos-exposed workers, equipment, and clothing before such employees leave the work area. These decontamination facilities consist of:

- (a) A clean change room;
- (b) A shower; and
- (c) An equipment room.

The clean change room is an area in which employees remove their street clothes and don their respirators and disposable protective clothing. The clean room should have hooks on the wall or be equipped with lockers for the storage of workers' clothing and personal articles. Extra disposable coveralls and towels can also be stored in the clean change room.

The shower should be contiguous with both the clean and dirty change room (see Figure I-3) and should be used by all workers leaving the work area. The shower should also be used to clean asbestos-contaminated equipment and materials, such as the outsides of asbestos waste bags and hand tools used in the removal process.

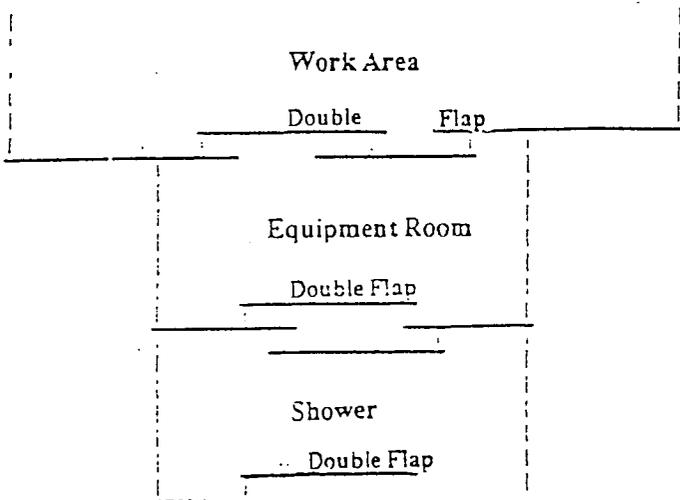
Figure I-3. Cutaway view of enclosure and hygiene facilities



Source: EPA 1985. Asbestos Waste Management Guidance (EPA/530 SW-85-007)

The equipment room (also called the dirty change room) is the area where workers remove their protective coveralls and where equipment that is to be used in the work area can be stored. The equipment room should be lined with 6-mil-thick polyethylene plastic sheeting in the same way as done in the work area enclosure. Two layers of 6-mil polyethylene plastic sheeting that are not taped together from a double flap or barrier between the equipment room and the work area and between the shower and the clean change room (see Figure I-4).

Figure I-4. Typical hygiene facility layout



When feasible, the clean change room, shower, and equipment room should be contiguous and adjacent to the negative-pressure enclosure surrounding the removal area. In the overwhelming number of cases, hygiene facilities can be built contiguous to the negative-pressure enclosure. In some cases, however, hygiene facilities may have to be located on another floor of the building where removal of asbestos-containing materials is taking place. In these instances, the hygiene facilities can in effect be made to be contiguous to the work area by constructing a polyethylene plastic "tunnel" from the work area to the hygiene facilities.

Such a tunnel can be made even in cases where the hygiene facilities are located several floors above or below the work area; the tunnel begins with a double flap door at the enclosure, extends through the exit from the floor, continues down the necessary number of flights of stairs and goes through a double flap entrance to the hygiene facilities, which have been prepared as described above. The tunnel is constructed of two-inch by four-inch lumber or aluminum struts and covered with 6-mil-thick polyethylene plastic sheeting.

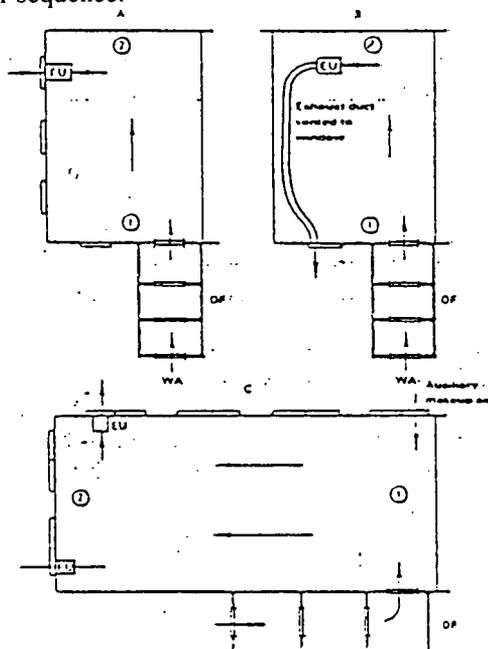
In the rare instances when there is not enough space to permit any hygiene facilities to be built at the worksite, employees should be directed to change into a clean disposable worksuit immediately after exiting the enclosure (without removing their respirators) and to proceed immediately to the shower. Alternatively, employees could be directed to vacuum their disposable coveralls with a HEPA-filtered vacuum before proceeding to a shower located a distance from the enclosure.

The clean room, shower, and equipment room must be sealed completely to ensure that the sole source of air flow through these areas originates from uncontaminated areas outside the asbestos removal, demolition, or renovation enclosure. The shower must be drained properly after each use to ensure that contaminated water is not released to uncontaminated areas. If waste water is inadvertently released, it should be cleaned up as soon as possible to prevent any asbestos in the water from drying and becoming airborne in areas outside the work area.

(7) Establishing negative-pressure within the enclosure. After construction of the enclosure is completed, a ventilation system(s) should be installed to create a negative-pressure within the enclosure with respect to the area outside the enclosure. Such ventilation systems must be equipped with HEPA filters to prevent the release of asbestos fibers to the environment outside the enclosure and should be operated twenty-four hours per day during the entire project until the final cleanup is completed and the results of final air samples are received from the laboratory. A sufficient amount of air should be exhausted to create a pressure of -0.02 inches of water within the enclosure with respect to the area outside the enclosure.

These ventilation systems should exhaust the HEPA-filtered clean air outside the building in which the asbestos removal, demolition, or renovation is taking place (see Figure I-5). If access to the outside is not available, the ventilation system can exhaust the HEPA-filtered asbestos-free air to an area within the building that is as far away as possible from the enclosure. Care should be taken to ensure that the clean air is released either to an asbestos-free area or in such a way as not to disturb any asbestos-containing materials.

Figure I-5. Examples of negative-pressure systems. DF, decontamination facility; EU, exhaust unit; WA, worker access; A, single-room work area with multiple windows; B, single-room work area with single window near entrance; C, large single-room work area with windows and auxiliary makeup air source (dotted arrow). Arrows denote direction of air flow. Circled numbers indicate progression of removal sequence.



Source: EPA 1985. Guidance for Controlling Asbestos-Containing Materials in Buildings (EPA 560/5-85-024)

A manometer or pressure gauge for measuring the negative pressure within the enclosure should be installed and should be monitored frequently throughout all work shifts during which asbestos removal, demolition, or renovation takes place. Several types of manometers and pressure gauges are available for this purpose.

All asbestos removal, renovation, and demolition operations should have a program for monitoring the concentration of airborne asbestos and employee exposures to asbestos. Area samples should be collected inside the enclosure (approximately four samples for five thousand square feet of enclosure area). At least two samples should be collected outside the work area, one at the entrance to the clean change room and one at the exhaust of the portable ventilation system. In addition, several breathing zone samples should be collected from those workers who can reasonably be expected to have the highest potential exposure to asbestos.

(8) Removing asbestos materials. Employers involved in asbestos removal, demolition, or renovation operations designate a ((competent person)) certified asbestos supervisor to:

- (a) Set up the enclosure;
- (b) Ensure the integrity of the enclosure;
- (c) Control entry to and exit from the enclosure;
- (d) Supervise all employee exposure monitoring required by this section;
- (e) Ensure the use of protective clothing and equipment;

(f) Ensure that employees are trained in the use of engineering controls, work practices, and personal protective equipment;

(g) Ensure the use of hygiene facilities and the observance of proper decontamination procedures; and

(h) Ensure that engineering controls are functioning properly.

The ((competent person)) certified asbestos supervisor will generally be a certified industrial hygienist, an industrial hygienist with training and experience in the handling of asbestos, or a person who has such training and experience as a result of on-the-job training and experience.

Ensuring the integrity of the enclosure is accomplished by inspecting the enclosure before asbestos removal work begins and prior to each work shift throughout the entire period work is being conducted in the enclosure. The inspection should be conducted by locating all areas where air might escape from the enclosure; this is best accomplished by running a hand over all seams in the plastic enclosure to ensure that no seams are ripped and the tape is securely in place.

The ((competent person)) certified asbestos supervisor should also ensure that all unauthorized personnel do not enter the enclosure and that all employees and other personnel who enter the enclosure have the proper protective clothing and equipment. He or she should also ensure that all employees and other personnel who enter the enclosure use the hygiene facilities and observe the proper decontamination procedures (described below).

Proper work practices are necessary during asbestos removal, demolition, and renovation to ensure that the concentration of asbestos fibers inside the enclosure remains as low as possible. One of the most important work practices is to wet the asbestos-containing material before it is disturbed. After the asbestos-containing material is thoroughly wetted, it should be removed by scraping (as in the case of sprayed-on or troweled-on ceiling material) or removed by cutting the metal bands or wire mesh that support the asbestos-containing material on boilers or pipes. Any residue that remains on the surface of the object from which asbestos is being removed should be wire brushed and wet wiped.

Bagging asbestos waste material promptly after its removal is another work practice control that is effective in reducing the airborne concentration of asbestos within the enclosure. Whenever possible, the asbestos should be removed and placed directly into bags for disposal rather than dropping the material to the floor and picking up all of the material when the removal is complete. If a significant amount of time elapses between the time that the material is removed and the time it is bagged, the asbestos material is likely to dry out and generate asbestos-laden dust when it is disturbed by people working within the enclosure. Any asbestos-contaminated supplies and equipment that cannot be decontaminated should be disposed of in pre-labeled bags; items in this category include plastic sheeting, disposable work clothing, respirator cartridges, and contaminated wash water.

A checklist is one of the most effective methods of ensuring adequate surveillance of the integrity of the asbestos removal enclosure. Such a checklist is shown in Figure I-6. Filling out the checklist at the beginning of each

shift in which asbestos removal is being performed will serve to document that all the necessary precautions will be taken during the asbestos removal work. The checklist contains entries for ensuring that:

- The work area enclosure is complete;
- The negative-pressure system is in operation;
- Necessary signs and labels are used;

Asbestos Removal, Renovation, and Demolition Checklist

Date Location

Supervisor Project #

Work Area (sq. ft.)

Yes No

- I. Work site barrier
 - Floor covered
 - Walls covered
 - Area ventilation off
 - All edges sealed
 - Penetrations sealed
 - Entry curtains
- II. Negative air pressure
 - HEPA Vac Ventilation system
 - Constant operation
 - Negative pressure achieved
- III. Signs
 - Work area entrance
 - Bags labeled
- IV. Work practices
 - Removed material promptly bagged
 - Material worked wet
 - HEPA vacuum used
 - No smoking
 - No eating, drinking
 - Work area cleaned after completion
 - Personnel decontaminated each departure
- V. Protective equipment
 - Disposable clothing used one time
 - Proper NIOSH-approved respirators
- VII. Showers
 - On site
 - Functioning
 - Soap and towels
 - Used by all personnel

Figure I-6. Checklist

Appropriate work practices are used;
 Necessary protective clothing and equipment are used;
 and
 Appropriate decontamination procedures are being followed.

(9) Cleaning the work area. After all of the asbestos-containing material is removed and bagged, the entire work area should be cleaned until it is free of all visible asbestos dust. All surfaces from which asbestos has been removed should be cleaned by wire brushing the surfaces, HEPA vacuuming these surfaces, and wiping them with amended water. The inside of the plastic enclosure should be vacuumed with a HEPA vacuum and wet wiped until there is no visible dust in the enclosure. Particular attention should be given to small horizontal surfaces such as pipes, electrical conduits, lights, and support tracks for drop ceilings. All such surfaces should be free of visible dust before the final air samples are collected.

Additional sampling should be conducted inside the enclosure after the cleanup of the work area has been completed. Approximately four area samples should be collected for each five thousand square feet of enclosure area. The enclosure should not be dismantled unless the final samples show asbestos concentrations of less than the action level.

A clearance checklist is an effective method of ensuring that all surfaces are adequately cleaned and the enclosure is ready to be dismantled. Figure I-7 shows a checklist that can be used during the final inspection phase of asbestos abatement, removal, or renovation operations.

Final Inspection of Asbestos Removal, Renovation, and Demolition Projects

Date:

Project:

Location:

Building:

CHECKLIST:

Residual dust on:	Yes	No	Yes	No
a. Floor	e. Horizontal surfaces
b. Horizontal surfaces	f. Pipes
c. Pipes	g. Ducts
d. Ventilation equipment	h. Register
			i. Lights

FIELD NOTES:

Record any problems encountered here.

.....

.....

FINAL AIR SAMPLE RESULTS:

.....

Figure I-7. Clearance Checklist

¹ Mention of trade names or commercial products does not constitute endorsement or recommendation for use.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-62-300 Scope, application, and definitions.

(1) Scope. This section covers employers who have employees who work in the following operations:

(a) Clean-up operations required by a governmental body, whether federal, state, local, or other involving hazardous substances that are conducted at uncontrolled hazardous waste sites (including, but not limited to, the EPA's National Priority Site List (NPL), state priority site lists, sites recommended for the EPA NPL, and initial investigations of government identified sites which are conducted before the presence or absence of hazardous substances has been ascertained);

(b) Corrective actions involving clean-up operations at sites covered by the Resource Conservation and Recovery Act of 1976 (RCRA) as amended (42 U.S.C. 6901 et seq.);

(c) Voluntary clean-up operations at sites recognized by federal, state, local, or other governmental bodies as uncontrolled hazardous waste sites;

(d) Operations involving hazardous wastes that are conducted at treatment, storage, and disposal (TSD) facilities regulated by 40 CFR Parts 264 and 265 pursuant to RCRA;

or by agencies under agreement with U.S.E.P.A. to implement RCRA regulations; and

(e) Emergency response operations for releases of, or substantial threats of releases of, hazardous substances without regard to the location of the hazard.

(2) Application.

(a) All requirements of this chapter and chapters 296-24 and 296-155 WAC apply pursuant to their terms to hazardous waste and emergency response operations whether covered by this part or not. If there is a conflict or overlap, the provision more protective of employee safety and health shall apply.

(b) Hazardous substance clean-up operations within the scope of subsection (1)(a), (b), and (c) of this section must comply with all sections (~~((WAC 296-62-300 through 296-62-3145))) of this part except WAC ((296-62-3140, 296-62-3110 (4) and (5), and 296-62-3112)) 296-62-3112 and 296-62-3140.~~

(c) Operations within the scope of subsection (1)(d) of this section must comply only with the requirements of WAC 296-62-3140.

Notes and Exceptions:

(i) All provisions of WAC 296-62-3140 cover any treatment, storage, or disposal (TSD) operation regulated by 40 CFR parts 264 and 265 or by state law authorized under RCRA, and required to have a permit or interim status from EPA pursuant to 40 CFR 270.1 or from a state agency pursuant to RCRA.

(ii) Employers who are not required to have a permit or interim status because they are conditionally exempt small quantity generators under 40 CFR 261.5 or are generators who qualify under 40 CFR 262.34 for exemptions from regulation under 40 CFR parts 264, 265, and 270 ("excepted employers") are not covered by WAC 296-62-3140 (1) through (7). Excepted employers who are required by the EPA or state agency to have their employees engage in emergency response or who direct their employees to engage in emergency response are covered by WAC 296-62-3140(8), and cannot be exempted by WAC 296-62-3140 (8)(a). Excepted employers who are not required to have employees engage in emergency response, who direct their employees to evacuate in the case of such emergencies and who meet the requirements of WAC 296-62-3140 (8)(a) are exempt from the balance of WAC 296-62-3140(8).

(iii) If an area is used primarily for treatment, storage or disposal, any emergency response operations in that area shall comply with WAC 296-62-3140(8). In other areas not used primarily for treatment, storage or disposal, any emergency response operations shall comply with WAC 296-62-3112. Compliance with the requirements of WAC 296-62-3112 shall be deemed to be in compliance with the requirements of WAC 296-62-3140(8).

(d) Emergency response operations for releases of, or substantial threats of releases of hazardous substances which are not covered by subsection (1)(a) through (d) of this section must only comply with the requirements of WAC 296-62-3112.

(3) Definitions.

(a) "Buddy system" means a system of organizing employees into work groups in such a manner that each employee of the work group is designated to be observed by

at least one other employee in the work group. The purpose of the buddy system is to provide rapid assistance to employees in the event of an emergency.

(b) "Clean-up operation" means an operation where hazardous substances are removed, contained, incinerated, neutralized, stabilized, cleared-up, or in any other manner processed or handled with the ultimate goal of making the site safer for people or the environment.

(c) "Contamination reduction zone" means the buffer between the exclusion zone and the outermost clean zone.

(d) "Decontamination" means the removal of hazardous substances from employees and their equipment to the extent necessary to preclude the occurrence of foreseeable adverse health effects.

(e) "Emergency response" or "responding to emergencies" means a response effort by employees from outside the immediate release area or by other designated responders (i.e., mutual aid groups, local fire departments, etc.) to an occurrence which results, or is likely to result, in an uncontrolled release of a hazardous substance. Responses to incidental releases of hazardous substances where the substance can be absorbed, neutralized, or otherwise controlled at the time of release by employees in the immediate release area or by maintenance personnel are not considered to be emergency responses within the scope of this standard. Responses to release of hazardous substances where there is no potential safety or health hazard (i.e., fire, explosion, or chemical exposure) are not considered to be emergency responses.

(f) "Exclusion zone" means the innermost zone at a site where contamination does occur.

(g) "Facility" means (i) any building structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly-owned treatment works), well, pit, pond, lagoon, impoundment, ditch, storage container, motor vehicle, rolling stock, or aircraft, or (ii) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any water-borne vessel.

(h) "Hazardous materials response (HAZMAT) team" means an organized group of employees, designated by the employer, who are expected to perform work, to handle and control actual or potential leaks or spills of hazardous substances requiring possible close approach to the substance. The team members perform responses to releases or potential releases of hazardous substances for the purpose of control or stabilization of the incident. A HAZMAT team is not a fire brigade nor is a typical fire brigade a HAZMAT team. A HAZMAT team, however, may be a separate component of a fire brigade or fire department.

(i) "Hazardous substance" means any substance designated or listed under(i)(i) through (iv) of this subsection, exposure to which results or may result in adverse effects on the health or safety of employees:

(i) Any substance defined under section 101(14) of CERCLA;

(ii) Any biological agent and other disease-causing agent which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any person, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated

to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such persons or their offspring;

(iii) Any substance listed by the United States Department of Transportation as hazardous materials under WAC 480-12-195; and

(iv) Hazardous waste as herein defined.

(j) "Hazardous waste" means:

A waste or combination of wastes as defined in (m) of this subsection.

(k) "Hazardous waste operation" means any operation conducted within the scope of this standard.

(l) "Hazardous waste site" or "site" means any facility or location within the scope of this standard at which hazardous waste operations take place.

(m) "Health hazard" means a chemical, mixture of chemicals, or a pathogen for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees. The term "health hazard" includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes. It also includes stress due to temperature extremes. Further definition of the terms used above can be found in Appendix A to WAC 296-62-054 through 296-62-05427.

(n) "IDLH" or "immediately dangerous to life or health" means any atmospheric concentration of any toxic, corrosive, or asphyxiant substance that poses an immediate threat to life or would cause irreversible or delayed adverse health effects or would interfere with an individual's ability to escape from a dangerous atmosphere.

(o) "Oxygen deficiency" means that concentration of oxygen by volume below which atmosphere supplying respiratory protection must be provided. It exists in atmospheres where the percentage of oxygen by volume is less than 19.5 percent oxygen.

(p) "Permissible exposure limit" means the exposure, inhalation, or dermal permissible limit specified in WAC 296-62-075 through 296-62-07515.

(q) "Published exposure level" means the exposure limits published in "NIOSH Recommendations for Occupational Health Standards" dated 1986 incorporated by reference, or if none is specified, the exposure limits published in the standards specified by the American Conference of Governmental Industrial Hygienists in their publication "Threshold Limit Values and Biological Exposure Indices for 1988-89" dated 1988 incorporated by reference.

(r) "Post emergency response" means that portion of an emergency response performed after the immediate threat of a release has been stabilized or eliminated and clean-up of the site has begun. If post emergency response is performed by an employer's own employees who were part of the initial emergency response, it is considered to be part of the initial response and not post emergency response. However, if a group of an employer's own employees, separate from the group providing initial response, performs the clean-up operation, then the separate group of employees would be

considered to be performing post-emergency response and subject to WAC 296-62-3112(11).

(s) "Qualified person" means a person with specific training, knowledge, and experience in the area for which the person has responsibility and the authority to control.

(t) "Site safety and health supervisor (or official)" means the individual located on a hazardous waste site who is responsible to the employer and has the authority and knowledge necessary to implement the site safety and health plan and verify compliance with applicable safety and health requirements.

(u) "Site work zones" means an exclusion zone, contamination reduction zone, and a clean zone established at a hazardous waste site before clean-up work begins to prevent or reduce the movement of contaminants from the site to uncontaminated areas and to control public, employee, and equipment exposure to hazardous substances.

(i) The exclusion zone is the innermost of the zones and is where contamination does occur. The contamination reduction zone is the zone between the exclusion zone and the clean zone and serves as a transition and buffer between the contaminated and clean zone to further reduce the physical transfer of contaminating substances to the public, employees, and equipment. The clean zone is the outermost of the zones and is a noncontaminated or clean area. The level of contamination in these zones is not defined and some designated exclusion zones can have very little contamination directly affecting employees.

(ii) The contaminated reduction corridors are the designated areas within the contaminated reduction zone for the decontamination of personnel and equipment.

(v) "Small quantity generator" means a generator of hazardous wastes who in any calendar month generates no more than 1000 kilograms (2205 pounds) of hazardous waste in that month.

(w) "Uncontrolled hazardous waste site" means an area identified as an uncontrolled hazardous waste site by a governmental body, whether federal, state, local, or other where an accumulation of hazardous substances creates a threat to the health and safety of individuals or the environment or both. Some sites are found on public lands, such as those created by former municipal, county, or state landfills where illegal or poorly managed waste disposal has taken place. Other sites are found on private property, often belonging to generators or former generators of hazardous substance waste. Examples of such sites include, but are not limited to, surface impoundments, landfills, dumps, and tank or drum farms. Normal operations at TSD sites are not covered by this definition.

AMENDATORY SECTION (Amending Order 90-14, filed 10/1/90, effective 11/15/90)

WAC 296-62-3060 Engineering controls, work practices, and personal protective equipment for employee protection. (1) Engineering controls, work practices, personal protective equipment, or a combination of these shall be implemented in accordance with this section to protect employees from exposure to hazardous substances and health hazards.

(a) Engineering controls, work practices, and PPE for substances regulated in chapter 296-62 WAC.

Engineering controls and work practices shall be instituted to reduce and maintain employee exposure to or below the permissible exposure limits for substances regulated by this chapter, except to the extent that such controls and practices are not feasible.

Note: Engineering controls which may be feasible include the use of pressurized cabs or control booths on equipment, and/or the use of remotely operated material handling equipment. Work practices which may be feasible are removing all nonessential employees from potential exposure during opening of drums, wetting down dusty operations, and locating employees upwind of possible hazards.

(b) Whenever engineering controls and work practices are not feasible, or not required, any reasonable combination of engineering controls, work practices, and PPE shall be used to reduce and maintain exposures to or below the permissible exposure limits or dose limits for substances regulated by chapter 296-62 WAC.

(c) The employer shall not implement a schedule of employee rotation as a means of compliance with permissible exposure limits or dose limits except when there is no other feasible way of complying with the airborne or dermal dose limits for ionizing radiation.

(d) The provisions of WAC 296-62-080 through 296-62-09013, 296-62-09015 through 296-62-09055, and 296-62-100 through 296-62-130 shall be followed.

(2) Engineering controls, work practices, and personal protective equipment for substances not regulated in chapter 296-62 WAC. An appropriate combination of engineering controls, work practices, and personal protective equipment shall be used to reduce and maintain employee exposure to or below published exposure levels for hazardous substances and health hazards not regulated by chapter 296-62 WAC. The employer may use the published literature and MSDS as a guide in making the employer's determination as to what level of protection the employer believes is appropriate for hazardous substances and health hazards for which there is no permissible exposure limit or published exposure level.

(3) Personal protective equipment selection.

(a) Personal protective equipment (PPE) shall be selected and used which will protect employees from the hazards and potential hazards they are likely to encounter as identified during the site characterization and analysis.

(b) Personal protective equipment selection shall be based on an evaluation of the performance characteristics of the PPE relative to the requirements and limitations of the site, the task-specific conditions and duration, and the hazards and potential hazards identified at the site.

(c) Positive pressure self-contained breathing apparatus, or positive pressure air-line respirators equipped with an escape air supply shall be used when chemical exposure levels present will create a substantial possibility of immediate death, immediate serious illness or injury, or impair the ability to escape.

(d) Totally-encapsulating chemical protective suits (protection equivalent to Level A protection as recommended in Appendix B) shall be used in conditions where skin absorption of a hazardous substance may result in a substantial possibility of immediate death, immediate serious illness or injury, or impair the ability to escape.

(e) The level of protection provided by PPE selection shall be increased when additional information or site

conditions indicate that increased protection is necessary to reduce employee exposures below permissible exposure limits and published exposure levels for hazardous substances and health hazards. (See WAC 296-62-3170 - Appendix B for guidance on selecting PPE ensembles.)

Note: The level of employee protection provided may be decreased when additional information or site conditions show that decreased protection will not result in increased hazardous exposures to employees.

(f) Personal protective equipment shall be selected and used to meet the requirements of chapter 296-24 WAC, Part ~~(A-1)~~ A-2, and additional requirements specified in this part.

(4) Totally-encapsulating chemical protective suits.

(a) Totally-encapsulating suits shall protect employees from the particular hazards which are identified during site characterization and analysis.

(b) Totally-encapsulating suits shall be capable of maintaining positive air pressure. (See WAC 296-62-3160 - Appendix A for a test method which may be used to evaluate this requirement.)

(c) Totally-encapsulating suits shall be capable of preventing inward test gas leakage of more than 0.5 percent. (See WAC 296-62-3160 - Appendix A for a test method which may be used to evaluate this requirement.)

(5) Personal protective equipment (PPE) program. A written personal protective equipment program, which is part of the employer's safety and health program required in WAC 296-62-3010 or 296-62-3140 and which shall be part of the site-specific safety and health plan shall be established. The PPE program shall address the elements listed below. When elements, such as donning and doffing procedures, are provided by the manufacturer of a piece of equipment and are attached to the plan, they need not be rewritten into the plan as long as they adequately address the procedure or element.

- (a) PPE selection based on site hazards,
- (b) PPE use and limitations of the equipment,
- (c) Work mission duration,
- (d) PPE maintenance and storage,
- (e) PPE decontamination and disposal,
- (f) PPE training and proper fitting,
- (g) PPE donning and doffing procedures,
- (h) PPE inspection procedures prior to, during, and after

use,

(i) Evaluation of the effectiveness of the PPE program, and

(j) Limitations during temperature extremes, heat stress, and other appropriate medical considerations.

AMENDATORY SECTION (Amending WSR 89-21-018, filed 10/10/89, effective 11/24/89)

WAC 296-62-3120 Illumination. Areas accessible to employees shall be lighted to not less than the minimum illumination intensities listed in Table 1 while any work is in progress:

TABLE 1 - 120.1 — MINIMUM ILLUMINATION Intensities in Foot-Candles

Foot-candles	Area or operation
5	General site area.
3	Excavation and waste areas, accessways, active storage areas, loading platforms, refueling, and field maintenance areas.
5	Indoors: Warehouses, corridors, hallways, and exitways.
5	Tunnels, shafts, and general underground work areas; exception: Minimum of ten foot-candles is required at tunnel and shaft heading during drilling, mucking, and scaling. ((Bureau of Mines)) <u>Mine Safety and Health Administration and the National Institute for Occupational Safety and Health</u> approved cap lights shall be acceptable for use in the tunnel heading.
10	General shops (e.g., mechanical and electrical equipment rooms, active storerooms, barracks or living quarters, locker or dressing rooms, dining areas, and indoor toilets and workrooms).
30	First aid stations, infirmaries, and offices.

AMENDATORY SECTION (Amending Order 90-10, filed 8/13/90, effective 9/24/90)

WAC 296-62-40015 Hazard identification. (1) With respect to labels and material safety data sheets:

(a) Employers shall ensure that labels on incoming containers of hazardous chemicals are not removed or defaced.

(b) Employers shall maintain any material safety data sheets that are received with incoming shipments of hazardous chemicals, and ensure that they are readily accessible to laboratory employees.

(2) The following provisions shall apply to chemical substances developed in the laboratory:

(a) If the composition of the chemical substance which is produced exclusively for the laboratory's use is known, the employer shall determine if it is a hazardous chemical as defined in ~~((subdivision (b) of this section))~~ the definition section, Part Q of this standard. If the chemical is determined to be hazardous, the employer shall provide appropriate training as required under WAC 296-62-40011.

(b) If the chemical produced is a byproduct whose composition is not known, the employer shall assume that the substance is hazardous and shall implement WAC 296-62-40009.

(c) If the chemical substance is produced for another user outside of the laboratory, the employer shall comply with the hazard communication standard (WAC 296-62-054) including the requirements for preparation of material safety data sheets and labeling.

AMENDATORY SECTION (Amending Order 90-10, filed 8/13/90, effective 9/24/90)

WAC 296-62-40025 Appendix A—National Research Council recommendations concerning chemical hygiene in laboratories (nonmandatory). (1) Table of contents.

(a) General principles.

(i) Minimize all chemical exposures.

- (ii) Avoid underestimation of risk.
- (iii) Provide adequate ventilation.
- (iv) Institute a chemical hygiene program.
- (v) Observe the PELs and TLVs.
- (b) Responsibilities.
 - (i) Chief executive officer.
 - (ii) Supervisor of administrative unit.
 - (iii) Chemical hygiene officer.
 - (iv) Laboratory supervisor.
 - (v) Project director.
 - (vi) Laboratory worker.
- (c) The laboratory facility.
 - (i) Design.
 - (ii) Maintenance.
 - (iii) Usage.
 - (iv) Ventilation.
 - (d) Components of the chemical hygiene plan.
 - (i) Basic rules and procedures.
 - (ii) Chemical procurement, distribution, and storage.
 - (iii) Environmental monitoring.
 - (iv) Housekeeping, maintenance, and inspections.
 - (v) Medical program.
 - (vi) Personal protective apparel and equipment.
 - (vii) Records.
 - (viii) Signs and labels.
 - (ix) Spills and accidents.
 - (x) Training and information.
 - (xi) Waste disposal.
 - (e) General procedures for working with chemicals.
 - (i) General rules for all laboratory work with chemicals.
 - (ii) Allergens and embryotoxins.
 - (iii) Chemicals of moderate chronic or high acute toxicity.
 - (iv) Chemicals of high chronic toxicity.
 - (v) Animal work with chemicals of high chronic toxicity.
 - (f) Safety recommendations.
 - (g) Material safety data sheets.
- (2) Foreword.

(a) As guidance for each employer's development of an appropriate laboratory chemical hygiene plan, the following nonmandatory recommendations are provided. They were extracted from "Prudent Practices for Handling Hazardous Chemicals in Laboratories" (referred to below as "Prudent Practices"), which was published in 1981 by the National Research Council and is available from the National Academy Press, 2101 Constitution Ave., N.W., Washington DC 20418.

(b) "Prudent practices" is cited because of its wide distribution and acceptance and because of its preparation by members of the laboratory community through the sponsorship of the National Research Council. However, none of the recommendations given here will modify any requirements of the laboratory standard. This appendix merely presents pertinent recommendations from "prudent practices," organized into a form convenient for quick reference during operation of a laboratory facility and during development and application of a chemical hygiene plan. Users of this appendix should consult "prudent practices" for a more extended presentation and justification for each recommendation.

(c) "Prudent practices" deals with both safety and chemical hazards while the laboratory standard is concerned primarily with chemical hazards. Therefore, only those recommendations directed primarily toward control of toxic exposures are cited in this appendix, with the term "chemical hygiene" being substituted for the word "safety." However, since conditions producing or threatening physical injury often pose toxic risks as well, page references concerning major categories of safety hazards in the laboratory are given in section F.

(d) The recommendations from "prudent practices" have been paraphrased, combined, or otherwise reorganized, and headings have been added. However, their sense has not been changed.

(e) Corresponding sections of the standard and this appendix.

(f) The following table is given for the convenience of those who are developing a chemical hygiene plan which will satisfy the requirements of WAC 296-62-40009. It indicates those sections of this appendix which are most pertinent to each of the sections of WAC 296-62-40009 and related sections.

Subsection and Topic in Laboratory Standard	Relevant Appendix Section
(3)(a) Standard operating procedures for handling toxic chemicals.	(c)(d)(e)
(3)(b) Criteria to be used for implementation of measures to reduce exposures.	(d)
(3)(c) Fume hood performance	(c)(iv)(B)
(3)(d) Employee information and training (including emergency procedures).	(d)(x), (d)(ix)
(3)(e) Requirements for prior approval of laboratory activities.	(e)(ii)(B), (e)(v)(B)
(3)(f) Medical consultation and medical examinations.	(d)(v), (e)(v)(G)
(3)(g) Chemical hygiene responsibilities.	(b)
(3)(h) Special precautions for work with particularly hazardous substances.	(e)(ii)(iii)(v)

(3) In this appendix, those recommendations directed primarily at administrators and supervisors are given in sections (a) through (d). Those recommendations of primary concern to employees who are actually handling laboratory chemicals are given in section E. (Reference to page numbers in "prudent practices" are given in parentheses.)

(a) General principles for work with laboratory chemicals in addition to the more detailed recommendations listed below in sections (b) through (e), "prudent practices" expresses certain general principles, including the following:

(i) It is prudent to minimize all chemical exposures. Because few laboratory chemicals are without hazards, general precautions for handling all laboratory chemicals should be adopted, rather than specific guidelines for

particular chemicals (2, 10). Skin contact with chemicals should be avoided as a cardinal rule (198).

(ii) Avoid underestimation of risk. Even for substances of no known significant hazard, exposure should be minimized; for work with substances which present special hazards, special precautions should be taken (10, 37, 38). One should assume that any mixture will be more toxic than its most toxic component (30, 103) and that all substances of unknown toxicity are toxic (3, 34).

(iii) Provide adequate ventilation. The best way to prevent exposure to airborne substances is to prevent their escape into the working atmosphere by use of hoods and other ventilation devices (32, 198).

(iv) Institute a chemical hygiene program. A mandatory chemical hygiene program designed to minimize exposures is needed; it should be a regular, continuing effort, not merely a standby or short-term activity (6, 11). Its recommendations should be followed in academic teaching laboratories as well as by full-time laboratory workers (13).

(v) Observe the PELs, TLVs. The permissible exposure limits of WISHA and the threshold limit values of the American Conference of Governmental Industrial Hygienists should not be exceeded (13).

(b) Chemical hygiene responsibilities. Responsibility for chemical hygiene rests at all levels (6, 11, 21) including the:

(i) Chief executive officer, who has ultimate responsibility for chemical hygiene within the institution and must, with other administrators, provide continuing support for institutional chemical hygiene (7, 11).

(ii) Supervisor of the department or other administrative unit, who is responsible for chemical hygiene in that unit (7).

(iii) Chemical hygiene officer(s), whose appointment is essential (7) and who must:

(A) Work with administrators and other employees to develop and implement appropriate chemical hygiene policies and practices (7);

(B) Monitor procurement, use, and disposal of chemicals used in the lab (8);

(C) See that appropriate audits are maintained (8);

(D) Help project directors develop precautions and adequate facilities (10);

(E) Know the current legal requirements concerning regulated substances (50); and

(F) Seek ways to improve the chemical hygiene program (8, 11).

(iv) Laboratory supervisor, who has overall responsibility for chemical hygiene in the laboratory (21) including responsibility to:

(A) Ensure that workers know and follow the chemical hygiene rules, that protective equipment is available and in working order, and that appropriate training has been provided (21, 22);

(B) Provide regular, formal chemical hygiene and housekeeping inspections including routine inspections of emergency equipment (21, 171);

(C) Know the current legal requirements concerning regulated substances (50, 231);

(D) Determine the required levels of protective apparel and equipment (156, 160, 162); and

(E) Ensure that facilities and training for use of any material being ordered are adequate (215).

(v) Project director or director of other specific operation, who has primary responsibility for chemical hygiene procedures for that operation (7).

(vi) Laboratory worker, who is responsible for:

(A) Planning and conducting each operation in accordance with the institutional chemical hygiene procedures (7, 21, 22, 230); and

(B) Developing good personal chemical hygiene habits (22).

(c) The laboratory facility:

(i) Design. The laboratory facility should have:

(A) An appropriate general ventilation system (see C4 below) with air intakes and exhausts located so as to avoid intake of contaminated air (194);

(B) Adequate, well-ventilated stockrooms/storerooms (218, 219);

(C) Laboratory hoods and sinks (12, 162);

(D) Other safety equipment including eyewash fountains and drench showers (162, 169); and

(E) Arrangements for waste disposal (12, 240).

(ii) Maintenance. Chemical-hygiene-related equipment (hoods, incinerator, etc.) should undergo continuing appraisal and be modified if inadequate (11, 12).

(iii) Usage. The work conducted (10) and its scale (12) must be appropriate to the physical facilities available and, especially, to the quality of ventilation (13).

(iv) Ventilation.

(A) General laboratory ventilation. This system should: Provide a source of air for breathing and for input to local ventilation devices (199); it should not be relied on for protection from toxic substances released into the laboratory (198); ensure that laboratory air is continually replaced, preventing increase of air concentrations of toxic substances during the working day (194); direct air flow into the laboratory from nonlaboratory areas and out to the exterior of the building (194).

(B) Hoods. A laboratory hood with 2.5 linear feet of hood space per person should be provided for every 2 workers if they spend most of their time working with chemicals (199); each hood should have a continuous monitoring device to allow convenient confirmation of adequate hood performance before use (200, 209). If this is not possible, work with substances of unknown toxicity should be avoided (13) or other types of local ventilation devices should be provided (199). (See pp. 201-206 for a discussion of hood design, construction, and evaluation.)

(C) Other local ventilation devices. Ventilated storage cabinets, canopy hoods, snorkels, etc., should be provided as needed (199). Each canopy hood and snorkel should have a separate exhaust duct (207).

(D) Special ventilation areas. Exhaust air from glove boxes and isolation rooms should be passed through scrubbers or other treatment before release into the regular exhaust system (208). Cold rooms and warm rooms should have provisions for rapid escape and for escape in the event of electrical failure (209).

(E) Modifications. Any alteration of the ventilation system should be made only if thorough testing indicates that worker protection from airborne toxic substances will continue to be adequate (12, 193, 204).

(F) Performance. Rate: 4-12 room air changes/hour is normally adequate general ventilation if local exhaust

systems such as hoods are used as the primary method of control (194).

(G) Quality. General air flow should not be turbulent and should be relatively uniform throughout the laboratory, with no high velocity or static areas (194, 195); airflow into and within the hood should not be excessively turbulent (200); hood face velocity should be adequate (typically 60-100 lfm) (200, 204).

(H) Evaluation. Quality and quantity of ventilation should be evaluated on installation (202), regularly monitored (at least every 3 months) (6, 12, 14, 195), and reevaluated whenever a change in local ventilation devices is made (12, 195, 207). See pp. 195-198 for methods of evaluation and for calculation of estimated airborne contaminant concentrations.

(i) Components of the chemical hygiene plan:

(i) Basic rules and procedures (recommendations for these are given in section (e), below).

(ii) Chemical procurement, distribution, and storage.

(A) Procurement. Before a substance is received, information on proper handling, storage, and disposal should be known to those who will be involved (215, 216). No container should be accepted without an adequate identifying label (216). Preferably, all substances should be received in a central location (216).

(B) Stockrooms/storerooms. Toxic substances should be segregated in a well-identified area with local exhaust ventilation (221). Chemicals which are highly toxic (227) or other chemicals whose containers have been opened should be in unbreakable secondary containers (219). Stored chemicals should be examined periodically (at least annually) for replacement, deterioration, and container integrity (218-19).

(C) Stockrooms/storerooms should not be used as preparation or repackaging areas, should be open during normal working hours, and should be controlled by one person (219).

(D) Distribution. When chemicals are hand carried, the container should be placed in an outside container or bucket. Freight-only elevators should be used if possible (223).

(E) Laboratory storage. Amounts permitted should be as small as practical. Storage on bench tops and in hoods is inadvisable. Exposure to heat or direct sunlight should be avoided. Periodic inventories should be conducted, with unneeded items being discarded or returned to the storeroom/stockroom (225-6, 229).

(iii) Environmental monitoring. Regular instrumental monitoring of airborne concentrations is not usually justified or practical in laboratories but may be appropriate when testing or redesigning hoods or other ventilation devices (12) or when a highly toxic substance is stored or used regularly (e.g., 3 times/week) (13).

(iv) Housekeeping, maintenance, and inspections.

(A) Cleaning. Floors should be cleaned regularly (24).

(B) Inspections. Formal housekeeping and chemical hygiene inspections should be held at least quarterly (6, 21) for units which have frequent personnel changes and semiannually for others; informal inspections should be continual (21).

(C) Maintenance. Eye wash fountains should be inspected at intervals of not less than 3 months (6). Respirators for routine use should be inspected periodically by the

laboratory supervisor (169). Safety showers should be tested routinely (169). Other safety equipment should be inspected regularly. (E.g., every 3-6 months) (6, 24, 171). Procedures to prevent restarting of out-of-service equipment should be established (25).

(D) Passageways. Stairways and hallways should not be used as storage areas (24). Access to exits, emergency equipment, and utility controls should never be blocked (24).

(v) Medical program.

(A) Compliance with regulations. Regular medical surveillance should be established to the extent required by regulations (12).

(B) Routine surveillance. Anyone whose work involves regular and frequent handling of toxicologically significant quantities of a chemical should consult a qualified physician to determine on an individual basis whether a regular schedule of medical surveillance is desirable (11, 50).

(C) First aid. Personnel trained in first aid should be available during working hours and an emergency room with medical personnel should be nearby (173). See pp. 176-178 for description of some emergency first-aid procedures.

(vi) Protective apparel and equipment. These should include for each laboratory:

(A) Protective apparel compatible with the required degree of protection for substances being handled (158-161);

(B) An easily accessible drench-type safety shower (162, 169);

(C) An eyewash fountain (162);

(D) A fire extinguisher (162-164);

(E) Respiratory protection (164-9), fire alarm and telephone for emergency use (162) should be available nearby; and

(F) Other items designated by the laboratory supervisor (156, 160).

(vii) Records.

(A) Accident records should be written and retained (174).

(B) Chemical hygiene plan records should document that the facilities and precautions were compatible with current knowledge and regulations (7).

(C) Inventory and usage records for high-risk substances should be kept as specified in sections E3e below.

(D) Medical records should be retained by the institution in accordance with the requirements of state and federal regulations (12).

(viii) Signs and labels. Prominent signs and labels of the following types should be posted:

(A) Emergency telephone numbers of emergency personnel/facilities, supervisors, and laboratory workers (28);

(B) Identity labels, showing contents of containers (including waste receptacles) and associated hazards (27, 48);

(C) Location signs for safety showers, eyewash stations, other safety and first aid equipment, exits (27) and areas where food and beverage consumption and storage are permitted (24); and

(D) Warnings at areas or equipment where special or unusual hazards exist (27).

(ix) Spills and accidents.

(A) A written emergency plan should be established and communicated to all personnel; it should include procedures

for ventilation failure (200), evacuation, medical care, reporting, and drills (172).

(B) There should be an alarm system to alert people in all parts of the facility including isolation areas such as cold rooms (172).

(C) A spill control policy should be developed and should include consideration of prevention, containment, cleanup, and reporting (175).

(D) All accidents or near accidents should be carefully analyzed with the results distributed to all who might benefit (8, 28).

(x) Information and training program.

(A) Aim: To assure that all individuals at risk are adequately informed about the work in the laboratory, its risks, and what to do if an accident occurs (5, 15).

(B) Emergency and personal protection training: Every laboratory worker should know the location and proper use of available protective apparel and equipment (154, 169).

(C) Some of the full-time personnel of the laboratory should be trained in the proper use of emergency equipment and procedures (6).

(D) Such training as well as first-aid instruction should be available to (154) and encouraged for (176) everyone who might need it.

(E) Receiving and stockroom/storeroom personnel should know about hazards, handling equipment, protective apparel, and relevant regulations (217).

(F) Frequency of training: The training and education program should be a regular, continuing activity—not simply an annual presentation (15).

(G) Literature/consultation: Literature and consulting advice concerning chemical hygiene should be readily available to laboratory personnel, who should be encouraged to use these information resources (14).

(xi) Waste disposal program.

(A) Aim: To assure that minimal harm to people, other organisms, and the environment will result from the disposal of waste laboratory chemicals (5).

(B) Content (14, 232, 233, 240): The waste disposal program should specify how waste is to be collected, segregated, stored, and transported and include consideration of what materials can be incinerated. Transport from the institution must be in accordance with DOT regulations (244).

(C) Discarding chemical stocks: Unlabeled containers of chemicals and solutions should undergo prompt disposal; if partially used, they should not be opened (24, 27).

(D) Before a worker's employment in the laboratory ends, chemicals for which that person was responsible should be discarded or returned to storage (226).

(E) Frequency of disposal: Waste should be removed from laboratories to a central waste storage area at least once per week and from the central waste storage area at regular intervals (14).

(F) Method of disposal: Incineration in an environmentally acceptable manner is the most practical disposal method for combustible laboratory waste (14, 238, 241).

(G) Indiscriminate disposal by pouring waste chemicals down the drain (14, 231, 242) or adding them to mixed refuse for landfill burial is unacceptable (14).

(H) Hoods should not be used as a means of disposal for volatile chemicals (40, 200).

(I) Disposal by recycling (233, 243) or chemical decontamination (40, 230) should be used when possible.

(e) Basic rules and procedures for working with chemicals. The chemical hygiene plan should require that laboratory workers know and follow its rules and procedures. In addition to the procedures of the subprograms mentioned above, these should include the general rules following:

(i) General rules. The following should be used for essentially all laboratory work with chemicals:

(A) Accidents and spills—Eye contact: Promptly flush eyes with water for a prolonged period (15 minutes) and seek medical attention (33, 172).

(B) Ingestion: Encourage the victim to drink large amounts of water (178).

(C) Skin contact: Promptly flush the affected area with water (33, 172, 178) and remove any contaminated clothing (172, 178). If symptoms persist after washing, seek medical attention (33).

(D) Clean-up. Promptly clean up spills, using appropriate protective apparel and equipment and proper disposal (24, 33). See pp. 233-237 for specific clean-up recommendations.

(E) Avoidance of "routine" exposure: Develop and encourage safe habits (23); avoid unnecessary exposure to chemicals by any route (23);

(F) Do not smell or taste chemicals (32). Vent apparatus which may discharge toxic chemicals (vacuum pumps, distillation columns, etc.) into local exhaust devices (199).

(G) Inspect gloves (157) and test glove boxes (208) before use.

(H) Do not allow release of toxic substances in cold rooms and warm rooms, since these have contained recirculated atmospheres (209).

(I) Choice of chemicals: Use only those chemicals for which the quality of the available ventilation system is appropriate (13).

(J) Eating, smoking, etc.: Avoid eating, drinking, smoking, gum chewing, or application of cosmetics in areas where laboratory chemicals are present (22, 24, 32, 40); wash hands before conducting these activities (23, 24).

(K) Avoid storage, handling, or consumption of food or beverages in storage areas, refrigerators, glassware, or utensils which are also used for laboratory operations (23, 24, 226).

(L) Equipment and glassware: Handle and store laboratory glassware with care to avoid damage; do not use damaged glassware (25). Use extra care with Dewar flasks and other evacuated glass apparatus; shield or wrap them to contain chemicals and fragments should implosion occur (25). Use equipment only for its designed purpose (23, 26).

(M) Exiting: Wash areas of exposed skin well before leaving the laboratory (23).

(N) Horseplay: Avoid practical jokes or other behavior which might confuse, startle, or distract another worker (23).

(O) Mouth suction: Do not use mouth suction for pipeting or starting a siphon (23, 32).

(P) Personal apparel: Confine long hair and loose clothing (23, 158). Wear shoes at all times in the laboratory but do not wear sandals, perforated shoes, or sneakers (158).

(Q) Personal housekeeping: Keep the work area clean and uncluttered; with chemicals and equipment being

properly labeled and stored; clean up the work area on completion of an operation or at the end of each day (24).

(R) Personal protection: Assure that appropriate eye protection (154-156) is worn by all persons, including visitors, where chemicals are stored or handled (22, 23, 33, 154).

(S) Wear appropriate gloves when the potential for contact with toxic materials exists (157); inspect the gloves before each use, wash them before removal, and replace them periodically (157). (A table of resistance to chemicals of common glove materials is given p. 159.)

(T) Use appropriate (164-168) respiratory equipment when air contaminant concentrations are not sufficiently restricted by engineering controls (164-5), inspecting the respirator before use (169).

(U) Use any other protective and emergency apparel and equipment as appropriate (22, 157-162).

(V) Void use of contact lenses in the laboratory unless necessary; if they are used, inform supervisor so special precautions can be taken (155).

(W) Remove laboratory coats immediately on significant contamination (161).

(X) Planning: Seek information and advice about hazards (7), plan appropriate protective procedures, and plan positioning of equipment before beginning any new operation (22, 23).

(Y) Unattended operations: Leave lights on, place an appropriate sign on the door, and provide for containment of toxic substances in the event of failure of a utility service (such as cooling water) to an unattended operation (27, 128).

(Z) Use of hood: Use the hood for operations which might result in release of toxic chemical vapors or dust (198-9).

(AA) As a rule of thumb, use a hood or other local ventilation device when working with any appreciably volatile substance with a TLV of less than 50 ppm (13).

(BB) Confirm adequate hood performance before use; keep hood closed at all times except when adjustments within the hood are being made (200); keep materials stored in hoods to a minimum and do not allow them to block vents or air flow (200).

(CC) Leave the hood "on" when it is not in active use if toxic substances are stored in it or if it is uncertain whether adequate general laboratory ventilation will be maintained when it is "off" (200).

(DD) Vigilance: Be alert to unsafe conditions and see that they are corrected when detected (22).

(EE) Waste disposal: Assure that the plan for each laboratory operation includes plans and training for waste disposal (230).

(FF) Deposit chemical waste in appropriately labeled receptacles and follow all other waste disposal procedures of the chemical hygiene plan (22, 24).

(GG) Do not discharge to the sewer concentrated acids or bases (231); highly toxic, malodorous, or lachrymatory substances (231); or any substances which might interfere with the biological activity of waste water treatment plants, create fire or explosion hazards, cause structural damage, or obstruct flow (242).

(HH) Working alone: Avoid working alone in a building; do not work alone in a laboratory if the procedures being conducted are hazardous (28).

(ii) Working with allergens and embryotoxins.

(A) Allergens (examples: Diazomethane, isocyanates, bichromates): Wear suitable gloves to prevent hand contact with allergens or substances of unknown allergenic activity (35).

(B) Embryotoxins (34-5) (examples: Organomercurials, lead compounds, formamide): Women of childbearing age shall handle these substances only in a hood whose satisfactory performance has been confirmed, using appropriate protective apparel (especially gloves) to prevent skin contact.

(C) Review each use of these materials with the research supervisor and review continuing uses annually or whenever a procedural change is made.

(D) Store these substances, properly labeled, in an adequately ventilated area in an unbreakable secondary container.

(E) Notify supervisors of all incidents of exposure or spills; consult a qualified physician when appropriate.

(iii) Work with chemicals of moderate chronic or high acute toxicity.

Examples: diisopropylfluorophosphate (41), hydrofluoric acid (43), hydrogen cyanide (45).

(iv) Supplemental rules to be followed in addition to those mentioned above (Procedure B of "prudent practices," pp. 39-41):

(A) Aim: To minimize exposure to these toxic substances by any route using all reasonable precautions (39).

(B) Applicability: These precautions are appropriate for substances with moderate chronic or high acute toxicity used in significant quantities (39).

(C) Location: Use and store these substances only in areas of restricted access with special warning signs (40, 229).

(D) Always use a hood (previously evaluated to confirm adequate performance with a face velocity of at least 60 linear feet per minute) (40) or other containment device for procedures which may result in the generation of aerosols or vapors containing the substance (39); trap released vapors to prevent their discharge with the hood exhaust (40).

(E) Personal protection: Always avoid skin contact by use of gloves and long sleeves (and other protective apparel as appropriate) (39). Always wash hands and arms immediately after working with these materials (40).

(F) Records: Maintain records of the amounts of these materials on hand, amounts used, and the names of the workers involved (40, 229).

(G) Prevention of spills and accidents: Be prepared for accidents and spills (41).

(H) Assure that at least 2 people are present at all times if a compound in use is highly toxic or of unknown toxicity (39).

(I) Store breakable containers of these substances in chemically resistant trays; also work and mount apparatus above such trays or cover work and storage surfaces with removable, absorbent, plastic backed paper (40).

(J) If a major spill occurs outside the hood, evacuate the area; assure that cleanup personnel wear suitable protective apparel and equipment (41).

(K) Waste: Thoroughly decontaminate or incinerate contaminated clothing or shoes (41). If possible, chemically decontaminate by chemical conversion (40).

(L) Store contaminated waste in closed, suitably labeled, impervious containers (for liquids, in glass or plastic bottles half-filled with vermiculite) (40).

(v) Work with chemicals of high chronic toxicity.

Examples: Dimethylmercury and nickel carbonyl (48), benzo-a-pyrene (51), N-nitrosodiethylamine (54), other human carcinogens or substances with high carcinogenic potency in animals (38).

(vi) Further supplemental rules to be followed, in addition to all these mentioned above, for work with substances of known high chronic toxicity (in quantities above a few milligrams to a few grams, depending on the substance) (47). (Procedure A of "Prudent Practices" pp. 47-50).

(A) Access: Conduct all transfers and work with these substances in a "controlled area": A restricted access hood, glove box, or portion of a lab, designated for use of highly toxic substances, for which all people with access are aware of the substances being used and necessary precautions (48).

(B) Approvals: Prepare a plan for use and disposal of these materials and obtain the approval of the laboratory supervisor (48).

(C) Noncontamination/decontamination: Protect vacuum pumps against contamination by scrubbers or HEPA filters and vent them into the hood (49). Decontaminate vacuum pumps or other contaminated equipment, including glassware, in the hood before removing them from the controlled area (49, 50).

(D) Decontaminate the controlled area before normal work is resumed there (50).

(E) Exiting: On leaving a controlled area, remove any protective apparel (placing it in an appropriate, labeled container) and thoroughly wash hands, forearms, face, and neck (49).

(F) Housekeeping: Use a wet mop or a vacuum cleaner equipped with a HEPA filter instead of dry sweeping if the toxic substance was a dry powder (50).

(G) Medical surveillance: If using toxicologically significant quantities of such a substance on a regular basis (e.g., 3 times per week), consult a qualified physician concerning desirability of regular medical surveillance (50).

(H) Records: Keep accurate records of the amounts of these substances stored (229) and used, the dates of use, and names of users (48).

(I) Signs and labels: Assure that the controlled area is conspicuously marked with warning and restricted access signs (49) and that all containers of these substances are appropriately labeled with identity and warning labels (48).

(J) Spills: Assure that contingency plans, equipment, and materials to minimize exposures of people and property in case of accident are available (233-4).

(K) Storage: Store containers of these chemicals only in a ventilated, limited access (48, 227, 229) area in appropriately labeled, unbreakable, chemically resistant, secondary containers (48, 229).

(L) Glove boxes: For a negative pressure glove box, ventilation rate must be at least 2 volume changes/hour and pressure at least 0.5 inches of water (48). For a positive pressure glove box, thoroughly check for leaks before each use (49). In either case, trap the exit gases or filter them through a HEPA filter and then release them into the hood (49).

(M) Waste: Use chemical decontamination whenever possible; ensure that containers of contaminated waste (including washings from contaminated flasks) are transferred from the controlled area in a secondary container under the supervision of authorized personnel (49, 50, 233).

(vii) Animal work with chemicals of high chronic toxicity.

(A) Access: For large scale studies, special facilities with restricted access are preferable (56).

(B) Administration of the toxic substance: When possible, administer the substance by injection or gavage instead of in the diet. If administration is in the diet, use a caging system under negative pressure or under laminar air flow directed toward HEPA filters (56).

(C) Aerosol suppression: Devise procedures which minimize formation and dispersal of contaminated aerosols, including those from food, urine, and feces (e.g., use HEPA filtered vacuum equipment for cleaning, moisten contaminated bedding before removal from the cage, mix diets in closed containers in a hood) (55, 56).

(D) Personal protection: When working in the animal room, wear plastic or rubber gloves, fully buttoned laboratory coat or jumpsuit and, if needed because of incomplete suppression of aerosols, other apparel and equipment (shoe and head coverings, respirator) (56).

(E) Waste disposal: Dispose of contaminated animal tissues and excreta by incineration if the available incinerator can convert the contaminant to nontoxic products (238); otherwise, package the waste appropriately for burial in an EPA-approved site (239).

(f) Safety recommendations. The above recommendations from "prudent practices" do not include those which are directed primarily toward prevention of physical injury rather than toxic exposure. However, failure of precautions against injury will often have the secondary effect of causing toxic exposures. Therefore, we list below page references for recommendations concerning some of the major categories of safety hazards which also have implications for chemical hygiene:

(i) Corrosive agents: (35-6)

(ii) Electrically powered laboratory apparatus: (179-92)

(iii) Fires, explosions: (26, 57-74, 162-4, 174-5, 219-20, 226-7)

(iv) Low temperature procedures: (26, 88)

(v) Pressurized and vacuum operations (including use of compressed gas cylinders): (27, 75-101)

(g) Material safety data sheets. Material safety data sheets are presented in "prudent practices" for the chemicals listed below. (Asterisks denote that comprehensive material safety data sheets are provided.)

* Acetyl peroxide (105) * Acrolein (106) * ~~(Acrylonitrile)~~ Acrylonitrile (107) Ammonia (anhydrous) (91) * Aniline (109) * Benzene (110) * Benzo[a]pyrene (112) * Bis(chloromethyl) ether (113) Boron trichloride (91) Boron trifluoride (92) Bromine (114) * Tert-butyl hydroperoxide (148) * Carbon disulfide (116) Carbon monoxide (92) * Carbon tetrachloride (118) * Chlorine (119) Chlorine trifluoride (94) * Chloroform (121) Chloromethane (93) * Diethyl ether (122) Diisopropyl fluorophosphate (41) * Dimethylformamide (123) * Dimethyl sulfate (125) * Dioxane (126) * Ethylene dibromide (128) * fluorine (95) * Formaldehyde (130) * Hydrazine and salts (132) Hydrofluoric acid

(43) Hydrogen bromide (98) Hydrogen chloride (98) * Hydrogen cyanide (133) * Hydrogen sulfide (135) Mercury and compounds (52) * Methanol (137) * Morpholine (138) * Nickel carbonyl (99) * Nitrobenzene (139) Nitrogen dioxide (100) N-nitrosodiethylamine (54) * Peracetic acid (141) * Phenol (142) * Phosgene (143) * Pyridine (144) * Sodium azide (145) * Sodium cyanide (147) Sulfur dioxide (101) * Trichloroethylene (149) * Vinyl chloride (150)

AMENDATORY SECTION (Amending Order 76-29, filed 9/30/76)

WAC 296-155-001 Foreword. (1) This chapter has been compiled with the purpose of consolidating (~~the~~ ~~division of industrial~~) safety and health construction safety standards into one chapter of the Washington Administrative Code, by the promulgation of the standards contained herein. It is also the intent that the safety standards of the Washington state department of labor and industries, will be at least as effective as those adopted by the U.S. Department of Labor and administered by the Occupational Safety and Health Administration as published in the Code of Federal Regulations. The (~~division of industrial safety and health~~) department of labor and industries is incorporating many of the preexisting construction safety standards and adding new standards under this chapter.

(2) Attention is called to the fact that certain Washington state standards contain standards and/or regulations applicable to all industries. These include, but are not limited to: The code for boilers and pressure vessels; the code for pressure piping; the general industrial safety and health standards; the general occupational health standards; regulations of the department of social and health services.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-006 Equipment approval by nonstate agency or organization. Whenever a provision of this chapter states that only that equipment or those processes approved by an agency or organization other than the department of labor and industries, such as the Underwriters Laboratories or the (~~Bureau of Mines~~) Mine Safety and Health Administration (MSHA) and the National Institute for Occupational Safety and Health (NIOSH), shall be utilized, that provision shall be construed to mean that approval of such equipment or process by the designated agency or group shall be prima facie evidence of compliance with the provisions of this chapter.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-010 Variance and procedure. Realizing that conditions may exist in operations under which certain state standards will not have practical application, the director of the department of labor and industries or his/her authorized representative may, pursuant to this section, sections eight or nine of the Washington Industrial Safety and Health Act (chapter 80, Laws of 1973, RCW 49.17.080 and 49.17.090) and appropriate administrative rules of this state and the department of labor and industries and upon receipt of application and after adequate investiga-

tion by the department, permit a variation from these requirements when other means of providing an equivalent measure of protection are afforded. Such variation granted shall be limited to the particular case or cases covered in the application for variance and may be revoked for cause. The order granting a variance shall be conspicuously posted on the premises and shall remain posted during the time it is in effect. A copy of the variance shall be available at the work site. All requests for variances from safety and health standards included in this chapter, shall be made in writing to the director of the department of labor and industries at Olympia, Washington, or his/her duly authorized representative, ~~((the assistant director, division of industrial safety and health,))~~ Department of Labor and Industries, P.O. Box 44600, Olympia, Washington 98504-4600.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-012 Definitions applicable to all sections of this chapter.

Note: Unless the context indicates otherwise, words used in this chapter shall have the meaning given in this section. Certain parts of this chapter contain definitions as they apply to that particular part.

(1) "Approved" means approved by the director of the department of labor and industries or his/her authorized representative: *Provided, however,* That should a provision of this chapter state that approval by an agency or organization other than the department of labor and industries is required, such as Underwriters' Laboratories or the ~~((bureau of mines))~~ Mine Safety and Health Administration (MSHA) and the National Institute for Occupational Safety and Health (NIOSH), the provisions of WAC 296-155-006 shall apply.

(2) "Assistant director" means the individual in charge of ~~((the division of))~~ industrial safety and health, department of labor and industries, or an authorized representative.

(3) "Authorized person" means a person approved or assigned by the employer to perform a specific type of duty or duties or be at a specific location or locations at the workplace.

(4) "Competent person" means one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective action to eliminate them.

(5) "Confined or enclosed space" means any space having a limited means of egress, which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, process vessels, bins, boilers, ventilation or exhaust ducts, sewers, underground utility vaults, tunnels, pipelines, and open top spaces more than 4 feet in depth such as pits, tubs, vaults, and vessels.

(6) "Construction work" shall mean and include all or any part of excavation, construction, erection, alteration, repair, demolition, and dismantling, of buildings and other structures and all operations in connection therewith; the excavation, construction, alteration and repair of sewers, trenches, caissons, conduits, pipe lines, roads and all operations pertaining thereto; the moving of buildings and other

structures, and to the construction, alteration, repair, or removal of wharfs, docks, bridges, culverts, trestles, piers, abutments or any other construction, alteration, repair or removal work related thereto.

(7) "Defect" means any characteristic or condition which tends to weaken or reduce the strength of the tool, object, or structure of which it is a part.

(8) "Department" means the department of labor and industries.

(9) "Designated person" means "authorized person" as defined in subsection (3) of this section.

(10) "Director" means the director of the department of labor and industries, or his/her designated representative.

(11) "Division" means the division of industrial safety and health of the department.

(12) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees or who contracts with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations: *Provided,* that any person, partnership, or business entity not having employees, and who is covered by the industrial insurance act shall be considered both an employer and an employee.

(13) "Equipment" means all machinery, devices, tools, facilities, safeguards, and protective construction used in connection with construction operations.

(14) "Ground fault circuit interrupter" means a fast acting circuit breaker that is sensitive to very low levels of current leakage to ground. The device is designed to limit the electric shock to a current and time duration below that which can cause serious injury.

(15) "Hazard" means that condition, potential or inherent, which is likely to cause injury, death, or occupational disease.

(16) "Hazardous substance" means a substance which, by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritating, or otherwise harmful, is likely to cause death or injury.

(17) "Maintenance" means the work of keeping a building, machine, roadway, etc., in a state of good repair.

(18) "Part" means a major division, of this chapter, relating to a specific topic or topics and containing various sections, subsections, etc.

(19) "Qualified" means one who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training, and experience, has successfully demonstrated ~~((his))~~ the ability to solve or resolve problems relating to the subject matter, the work, or the project.

(20) "Repair" means to restore a building, machine, roadway, etc., to an original state after damage or decay.

(21) "Safety factor" means the ratio of the ultimate breaking strength of a member or piece of material or equipment to the actual working stress or safe load when in use.

(22) "Safety and health standard" means a standard which requires the adoption or use of one or more practices, means, methods, operations, or processes reasonably neces-

sary or appropriate to provide safe or healthful employment and places of employment.

(23) "Shall" means that the provision(s) of the standard are mandatory.

(24) "Substantial" means constructed of such strength, of such material, and of such workmanship, that the object referred to will withstand all normal wear, shock and usage.

(25) "Standard safeguard" means a device designed and constructed with the object of removing the hazard of accident incidental to the machine, appliance, tool, building, or equipment to which it is attached.

Standard safeguards shall be constructed of either metal or wood or other suitable material or a combination of these. The final determination of the sufficiency of any safeguard rests with the director of the department of labor and industries (~~through the division of industrial safety and health~~).

(26) "Suitable" means that which fits, or has the qualities or qualifications to meet a given purpose, occasion, condition, function, or circumstance.

(27) "Working day" means a calendar day, except Saturdays, Sundays, and legal holidays as set forth in RCW 1.16.050, as now or hereafter amended, and for the purposes of the computation of time within which an act is to be done under the provisions of this chapter, shall be computed by excluding the first working day and including the last working day.

(28) "Worker," "personnel," (~~man,~~) "person," "employee," and other terms of like meaning, unless the context of the provision containing such term indicates otherwise, mean an employee of an employer who is employed in the business of (~~his~~) the employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is (~~his~~) the personal labor for an employer whether by manual labor or otherwise.

(29) "Work place" means any plant, yard, premises, room, or other place where an employee or employees are employed for the performance of labor or service over which the employer has the right of access or control, and includes, but is not limited to, all work places covered by industrial insurance under Title 51 RCW, as now or hereafter amended.

(30) Abbreviations used in this chapter:

(a) "ANSI" means American National Standards Institute.

(b) "API" means American Petroleum Institute.

(c) "ASA" means American Standards Association.

(d) "ASAE" means American Society of Agricultural Engineers.

(e) "ASHRE" means American Society of Heating and Refrigeration Engineers.

(f) "ASME" means American Society of Mechanical Engineers.

(g) "ASTM" means American Society of Testing and Materials.

(h) "AWS" means American Welding Society.

(i) "BTU" means British thermal unit.

(j) "BTUH" means British thermal unit per hour.

(k) "CFM" means cubic feet per minute.

(l) "CFR" means Code of Federal Register.

(m) "CGA" means Compressed Gas Association.

(n) "CIE" means Commission Internationale de l'Eclairage.

(o) "DOT" means department of transportation.

(p) "FRP" means fiberglass reinforced plastic.

(q) "GPM" means gallons per minute.

(r) "ICC" means Interstate Commerce Commission.

(s) "ID" means inside diameter.

(t) "LPG" means liquefied petroleum gas.

(31) Additional abbreviations used in this chapter:

(a) (~~"MCA" means Manufacturing Chemist~~) "CMA" means Chemical Manufacturer Association.

(b) "MSHA" means United States Department of Labor, Mine Safety and Health Administration.

(c) "NBFU" means National Board of Fire Underwriters.

(d) "NEMA" means National Electrical Manufacturing Association.

(e) "NFPA" means National Fire Protection Association.

(f) "NTP" means normal temperature and pressure.

(g) "OD" means outside diameter.

(h) "PSI" means pounds per square inch.

(i) "PSIA" means pounds per square inch absolute.

(j) "PSIG" means pounds per square inch gauge.

(k) "RMA" means Rubber Manufacturers Association.

(l) "SAE" means Society of Automotive Engineers.

(m) "TFI" means The Fertilizer Institute.

(n) "TSC" means Trailer Standard Code.

(o) "UL" means Underwriters' Laboratories, Inc.

(p) "USASI" means United States of America Standards Institute (see American National Standards Institute).

(q) "USC" means United States Code.

(r) "USCG" means United States Coast Guard.

(s) "WAC" means Washington Administrative Code.

(t) "WISHA" means Washington Industrial Safety and Health Act of 1973.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-015 Education and first-aid standards. It shall be the duty of every employer to comply with such standards and systems of education for safety as shall be, from time to time, prescribed for such employer by the director of labor and industries (~~through the division of industrial safety and health~~) or by statute. Refer to WAC 296-155-100 through 296-155-135 for additional requirements.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-040 Safe place standards. (1) Each employer shall furnish to each (~~of his~~) employee(~~s~~) a place of employment free from recognized hazards that are causing or likely to cause serious injury or death to his employees.

(2) Every employer shall require safety devices, furnish safeguards, and shall adopt and use practices, methods, operations, and processes which are reasonably adequate to render such employment and place of employment safe. Every employer shall do everything reasonably necessary to protect the life and safety of employees.

(3) No employer shall require any employee to go or be in any employment or place of employment which is hazardous to the employee.

(4) No employer shall fail or neglect:

(a) To provide and use safety devices and safeguards.

(b) To adopt and use methods and processes reasonably adequate to render the employment and place of employment safe.

(c) To do everything reasonably necessary to protect the life and safety of employees.

(5) No employer, owner, or lessee of any real property shall construct or cause to be constructed any place of employment that is hazardous to the employee.

(6) No person shall do any of the following:

(a) Remove, displace, damage, destroy or carry off any safety device, safeguard, notice, or warning, furnished for use in any employment or place of employment.

(b) Interfere in any way with the use thereof by any other person.

(c) Interfere with the use of any method or process adopted for the protection of any employee, including ~~((himself))~~ themselves, in such employment, or place of employment.

(d) Fail or neglect to do everything reasonably necessary to protect the life and safety of employees.

(7) The use of intoxicants or debilitating drugs while on duty is prohibited. Employees under the influence of intoxicants or drugs shall not be permitted in or around worksites. This subsection (7) shall not apply to employees taking prescription drugs or narcotics as directed and prescribed by a physician, provided such use does not endanger the employee or others.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-155-100 Management's responsibility. (1) It shall be the responsibility of management to establish, supervise, and enforce, in a manner which is effective in practice:

(a) A safe and healthful working environment.

(b) An accident prevention program as required by these standards.

(c) Training programs to improve the skill and competency of all employees in the field of occupational safety and health.

(2) Employees required to handle or use poisons, caustics, and other harmful substances shall be instructed regarding the safe handling and use, and be made aware of the potential hazards, personal hygiene, and personal protective measures required.

(3) In job site areas where harmful plants or animals are present, employees who may be exposed shall be instructed regarding the potential hazards, and how to avoid injury, and the first aid procedures to be used in the event of injury.

(4) Employees required to handle or use flammable liquids, gases, or toxic materials shall be instructed in the safe handling and use of these materials and made aware of the specific requirements contained in Parts B, D, and other applicable parts of this standard.

(5) Confined spaces. The requirements of chapters 296-24, 296-62 and 296-155 WAC apply.

(6) The employer shall ensure that work assignments place no employee in a position or location not within ordinary calling distance of another employee able to render assistance in case of emergency.

Note: This subsection does not apply to operators of motor vehicles, ~~((watchmen))~~ watchpersons or other jobs which, by their nature, are single employee assignments. However, a definite procedure for checking the welfare of all employees during working hours should be instituted and all employees so advised.

(7) Each employer shall post and keep posted a notice or notices (Job Safety and Health Protection - Form F416-081-000) to be furnished by the ~~((division of industrial safety and health))~~ department of labor and industries, informing employees of the protections and obligations provided for in the act and that for assistance and information, including copies of the act, and of specific safety and health standards employees should contact the employer or the nearest office of the department of labor and industries. Such notice or notices shall be posted by the employer at each establishment in a conspicuous place or places where notices to employees are customarily posted. Each employer shall take steps to assure that such notices are not altered, defaced, or covered by other material.

AMENDATORY SECTION (Amending Order 92-01, filed 4/22/92, effective 5/25/92)

WAC 296-155-110 Accident prevention program.

(1) Exemptions. Workers of employers whose primary business is other than construction, who are engaged solely in maintenance and repair work, including painting and decorating, are exempt from the requirement of this section provided:

(a) The maintenance and repair work, including painting and decorating, is being performed on the employer's premises, or facility.

(b) The length of the project does not exceed one week.

(c) The employer is in compliance with the requirements of WAC 296-24-040 Accident prevention programs, and WAC 296-24-045, Safety and health committee plan.

(2) Each employer shall develop a formal accident-prevention program, tailored to the needs of the particular plant or operation and to the type of hazard involved. The ~~((division))~~ department may be contacted for assistance in developing appropriate programs.

(3) The following are the minimal program elements for all employers:

A safety orientation program describing the employer's safety program and including:

(a) How, where, and when to report injuries, including instruction as to the location of first-aid facilities.

(b) How to report unsafe conditions and practices.

(c) The use and care of required personal protective equipment.

(d) The proper actions to take in event of emergencies including the routes of exiting from areas during emergencies.

(e) Identification of the hazardous gases, chemicals, or materials involved along with the instructions on the safe use and emergency action following accidental exposure.

(f) A description of the employer's total safety program.

(g) An on-the-job review of the practices necessary to perform job assignments in a safe manner.

(4) Each accident-prevention program shall be outlined in written format.

(5) Every employer shall conduct ~~((foreman))~~ crew leader-crew safety meetings as follows:

(a) ~~((Foreman))~~ Crew leader-crew safety meetings shall be held at the beginning of each job, and at least weekly thereafter.

(b) ~~((Foreman))~~ Crew leader-crew meetings shall be tailored to the particular operation.

(6) ~~((Foreman))~~ Crew leader-crew safety meetings shall address the following:

(a) A review of any walk-around safety inspection conducted since the last safety meeting.

(b) A review of any citation to assist in correction of hazards.

(c) An evaluation of any accident investigations conducted since the last meeting to determine if the cause of the unsafe acts or unsafe conditions involved were properly identified and corrected.

(d) Attendance shall be documented.

(e) Subjects discussed shall be documented.

Note: Subcontractors and their employees may, with the permission of the general contractor, elect to fulfill the requirements of subsection (5)(a) and (b) of this section by attending the prime contractors ~~((foreman))~~ crew leader-crew safety meeting. Any of the requirements of subsections (6)(a), (b), (c), and (7) of this section not satisfied by the prime contractors safety meetings shall be the responsibility of the individual employers.

(7) Minutes of each ~~((foreman))~~ crew leader-crew meeting shall be prepared and a copy shall be maintained at the location where the majority of the employees of each construction site report for work each day.

(8) Minutes of ~~((foreman))~~ crew leader-crew safety meetings shall be retained by the employer for at least one year and shall be made available for review by personnel of the ~~((division of industrial safety and health))~~ department, upon request.

(9) Every employer shall conduct walk-around safety inspections as follows:

(a) At the beginning of each job, and at least weekly thereafter, a walk-around safety inspection shall be conducted jointly by one member of management and one employee, elected by the employees, as their authorized representative.

(b) The employer shall document walk-around safety inspections and such documentation shall be available for inspection by personnel of the ~~((division of industrial safety and health))~~ department.

(c) Records of walk-around inspections shall be maintained by the employer until the completion of the job.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-120 First-aid training and certification. This section is designed to assure that all employees in this state are afforded quick and effective first-aid attention in the event of an on the job injury. To achieve this purpose the presence of personnel trained in first-aid procedures at or near those places where employees are working is required. Compliance with the provisions of this

section may require the presence of more than one first-aid trained person.

(1) Each employer shall have available at all worksites, at all times, a person or persons holding a valid certificate of first-aid training from the department of labor and industries or other organization, association or agency that has been approved by the department.

(a) A valid first-aid certificate is one which is less than three years old.

(b) All ~~((foremen))~~ crew leaders, supervisors or persons in direct charge of crews shall have a valid first-aid certificate.

(c) For the purposes of this section, a crew shall mean a group of two or more employees working at any worksite.

Note: In emergencies, ~~((foremen))~~ crew leaders will be permitted to work up to thirty days without having the required certificate, providing an employee in the crew or another ~~((foreman))~~ crew leaders in the immediate work area has the necessary certificate.

(2) Valid certification shall be achieved by passing a course of first-aid instruction and participation in practical application of the following subject matter:

Bleeding control and bandaging.

Cardio-pulmonary resuscitation "C.P.R."

Poisons.

Shock, unconsciousness, stroke.

Burns, scalds.

Sunstroke, heat exhaustion.

Frostbite, freezing, hypothermia.

Strains, sprains, hernias.

Fractures, dislocation.

Proper transportation of the injured.

Bites, stings.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-125 First-aid kit. (1) All employers who employ men and women covered by the act shall furnish first-aid kits as required by the ~~((division of industrial safety and health,))~~ department of labor and industries, (RCW 51.36.030).

(2) First-aid supplies shall be readily accessible when required by this section.

(3) In the absence of readily accessible first-aid supplies such as first-aid kits, first-aid stations, first-aid rooms or their equivalent, all crew trucks, power shovels, cranes, locomotives, loaders, dozers, logging trucks, speeders, freight trucks and similar equipment shall be equipped with not less than a ten package weather-proof first-aid kit.

(4) All crew vehicles used for transporting workers shall be equipped with not less than a ten package weather-proof first-aid kit. When more than five employees are being transported on any one trip, the kit shall be increased in size to comply with a 16-, 24-, or 36-package kit depending upon the number of personnel normally being transported.

(5) At least one weather-proof first-aid kit shall be available on construction jobs, line crews, and other transient or short duration jobs.

(6) The size and quantity of first-aid kits, required to be located at any site, shall be determined by the number of personnel normally dependent upon each kit as outlined in the following table:

Number of Personnel Normally Assigned To Worksite	Minimum First Aid Supplies Required At Worksite
1 - 50 persons	First-aid kit
1 - 5	10 package kit
6 - 15	16 package kit
16 - 30	24 package kit
31 - 50	36 package kit
51 - 200	First-aid station
51 - 75	One 36 and one 10 package kit
76 - 100	One 36 and one 16 package kit
101 - 150	One 36 and one 24 package kit
151 - 200	Two 36 package kits
Over 200 persons	First-aid room

Refer to
WAC 296-24-070

36 package kit

- 4 Pkgs. absorbent gauze, 24" x 72" (1 per pkg.)
- 2 Pkgs. adhesive bandages, 1" (16 per pkg.)
- 5 Pkgs. bandage compresses, 4" (1 per pkg.)
- 2 Pkgs. eye dressing (1 per pkg.)
- 1 Pkg. scissors* and tweezers (1 each per pkg.)
- 8 Pkgs. triangular bandages, 40" (1 per pkg.)
- 1 Pkg. antiseptic soap or pads (3 per pkg.)
- 13 Pkgs. of consulting physicians choice**

*Scissors shall be capable of cutting 2 layers of 15 oz. cotton cloth or its equivalent.

**First-aid kits shall be maintained at the ten, sixteen, twenty-four or thirty-six package level. In the event the consulting physician chooses not to recommend items, the department shall be contacted for recommended items to complete the kit.

(9) When practical, a poster shall be fastened and maintained either on or in the cover of each first-aid kit and at or near all phones plainly stating worksite address or location, the phone numbers of available doctors, hospitals, and ambulance services within the district of the worksite.

Note: Preprinted Form No. ((SP-900L)) FSPO 900-001-1 is available from all ((safety division)) department offices. First-aid kit Form No. ((SP-900S)) FSPI -005-000 is also available.

(10) Where the eyes or body of any person may be exposed to injurious chemicals and/or materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided, within the work area, for immediate emergency use.

(11) When required by the department, two wool blankets or two fire ((retardent)) retardant blankets, capable of supporting 250 pounds each, and a stretcher shall be available in addition to first-aid kits.

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-155-140 Sanitation. (1) Potable water.

(a) An adequate supply of potable water shall be provided in all places of employment.

(b) Portable containers used to dispense drinking water shall be capable of being tightly closed and equipped with a tap. Water shall not be dipped from containers.

(c) Any container used to distribute drinking water shall be clearly marked as to the nature of its contents and not used for any other purpose.

(d) The common drinking cup is prohibited.

(e) Where single service cups (to be used but once) are supplied, both a sanitary container for the unused cups and a receptacle for disposing of the used cups shall be provided.

(f) All water containers used to furnish drinking water shall be thoroughly cleaned at least once each week or more often as conditions require.

(g) The requirements of this subsection do not apply to mobile crews or to normally unattended work locations as long as employees working at these locations have transportation immediately available, within the normal course of their duties, to nearby facilities otherwise meeting the requirements of this section.

(h) The following definitions apply:

(7) Employers shall establish a procedure to ensure that first-aid kits and required contents are maintained in a serviceable condition.

(8) First-aid kits shall contain at least the following items, in a weatherproof container with individual sealed packages for each type of item:

10 package kit

- 1 Pkg. adhesive bandages, 1" (16 per pkg.)
- 1 Pkg. bandage compress, 4" (1 per pkg.)
- 1 Pkg. scissors* and tweezers (1 each per pkg.)
- 1 Pkg. triangular bandage, 40" (1 per pkg.)
- 1 Pkg. antiseptic soap or pads (3 per pkg.)
- 5 Pkgs. of consulting physician's choice**

16 package kit

- 1 Pkg. absorbent gauze, 24" x 72" (1 per pkg.)
- 1 Pkg. adhesive bandages, 1" (16 per pkg.)
- 2 Pkgs. bandage compresses, 4" (1 per pkg.)
- 1 Pkg. eye dressing (1 per pkg.)
- 1 Pkg. scissors* and tweezers (1 each per pkg.)
- 2 Pkgs. triangular bandages, 40" (1 per pkg.)
- 1 Pkg. antiseptic soap or pads (3 per pkg.)
- 7 Pkgs. of consulting physician's choice**

24 package kit

- 2 Pkgs. absorbent gauze, 24" x 72" (1 per pkg.)
- 2 Pkgs. adhesive bandages, 1" (16 per pkg.)
- 2 Pkgs. bandage compresses, 4" (1 per pkg.)
- 1 Pkg. eye dressing (1 per pkg.)
- 1 Pkg. scissors* and tweezers (1 each per pkg.)
- 6 Pkgs. triangular bandages, 40" (1 per pkg.)
- 1 Pkg. antiseptic soap or pads (3 per pkg.)
- 9 Pkgs. of consulting physician's choice**

PROPOSED

(i) Mobile crew: A work crew that routinely moves to a different work location periodically. Normally a mobile crew is not at the same location all day.

41 - 60
61 - 80
Over 80

4
5
one additional toilet
for each additional
twenty employees or
any fraction thereof.

(ii) Normally unattended work location: An unattended site that is visited occasionally by one or more employees.

(iii) Nearby facility: A sanitary facility that is within three minutes travel by the transportation provided.

(iv) "Potable water" means water which meets the quality standards for drinking purposes of state or local authority having jurisdiction or water that meets the quality standards prescribed by the United States Environmental Protection Agency's National Interim Primary Drinking Water Regulations, published in 40 CFR Part 141, and 40 CFR 147.2400.

(2) Wash water.

(a) Clean, tepid wash water, between 70 and 100 degrees Fahrenheit, shall be provided at all construction sites.

(b) Individual hand towels shall be provided. Both a sanitary container for the unused towels and a receptacle for disposal of used towels shall be provided.

(c) Hand soap, industrial hand cleaner or similar cleansing agents shall be provided. Cleansing agents shall be adequate to remove any paints, coatings, herbicides, insecticides or other contaminants.

(d) The requirements of this subsection do not apply to mobile crews or to normally unattended work locations as long as employees working at these locations have transportation immediately available, within the normal course of their duties, to nearby facilities otherwise meeting the requirements of this section.

(e) Gasoline or solvents shall not be used for personal cleaning.

(f) Wash water areas will be maintained in a dry condition. Slipping or other hazards shall be eliminated from the wash water area before it is acceptable for use.

(3) Nonpotable water.

(a) Outlets for nonpotable water, such as water for industrial or fire fighting purposes only, shall be identified by signs meeting the requirements of Part E of this chapter, to indicate clearly that the water is unsafe and is not to be used for drinking, washing or cooking purposes.

(b) There shall be no cross-connection, open or potential, between a system furnishing potable water, a system furnishing nonpotable water or a system furnishing wash water.

(4) Toilets.

(a) The provisions of this section apply to both portable chemical toilets and to flush toilets, except where flush toilets are used the requirements of WAC 296-24-12007 (1)(a) shall apply instead of (b) of this subsection.

(b) Accessible toilets shall be provided for employees according to the following table:

TABLE B-1

<u>Number of Employees</u>	<u>Toilets Required</u>
1 - 10	1
11 - 25	2
26 - 40	3

(c) When the employer provides both flush and portable chemical toilets, the number of employees allowed to be served by the flush toilets, per WAC 296-24-12007 (1)(a) will be calculated. That number will be subtracted from the total number of employees and the employer will be required to provide an adequate number of portable chemical toilets for the number of remaining employees, as required by (b) of this subsection.

(d) Toilets shall be maintained in clean, sanitary and functional condition. Internal latches shall be provided to secure the units from inadvertent entry. Where there are twenty or more employees consisting of both sexes, facilities shall be provided for each sex.

(i) Each unit shall be properly cleaned on a routine basis.

(ii) Chemicals, toilet tissue and sanitary seat covers shall be maintained in a supply sufficient for use during the entire shift.

(iii) Any defective or inadequate unit shall be immediately removed from service.

(e) Specifications. The following specifications apply:

(i) A noncaustic chemical toilet (portable chemical toilet is) a self-contained unit equipped with a waste receiving chemical holding container.

(ii) Portable chemical toilets consisting of only a holding tank, commonly referred to as "elevator units" or "elevator toilets" are not acceptable. "Elevator units" may be used if they are individually located in a lockable room which affords privacy. When this type unit is used in a private individual lockable room the entire room will be considered a toilet facility, as such the room will meet all requirements of toilet facilities and be inspected in accordance with subsection (5)(b)(iii) of this section.

(iii) Rooms, buildings or shelters housing toilets shall be of sound construction, easy to clean, provide shelter and provide privacy. The toilet rooms shall be ventilated to the outside and adequately lighted. All openings into the toilet room shall be covered with 16-mesh screen.

(iv) Toilets shall be serviced on a regular schedule. Servicing shall include the use of a disinfectant for cleaning urinals and seats, removing waste from containers, recharging containers with an odor controlling chemical and installing an adequate supply of toilet tissue and seat covers.

(v) Service shall be performed in accordance with local codes by approved servicing organizations. Waste shall be disposed of or discharged in accordance with requirements of local health department regulations.

(vi) Waste containers shall be fabricated from impervious materials, e.g. plastic, steel, fiberglass or their equivalent. Containers shall be water tight and capable of containing the chemical waste in a sanitary manner. The container shall be fitted to the building in a manner so as to prevent insects from entering from the exterior of the building. Containers shall be adequate in size to be used by the number of persons, according to the schedule for minimum

requirements, without filling the container to more than half of its volume before regularly scheduled servicing.

(vii) Removal of waste shall be handled in a clean and sanitary manner by means of a vacuum hose and received by a leak-proof tank truck. All valves on the tank shall be leak-proof.

(viii) Provisions shall be made so service trucks have a clear approach and convenient access to the toilets to be serviced.

(ix) Disposal of waste from tank trucks shall be in accordance with local health department requirements. In the absence of provisions by local health departments, waste must be disposed of through municipal or district sanitary sewage systems. Municipal or area sanitary sewage districts shall provide sewage disposal locations and facilities which are adequate and convenient for duly authorized toilet service organizations.

(f) The requirements of this subsection do not apply to mobile crews or to normally unattended work locations as long as employees working at these locations have transportation immediately available, within the normal course of their duties, to nearby facilities otherwise meeting the requirements of this section.

(5)(a) On multi-employer worksites, the prime contractor shall ensure that the requirements of this section are met. Each employer is responsible for seeing that facilities for their own employees are provided.

(b) Each employer shall ensure, at the beginning of each shift, that the sanitation facilities required by this section are inspected. If any facility or unit fails to meet the following requirements, immediate corrective action shall be taken. Such action shall be documented and maintained at the site for at least 72 hours. Inspection shall establish:

(i) Potable water: Sufficient supply of water, sufficient supply of cups, container integrity, cleanliness of unit and area, capacity of trash receptacle (empty).

(ii) Wash water: Sufficient supply of clean water, proper temperature, sufficient supply of towels, sufficient supply of cleansing agents, container integrity, cleanliness of unit and area without the presence of physical hazards, capacity of trash receptacle (empty).

(iii) Toilets: Sufficient supply of toilet tissue and sanitary seat covers, capacity and condition of chemical agent, capacity and condition of holding tank, cleanliness of unit and area without the presence of physical hazards, physical and structural condition of unit, condition of lock, condition of toilet seat and tissue holder, absence of all foreign debris.

(c) The location of the facilities required by subsections (1), (2) and (4) of this section shall be as close as practical to the highest concentration of employees.

(i) On multistory structures they shall be furnished on every third floor.

(ii) At all sites they shall be located within 200 feet horizontally of all employees.

(iii) The requirements of subsection (5)(c)(i) and (ii) do not apply to mobile crews or to normally unattended work locations as long as employees working at these locations have transportation immediately available, within the normal course of their duties, to nearby facilities otherwise meeting the requirements of this section.

(6) Food handling. All employees' food service facilities and operations shall meet the applicable laws, ordinances and regulations of the jurisdictions in which they are located.

(7) Temporary sleeping quarters. When temporary sleeping quarters are provided, they shall be heated, ventilated and lighted.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-150 Ionizing radiation. (1) In construction and related activities involving the use of sources of ionizing radiation, the pertinent provisions of the ((Atomic Energy)) Nuclear Regulatory Commission's Standards for Protection Against Radiation, relating to protection against occupational radiation exposure, shall apply.

(2) Any activity which involves the use of radioactive material or x-ray, whether or not under license from the ((Atomic Energy)) Nuclear Regulatory Commission, shall be performed by competent persons specially trained in the proper and safe operation of such equipment. In the case of materials used under commission license, only persons actually licensed, or competent persons under direction and supervision of the licensee shall perform such work.

AMENDATORY SECTION (Amending Order 88-11, filed 7/6/88)

WAC 296-155-160 Gases, vapors, fumes, dusts, and mists. (1) Exposure of employees to inhalation, ingestion, skin absorption, or contact with any material or substance at a concentration above those specified in the general occupational health standards, WAC 296-62-07515 shall be avoided.

(2) To achieve compliance with subsection (1) of this section, administrative or engineering controls must first be implemented whenever feasible. When such controls are not feasible to achieve full compliance, protective equipment or other protective measures shall be used to keep the exposure of employees to air contaminants within the limits prescribed in WAC 296-62-07515. Any equipment and technical measures used for this purpose must first be approved for each particular use by a competent industrial hygienist or other technically qualified person. Whenever respirators are used, their use shall comply with WAC 296-155-220.

(3) Whenever internal combustion equipment exhausts in enclosed spaces, tests shall be made and recorded to ensure that employees are not exposed to unsafe concentrations of toxic gases or oxygen deficient atmospheres. See chapter 296-62 WAC, the general occupational health standards.

(4) Whenever any employee is exposed to asbestos, the provisions of the general occupational health standards, chapter 296-62 WAC shall apply.

(5) Subsections (1) and (2) of this section do not apply to the exposure of employees to formaldehyde. Whenever any employee is exposed to formaldehyde, the requirements of WAC ((296-62-07530)) 296-62-07540 shall apply.

AMENDATORY SECTION (Amending Order 93-06, filed 10/20/93, effective 12/1/93)

WAC 296-155-174 Cadmium. (1) Scope. This standard applies to all occupational exposures to cadmium and cadmium compounds, in all forms, in all construction work where an employee may potentially be exposed to cadmium. Construction work is defined as work involving construction, alteration, and/or repair, including but not limited to the following:

- (a) Wrecking, demolition, or salvage of structures where cadmium or materials containing cadmium are present;
- (b) Use of cadmium containing-paints and cutting, brazing, burning, grinding, or welding on surfaces that were painted with cadmium-containing paints;
- (c) Construction, alteration, repair, maintenance, or renovation of structures, substrates, or portions thereof, that contain cadmium, or materials containing cadmium;
- (d) Cadmium welding; cutting and welding cadmium-plated steel; brazing or welding with cadmium alloys;
- (e) Installation of products containing cadmium;
- (f) Electrical grounding with cadmium-welding, or electrical work using cadmium-coated conduit;
- (g) Maintaining or retrofitting cadmium-coated equipment;
- (h) Cadmium contamination/emergency cleanup; and
- (i) Transportation, disposal, storage, or containment of cadmium or materials containing cadmium on the site or location at which construction activities are performed.

(2) Definitions.

(a) Action level (AL) is defined as an airborne concentration of cadmium of 2.5 micrograms per cubic meter of air ($2.5 \mu\text{g}/\text{m}^3$), calculated as an 8-hour time-weighted average (TWA).

(b) Authorized person means any person authorized by the employer and required by work duties to be present in regulated areas or any person authorized by WISHA or regulations issued under it to be in regulated areas.

(c) Competent person, in accordance with WAC 296-155-012(4), means a person designated by the employer to act on the employer's behalf who is capable of identifying existing and potential cadmium hazards in the workplace and the proper methods to control them in order to protect workers, and has the authority necessary to take prompt corrective measures to eliminate or control such hazards. The duties of a competent person include at least the following: Determining prior to the performance of work whether cadmium is present in the workplace; establishing, where necessary, regulated areas and assuring that access to and from those areas is limited to authorized employees; assuring the adequacy of any employee exposure monitoring required by this standard; assuring that all employees exposed to air cadmium levels above the PEL wear appropriate personal protective equipment and are trained in the use of appropriate methods of exposure control; assuring that proper hygiene facilities are provided and that workers are trained to use those facilities; and assuring that the engineering controls required by this standard are implemented, maintained in proper operating condition, and functioning properly.

(d) Director means the director of the department of labor and industries or authorized representative.

(e) Employee exposure and similar language referring to the air cadmium level to which an employee is exposed means the exposure to airborne cadmium that would occur if the employee were not using respiratory protective equipment.

(f) Final medical determination is the written medical opinion of the employee's health status by the examining physician under subsection (12)(c) through (l) of this section or, if multiple physician review under subsection (12)(m) of this section or the alternative physician determination under subsection (12)(n) of this section is invoked, it is the final, written medical finding, recommendation or determination that emerges from that process.

(g) High-efficiency particulate air (HEPA) filter means a filter capable of trapping and retaining at least 99.97 percent of mono-dispersed particles of 0.3 micrometers in diameter.

(h) Regulated area means an area demarcated by the employer where an employee's exposure to airborne concentrations of cadmium exceeds, or can reasonably be expected to exceed the permissible exposure limit (PEL).

(i) This section means this cadmium standard.

(3) Permissible exposure limit (PEL). The employer shall assure that no employee is exposed to an airborne concentration of cadmium in excess of five micrograms per cubic meter of air ($5 \mu\text{g}/\text{m}^3$), calculated as an 8-hour time-weighted average exposure (TWA).

(4) Exposure monitoring

(a) General.

(i) Prior to the performance of any construction work where employees may be potentially exposed to cadmium, the employer shall establish the applicability of this standard by determining whether cadmium is present in the workplace and whether there is the possibility that employee exposures will be at or above the action level. The employer shall designate a competent person who shall make this determination. Investigation and material testing techniques shall be used, as appropriate, in the determination. Investigation shall include a review of relevant plans, past reports, material safety data sheets, and other available records, and consultations with the property owner and discussions with appropriate individuals and agencies.

(ii) Where cadmium has been determined to be present in the workplace, and it has been determined that there is a possibility the employee's exposure will be at or above the action level, the competent person shall identify employees potentially exposed to cadmium at or above the action level.

(iii) Determinations of employee exposure shall be made from breathing-zone air samples that reflect the monitored employee's regular, daily 8-hour TWA exposure to cadmium.

(iv) Eight-hour TWA exposures shall be determined for each employee on the basis of one or more personal breathing-zone air samples reflecting full shift exposure on each shift, for each job classification, in each work area. Where several employees perform the same job tasks, in the same job classification, on the same shift, in the same work area, and the length, duration, and level of cadmium exposures are similar, an employer may sample a representative fraction of the employees instead of all employees in order to meet this requirement. In representative sampling, the employer shall

sample the employee(s) expected to have the highest cadmium exposures.

(b) Specific.

(i) Initial monitoring. Except as provided for in (b)(iii) of this subsection, where a determination conducted under (a)(i) of this subsection shows the possibility of employee exposure to cadmium at or above the action level, the employer shall conduct exposure monitoring as soon as practicable that is representative of the exposure for each employee in the workplace who is or may be exposed to cadmium at or above the action level.

(ii) In addition, if the employee periodically performs tasks that may expose the employee to a higher concentration of airborne cadmium, the employee shall be monitored while performing those tasks.

(iii) Where the employer has objective data, as defined in subsection (14)(b) of this section, demonstrating that employee exposure to cadmium will not exceed airborne concentrations at or above the action level under the expected conditions of processing, use, or handling, the employer may rely upon such data instead of implementing initial monitoring.

(iv) Where a determination conducted under (a) or (b) of this subsection is made that a potentially exposed employee is not exposed to airborne concentrations of cadmium at or above the action level, the employer shall make a written record of such determination. The record shall include at least the monitoring data developed under (b)(i) through (iii) of this subsection, where applicable, and shall also include the date of determination, and the name and Social Security number of each employee.

(c) Monitoring frequency (periodic monitoring).

(i) If the initial monitoring or periodic monitoring reveals employee exposures to be at or above the action level, the employer shall monitor at a frequency and pattern needed to assure that the monitoring results reflect with reasonable accuracy the employee's typical exposure levels, given the variability in the tasks performed, work practices, and environmental conditions on the job site, and to assure the adequacy of respiratory selection and the effectiveness of engineering and work practice controls.

(ii) If the initial monitoring or the periodic monitoring indicates that employee exposures are below the action level and that result is confirmed by the results of another monitoring taken at least seven days later, the employer may discontinue the monitoring for those employees whose exposures are represented by such monitoring.

(d) Additional monitoring. The employer also shall institute the exposure monitoring required under (b)(i) and (c) of this subsection whenever there has been a change in the raw materials, equipment, personnel, work practices, or finished products that may result in additional employees being exposed to cadmium at or above the action level or in employees already exposed to cadmium at or above the action level being exposed above the PEL, or whenever the employer or competent person has any reason to suspect that any other change might result in such further exposure.

(e) Employee notification of monitoring results.

(i) No later than five working days after the receipt of the results of any monitoring performed under this section, the employer shall notify each affected employee individually in writing of the results. In addition, within the same

time period, the employer shall post the results of the exposure monitoring in an appropriate location that is accessible to all affected employees.

(ii) Wherever monitoring results indicate that employee exposure exceeds the PEL, the employer shall include in the written notice a statement that the PEL has been exceeded and a description of the corrective action being taken by the employer to reduce employee exposure to or below the PEL.

(f) Accuracy of measurement. The employer shall use a method of monitoring and analysis that has an accuracy of not less than plus or minus 25 percent ($\pm 25\%$), with a confidence level of 95 percent, for airborne concentrations of cadmium at or above the action level and the permissible exposure limit.

(5) Regulated areas.

(a) Establishment. The employer shall establish a regulated area wherever an employee's exposure to airborne concentrations of cadmium is, or can reasonably be expected to be in excess of the permissible exposure limit (PEL).

(b) Demarcation. Regulated areas shall be demarcated from the rest of the workplace in any manner that adequately establishes and alerts employees of the boundaries of the regulated area, including employees who are or may be incidentally in the regulated areas, and that protects persons outside the area from exposure to airborne concentrations of cadmium in excess of the PEL.

(c) Access. Access to regulated areas shall be limited to authorized persons.

(d) Provision of respirators. Each person entering a regulated area shall be supplied with and required to use a respirator, selected in accordance with subsection (7)(b) of this section.

(e) Prohibited activities. The employer shall assure that employees do not eat, drink, smoke, chew tobacco or gum, or apply cosmetics in regulated areas, or carry the products associated with any of these activities into regulated areas or store such products in those areas.

(6) Methods of compliance.

(a) Compliance hierarchy.

(i) Except as specified in (a)(ii) of this subsection, the employer shall implement engineering and work practice controls to reduce and maintain employee exposure to cadmium at or below the PEL, except to the extent that the employer can demonstrate that such controls are not feasible.

(ii) The requirement to implement engineering controls to achieve the PEL does not apply where the employer demonstrates the following:

(A) The employee is only intermittently exposed; and

(B) The employee is not exposed above the PEL on 30 or more days per year (12 consecutive months).

(iii) Wherever engineering and work practice controls are not sufficient to reduce employee exposure to or below the PEL, the employer nonetheless shall implement such controls to reduce exposures to the lowest levels achievable. The employer shall supplement such controls with respiratory protection that complies with the requirements of subsection (7) of this section and the PEL.

(iv) The employer shall not use employee rotation as a method of compliance.

(b) Specific operations.

(i) Abrasive blasting. Abrasive blasting on cadmium or cadmium-containing materials shall be conducted in a manner that will provide adequate protection.

(ii) Heating cadmium and cadmium-containing materials. Welding, cutting, and other forms of heating of cadmium or cadmium-containing materials shall be conducted in accordance with the requirements of WAC 296-155-415 and 296-155-420, where applicable.

(c) Prohibitions.

(i) High speed abrasive disc saws and similar abrasive power equipment shall not be used for work on cadmium or cadmium-containing materials unless they are equipped with appropriate engineering controls to minimize emissions, if the exposure levels are above the PEL.

(ii) Materials containing cadmium shall not be applied by spray methods, if exposures are above the PEL, unless employees are protected with supplied-air respirators with full facepiece, hood, helmet, suit, operated in positive pressure mode and measures are instituted to limit overspray and prevent contamination of adjacent areas.

(d) Mechanical ventilation.

(i) When ventilation is used to control exposure, measurements that demonstrate the effectiveness of the system in controlling exposure, such as capture velocity, duct velocity, or static pressure shall be made as necessary to maintain its effectiveness.

(ii) Measurements of the system's effectiveness in controlling exposure shall be made as necessary within five working days of any change in production, process, or control that might result in a significant increase in employee exposure to cadmium.

(iii) Recirculation of air. If air from exhaust ventilation is recirculated into the workplace, the system shall have a high efficiency filter and be monitored to assure effectiveness.

(iv) Procedures shall be developed and implemented to minimize employee exposure to cadmium when maintenance of ventilation systems and changing of filters is being conducted.

(e) Compliance program.

(i) Where employee exposure to cadmium exceeds the PEL and the employer is required under (a) of this subsection to implement controls to comply with the PEL, prior to the commencement of the job the employer shall establish and implement a written compliance program to reduce employee exposure to or below the PEL. To the extent that engineering and work practice controls cannot reduce exposures to or below the PEL, the employer shall include in the written compliance program the use of appropriate respiratory protection to achieve compliance with the PEL.

(ii) Written compliance programs shall be reviewed and updated as often and as promptly as necessary to reflect significant changes in the employer's compliance status or significant changes in the lowest air cadmium level that is technologically feasible.

(iii) A competent person shall review the comprehensive compliance program initially and after each change.

(iv) Written compliance programs shall be provided upon request for examination and copying to the director, or authorized representatives, affected employees, and designated employee representatives.

(7) Respirator protection.

(a) General. Where respirators are required by this section, the employer shall provide them at no cost to the employee and shall assure that they are used in compliance with the requirements of this section. Respirators shall be used in the following circumstances:

(i) Where exposure levels exceed the PEL, during the time period necessary to install or implement feasible engineering and work practice controls;

(ii) In those maintenance and repair activities and during those brief or intermittent operations where exposures exceed the PEL and engineering and work practice controls are not feasible, or are not required;

(iii) In regulated areas, as prescribed in subsection (5) of this section;

(iv) Where the employer has implemented all feasible engineering and work practice controls and such controls are not sufficient to reduce exposures to or below the PEL;

(v) In emergencies;

(vi) Wherever an employee who is exposed to cadmium at or above the action level requests a respirator; and

(vii) Wherever an employee is exposed to cadmium above the PEL and engineering controls are not required under (a)(ii) of this subsection.

(b) Respirator selection.

(i) Where respirators are required under this section, the employer shall select and provide the appropriate respirator as specified in Table 1. The employer shall select respirators from among those jointly approved as acceptable protection against cadmium dust, fume, and mist by the Mine Safety and Health Administration (MSHA) and by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

Table 1
Respiratory Protection for Cadmium

Airborne concentration or condition of use ^a	Required respirator type ^b
10 x or less	A half-mask, air-purifying respirator equipped with a HEPA ^c filter. ^d
25 x or less	A powered air-purifying respirator ("PAPR") with a loose-fitting hood or helmet equipped with a HEPA filter, or a supplied-air respirator with a loose-fitting hood or helmet facepiece operated in the continuous flow mode.
50 x or less	A full facepiece air-purifying respirator equipped with a HEPA filter, or a powered air-purifying respirator with a tight-fitting half-mask equipped with a HEPA filter, or a supplied air respirator with a tight-fitting half-mask operated in the continuous flow mode.

250 x or less	A powered air-purifying respirator with a tight-fitting full facepiece equipped with a HEPA filter, or a supplied-air respirator with a tight-fitting full facepiece operated in the continuous flow mode.
1000 x or less	A supplied-air respirator with half-mask or full facepiece operated in the pressure demand or other positive pressure mode.
>1000 x or unknown concentrations	A self-contained breathing apparatus with a full facepiece operated in the pressure demand or other positive pressure mode, or a supplied-air respirator with a full facepiece operated in the pressure demand or other positive pressure mode and equipped with an auxiliary escape type self-contained breathing apparatus operated in the pressure demand mode.
Fire fighting	A self-contained breathing apparatus with full facepiece operated in the pressure demand or other positive pressure mode.

examination in accordance with subsection (12)(f)(ii) of this section to determine if the employee can wear a respirator while performing the required duties.

(v) No employee shall be assigned a task requiring the use of a respirator if, based upon his or her most recent examination, an examining physician determines that the employee will be unable to continue to function normally while wearing a respirator. If the physician determines the employee must be limited in, or removed from his or her current job because of the employee's inability to wear a respirator, the limitation or removal shall be in accordance with subsection (12)(k) and (l) of this section.

(d) Respirator fit testing.

(i) The employer shall assure that the respirator issued to the employee is fitted properly and exhibits the least possible facepiece leakage.

(ii) For each employee wearing a tight-fitting, air purifying respirator (either negative or positive pressure) who is exposed to airborne concentrations of cadmium that do not exceed 10 times the PEL ($10 \times 5 \mu\text{g}/\text{m}^3 = 50 \mu\text{g}/\text{m}^3$), the employer shall perform either quantitative or qualitative fit testing at the time of initial fitting and at least annually thereafter. If quantitative fit testing is used for a negative pressure respirator, a fit factor that is at least 10 times the protection factor for that class of respirators (Table 1 in (b)(i) of this subsection) shall be achieved at testing.

(iii) For each employee wearing a tight-fitting air purifying respirator (either negative or positive pressure) who is exposed to airborne concentrations of cadmium that exceed 10 times the PEL ($10 \times 5 \mu\text{g}/\text{m}^3 = 50 \mu\text{g}/\text{m}^3$), the employer shall perform quantitative fit testing at the time of initial fitting and at least annually thereafter. For negative-pressure respirators, a fit factor that is at least ten times the protection factor for that class of respirators (Table 1 in (b)(i) of this subsection) shall be achieved during quantitative fit testing.

(iv) For each employee wearing a tight-fitting, supplied-air respirator or self-contained breathing apparatus, the employer shall perform quantitative fit testing at the time of initial fitting and at least annually thereafter. This shall be accomplished by fit testing an air purifying respirator of identical type facepiece, make, model, and size as the supplied air respirator or self-contained breathing apparatus that is equipped with HEPA filters and tested as a surrogate (substitute) in the negative pressure mode. A fit factor that is at least 10 times the protection factor for that class of respirators (Table 1 in (b)(i) of this subsection) shall be achieved during quantitative fit testing. A supplied-air respirator or self-contained breathing apparatus with the same type facepiece, make, model, and size as the air purifying respirator with which the employee passed the quantitative fit test may then be used by that employee up to the protection factor listed in Table 1 in (b)(i) of this subsection for that class of respirators.

(v) Fit testing shall be conducted in accordance with WAC 296-62-07445. Appendix C.

(8) Emergency situations. The employer shall develop and implement a written plan for dealing with emergency situations involving substantial releases of airborne cadmium. The plan shall include provisions for the use of appropriate respirators and personal protective equipment. In addition, employees not essential to correcting the emergency situation

Note: ^a Concentrations expressed as multiple of the PEL.
^b Respirators assigned for higher environmental concentrations may be used at lower exposure levels. Quantitative fit testing is required for all tight-fitting air purifying respirators where airborne concentration of cadmium exceeds 10 times the TWA PEL ($10 \times 5 \mu\text{g}/\text{m}^3 = 50 \mu\text{g}/\text{m}^3$). A full facepiece respirator is required when eye irritation is experienced.
^c HEPA means High Efficiency Particulate Air.
^d Fit testing, qualitative or quantitative, is required.
 Source: Respiratory Decision Logic, NIOSH, 1987.

(ii) The employer shall provide a powered, air-purifying respirator (PAPR) in lieu of a negative pressure respirator wherever:

(A) An employee entitled to a respirator chooses to use this type of respirator; and

(B) This respirator will provide adequate protection to the employee.

(c) Respirator program.

(i) Where respiratory protection is required, the employer shall institute a respirator protection program in accordance with chapter 296-62 WAC, Part E.

(ii) The employer shall permit each employee who is required to use an air purifying respirator to leave the regulated area to change the filter elements or replace the respirator whenever an increase in breathing resistance is detected and shall maintain an adequate supply of filter elements for this purpose.

(iii) The employer shall also permit each employee who is required to wear a respirator to leave the regulated area to wash his or her face and the respirator facepiece whenever necessary to prevent skin irritation associated with respirator use.

(iv) If an employee exhibits difficulty in breathing while wearing a respirator during a fit test or during use, the employer shall make available to the employee a medical

shall be restricted from the area and normal operations halted in that area until the emergency is abated.

(9) Protective work clothing and equipment

(a) Provision and use. If an employee is exposed to airborne cadmium above the PEL or where skin or eye irritation is associated with cadmium exposure at any level, the employer shall provide at no cost to the employee, and assure that the employee uses, appropriate protective work clothing and equipment that prevents contamination of the employee and the employee's garments. Protective work clothing and equipment includes, but is not limited to:

- (i) Coveralls or similar full-body work clothing;
- (ii) Gloves, head coverings, and boots or foot coverings;

and

- (iii) Face shields, vented goggles, or other appropriate protective equipment that complies with WAC 296-155-215.

(b) Removal and storage.

(i) The employer shall assure that employees remove all protective clothing and equipment contaminated with cadmium at the completion of the work shift and do so only in change rooms provided in accordance with subsection (10)(a) of this section.

(ii) The employer shall assure that no employee takes cadmium-contaminated protective clothing or equipment from the workplace, except for employees authorized to do so for purposes of laundering, cleaning, maintaining, or disposing of cadmium-contaminated protective clothing and equipment at an appropriate location or facility away from the workplace.

(iii) The employer shall assure that contaminated protective clothing and equipment, when removed for laundering, cleaning, maintenance, or disposal, is placed and stored in sealed, impermeable bags or other closed, impermeable containers that are designed to prevent dispersion of cadmium dust.

(iv) The employer shall assure that containers of contaminated protective clothing and equipment that are to be taken out of the change rooms or the workplace for laundering, cleaning, maintenance or disposal shall bear labels in accordance with subsection (13)(c) of this section.

(c) Cleaning, replacement, and disposal.

(i) The employer shall provide the protective clothing and equipment required by (a) of this subsection in a clean and dry condition as often as necessary to maintain its effectiveness, but in any event at least weekly. The employer is responsible for cleaning and laundering the protective clothing and equipment required by this subsection to maintain its effectiveness and is also responsible for disposing of such clothing and equipment.

(ii) The employer also is responsible for repairing or replacing required protective clothing and equipment as needed to maintain its effectiveness. When rips or tears are detected while an employee is working they shall be immediately mended, or the worksuit shall be immediately replaced.

(iii) The employer shall prohibit the removal of cadmium from protective clothing and equipment by blowing, shaking, or any other means that disperses cadmium into the air.

(iv) The employer shall assure that any laundering of contaminated clothing or cleaning of contaminated equipment in the workplace is done in a manner that prevents the

release of airborne cadmium in excess of the permissible exposure limit prescribed in subsection (3) of this section.

(v) The employer shall inform any person who launders or cleans protective clothing or equipment contaminated with cadmium of the potentially harmful effects of exposure to cadmium, and that the clothing and equipment should be laundered or cleaned in a manner to effectively prevent the release of airborne cadmium in excess of the PEL.

(10) Hygiene areas and practices.

(a) General. For employees whose airborne exposure to cadmium is above the PEL, the employer shall provide clean change rooms, handwashing facilities, showers, and lunchroom facilities that comply with WAC 296-155-140.

(b) Change rooms. The employer shall assure that change rooms are equipped with separate storage facilities for street clothes and for protective clothing and equipment, which are designed to prevent dispersion of cadmium and contamination of the employee's street clothes.

(c) Showers and handwashing facilities.

(i) The employer shall assure that employees whose airborne exposure to cadmium is above the PEL shower during the end of the work shift.

(ii) The employer shall assure that employees who are exposed to cadmium above the PEL wash their hands and faces prior to eating, drinking, smoking, chewing tobacco or gum, or applying cosmetics.

(d) Lunchroom facilities.

(i) The employer shall assure that the lunchroom facilities are readily accessible to employees, that tables for eating are maintained free of cadmium, and that no employee in a lunchroom facility is exposed at any time to cadmium at or above a concentration of 2.5 µg/m³.

(ii) The employer shall assure that employees do not enter lunchroom facilities with protective work clothing or equipment unless surface cadmium has been removed from the clothing and equipment by HEPA vacuuming or some other method that removes cadmium dust without dispersing it.

(11) Housekeeping.

(a) All surfaces shall be maintained as free as practicable of accumulations of cadmium.

(b) All spills and sudden releases of material containing cadmium shall be cleaned up as soon as possible.

(c) Surfaces contaminated with cadmium shall, wherever possible, be cleaned by vacuuming or other methods that minimize the likelihood of cadmium becoming airborne.

(d) HEPA-filtered vacuuming equipment or equally effective filtration methods shall be used for vacuuming. The equipment shall be used and emptied in a manner that minimizes the reentry of cadmium into the workplace.

(e) Shoveling, dry or wet sweeping, and brushing may be used only where vacuuming or other methods that minimize the likelihood of cadmium becoming airborne have been tried and found not to be effective.

(f) Compressed air shall not be used to remove cadmium from any surface unless the compressed air is used in conjunction with a ventilation system designed to capture the dust cloud created by the compressed air.

(g) Waste, scrap, debris, bags, containers, personal protective equipment, and clothing contaminated with cadmium and consigned for disposal shall be collected and disposed of in sealed impermeable bags or other closed,

impermeable containers. These bags and containers shall be labeled in accordance with subsection (13)(b) of this section.

(12) Medical surveillance.

(a) General.

(i) Scope.

(A) Currently exposed—The employer shall institute a medical surveillance program for all employees who are or may be exposed at or above the action level and all employees who perform the following tasks, operations, or jobs: Electrical grounding with cadmium-welding; cutting, brazing, burning, grinding, or welding on surfaces that were painted with cadmium-containing paints; electrical work using cadmium-coated conduit; use of cadmium containing paints; cutting and welding cadmium-plated steel; brazing or welding with cadmium alloys; fusing of reinforced steel by cadmium welding; maintaining or retrofitting cadmium-coated equipment; and, wrecking and demolition where cadmium is present. A medical surveillance program will not be required if the employer demonstrates that the employee:

(I) Is not currently exposed by the employer to airborne concentrations of cadmium at or above the action level on 30 or more days per year (twelve consecutive months); and

(II) Is not currently exposed by the employer in those tasks on 30 or more days per year (twelve consecutive months).

(B) Previously exposed—The employer shall also institute a medical surveillance program for all employees who might previously have been exposed to cadmium by the employer prior to the effective date of this section in tasks specified under (a)(i)(A) of this subsection, unless the employer demonstrates that the employee did not in the years prior to the effective date of this section work in those tasks for the employer with exposure to cadmium for an aggregated total of more than 12 months.

(ii) To determine an employee's fitness for using a respirator, the employer shall provide the limited medical examination specified in (f) of this subsection.

(iii) The employer shall assure that all medical examinations and procedures required by this section are performed by or under the supervision of a licensed physician, who has read and is familiar with the health effects WAC 296-62-07441, Appendix A, the regulatory text of this section, the protocol for sample handling and lab selection in WAC 296-62-07451, Appendix F, and the questionnaire of WAC 296-62-07447, Appendix D.

(iv) The employer shall provide the medical surveillance required by this section, including multiple physician review under (m) of this subsection without cost to employees, and at a time and place that is reasonable and convenient to employees.

(v) The employer shall assure that the collecting and handling of biological samples of cadmium in urine (CdU), cadmium in blood (CdB), and beta-2 microglobulin in urine (B₂-M) taken from employees under this section is done in a manner that assures their reliability and that analysis of biological samples of cadmium in urine (CdU), cadmium in blood (CdB), and beta-2 microglobulin in urine (B₂-M) taken from employees under this section is performed in laboratories with demonstrated proficiency to perform the particular analysis. (See WAC 296-62-07451, Appendix F.)

(b) Initial examination.

(i) For employees covered by medical surveillance under (a)(i) of this subsection, the employer shall provide an initial medical examination. The examination shall be provided to those employees within 30 days after initial assignment to a job with exposure to cadmium or no later than 90 days after the effective date of this section, whichever date is later.

(ii) The initial medical examination shall include:

(A) A detailed medical and work history, with emphasis on: Past, present, and anticipated future exposure to cadmium; any history of renal, cardiovascular, respiratory, hematopoietic, reproductive, and/or musculo-skeletal system dysfunction; current usage of medication with potential nephrotoxic side-effects; and smoking history and current status; and

(B) Biological monitoring that includes the following tests:

(I) Cadmium in urine (CdU), standardized to grams of creatinine (g/Cr);

(II) Beta-2 microglobulin in urine (B₂-M), standardized to grams of creatinine (g/Cr), with pH specified, as described in WAC 296-62-07451, Appendix F; and

(III) Cadmium in blood (CdB), standardized to liters of whole blood (lwb).

(iii) Recent examination: An initial examination is not required to be provided if adequate records show that the employee has been examined in accordance with the requirements of (b)(ii) of this subsection within the past 12 months. In that case, such records shall be maintained as part of the employee's medical record and the prior exam shall be treated as if it were an initial examination for the purposes of (c) and (d) of this subsection.

(c) Actions triggered by initial biological monitoring.

(i) If the results of the biological monitoring tests in the initial examination show the employee's CdU level to be at or below 3 µg/g Cr, B₂-M level to be at or below 300 µg/g Cr and CdB level to be at or below 5 µg/lwb, then:

(A) For employees who are subject to medical surveillance under (a)(i)(A) of this subsection because of current or anticipated exposure to cadmium, the employer shall provide the minimum level of periodic medical surveillance in accordance with the requirements in (d)(i) of this subsection; and

(B) For employees who are subject to medical surveillance under (a)(i)(B) of this subsection because of prior but not current exposure, the employer shall provide biological monitoring for CdU, B₂-M, and CdB one year after the initial biological monitoring and then the employer shall comply with the requirements of (d)(vi) of this subsection.

(ii) For all employees who are subject to medical surveillance under (a)(i) of this subsection, if the results of the initial biological monitoring tests show the level of CdU to exceed 3 µg/g Cr, the level of B₂-M to be in excess of 300 µg/g Cr, or the level of CdB to be in excess of 5 µg/lwb, the employer shall:

(A) Within two weeks after receipt of biological monitoring results, reassess the employee's occupational exposure to cadmium as follows:

(I) Reassess the employee's work practices and personal hygiene;

(II) Reevaluate the employee's respirator use, if any, and the respirator program;

(III) Review the hygiene facilities;

(IV) Reevaluate the maintenance and effectiveness of the relevant engineering controls;

(V) Assess the employee's smoking history and status;

(B) Within 30 days after the exposure reassessment, specified in (c)(ii)(A) of this subsection, take reasonable steps to correct any deficiencies found in the reassessment that may be responsible for the employee's excess exposure to cadmium; and

(C) Within 90 days after receipt of biological monitoring results, provide a full medical examination to the employee in accordance with the requirements of (d)(ii) of this subsection. After completing the medical examination, the examining physician shall determine in a written medical opinion whether to medically remove the employee. If the physician determines that medical removal is not necessary, then until the employee's CdU level falls to or below 3 µg/g Cr, B₂-M level falls to or below 300 µg/g Cr and CdB level falls to or below 5 µg/lwb, the employer shall:

(I) Provide biological monitoring in accordance with (b)(ii)(B) of this subsection on a semiannual basis; and

(II) Provide annual medical examinations in accordance with (d)(ii) of this subsection.

(iii) For all employees who are subject to medical surveillance under (a)(i) of this subsection, if the results of the initial biological monitoring tests show the level of CdU to be in excess of 15 µg/g Cr, or the level of CdB to be in excess of 15 µg/lwb, or the level of B₂-M to be in excess of 1,500 µg/g Cr, the employer shall comply with the requirements of (c)(ii)(A) and (B) of this subsection. Within 90 days after receipt of biological monitoring results, the employer shall provide a full medical examination to the employee in accordance with the requirements of (d)(ii) of this subsection. After completing the medical examination, the examining physician shall determine in a written medical opinion whether to medically remove the employee. However, if the initial biological monitoring results and the biological monitoring results obtained during the medical examination both show that: CdU exceeds 15 µg/g Cr; or CdB exceeds 15 µg/lwb; or B₂-M exceeds 1500 µg/g Cr, and in addition CdU exceeds 3 µg/g Cr or CdB exceeds 5 µg/liter of whole blood, then the physician shall medically remove the employee from exposure to cadmium at or above the action level. If the second set of biological monitoring results obtained during the medical examination does not show that a mandatory removal trigger level has been exceeded, then the employee is not required to be removed by the mandatory provisions of this section. If the employee is not required to be removed by the mandatory provisions of this section or by the physician's determination, then until the employee's CdU level falls to or below 3 µg/g Cr, B₂-M level falls to or below 300 µg/g Cr and CdB level falls to or below 5 µg/lwb, the employer shall:

(A) Periodically reassess the employee's occupational exposure to cadmium;

(B) Provide biological monitoring in accordance with (b)(ii)(B) of this subsection on a quarterly basis; and

(C) Provide semiannual medical examinations in accordance with (d)(ii) of this subsection.

(iv) For all employees to whom medical surveillance is provided, beginning on January 1, 1999, and in lieu of (c)(iii) of this subsection, whenever the results of initial biological monitoring tests show the employee's CdU level

to be in excess of 7 µg/g Cr, or B₂-M level to be in excess of 750 µg/g Cr, or CdB level to be in excess of 10 µg/lwb, the employer shall comply with the requirements of (c)(ii)(A) and (B) of this subsection. Within 90 days after receipt of biological monitoring results, the employer shall provide a full medical examination to the employee in accordance with the requirements of (d)(ii) of this subsection. After completing the medical examination, the examining physician shall determine in a written medical opinion whether to medically remove the employee. However, if the initial biological monitoring results and the biological monitoring results obtained during the medical examination both show that: CdU exceeds 7 µg/g Cr; or CdB exceeds 10 µg/lwb; or B₂-M exceeds 750 µg/g Cr, and in addition CdU exceeds 3 µg/g Cr or CdB exceeds 5 µg/liter of whole blood, then the physician shall medically remove the employee from exposure to cadmium at or above the action level. If the second set of biological monitoring results obtained during the medical examination does not show that a mandatory removal trigger level has been exceeded, then the employee is not required to be removed by the mandatory provisions of this section. If the employee is not required to be removed by the mandatory provisions of this section or by the physician's determination, then until the employee's CdU level falls to or below 3 µg/g Cr, B₂-M level falls to or below 300 µg/g Cr and CdB level falls to or below 5 µg/lwb, the employer shall:

(A) Periodically reassess the employee's occupational exposure to cadmium;

(B) Provide biological monitoring in accordance with (b)(ii)(B) of this subsection on a quarterly basis; and

(C) Provide semiannual medical examinations in accordance with (d)(ii) of this subsection.

(d) Periodic medical surveillance.

(i) For each employee who is covered by medical surveillance under (a)(i)(A) of this subsection because of current or anticipated exposure to cadmium, the employer shall provide at least the minimum level of periodic medical surveillance, which consists of periodic medical examinations and periodic biological monitoring. A periodic medical examination shall be provided within one year after the initial examination required by (b) of this subsection and thereafter at least biennially. Biological sampling shall be provided at least annually either as part of a periodic medical examination or separately as periodic biological monitoring.

(ii) The periodic medical examination shall include:

(A) A detailed medical and work history, or update thereof, with emphasis on: Past, present, and anticipated future exposure to cadmium; smoking history and current status; reproductive history; current use of medications with potential nephrotoxic side-effects; any history of renal, cardiovascular, respiratory, hematopoietic, and/or musculoskeletal system dysfunction; and as part of the medical and work history, for employees who wear respirators, questions 3 through 11 and 25 through 32 in WAC 296-62-07447, Appendix D;

(B) A complete physical examination with emphasis on: Blood pressure, the respiratory system, and the urinary system;

(C) A 14 inch by 17 inch, or a reasonably standard sized posterior-anterior chest x-ray (after the initial x-ray, the

frequency of chest x-rays is to be determined by the examining physician);

(D) Pulmonary function tests, including forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV1);

(E) Biological monitoring, as required in (b)(ii)(B) of this subsection;

(F) Blood analysis, in addition to the analysis required under (b)(ii)(B) of this subsection, including blood urea nitrogen, complete blood count, and serum creatinine;

(G) Urinalysis, in addition to the analysis required under (b)(ii)(B) of this subsection, including the determination of albumin, glucose, and total and low molecular weight proteins;

(H) For males over 40 years old, prostate palpation, or other at least as effective diagnostic test(s); and

(I) Any additional tests or procedures deemed appropriate by the examining physician.

(iii) Periodic biological monitoring shall be provided in accordance with (b)(ii)(B) of this subsection.

(iv) If the results of periodic biological monitoring or the results of biological monitoring performed as part of the periodic medical examination show the level of the employee's CdU, B₂-M, or CdB to be in excess of the levels specified in (c)(ii) and (iii) of this subsection; or, beginning on January 1, 1999, in excess of the levels specified in (c)(ii) or (iv) of this subsection, the employer shall take the appropriate actions specified in (c)(ii) through (iv) of this subsection, respectively.

(v) For previously exposed employees under (a)(i)(B) of this subsection:

(A) If the employee's levels of CdU did not exceed 3 µg/g Cr, CdB did not exceed 5 µg/lwb, and B₂-M did not exceed 300 µg/g Cr in the initial biological monitoring tests, and if the results of the follow-up biological monitoring required by (c)(i)(B) of this subsection one year after the initial examination confirm the previous results, the employer may discontinue all periodic medical surveillance for that employee.

(B) If the initial biological monitoring results for CdU, CdB, or B₂-M were in excess of the levels specified in (c)(i) of this subsection, but subsequent biological monitoring results required by (c)(ii) through (iv) of this subsection show that the employee's CdU levels no longer exceed 3 µg/g Cr, CdB levels no longer exceed 5 µg/lwb, and B₂-M levels no longer exceed 300 µg/g Cr, the employer shall provide biological monitoring for CdU, CdB, and B₂-M one year after these most recent biological monitoring results. If the results of the follow-up biological monitoring specified in this section, confirm the previous results, the employer may discontinue all periodic medical surveillance for that employee.

(C) However, if the results of the follow-up tests specified in (d)(v)(A) or (B) of this subsection indicate that the level of the employee's CdU, B₂-M, or CdB exceeds these same levels, the employer is required to provide annual medical examinations in accordance with the provisions of (d)(ii) of this subsection until the results of biological monitoring are consistently below these levels or the examining physician determines in a written medical opinion that further medical surveillance is not required to protect the employee's health.

(vi) A routine, biennial medical examination is not required to be provided in accordance with (c)(i) and (d) of this subsection if adequate medical records show that the employee has been examined in accordance with the requirements of (d)(ii) of this subsection within the past 12 months. In that case, such records shall be maintained by the employer as part of the employee's medical record, and the next routine, periodic medical examination shall be made available to the employee within two years of the previous examination.

(e) Actions triggered by medical examinations. If the results of a medical examination carried out in accordance with this section indicate any laboratory or clinical finding consistent with cadmium toxicity that does not require employer action under (b), (c), or (d) of this subsection, the employer shall take the following steps and continue to take them until the physician determines that they are no longer necessary.

(i) Periodically reassess: The employee's work practices and personal hygiene; the employee's respirator use, if any; the employee's smoking history and status; the respiratory protection program; the hygiene facilities; the maintenance and effectiveness of the relevant engineering controls; and take all reasonable steps to correct the deficiencies found in the reassessment that may be responsible for the employee's excess exposure to cadmium.

(ii) Provide semiannual medical reexaminations to evaluate the abnormal clinical sign(s) of cadmium toxicity until the results are normal or the employee is medically removed; and

(iii) Where the results of tests for total proteins in urine are abnormal, provide a more detailed medical evaluation of the toxic effects of cadmium on the employee's renal system.

(f) Examination for respirator use.

(i) To determine an employee's fitness for respirator use, the employer shall provide a medical examination that includes the elements specified in (f)(i)(A) through (D) of this subsection. This examination shall be provided prior to the employee's being assigned to a job that requires the use of a respirator or no later than 90 days after this section goes into effect, whichever date is later, to any employee without a medical examination within the preceding 12 months that satisfies the requirements of this section.

(A) A detailed medical and work history, or update thereof, with emphasis on: Past exposure to cadmium; smoking history and current status; any history of renal, cardiovascular, respiratory, hematopoietic, and/or musculoskeletal system dysfunction; a description of the job for which the respirator is required; and questions 3 through 11 and 25 through 32 in WAC 296-62-07447, Appendix D;

(B) A blood pressure test;

(C) Biological monitoring of the employee's levels of CdU, CdB and B₂-M in accordance with the requirements of (b)(ii)(B) of this subsection, unless such results already have been obtained within the twelve months; and

(D) Any other test or procedure that the examining physician deems appropriate.

(ii) After reviewing all the information obtained from the medical examination required in (f)(i) of this subsection, the physician shall determine whether the employee is fit to wear a respirator.

(iii) Whenever an employee has exhibited difficulty in breathing during a respirator fit test or during use of a respirator, the employer, as soon as possible, shall provide the employee with a periodic medical examination in accordance with (d)(ii) of this subsection to determine the employee's fitness to wear a respirator.

(iv) Where the results of the examination required under (f)(i), (ii), or (iii) of this subsection are abnormal, medical limitation or prohibition of respirator use shall be considered. If the employee is allowed to wear a respirator, the employee's ability to continue to do so shall be periodically evaluated by a physician.

(g) Emergency examinations.

(i) In addition to the medical surveillance required in (b) through (f) of this subsection, the employer shall provide a medical examination as soon as possible to any employee who may have been acutely exposed to cadmium because of an emergency.

(ii) The examination shall include the requirements of (d)(ii), of this subsection, with emphasis on the respiratory system, other organ systems considered appropriate by the examining physician, and symptoms of acute overexposure, as identified in Appendix A, WAC 296-62-07441 (2)(b)(i) and (ii) and (4).

(h) Termination of employment examination.

(i) At termination of employment, the employer shall provide a medical examination in accordance with (d)(ii) of this subsection, including a chest x-ray where necessary, to any employee to whom at any prior time the employer was required to provide medical surveillance under (a)(i) or (g) of this subsection. However, if the last examination satisfied the requirements of (d)(ii) of this subsection and was less than six months prior to the date of termination, no further examination is required unless otherwise specified in (c) or (e) of this subsection;

(ii) In addition, if the employer has discontinued all periodic medical surveillance under (d)(v) of this subsection, no termination of employment medical examination is required.

(i) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this standard and appendices;

(ii) A description of the affected employee's former, current, and anticipated duties as they relate to the employee's occupational exposure to cadmium;

(iii) The employee's former, current, and anticipated future levels of occupational exposure to cadmium;

(iv) A description of any personal protective equipment, including respirators, used or to be used by the employee, including when and for how long the employee has used that equipment; and

(v) Relevant results of previous biological monitoring and medical examinations.

(j) Physician's written medical opinion.

(i) The employer shall promptly obtain a written, signed, medical opinion from the examining physician for each medical examination performed on each employee. This written opinion shall contain:

(A) The physician's diagnosis for the employee;

(B) The physician's opinion as to whether the employee has any detected medical condition(s) that would place the

employee at increased risk of material impairment to health from further exposure to cadmium, including any indications of potential cadmium toxicity;

(C) The results of any biological or other testing or related evaluations that directly assess the employee's absorption of cadmium;

(D) Any recommended removal from, or limitation on the activities or duties of the employee or on the employee's use of personal protective equipment, such as respirators;

(E) A statement that the physician has clearly and carefully explained to the employee the results of the medical examination, including all biological monitoring results and any medical conditions related to cadmium exposure that require further evaluation or treatment, and any limitation on the employee's diet or use of medications.

(ii) The employer shall promptly obtain a copy of the results of any biological monitoring provided by an employer to an employee independently of a medical examination under (b) and (d) of this subsection, and, in lieu of a written medical opinion, an explanation sheet explaining those results.

(iii) The employer shall instruct the physician not to reveal orally or in the written medical opinion given to the employer specific findings or diagnoses unrelated to occupational exposure to cadmium.

(k) Medical removal protection (MRP).

(i) General.

(A) The employer shall temporarily remove an employee from work where there is excess exposure to cadmium on each occasion that medical removal is required under (c), (d), or (f) of this subsection and on each occasion that a physician determines in a written medical opinion that the employee should be removed from such exposure. The physician's determination may be based on biological monitoring results, inability to wear a respirator, evidence of illness, other signs or symptoms of cadmium-related dysfunction or disease, or any other reason deemed medically sufficient by the physician.

(B) The employer shall medically remove an employee in accordance with (k) of this subsection regardless of whether at the time of removal a job is available into which the removed employee may be transferred.

(C) Whenever an employee is medically removed under (k) of this subsection, the employer shall transfer the removed employee to a job where the exposure to cadmium is within the permissible levels specified in subsection (12) of this section as soon as one becomes available.

(D) For any employee who is medically removed under the provisions of (k)(i) of this subsection, the employer shall provide follow-up medical examinations semiannually until, in a written medical opinion, the examining physician determines that either the employee may be returned to his/her former job status or the employee must be permanently removed from excess cadmium exposure.

(E) The employer may not return an employee who has been medically removed for any reason to his/her former job status until a physician determines in a written medical opinion that continued medical removal is no longer necessary to protect the employee's health.

(ii) Where an employee is found unfit to wear a respirator under (f)(ii) of this subsection, the employer shall

remove the employee from work where exposure to cadmium is above the PEL.

(iii) Where removal is based upon any reason other than the employee's inability to wear a respirator, the employer shall remove the employee from work where exposure to cadmium is at or above the action level.

(iv) Except as specified in (k)(v) of this subsection, no employee who was removed because his/her level of CdU, CdB and/or B₂-M exceeded the trigger levels in (c) or (d) of this subsection may be returned to work with exposure to cadmium at or above the action level until the employee's levels of CdU fall to or below 3 µg/g Cr, CdB fall to or below 5 µg/lwb, and B₂-M fall to or below 300 µg/g Cr.

(v) However, when in the examining physician's opinion continued exposure to cadmium will not pose an increased risk to the employee's health and there are special circumstances that make continued medical removal an inappropriate remedy, the physician shall fully discuss these matters with the employee, and then in a written determination may return a worker to his/her former job status despite what would otherwise be unacceptably high biological monitoring results. Thereafter and until such time as the employee's biological monitoring results have decreased to levels where he/she could have been returned to his/her former job status, the returned employee shall continue medical surveillance as if he/she were still on medical removal. Until such time, the employee is no longer subject to mandatory medical removal. Subsequent questions regarding the employee's medical removal shall be decided solely by a final medical determination.

(vi) Where an employer, although not required by this section to do so, removes an employee from exposure to cadmium or otherwise places limitations on an employee due to the effects of cadmium exposure on the employee's medical condition, the employer shall provide the same medical removal protection benefits to that employee under (l) of this subsection as would have been provided had the removal been required under (k) of this subsection.

(l) Medical removal protection benefits.

(i) The employer shall provide medical removal protection benefits to an employee for up to a maximum of 18 months each time, and while the employee is temporarily medically removed under (k) of this subsection.

(ii) For purposes of this section, the requirement that the employer provide medical removal protection benefits means that the employer shall maintain the total normal earnings, seniority, and all other employee rights and benefits of the removed employee, including the employee's right to his/her former job status, as if the employee had not been removed from the employee's job or otherwise medically limited.

(iii) Where, after 18 months on medical removal because of elevated biological monitoring results, the employee's monitoring results have not declined to a low enough level to permit the employee to be returned to his/her former job status:

(A) The employer shall make available to the employee a medical examination pursuant to this section in order to obtain a final medical determination as to whether the employee may be returned to his/her former job status or must be permanently removed from excess cadmium exposure; and

(B) The employer shall assure that the final medical determination indicates whether the employee may be returned to his/her former job status and what steps, if any, should be taken to protect the employee's health.

(iv) The employer may condition the provision of medical removal protection benefits upon the employee's participation in medical surveillance provided in accordance with this section.

(m) Multiple physician review.

(i) If the employer selects the initial physician to conduct any medical examination or consultation provided to an employee under this section, the employee may designate a second physician to:

(A) Review any findings, determinations, or recommendations of the initial physician; and

(B) Conduct such examinations, consultations, and laboratory tests as the second physician deems necessary to facilitate this review.

(ii) The employer shall promptly notify an employee of the right to seek a second medical opinion after each occasion that an initial physician provided by the employer conducts a medical examination or consultation pursuant to this section. The employer may condition its participation in, and payment for, multiple physician review upon the employee doing the following within fifteen (15) days after receipt of this notice, or receipt of the initial physician's written opinion, whichever is later:

(A) Informing the employer that he or she intends to seek a medical opinion; and

(B) Initiating steps to make an appointment with a second physician.

(iii) If the findings, determinations, or recommendations of the second physician differ from those of the initial physician, then the employer and the employee shall assure that efforts are made for the two physicians to resolve any disagreement.

(iv) If the two physicians have been unable to quickly resolve their disagreement, then the employer and the employee, through their respective physicians, shall designate a third physician to:

(A) Review any findings, determinations, or recommendations of the other two physicians; and

(B) Conduct such examinations, consultations, laboratory tests, and discussions with the other two physicians as the third physician deems necessary to resolve the disagreement among them.

(v) The employer shall act consistently with the findings, determinations, and recommendations of the third physician, unless the employer and the employee reach an agreement that is consistent with the recommendations of at least one of the other two physicians.

(n) Alternate physician determination. The employer and an employee or designated employee representative may agree upon the use of any alternate form of physician determination in lieu of the multiple physician review provided by (m) of this subsection, so long as the alternative is expeditious and at least as protective of the employee.

(o) Information the employer must provide the employee.

(i) The employer shall provide a copy of the physician's written medical opinion to the examined employee within five working days after receipt thereof.

(ii) The employer shall provide the employee with a copy of the employee's biological monitoring results and an explanation sheet explaining the results within five working days after receipt thereof.

(iii) Within 30 days after a request by an employee, the employer shall provide the employee with the information the employer is required to provide the examining physician under (i) of this subsection.

(p) Reporting. In addition to other medical events that are required to be reported on the OSHA Form No. 200, the employer shall report any abnormal condition or disorder caused by occupational exposure to cadmium associated with employment as specified in Chapter (V)(E) of the Bureau of Labor Statistics Recordkeeping Guidelines for Occupational Injuries and Illnesses.

(13) Communication of cadmium hazards to employees

(a) General. In communications concerning cadmium hazards, employers shall comply with the requirements of WISHA's Hazard Communication Standard, chapter 296-62 WAC, Part C, including but not limited to the requirements concerning warning signs and labels, material safety data sheets (MSDS), and employee information and training. In addition, employers shall comply with the following requirements:

(b) Warning signs.

(i) Warning signs shall be provided and displayed in regulated areas. In addition, warning signs shall be posted at all approaches to regulated areas so that an employee may read the signs and take necessary protective steps before entering the area.

(ii) Warning signs required by (b)(i) of this subsection shall bear the following information:

Danger, Cadmium, Cancer Hazard, Can Cause Lung and Kidney Disease, Authorized Personnel Only, Respirators Required in This Area

(iii) The employer shall assure that signs required by this ~~(paragraph)~~ section are illuminated, cleaned, and maintained as necessary so that the legend is readily visible.

(c) Warning labels.

(i) Shipping and storage containers containing cadmium, cadmium compounds, or cadmium contaminated clothing, equipment, waste, scrap, or debris shall bear appropriate warning labels, as specified in (c)(ii) of this subsection.

(ii) The warning labels shall include at least the following information:

Danger, Contains Cadmium, Cancer Hazard, Avoid Creating Dust, Can Cause Lung and Kidney Disease

(iii) Where feasible, installed cadmium products shall have a visible label or other indication that cadmium is present.

(d) Employee information and training.

(i) The employer shall institute a training program for all employees who are potentially exposed to cadmium, assure employee participation in the program, and maintain a record of the contents of such program.

(ii) Training shall be provided prior to or at the time of initial assignment to a job involving potential exposure to cadmium and at least annually thereafter.

(iii) The employer shall make the training program understandable to the employee and shall assure that each employee is informed of the following:

(A) The health hazards associated with cadmium exposure, with special attention to the information incorporated in WAC 296-62-07441, Appendix A;

(B) The quantity, location, manner of use, release, and storage of cadmium in the workplace and the specific nature of operations that could result in exposure to cadmium, especially exposures above the PEL;

(C) The engineering controls and work practices associated with the employee's job assignment;

(D) The measures employees can take to protect themselves from exposure to cadmium, including modification of such habits as smoking and personal hygiene, and specific procedures the employer has implemented to protect employees from exposure to cadmium such as appropriate work practices, emergency procedures, and the provision of personal protective equipment;

(E) The purpose, proper selection, fitting, proper use, and limitations of respirators and protective clothing;

(F) The purpose and a description of the medical surveillance program required by subsection (12) of this section;

(G) The contents of this section and its appendices; and

(H) The employee's rights of access to records under chapter 296-62 WAC, Part B.

(iv) Additional access to information and training program and materials.

(A) The employer shall make a copy of this section and its appendices readily available to all affected employees and shall provide a copy without cost if requested.

(B) Upon request, the employer shall provide to the director or authorized representative, all materials relating to the employee information and the training program.

(e) Multi-employer workplace. In a multi-employer workplace, an employer who produces, uses, or stores cadmium in a manner that may expose employees of other employers to cadmium shall notify those employers of the potential hazard in accordance with WAC 296-62-05409 of the hazard communication standard.

(14) Recordkeeping.

(a) Exposure monitoring.

(i) The employer shall establish and keep an accurate record of all air monitoring for cadmium in the workplace.

(ii) This record shall include at least the following information:

(A) The monitoring date, shift, duration, air volume, and results in terms of an 8-hour TWA of each sample taken, and if cadmium is not detected, the detection level;

(B) The name, Social Security number, and job classification of all employees monitored and of all other employees whose exposures the monitoring result is intended to represent, including, where applicable, a description of how it was determined that the employee's monitoring result could be taken to represent other employee's exposures;

(C) A description of the sampling and analytical methods used and evidence of their accuracy;

(D) The type of respiratory protective device, if any, worn by the monitored employee and by any other employee whose exposure the monitoring result is intended to represent;

(E) A notation of any other conditions that might have affected the monitoring results;

(F) Any exposure monitoring or objective data that were used and the levels.

(iii) The employer shall maintain this record for at least thirty (30) years, in accordance with WAC 296-62-05207.

(iv) The employer shall also provide a copy of the results of an employee's air monitoring prescribed in subsection (4) of this section to an industry trade association and to the employee's union, if any, or, if either of such associations or unions do not exist, to another comparable organization that is competent to maintain such records and is reasonably accessible to employers and employees in the industry.

(b) Objective data for exemption from requirement for initial monitoring.

(i) For purposes of this section, objective data are information demonstrating that a particular product or material containing cadmium or a specific process, operation, or activity involving cadmium cannot release dust or fumes in concentrations at or above the action level even under the worst-case release conditions. Objective data can be obtained from an industry-wide study or from laboratory product test results from manufacturers of cadmium-containing products or materials. The data the employer uses from an industry-wide survey must be obtained under workplace conditions closely resembling the processes, types of material, control methods, work practices, and environmental conditions in the employer's current operations.

(ii) The employer shall maintain the record for at least 30 years of the objective data relied upon.

(c) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee covered by medical surveillance under (a)(i) of this subsection.

(ii) The record shall include at least the following information about the employee:

(A) Name, Social Security number, and description of duties;

(B) A copy of the physician's written opinions and of the explanation sheets for biological monitoring results;

(C) A copy of the medical history, and the results of any physical examination and all test results that are required to be provided by this section, including biological tests, x-rays, pulmonary function tests, etc., or that have been obtained to further evaluate any condition that might be related to cadmium exposure;

(D) The employee's medical symptoms that might be related to exposure to cadmium; and

(E) A copy of the information provided to the physician as required by subsection (12)(i) of this section.

(iii) The employer shall assure that this record is maintained for the duration of employment plus thirty (30) years, in accordance with WAC 296-62-05207.

(iv) At the employee's request, the employer shall promptly provide a copy of the employee's medical record, or update as appropriate, to a medical doctor or a union specified by the employee.

(d) Training. The employer shall certify that employees have been trained by preparing a certification record which includes the identity of the person trained, the signature of the employer or the person who conducted the training, and

the date the training was completed. The certification records shall be prepared at the completion of training and shall be maintained on file for one (1) year beyond the date of training of that employee.

(e) Availability.

(i) Except as otherwise provided for in this section, access to all records required to be maintained by (a) through (d) of this subsection shall be in accordance with the provisions of WAC 296-62-052.

(ii) Within 15 days after a request, the employer shall make an employee's medical records required to be kept by (c) of this subsection available for examination and copying to the subject employee, to designated representatives, to anyone having the specific written consent of the subject employee, and after the employee's death or incapacitation, to the employee's family members.

(f) Transfer of records. Whenever an employer ceases to do business and there is no successor employer or designated organization to receive and retain records for the prescribed period, the employer shall comply with the requirements concerning transfer of records set forth in WAC 296-62-05215.

(15) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to cadmium.

(b) Observation procedures. When observation of monitoring requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the observer with that clothing and equipment and shall assure that the observer uses such clothing and equipment and complies with all other applicable safety and health procedures.

(16) Dates.

(a) Effective date. This section shall become effective on June 14, 1993.

(b) Start-up dates. All obligations of this section commence on the effective date except as follows:

(i) Exposure monitoring. Except for small businesses (~~nineteen~~) fifty or fewer employees), initial monitoring required by subsection (4)(b) of this section shall be completed as soon as possible and in any event no later than 60 days after the effective date of this section. For small businesses, initial monitoring required by subsection (4)(b) of this section shall be completed as soon as possible and in any event no later than 120 days after the effective date of this section.

(ii) The permissible exposure limit (PEL). Except for small businesses, as defined under (b)(i) of this subsection, the employer shall comply with the PEL established by subsection (3) of this section as soon as possible and in any event no later than 90 days after the effective date of this section. For small businesses, the employer shall comply with the PEL established by subsection (3) of this section as soon as possible and in any event no later than 150 days after the effective date of this section.

(iii) Regulated areas. Except for small businesses, as defined under (b)(i) of this subsection, regulated areas required to be established by subsection (5) of this section shall be set up as soon as possible after the results of exposure monitoring are known and in any event no later

than 90 days after the effective date of this section. For small businesses, regulated areas required to be established by subsection (5) of this section shall be set up as soon as possible after the results of exposure monitoring are known and in any event no later than 150 days after the effective date of this section.

(iv) Respiratory protection. Except for small businesses, as defined under (b)(i) of this subsection, respiratory protection required by subsection (7) of this section shall be provided as soon as possible and in any event no later than 90 days after the effective date of this section. For small businesses, respiratory protection required by subsection (7) of this section shall be provided as soon as possible and in any event no later than 150 days after the effective date of this section.

(v) Compliance program. Except for small businesses, as defined under (b)(i) of this subsection, written compliance programs required by subsection (6)(b) of this section shall be completed and available as soon as possible and in any event no later than 90 days after the effective date of this section. For small businesses, written compliance programs required by subsection (6)(b) of this section shall be completed and available as soon as possible and in any event no later than 180 days after the effective date of this section.

(vi) Methods of compliance. Except for small businesses, as defined under (b)(i) of this subsection, the engineering controls required by subsection (6)(a) of this section shall be implemented as soon as possible and in any event no later than 120 days after the effective date of this section. For small businesses, the engineering controls required by subsection (6)(a) of this section shall be implemented as soon as possible and in any event no later than 240 days after the effective date of this section. Work practice controls shall be implemented as soon as possible. Work practice controls that are directly related to engineering controls to be implemented shall be implemented as soon as possible after such engineering controls are implemented.

(vii) Hygiene and lunchroom facilities. Except for small businesses, as defined under (b)(i) of this subsection, handwashing facilities, showers, change rooms and eating facilities required by subsection (10) of this section, whether permanent or temporary, shall be provided as soon as possible and in any event no later than 60 days after the effective date of this section. For small businesses, handwashing facilities, showers, change rooms and eating facilities required by subsection (10) of this section, whether permanent or temporary, shall be provided as soon as possible and in any event no later than 120 days after the effective date of this section.

(viii) Employee information and training. Except for small businesses, as defined under (b)(i) of this subsection, employee information and training required by subsection (13)(d) of this section shall be provided as soon as possible and in any event no later than 90 days after the effective date of this section. For small businesses, employee information and training required by subsection (13)(d) of this section shall be provided as soon as possible and in any event no later than 180 days after the effective date of this section.

(ix) Medical surveillance. Except for small businesses, as defined under (b)(i) of this subsection, initial medical examinations required by subsection (12) of this section shall

be provided as soon as possible and in any event no later than 90 days after the effective date of this section. For small businesses, initial medical examinations required by subsection (12) of this section shall be provided as soon as possible and in any event no later than 180 days after the effective date of this section.

(17) Appendices.

(a) WAC 296-62-07445, Appendix C, is a part of this standard, and compliance with its contents is mandatory.

(b) Except where portions of WAC 296-62-07441, 296-62-07443, 296-62-07447, 296-62-07449, and 296-62-07451, Appendices A, B, D, E, and F, respectively, to this section are expressly incorporated in requirements of this section, these appendices are purely informational and are not intended to create any additional obligations not otherwise imposed or to detract from any existing obligations.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-200 General requirements. (1) Application.

(a) Protective equipment, including personal protective equipment for eyes, face, head, hearing, and extremities, protective clothing, respiratory devices, and protective shields and barriers, shall be used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.

(b) Employee owned equipment. Where employees provide their own protective equipment, the employer shall be responsible to assure its adequacy, including proper maintenance and sanitation of such equipment.

(c) Design. All personal protective equipment shall be of safe design and construction for the work to be performed.

(2) Construction personnel shall comply with plant or job safety practices and procedures, peculiar to particular industries and plants, relating to protective equipment and procedures when engaged in construction work in such plants or job sites.

(3) The employer is responsible for requiring the wearing of appropriate personal protective equipment in all operations where there is an exposure to hazardous conditions or where this part indicates a need for using such equipment to reduce the hazards to the employees.

(4) Where there is a danger of contact with moving parts of machinery, or the work process is such that a hazard exists:

(a) The clothing of employees shall fit closely about the body.

(b) Dangling neck wear, bracelets, wristwatches, rings, or similar articles shall not be worn by employees.

(5) Employees, whose duties are performed in areas and under circumstances where they are exposed to the danger of moving vehicles, shall wear work vests of highly visible materials, or equivalent distinguishing apparel.

(6) Employers shall ensure that employees wear no less than a short sleeved shirt, long pants, and shoes (~~meeting~~

~~the requirements of WAC 296-155-212)).~~ Employees shall wear no less than a short sleeved shirt, long pants, and shoes ~~((meeting))~~. Shoes shall meet the requirements of WAC 296-155-212.

Note: For additional personal protective and life saving equipment requirements, refer to the general safety and health standards, WAC 296-24-075 through 296-24-092.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-203 Confined spaces. All work conducted in a confined space shall comply with the provisions of chapter 296-62 WAC Part M, and the following sections.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-155-20301 Definitions. (1) Confined space - ~~((Any space having a limited means of egress which is subject to the accumulation of toxic or flammable contaminants or an oxygen deficient atmosphere. Confined spaces include but are not limited to storage tanks, process vessels, bins, boilers, ventilation or exhaust ducts, sewers, underground utility vaults, tunnels, pipelines and open top spaces more than 4 feet in depth, such as pits, tubes, vaults and vessels))~~ A space that:

(a) Is large enough and so configured that an employee can bodily enter and perform assigned work; and

(b) Has limited or restricted means for entry or exit (for example, tanks, vessels, silos, storage bins, hoppers, vaults, and pits are spaces that may have limited means of entry); and

(c) Is not designed for continuous employee occupancy. (See ~~((WAC 296-62-14501(1)))~~ chapter 296-62 WAC Part M.)

(2) Toxic atmospheres - Atmospheres having concentrations of airborne chemicals in excess of permissible exposure limits as defined in chapter 296-62 WAC.

(3) Chemical contact agents - Defined in WAC 296-62-07003.

(4) Oxygen deficient atmospheres - Atmospheres at sea level having less than 19.5% oxygen by volume or having a partial pressure of 148 millimeters of mercury or less. This may deviate when working at higher altitudes and should be determined for an individual location. Factors such as acclimatization, physical condition of persons involved, etc., must be considered for such circumstances and conditions. (See ~~((WAC 296-62-14501(4)))~~ chapter 296-62 WAC Part M.)

(5) Flammable atmospheres - Atmospheres in excess of ~~((20))~~ 10% of the lower explosive limit. These are usually toxic as well as flammable. (See ~~((WAC 296-62-14501(5)))~~ chapter 296-62 WAC Part M.)

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-20307 Confined space work on sewer systems under construction. New systems under construction or new installations which have not yet been connected to a used system, may substitute forced ventilation for the

testing requirements of ~~((WAC 296-62-14523))~~ chapter 296-62 WAC Part M provided:

(1) Ventilation is effectively provided at least five minutes prior to entry into the confined space;

(2) Ventilation is provided, as required by WAC 296-62-110, et seq., which supplies a continuous flow of air;

(3) Ventilation exhaust is discharged so as to present no hazard to other employees;

(4) ~~((A watchman))~~ An attendant is provided at the surface when there are employees in the manhole or pipe. ~~The ((watchman))~~ attendant shall not leave the manhole unattended until such time as all employees are out and the cover has been replaced; and

(5) All other requirements for confined spaces are observed. See chapter 296-62 WAC Part M.

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-155-212 Foot protection. (1) Substantial footwear, made of leather or other equally firm material, shall be worn by employees in any occupation in which there is a danger of injury to the feet through falling or moving objects, or from burning, scalding, cutting, penetration, or like hazard.

(a) The soles and heels of such footwear shall be of a material that will not create a slipping hazard.

(b) Shoes made of leather or other firm materials that have soft athletic-type soles which would protect employees from foot injuries and at the same time, provide soft and firm footing while working under specialty requirements or with specialty materials are acceptable if meeting safety shoe requirements established by OSHA or ANSI.

(c) Footwear that has deteriorated to a point where it does not provide the required protection shall not be used.

(2) Calks or other suitable footwear, which will afford reasonable protection from slipping, shall be worn while working on logs, poles, pilings, or similar forest products.

(3) Traditional tennis shoes, shoes with canvas tops, or thin or soft soled athletic shoes, open toed sandals, slippers, dress shoes or other similar type shoes shall not be worn. Soft or athletic-type soles with uppers of leather or other substantial material may be used where firm footing is desired and where minimal danger of injury to feet from falling or moving objects.

(4) Safety-toe footwear for employees shall meet the requirements and specifications in American National Standard for Men's Safety-Toe Footwear, Z41.1-1967.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-155-215 Eye and face protection. (1) General.

(a) Employees shall use eye and face protection equipment when machines or operations present potential eye or face injury from physical, chemical, or radiation agents.

(b) Eye and face protection equipment required by this part shall meet the requirements specified in American National Standards Institute, Z87.1-1968, Practice for Occupational and Educational Eye and Face Protection.

(c) Employees whose vision requires the use of corrective lenses in spectacles, when required by this regulation to

wear eye protection, shall be protected by goggles or spectacles of one of the following types:

- (i) Spectacles whose protective lenses provide optical correction;
- (ii) Goggles that can be worn over corrective spectacles without disturbing the adjustment of the spectacles.
- (iii) Goggles that incorporate corrective lenses mounted behind the protective lenses.
- (d) Face and eye protection equipment shall be kept clean and in good repair. The use of this type equipment with structural or optical defects shall be prohibited.
- (e) Table C-1 shall be used as a guide in the selection of face and eye protection for the hazards and operations noted.
- (f) Protectors shall meet the following minimum requirements:
 - (i) They shall provide adequate protection against the particular hazards for which they are designed.
 - (ii) They shall be reasonably comfortable when worn under the designated conditions.
 - (iii) They shall fit snugly and shall not unduly interfere with the movements of the wearer.
 - (iv) They shall be durable.
 - (v) They shall be capable of being disinfected.
 - (vi) They shall be easily cleanable.
 - (g) Every protector shall be distinctly marked to facilitate identification only of the manufacturer.
 - (h) When limitations or precautions are indicated by the manufacturer, they shall be transmitted to the user and care taken to see that such limitations and precautions are strictly observed.

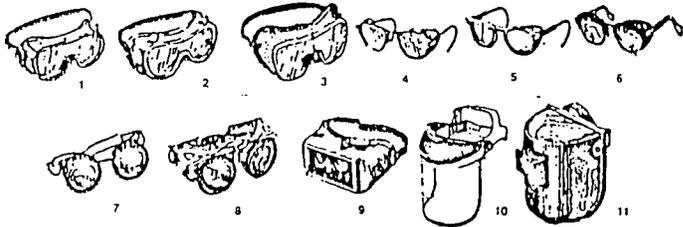


TABLE C-1

EYE AND FACE PROTECTION SELECTION GUIDE

- 1. GOGGLES, flexible fitting, regular ventilation
- 2. GOGGLES, flexible fitting, hooded ventilation
- 3. GOGGLES, cushioned fitting, rigid body
- *4. SPECTACLES, metal frame, with sideshields
- *5. SPECTACLES, plastic frame with sideshields
- *6. SPECTACLES, metal-plastic frame, with sideshields
- **7. WELDING GOGGLES, eyecup type, tinted lenses (illustrated)
- 7A. CHIPPING GOGGLES, eyecup type, clear safety lenses (not illustrated)
- **8. WELDING GOGGLES, coverspec type tinted lenses (illustrated)
- 8A. CHIPPING GOGGLES, coverspec type, clear safety lenses (not illustrated)
- **9. WELDING GOGGLES, coverspec type, tinted plate lens
- 10. FACE SHIELD (available with plastic or mesh window)
- 11. WELDING HELMETS

* Nonside shield spectacles are available for limited hazard use requiring only frontal protection.
 ** See Table C-2 in (2) of this section, Filter lens shade numbers for protection against radiant energy.

APPLICATIONS		
OPERATION	HAZARDS	RECOMMENDED PROTECTORS: Underscored Numbers Signify Preferred Protection
ACETYLENE-BURNING ACETYLENE-CUTTING ACETYLENE-WELDING	SPARKS, HARMFUL RAYS, MOLTEN METAL, FLYING PARTICLES	<u>7</u> , <u>8</u> , <u>9</u>
CHEMICAL HANDLING	SPLASH, ACID BURNS, FUMES	<u>2</u> , 10 (for severe exposure add <u>10</u> over 2)
CHIPPING	FLYING PARTICLES	<u>1</u> , <u>3</u> , 4, 5, 6, <u>7A</u> , <u>8A</u>
ELECTRIC (ARC) WELDING	SPARKS, INTENSE RAYS, MOLTEN METAL	<u>9</u> , <u>11</u> (<u>11</u> in combination with 4, 5, 6, in tinted lenses, advisable)
FURNACE OPERATIONS	GLARE, HEAT, MOLTEN METAL	<u>7</u> , <u>8</u> , <u>9</u> (for severe exposure add <u>10</u>)
GRINDING-LIGHT	FLYING PARTICLES	<u>1</u> , <u>3</u> , <u>4</u> , <u>5</u> , <u>6</u> , 10
GRINDING-HEAVY	FLYING PARTICLES	<u>1</u> , <u>3</u> , <u>7A</u> , <u>8A</u> (for severe exposure add 10)
LABORATORY	CHEMICAL SPLASH, GLASS BREAKAGE	<u>2</u> (10 when in combination with <u>4</u> , <u>5</u> , <u>6</u>)
MACHINING	FLYING PARTICLES	<u>1</u> , <u>3</u> , <u>4</u> , <u>5</u> , <u>6</u> , 10
MOLTEN METALS	HEAT, GLARE, SPARKS, SPLASH	<u>7</u> , <u>8</u> (10 in combination with <u>4</u> , <u>5</u> , <u>6</u> , in tinted lenses)
SPOT WELDING	FLYING PARTICLES, SPARKS	<u>1</u> , <u>3</u> , <u>4</u> , <u>5</u> , <u>6</u> , 10

(2) Protection against radiant energy. (a) Selection of shade numbers for welding filter. Table C-2 shall be used as a guide for the selection of the proper shade numbers of filter lenses or plates used in welding. Shades more dense than those listed may be used to suit the individual's needs.

TABLE C-2

FILTER LENS SHADE NUMBERS FOR PROTECTION AGAINST RADIANT ENERGY

Welding Operation	Shade number
Shielded metal-arc welding 1/16-, 3/32-, 1/8-, 5/32-inch diameter electrodes	10

Gas-shielded arc welding (nonferrous) 1/16-, 3/32-, 1/8-, 5/32-inch diameter electrodes 11

Gas-shielded arc welding (ferrous) 1/16-, 3/32-, 1/8-, 5/32-inch diameter electrodes 12

Shielded metal-arc welding 3/16-, 7/32-, 1/4- inch diameter electrodes 12

5/16-, 3/8-inch diameter electrodes 14

Atomic hydrogen welding 10-14

Carbon-arc welding 14

Soldering 2

Torch brazing 3 or 4

Light cutting, up to 1 inch 3 or 4

Medium cutting, 1 inch to 6 inches 4 or 5

Heavy cutting, over 6 inches 5 or 6

Gas welding (light), up to 1/8-inch 4 or 5

Gas welding (medium), 1/8-inch to 1/2-inch 5 or 6

Gas welding (heavy), over 1/2-inch 6 or 9

(b) Laser protection.

(i) Employees whose occupation or assignment requires potentially hazardous exposure (see WAC 296-62-09005(4)) to laser radiation shall wear suitable laser safety goggles which will protect for the specific wavelength of the laser and be of optical density (O.D.) adequate for the energy involved. Table C-3 lists the maximum power or energy density for which adequate protection is afforded by glasses of optical densities from 5 through 8.

TABLE C-3
SELECTING LASER SAFETY GLASS

INTENSITY	ATTENUATION	
	Optical density (O.D.)	Attenuation factor
CW maximum power density (watts/cm ²)		
10 ⁻²	5	10 ⁵
10 ⁻¹	6	10 ⁶
1.0	7	10 ⁷
10.0	8	10 ⁸

Output levels falling between lines in this table shall require the higher optical density.

(ii) All protective goggles shall bear a label identifying the following data:

- (a) The laser wavelengths for which use is intended;
- (b) The optical density of those wavelengths.
- (c) The visible light transmission.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-235 Working over or adjacent to water. (1) When an employee is employed under conditions which expose ~~((him))~~ them to a risk of drowning, ~~((he))~~ they shall wear a U.S. Coast Guard approved life saving device, unless it can be shown that conditions, such as shallow water, are such that flotation would not be achieved.

(2) Prior to and after each use, the buoyant life saving device shall be inspected for defects which would alter their strength or buoyancy. Defective units shall not be used.

(3) Ring buoys with at least 90 feet of line shall be provided and readily available for emergency rescue opera-

tions. Distance between ring buoys shall not exceed 200 feet.

(4) At least one lifesaving skiff shall be immediately available at locations where employees are working over or adjacent to water. Each skiff, or skiffs, shall:

- (a) Be suitable for conditions where used.
- (b) Be equipped with oar locks securely attached to gunwales, oars, one boat hook, and one cork ring buoy with fifty feet of suitable line attached.

(5) Whenever boats or skiffs cannot be used, due to swift currents, life lines close to the water surface shall be provided and, wherever practicable, a line shall be stretched across the stream with tag lines.

(6) Where workers are transported by boat or barge, only such number of persons shall be carried that can be safely accommodated on fixed seats. Capacity showing number of persons shall be plainly marked on vessel.

(7) All workers shall be provided with a U.S. Coast Guard approved buoyant life saving device while transported in open boats and/or barges, and where deemed necessary by the department, workers shall wear same while in transport.

AMENDATORY SECTION (Amending Order 91-07 [93-04], filed 11/22/91 [9/22/93], effective 12/24/91 [11/1/93])

WAC 296-155-24510 Fall restraint, fall arrest systems. (1) When employees are exposed to a hazard of falling from a location 10 feet or more in height, the employer shall ensure that fall restraint or fall arrest systems are provided, installed, and implemented according to the following requirements.

(2) Fall restraint protection shall consist of:

(a) Standard guardrails as described in ~~((WAC 296-155-505(6)))~~ chapter 296-155 WAC, Part K.

(b) Safety belts and/or harness attached to securely rigged restraint lines.

(i) Safety belts and/or harness shall conform to ANSI Standard:

- Class I - body belt
- Class II - chest harness
- Class III - full body harness
- Class IV - suspension/position belt

(ii) All safety belt and lanyard hardware assemblies shall be capable of withstanding a tensile loading of 4,000 pounds without cracking, breaking, or taking a permanent deformation.

(iii) Rope grab devices are prohibited for fall restraint applications unless they are part of a fall restraint system designed specifically for the purpose by the manufacturer, and used in strict accordance with the manufacturer's recommendations and instructions.

(iv) The employer shall ensure component compatibility.

(v) Components of fall restraint systems shall be inspected prior to each use for mildew, wear, damage, and other deterioration, and defective components shall be removed from service if their function or strength have been adversely affected.

(vi) Anchorage points used for fall restraint shall be capable of supporting 4 time the intended load.

(vii) Restraint protection shall be rigged to allow the movement of employees only as far as the sides and edges of the walking/working surface.

(c) A warning line system as prescribed in the WAC 296-155-24515(3) and supplemented by the use of a safety monitor system as prescribed in WAC 296-155-24521 to protect worker engaged in duties between the forward edge of the warning line and the unprotected sides and edges, including the leading edge, of a low pitched roof or walking/working surface.

(d) Warning line and safety monitor systems as described in WAC 296-155-24515 (3) through ~~((5))~~ (4)(f) and 296-155-24520 respectively are prohibited on surfaces exceeding a 4 in 12 pitch, and on any surface whose dimensions are less than 45 inches in all directions.

(3) Fall arrest protection shall consist of:

(a) Full body harness.

(i) An approved Class III full body harness shall be used.

(ii) Body harness system or components subject to impact loading shall be immediately removed from service and shall not be used again for employee protection unless inspected and determined by a competent person to be undamaged and suitable for reuse.

(iii) All safety lines and lanyards shall be protected against being cut or abraded.

(iv) Body harness system shall be rigged to minimize free fall distance with a maximum free fall distance allowed of 6 feet, and such that the employee will not contact any lower level.

(v) Hardware shall be drop forged, pressed or formed steel, or made of materials equivalent in strength.

(vi) Hardware shall have a corrosion-resistant finish, and all surfaces and edges shall be smooth to prevent damage to the attached body harness or lanyard.

(vii) When vertical lifelines (droplines) are used, not more than one employee shall be attached to any one lifeline.

(viii) Full body harness systems shall be secured to anchorages capable of supporting 5,000 pounds per employee except: When self-retracting lifelines or other deceleration devices are used which limit free fall to two feet, anchorages shall be capable of withstanding 3,000 pounds.

(ix) Vertical lifelines (droplines) shall have a minimum tensile strength of 5,000 pounds (22.2kN), except that self-retracting lifelines and lanyards which automatically limit free fall distance to two feet (.61 m) or less shall have a minimum tensile strength of 3,000 pounds (13.3 kN).

(x) Horizontal lifelines shall have a tensile strength capable of supporting a fall impact load of at least 5,000 pounds (22.2 kN) per employee using the lifeline, applied anywhere along the lifeline.

(xi) Lanyards shall have a minimum tensile strength of 5,000 pounds (22.2 kN).

(xii) All components of body harness systems whose strength is not otherwise specified in subsection (3) of this section shall be capable of supporting a minimum fall impact load of 5,000 pounds (22.2 kN) applied at the lanyard point of connection.

(xiii) Snap-hooks shall not be connected to loops made in webbing-type lanyards.

(xiv) Snap-hooks shall not be connected to each other.

(xv) Not more than one snap-hook shall be connected to any one D-ring unless they are the double locking type.

(xvi) Full body harness systems shall be inspected prior to each use for mildew, wear, damage, and other deterioration, and defective components shall be removed from service if their function or strength have been adversely affected.

(b) Safety nets.

(i) All new nets shall meet accepted performance standards of 17,500 foot-pounds minimum impact resistance as determined and certified by the manufacturers, and shall bear a label of proof test.

(ii) Forged steel safety hooks or shackles shall be used to fasten the net to its supports.

(iii) Safety nets shall be installed as close as practicable under the walking/working surface on which employees are working, but in no case more than 10 feet below such level.

(iv) Safety nets shall extend outward at least 8 feet from the outermost projection of the work surface.

(v) Safety nets shall be installed with sufficient clearance under them to prevent contact with the surface or structures below when subjected to an impact force equal to the drop test specified in subsection (3)(b)(vii) of this section.

(vi) Safety nets and their installations shall be capable of absorbing an impact force equal to that produced by the drop test specified in subsection (3)(b)(vii) of this section.

(vii) Safety nets and safety net installations shall be drop-tested at the jobsite before used as a fall protection system. The drop-test shall consist of a 400 pound (180 kg) bag of sand 30+2 inches (76+5 cm) in diameter dropped into the net from the highest walking/working surface on which employees are to be protected. Exception: When the employer can demonstrate that a drop-test is not feasible or practicable, the net and net installation shall be certified by a qualified person to be in compliance with the provisions of this section.

(viii) Safety nets shall be inspected weekly for mildew, wear, damage, and other deterioration, and defective components shall be removed from service.

(ix) Materials, scrap pieces, and tools which have fallen into the safety net shall be removed as soon as possible from the net and at least before the next work shift.

(x) The maximum size of each safety net mesh opening shall not exceed 36 square inches (230 cm²) nor be longer than six inches (15 cm) on any side measured center-to-center of mesh ropes or webbing. All mesh crossing shall be secured to prevent enlargement of the mesh opening.

(xi) Each safety net (or section of it) shall have a border rope for webbing with a minimum breaking strength of 5,000 pounds (22.2 kN).

(xii) Connections between the safety net panels shall be as strong as integral net components and shall be spaced not more than six inches (15 cm) apart.

(c) Catch platforms.

(i) A catch platform shall be installed within 10 vertical feet of the work area.

(ii) The catch platforms width shall equal the distance of the fall but shall be a minimum of 45 inches wide and shall be equipped with standard guardrails on all open sides.

(4) Droplines or lifelines used on rock-scaling operations, or in areas where the lifeline may be subjected to cutting or abrasion, shall be a minimum of 7/8-inch wire core manila rope. For all other lifeline applications, a

minimum of 3/4-inch manila or equivalent, with a minimum breaking strength of 5,000 pounds, shall be used.

(5) Safety harnesses, lanyards, lifelines or droplines, independently attached or attended, shall be used while performing the following types of work when other equivalent type protection is not provided:

(a) Work in hoppers, bins, silos, tanks, or other confined spaces as described in ~~((WAC 296-62-145))~~ chapter 296-62 WAC, Part M.

(b) Work on hazardous slopes, or dismantling safety nets, working on poles or from boatswains chairs at elevations greater than six feet (1.83 m), swinging scaffolds or other unguarded locations.

(c) Work on skips and platforms used in shafts by crews when the skip or cage does not occlude the opening to within one foot (30.5 cm) of the sides of the shaft, unless cages are provided.

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.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-260 Fire protection. (1) General requirements.

(a) The employer shall be responsible for development of a fire protection program to be followed throughout all phases of construction and demolition work, and ~~((he))~~ the employer shall provide for fire fighting equipment as specified in this part. As fire hazards occur, there shall be no delay in providing necessary equipment.

(b) Access to all available fire fighting equipment shall be maintained at all times.

(c) All fire fighting equipment, provided by the employer, shall be conspicuously located.

(d) All fire fighting equipment shall be periodically inspected by a competent person, and maintained in operating condition. Defective equipment shall be immediately replaced.

(e) As warranted by the project, the employer shall provide a trained and equipped fire fighting organization (fire brigade) to assure adequate protection to life.

(2) Water supply.

(a) A temporary or permanent water supply, of sufficient volume, duration, and pressure, required to properly operate fire fighting equipment shall be made available as soon as combustible materials accumulate.

(b) Where underground water mains are to be provided, they shall be installed, completed, and made available for use as soon as practicable.

(3) Portable fire fighting equipment.

(a) A fire extinguisher, rated not less than 2A, shall be provided for each 3,000 square feet of a combustible building area, or major fraction thereof. Travel distance from any point of the protected area to the nearest fire extinguisher shall not exceed a horizontal distance of 100 feet.

Note: One 55-gallon open drum of water with two fire pails may be substituted for a fire extinguisher having a 2A rating.

(b) A 1/2-inch diameter garden-type hose line, not to exceed 100 feet in length and equipped with a nozzle, may be substituted for a 2A-rated fire extinguisher, provided it is capable of discharging a minimum of 5 gallons per minute with a minimum hose stream range of 30 feet horizontally. The garden-type hose lines shall be mounted on conventional racks or reels. The number and location of hose racks or reels shall be such that at least one hose stream can be applied to all points in the area.

(c) One or more fire extinguishers, rated not less than 2A, shall be provided on each floor. In multistory buildings, where combustibles are present, at least one fire extinguisher shall be located adjacent to a stairway.

(d) Extinguishers and water drums, subject to freezing, shall be protected from freezing.

(e) A fire extinguisher, rated not less than 10B, shall be provided within 50 feet of wherever more than 5 gallons of flammable or combustible liquids or 5 pounds of flammable gas are being used on the jobsite. This requirement does not apply to the integral fuel tanks of motor vehicles.

(f) Carbon tetrachloride and other toxic vaporizing liquid fire extinguishers are prohibited.

(g) Portable fire extinguishers shall be inspected periodically and maintained in accordance with Maintenance and Use of Portable Fire Extinguishers, NFPA No. 10A-1981 and the general safety and health standards, ~~((WAC 296-24-59007))~~ chapter 296-24 WAC, Part G-3.

(h) Fire extinguishers which have been listed or approved by a nationally recognized testing laboratory, shall be used to meet the requirements of this part. (See Table D-1)

Table D-1

KNOW YOUR FIRE EXTINGUISHERS

	WATER TYPE				FOAM	CARBON DIOXIDE	DRY CHEMICAL			
	STORED PRESSURE	CARTRIDGE OPERATED	WATER PUMP TYPE	WATER ACID	FOAM	CO ₂	SODIUM OR POTASSIUM BICARBONATE		MULTI-PURPOSE ABC	
CLASS A FIRES WOOD, PAPER, TRASH HAVING GLITCHING ENERGIES 	YES	YES	YES	YES	YES	NO	NO	NO	YES	YES
CLASS B FIRES IN FLAMMABLE LIQUIDS, GASOLINE, OIL, PAINTS, GREASE, ETC. 	NO	NO	NO	NO	YES	YES	YES	YES	YES	YES
CLASS C FIRES ELECTRICAL EQUIPMENT 	NO	NO	NO	NO	NO	YES	YES	YES	YES	YES
CLASS D FIRES COMBUSTIBLE METALS 	SPECIAL EXTINGUISHING AGENTS APPROVED BY RECOGNIZED TESTING LABORATORIES									
METHOD OF OPERATION	PULL PIN - SWITCH HANDLE	TURN UPSIDE DOWN AND SLIP	PUMP HANDLE	TURN UPSIDE DOWN	TURN UPSIDE DOWN	FULL PIN - EDUCATE LEVER	RIFLE CARTRIDGE - SOURCE LEVER	FULL PIN - SOURCE HANDLE	PULL PIN - SOURCE HANDLE	RIFLE CARTRIDGE - SOURCE LEVER
RANGE	30' - 40'	30' - 40'	30' - 40'	30' - 40'	30' - 40'	3' - 8'	5' - 20'	5' - 30'	5' - 20'	5' - 20'
MAINTENANCE	CHECK AIR PRESSURE MONTHLY	RECHARGE CARTRIDGE AND WATER IF REQUIRED ANNUALLY	DISCHARGE AND FILL WITH WATER ANNUALLY	DISCHARGE ANNUALLY RECHARGE	DISCHARGE ANNUALLY RECHARGE	RECHARGE ANNUALLY	RECHARGE CARTRIDGE - CHECK CONDITION OF DRY CHEMICAL ANNUALLY	CHECK PRESSURE GAGE AND CONDITION OF DRY CHEMICAL ANNUALLY	CHECK PRESSURE GAGE AND CONDITION OF DRY CHEMICAL ANNUALLY	RECHARGE CARTRIDGE - CHECK CONDITION OF DRY CHEMICAL ANNUALLY

Note: One hundred feet, or less, of 1-1/2 inch hose, with a nozzle capable of discharging water at 25 gallons or more per minute, may be substituted for a fire extinguisher rated not more than 2A in the designated area provided that the hose line can reach all points in the area.

(i) If fire hose connections are not compatible with local fire fighting equipment, the contractor shall provide adapters, or equivalent, to permit connections.

(j) During demolition involving combustible materials, charged hose lines, supplied by hydrants, water tank trucks with pumps, or equivalent, shall be made available.

(4) Fixed fire fighting equipment.

(a) Sprinkler protection.

(i) If the facility being constructed includes the installation of automatic sprinkler protection, the installation shall closely follow the construction and be placed in service as soon as applicable laws permit following completion of each story.

(ii) During demolition or alterations, existing automatic sprinkler installations shall be retained in service as long as reasonable. The operation of sprinkler control valves shall be permitted only by properly authorized persons.

Note: Modification of sprinkler systems to permit alterations or additional demolition should be expedited so that the automatic protection may be returned to service as quickly as possible. Sprinkler control valves shall be checked daily at close of work to ascertain that the protection is in service.

(b) Standpipes. In all structures in which standpipes are required, or where standpipes exist in structures being altered, they shall be brought up as soon as applicable laws permit, and shall be maintained as construction progresses in such a manner that they are always ready for fire protection use. The standpipes shall be provided with Siamese fire

department connections on the outside of the structure, at the street level, which shall be conspicuously marked. There shall be at least one standard hose outlet at each floor.

(5) Fire alarm devices.

(a) An alarm system, e.g., telephone system, siren, etc., shall be established by the employer whereby employees on the site and the local fire department can be alerted for an emergency.

(b) The alarm code and reporting instructions shall be conspicuously posted at phones and at employee entrances.

(6) Fire cutoffs.

(a) Fire walls and exit stairways, required for the completed buildings, shall be given construction priority. Fire doors, with automatic closing devices, shall be hung on openings as soon as practical.

(b) Fire cutoffs shall be retained in buildings undergoing alterations or demolition until operations necessitate their removal.

AMENDATORY SECTION (Amending Order 76-29, filed 9/30/76)

WAC 296-155-280 Temporary heating devices. (1) Ventilation.

(a) Fresh air shall be supplied in sufficient quantities to maintain the health and safety of workers. Where natural means of fresh air supply is inadequate, mechanical ventilation shall be provided.

(b) When heaters are used in confined spaces, special care shall be taken to provide sufficient ventilation in order to ensure proper combustion, maintain the health and safety of workers, and limit temperature rise in the area.

(2) Clearance and mounting.

(a) Temporary heating devices shall be installed to provide clearance to combustible material not less than the amount shown in Table D-4.

(b) Temporary heating devices, which are listed for installation with lesser clearances than specified in Table D-4, may be installed in accordance with their approval.

TABLE D-4

Heating appliances	Minimum clearance, (inches)		
	Sides	Rear	Chimney connector
Room heater, circulating type	12	12	18
Room heater, radiant type	36	36	18

(c) Heaters not suitable for use on wood floors shall not be set directly upon them or other combustible materials. When such heaters are used, they shall rest on suitable heat insulating material or at least 1-inch concrete, or equivalent. The insulating material shall extend beyond the heater 2 feet or more in all directions.

(d) Heaters used in the vicinity of combustible tarpaulins, canvas, or similar coverings shall be located at least 10 feet from the coverings. The coverings shall be securely fastened to prevent ignition or upsetting of the heater due to wind action on the covering or other material.

(3) Stability. Heaters, when in use, shall be set horizontally level, unless otherwise permitted by the manufacturer's markings.

(4) Oil-fired heaters.

(a) Flammable liquid-fired heaters shall be equipped with a primary safety control to stop the flow of fuel in the event of flame failure. Barometric or gravity oil feed shall not be considered a primary safety control.

(b) Heaters designed for barometric or gravity oil feed shall be used only with the integral tanks.

(c) Heaters specifically designed and approved for use with separate supply tanks may be directly connected for gravity feed, or an automatic pump, from a supply tank.

(5) Salamanders.

(a) Coverage. The use of solid fuel salamanders is prohibited in buildings and on scaffolds.

(b) General requirements.

(i) All solid fuel salamanders shall be designed and constructed for use with solid fuel, that is, coal or coke.

(ii) Solid fuel salamanders shall be equipped with a cover designed as part of the unit, to prevent spillage of burning material in case of tipover.

(iii) Salamanders shall be assembled in accordance with the instructions issued by the manufacturer.

(iv) The safeguards engineered into the product shall be maintained and any replacement shall be equivalent thereto.

(v) Salamanders shall be stored in such a manner as to prevent deterioration or damage to the unit.

(c) Operation.

(i) Manufacturers' instructions shall be followed by the user.

(ii) Each time a salamander is placed in operation it shall be checked to insure that it is functioning properly. Its operation shall be checked periodically thereafter.

(iii) When concentrations of carbon monoxide attain quantities greater than ~~((50))~~ 35 parts per million ~~(((0.005))~~ 0.0035 percent) to air volume at employee breathing levels, the salamander shall be extinguished unless additional natural or mechanical ventilation is provided to reduce the carbon monoxide content to permissible limits.

(iv) Tests for presence of carbon monoxide shall be made by a qualified person within 1 hour after the start of each shift and at least every 3 hours thereafter. If concentrations of carbon monoxide reach ~~((30))~~ 20 parts per million to air volume, tests shall be made more frequently to determine if there is a continuing increase of carbon monoxide concentration.

(v) Records of all tests including the date, time, results obtained, and person making tests, shall be maintained for the duration of the project.

(vi) No persons shall be permitted to be within the area being heated by the salamanders except under the following circumstances: When tending the salamanders; when testing the atmosphere; or in emergency situations.

(vii) No employee shall be permitted to enter the heated area until notification is given to another person located outside. Periodic checks shall be made to ensure the health and safety of employees entering the heated area.

(viii) When a salamander is being used, the responsibility for its operation and maintenance shall be assigned to a qualified employee.

(ix) Salamanders shall not be moved, handled, or serviced while hot or burning, or while component parts are hot to the touch.

(x) Salamanders, when in use, shall be set level with the horizontal unless otherwise permitted by the manufacturer's markings. Salamanders shall be designed so as not to tip over when placed on a surface inclined 25° to the horizontal.

(xi) If equivalent protection and safety is afforded by alternative design, the 25° limitation may be reduced.

(xii) Salamanders not suitable for use on wood floors shall not be set directly upon them or other combustible materials. When such salamanders are used they shall rest on suitable insulating material or at least 1-inch concrete or equivalent. The insulating material shall extend beyond the salamander 2 feet or more in all directions.

(xiii) Salamanders used in the vicinity of tarpaulins, canvas, or similar coverings shall be located a safe distance from coverings and other combustible materials. The coverings shall be securely fastened to prevent ignition of the covering or upsetting of the salamanders due to wind action on the covering or other material.

(xiv) Salamanders in use shall be protected to prevent flame extinguishment.

(d) Ventilation.

(i) Fresh air shall be supplied in sufficient quantities to maintain the health and safety of employees. Where natural means for fresh air supply is inadequate, mechanical ventilation shall be provided. Particular attention shall be given to confined spaces and pockets where heat and fumes may

accumulate and employees may be present (roof areas, peaks, basement).

(ii) When salamanders are used in confined spaces, special care shall be taken to provide sufficient ventilation in order to assure proper combustion, maintain the health and safety of employees, and limit temperature rise in the area.

(e) Fueling.

(i) Salamanders shall be refueled only by a person trained in such operations.

(ii) Only a 1 day's supply of heater fuel shall be stored inside a building in the vicinity of the salamander. General fuel storage shall be outside the structure.

(iii) All fuel storage shall be maintained a minimum of 25 feet from source of ignition.

(f) Maintenance.

(i) The user shall comply with the maintenance instructions as provided by the manufacturer.

(ii) Equipment showing evidence of deterioration or damage that constitutes a safety or health hazard shall be removed from service.

(iii) Salamander repairs shall be performed in accordance with the manufacturer's recommendations, and replacement parts shall be equal to, the equivalent of, or the same as the original salamander equipment.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-155-315 Definitions applicable to this part. (1) "Barricade" means an obstruction to deter the passage of persons or vehicles.

(2) "Signs" are the warnings of hazard, temporarily or permanently affixed or placed, at locations where hazards exist.

(3) "Signals" are moving signs, provided by workers, such as (~~flagmen~~) flagger, or by devices, such as flashing lights, to warn of possible or existing hazards.

(4) "Tags" are temporary signs, usually attached to a piece of equipment or part of a structure, to warn of existing or immediate hazards.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-325 General requirements for storage. (1) General.

(a) All materials stored in tiers shall be stacked, racked, blocked, interlocked, or otherwise secured to prevent sliding, falling or collapse.

(b) Maximum safe load limits of floors within buildings and structures, in pounds per square foot, shall be conspicuously posted in all storage areas, except for floor or slab on grade. Maximum safe loads shall not be exceeded.

(c) Aisles and passageways shall be kept clear to provide for the free and safe movement of material handling equipment or employees. Such areas shall be kept in good repair.

(d) When a difference in road or working levels exist, means such as ramps, blocking, or grading shall be used to ensure the safe movement of vehicles between the two levels.

(2) Material storage.

(a)(i) Material stored inside buildings under construction shall not be placed within 6 feet of any hoistway or inside floor openings, nor within 10 feet of an exterior wall which does not extend above the top of the material stored.

(ii) Temporary floors, used in steel erection, concrete forms and shoring (i.e., stripped forms, shoring jacks, clamps, steel rods or pipes, base plates, etc.) placed within close proximity to an open-sided floor for movement to another tier for placement, shall be considered "in-process equipment and subject to the provisions contained in Parts "O" and "P" of this standard. When this type equipment is to be left overnight or for longer periods of time it shall be anchored and braced to prevent displacement in any direction. In addition this equipment shall be subject to the provisions of this subsection while in "interim storage."

(b) Employees required to work on stored material in silos, hoppers, tanks, and similar storage areas shall be equipped with lifelines and safety belts meeting the requirements of (~~WAC 296-155-225~~) chapter 296-155 WAC, Part C-1.

(c) Noncompatible materials shall be segregated in storage.

(d) Bagged materials shall be stacked by stepping back the layers and cross-keying the bags at least every 10 bags high.

(i) When cement and lime is delivered in paper bags they shall be carefully handled to prevent the bags bursting.

(ii) Cement and lime bags shall not be piled more than ten bags high except when stored in bins or enclosures built for the purpose of storage.

(iii) When bags are removed from the pile, the length of the pile shall be kept at an even height, and the necessary step backs every five bags maintained.

(iv) Persons handling cement and lime bags shall wear eye protection which prevents contact between the substance and the worker's eyes (such as goggles or other sealed eye protection) and shall wear long sleeve shirts with close fitting collar and cuffs.

(v) Persons shall be warned against wearing clothing that has become hard and stiff with cement.

(vi) Persons shall be instructed to report any susceptibility of their skin to cement and lime burns.

(vii) A hand cream or vaseline and eye wash shall be provided and kept ready for use to prevent burns.

(viii) Lime shall be stored in a dry place to prevent a premature slacking action that may cause fire.

(e) Materials shall not be stored on scaffolds or runways in excess of supplies needed for immediate operations.

(f) Brick stacks shall not be more than 7 feet in height. When a loose brick stack reaches a height of 4 feet, it shall be tapered back 2 inches in every foot of height above the 4-foot level.

(i) Brick shall never be stacked, for storage purposes, on scaffolds or runways.

(ii) When delivering brick on scaffolds inside the wall lines in wheelbarrows, they shall be dumped toward the inside of the building and not toward the wall.

(iii) Blocks shall always be stacked and not thrown in a loose pile.

(g) When masonry blocks are stacked higher than 6 feet, the stack shall be tapered back one-half block per tier above the 6-foot level.

(i) When blocks are stacked inside a building, the piles shall be so distributed as not to overload the floor on which they stand.

(ii) Blocks shall not be dropped or thrown from an elevation or delivered through chutes.

(h) Lumber:

(i) Used lumber shall have all nails withdrawn before stacking.

(ii) Lumber shall be stacked on level and solidly supported sills.

(iii) Lumber shall be so stacked as to be stable and self-supporting.

(iv) Lumber stacks shall not exceed 20 feet in height provided that lumber to be handled manually shall not be stacked more than 16 feet high.

(v) All stored lumber shall be stacked on timber sills to keep it off the ground((s)). Sills shall be placed level on solid supports.

(vi) Cross strips shall be placed in the stacks when they are stacked more than four feet high.

(i) Structural steel, poles, pipe, bar stock, and other cylindrical materials, unless racked, shall be stacked and blocked so as to prevent spreading or tilting.

(i) Persons handling reinforcing steel shall wear heavy gloves.

(ii) When bending of reinforcing steel is done on the job, a strong bench shall be provided, set up on even dry ground or a floor for the persons to work on.

(iii) Structural steel shall be carefully piled to prevent danger of members rolling off or the pile toppling over.

(iv) Structural steel shall be kept in low piles, consideration being given to the sequence of use of the members.

(v) Corrugated and flat iron shall be stacked in flat piles, with the piles not more than four feet high and spacing strips shall be placed between each bundle.

(j) Sand, gravel and crushed stone.

(i) Stock piles shall be frequently inspected to prevent their becoming unsafe by continued adding to or withdrawing from the stock.

((+)) (ii) If material becomes frozen, it shall not be removed in a manner that would produce an overhang.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-330 Rigging equipment for material handling. (1) General.

(a) Rigging equipment for material handling shall be inspected prior to use on each shift and as necessary during its use to ensure that it is safe. Defective rigging equipment shall be removed from service.

(b) Rigging equipment shall not be loaded in excess of its recommended safe working load, as prescribed in Tables F-1 through F-20 in this part and shall comply with ANSI B 30.9-1984.

(c) Rigging equipment, when not in use, shall be removed from the immediate work area so as not to present a hazard to employees.

(d) Special custom design grabs, hooks, clamps, or other lifting accessories shall be marked to indicate the safe working loads and shall be proof-tested to 125 percent of the rated load prior to use. Such custom devices shall be

permanently marked with an identification number and permanent records shall be maintained on the jobsite for each device.

(2) Alloy steel chains. Chains used for overhead lifting shall be proof tested alloy steel.

(a) Welded alloy steel chain slings shall have permanently affixed durable identification stating size, grade, rated capacity, and sling manufacturer.

(b) Hooks, rings, oblong links, pear-shaped links, welded or mechanical coupling links, or other attachments, when used with alloy steel chains, shall have a rated capacity at least equal to that of the chain.

(c) The use of job or shop hooks and links, or makeshift fasteners, formed from bolts, rods, etc., or other such attachments, shall be prohibited.

(d) Rated capacity (working load limit) for alloy steel chain slings shall conform to the values shown in Table F-1.

(e) Whenever wear at any point of any chain link exceeds that shown in Table F-2, the assembly shall be removed from service.

(f) If at any time any three foot length of chain is found to have stretched one-third the length of a link it shall be discarded.

(g) The practice of placing bolts or nails between two links to shorten chains is prohibited.

(h) Splicing broken chains by inserting a bolt between two links with the heads of the bolt and the nut sustaining the load, or passing one link through another and inserting a bolt or nail to hold it, is prohibited.

(i) Wherever annealing of chains is attempted, it shall be done in properly equipped annealing furnaces and under the direct supervision of a competent person.

(3) Wire rope.

(a) Table F-3 through F-14 shall be used to determine the safe working loads of various sizes and classifications of improved plow steel wire rope and wire rope slings with various types of terminals. For sizes, classifications, and grades not included in these tables, the safe working load recommended by the manufacturer for specific, identifiable products shall be followed, provided that a safety factor of not less than 5 is maintained.

(b) Protruding ends of strands in splices on slings and bridles shall be covered or blunted.

(c) Wire rope shall not be secured by knots.

(d) The following limitations shall apply to the use of wire rope:

(i) An eye splice made in any wire rope shall have not less than three full tucks.

Note: This requirement shall not preclude the use of another form of splice or connection which can be shown to be as efficient and which is not otherwise prohibited.

(ii) Except for eye splices in the ends of wires and for endless rope slings, each wire rope used in hoisting or lowering, or in pulling loads, shall consist of one continuous piece without knot or splice.

(iii) Wire rope shall not be used, if in any length of eight diameters, the total number of visible broken wires exceeds 10 percent of the total number of wires, or if the rope shows other signs of excessive wear, corrosion, or defect.

(e) When U-bolt wire rope clips are used to form eyes, Table F-20 shall be used to determine the number and spacing of clips.

(f) When used for eye splices, the U-bolt shall be applied so that the "U" section is in contact with the dead end of the rope.

(g) U-Bolt wire rope clips shall be made of drop-forged steel.

Note: See Table F-20 for number of clamps and spacing requirements.

CORRECT METHOD OF ATTACHING WIRE ROPE CLIPS



U-Bolt of all clips on dead end of rope

(h) Slings shall not be shortened with knots or bolts or other makeshift devices.

(4) Natural rope, and synthetic fiber.

(a) General. When using natural or synthetic fiber rope slings, Tables F-15, F-16, F-17 and F-18 shall apply.

(b) All splices in rope slings provided by the employer shall be made in accordance with fiber rope manufacturers' recommendations.

(i) In manila rope, eye splices shall contain at least three full tucks, and short splices shall contain at least six full tucks (three on each side of the centerline of the splice).

(ii) In layed synthetic fiber rope, eye splices shall contain at least four full tucks, and short splices shall contain at least eight full tucks (four on each side of the centerline of the splice).

(iii) Strand end tails shall not be trimmed short (flush with the surface of the rope) immediately adjacent to the full tucks. This precaution applies to both eye and short splices and all types of fiber rope. For fiber ropes under 1-inch diameter, the tails shall project at least six rope diameters beyond the last full tuck. For fiber ropes 1-inch diameter and larger, the tails shall project at least 6 inches beyond the last full tuck. In applications where the projecting tails may be objectionable, the tails shall be tapered and spliced into the body of the rope using at least two additional tucks (which will require a tail length of approximately six rope diameters beyond the last full tuck).

(iv) For all eye splices, the eye shall be sufficiently large to provide an included angle of not greater than 60° at the splice when the eye is placed over the load or support.

(v) Knots shall not be used in lieu of splices.

(vi) All fibre rope used for hoisting purposes or for the support of scaffolds, or any part thereof, shall be of high grade Manila hemp (abaca). Fibre rope used for the support of scaffolds, or any part thereof, except rope used for lashing or tying purposes, shall be not less than 3/4-inch in diameter.

(vii) The maximum safe working load for fibre rope shall not exceed the maximum strength as shown in the following table:

**STRENGTH OF HIGH GRADE MANILA (ABACA) ROPE
COMMON LAY THREE STRAND**

Approximate Diameter in inches	Circumference in inches	Safe Load in Pounds
3/16 (6 yarns)	1/2	98
1/4 (6 yarns)	3/4	116
5/16 (6 yarns)	1	200
3/8 (12 yarns)	1 1/8	241
7/16 (15 yarns)	1 1/4	291
15/32 (18 yarns)	1 3/8	350
1/2 (21 yarns)	1 1/2	408
9/16	1 3/4	526
5/8	2	666
3/4	2 1/4	816
13/16	2 1/2	983
7/8	2 3/4	1,166
1	3	1,366
1 1/16	3 1/4	1,683
1 1/8	3 1/2	1,833
1 1/4	3 3/4	2,083
1 5/16	4	2,365
1 3/8	4 1/4	2,666
1 1/2	4 1/2	2,916

Note: This table is based on data contained in the U.S. Department of Commerce circular of the Bureau of Standards, No. 324.

(5) Synthetic webbing (nylon, polyester, and polypropylene).

(a) The employer shall have each synthetic web sling marked or coded to show:

- (i) Name or trademark of manufacturer.
- (ii) Rated capacities for the type of hitch.
- (iii) Type of material.

(b) Rated capacity shall not be exceeded.

(6) Shackles and hooks.

(a) Table F-19 shall be used to determine the safe working loads of various sizes of shackles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than 5 is maintained.

(b) The manufacturer's recommendations shall be followed in determining the safe working loads of the various sizes and types of specific and identifiable hooks. All hooks for which no applicable manufacturer's recommendations are available shall be tested to twice the intended safe working load before they are initially put into use. The employer shall maintain a record of the dates and results of such tests.

(c) Hooks shall not be modified by welding and/or drilling unless written approval by the manufacturer has been received.

(7) Slings.

(a) When slings are provided as a part of the hoisting equipment, every precaution shall be taken to keep them in a serviceable condition.

(i) Wire rope slings shall be frequently inspected and oiled.

(ii) Slings shall not be left where they can be damaged by traffic or form stumbling hazards.

(iii) Blocks or heavy bagging shall be used at corners of the load to protect the sling from sharp bending.

(b) When a load is lifted by a multiple rope sling the sling shall be so arranged that the strain can be equalized between the ropes.

(i) When using a sling with both ends engaged in the hoisting block, the sling shall be adjusted so as to equalize the stress.

(ii) Slings shall be placed on the load at safe lifting angles.

(8) Material handling—General.

(a) When necessary to store building material on public thoroughfares, care shall be exercised to see that it is so piled or stacked as to be safe against collapse or falling over.

(b) Material shall be so located as not to interfere with, or present a hazard to employees, traffic or the public.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-34920 Table F-20.

TABLE F-20
NUMBER AND SPACING OF U-BOLT
WIRE ROPE CLIPS

Improved plow steel	Number of Clips	Minimum spacing (inches)
	Drop forged	
3/8 and under	((4)) 2	3
1/2	3	3
5/8	3	3
3/4	4	4 1/2
7/8	4	5 1/4
1	5	6
1 1/8	6	7
1 1/4	6	8
1 3/8	7	9
1 1/2	7	10

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-360 Power-operated hand tools. (1) Electric Power-operated tools.

(a) Electric power operated tools shall either be of the approved double-insulated type or grounded in accordance with Part I of this chapter.

(b) The use of electric cords for hoisting or lowering tools shall not be permitted.

(2) Pneumatic power tools.

(a) Pneumatic power tools and hose sections shall be secured by threaded couplings, quick disconnect couplings or by 100 pound tensile strength safety chain or equivalent across each connection to prevent the tool or hose connections from becoming accidentally disconnected.

(b) Safety clips or retainers shall be securely installed and maintained on pneumatic impact (percussion) tools to prevent attachments from being accidentally expelled.

(c) All pneumatically driven nailers, staplers, and other similar equipment provided with automatic fastener feed, shall have a safety device on the muzzle to prevent the tool from ejecting fasteners, unless the muzzle is in contact with the work surface.

EXCEPTION: Pneumatic nailers or staplers utilizing "fine wire" brads or staples do not require a muzzle contact safety device, provided:

(1) The overall weight of the fastening device does not exceed the weight of standard 18 gauge wire, 1-1/2 inches long.

(2) The operator and any other person within 12 feet of the point of operation wear approved eye protection.

Note: The normal maximum diameter tolerance for manufacturing standard 18 gauge wire is .045 inches.

(d) Compressed air shall not be used at the nozzle for cleaning purposes except where reduced to less than 30 p.s.i. and then only with effective chip guarding and personal protective equipment which meets the requirements of Part C of this chapter.

Note: The above requirement does not apply to concrete form, mill scale and similar cleaning purposes. Concrete form, mill scale, and similar cleaning may be performed with air pressure exceeding 30 p.s.i. provided the nozzle and/or cleaning pipe is at least three feet long with a quick-closing (deadman) valve between the hose and the nozzle or pipe. The operator and all other employees within range of flying debris shall be protected by eye or face protection as specified in WAC 296-155-215.

(e) The manufacturer's safe operating pressure for hoses, pipes, valves, filters, and other fittings shall not be exceeded.

(f) The use of hoses for hoisting or lowering tools shall not be permitted.

(g) All hoses exceeding 1/2-inch inside diameter shall have a safety device at the source of supply or branch line to reduce pressure in case of hose failure.

(h) Airless spray guns of the type which atomize paints and fluids at high pressures (1,000 pounds or more per square inch) shall be equipped with automatic or visible manual safety devices which will prevent pulling of the trigger to prevent release of the paint or fluid until the safety device is manually released.

(i) In lieu of the above, a diffuser nut which will prevent high pressure, high velocity release, while the nozzle tip is removed, plus a nozzle tip guard which will prevent the tip from coming into contact with the operator, or other equivalent protection, shall be provided.

(j) Abrasive blast cleaning nozzles. The blast cleaning nozzles shall be equipped with an operating valve which must be held open manually. A support shall be provided on which the nozzle may be mounted when it is not in use.

(3) Fuel powered tools.

(a) All fuel powered tools shall be stopped while being refueled, serviced, or maintained, and fuel shall be transported, handled, and stored in accordance with Part D of this chapter.

(b) When fuel powered tools are used in enclosed spaces, the applicable requirements for concentrations of toxic gases and use of personal protective equipment as outlined in Parts B and C of this chapter shall apply.

(4) Hydraulic power tools.

(a) The fluid used in hydraulic powered tools shall be fire resistant fluid approved under schedule 30 of the Bureau of Mines, U.S. Department of the Interior, and shall retain its operating characteristics at the most extreme temperatures to which it will be exposed.

(b) The manufacturer's safe operating pressures for hoses, valves, pipes, filters, and other fittings shall not be exceeded.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-36305 Definitions applicable to this section. (1) Angle control - a safety feature designed to prevent a tool from operating when tilted beyond a predetermined angle.

(2) Approved - meeting the requirements of this standard and acceptable to the department of labor and industries(~~(-division of industrial safety and health)~~).

(3) Cased power load - a power load with the propellant contained in a closed case.

(4) Caseless power load - a power load with the propellant in solid form not requiring containment.

(5) Chamber (noun) - the location in the tool into which the power load is placed and in which it is actuated.

(6) Chamber (verb) - to fit the chamber according to manufacturer's specifications.

(7) Fasteners - any pins (unthreaded heads) or studs (threaded heads) driven by powder actuated tools.

(8) Fixture - a special shield that provides equivalent protection where the standard shield cannot be used.

(9) Head - that portion of a fastener that extends above the work surface after being properly driven.

(10) Misfire - a condition in which the power load fails to ignite after the tool has been operated.

(11) Powder actuated fastening system - a method comprising the use of a powder actuated tool, a power load, and a fastener.

(12) Powder actuated tool (also known as tool) - a tool that utilizes the expanding gases from a power load to drive a fastener.

(13) Power load - the energy source used in powder actuated tools.

(14) Qualified operator - a person who meets the requirements of WAC 296-155-36321 (1) and (2).

(15) Shield - a device, attached to the muzzle end of a tool, which is designed to confine flying particles.

(16) Spalled area - a damaged and nonuniform concrete or masonry surface.

(17) Test velocity - the measurement of fastener velocity performed in accordance with WAC 296-155-36307 (1)(m).

(18) Tools - tools can be divided into two types: Direct acting and indirect acting; and three classes: Low velocity, medium velocity, and high velocity.

(a) Direct acting tool - a tool in which the expanding gas of the power load acts directly on the fastener to be driven.

(b) Indirect acting tool - a tool in which the expanding gas of the power load acts on a captive piston, which in turn drives the fastener.

(c) Low-velocity tool - a tool whose test velocity has been measured ten times while utilizing the highest velocity combination of:

(i) The lightest commercially available fastener designed for that specific tool;

(ii) The strongest commercially available power load that will properly chamber in the tool;

(iii) The piston designed for that tool and appropriate for that fastener; that will produce an average test velocity from the ten tests not in excess of 100 meters per second (328 feet per second) with no single test having a velocity of over 108 m/s (354 ft/s).

(d) Medium-velocity tool - a tool whose test velocity has been measured ten times while utilizing the highest velocity combination of:

(i) The lightest commercially available fastener designed for the tool;

(ii) The strongest commercially available power load that will properly chamber in the tool;

(iii) The piston designed for that tool and appropriate for that fastener; that will produce an average test velocity from ten tests in excess of 100 m/s (328 ft/s) but not in excess of 150 m/s (492 ft/s) with no single test having a velocity of 160 m/s (525 ft/s).

(e) High-velocity tool - a tool whose test velocity has been measured ten times while utilizing the combination of:

(i) The lightest commercially available fastener designed for the tool;

(ii) The strongest commercially available power load which will properly chamber in the tool; that will produce an average velocity from the ten tests in excess of 150 m/s (492 ft/s).

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-36319 Authorized instructor. (1) Operator qualifications. Only persons trained and authorized by the tool manufacturer or by an authorized representative of the tool manufacturer shall be qualified to instruct and qualify operators for the manufacturer's powder actuated tools.

(2) Instructor qualifications. All authorized instructors shall have read and be familiar with this standard, and shall be capable of:

(a) Disassembling, servicing, and reassembling the tool.

(b) Recognizing any worn or damaged parts or defective operation.

(c) Recognizing and clearly identifying the colors used to identify power load levels.

(d) Using the tool correctly within the limitations of its use.

(e) Training and testing operators prior to issuing a qualified operator's card.

(3) Instructor's card. All authorized instructors shall have in their possession a valid authorized instructor's card issued and signed by an authorized representative of the manufacturer. The card shall be wallet size of approximately 6 x 9 cm (2-1/2 x 3-1/2 in), and the face of the card shall bear text similar to that shown in Figure G-1.

(4) List of instructors. A list of all instructors authorized by the manufacturer to instruct and qualify operators shall be maintained by the tool manufacturer and be made available to the department of labor and industries(~~(-division of industrial safety and health, upon request)~~).

(5) Revocation of instructor card. (~~(An)~~) Instructor's card may be revoked by the authorizing agent or the department of labor and industries(~~(-division of industrial safety and health)~~), if (~~(he)~~) the instructor is known to have issued

a qualified operator's card in violation of any regulation contained in this standard. When an instructor is no longer authorized to issue qualified operator's cards, ~~((he))~~ cards shall ~~((surrender his card))~~ be surrendered to the authorizing agent or the department of labor and industries ~~((division of industrial safety and health)).~~

AUTHORIZED INSTRUCTOR

..... Powder Actuated Tools Date
(MAKE)
Card No. Social Security No.
This certifies that
(NAME OF INSTRUCTOR)
has received the prescribed training in the operation and maintenance of powder actuated tools manufactured by and is qualified
(NAME OF MANUFACTURER)
to train and certify operators of
(MAKE)
powder actuated tools.
Model(s)
Authorized by
I have received instruction by the manufacturer's authorized representative in the training of operators of the above tools and agree to conform to all rules and regulations governing the instruction of tool operators.
Date of Birth

Figure G-1
Sample of Authorized Instructor's Card

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-36321 Qualified operator. (1) Operator qualifications. The operator shall be trained by an authorized instructor to be familiar with the provisions of this standard and the instructions provided by the manufacturer for operation and maintenance. The operator shall also be capable of:

- (a) Reading and understanding the manufacturer's instruction manual.
 - (b) Cleaning the tool correctly.
 - (c) Recognizing any worn or damaged parts or defective operation.
 - (d) Recognizing the number-color code system used in this standard to identify power load levels. In the event the operator is unable to distinguish the colors used, ~~((he))~~ the operator shall be given special instruction ~~((to))~~ which will enable ~~((him))~~ the operator to avoid error.
 - (e) Using ~~((the))~~ a tool correctly within the limitations of its use and ~~((demonstrating his))~~ demonstrate competence by operating the tool in the presence of the instructor.
- (2) Operator examination. After training, the operator shall ~~((to))~~ substantiate ~~((his))~~ competency ~~((;))~~ by completing satisfactorily ~~((complete))~~ a written examination provided by the manufacturer of the tool.

(a) The operator's written examination shall consist of questions to establish the operator's competence with respect to:

- (i) The requirements of this standard;
- (ii) The powder actuated fastening system; and
- (iii) The specific details of operation and maintenance of the tool(s) involved.

(b) The examination shall provide a statement, attested to by the instructor, that the applicant can (or cannot) readily distinguish the colors used to identify power load levels (see WAC 296-155-36309).

(3) Operator's card. Each applicant who meets the requirements as set forth in subsections (1) and (2) of this section shall receive a qualified operator's card, issued and signed by both the instructor and applicant. While using the tool, the operator shall ~~((have this))~~ carry this card ~~((in his possession)).~~

(4) Card features. The qualified operator's card supplied by the manufacturer shall be wallet size of approximately 6 x 9 cm (2-1/2 x 3-1/2 in), and the face of the card shall bear text similar to that shown in Figure G-2.

(5) Revocation notation. There shall be printed on the card a notation reading:

"Revocation of card - Failure to comply with any of the rules and regulations for safe operation of powder actuated fastening tools shall be cause for the immediate revocation of this card."

QUALIFIED OPERATOR

..... Powder Actuated Tools Date
(MAKE)
Card No. Social Security No.
This certifies that
(NAME OF OPERATOR)
has received the prescribed training in the operation of powder actuated tools manufactured by
(NAME OF MANUFACTURER)
Model(s)
Trained and issued by
(SIGNATURE OF AUTHORIZED INSTRUCTOR)
I have received instruction in the safe operation and maintenance of powder actuated fastening tools of the makes and models specified and agree to conform to all rules and regulations governing that use
Date of Birth

Figure G-2
Sample of Qualified Operator's Card

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-365 Abrasive wheels and tools. (1) Power. All grinding machines shall be supplied with sufficient power to maintain the spindle speed at safe levels under all conditions of normal operation.

(2) Guarding.

(a) Grinding machines shall be equipped with safety guards in conformance with the requirements of American National Standards Institute, B7.1-1978, Safety Code for the Use, Care and Protection of Abrasive Wheels.

(b) Guard design. The safety guard shall cover the spindle end, nut, and flange projections. The safety guard shall be mounted so as to maintain proper alignment with the wheel, and the strength of the fastenings shall exceed the strength of the guard, except:

- (i) Safety guards on all operations where the work provides a suitable measure of protection to the operator, may be so constructed that the spindle end, nut, and outer

flange are exposed; and where the nature of the work is such as to entirely cover the side of the wheel, the side covers of the guard may be omitted; and

(ii) The spindle end, nut, and outer flange may be exposed on machines designed as portable saws.

(3) Use of abrasive wheels.

(a) Floor stand and bench mounted abrasive wheels, used for external grinding, shall be provided with safety guards (protection hoods). The maximum angular exposure of the grinding wheel periphery and sides shall be not more than 90°, except that when work requires contact with the wheel below the horizontal plane of the spindle, the angular exposure shall not exceed 125°. In either case, the exposure shall begin not more than 65° above the horizontal plane of the spindle. Safety guards shall be strong enough to withstand the effect of a bursting wheel.

(b) Floor and bench-mounted grinders shall be provided with work rests which are rigidly supported and readily adjustable. Such work rests shall be adjusted to a distance not to exceed one-eighth inch from the surface of the wheel. The work rest may be omitted when contacts of the work piece with the grinding surface below the horizontal plane of the spindle are necessary and unavoidable, or where the size or shape of the work piece precludes use of the work rest.

(c) Cup type wheels used for external grinding shall be protected by either a revolving cup guard or a band type guard in accordance with the provisions of the American National Standards Institute, B7.1-1978, Safety Requirements for the Use, Care, and Protection of Abrasive Wheels. Abrasive wheels shall only be used on machines provided with safety guards, except the following:

(i) Wheels used for internal work while within the work being ground.

(ii) Mounted wheels, 2 inches and smaller in diameter used in portable operations.

(iii) Types 16, 17, 18, 18R and 19 cones and plugs, and threaded hole pot balls where the work offers protection or where the size does not exceed 3 inches in diameter by 5 inches in length.

(iv) Metal centered diamond lapidary wheels either notched, segmented or continuous rim used with a coolant deflector, when operated at speeds up to 3500 surface feet per minute (S.F.P.M.).

(v) Type 1 wheels not larger than 2 inches in diameter and not more than 1/2 inch thick, operating at peripheral speeds less than 1800 SFPM when mounted on mandrels driven by portable drills.

(vi) Type 1 reinforced wheels not more than 3 inches in diameter and 1/4 inch in thickness, operating at peripheral speeds not exceeding 9500 SFPM, provided that safety glasses and face shield are worn.

(vii) Valve seat grinding wheels.

(d) Portable abrasive wheels used for internal grinding shall be provided with safety flanges (protection flanges) meeting the requirements of subdivision (f) of this subsection, except as follows:

(i) When wheels 2 inches or less in diameter which are securely mounted on the end of a steel mandrel are used;

(ii) If the wheel is entirely within the work being ground while in use.

(e) When safety guards are required, they shall be so mounted as to maintain proper alignment with the wheel, and

the guard and its fastenings shall be of sufficient strength to retain fragments of the wheel in case of accidental breakage.

The maximum angular exposure of the grinding wheel periphery and sides shall not exceed 180°.

(f) When safety flanges are required, they shall be used only with wheels designed to fit the flanges. Only safety flanges, of a type and design and properly assembled so as to ensure that the pieces of the wheel will be retained in case of accidental breakage, shall be used.

(g) All abrasive wheels shall be closely inspected and ring-tested before mounting to ensure that they are free from cracks or defects.

(h) Grinding wheels shall fit freely on the spindle and shall not be forced on. The spindle nut shall be tightened only enough to hold the wheel in place.

(i) All employees using abrasive wheels shall be protected by eye protection equipment in accordance with the requirements of Part C of this chapter, except when adequate eye protection is afforded by eye shields which are permanently attached to the bench or floor stand.

(4) Other requirements. All abrasive wheels and tools used by employees shall meet other applicable requirements of American National Standards Institute, B7.1-1978, Safety Code for the Use, Care and Protection of Abrasive Wheels.

AMENDATORY SECTION (Amending Order 92-15, filed 2/3/93, effective 3/15/93)

WAC 296-155-375 Jacks—Lever and ratchet, screw, and hydraulic. General requirements.

(1) The manufacturer's rated capacity shall be legibly marked on all jacks and this capacity shall not be exceeded.

(2) All jacks shall have a positive stop to prevent over-travel.

(3) Specially designed jacks constructed for specific purposes shall meet the approval of the ~~((division of Industrial Safety and Health))~~ department of labor and industries before being placed in service.

(4) Control parts shall be so designed that the operator will not be subjected to hazard.

(5) Blocking. When it is necessary to provide a firm foundation, the base of the jack shall be blocked or cribbed. Where there is a possibility of slippage of the metal cap of the jack, a wood block shall be placed between the cap and the load.

(6) Operation and maintenance.

(a) After the load has been raised, it shall immediately be cribbed, blocked, or otherwise secured.

(b) Hydraulic jacks exposed to freezing temperatures shall be supplied with an adequate antifreeze liquid.

(c) All jacks shall be properly lubricated at regular intervals. The lubricating instructions of the manufacturer should be followed, and only lubricants recommended by the manufacturer should be used.

(7) Each jack shall be thoroughly inspected at times which depend upon the service conditions. Inspections shall be not less frequent than the following:

(a) For constant or intermittent use at one locality, once every six months;

(b) For jacks sent out of shop for special work, when sent out and when returned;

(c) For a jack subjected to abnormal load or shock, immediately before and immediately thereafter.

(8) Repair or replacement parts shall be examined for possible defects.

(9) Jacks which are out of order shall be tagged accordingly, and shall not be used until repairs are made.

NEW SECTION

WAC 296-155-380 Air receivers. (1) Application. This section applies to compressed air receivers, and other equipment used in providing and utilizing compressed air for performing operations such as cleaning, drilling, hoisting, and chipping. On the other hand, however, this section does not deal with the special problems created by using compressed air to convey materials nor the problems created when persons work in compressed air as in tunnels and caissons. These standards are not intended to apply to compressed air machinery and equipment used on transportation vehicles such as steam railroad cars, electric railway cars, and automotive equipment.

(2) New and existing equipment.

(a) All new air receivers installed after the effective date of these standards shall be constructed in accordance with the 1968 Edition of the A.S.M.E. Boiler and Pressure Vessel Code, section VIII.

(b) All safety valves used shall be constructed, installed, and maintained in accordance with the A.S.M.E. Boiler and Pressure Vessel Code, section VIII Edition 1968.

(3) Installation. Air receivers shall be so installed that all drains, handholes, and manholes therein are easily accessible. Air receivers should be supported with sufficient clearance to permit a complete external inspection and to avoid corrosion of external surfaces. Under no circumstances shall an air receiver be buried underground or located in an inaccessible place. The receiver should be located as close to the compressor or after-cooler as is possible in order to keep the discharge pipe short.

(4) Drains and traps. All air receivers having an internal and external operating pressure exceeding 15 psi with no limitation on size, and air receivers having an inside diameter exceeding six inches, with no limitation on pressure, if subject to corrosion, shall be supplied with a drain pipe and valve at the lowest point in the vessel; or a pipe may be used extending inward from any other location to within one-quarter inch of the lowest point. Adequate automatic traps may be installed in addition to drain valves. The drain valve on the air receiver shall be opened and the receiver completely drained frequently and at such intervals as to prevent the accumulation of oil and water in the receiver.

(5) Gages and valves.

(a) Every air receiver shall be equipped with an indicating pressure gage (so located as to be readily visible) and with one or more spring-loaded safety valves. The total relieving capacity of such safety valves shall be such as to prevent pressure in the receiver from exceeding the maximum allowable working pressure of the receiver by more than ten percent.

(b) No valve of any type shall be placed between the air receiver and its safety valve or valves.

(c) Safety appliances, such as safety valves, indicating devices and controlling devices, shall be constructed, located, and installed so that they cannot be readily rendered inoperative by any means, including the elements.

(d) All safety valves shall be tested frequently and at regular intervals to determine whether they are in good operating condition.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-400 Gas welding and cutting. (1) Transporting, moving, and storing compressed gas cylinders.

(a) Valve protection caps shall be in place and secured.

(b) When cylinders are hoisted, they shall be secured on a cradle, slingboard, or pallet. They shall not be hoisted or transported by means of magnets or choker slings.

(c) Cylinders shall be moved by tilting and rolling them on their bottom edges. They shall not be intentionally dropped, struck, or permitted to strike each other violently.

(d) When cylinders are transported by powered vehicles, they shall be secured in a vertical position.

(e) Valve protection caps shall not be used for lifting cylinders from one vertical position to another. Bars shall not be used under valves or valve protection caps to pry cylinders loose when frozen. Warm, not boiling, water shall be used to thaw cylinders loose.

(f) Unless cylinders are firmly secured on a special carrier intended for this purpose, regulators shall be removed and valve protection caps put in place before cylinders are moved.

(g) A suitable cylinder truck, chain, or other steadying device shall be used to keep cylinders from being knocked over while in use. Such cylinders are not considered to be "in storage."

(h) When a job is finished, when cylinders are empty or when cylinders are moved at any time, the cylinder valve shall be closed.

(i) Compressed gas cylinders shall be secured in an upright position at all times except, if necessary, for short periods of time while cylinders are actually being hoisted or carried.

(j) Oxygen. Oxygen cylinders in storage shall be separated from fuel-gas cylinders or combustible materials (especially oil or grease), a minimum distance of 20 feet or by a noncombustible barrier at least 5 feet high having a fire-resistance rating of at least one-half hour.

(2) Placing cylinders.

(a) Cylinders shall be kept far enough away from the actual welding or cutting operation so that sparks, hot slag, or flame will not reach them. When this is impractical, fire resistant shields shall be provided.

(b) Cylinders shall be placed where they cannot become part of an electrical circuit. Electrodes shall not be struck against a cylinder to strike an arc.

(c) Fuel gas cylinders shall be placed with valve end up whenever they are in use. They shall not be placed in a location where they would be subject to open flame, hot metal, or other sources of artificial heat.

(d) Cylinders containing oxygen or acetylene or other fuel gas shall not be taken into confined spaces.

(3) Treatment of cylinders.

(a) Cylinders, whether full or empty, shall not be used as rollers or supports.

(b) No person other than the gas supplier shall attempt to mix gases in a cylinder. No one except the owner of the cylinder or person authorized by ~~(him)~~ the owner, shall refill a cylinder. No one shall use a cylinder's contents for purposes other than those intended by the supplier. All cylinders used shall meet the department of transportation requirements, Specification for Cylinders, (49 CFR Part 178, Subpart C).

(c) No damaged or defective cylinder shall be used.

(4) Use of fuel gas. The employer shall thoroughly instruct employees in the safe use of fuel gas, as follows:

(a) Before a regulator to a cylinder valve is connected, the valve shall be opened slightly and closed immediately. (This action is generally termed "cracking" and is intended to clear the valve of dust or dirt that might otherwise enter the regulator.) The person cracking the valve shall stand to one side of the outlet, not in front of it. The valve of a fuel gas cylinder shall not be cracked where the gas would reach welding work, sparks, flame, or other possible sources of ignition.

(b) The cylinder valve shall always be opened slowly to prevent damage to the regulator. For quick closing, valves on fuel gas cylinders shall not be opened more than 1 1/2 turns. When a special wrench is required, it shall be left in position on the stem of the valve while the cylinder is in use so that the fuel gas flow can be shut off quickly in case of an emergency. In the case of manifolded or coupled cylinders, at least one such wrench shall always be available for immediate use. Nothing shall be placed on top of a fuel gas cylinder, when in use, which may damage the safety device or interfere with the quick closing of the valve.

(c) Fuel gas shall not be used from cylinders through torches or other devices which are equipped with shutoff valves without reducing the pressure through a suitable regulator attached to the cylinder valve or manifold.

(d) Before a regulator is removed from a cylinder valve, the cylinder valve shall always be closed and the gas released from the regulator.

(e) If, when the valve on a fuel gas cylinder is opened, there is found to be a leak around the valve stem, the valve shall be closed and the gland nut tightened. If this action does not stop the leak, the use of the cylinder shall be discontinued, and it shall be properly tagged and removed from the work area. In the event that fuel gas should leak from the cylinder valve, rather than from the valve stem, and the gas cannot be shut off, the cylinder shall be properly tagged and removed from the work area. If a regulator attached to a cylinder valve will effectively stop a leak through the valve seat, the cylinder need not be removed from the work area.

(f) If a leak should develop at a fuse plug or other safety device, the cylinder shall be removed from the work area.

(g) Cylinders not having fixed hand wheels shall have keys, handles, or nonadjustable wrenches on valve stems while in service. In multiple cylinder installations one and only one key or handle is required for each manifold.

(5) Fuel gas and oxygen manifolds.

(a) Fuel gas and oxygen manifolds shall bear the name of the substance they contain in letters at least 1-inch high

which shall be either painted on the manifold or on a sign permanently attached to it.

(b) Fuel gas and oxygen manifolds shall be placed in safe, well ventilated, and accessible locations. They shall not be located within enclosed spaces.

(c) Manifold hose connections, including both ends of the supply hose that lead to the manifold, shall be such that the hose cannot be interchanged between fuel gas and oxygen manifolds and supply header connections. Adapters shall not be used to permit the interchange of hose. Hose connections shall be kept free of grease and oil.

(d) When not in use, manifold and header hose connections shall be capped.

(e) Nothing shall be placed on top of a manifold, when in use, which will damage the manifold or interfere with the quick closing of the valves.

(6) Hose.

(a) Fuel gas hose and oxygen hose shall be easily distinguishable from each other. The contrast may be made by different colors or by surface characteristics readily distinguishable by the sense of touch. Oxygen and fuel gas hoses shall not be interchangeable. A single hose having more than one gas passage shall not be used.

(b) When parallel sections of oxygen and fuel gas hose are taped together, not more than 4 inches out of 12 inches shall be covered by tape.

(c) All hose in use, carrying acetylene, oxygen, natural or manufactured fuel gas, or any gas or substance which may ignite or enter into combustion, or be in any way harmful to employees, shall be inspected at the beginning of each working shift. Defective hose shall be removed from service.

(d) Hose which has been subject to flashback, or which shows evidence of severe wear or damage, shall be tested to twice the normal pressure to which it is subject, but in no case less than 300 p.s.i. Defective hose, or hose in doubtful condition, shall not be used.

(e) Hose couplings shall be of the type that cannot be unlocked or disconnected by means of a straight pull without rotary motion.

(f) Boxes used for the storage of gas hose shall be ventilated.

(g) Hoses, cables, and other equipment shall be kept clear of passageways, ladders and stairs.

(7) Torches.

(a) Clogged torch tip openings shall be cleaned with suitable cleaning wires, drills, or other devices designed for such purpose.

(b) Torches in use shall be inspected at the beginning of each working shift for leaking shutoff valves, hose couplings, and tip connections. Defective torches shall not be used.

(c) Torches shall be lighted by friction lighters or other approved devices, and not by matches or from hot work.

(8) Regulators and gauges. Oxygen and fuel gas pressure regulators, including their related gauges, shall be in proper working order while in use.

(9) Oil and grease hazards. Oxygen cylinders and fittings shall be kept away from oil or grease. Cylinders, cylinder caps and valves, couplings, regulators, hose, and apparatus shall be kept free from oil or greasy substances and shall not be handled with oily hands or gloves. Oxygen

shall not be directed at oily surfaces, greasy clothes, or within a fuel oil or other storage tank or vessel.

(10) Additional rules. For additional details not covered in this Part, applicable portions of American National Standards Institute, Z49.1-1973, Safety in Welding and Cutting, shall apply.

AMENDATORY SECTION (Amending Order 88-25, filed 11/14/88)

WAC 296-155-405 Arc welding and cutting. (1) Manual electrode holders.

(a) Only manual electrode holders which are specifically designed for arc welding and cutting, and are of a capacity capable of safely handling the maximum rated current required by the electrodes, shall be used.

(b) Any current-carrying parts passing through the portion of the holder which the arc welder or cutter grips in ~~(his)~~ the hand, and the outer surfaces of the jaws of the holder, shall be fully insulated against the maximum voltage encountered to ground.

(2) Welding cables and connectors.

(a) All arc welding and cutting cables shall be of the completely insulated, flexible type, capable of handling the maximum current requirements of the work in progress, taking into account the duty cycle under which the arc welder or cutter is working.

(b) Only cable free from repair or splices for a minimum distance of 10 feet from the cable end to which the electrode holder is connected shall be used, except that cables with standard insulated connectors or with splices whose insulating quality is equal to that of the cable are permitted.

(c) When it becomes necessary to connect or splice lengths of cable one to another, substantial insulated connectors of a capacity at least equivalent to that of the cable shall be used. If connections are effected by means of cable lugs, they shall be securely fastened together to give good electrical contact, and the exposed metal parts of the lugs shall be completely insulated.

(d) Cables in need of repair shall not be used. When a cable, other than the cable lead referred to in subdivision (b) of this subsection, becomes worn to the extent of exposing bare conductors, the portion thus exposed shall be protected by means of rubber and friction tape or other equivalent insulation.

(3) Ground returns and machine grounding.

(a) A ground return cable shall have a safe current carrying capacity equal to or exceeding the specified maximum output capacity of the arc welding or cutting unit which it services. When a single ground return cable services more than one unit, its safe current-carrying capacity shall equal or exceed the total specified maximum output capacities of all the units which it services.

(b) Pipelines containing gases or flammable liquids, or conduits containing electrical circuits, shall not be used as a ground return. For welding on natural gas pipelines, the technical portions of regulations issued by the Department of Transportation, Office of Pipeline Safety, Minimum Federal Safety Standards for Gas Pipelines shall apply. (49 CFR Part 192, Subpart C.)

(c) When a structure or pipeline is employed as a ground return circuit, it shall be determined that the required electrical contact exist at all joints. The generation of an arc, sparks, or heat at any point shall cause rejection of the structures as a ground circuit.

(d) When a structure or pipeline is continuously employed as a ground return circuit, all joints shall be bonded, and periodic inspections shall be conducted to ensure that no condition of electrolysis or fire hazard exists by virtue of such use.

(e) The frames of all arc welding and cutting machines shall be grounded either through a third wire in the cable containing the circuit conductor or through a separate wire which is grounded at the source of the current. Grounding circuits, other than by means of the structure, shall be checked to ensure that the circuit between the ground and the grounded power conductor has resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(f) All ground connections shall be inspected to ensure that they are mechanically strong and electrically adequate for the required current.

(4) Operating instructions. Employers shall instruct employees in the safe means of arc welding and cutting as follows:

(a) When electrode holders are to be left unattended, the electrodes shall be removed and the holders shall be so placed or protected that they cannot make electrical contact with employees or conducting objects.

(b) Hot electrode holders shall not be dipped in water; to do so may expose the arc welder or cutter to electric shock.

(c) When the arc welder or cutter has occasion to leave ~~(his)~~ work or to stop work for any appreciable length of time, or when the arc welding or cutting machine is to be moved, the power supply switch to the equipment shall be opened.

(d) Any faulty or defective equipment shall be reported to the supervisor.

(e) See WAC 296-155-452 for additional requirements.

(5) Shielding. Whenever practical, all arc welding and cutting operations shall be shielded by noncombustible or flameproof screens which will protect employees and other persons working in the vicinity from the direct rays of the arc.

(6) Employee protection. Where welding or cutting operations are being performed in areas where it is possible for molten slag to contact other employees, those employees shall be protected from being burned by providing overhead protection, barricading the impact area, or other effective means.

AMENDATORY SECTION (Amending Order 92-13, filed 11/10/92, effective 12/18/92)

WAC 296-155-428 General requirements. (1) Protection of employees.

(a) No employer shall permit an employee to work in such proximity to any part of an electric power circuit that the employee could contact the electric power circuit in the course of work, unless the employee is protected against

electric shock by de-energizing the circuit and grounding it or by guarding it effectively by insulation or other means.

(b) No person, firm, corporation, or agent of same, shall require or permit any employee to perform any function in proximity to electrical conductors or to engage in any excavation, construction, demolition, repair, or other operation, unless and until danger from accidental contact with said electrical conductors has been effectively guarded by de-energizing the circuit and grounding it or by guarding it by effective insulation or other effective means.

(c) In work areas where the exact location of underground electric powerlines is unknown, no activity which may bring employees into contact with those powerlines shall begin until the powerlines have been positively and unmistakably de-energized and grounded.

(d) Before work is begun the employer shall ascertain by inquiry or direct observation, or by instruments, whether any part of an energized electric power circuit, exposed or concealed, is so located that the performance of the work may bring any person, tool, or machine into physical or electrical contact with the electric power circuit. The employer shall post and maintain proper warning signs where such a circuit exists. The employer shall advise employees of the location of such lines, the hazards involved, and the protective measures to be taken.

(e) No work shall be performed, no material shall be piled, stored or otherwise handled, no scaffolding, commercial signs, or structures shall be erected or dismantled, nor any tools, machinery or equipment operated within the specified minimum distances from any energized high voltage electrical conductor capable of energizing the material or equipment; except where the electrical distribution and transmission lines have been de-energized and visibly grounded at point of work, or where insulating barriers not a part of or an attachment to the equipment have been erected, to prevent physical contact with the lines, equipment shall be operated proximate to, under, over, by, or near energized conductors only in accordance with the following:

(i) For lines rated 50 kV. or below, minimum clearance between the lines and any part of the equipment or load shall be ten feet.

(ii) For lines rated over 50 kV. minimum, clearance between the lines and any part of the equipment or load shall be ten feet plus 0.4 inch or each 1 kV. over 50 kV., or twice the length of the line insulator but never less than ten feet.

(f) Work on energized equipment. Only qualified persons shall work on electric circuit parts of equipment that have not been deenergized under the procedures of WAC 296-155-429(4). Such persons shall be capable of working safely on energized circuits and shall be familiar with the proper use of special precautionary techniques, personal protective equipment, insulating and shielding materials, and insulated tools.

(g) Overhead electric lines. Where overhead electric conductors are encountered in proximity to a work area, the employer shall be responsible for:

(i) Ascertaining the voltage and minimum clearance distance required; and

(ii) Maintaining the minimum clearance distance; and

(iii) Ensuring that the requirements of this section are complied with.

(h) If relocation of the electrical conductors is necessary, arrangements shall be made with the owners of the lines for such relocation.

~~((g))~~ (i) Barriers.

(i) Barriers shall be of such character and construction as to effectively provide the necessary protection without creating other hazards or jeopardizing the operation of the electrical circuits.

(ii) Barriers installed within the ten feet clearance from conductors shall be installed only under the supervision of authorized and qualified persons and this shall include a representative of the electrical utility or owner involved.

~~((h))~~ (j) Exceptions.

(i) These rules do not apply to the construction, reconstruction, operation, and maintenance, of overhead electrical lines, structures, and associated equipment by authorized and qualified electrical workers.

(ii) These rules do not apply to authorized and qualified employees engaged in the construction, reconstruction, operation, and maintenance, of overhead electrical circuits or conductors and associated equipment of rail transportation systems or electrical generating, transmission, distribution and communication systems which are covered by chapters 296-45 and 296-32 WAC.

~~((i))~~ (k) Special precautions must be taken.

(i) When handling any winch lines, guy wires, or other free cable, wire or rope in the vicinity of any electrical conductors.

(ii) When pulling a winch line, or other cable or rope under energized electrical conductors from a boom, mast, pile driver, etc., in such a manner as to make possible an approach to within ten feet of a conductor.

(iii) When there is possibility of a winch line, cable, etc., either becoming disconnected or breaking under load because of excessive strain and flipping up into overhead conductors.

(iv) When placing steel, concrete reinforcement, wire mesh, etc.

(v) When handling pipe or rod sections in connection with digging wells or test holes.

(vi) When moving construction equipment, apparatus, machinery, etc., all such movements must avoid striking supporting structures, guy wires, or other elements of the electrical utility system causing the conductors to so swing or move as to decrease clearances to less than ten feet from construction equipment, or to cause them to come together.

~~((j))~~ (l) Warning sign required.

(i) An approved durable warning sign legible at twelve feet, reading "It is unlawful to operate this equipment within ten feet of electrical conductors" shall be posted and maintained in plain view of the operator at the controls of each crane, derrick, shovel, drilling rig, pile driver or similar apparatus which is capable of vertical, lateral or swinging motion.

(ii) A similar sign shall be installed on the outside of the equipment and located as to be readily visible to mechanics or other persons engaged in the work operation.

(iii) Signs shall be not less than 6" x 8" dimensions with the word "WARNING" or "DANGER" in large letters and painted red across the top and the other letters in black painted on yellow background.

~~((4*))~~ (m) Any overhead wire shall be considered to be an energized line until the owner of such line or the electrical utility authorities indicate that it is not an energized line and it has been visibly grounded.

(2) Passageways and open spaces.

(a) Barriers or other means of guarding shall be provided to ensure that workspace for electrical equipment will not be used as a passageway during periods when energized parts of electrical equipment are exposed.

(b) Working spaces, walkways, and similar locations shall be kept clear of cords so as not to create a tripping hazard to employees.

(3) Load ratings. In existing installations, no changes in circuit protection shall be made to increase the load in excess of the load rating of the circuit wiring.

(4) Fuses. When fuses are installed or removed with one or both terminals energized, special tools insulated for the voltage shall be used.

(5) Cords and cables.

(a) Worn or frayed electric cords or cables shall not be used.

(b) Extension cords shall not be fastened with staples, hung from nails, or suspended by wire.

(6) Interlocks. Only a qualified person following the requirements of this section may defeat an electrical safety interlock, and then only temporarily while they are working on the equipment. The interlock systems shall be returned to its operable condition when this work is completed.

(7) Portable electric equipment—Handling. Portable equipment shall be handled in a manner which will not cause damage. Flexible electric cords connected to equipment shall not be used for raising or lowering the equipment. Flexible cords shall not be fastened with staples or otherwise hung in such a fashion as could damage the outer jacket or insulation.

(8) Visual inspection. When an attachment plug is to be connected to a receptacle (including any on a cord set), the relationship of the plug and receptacle contacts shall first be checked to ensure they are of proper mating configurations.

(9) Connecting attachment plugs.

(a) Employees' hands shall not be wet when plugging and unplugging flexible cords and cord- and plug-connected equipment, if energized equipment is involved.

(b) Energized plug and receptacle connections shall be handled only with insulating protective equipment if the condition of the connection could provide a conducting path to the employee's hand (if, for example, a cord connector is wet from being immersed in water).

(c) Locking-type connectors shall be properly secured after connection.

(10) Routine opening and closing circuits. Load rated switches, circuit breakers, or other devices specifically designed as disconnecting means shall be used for the opening, reversing, or closing of circuits under load conditions. Cable connectors not of the load-break type, fuses, terminal lugs, and cable splice connections shall not be used for such purposes, except in an emergency.

(11) Reclosing circuits after protective device operation. After a circuit is deenergized by a circuit protective device, the circuit shall not be manually reenergized until it has been determined that the equipment and circuit can be safely energized. This repetitive manual reclosing of circuit

breakers or reenergizing circuits through replaced fuses is prohibited.

Note: When it can be determined from the design of the circuit and the overcurrent devices involved that the automatic operation of a device was caused by an overload rather than a fault connection, no examination of the circuit or connected equipment is needed before the circuit is reenergized.

(12) Test instruments and equipment—Use. Only qualified persons shall perform testing work on electric circuits or equipment.

(13) Visual inspection. Test instruments and equipment and all associated test leads, cables, power cords, probes, and connectors shall be visually inspected for external defects and damage before the equipment is used. If there is a defect or evidence of damage that might expose an employee to injury, the defective or damaged item shall be removed from service, and no employee shall use it until necessary repairs and tests to render the equipment safe have been made.

(14) Rating of equipment. Test instruments and equipment and their accessories shall be rated for the circuits and equipment to which they will be connected and shall be designed for the environment in which they will be used.

(15) Occasional use of flammable or ignitable materials. Where flammable materials are present only occasionally, electric equipment capable of igniting them shall not be used, unless measures are taken to prevent hazardous conditions from developing. Such materials include, but are not limited to: Flammable gases, vapors, or liquids; combustible dust; and ignitable fibers or flyings.

(16) Work on energized equipment. Only qualified persons shall work on electric circuit parts of equipment that have not been deenergized under the procedures of WAC 296-155-429(4). Such persons shall be capable of working safely on energized circuits and shall be familiar with the proper use of special precautionary techniques, personal protective equipment, insulating and shielding materials, and insulated tools.

(17) Overhead lines. If work is to be performed near overhead lines, the lines shall be deenergized and grounded, or other protective measures shall be provided before work is started. If the lines are to be deenergized, arrangements shall be made with the person or organization that operates or controls the electric circuits involved to deenergize and ground them. If protective measures, such as guarding, isolating, or insulating, these precautions shall prevent employees from contacting such lines directly with any part of their body or indirectly through conductive materials, tools, or equipment.

(18) Unqualified persons. When an unqualified person is working in an elevated position, or on the ground, near overhead lines, the location shall be such that the person and the longest conductive object they may contact cannot come closer to any unguarded, energized overhead line than the following distances:

(a) For voltages to ground 50kV or below—10 ft.;

(b) For voltages to ground over 50kV—10 ft. plus 0.4 inch for every 1kV over 50kV.

(19) Qualified persons. When a qualified person is working in the vicinity of overhead lines, whether in an elevated position or on the ground, the person shall not approach or take any conductive object without an approved

insulating handle closer to exposed energized parts that are shown in subsection (1)(e) of this section unless:

(a) The person is insulated from the energized part (gloves, with sleeves if necessary), rated for the voltage involved are considered to be insulation of the person from the energized part on which work is performed; or

(b) The energized part is insulated both from all other conductive objects at a different potential and from the person; or

(c) The person is insulated from all conductive objects at a potential different from that of the energized part.

(20) Vehicular and mechanical equipment.

(a) Any vehicle or mechanical equipment capable of having parts of its structure elevated near energized overhead lines shall be operated so that a clearance of 10 ft. is maintained. If the voltage is higher than 50kV, the clearance shall be increased 0.4 inch for every 1kV over the voltage. However, under any of the following conditions, the clearance may be reduced:

(i) If the vehicle is in transit with its structure lowered, the clearance may be reduced to 4 ft. If the voltage is higher than 50kV, the clearance shall be increased 0.4 inch for every 1kV over that voltage.

(ii) If insulating barriers are installed to prevent contact with the lines, and if the barriers are rated for the voltage of the line being guarded and are not a part of or an attachment to the vehicle or its raised structure, the clearance may be reduced to a distance within the designed working dimensions of the insulating barrier.

(b) If the equipment is an aerial lift insulated for the voltage involved, and if the work is performed by a qualified person, the clearance (between the uninsulated portion of the aerial lift and the power line) may be reduced to the distance given in (a) through (d) of this subsection.

(c) Employees standing on the ground shall not contact the vehicle or mechanical equipment or any of its attachments, unless:

(i) The employee is using protective equipment rated for the voltage; or

(ii) The equipment is located so that no uninsulated part of its structure (that portion of the structure that provides a conductive path to employees on the ground) can come closer to the line than permitted in this section.

(d) If any vehicle or mechanical equipment capable of having parts of its structure elevated near energized overhead lines is of grounding shall not stand at the grounding location whenever there is a possibility of overhead line contact. Additional precautions, such as the use of barricades or insulation, shall be taken to protect employees from hazardous ground potentials, depending on earth resistivity and fault currents, which can develop within the first few feet or more outward from the grounding point.

(21) Illumination.

(a) Employees shall not enter spaces containing exposed energized parts, unless illumination is provided that enables the employees to perform the work safely.

(b) Where lack of illumination or an obstruction precludes observation of the work to be performed, employees shall not perform tasks near exposed energized parts. Employees shall not reach blindly into areas which may contain energized parts.

(22) Confined or enclosed space (such as a manhole or vault) that contains exposed energized parts, the employer shall provide, and the employee shall use, protective shields, protective barriers, or insulating materials as necessary to avoid inadvertent contact with these parts. Doors, hinged panels, and the like shall be secured to prevent their swinging into an employee and causing the employee to contact exposed energized parts.

(23) Conductive materials and equipment. Conductive materials and equipment that are in contact with any part of an employee's body shall be handled in a manner that will prevent them from contacting exposed energized conductors or circuit parts. If an employee handle long dimensional conductive objects (such as ducts and pipes) practices (such as the use of insulation, guarding, and material handling techniques) which will minimize the hazard.

(24) Portable ladders. Portable ladders shall have nonconductive siderails if they are used where the employee or the ladder could contact exposed energized parts.

(25) Conductive apparel. Conductive articles of jewelry and clothing (such as watch bands, bracelets, rings, key chains, necklaces, metalized aprons, cloth with conductive thread, or metal headgear) shall not be worn if they might contact exposed energized parts.

(26) Housekeeping duties.

(a) Where live parts present an electrical contact hazard, employees shall not perform housekeeping duties at such close distances to the parts that there is a possibility of contact, unless adequate safeguards (such as insulating equipment or barriers) are provided.

(b) Electrically conductive cleaning materials (including conductive solids such as steel wool, metalized cloth, and silicon carbide, as well as conductive liquid solutions) shall not be used in proximity to energized parts unless procedures are followed which will prevent electrical contact.

AMENDATORY SECTION (Amending Order 88-04, filed 5/11/88)

WAC 296-155-429 Lockout and tagging of circuits.

(1) Controls. Controls that are deactivated during the course of work on energized or deenergized equipment or circuits shall be tagged and padlocked in the open position.

(2) Equipment and circuits. Equipment or circuits that are de-energized shall be rendered inoperative and have tags and locked padlocks attached at all points where such equipment or circuits can be energized.

(3) Tags. Tags shall be placed to identify plainly the equipment or circuits being worked on.

(4) Lockout and tagging. While any employee is exposed to contact with parts of fixed electric equipment or circuits which have been deenergized, the circuits energizing the parts shall be locked out or tagged or both according to the requirements of this section. The requirements shall be followed in the order in which they are presented (i.e., (a) of this subsection first, then (b) of this subsection).

Note 1: As used in this section, fixed equipment refers to equipment fastened in connected by permanent wiring methods.

Note 2: Lockout and tagging procedures that comply with chapter 296-24 WAC, Part A-4 will also be deemed to comply with this subsection provided that:

1. The procedures address the electrical safety hazards covered by this part; and
2. The procedures also incorporate the requirements of (c)(iv) and (d)(ii) of this subsection.

(a) Procedures. The employer shall maintain a written copy of the procedures outlined in this subsection and shall make it available for inspection by employees and by the director and his/her authorized representative.

Note: The written procedures may be in the form of a copy of WAC 296-155-975(2).

(b) Deenergizing equipment.

(i) Safe procedures for deenergizing circuits and equipment shall be determined before circuits or equipment are deenergized.

(ii) The circuits and equipment to be worked on shall be disconnected from all electric energy sources. Control circuit devices, such as push buttons, selector switches, and interlocks, shall not be used as the sole means for deenergizing circuits or equipment. Interlocks for electric equipment shall not be used as a substitute for lockout and tagging procedures.

(iii) Stored electric energy which might endanger personnel shall be released. Capacitors shall be discharged and high capacitance elements shall be short-circuited and grounded, if the stored electric energy might endanger personnel.

Note: If the capacitors or associated equipment are handled in meeting this requirement, they shall be treated as energized.

(iv) Stored nonelectrical energy in devices that could reenergize electric circuit parts shall be blocked or relieved to the extent that the circuit parts could not be accidentally energized by the device.

(c) Application of locks and tags.

(i) A lock and a tag shall be placed on each disconnecting means used to deenergize circuits and equipment on which work is to be performed, except as provided in (c)(iii) and (v) of this subsection. The lock shall be attached to prevent persons from operating the disconnecting means unless they resort to undue force or the use of tools.

(ii) Each tag shall contain a statement prohibiting unauthorized operation of the disconnecting means and removal of the tag.

(iii) If a lock cannot be applied, or if the employer can demonstrate that tagging procedures will provide a level of safety equivalent to that obtained by the use of a lock, a tag may be used without a lock.

(iv) A tag used without a lock, as permitted by item (iii) of this subsection, shall be supplemented by at least one additional safety measure that provides a level of safety equivalent to that obtained by the use of a lock. Examples of additional safety measures include the removal of an isolating circuit element, blocking of a controlling switch, or opening of an extra disconnecting device.

(v) A lock may be placed without a tag only under the following conditions:

(A) Only one circuit or piece of equipment is deenergized; and

(B) The lockout period does not extend beyond the work shifts; and

(C) Employees exposed to the hazards associated with reenergizing the circuit or equipment are familiar with this procedure.

(d) Verification of deenergized condition. The requirements of this subsection shall be met before any circuits or equipment can be considered and worked as deenergized.

(i) A qualified person shall operate the equipment operating controls or otherwise verify that the equipment cannot be restarted.

(ii) A qualified person shall use test equipment to test the circuit elements and electrical parts of equipment to which employees will be exposed and shall verify that the circuit elements and equipment parts are deenergized. The test shall also determine if any energized conditions exists as a result of inadvertently induced voltage or unrelated voltage backfeed even though specific parts of the circuit have been deenergized and presumed to be safe. If the circuit to be tested is over 600 volts, nominal, the test equipment shall be checked for proper operation immediately before and immediately after this test.

(e) Reenergizing equipment. These requirements shall be met, in the order given, before circuits or equipment are reenergized, even temporarily.

(i) A qualified person shall conduct tests and visual inspections, as necessary, to verify that all tools, electrical jumpers, shorts, grounds, and other such devices have been removed, so that the circuits and equipment can be safely energized.

(ii) Employees exposed to the hazards associated with reenergizing the circuit or equipment shall be warned to stay clear of circuits and equipment.

(iii) Each lock and tag shall be removed by the employee who applied it or under his or her direct supervision. However, if this employee is absent from the work place, then the lock or tag may be removed by a qualified person designated to perform this task provided that:

(A) The employer ensures that the employee who applied the lock or tag is not available at the work place; and

(B) The employer ensures that the employee is aware that the lock or tag has been removed before he or she resumes work at that work place.

(iv) There shall be a visual determination that all employees are clear of the circuits and equipment.

AMENDATORY SECTION (Amending Order 93-04, filed 9/22/93, effective 11/1/93)

WAC 296-155-462 Definitions applicable to this part. The definitions given in this section apply to the terms used in Part I. The definitions given here for "approved" and "qualified person" apply, instead of the definitions given in WAC 296-155-012, to the use of these terms in Part I.

(1) "Acceptable." An installation or equipment is acceptable to the director, and approved within the meaning of this Part I:

(a) If it is accepted, certified, listed, labeled, or otherwise determined to be safe by a qualified testing laboratory capable of determining the suitability of materials and equipment for installation and use in accordance with this standard; or

(b) With respect to an installation or equipment of a kind which no qualified testing laboratory accepts, certifies, lists, labels, or determines to be safe, if it is inspected or tested by another state agency, or by a federal, municipal, or other local authority responsible for enforcing occupational safety provisions of the National Electrical Code, and found in compliance with those provisions; or

(c) With respect to custom-made equipment or related installations which are designed, fabricated for, and intended for use by a particular customer, if it is determined to be safe for its intended use by its manufacturer on the basis of test data which the employer keeps and makes available for inspection to the director and his/her authorized representatives.

(2) "Accepted." An installation is "accepted" if it has been inspected and found to be safe by a qualified testing laboratory.

(3) "Accessible." (As applied to wiring methods.) Capable of being removed or exposed without damaging the building structure or finish, or not permanently closed in by the structure or finish of the building. (See "concealed" and "exposed.")

(4) "Accessible." (As applied to equipment.) Admitting close approach; not guarded by locked doors, elevation, or other effective means. (See "readily accessible.")

(5) "Ampacity." The current in amperes a conductor can carry continuously under the conditions of use without exceeding its temperature rating.

(6) "Appliances." Utilization equipment, generally other than industrial, normally built in standardized sizes or types, which is installed or connected as a unit to perform one or more functions.

(7) "Approved." Approved by the director of the department of labor and industries or his/her authorized representative: *Provided, however,* That should a provision of this chapter state that approval by an agency or organization other than the department of labor and industries is required, such as Underwriters' Laboratories ((ø)), the Bureau of Mines, or Mine Safety and Health Administration (MSHA) and the National Institute for Occupational Safety and Health (NIOSH) the provisions of WAC 296-155-006 shall apply.

(8) "Askarel." A generic term for a group of nonflammable synthetic chlorinated hydrocarbons used as electrical insulating media. Askarels of various compositional types are used. Under arcing conditions the gases produced, while consisting predominantly of noncombustible hydrogen chloride, can include varying amounts of combustible gases depending upon the askarel type.

(9) "Attachment plug (plug cap) (cap)." A device which, by insertion in a receptacle, establishes connection between the conductors of the attached flexible cord and the conductors connected permanently to the receptacle.

(10) "Automatic." Self-acting, operating by its own mechanism when actuated by some impersonal influence, as for example, a change in current strength, pressure, temperature, or mechanical configuration.

(11) "Bare conductor." See "conductor."

(12) "Bonding." The permanent joining of metallic parts to form an electrically conductive path which will assure electrical continuity and the capacity to conduct safely any current likely to be imposed.

(13) "Bonding jumper." A reliable conductor to assure the required electrical conductivity between metal parts required to be electrically connected.

(14) "Branch circuits." That portion of a wiring system extending beyond the final overcurrent device protecting the circuit. (A device not approved for branch circuit protection, such as thermal cutout or motor overload protective device, is not considered as the overcurrent device protecting the circuit.)

(15) "Building." A structure which stands alone or which is cut off from adjoining structures by fire walls with all openings therein protected by approved fire doors.

(16) "Cabinet." An enclosure designed either for surface or flush mounting, and provided with a frame, mat, or trim in which a swinging door or doors are or may be hung.

(17) "Certified." Equipment is "certified" if it:

(a) Has been tested and found by a qualified testing laboratory to meet applicable test standards or to be safe for use in a specified manner; and

(b) Is of a kind whose production is periodically inspected by a qualified testing laboratory. Certified equipment must bear a label, tag, or other record of certification.

(18) "Circuit breaker."

(a) (600 volts nominal, or less.) A device designed to open and close a circuit by nonautomatic means and to open the circuit automatically on a predetermined overcurrent without injury to itself when properly applied within its rating.

(b) (Over 600 volts, nominal.) A switching device capable of making, carrying, and breaking currents under normal circuit conditions, and also making, carrying for a specified time, and breaking currents under specified abnormal circuit conditions, such as those of short circuit.

(19) "Class I locations." Class I locations are those in which flammable gases or vapors are or may be present in the air in quantities sufficient to produce explosive or ignitable mixtures. Class I locations include the following:

(a) Class I, Division 1. A Class I, Division 1 location is a location:

(i) In which ignitable concentrations of flammable gases or vapors may exist under normal operating conditions; or

(ii) In which ignitable concentrations of such gases or vapors may exist frequently because of repair or maintenance operations or because of leakage; or

(iii) In which breakdown or faulty operation of equipment or processes might release ignitable concentrations of flammable gases or vapors, and might also cause simultaneous failure of electric equipment.

Note: This classification usually includes locations where volatile flammable liquids or liquefied flammable gases are transferred from one container to another; interiors of spray booths and areas in the vicinity of spraying and painting operations where volatile flammable solvents are used; locations containing open tanks or vats of volatile flammable liquids; drying rooms or compartments for the evaporation of flammable solvents; inadequately ventilated pump rooms for flammable gas or for volatile flammable liquids; and all other locations where ignitable concentrations of flammable vapors or gases are likely to occur in the course of normal operations.

(b) Class I, Division 2. A Class I, Division 2 location is a location:

(i) In which volatile flammable liquids or flammable gases are handled, processed, or used, but in which the hazardous liquids, vapors, or gases will normally be confined within closed containers or closed systems from which they can escape only in case of accidental rupture or breakdown of such containers or systems, or in case of abnormal operation of equipment; or

(ii) In which ignitable concentrations of gases or vapors are normally prevented by positive mechanical ventilation, and which might become hazardous through failure or abnormal operations of the ventilating equipment; or

(iii) That is adjacent to a Class I, Division 1 location, and to which ignitable concentrations of gases or vapors might occasionally be communicated unless such communication is prevented by adequate positive-pressure ventilation from a source of clean air, and effective safeguards against ventilation failure are provided.

Note: This classification usually includes locations where volatile flammable liquids or flammable gases or vapors are used, but which would become hazardous only in case of an accident or of some unusual operating condition. The quantity of flammable material that might escape in case of accident, the adequacy of ventilating equipment, the total area involved, and the record of the industry or business with respect to explosions or fires are all factors that merit consideration in determining the classification and extent of each location.

Piping without valves, checks, meters, and similar devices would not ordinarily introduce a hazardous condition even though used for flammable liquids or gases. Locations used for the storage of flammable liquids or of liquefied or compressed gases in sealed containers would not normally be considered hazardous unless also subject to other hazardous conditions.

Electrical conduits and their associated enclosures separated from process fluids by a single seal or barrier are classed as a Division 2 location if the outside of the conduit and enclosures is a nonhazardous location.

(20) "Class II locations." Class II locations are those that are hazardous because of the presence of combustible dust. Class II locations include the following:

(a) Class II, Division 1. A Class II, Division 1 location is a location:

(i) In which combustible dust is or may be in suspension in the air under normal operating conditions, in quantities sufficient to produce explosive or ignitable mixtures; or

(ii) Where mechanical failure or abnormal operation of machinery or equipment might cause such explosive or ignitable mixtures to be produced, and might also provide a source of ignition through simultaneous failure of electric equipment, operation of protection devices, or from other causes; or

(iii) In which combustible dusts of an electrically conductive nature may be present.

Note: Combustible dusts which are electrically nonconductive include dusts produced in the handling and processing of grain and grain products, pulverized sugar and cocoa, dried egg and milk powders, pulverized spices, starch and pastes, potato and woodflour, oil meal from beans and seed, dried hay, and other organic materials which may produce combustible dusts when processed or handled. Dusts containing magnesium or aluminum are particularly hazardous and the use of extreme caution is necessary to avoid ignition and explosion.

(b) Class II, Division 2. A Class II, Division 2 location is a location in which:

(i) Combustible dust will not normally be in suspension in the air in quantities sufficient to produce explosive or ignitable mixtures, and dust accumulations are normally insufficient to interfere with the normal operation of electrical equipment or other apparatus; or

(ii) Dust may be in suspension in the air as a result of infrequent malfunctioning of handling or processing equipment, and dust accumulations resulting therefrom may be ignitable by abnormal operation or failure of electrical equipment or other apparatus.

Note: This classification includes locations where dangerous concentrations of suspended dust would not be likely but where dust accumulations might form on or in the vicinity of electric equipment. These areas may contain equipment from which appreciable quantities of dust would escape under abnormal operating conditions or be adjacent to a Class II, Division 1 location, as described above, into which an explosive or ignitable concentration of dust may be put into suspension under abnormal operating conditions.

(21) "Class III locations." Class III locations are those that are hazardous because of the presence of easily ignitable fibers or flyings but in which such fibers or flyings are not likely to be in suspension in the air in quantities sufficient to produce ignitable mixtures. Class III locations include the following:

(a) Class III, Division 1. A Class III, Division 1 location is a location in which easily ignitable fibers or materials producing combustible flyings are handled, manufactured, or used.

Note: Easily ignitable fibers and flyings include rayon, cotton (including cotton linters and cotton waste), sisal or henequen, istle, jute, hemp, tow, cocoa fiber, oakum, baled waste kapok, Spanish moss, excelsior, sawdust, woodchips, and other material of similar nature.

(b) Class III, Division 2. A Class III, Division 2 location is a location in which easily ignitable fibers are stored or handled, except in process of manufacture. Collector ring. A collector ring is an assembly of slip rings for transferring electrical energy from a stationary to a rotating member.

(22) "Collector ring." A collector ring is an assembly of slip rings for transferring electrical energy from a stationary to a rotating member.

(23) "Concealed." Rendered inaccessible by the structure or finish of the building. Wires in concealed raceways are considered concealed, even though they may become accessible by withdrawing them. See "accessible. (As applied to wiring methods.)"

(24) "Conductor."

(a) Bare. A conductor having no covering or electrical insulation whatsoever.

(b) Covered. A conductor encased within material of composition or thickness that is not recognized as electrical insulation.

(c) Insulated. A conductor encased within material of composition and thickness that is recognized as electrical insulation.

(25) "Controller." A device or group of devices that serves to govern, in some predetermined manner, the electric power delivered to the apparatus to which it is connected.

- (26) "Covered conductor." See "conductor."
- (27) "Cutout." (Over 600 volts, nominal.) An assembly of a fuse support with either a fuseholder, fuse carrier, or disconnecting blade. The fuseholder or fuse carrier may include a conducting element (fuse link), or may act as the disconnecting blade by the inclusion of a nonfusible member.
- (28) "Cutout box." An enclosure designed for surface mounting and having swinging doors or covers secured directly to and telescoping with the walls of the box proper. (See "cabinet.")
- (29) "Damp location." See "location."
- (30) "Dead front." Without live parts exposed to a person on the operating side of the equipment.
- (31) "Device." A unit of an electrical system which is intended to carry but not utilize electric energy.
- (32) "Disconnecting means." A device, or group of devices, or other means by which the conductors of a circuit can be disconnected from their source of supply.
- (33) "Disconnecting (or isolating) switch." (Over 600 volts, nominal.) A mechanical switching device used for isolating a circuit or equipment from a source of power.
- (34) "Dry location." See "location."
- (35) "Enclosed." Surrounded by a case, housing, fence or walls which will prevent persons from accidentally contacting energized parts.
- (36) "Enclosure." The case or housing of apparatus, or the fence or walls surrounding an installation to prevent personnel from accidentally contacting energized parts, or to protect the equipment from physical damage.
- (37) "Equipment." A general term including material, fittings, devices, appliances, fixtures, apparatus, and the like, used as a part of, or in connection with, an electrical installation.
- (38) "Equipment grounding conductor." See "grounding conductor, equipment."
- (39) "Explosion-proof apparatus." Apparatus enclosed in a case that is capable of withstanding an explosion of a specified gas or vapor which may occur within it and of preventing the ignition of a specified gas or vapor surrounding the enclosure by sparks, flashes, or explosion of the gas or vapor within, and which operates at such an external temperature that it will not ignite a surrounding flammable atmosphere.
- (40) "Exposed. (As applied to live parts.)" Capable of being inadvertently touched or approached nearer than a safe distance by a person. It is applied to parts not suitably guarded, isolated, or insulated. (See "accessible" and "concealed.")
- (41) "Exposed. (As applied to wiring methods.)" On or attached to the surface or behind panels designed to allow access. See "accessible. (As applied to wiring methods.)"
- (42) "Exposed. (For the purposes of WAC 296-155-459((4)) (3), Communications systems.)" Where the circuit is in such a position that in case of failure of supports or insulation, contact with another circuit may result.
- (43) "Externally operable." Capable of being operated without exposing the operator to contact with live parts.
- (44) "Feeder." All circuit conductors between the service equipment, or the generator switchboard of an isolated plant, and the final branch-circuit overcurrent device.
- (45) "Festoon lighting." A string of outdoor lights suspended between two points more than 15 feet (4.57 m) apart.
- (46) "Fitting." An accessory such as a locknut, bushing, or other part of a wiring system that is intended primarily to perform a mechanical rather than an electrical function.
- (47) "Fuse." (Over 600 volts, nominal.) An overcurrent protective device with a circuit opening fusible part that is heated and severed by the passage of overcurrent through it. A fuse comprises all the parts that form a unit capable of performing the prescribed functions. It may or may not be the complete device necessary to connect it into an electrical circuit.
- (48) "Ground." A conducting connection, whether intentional or accidental, between an electrical circuit or equipment and the earth, or to some conducting body that serves in place of the earth.
- (49) "Grounded." Connected to earth or to some conducting body that serves in place of the earth.
- (50) "Grounded, effectively." (Over 600 volts, nominal.) Permanently connected to earth through a ground connection of sufficiently low impedance and having sufficient ampacity that ground fault current which may occur cannot build up to voltages dangerous to personnel.
- (51) "Grounded conductor." A system or circuit conductor that is intentionally grounded.
- (52) "Grounding conductor." A conductor used to connect equipment or the grounded circuit of a wiring system to a grounding electrode or electrodes.
- (53) "Grounding conductor, equipment." The conductor used to connect the noncurrent-carrying metal parts of equipment, raceways, and other enclosures to the system grounded conductor and/or the grounding electrode conductor at the service equipment or at the source of a separately derived system.
- (54) "Grounding electrode conductor." The conductor used to connect the grounding electrode to the equipment grounding conductor and/or to the grounded conductor of the circuit at the service equipment or at the source of a separately derived system.
- (55) "Ground-fault circuit interrupter." A device for the protection of personnel that functions to deenergize a circuit or portion thereof within an established period of time when a current to ground exceeds some predetermined value that is less than that required to operate the overcurrent protective device of the supply circuit.
- (56) "Guarded." Covered, shielded, fenced, enclosed, or otherwise protected by means of suitable covers, casings, barriers, rails, screens, mats, or platforms to remove the likelihood of approach to a point of danger or contact by persons or objects.
- (57) "Hazard." That condition, potential or inherent, which is likely to cause injury, death, or occupational disease.
- (58) "Hoistway." Any shaftway, hatchway, well hole, or other vertical opening or space in which an elevator or dumbwaiter is designed to operate.
- (59) "Identified (conductors or terminals)." Identified, as used in reference to a conductor or its terminal, means that such conductor or terminal can be recognized as grounded.

(60) "Identified (for the use)." Recognized as suitable for the specific purpose, function, use, environment, application, etc., where described as a requirement in this standard. Suitability of equipment for a specific purpose, environment, or application is determined by a qualified testing laboratory where such identification includes labeling or listing.

(61) "Insulated conductor." See "conductor."

(62) "Interrupter switch." (Over 600 volts, nominal.) A switch capable of making, carrying, and interrupting specified currents.

(63) "Intrinsically safe equipment and associated wiring." Equipment and associated wiring in which any spark or thermal effect, produced either normally or in specified fault conditions, is incapable, under certain prescribed test conditions, of causing ignition of a mixture of flammable or combustible material in air in its most easily ignitable concentration.

(64) "Isolated." Not readily accessible to persons unless special means for access are used.

(65) "Isolated power system." A system comprising an isolating transformer or its equivalent, a line isolation monitor, and its ungrounded circuit conductors.

(66) "J-Box (junction box)." An electrical sheet metal enclosure with openings for conduit or cable with sheet metal cover. The primary purpose is for joining conductors for splicing.

(67) "Labeled." Equipment or materials to which has been attached a label, symbol or other identifying mark of a qualified testing laboratory which indicates compliance with appropriate standards or performance in a specified manner.

(68) "Lighting outlet." An outlet intended for the direct connection of a lampholder, a lighting fixture, or a pendant cord terminating in a lampholder.

(69) "Listed." Equipment or materials included in a list published by a qualified testing laboratory whose listing states either that the equipment or material meets appropriate standards or has been tested and found suitable for use in a specified manner.

(70) "Location."

(a) Damp location. Partially protected locations under canopies, marquees, roofed open porches, and like locations, and interior locations subject to moderate degrees of moisture, such as some basements.

(b) Dry location. A location not normally subject to dampness or wetness. A location classified as dry may be temporarily subject to dampness or wetness, as in the case of a building under construction.

(c) Wet location. Installations underground or in concrete slabs or masonry in direct contact with the earth, and locations subject to saturation with water or other liquids, such as locations exposed to weather and unprotected.

(71) "Mobile x-ray." X-ray equipment mounted on a permanent base with wheels and/or casters for moving while completely assembled.

(72) "Motor control center." An assembly of one or more enclosed sections having a common power bus and principally containing motor control units.

(73) "Outlet." A point on the wiring system at which current is taken to supply utilization equipment.

(74) "Overcurrent." Any current in excess of the rated current of equipment or the ampacity of a conductor. It may

result from overload (see definition), short circuit, or ground fault. A current in excess of rating may be accommodated by certain equipment and conductors for a given set of conditions. Hence the rules for overcurrent protection are specific for particular situations.

(75) "Overload." Operation of equipment in excess of normal, full load rating, or of a conductor in excess of rated ampacity which, when it persists for a sufficient length of time, would cause damage or dangerous overheating. A fault, such as a short circuit or ground fault, is not an overload. (See "overcurrent.")

(76) "Panelboard." A single panel or group of panel units designed for assembly in the form of a single panel; including buses, automatic overcurrent devices, and with or without switches for the control of light, heat, or power circuits; designed to be placed in a cabinet or cutout box placed in or against a wall or partition and accessible only from the front. (See "switchboard.")

(77) "Portable x-ray." X-ray equipment designed to be hand-carried.

(78) "Power fuse." (Over 600 volts, nominal.) See "fuse."

(79) "Power outlet." An enclosed assembly which may include receptacles, circuit breakers, fuseholders, fused switches, buses and watt-hour meter mounting means; intended to serve as a means for distributing power required to operate mobile or temporarily installed equipment.

(80) "Premises wiring system." That interior and exterior wiring, including power, lighting, control, and signal circuit wiring together with all of its associated hardware, fittings, and wiring devices, both permanently and temporarily installed, which extends from the load end of the service drop, or load end of the service lateral conductors to the outlet(s). Such wiring does not include wiring internal to appliances, fixtures, motors, controllers, motor control centers, and similar equipment.

(81) "Qualified person." One familiar with the construction and operation of the equipment and the hazards involved.

(82) "Qualified testing laboratory." A properly equipped and staffed testing laboratory which has capabilities for and which provides the following services:

(a) Experimental testing for safety of specified items of equipment and materials referred to in this standard to determine compliance with appropriate test standards or performance in a specified manner;

(b) Inspecting the run of such items of equipment and materials at factories for product evaluation to assure compliance with the test standards;

(c) Service-value determinations through field inspections to monitor the proper use of labels on products and with authority for recall of the label in the event a hazardous product is installed;

(d) Employing a controlled procedure for identifying the listed and/or labeled equipment or materials tested; and

(e) Rendering creditable reports or findings that are objective and without bias of the tests and test methods employed.

(83) "Raceway." A channel designed expressly for holding wires, cables, or busbars, with additional functions as permitted in this part. Raceways may be of metal or insulating material, and the term includes rigid metal

conduit, rigid nonmetallic conduit, intermediate metal conduit, liquidtight flexible metal conduit, flexible metallic tubing, flexible metal conduit, electrical metallic tubing, underfloor raceways, cellular concrete floor raceways, cellular metal floor raceways, surface raceways, wireways, and busways.

(84) "Readily accessible." Capable of being reached quickly for operation, renewal, or inspections, without requiring those to whom ready access is requisite to climb over or remove obstacles or to resort to portable ladders, chairs, etc. (See "accessible.")

(85) "Receptacle." A receptacle is a contact device installed at the outlet for the connection of a single attachment plug. A single receptacle is a single contact device with no other contact device on the same yoke. A multiple receptacle is a single device containing two or more receptacles.

(86) "Receptacle outlet." An outlet where one or more receptacles are installed.

(87) "Remote-control circuit." Any electric circuit that controls any other circuit through a relay or an equivalent device.

(88) "Sealable equipment." Equipment enclosed in a case or cabinet that is provided with a means of sealing or locking so that live parts cannot be made accessible without opening the enclosure. The equipment may or may not be operable without opening the enclosure.

(89) "Separately derived system." A premises wiring system whose power is derived from generator, transformer, or converter windings and has no direct electrical connection, including a solidly connected grounded circuit conductor, to supply conductors originating in another system.

(90) "Service." The conductors and equipment for delivering energy from the electricity supply system to the wiring system of the premises served.

(91) "Service conductors." The supply conductors that extend from the street main or from transformers to the service equipment of the premises supplied.

(92) "Service drop." The overhead service conductors from the last pole or other aerial support to and including the splices, if any, connecting to the service-entrance conductors at the building or other structure.

(93) "Service-entrance conductors, overhead system." The service conductors between the terminals of the service equipment and a point usually outside the building, clear of building walls, where joined by tap or splice to the service drop.

(94) "Service-entrance conductors, underground system." The service conductors between the terminals of the service equipment and the point of connection to the service lateral. Where service equipment is located outside the building walls, there may be no service-entrance conductors, or they may be entirely outside the building.

(95) "Service equipment." The necessary equipment, usually consisting of a circuit breaker or switch and fuses, and their accessories, located near the point of entrance of supply conductors to a building or other structure, or an otherwise defined area, and intended to constitute the main control and means of cutoff of the supply.

(96) "Service raceway." The raceway that encloses the service-entrance conductors.

(97) "Shock hazard." To exist at an accessible part in a circuit between the part and ground, or other accessible parts if the potential is more than 42.4 volts peak and the current through a 1,500-ohm load is more than 5 milliamperes.

(98) "Signaling circuit." Any electric circuit that energizes signaling equipment.

(99) "Switchboard." A large single panel, frame, or assembly of panels which have switches, buses, instruments, overcurrent and other protective devices mounted on the face or back or both. Switchboards are generally accessible from the rear as well as from the front and are not intended to be installed in cabinets. (See "panelboard.")

(100) "Switches."

(a) General-use switch. A switch intended for use in general distribution and branch circuits. It is rated in amperes, and it is capable of interrupting its rated current at its rated voltage.

(b) General-use snap switch. A form of general-use switch so constructed that it can be installed in flush device boxes or on outlet box covers, or otherwise used in conjunction with wiring systems recognized by this part.

(c) Isolating switch. A switch intended for isolating an electric circuit from the source of power. It has no interrupting rating, and it is intended to be operated only after the circuit has been opened by some other means.

(d) Motor-circuit switch. A switch, rated in horsepower, capable of interrupting the maximum operating overload current of a motor of the same horsepower rating as the switch at the rated voltage.

(101) "Switching devices." (Over 600 volts, nominal.) Devices designed to close and/or open one or more electric circuits. Included in this category are circuit breakers, cutouts, disconnecting (or isolating) switches, disconnecting means, and interrupter switches.

(102) "Transformer." A transformer is an apparatus for converting electrical power in an a-c system at one voltage or current into electrical power at some other voltage or current without the use of rotating parts.

(103) "Transportable x-ray." X-ray equipment installed in a vehicle or that may readily be disassembled for transport in a vehicle.

(104) "Utilization equipment." Utilization equipment means equipment which utilizes electric energy for mechanical, chemical, heating, lighting, or similar useful purpose.

(105) "Utilization system." A utilization system is a system which provides electric power and light for employee workplaces, and includes the premises wiring system and utilization equipment.

(106) "Ventilated." Provided with a means to permit circulation of air sufficient to remove an excess of heat, fumes, or vapors.

(107) "Volatile flammable liquid." A flammable liquid having a flash point below 38°C (100°F) or whose temperature is above its flash point, or a Class II combustible liquid having a vapor pressure not exceeding 40 psia (276 kPa) at 38°C (100°F) whose temperature is above its flash point.

(108) "Voltage." (Of a circuit.) The greatest root-mean-square (effective) difference of potential between any two conductors of the circuit concerned.

(109) "Voltage, nominal." A nominal value assigned to a circuit or system for the purpose of conveniently designating its voltage class (as 120/240, 480Y/277, 600, etc.). The

actual voltage at which a circuit operates can vary from the nominal within a range that permits satisfactory operation of equipment.

(110) "Voltage to ground." For grounded circuits, the voltage between the given conductor and that point or conductor of the circuit that is grounded; for ungrounded circuits, the greatest voltage between the given conductor and any other conductor of the circuit.

(111) "Watertight." So constructed that moisture will not enter the enclosure.

(112) "Weatherproof." So constructed or protected that exposure to the weather will not interfere with successful operation. Rainproof, raintight, or watertight equipment can fulfill the requirements for weatherproof where varying weather conditions other than wetness, such as snow, ice, dust, or temperature extremes, are not a factor.

(113) "Wet location." See "location."

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-155-480 Ladders. (1) General. The following requirements apply to all ladders as indicated, including job-made ladders.

(a) Ladders shall be capable of supporting the following loads without failure:

(i) Each self-supporting portable ladder: At least four times the maximum intended load, except that each extra-heavy-duty type 1A metal or plastic ladder shall sustain at least 3.3 times the maximum intended load. The ability of a ladder to sustain the loads indicated in this ~~((paragraph))~~ section shall be determined by applying or transmitting the requisite load to the ladder in a downward vertical direction. Ladders built and tested in conformance with the applicable provisions of appendix A of this part will be deemed to meet this requirement.

(ii) Each portable ladder that is not self-supporting: At least four times the maximum intended load, except that each extra-heavy-duty type 1A metal or plastic ladders shall sustain at least 3.3 times the maximum intended load. The ability of a ladder to sustain the loads indicated in this ~~((paragraph))~~ section shall be determined by applying or transmitting the requisite load to the ladder in a downward vertical direction when the ladder is placed at an angle of 75 1/2 degrees from the horizontal. Ladders built and tested in conformance with the applicable provisions of appendix A will be deemed to meet this requirement.

(iii) Each fixed ladder: At least two loads of 250 pounds (114 kg) each, concentrated between any two consecutive attachments (the number and position of additional concentrated loads of 250 pounds (114 kg) each, determined from anticipated usage of the ladder, shall also be included), plus anticipated loads caused by ice buildup, winds, rigging, and impact loads resulting from the use of ladder safety devices. Each step or rung shall be capable of supporting a single concentrated load of at least 250 pounds (114 kg) applied in the middle of the step or rung. Ladders built in conformance with the applicable provisions of appendix A will be deemed to meet this requirement.

(b) Ladder rungs, cleats, and steps shall be parallel, level, and uniformly spaced when the ladder is in position for use.

(c)(i) Rungs, cleats, and steps of portable ladders (except as provided below) and fixed ladders (including individual-rung/step ladders) shall be spaced not less than 10 inches (25 cm) apart, nor more than 14 inches (36 cm) apart, as measured between centerlines of the rungs, cleats, and steps.

(ii) Rungs, cleats, and steps of step stools shall be not less than 8 inches (20 cm) apart, nor more than 12 inches (31 cm) apart, as measured between centerlines of the rungs, cleats, and steps.

(iii) Rungs, cleats, and steps of the base section of extension trestle ladders shall be not less than 8 inches (20 cm) nor more than 18 inches (46 cm) apart, as measured between centerlines of the rungs, cleats, and steps. The rung spacing on the extension section of the extension trestle ladder shall be not less than 6 inches (15 cm) nor more than 12 inches (31 cm), as measured between centerlines of the rungs, cleats, and steps.

(iv) Cleats on job-made ladders shall be inset into the edges of the side-rails one-half inch, or filler blocks shall be used on the side-rails between the cleats.

(v) Cleats on job-made ladders shall be secured to each rail with three 10d common wire nails or other fasteners of equivalent strength.

(d)(i) The minimum clear distance between the sides of individual-rung/step ladders and the minimum clear distance between the side rails of other fixed ladders shall be 16 inches (41 cm).

(ii) The minimum clear distance between side rails for all portable ladders shall be 11 1/2 inches (29 cm).

(e) The rungs of individual-rung/step ladders shall be shaped such that employees' feet cannot slide off the end of the rungs.

(f)(i) The rungs and steps of fixed metal ladders manufactured after the effective date of this standard, shall be corrugated, knurled, dimpled, coated with skid-resistant material, or otherwise treated to minimize slipping.

(ii) The rungs and steps of portable metal ladders shall be corrugated, knurled, dimpled, coated with skid-resistant material, or otherwise treated to minimize slipping.

(g) Ladders shall not be tied or fastened together to provide longer sections unless they are specifically designed for such use.

(h) A metal spreader or locking device shall be provided on each stepladder to hold the front and back sections in an open position when the ladder is being used.

(i) When splicing is required to obtain a given length of side rail, the resulting side rail must be at least equivalent in strength to a one-piece side rail made of the same material.

(j) Except when portable ladders are used to gain access to fixed ladders (such as those on utility towers, billboards, and other structures where the bottom of the fixed ladder is elevated to limit access), when two or more separate ladders are used to reach an elevated work area, the ladders shall be offset with a platform or landing between the ladders. (The requirements to have guardrail systems with toeboards for falling object and overhead protection on platforms and landings are set forth in chapter 296- 155 WAC, Part K.)

(k) Ladder components shall be surfaced so as to prevent injury to an employee from punctures or lacerations, and to prevent snagging of clothing.

(l) Wood ladders shall not be coated with any opaque covering, except for identification or warning labels which may be placed on one face only of a side rail.

(m) The minimum perpendicular clearance between fixed ladder rungs, cleats, and steps, and any obstruction behind the ladder shall be 7 inches (18 cm), except in the case of an elevator pit ladder, for which a minimum perpendicular clearance of 4 1/2 inches (11 cm) is required.

(n) The minimum perpendicular clearance between the center line of fixed ladder rungs, cleats, and steps, and any obstruction on the climbing side of the ladder shall be 30 inches (76 cm), except as provided in (o) of this subsection.

(o) When unavoidable obstructions are encountered, the minimum perpendicular clearance between the centerline of fixed ladder rungs, cleats, and steps, and the obstruction on the climbing side of the ladder may be reduced to 24 inches (61 cm), provided that a deflection device is installed to guide employees around the obstruction.

(p) Through fixed ladders at their point of access/egress shall have a step-across distance of not less than 7 inches (18 cm) nor more than 12 inches (30 cm) as measured from the centerline of the steps or rungs to the nearest edge of the landing area. If the normal step-across distance exceeds 12 inches (30 cm), a landing platform shall be provided to reduce the distance to the specified limit.

(q) Fixed ladders without cages or wells shall have a clear width to the nearest permanent object of at least 15 inches (38 cm) on each side of the centerline of the ladder.

(r) Fixed ladders shall be provided with cages, wells, ladder safety devices, or self-retracting lifelines where the length of climb is less than 24 feet (7.3 m) but the top of the ladder is at a distance greater than 24 feet (7.3 m) above lower levels.

(s) Where the total length of a climb equals or exceeds 24 feet (7.3 m), fixed ladders shall be equipped with one of the following:

(i) Ladder safety devices; or

(ii) Self-retracting lifelines, and rest platforms at intervals not to exceed 150 feet (45.7 m); or

(iii) A cage or well, and multiple ladder sections, each ladder section not to exceed 50 feet (15.2 m) in length. Ladder sections shall be offset from adjacent sections, and landing platforms shall be provided at maximum intervals of 50 feet (15.2 m).

(t) Cages for fixed ladders shall conform to all of the following:

(i) Horizontal bands shall be fastened to the side rails of rail ladders, or directly to the structure, building, or equipment for individual-rung ladders;

(ii) Vertical bars shall be on the inside of the horizontal bands and shall be fastened to them;

(iii) Cages shall extend not less than 27 inches (68 cm), or more than 30 inches (76 cm) from the centerline of the step or rung (excluding the flare at the bottom of the cage), and shall not be less than 27 inches (68 cm) in width;

(iv) The inside of the cage shall be clear of projections;

(v) Horizontal bands shall be spaced not more than 4 feet (1.2 m) on center vertically;

(vi) Vertical bars shall be spaced at intervals not more than 9 1/2 inches (24 cm) on center horizontally;

(vii) The bottom of the cage shall be at a level not less than 7 feet (2.1 m) nor more than 8 feet (2.4 m) above the

point of access to the bottom of the ladder. The bottom of the cage shall be flared not less than 4 inches (10 cm) all around within the distance between the bottom horizontal band and the next higher band;

(viii) The top of the cage shall be a minimum of 42 inches (1.1 m) above the top of the platform, or the point of access at the top of the ladder, with provision for access to the platform or other point of access.

(u) Wells for fixed ladders shall conform to all of the following:

(i) They shall completely encircle the ladder;

(ii) They shall be free of projections;

(iii) Their inside face on the climbing side of the ladder shall extend not less than 27 inches (68 cm) nor more than 30 inches (76 cm) from the centerline of the step or rung;

(iv) The inside clear width shall be at least 30 inches (76 cm);

(v) The bottom of the wall on the access side shall start at a level not less than 7 feet (2.1 m) nor more than 8 feet (2.4 m) above the point of access to the bottom of the ladder.

(v) Ladder safety devices, and related support systems, for fixed ladders shall conform to all of the following:

(i) They shall be capable of withstanding without failure a drop test consisting of an 18-inch (41 cm) drop of a 500-pound (226 kg) weight;

(ii) They shall permit the employee using the device to ascend or descend without continually having to hold, push or pull any part of the device, leaving both hands free for climbing;

(iii) They shall be activated within 2 feet (.61 m) after a fall occurs, and limit the descending velocity of an employee to 7 feet/sec. (2.1 m/sec.) or less;

(iv) The connection between the carrier or lifeline and the point of attachment to the body belt or harness shall not exceed 9 inches (23 cm) in length.

(w) The mounting of ladder safety devices for fixed ladders shall conform to the following:

(i) Mountings for rigid carriers shall be attached at each end of the carrier, with intermediate mountings, as necessary, spaced along the entire length of the carrier, to provide the strength necessary to stop employees' falls.

(ii) Mountings for flexible carriers shall be attached at each end of the carrier. When the system is exposed to wind, cable guides for flexible carriers shall be installed at a minimum spacing of 25 feet (7.6 m) and maximum spacing of 40 feet (12.2 m) along the entire length of the carrier, to prevent wind damage to the system.

(iii) The design and installation of mountings and cable guides shall not reduce the design strength of the ladder.

(x) The side rails of through or side-step fixed ladders shall extend 42 inches (1.1 m) above the top of the access level or landing platform served by the ladder. For a parapet ladder, the access level shall be the roof if the parapet is cut to permit passage through the parapet; if the parapet is continuous, the access level shall be the top of the parapet.

(y) For through-fixed-ladder extensions, the steps or rungs shall be omitted from the extension and the extension of the side rails shall be flared to provide not less than 24 inches (61 cm) nor more than 30 inches (76 cm) clearance between side rails. Where ladder safety devices are provid-

ed, the maximum clearance between side rails of the extensions shall not exceed 36 inches (91 cm).

(z) For side-step fixed ladders, the side rails and the steps or rungs shall be continuous in the extension.

(aa) Individual-rung/step ladders, except those used where their access openings are covered with manhole covers or hatches, shall extend at least 42 inches (1.1 m) above an access level or landing platform either by the continuation of the rung spacings as horizontal grab bars or by providing vertical grab bars that shall have the same lateral spacing as the vertical legs of the rungs.

(2) Use. The following requirements apply to the use of all ladders, including job-made ladders, except as otherwise indicated:

(a) When portable ladders are used for access to an upper landing surface, the ladder side rails shall extend at least 3 feet (.9 m) above the upper landing surface to which the ladder is used to gain access; or, when such an extension is not possible because of the ladder's length, then the ladder shall be secured at its top to a rigid support that will not deflect, and a grasping device, such as a grabrail, shall be provided to assist employees in mounting and dismounting the ladder. In no case shall the extension be such that ladder deflection under a load would, by itself, cause the ladder to slip off its support.

(b) Ladders shall be maintained free of oil, grease, and other slipping hazards.

(c) Ladders shall not be loaded beyond the maximum intended load for which they were built, nor beyond their manufacturer's rated capacity.

(d) Ladders shall be used only for the purpose for which they were designed.

(e)(i) Nonself-supporting ladders shall be used at an angle such that the horizontal distance from the top support to the foot of the ladder is approximately one-quarter of the working length of the ladder (the distance along the ladder between the foot and the top support).

(ii) Wood job-made ladders with spliced side rails shall be used at an angle such that the horizontal distance is one-eighth the working length of the ladder.

(iii) Fixed ladders shall be used at a pitch no greater than 90 degrees from the horizontal, as measured to the back side of the ladder.

(f) Ladders shall be used only on stable and level surfaces unless secured to prevent accidental displacement.

(g) Ladders shall not be used on slippery surfaces unless secured or provided with slip-resistant feet to prevent accidental displacement. Slip-resistant feet shall not be used as a substitute for care in placing, lashing, or holding a ladder that is used upon slippery surfaces including, but not limited to, flat metal or concrete surfaces that are constructed so they cannot be prevented from becoming slippery.

(h) Ladders placed in any location where they can be displaced by workplace activities or traffic, such as in passageways, doorways, or driveways, shall be secured to prevent accidental displacement, or a barricade shall be used to keep the activities or traffic away from the ladder.

(i) The area around the top and bottom of ladders shall be kept clear.

(j) The top of a nonself-supporting ladder shall be placed with the two rails supported equally unless it is equipped with a single support attachment.

(k) Ladders shall not be moved, shifted, or extended while occupied.

(l) Ladders shall have nonconductive side rails if they are used where the employee or the ladder could contact exposed energized electrical equipment, except as provided in the following:

(i) Portable metal or other portable conductive ladders shall not be used on or near energized line or equipment except where nonconductive ladders present a greater electrical hazard than conductive ladders. A greater electrical hazard would be static electricity such as might be found in extra high voltage substations.

(ii) All conductive or metal ladders shall be prominently marked and identified as being conductive.

(iii) All conductive or metal ladders shall be grounded when used near energized lines or equipment.

(m) The top or top step of a stepladder shall not be used as a step.

(n) Cross-bracing on the rear section of stepladders shall not be used for climbing unless the ladders are designed and provided with steps for climbing on both front and rear sections.

(o) Ladders shall be inspected by a competent person for visible defects on a periodic basis and after any occurrence that could affect their safe use.

(p) Portable ladders with structural defects, such as, but not limited to, broken or missing rungs, cleats, or steps, broken or split rails, corroded components, or other faulty or defective components, shall either be immediately marked in a manner that readily identifies them as defective, or be tagged with "do not use" or similar language, and shall be withdrawn from service until repaired.

(q) Fixed ladders with structural defects, such as, but not limited to, broken or missing rungs, cleats, or steps, broken or split rails, or corroded components, shall be withdrawn from service until repaired. The requirement to withdraw a defective ladder from service is satisfied if the ladder is either:

(i) Immediately tagged with "do not use" or similar language;

(ii) Marked in a manner that readily identifies it as defective;

(iii) Or blocked (such as with a plywood attachment that spans several rungs).

(r) Ladder repairs shall restore the ladder to a condition meeting its original design criteria, before the ladder is returned to use.

(s) Single-rail ladders shall not be used.

(t) When ascending or descending a ladder, the user shall face the ladder.

(u) Employees shall not ascend or descend ladders while carrying tools or materials that might interfere with the free use of both hands.

(v) When working from a ladder, the ladder shall be secured at both top and bottom.

(w) No type of work shall be performed on a ladder over twenty-five feet from the ground or floor that requires the use of both hands to perform the work, unless a safety belt is worn and the safety lanyard is secured to the ladder.

(x) Any work that requires wearing eye protection, respirators, or handling of pressure equipment shall not be

performed from a ladder more than twenty-five feet above the surrounding surface.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-155-485 Scaffolding. (1) General requirements. Scaffolds shall be furnished and erected in accordance with this standard for persons engaged in work that cannot be done safely from the ground or from solid construction, except that ladders used for such work shall conform to Part J chapter 296-155 WAC.

(a) All rules for design, construction, maintenance, operation, testing, and use of scaffolds contained in Part J-1 chapter 296-24 WAC apply within the construction industry.

(b) Scaffolds shall be erected in accordance with requirements of this section.

(c) The footing or anchorage for scaffolds shall be sound, rigid, and capable of carrying the maximum intended load without settling or displacement. Unstable objects such as barrels, boxes, loose brick, or concrete blocks, shall not be used to support scaffolds or planks.

(d) No scaffold shall be erected, moved, dismantled, or altered except under the supervision of competent persons.

(e) Standard guardrails and toeboards shall be installed on all open sides and ends of platforms more than 10 feet above the ground or floor, except needle beam scaffolds and floats. Scaffolds 4 feet to 10 feet in height, having a minimum horizontal dimension in either direction of less than 45 inches, shall have standard guardrails and toeboards installed on all open sides and ends of the scaffold platform.

(f) Where persons are required to work or pass under the scaffold, scaffolds shall be provided with a screen between the toeboard and the guardrail, extending along the entire opening, consisting of No. 18 gauge U.S. Standard wire 1/2-inch mesh, or the equivalent.

(g) Scaffolds and their components shall be capable of supporting without failure at least 4 times the maximum intended load.

(h) Any scaffold including accessories such as braces, brackets, trusses, screw legs, ladders, etc. damaged or weakened from any cause shall be immediately repaired or replaced.

(i) All load-carrying timber members of scaffold framing shall be a minimum of 1,500 fiber (stress grade) construction grade lumber. All dimensions are nominal sizes as provided in the American Lumber Standards, except that where rough sizes are noted, only rough or undressed lumber of the size specified will satisfy minimum requirements.

(j) All planking shall be scaffold grades, or equivalent, as recognized by approved grading rules for the species of wood used. The maximum permissible spans for 2- x 10-inch or wider planks shall be as shown in Table J-1.

(k) The maximum permissible span for 1 1/4- x 9-inch or wider plank of full thickness shall be 4 feet with medium duty loading of 50 p.s.f.

(l) Platforms shall be level. All planking or platforms shall be overlapped (minimum 12 inches), or secured from movement. The platform shall be a minimum of two 2-inch by 10-inch planks in width or a minimum of 18 inches.

(m) An access ladder or equivalent safe access shall be provided.

(n) Scaffold planks shall extend over their end supports not less than 6 inches nor more than 12 inches.

(o) The poles, legs, or uprights of scaffolds shall be plumb, and securely and rigidly braced to prevent swaying and displacement.

(p) Overhead protection shall be provided for persons on a scaffold exposed to overhead hazards.

(q) Slippery conditions on scaffolds shall be eliminated as soon as possible after they occur.

(r) Welding, burning, riveting, or open flame work shall not be performed on any staging suspended by means of fiber or synthetic rope unless suspended components are well insulated to protect against damaging contacts. Only treated or protected fiber or synthetic ropes shall be used for or near any work involving the use of corrosive substances or chemicals. Specific requirements for boatswain's chairs and float or ship scaffolds are contained in subsections ~~((12))~~ (10) and (21) of this section.

(s) Wire, synthetic, or fiber rope used for scaffold suspension shall be capable of supporting at least 6 times the rated load.

(t) The use of shore or lean-to scaffolds is prohibited.

(u) The height of freestanding scaffold towers shall not exceed four times the minimum base dimension.

(v) Factory-built (laminated) scaffold planks meeting the requirements of wood scaffold planks may be substituted for wood scaffold planks.

(w) Materials being hoisted onto a scaffold shall have a tag line.

(x) Employees shall not work on scaffolds during storms or high winds.

(y) Tools, materials, and debris shall not be allowed to accumulate in quantities to cause a hazard.

(2) Wood pole scaffolds.

(a) Scaffold poles shall bear on a foundation of sufficient size and strength to spread the load from the pole over a sufficient area to prevent settlement. All poles shall be set plumb.

(b) Where wood poles are spliced, the ends shall be squared and the upper section shall rest squarely on the lower section. Wood splice plates shall be provided on at least two adjacent sides and shall be not less than 4 feet in length, overlapping the abutted ends equally, and have the same width and not less than the cross-sectional area of the pole. Splice plates or other materials of equivalent strength may be used.

(c) Independent pole scaffolds shall be set as near to the wall of the building as practicable.

(d) All pole scaffolds shall be securely guyed or tied to the building or structure. Where the height or length exceeds 25 feet, the scaffold shall be secured at intervals not greater than 25 feet vertically and horizontally.

(e) Putlogs or bearers shall be set with their greater dimension vertical, and long enough to project over the ledgers of the inner and outer rows of poles at least 3 inches for proper support.

(f) Every wooden putlog on single pole scaffolds shall be reinforced with a 3/16- x 2-inch steel strip, or equivalent, secured to its lower edge throughout its entire length.

(g) Ledgers shall be long enough to extend over two pole spaces. Ledgers shall not be spliced between the poles.

Ledgers shall be reinforced by bearing blocks securely nailed to the side of the pole to form a support for the ledger.

(h) Diagonal bracing shall be provided to prevent the poles from moving in a direction parallel with the wall of the building, or from buckling

(i) Cross bracing shall be provided between the inner and outer sets of poles in independent pole scaffolds. The free ends of pole scaffolds shall be cross braced.

(j) Full diagonal face bracing shall be erected across the entire face of pole scaffolds in both directions. The braces shall be spliced only at the poles. The inner row of poles on medium and heavy duty scaffolds shall be braced in a similar manner.

(k) Platform planks shall be laid with their edges close together so the platform will be tight with no spaces through which tools or fragments of material can fall.

(l) Where planking is lapped, each plank shall lap its end supports at least 12 inches. Where the ends of planks abut each other to form a flush floor, the butt joint shall be at the centerline of a pole. The abutted ends shall rest on separate bearers. Intermediate beams shall be provided where necessary to prevent dislodgment of planks due to deflection, and the ends shall be secured to prevent their dislodgment.

(m) When a scaffold materially changes its direction, the platform planks shall be laid to prevent tipping. The planks that meet the corner putlog at an angle shall be laid first, extending over the diagonally placed putlog far enough to have a good safe bearing, but not far enough to involve any danger from tipping. The planking running in the opposite direction at an angle shall be laid so as to extend over and rest on the first layer of planking.

(n) When moving platforms to the next level, the old platform shall be left undisturbed until the new putlogs or bearers have been set in place, ready to receive the platform planks.

(o) All wood pole scaffolds 60 feet or less in height shall be constructed and erected in accordance with Tables J-2 to J-8. If they are over 60 feet in height, they shall be designed by a qualified engineer competent in this field, and shall be constructed and erected in accordance with such design. Design drawings shall be available at the jobsite.

(3) Tube and coupler scaffolds.

(a) A light duty tube and coupler scaffold shall have all posts, bearers, runners, and bracing of nominal 2-inch O.D. steel tubing. The posts shall be spaced no more than 6 feet apart by 10 feet along the length of the scaffold. Other structural metals when used must be designed to carry an equivalent load. No dissimilar metals shall be used together.

(b) A medium duty tube and coupler scaffold shall have all posts, runners, and bracing of nominal 2-inch O.D. steel tubing. Posts spaced not more than 6 feet apart by 8 feet along the length of the scaffold shall have bearers of nominal 2 1/2-inch O.D. steel tubing. Posts spaced not more than 5 feet apart by 8 feet along the length of the scaffold shall have bearers of nominal 2-inch O.D. steel tubing. Other structural metals, when used, must be designed to carry an equivalent load. No dissimilar metals shall be used together.

(c) A heavy duty tube and coupler scaffold shall have all posts, runners, and bracing of nominal 2-inch O.D. steel tubing, with the posts spaced not more than 6 feet by

6 feet-6 inches. Other structural metals, when used, must be designed to carry an equivalent load. No dissimilar metals shall be used together.

(d) Tube and coupler scaffolds shall be limited in heights and working levels to those permitted in Tables J-8, J-9 and J-10. Drawings and specifications of all tube and coupler scaffolds above the limitations in Tables J-8, J-9 and J-10 shall be designed by a qualified engineer competent in this field. Design drawings shall be available at the jobsite.

(e) All tube and coupler scaffolds shall be constructed and erected to support four times the maximum intended loads, as set forth in Tables J-8, J-9 and J-10, or as set forth in the specifications by a licensed professional engineer competent in this field.

(f) Posts shall be accurately spaced, erected on suitable bases, and maintained plumb.

(g) Runners shall be erected along the length of the scaffold, located on both the inside and the outside posts at even height. Runners shall be interlocked to the inside and the outside posts at even heights. Runners shall be interlocked to form continuous lengths and coupled to each post. The bottom runners shall be located as close to the base as possible. Runners shall be placed not more than 6 feet-6 inches on centers. When tube and coupler guardrails and midrails are used on outside posts, they may be used in lieu of outside runners.

(h) Bearers shall be installed transversely between posts and shall be securely coupled to the posts with the inboard coupler bearing on the runner coupler. Where guardrails and midrails are required, no outboard runner is required.

(i) The length of the bearer shall exceed the post spacing of the width of the scaffold by the amount necessary to have full contact with the coupler. Bearers used to provide a cantilever support for use as brackets for light and medium-duty scaffolds shall not carry more than two ten-inch planks unless knee braced.

(j) Bracing across the width of the scaffold shall be installed at the ends of the scaffold at least at every fourth level. Such bracing shall extend diagonally from the outer post or runner at this level upward to the inner post or runner at the next level.

(k) Longitudinal diagonal bracing shall be installed on the outer rows of poles at approximately forty degrees to fifty degrees angle from near the base of the first and last outer post upward to the top center of the scaffold. If the scaffold is long, the above diagonal bracing shall be repeated. On short but high runs, the diagonal bracing shall be installed at forty degrees to fifty degrees from the base of the first outer post to the last outer post alternating directions to the top of the scaffold. When conditions preclude the attachment of this bracing to the posts, it may be attached to the runners.

(l) When a scaffold exceeds either 30 feet horizontally or 26 feet vertically, the entire scaffold shall be tied to and securely braced against the building at intervals not to exceed 30 feet horizontally and 26 feet vertically.

(4) Fabricated tubular welded frame scaffolds.

(a) Metal tubular frame scaffolds, including accessories such as braces, brackets, trusses, screw legs, ladders, etc., shall safely support four times the maximum rated load. The maximum rated load shall not be exceeded.

(b) Spacing of panels or frames shall be consistent with the loads imposed.

(c) Scaffolds shall be properly braced by cross bracing or diagonal braces, or both, for securing vertical members together laterally, and the cross braces shall be of such length as will automatically square and align vertical members so that the erected scaffold is always plumb, level, square, and rigid. All brace connections shall be made secure.

(d) Panel or frame legs shall be set on adjustable bases or plain bases placed on mud sills or other foundations adequate to support the maximum rated load.

(e) The panels or frames shall be placed one on top of the other with coupling or stacking pins to provide proper vertical alignment of the legs.

(f) Where uplift may occur, panels shall be locked together vertically by pins or equivalent method.

(g) To prevent movement, the scaffold shall be secured to the building or structure at intervals not to exceed 30 feet horizontally and 26 feet vertically.

(h) Maximum permissible spans or planking shall be in conformity with (1)(j) of this section.

(i) Fabricated tubular frame scaffolds over 125 feet in height above the base plates shall be designed by a registered professional engineer. Copies of the drawings and specifications shall be available at the jobsite.

(j) Guardrails, midrails, and toeboards shall be installed as required by subsection (1)(e) of this section. Wire mesh shall be provided between the toprail and toeboard when persons are working below.

(k) All fabricated tubular frame scaffolds shall be erected by competent and experienced personnel.

(l) All brackets shall be seated correctly with side brackets parallel to the frames and end brackets at ninety degrees to the frames. Brackets shall not be bent or twisted from normal position. Brackets (except mobile brackets designed to carry materials) are to be used as work platforms only and shall not be used for storage of material or equipment.

(m) Scaffold frames and their components manufactured by different companies shall not be intermixed unless they are compatible and the manufacturer has given written approval. The manufacturer's letter of approval shall be available at the jobsite.

(n) Periodic inspections by the employer shall be made of all fabricated tubular frames and accessories. Any maintenance required shall be made before further use.

(5) Outrigger scaffolds, general.

(a) Outrigger beams shall extend not more than 6 feet beyond the face of the building. The inboard end of outrigger beams, measured from the fulcrum point to the inboard point of support, shall be not less than 1 1/2 times the outboard end in length. The beams shall rest on edge, the sides shall be plumb, and the edges shall be horizontal. The fulcrum point of the beam shall rest on a secure bearing at least 6 inches in each horizontal dimension. The beam shall be secured in place against movement and shall be securely braced at the fulcrum point against tipping.

(b) The inboard ends of outrigger beams shall be positively secured either by means of struts bearing against sills in contact with the overhead beams or ceiling, or by means of tension members secured to the floor joists

underfoot, or by both if necessary, or by a securely fastened solid body counterweight. (Water in an open container or loose material in bags shall not be permitted.) The inboard ends of outrigger beams shall be secured against tipping and the entire supporting structure shall be securely braced in both directions to prevent any horizontal movement.

(c) Unless outrigger scaffolds are designed by a registered professional engineer competent in this field, they shall by [be] constructed and erected in accordance with Table J-11. Outrigger scaffolds, designed by a registered professional engineer, shall be constructed and erected in accordance with such design. A copy of the drawings and specifications shall be available at the jobsite.

(d) Planking shall be laid tight and shall extend to within 3 inches of the building wall. Planking shall be secured to the beams.

(6) Masons' adjustable multiple-point suspension scaffolds.

(a) The scaffold shall be capable of sustaining a working load of 50 pounds per square foot and shall not be loaded in excess of that figure.

(b) The scaffold shall be provided with hoisting machines that meet the requirements of Underwriters' Laboratories, Factory Mutual Engineering Corporation, or other agency or laboratory approved by the department of labor and industries.

(c) The platform shall be supported by wire ropes, capable of supporting at least 6 times the intended load, suspended from overhead outrigger beams.

(d) The scaffold outrigger beams shall consist of structural metal securely fastened or anchored to the frame or floor system of the building or structure.

(e) Each outrigger beam shall be equivalent in strength to at least a standard 7-inch, 15.3-pound steel I-beam, at least 15 feet long, and shall not project more than 6 feet 6 inches beyond the bearing point.

(f) Where the overhang exceeds 6 feet 6 inches, outrigger beams shall be composed of stronger beams or multiple beams and be installed under the supervision of a competent person.

(g) All outrigger beams shall be set and maintained with their webs in a vertical position.

(h) A stop bolt shall be placed at each end of every outrigger beam.

(i) The outrigger beam shall rest on suitable wood bearing blocks.

(j) The free end of the suspension wire ropes shall be equipped with proper size thimbles and secured by splicing or other equivalent means. The running ends shall be securely attached to the hoisting drum. At least four turns of wire rope shall remain on the drum when the platform is at ground level. The use of fiber rope is prohibited.

(k) Where a single outrigger beam is used, the steel shackles or clevises with which the wire ropes are attached to the outrigger beams shall be placed directly over the hoisting drums.

(l) The scaffold platform shall be equivalent in strength to at least 2-inch planking. (For maximum planking spans, see subsection (1)(j) of this section.)

(m) When employees are at work on the scaffold and an overhead hazard exists, overhead protection shall be provided on the scaffold, not more than 9 feet above the platform,

consisting of 2-inch planking, or material of equivalent strength, laid tight, and extending not less than the width of the scaffold.

(n) Each scaffold shall be installed or relocated under the supervision of a competent person.

(o) When channel iron outrigger beams are used instead of I-beams, they shall be securely fastened together with the flanges turned out.

(p) All parts of the scaffold, such as bolts, nuts, fittings, clamps, wire rope, outrigger beams and their fastenings shall be maintained in sound condition and shall be inspected before each installation and periodically thereafter. All parts shall be of the grade specified by the manufacturer.

(7) Two-point suspension scaffolds.

(a) Two-point suspension scaffold platforms shall be not less than 20 inches nor more than 36 inches wide overall. The platform shall be securely fastened to the hangers by U-bolts or by other equivalent means.

(b) The hangers of two-point suspension scaffolds shall be made of wrought iron, mild steel, or other equivalent material, having a cross-sectional area capable of sustaining 4 times the maximum rated load, and shall be designed with a support for guardrail, intermediate rail, and toeboard.

(c) When hoisting machines are used on two-point suspension scaffolds, such machines shall be of a design tested and approved by Underwriters' Laboratories, Factory Mutual Engineering Corporation, or by an agency or laboratory approved by the department of labor and industries.

(d) The roof irons or hooks shall be of mild steel, or other equivalent material, of proper size and design, securely installed and anchored. The roof irons or hooks and any other devices shall have tiebacks of 3/4-inch manila rope, or the equivalent, to serve as a secondary means of anchorage, installed at right angles to the face of the building, whenever possible, and secured to a structurally sound portion of the building.

(e) Two-point suspension scaffolds shall be suspended by wire, synthetic or fiber ropes capable of supporting at least 6 times the rated load. All other components shall be capable of supporting at least four times the rated load.

(f) The sheaves of all blocks, consisting of at least one double and one single block, shall fit the size and type of rope used and shall be a minimum of six inches in diameter.

(g) All wire ropes, fiber and synthetic ropes, slings, hangers, platforms, and other supporting parts shall be inspected before every installation. Periodic inspections shall be made while the scaffold is in use.

(h) On suspension scaffolds designed for a working load of 500 pounds, no more than two persons shall be permitted to work at one time. On suspension scaffolds with a working load of 750 pounds, no more than three persons shall be permitted to work at one time. On suspension scaffolds with a working load of 1,000 pounds, no more than four persons shall be permitted to work at one time. Each employee shall be protected by an approved full body harness attached to a dropline. The droplines shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the employee in case of a fall. In order to keep the dropline continuously attached, with a minimum of slack, to a fixed structure, the attachment point of the dropline shall be appropriately changed as the work progresses.

(i) When a multi-tiered two-point suspension scaffold is used, it shall be provided with safety droplines that attach to each end of the scaffold through an approved quick acting safety device, in case either or both of the main suspension lines should break. The lanyard of the full body harness shall be tied off to a substantial member of the scaffold itself or to a horizontal lifeline attached to each end of the scaffold or a sliding device on the horizontal lifeline. The two additional safety droplines shall be individually suspended from roof irons, hooks, or other approved devices and shall be near the suspension droplines to prevent unnecessary side impact. The safety dropline shall have a 6 to 1 safety factor. Such scaffolds shall be designed by a licensed professional engineer and a copy of the drawings and specifications shall be available at the jobsite.

(j) Two-point suspension scaffolds shall be securely lashed to the building or structure to prevent the scaffolds from swaying. Window cleaners' anchors shall not be used for this purpose.

(k) The platform of every two-point suspension scaffold shall be one of the following types:

(i) Ladder-type platforms. The side stringer shall be of clear straight-grained spruce or materials of equivalent strength and durability. The rungs shall be of straight-grained oak, ash, or hickory, at least 1 1/8 inch in diameter, with 7/8-inch tenons mortised into the side stringers at least 7/8-inch. The stringers shall be tied together with the tie rods not less than one-quarter inch in diameter, passing through the stringers and riveted up tight against washers on both ends. The flooring strips shall be spaced not more than five-eighths inch apart except at the side rails where the space may be 1 inch. Ladder-type platforms shall be constructed in accordance with Table J-12.

(ii) Plank-type platforms. Plank-type platforms shall be composed of not less than two nominal 2- x 10-inch unspliced planks, properly cleated together on the underside, starting 6 inches from each end; intervals in between shall not exceed 4 feet. The plank-type platform shall not extend beyond the hangers more than 12 inches. A bar or other effective means shall be securely fastened to the platform at each end to prevent its slipping off the hanger. The span between hangers for plank-type platforms shall not exceed 8 feet.

(iii) Beam-type platforms. Beam platforms shall have side stringers of lumber not less than 2 x 6 inches set on edge. The span between hangers shall not exceed 12 feet when beam platforms are used. The flooring shall be supported on 2- x 6-inch cross beams, laid flat and set into the upper edge of the stringers with a snug fit, at intervals of not more than 4 feet, securely nailed in place. The flooring shall be of 1- x 6-inch material properly nailed. Floor boards shall not be spaced more than one-half inch apart.

(iv) Light metal-type platforms, when used, shall be tested and listed according to Underwriters' Laboratories, Factory Mutual Engineering Corporation, or the department of labor and industries.

(l) In addition to the normal operating brake, all power-driven units shall have an emergency brake which engages automatically when the normal speed of descent is exceeded.

(m) When acid solutions are used, natural or synthetic fiber rope shall not be used.

(n) Every swinging scaffold shall be tested before using by raising the platform one foot from the ground and loading it with at least four times the maximum weight to be imposed when aloft.

(8) Stone setters' adjustable multiple-point suspension scaffolds.

(a) The scaffold shall be capable of sustaining a working load of 25 pounds per square foot and shall not be overloaded. Scaffolds shall not be used for storage of stone or other heavy materials.

(b) When used, the hoisting machine and its supports shall be of a type tested and listed by Underwriters' Laboratories, Factory Mutual Engineering Corporation or the department of labor and industries.

(c) The platform shall be securely fastened to the hangers by U-bolts or other equivalent means. (For materials and spans, see item (ii) of subsection (7)(k), Plank-type Platforms and Table J-12 of this section.)

(d) The scaffold unit shall be suspended from metal outriggers, iron brackets, wire rope slings, or iron hooks.

(e) Outriggers, when used, shall be set with their webs in a vertical position, securely anchored to the building or structure and provided with stop bolts at each end.

(f) The scaffold shall be supported by wire rope capable of supporting at least 6 times the rated load. All other components shall be capable of supporting at least 4 times the rated load.

(g) The free ends of the suspension wire ropes shall be equipped with proper size thimbles, secured by splicing or other equivalent means. The running ends shall be securely attached to the hoisting drum and at least four turns of wire rope shall remain on the drum at all times.

(h) When two or more scaffolds are used on a building or structure, they shall not be bridged one to the other; but shall be maintained at even height with platforms abutting closely.

(i) In addition to the normal operating brake, all power-driven units shall have an emergency brake which engages automatically when the normal speed of descent is exceeded.

(j) Each scaffold shall be installed or relocated in accordance with approved designs and instructions under the supervision of a competent designated person.

(k) Where additional working levels are required to be supported, the plans and specifications of the support and scaffold components shall be designed by a licensed professional engineer. These plans and specifications shall be available at the site.

(9) Single-point adjustable suspension scaffolds.

(a) The scaffolding, including power units or manually operated winches, shall be of a type tested and listed by Underwriters' Laboratories, Factory Mutual Engineering Corporation or the department of labor and industries.

(b) The power units may be either electrically or air motor driven.

(c) All power-operated gears and brakes shall be enclosed.

(d) In addition to the normal operating brake, all power-driven units shall have an emergency brake which engages automatically when the normal speed of descent is exceeded.

(e) The hoisting machines, cables, and equipment shall be regularly serviced and inspected.

(f) The units may be combined to form a two-point suspension scaffold. Such scaffold shall comply with subsection (7) of this section.

(g) When the supporting wire rope is not plumb for its entire length, supports shall be designed to sustain any additional load or stress upon the line.

(h) Suspension methods and employee safeguards shall conform to the provisions of subsections (6) and (7) of this section.

(i) For additional details not covered in this subsection applicable technical portions of American National Standards Institute, A120.1-1970, Power-Operated Devices for Exterior Building Maintenance Powered Platforms, shall be used.

(10) Boatswain's chairs.

(a) The chair seat shall not be less than 12 x 24 inches, and 1-inch thick. The seat shall be reinforced on the underside by cleats securely fastened to prevent the board from splitting. Specially designed seats having dimensions other than those specified in this subsection may be used provided they have been designed and tested (with a safety factor of four) to sustain a load of two hundred fifty pounds.

(b) The two fiber rope seat slings shall be of 5/8-inch diameter, reeved through the four seat holes so as to cross each other on the underside of the seat.

(c) Seat slings shall be of at least 3/8-inch wire rope when an employee is conducting a heat-producing process, such as gas welding.

(d) The employee shall be protected by a full body harness and lifeline in accordance with WAC 296-155-24510 (3)(a)(i). The attachment point of the lifeline to the structure shall be appropriately changed as the work progresses.

(e) The tackle shall consist of correct size ball bearing or bushed blocks and properly spliced 5/8-inch diameter first grade manila rope, or equivalent.

(f) The roof irons, hooks, or the object to which the tackle is anchored, shall be securely installed. Tiebacks, when used, shall be installed at right angles to the face of the building and securely fastened.

(g) The scaffolding, including power units shall be of tested design.

(h) All power operated gears and brakes shall be enclosed.

(i) In addition to the normal operating brake, all power-driven units shall have an emergency brake which engages automatically when the normal speed of descent is exceeded.

(11) Carpenters' bracket scaffolds.

(a) The brackets shall consist of a triangular wood frame not less than 2 x 3 inches in cross section, or of metal of equivalent strength. Each member shall be properly fitted and securely joined.

(b) Each bracket shall be attached to the structure by means of one of the following:

(i) A bolt, no less than 5/8-inch in diameter, which shall extend through to the inside of the building wall;

(ii) A metal stud attachment device;

(iii) Welding to steel tanks;

(iv) Hooking over a well-secured and adequately strong supporting member.

(c) The brackets shall be spaced no more than 8 feet apart.

(d) No more than two employees shall occupy any given 8 feet of a bracket scaffold at any one time. Tools and

materials shall not exceed 75 pounds in addition to the occupancy.

(e) The platform shall consist of not less than two 2- x 10-inch planks extending not more than 12 inches or less than 6 inches beyond each end support. Fabricated planking may be used if properly engineered and tested.

(12) Bricklayers' square scaffolds.

(a) The squares shall not exceed 5 feet in width and 5 feet in height.

(b) Members shall be not less than those specified in Table J-13.

(c) The squares shall be reinforced on both sides of each corner with 1- x 6-inch gusset pieces. They shall also have diagonal braces 1 x 8 inches on both sides running from center to center of each member, or other means to secure equivalent strength and rigidity.

(d) The squares shall be set not more than 5 feet apart for medium duty scaffolds, and not more than 8 feet apart for light duty scaffolds. Bracing, 1 x 8 inches, extending from the bottom of each square to the top of the next square, shall be provided on both front and rear sides of the scaffold.

(e) Platform planks shall be at least 2 x 10-inch. The ends of the planks shall overlap the bearers of the squares and each plank shall be supported by not less than three squares. Fabricated planking may be used if properly engineered and tested.

(f) Bricklayers' square scaffolds shall not exceed three tiers in height and shall be so constructed and arranged that one square shall rest directly above the other. The upper tiers shall stand on a continuous row of planks laid across the next lower tier and be nailed down or otherwise secured to prevent displacement.

(g) Scaffolds shall be level and set upon a firm foundation.

(13) Horse scaffolds.

(a) Horse scaffolds shall not be constructed or arranged more than two tiers or 10 feet in height.

(b) The members of the horses shall be not less than those specified in Table J-14.

(c) Horses shall be spaced not more than 5 feet for medium duty and not more than 8 feet for light duty.

(d) When arranged in tiers, each horse shall be placed directly over the horse in the tier below.

(e) On all scaffolds arranged in tiers, the legs shall be nailed down or otherwise secured to the planks to prevent displacement or thrust and each tier shall be substantially cross braced.

(f) Horses or parts which have become weak or defective shall not be used.

(14) Needle beam scaffold.

(a) Wood needle beams shall be not less than 4 x 6 inches in size, with the greater dimension placed in a vertical direction. Metal beams or the equivalent, conforming to subsections (1)(h) and (j) of this section, may be used and shall not be altered or moved horizontally while they are in use.

(b) Ropes or hangers shall be provided for supports. The span between supports on the needle beam shall not exceed 10 feet for 4- x 6-inch timbers. Rope supports shall be equivalent in strength to 1-inch diameter first-grade manila rope.

(c) The ropes shall be attached to the needle beams by a scaffold hitch or a properly made eye splice. The loose end of the rope shall be tied by a bowline knot or by a round turn and a half hitch.

(d) The scaffold hitch shall be arranged so as to prevent the needle beam from rolling or becoming otherwise displaced.

(e) The platform span between the needle beams shall not exceed 8 feet when using 2-inch scaffold plank. For spans greater than 8 feet, platforms shall be designed based on design requirements for the special span. The overhang of each end of the platform planks shall be not less than 6 inches and not more than 12 inches.

(f) When needle beam scaffolds are used, the planks shall be secured against slipping.

(g) All unattached tools, bolts, and nuts used on needle beam scaffolds shall be kept in suitable containers, properly secured.

(h) One end of a needle beam scaffold may be supported by a permanent structural member conforming to subsections (1)(h) and (j) of this section.

(i) Each employee working on a needle beam scaffold shall be protected by a full body harness and lifeline in accordance with WAC 296-155-24510 (3)(a)(i).

(15) Plasterers', decorators', and large area scaffolds.

(a) Plasters', lathers', and ceiling workers' inside scaffolds shall be constructed in accordance with the general requirements set forth for independent wood pole scaffolds. (See subsection (2) of this section and Tables J-5, J-6 and J-7.)

(b) All platform planks shall be laid with the edges close together.

(c) When independent pole scaffold platforms are erected in sections, such sections shall be provided with connecting runways equipped with substantial guardrails.

(16) Interior hung scaffolds.

(a) An interior hung scaffold shall be hung or suspended from the roof structure or ceiling beams.

(b) The suspending wire or fiber rope shall be capable of supporting at least 6 times the rated load. The rope shall be wrapped at least twice around the supporting members and twice around the bearers of the scaffold, with each end of the wire rope secured by at least three standard wire-rope clips properly installed.

(c) For hanging wood scaffolds, the following minimum nominal size material shall be used:

(i) Supporting bearers 2 x 10 inches on edge;

(ii) Planking 2 x 10 inches, with maximum span 7 feet for heavy duty and 10 feet for light duty or medium duty.

(d) Steel tube and coupler members may be used for hanging scaffolds with both types of scaffold designed to sustain a uniform distributed working load up to heavy duty scaffold loads with a safety factor of four.

(e) All overhead supporting members shall be inspected and have required strength assured before the scaffold is erected.

(17) Ladder jack scaffolds.

(a) All ladder jack scaffolds shall be limited to light duty and shall not exceed a height of 20 feet above the floor or ground.

(b) All ladders used in connection with ladder jack scaffolds shall be Type I heavy-duty ladders and shall be

designed and constructed in accordance with American National Standards Institute A14.1-1982, Safety Code for Portable Wood Ladders, and A14.2-1982, Safety Code for Portable Metal Ladders. Cleated ladders shall not be used for this purpose.

(c) The ladder jack shall be so designed and constructed that it will bear on the side rails in addition to the ladder rungs, or if bearing on rungs only, the bearing area shall be at least 10 inches on each rung.

(d) Ladders used in conjunction with ladder jacks shall be so placed, fastened, held, or equipped with devices so as to prevent slipping.

(e) The wood platform planks shall be not less than 2 inches in thickness. Both metal and wood platform planks shall overlap the bearing surface not less than 12 inches and shall be secured to prevent movement. The span between supports for wood shall not exceed 8 feet. Platform width shall be not less than 18 inches.

(f) No more than two persons shall be within any 8 feet section of any ladder jack scaffold at any one time. When the use of standard guardrails as required by subsection (1)(e) of this section is impractical, full body harnesses and lifelines shall be used in accordance with WAC 296-155-24510 (3)(a)(i).

(18) Window jack scaffolds.

(a) Window jack scaffolds shall be used only for the purpose of working at the window opening through which the jack is placed.

(b) Window jacks shall not be used to support planks placed between one window jack and another or for other elements of scaffolding.

(c) Window jack scaffolds shall be provided with guardrails unless full body harnesses with lifelines are attached and used by the employee.

(d) Not more than one employee shall occupy a window jack scaffold at any one time.

(e) Window jacks shall be designed and constructed so as to provide a secure anchorage on the window opening and be capable of supporting the design load.

(19) Roofing brackets.

All roofing brackets must be installed and used in accordance with the requirements of Part K chapter 296-155 WAC.

(20) Crawling boards or chicken ladders.

All crawling boards or chicken ladders shall be installed and used in accordance with the requirements of WAC 296-155-50503((2)) (3).

(21) Float or ship scaffolds.

(a) Float or ship scaffolds shall not be used to support more than three persons and a few light tools, such as those needed for riveting, bolting, and welding. They shall be constructed as designed in subdivisions (b) through (f) of this subsection, unless substitute designs and materials provide equivalent strength, stability, and safety.

(b) The platform shall be not less than 3 feet wide and 6 feet long, made of 3/4-inch plywood, equivalent to American Plywood Association Grade B-B, Group I, Exterior, or other similar material.

(c) Under the platform, there shall be two supporting bearers made from 2- x 4-inch, or 1- x 10-inch rough, "selected lumber," or better. They shall be free of knots or other flaws and project 6 inches beyond the platform on both

sides. The ends of the platform shall extend 6 inches beyond the outer edges of the bearers. Each bearer shall be securely fastened to the platform.

(d) An edging of wood not less than 3/4 x 1 1/2 inches or equivalent shall be placed around all sides of the platform to prevent tools from rolling off.

(e) Supporting ropes shall be 1-inch diameter manila rope or equivalent, free from deterioration, chemical damage, flaws, or other imperfections and shall be well insulated to protect against damaging contacts of arcs, flames, or other mechanical objects. Rope connections shall be such that the platform cannot shift or slip. If two ropes are used with each float, they shall be arranged so as to provide four ends which are to be securely fastened to an overhead support. Each of the two supporting ropes shall be hitched around one end of bearer and pass under the platforms to the other end of the bearer where it is hitched again, leaving sufficient rope at each end for the supporting ties.

(f) Each employee shall be protected by an approved safety lifeline and lifeline, in accordance with WAC 296-155-245.

(22) Form scaffolds.

(a) Form scaffolds shall be constructed of wood or other suitable materials, such as steel or aluminum members of known strength characteristics. All scaffolds shall be designed and erected with a minimum safety factor of 4, computed on the basis of the maximum rated load.

(b) All scaffold planking shall be a minimum of 2- x 10-inch nominal scaffold grade, as recognized by approved grading rules for the species of lumber used, or equivalent material. Maximum permissible spans shall not exceed 8 feet on centers for 2- x 10-inch nominal planking. Scaffold planks shall be either nailed or bolted to the ledgers or of such length that they overlap the ledgers at least 6 inches. Unsupported projecting ends of scaffolding planks shall be limited to a maximum overhang of 12 inches.

(c) Scaffolds shall not be loaded in excess of the working load for which they were designed.

(d) Figure-four form scaffolds:

(i) Figure-four scaffolds are intended for light duty and shall not be used to support loads exceeding 25 pounds per square foot unless specifically designed for heavier loading. For minimum design criteria, see Table J-15.

(ii) Figure-four form scaffold frames shall be spaced not more than 8 feet on centers and constructed from sound lumber, as follows: The outrigger ledger shall consist of two pieces of 1- x 6-inch or heavier material nailed on opposite sides of the vertical form support. Ledgers shall project not more than 3 feet 6 inches from the outside of the form support and shall be substantially braced and secured to prevent tipping or turning. The knee or angle brace shall intersect the ledger at least 3 feet from the form at an angle of approximately 45°, and the lower end shall be nailed to a vertical support. The platform shall consist of two or more 2- x 10-inch planks, which shall be of such length that they extend at least 6 inches beyond ledgers at each end unless secured to the ledgers. When planks are secured to the ledgers (nailed or bolted), a wood filler strip shall be used between the ledgers. Unsupported projecting ends of planks shall be limited to an overhang of 12 inches.

(e) Metal bracket form scaffolds:

(i) Metal brackets or scaffold jacks which are an integral part of the form shall be securely bolted or welded to the form. Folding type brackets shall be either bolted or secured with a locking-type pin when extended for use.

(ii) "Clip-on" or "hook-over" brackets may be used, provided the form walers are bolted to the form or secured by snap ties or shea-bolt extending through the form and securely anchored.

(iii) Metal brackets shall be spaced not more than 8 feet on centers.

(iv) Scaffold planks shall be either bolted to the metal brackets or of such length that they overlap the brackets at each end by at least 6 inches. Unsupported projecting ends of scaffold planks shall be limited to a maximum overhang of 12 inches.

(v) Metal bracket form scaffolds shall be equipped with wood guardrails, intermediate rails, toeboards, and scaffold planks meeting the minimum dimensions shown in Table J-16. (Metal may be substituted for wood, providing it affords equivalent or greater design strength.)

(f) Wooden bracket form scaffolds:

(i) Wooden bracket form scaffolds shall be an integral part of the form panel. The minimum design criteria set forth herein and in Table J-17 cover scaffolding intended for light duty and shall not be used to support loads exceeding 25 pounds per square foot, unless specifically designed for heavier loading.

(ii) Scaffold planks shall be either nailed or bolted to the ledgers or of such length that they overlap the ledgers at each end by at least 6 inches. Unsupported projecting ends of scaffold planks shall be limited to a maximum overhang of 12 inches.

(23) Pump jack scaffolds.

(a) Pump jack scaffolds shall:

(i) Not carry a working load exceeding 500 pounds;

(ii) Be capable of supporting without failure at least four times the maximum intended load; and

(iii) Shall not have components loaded in excess of the manufacturer's recommended limits.

(b) Pump jack brackets, braces, and accessories shall be fabricated from metal plates and angles. Each pump jack bracket shall have two positive gripping mechanisms to prevent any failure or slippage.

(c) The platform bracket shall be fully docked and the planking secured. Planking, or equivalent, shall conform with subsection (1) of this section.

(d)(i) When wood scaffold planks are used as platforms, poles used for pump jacks shall not be spaced more than 10 feet center to center. When fabricated platforms are used that fully comply with all other provisions of this subsection, pole spacing may exceed 10 feet center to center.

(ii) Poles shall not exceed 30 feet in height.

(iii) Poles shall be secured to the work wall by rigid triangular bracing, or equivalent, at the bottom, top, and other points as necessary, to provide a maximum vertical spacing of not more than 10 feet between braces. Each brace shall be capable of supporting a minimum of 225 pounds tension or compression.

(iv) For the pump jack bracket to pass bracing already installed, an extra brace shall be used approximately 4 feet

above the one to be passed until the original brace is reinstalled.

(e) All poles shall bear on mud sills or other adequate firm foundations.

(f) Pole lumber shall be two 2 x 4's, of Douglas fir or equivalent, straight-grained, clear, free of cross-grain, shakes, large loose or dead knots, and other defects which might impair strength.

(g) When poles are constructed of two continuous lengths, they shall be two by fours, spiked together with the seam parallel to the bracket, and with 10d common nails, no more than 12 inches center to center, staggered uniformly from opposite outside edges.

(h) If two by fours are spliced to make up the pole, the splices shall be so constructed as to develop the full strength of the member. Three-eighths inch or one-half inch exterior grade plywood shall be used for a spacer between the two by fours. The joints for the splices shall be staggered on opposite sides of the pole at least four feet apart. Joints shall be no less than four feet from either end of the pole.

(i) A ladder, in accordance with WAC 296-155-480, shall be provided for access to the platform during use.

(j) Not more than two persons shall be permitted at one time upon a pump jack scaffold between any two supports.

(k) Pump jack scaffolds shall be provided with standard guardrails, unless full body harnesses with lifelines are used by employees.

(l) When a work bench is used at an approximate height of 42 inches, the top guardrail may be eliminated, if the work bench is fully decked, the planking secured, and is capable of withstanding 200 pounds pressure in any direction.

(m) Employees shall not be permitted to use a work bench as a scaffold platform.

(24) Factory-built scaffold units. Factory-built or prefabricated scaffold units intended for assembly on the job, prefabricated plank, staging, etc., mechanical hoisting units, or other devices for use on or in connection with any type scaffolds, shall be approved by an agency or laboratory approved by the department before being used.

(25) Waler bracket scaffolds.

(a) Waler brackets shall be constructed of 1 5/8" x 1 1/2" x 3/16" angle iron minimum size, or material of equivalent strength.

(b) All steel connections shall be welded and riveted or bolted, except where detrimental to strength of materials.

(c) The maximum length of horizontal leg shall not be more than 36" between bracket hook and railing standard.

(d) A 4" x 4" x 3/16" gusset plate shall be securely welded at inside of leg angle.

(e) Nailing holes shall be provided in lower end of vertical leg for purpose of securing bracket against lifting or shifting.

(f) Waler hook or hooks shall be a minimum of 4-inch depth and be constructed of material of a strength to support a minimum of 400 pounds at extreme outer end of bracket.

(26) Chimney, stack and tank bracket scaffolds.

(a) General. A chimney, stack or tank bracket scaffold shall be composed of a platform supported by brackets which are hooked over a steel cable which surrounds the circumference of the chimney, stack or tank approximately in a horizontal plane. The platform shall be not less than two 2 x 10 inch planks. For a minimum width of eighteen

inches wide and be designed with a safety factor of not less than 4.

(b) All brackets shall have a mild steel suspension hook 2 inches by 1/4-inch with at least 3 inches projecting beyond the throat of the hook. Hooks shall be integral with or securely attached to the bracket.

(c) Wood spacer blocks shall be provided to hold the suspending cable away from the structure at the points where brackets are hooked on. These spacer blocks shall be not less than 2 inches by 4 inches by 12 inches.

(d) All suspending cables shall be improved plow steel 6 x 19 wire rope or equivalent. In no case shall less than 1/2-inch diameter wire rope be used.

(e) The turnbuckle used to tighten suspending cables shall be not less than 1 inch drop forged steel. The cables shall be provided with thimbles and not less than 3 U-bolt type clips at each end and be attached to the turnbuckles by means of shackles. Open hooks shall not be used.

(f) All chimney, stack and tank bracket scaffolds shall be provided with standard guard rails, intermediate rails and toeboards.

(g) For access to a chimney, stack or tank bracket scaffold, ladders or a boatswain's chair shall be used.

(h) All chimney, stack or tank brackets for scaffolds shall be welded and riveted or bolted.

(27) Scaffold platforms supported by catenary or stretch cables.

(a) When a scaffold platform is supported by cables at least 4 cables shall be used, two near each end of the scaffold.

(b) The cables shall be attached to the scaffold by means of U-bolts or the equivalent through which the cables pass.

(c) Cables shall not be tightened beyond their safe working load. A hanger or set of falls shall be used approximately every 50 feet to pick up the sag in the cable.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-48523 Manually propelled mobile ladder stands and scaffolds (towers). (1) All applicable rules for design, construction, maintenance, operation, testing, and use of manually propelled mobile ladder stands and scaffolds (towers) shall be in accordance with ANSI A92.1-1977.

(2) General and design requirements: Stands and scaffolds of this section shall meet the requirements specified:

(a) The design working load of ladder stands shall be calculated on the basis of one or more two hundred fifty-pound persons together with fifty pounds of equipment each.

(b) The design working load of all scaffolds shall be calculated on the basis of:

- (i) LIGHT - Designed and constructed to carry a working load of 25 lb/ft²
- (ii) MEDIUM - Designed and constructed to carry a working load of 50 lb/ft²
- (iii) HEAVY - Designed and constructed to carry a working load of 75 lb/ft²

(c) All ladder stands and scaffolds shall be capable of supporting at least four times the design working load.

(d) The materials used in mobile ladder stands and scaffolds shall be of standard manufacture and conform to standard specifications of strength, dimensions, and weights, and shall be selected to safely support the design working load.

(e) Nails, bolts, weldments, or other mechanical fasteners used in the construction of ladders, scaffolds, and towers shall be of adequate size and in sufficient numbers at each connection to develop the designed strength of the unit. Nails shall be driven full length and all exposed surfaces shall be free from sharp edges, burrs, or other safety hazards.

(f) The maximum work level height shall not exceed four times the minimum or least base dimension of any mobile ladder stand or scaffold. Where the basic mobile unit does not meet this requirement, outrigger frames shall be employed to achieve this least base dimension, or provisions shall be made to guy or brace the unit against tipping.

(g) The minimum platform width for any work level shall not be less than eighteen inches for mobile scaffolds (towers).

(h) Ladder stands shall have a minimum step width of sixteen inches.

(i) The supporting structure for the work level shall be rigidly braced, using cross bracing, diagonal bracing, knee braces, or the equivalent, with rigid platforms or steps at each work level.

(j) The steps and platform of ladder stands and scaffolds shall be fabricated from slip-resistant materials.

(k) The work level platform of scaffolds (towers) shall be made of wood, aluminum, or plywood planking, steel, or expanded metal, for the full width of the scaffold, except for necessary openings.

(i) Work platforms shall be secured in place.

(ii) The clearances between adjacent platform boards or scaffold members, or both, shall not exceed one inch.

(iii) All planking shall be two inch (nominal) scaffold grade minimum 1500 lbf/in³ (stress grade) construction grade lumber, or the equivalent.

(l) All scaffold and ladder stand platform work levels ten feet or higher above the ground or floor shall have a standard (1 x 4 lumber nominal or the equivalent) toeboard.

(m) All scaffold and ladder stand platform work levels with platform height of four feet or greater shall be provided with guardrails and midrails on exposed sides and end wherever the horizontal dimension of the platform in either direction is less than forty-five inches.

(n) All scaffold and ladder stand platform work levels ten feet or higher above the ground or floor shall be provided with standard guardrails.

(o) A climbing ladder or stairway shall be provided for proper access and egress, and shall be affixed or built into the scaffold and so located that its use will not have a tendency to tip the scaffold.

(p) Where the horizontal members of the scaffold frame are spaced not more than sixteen inches apart, and a standard guardrail has been provided on the scaffold platform to serve as handholds during access to the platform, persons may use the scaffold frames for access and exit, provided that scaffold platform does not project beyond the bearer.

(q) Wheels or casters, when under load, shall be properly designed for strength and dimensions to support four times the design working load.

(i) All scaffold casters shall be provided with a positive wheel or swivel lock, or both, to prevent movement.

(ii) Ladder stands shall have at least two locking casters or other means of locking the unit in position.

(iii) Swivel casters, if used, shall be provided with a positive lock.

(iv) Where leveling of the elevated work platform is required, screw jacks or other suitable means for adjusting the height shall be provided in the base section of each mobile unit.

(3) Mobile tubular fabricated frame scaffolds: Mobile tubular fabricated frame scaffolds shall be designed to comply with the requirements of subsections (1) through (2)(q) of this section.

(a) Scaffolds shall be braced by cross braces or diagonal braces, or both, for securing vertical members together laterally.

(b) The cross braces shall be of a length that will automatically square and align vertical members so that the erected scaffold is always plumb, square, and rigid.

(c) Spacing of panels of frames shall be consistent with the loads imposed.

(d) The frames shall be placed one on top of the other with coupling or stacking pins to provide vertical alignment of the legs.

(e) Where uplift may occur, panels shall be locked together vertically by pins or other equivalent means.

(f) Only the manufacturer of the scaffold or the manufacturer's qualified designated agent shall be permitted to erect or supervise the erection of scaffolds exceeding fifty feet in height above the base, unless:

(i) Such structure is approved in writing by a licensed professional engineer;

(ii) Erected in accordance with instructions furnished by the manufacturer.

(4) Mobile tubular fabricated sectional folding scaffolds: Mobile tubular fabricated sectional folding scaffolds, including sectional stairway and sectional ladder scaffolds, shall be designed to comply with the requirements of subsections (1) through (2)(q) of this section.

(a) An integral stairway and work platform shall be incorporated into the structure of each sectional folding stairway scaffold.

(b) An integral set of pivoting and hinged folding diagonal and horizontal braces and a detachable work platform shall be incorporated into the structure of each sectional folding ladder scaffold.

(c) The end frames of sectional ladder and stairway scaffolds shall be designed so that the horizontal bearers provide supports for multiple planking levels.

(d) Only the manufacturer of the scaffold or ~~((his))~~ the qualified designated agent shall be permitted to erect or supervise the erection of scaffolds exceeding fifty feet in height above the base, unless:

(i) Such structure is approved in writing by a licensed professional engineer;

(ii) Erected in accordance with instructions furnished by the manufacturer.

(5) Mobile tube and coupler scaffolds: Mobile tube and coupler scaffolds shall be designed to comply with the requirements of subsections (1) through (2)(q) of this section.

(a) The material used for the couplers shall be of a structural type, such as a drop-forged steel, malleable iron, or structural grade aluminum.

(b) The use of gray cast iron is prohibited.

(c) Only the manufacturer of the scaffold or ~~((his))~~ the qualified designated agent shall be permitted to erect or supervise the erection of scaffolds exceeding fifty feet in height above the base, unless:

(i) Such structure is approved in writing by a qualified engineer.

(ii) Erected in accordance with instructions furnished by the manufacturer.

(6) Mobile work platforms: Mobile work platforms shall be designed for the use intended and shall comply with the requirements of subsections (1) through (2)(q) of this section.

(a) The minimum width of the base of mobile work platforms shall not be less than eighteen inches.

(b) Adequate rigid bracing to vertical members shall be provided.

(7) Mobile ladder stands: Mobile ladder stands shall comply with applicable requirements of subsections (1) through (2)(q) of this section.

(a) The minimum base width shall conform to subsection (2)(f) of this section.

(b) The minimum length of the base section shall be the total length of combined steps and top assembly, measured horizontally, plus five-eighths inch per step of rise.

(c) Steps shall be uniformly spaced and sloped, with a rise of not less than nine inches or more than ten inches and a depth of not less than seven inches.

(d) The slope of the steps shall be a maximum of sixty degrees measured from the horizontal.

(e) Units having more than four steps shall be equipped with handrails.

(i) Handrails shall be a minimum of thirty inches plus or minus one inch in height.

(ii) Measurements shall be taken vertically from the center of the step.

(f) The load shall be applied uniformly to a three and one-half inch wide area front to back at the center of the width span with a safety factor of four.

(8) Scaffold and ladder stands: Scaffolds and ladder stands shall be furnished, where ladders or other equipment are not deemed appropriate, and erected in accordance with this standard for persons engaged in work that cannot be done safely from the ground or from solid construction, and where it is desired to facilitate relocation of the unoccupied units without disassembly.

(a) Persons shall be prohibited from riding on units while they are being moved, and materials, tools, or equipment shall not be stored on the units while they are being moved except under strict compliance with the provisions following, and only with extreme care and caution exercised by the user.

(b) Guardrails, midrails, and toeboards shall be installed as required by subsection (2)(l), (m) and (n) of this section.

(c) The floor or surface shall be within three degrees of level, smooth (the equivalent of broom-finished concrete), and free from pits, holes, or obstructions.

(d) The minimum dimension of the scaffold base when ready for rolling shall be at least one-half of the height.

(e) Outriggers, if used, shall be installed on all four sides of the scaffold and then can be included as a part of the base dimension.

(f) All tools or materials, or both, shall be secured or removed from the platform before the mobile scaffold is moved.

(g) Employees on the mobile scaffold shall be advised and be aware of each movement in advance.

(h) Employees on the work platform of the mobile scaffold may move the scaffold when the mobile scaffold is equipped with a manual system in which the propelling force is applied to the wheels only and cannot exceed normal walking speed.

(i) The force necessary to move the mobile scaffold shall be applied as close to the base as practicable, and provision shall be made to stabilize the tower during movement from one location to another.

(j) The vertical posts of frames shall be accurately spaced and rest upon suitable footing capable of carrying the maximum design load without settling or displacement. They shall be plumb, and securely and rigidly braced to prevent swaying and displacement.

(k) Where leveling of the mobile scaffold platform is required, screw jacks or other means for adjusting the height shall be provided in each leg section of each mobile unit.

(i) At least six inches of the screw jack shall be in the scaffold leg.

(ii) The screw jack shall not be extended more than twelve inches.

(l) Units shall be erected, used, and disassembled in accordance with instructions furnished by the manufacturer.

(m) Scaffolds shall be erected and used only by personnel who have been trained in their erection.

(n) Units shall be inspected before and after use.

(o) Units shall not be loaded in excess of the design working load.

(p) Units shall be repaired immediately when damaged or weakened from any cause.

(q) They shall not be used until repairs are completed.

(r) Units shall not be altered while they are in use or occupied.

(s) They shall be securely locked to prevent movement while occupied.

(t) Overhead protection shall be provided for the work platform, consisting of two-inch (nominal) planking, or the equivalent, not more than nine feet above the platform when an overhead hazard exists to the user on the platform.

(u) Ladders or unstable objects shall not be placed on top of rolling scaffolds to gain greater height.

(v) Persons shall not work on scaffolds during high winds, storms, or when the scaffolds are covered with ice or snow until all the ice and snow has been removed and the platform is sanded.

(w) Persons climbing or descending scaffold ladders shall have both hands free for climbing and shall remove foreign substances, such as, but not limited to, mud or grease from their shoes.

(x) Where moving vehicles are present, the scaffold area shall be marked with warnings, such as, but not limited to, flags, roped off areas, and barricades.

(y) Unstable objects such as barrels, boxes, loose brick, tools, and debris shall not be allowed to accumulate on the work level.

(z) In operations involving production of small debris, chips, etc., and the use of small tools and materials, and where persons are required to work or pass under the equipment, screens shall be required and properly secured between toeboards and guardrails. The screen shall extend along the entire opening, and shall consist of No. 19 gauge U.S. standard wire one-half inch mesh, or the equivalent.

(9) Required markings and data plates. Each unit shall be marked with the manufacturer's or vendor's name or identification symbol and rated working load, and shall indicate conformance to ANSI A92.1-1977 or a revision thereof.

(a) These markings shall be either stamped into a metal component of the unit, or provided on a metal name plate, or equivalent durable label, permanently secured to the unit.

(b) Precautionary labels or signs shall be permitted to warn of common hazards anticipated with the use of specific products, such as electrical hazards and contact with corrosive substances.

(c) Additional items for labeling consideration are inspection, proper selection, setup, climbing instructions, storage and care, and other instructions as deemed necessary.

(d) The precautionary labels or signs shall conform to the requirements of ANSI Specifications for Accident Prevention Signs, ANSI Z35.1-1972, and ANSI Specifications for Informational Signs Complementary to Accident Prevention Signs, ANSI Z35.4-1973.

AMENDATORY SECTION (Amending Order 92-06, filed 8/10/92, effective 9/10/92)

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 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 unless they 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 manufacturer's 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 stated in the manufacturer's 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 manufacturer's 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 manufacturer's 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 extendible-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 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)~~ they are 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 (Microamperes)
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 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-155-48533 Crane or derrick suspended personnel platforms. (1) Scope, application, and definitions.

(a) Scope and application. This standard applies to the design, construction, testing, use and maintenance of personnel platforms, and the hoisting of personnel platforms on the load lines of cranes or derricks.

(b) Definitions. For the purposes of this section, the following definitions apply:

(i) "Failure" means load refusal, breakage, or separation of components.

(ii) "Hoist" (or hoisting) means all crane or derrick functions such as lowering, lifting, swinging, booming in and out or up and down, or suspending a personnel platform.

(iii) "Load refusal" means the point where the ultimate strength is exceeded.

(iv) "Maximum intended load" means the total load of all employees, tools, materials, and other loads reasonably anticipated to be applied to a personnel platform or personnel platform component at any one time.

(v) "Runway" means a firm, level surface designed, prepared, and designated as a path of travel for the weight and configuration of the crane being used to lift and travel with the crane suspended platform. An existing surface may be used as long as it meets these criteria.

(2) General requirements. The use of a crane or derrick to hoist employees on a personnel platform is prohibited, except when the erection, use, and dismantling of conventional means of reaching the worksite, such as a personnel hoist, ladder, stairway, aerial lift, elevating work platform or scaffold, would be more hazardous, or is not possible because of structural design or worksite conditions.

(3) Cranes and derricks.

(a) Operational criteria.

(b) Hoisting of the personnel platform shall be performed in a slow, controlled, cautious manner with no sudden movements of the crane or derrick, or the platform.

(c) Load lines shall be capable of supporting, without failure, at least seven times the maximum intended load, except that where rotation resistant rope is used, the lines shall be capable of supporting without failure, at least ten

times the maximum intended load. The required design factor is achieved by taking the current safety factor of 3.5 (required under WAC 296-155-525 (3)(b)) and applying the fifty percent derating of the crane capacity which is required by (f) of this subsection.

(d) Load and boom hoist drum brakes, swing brakes, and locking devices such as pawls or dogs shall be engaged when the occupied personnel platform is in a stationary working position.

(e) The crane shall be uniformly level within one percent of level grade and located on firm footing. Cranes equipped with outriggers shall have them all fully deployed following manufacturer's specifications, insofar as applicable, when hoisting employees.

(f) The total weight of the loaded personnel platform and related rigging shall not exceed fifty percent of the rated capacity for the radius and configuration of the crane or derrick.

(g) The use of machines having live booms (booms in which lowering is controlled by a brake without aid from other devices which slow the lowering speeds) is prohibited.

(h) Multiple-part line block: When a multiple-part line block is in use, a substantial strap shall be used between the crane hook and common ring, shackle, or other equivalent device, to eliminate employee exposure to the lines running through the block, and to the block itself.

(4) Instruments and components.

(a) Cranes and derricks with variable angle booms shall be equipped with a boom angle indicator, readily visible to the operator.

(b) Cranes with telescoping booms shall be equipped with a device to indicate clearly to the operator, at all times, the boom's extended length, or an accurate determination of the load radius to be used during the lift shall be made prior to hoisting personnel.

(c) A positive acting device shall be used which prevents contact between the load block or overhaul ball and the boom tip (anti-two-blocking device), or a system shall be used which deactivates the hoisting action before damage occurs in the event of a two-blocking situation (two block damage prevention feature).

(d) The load line hoist drum shall have a system or device on the power train, other than the load hoist brake, which regulates the lowering rate of speed of the hoist mechanism (controlled load lowering). Free fall is prohibited.

(5) Rigging.

(a) Lifting bridles on box-type platforms shall consist of four legs of equal length, with one end securely shackled to each corner of the platform and the other end securely attached to a common ring, shackle, or other equivalent device to accommodate the crane hook, or a strap to the crane hook.

(b) Shackle bolts used for rigging of personnel platforms shall be secured against displacement.

(c) A substantial safety line shall pass through the eye of each leg of the bridle adjacent to the common ring, shackle, or equivalent device.

(d) Securely fastened with a minimum amount of slack to the lift line above the headache ball or to the crane hook itself.

(e) All eyes in wire rope slings shall be fabricated with thimbles.

(f) Wire rope, shackles, rings, master links, and other rigging hardware must be capable of supporting, without failure, at least five times the maximum intended load applied or transmitted to that component. Where rotation resistant wire rope is used for slings, they shall be capable of supporting without failure at least ten times the maximum intended load.

(g) Hooks on headache ball assemblies, lower load blocks, or other attachment assemblies shall be of a type that can be closed and locked, eliminating the hook throat opening. Alternatively, an alloy anchor type shackle with a bolt, nut and retaining pin may be used.

(h) Bridles and associated rigging for attaching the personnel platform to the hoist line shall be used only for the platform and the necessary employees, their tools and the materials necessary to do their work, and shall not be used for any other purpose when not hoisting personnel.

(6) Personnel platforms - design criteria.

(a) The personnel platform and suspension system shall be designed by a qualified engineer or a qualified person competent in structural design.

(b) The suspension system shall be designed to minimize tipping of the platform due to movement of employees occupying the platform.

(c) The personnel platform itself, except the guardrail system and body harness anchorages, shall be capable of supporting, without failure, its own weight and at least five times the maximum intended load based on a minimum allowance of five hundred pounds for the first person with light tools, and an additional two hundred fifty pounds for each additional person.

(d) Criteria for guardrail systems contained in Part K of chapter 296-155 WAC and body harness anchorages are contained in ~~((WAC 296-155-505(6) and 296-155-24510 (3)(a)(i) respectively))~~ Part C-1 of chapter 296-155 WAC.

(e) The personnel platform shall be conspicuously posted with a plate or other permanent marking which indicates the weight of the platform and its rated load capacity or maximum intended load.

(7) Platform specifications.

(a) Each personnel platform shall be equipped with a guardrail system which meets the requirements of ~~((WAC 296-155-505(6)))~~ chapter 296-155 WAC Part K and, shall be enclosed at least from the toeboard to mid-rail with either solid construction or expanded metal having openings no greater than one-half inch (1.27 cm).

(b) A grab rail shall be installed inside the entire perimeter of the personnel platform.

(c) Access gates, if installed, shall not swing outward during hoisting.

(d) Access gates, including sliding or folding gates, shall be equipped with a restraining device to prevent accidental opening.

(e) Headroom shall be provided which allows employees to stand upright in the platform.

(f) In addition to the use of hard hats, employees shall be protected by overhead protection on the personnel platform when employees are exposed to falling objects.

(g) All rough edges exposed to contact by employees shall be surfaced or smoothed in order to prevent injury to employees from punctures or lacerations.

(h) All welding of the personnel platform and its components shall be performed by a qualified welder familiar with the weld grades, types, and material specified in the platform design.

(i) Occupants of all personnel platforms shall wear a safety belt or harness and lanyard which meets the requirements of ~~((WAC 296-155-225 (3) through (8)))~~ chapter 296-155 WAC Part C-1.

(j) Box-type platform: The workers lanyard shall be secured to an anchorage within the platform meeting the requirements of ~~((WAC 296-155-225(4)))~~ chapter 296-155 WAC Part C-1.

(k) Rescue platform:

(i) If the platform is used as a rescue vehicle, the injured worker shall be strapped into the stretcher or basket.

(ii) The basket shall then be secured by lanyard to an anchorage within the platform meeting the requirements of ~~((WAC 296-155-225(4)))~~ chapter 296-155 WAC Part C-1.

(l) Boatswains chair: The workers lanyard shall be secured to the lift line above the headache ball or to the crane hook itself.

(m) Barrel-type platform:

(i) The workers lanyard shall be secured to the lift line above the headache ball or to the crane hook itself.

(ii) A solid bar or rod shall be substantially attached in a rigid position to the bottom or side of the platform.

(iii) The bottom of the barrel-type platform shall be of a convex shape to cause the platform to lay on its side when lowered to the ground or floor.

(iv) The bar or rod shall extend a minimum of eight feet above the floor of the platform.

(v) Workers shall enter and exit from barrel-type platforms only when they are in an upright position, stable, and securely attached to the load line.

(vi) The employer shall use methods or devices which allow employees to safely enter or exit barrel-type platforms.

(8) Personnel platform loading.

(a) The personnel platform shall not be loaded in excess of its rated load capacity.

(b) The number of employees occupying the personnel platform shall not exceed the number required for the work being performed.

(c) Personnel platforms shall be used only for employees, their tools, and the materials necessary to do their work, and shall not be used to hoist only materials or tools when not hoisting personnel.

(d) Materials and tools for use during a personnel lift shall be secured to prevent displacement.

(e) Materials and tools for use during a personnel lift shall be evenly distributed within the confines of the platform while the platform is suspended.

(9) Trial lift, inspection, and proof testing.

(a) A trial lift with the unoccupied personnel platform loaded at least to the anticipated lightweight shall be made from ground level, or any other location where employees will enter the platform, to each location at which the personnel platform is to be hoisted and positioned. This trial lift shall be performed immediately prior to placing personnel on the platform. The operator shall determine that all

systems, controls, and safety devices are activated and functioning properly; that no interferences exist; and that all configurations necessary to reach those work locations will allow the operator to remain under the fifty percent limit of the hoist's rated capacity. Materials and tools to be used during the actual lift can be loaded in the platform, as provided in subsection (8)(d) and (e) of this section for the trial lift. A single trial lift may be performed at one time for all locations that are to be reached from a single set-up position.

(b) The trial lift shall be repeated prior to hoisting employees whenever the crane or derrick is moved and set up in a new location or returned to a previously used location. Additionally, the trial lift shall be repeated when the lift route is changed unless the operator determines that the route change is not significant (i.e., the route change would not affect the safety of hoisted employees).

(c) After the trial lift, and just prior to hoisting personnel, the platform shall be hoisted a few inches and inspected to ensure that it is secure and properly balanced. Employees shall not be hoisted unless the following conditions are determined to exist:

- (i) Hoist ropes shall be free of kinks;
- (ii) Multiple part lines shall not be twisted around each other;
- (iii) The primary attachment shall be centered over the platform; and
- (iv) The hoisting system shall be inspected if the load rope is slack to ensure all ropes are properly stated on drums and in sheaves.

(d) A visual inspection of the crane or derrick, rigging, personnel platform, and the crane or derrick base support or ground shall be conducted by a competent person immediately after the trial lift to determine whether the testing has exposed any defect or produced any adverse effect upon any component or structure.

(e) Any defects found during inspections which create a safety hazard shall be corrected before hoisting personnel.

(f) At each job site, prior to hoisting employees on the personnel platform, and after any repair or modification, the platform and rigging shall be proof tested to one hundred twenty-five percent of the platform's rated capacity by holding it in a suspended position for five minutes with the test load evenly distributed on the platform (this may be done concurrently with the trial lift). After prooftesting, a competent person shall inspect the platform and rigging. Any deficiencies found shall be corrected and another proof test shall be conducted. Personnel hoisting shall not be conducted until the proof testing requirements are satisfied.

(10) Work practices.

(a) Employees shall keep all parts of the body inside the platform during raising, lowering, and positioning. This provision does not apply to an occupant of the platform performing the duties of a signal person.

(b) Before employees exit or enter a hoisted personnel platform that is not landed, the platform shall be secured to the structure where the work is to be performed, unless securing to the structure creates an unsafe situation.

(c) Tag lines shall be used unless their use creates an unsafe condition.

(d) The crane or derrick operator shall remain at the controls at all times when the crane engine is running and the platform is occupied.

(e) Hoisting of employees shall be promptly discontinued upon indication of any dangerous weather conditions or other impending danger.

(f) Employees being hoisted shall remain in continuous sight of and in direct communication with the operator or signal person. In those situations where direct visual contact with the operator is not possible, and the use of a signal person would create a greater hazard for that person, direct communication alone such as by radio may be used.

(g) Hand signals to the operator shall be in accordance with WAC 296-155-525 (1)(c).

(h) Except over water, employees occupying the personnel platform shall use a full body harness system with lanyard appropriately attached to the lower load block or overhaul ball, or to a structural member within the personnel platform capable of supporting a fall impact for employees using the anchorage as specified in WAC 296-155-24510 (3)(a)(i). When working over water, the requirements of WAC 296-155-235 shall apply.

(i) No lifts shall be made on another of the crane's or derrick's load lines while personnel are suspended on a platform.

(11) Traveling.

(a) Hoisting of employees while the crane is traveling is prohibited, except for portal, tower and locomotive cranes, or where the employer demonstrates that there is no less hazardous way to perform the work.

(b) Under any circumstances where a crane would travel while hoisting personnel, the employer shall implement the following procedures to safeguard employees:

- (i) Crane travel shall be restricted to a fixed track or runway;
- (ii) Travel shall be limited to the load radius of the boom used during the lift; and
- (iii) The boom must be parallel to the direction of travel.

(c) A complete trial run shall be performed to test the route of travel before employees are allowed to occupy the platform. This trial run can be performed at the same time as the trial lift required by subsection (9)(a) of this section which tests the route of the lift.

(d) If travel is done with a rubber tired-carrier, the condition and air pressure of the tires shall be checked. The chart capacity for lifts on rubber shall be used for application of the fifty percent reduction of rated capacity. Notwithstanding subsection (3)(e) of this section, outriggers may be partially retracted as necessary for travel.

(12) Prelift meeting.

(a) A meeting attended by the crane or derrick operator, signal person(s) (if necessary for the lift), employee(s) to be lifted, and the person responsible for the task to be performed shall be held to review the appropriate requirements of this section and the procedures to be followed.

(b) This meeting shall be held prior to the trial lift at each new work location, and shall be repeated for any employees newly assigned to the operation.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-155-505 Guardrails, handrails, and covers. (1) General provisions. This part applies to temporary or emergency conditions where there is danger of employees or materials falling through floor, roof, or wall openings, or from stairways, runways, ramps, open sided floors, open sides of structures, bridges, or other open sided walking or working surfaces. When guardrails or covers required by this section must be temporarily removed to perform a specific task, the area shall be constantly attended by a monitor to warn others of the hazard or shall be protected by a movable barrier.

(2) Guarding of floor openings and floor holes.

(a) Floor openings shall be guarded by a standard railing and toe boards or cover, as specified in subsections (2)(g) and (5) of this section. In general, the railing shall be provided on all exposed sides, except at entrances to stairways. All vehicle service pits shall have a cover or removable type standard guardrail. When not in use, pits shall be covered or guarded. Where vehicle service pits are to be used again immediately, and the service (~~man~~) person is within a 50 foot distance of the unguarded pit and also within line of sight of the unguarded pit, the cover or guardrail need not be replaced between uses. Where vehicle service pits are used frequently, the perimeters of the pits shall be delineated by high visibility, luminescent, skid resistant paint. Such painted delineation shall be kept clean and free of extraneous materials.

(b) Ladderway floor openings or platforms shall be guarded by standard railings with standard toe boards on all exposed sides, except at entrance to opening, with the passage through the railing either provided with a swinging gate or so offset that a person cannot walk directly into the opening.

(c) Hatchways and chute floor openings shall be guarded by one of the following:

(i) Hinged covers of standard strength and construction and a standard railing with only one exposed side. When the opening is not in use, the cover shall be closed or the exposed side shall be guarded at both top and intermediate positions by removable standard railings;

(ii) A removable standard railing with toe board on not more than two sides of the opening and fixed standard railings with toe boards on all other exposed sides. The removable railing shall be kept in place when the opening is not in use and shall be hinged or otherwise mounted so as to be conveniently replaceable.

(d) Wherever there is danger of falling through a skylight opening, and the skylight itself is not capable of sustaining the weight of a two hundred pound person with a safety factor of four, standard guardrails shall be provided on all exposed sides or the skylight shall be covered in accordance with (g) of this subsection.

(e) Pits and trap-door floor openings shall be guarded by floor opening covers of standard strength and construction. While the cover is not in place, the pit or trap openings shall be protected on all exposed sides by removable standard railings.

(f) Manhole floor openings shall be guarded by standard covers which need not be hinged in place. While the cover

is not in place, the manhole opening shall be protected by standard railings.

(g) All floor opening covers shall be capable of supporting the maximum potential load but never less than two hundred pounds (with a safety factor of four).

(i) The cover shall be recessed to conform to the level of the surrounding floor or to be flush with the perimeter of the opening.

(ii) The cover shall be secured by fastening devices to prevent unintentional removal.

(iii) If it becomes necessary to remove the cover, a monitor shall remain at the opening until the cover is replaced. The monitor shall advise persons entering the area of the hazard, shall prevent exposure to the fall hazard and shall perform no other duties.

(h) Floor holes, into which persons can accidentally walk, shall be guarded by either a standard railing with standard toe board on all exposed sides, or a floor hole cover of standard strength and construction that is secured against accidental displacement. While the cover is not in place, the floor hole shall be protected by a standard railing.

(3) Guarding of wall openings.

(a) Wall openings, from which there is a drop of more than 4 feet, and the bottom of the opening is less than 3 feet above the working surface, shall be guarded as follows:

(i) When the height and placement of the opening in relation to the working surface is such that either a standard rail or intermediate rail will effectively reduce the danger of falling, one or both shall be provided;

(ii) The bottom of a wall opening, which is less than 4 inches above the working surface, regardless of width, shall be protected by a standard toe board or an enclosing screen either of solid construction or as specified in (5)(e)(ii) of this section.

(b) An extension platform, outside a wall opening, onto which materials can be hoisted for handling shall have standard guardrails on all exposed sides or equivalent. One side of an extension platform may have removable railings in order to facilitate handling materials.

(c) When a chute is attached to an opening, the provisions of (a) of this subsection shall apply, except that a toe board is not required.

(4) Guarding of open-sided surfaces.

(a) Every open-sided floor, platform or surface four feet or more above adjacent floor or ground level shall be guarded by a standard railing, or the equivalent, as specified in subsection (5)(a) of this section, on all open sides, except where there is entrance to a ramp, stairway, or fixed ladder. The railing shall be provided with a standard toe board wherever, beneath the open sides, persons can pass, or there is moving machinery, or there is equipment with which falling materials could create a hazard.

(b) Runways shall be guarded by a standard railing, or the equivalent, as specified in subsection (5) of this section, on all open sides, 4 feet or more above floor or ground level. Wherever tools, machine parts, or materials are likely to be used on the runway, a toe board shall also be provided on each exposed side.

(c) Runways used exclusively for special purposes may have the railing on one side omitted where operating conditions necessitate such omission, providing the falling

hazard is minimized by using a runway not less than 18 inches wide.

(d) Where employees entering upon runways become thereby exposed to machinery, electrical equipment, or other danger not a falling hazard, additional guarding shall be provided.

(e) Regardless of height, open-sided floors, walkways, platforms, or runways above or adjacent to dangerous equipment, pickling or galvanizing tanks, degreasing units, and similar hazards, shall be guarded with a standard railing and toe board.

(f) Open sides of gardens, patios, recreation areas and similar areas located on roofs of buildings or structures shall be guarded by permanent standard railings or the equivalent. Where a planting area has been constructed adjacent to the open sides of the roof and the planting area is raised above the normal walking surface of the roof area, the open side of the planting area shall also be protected with standard railings or the equivalent.

(5) Standard specifications.

(a) A standard railing shall consist of top rail, intermediate rail, toe board, and posts, and shall have a vertical height of 36 inches to 42 inches from upper surface of top rail to floor, platform, runway, or ramp level. Each length of lumber shall be smooth-surfaced throughout the length of the railing. The intermediate rail shall be halfway between the top rail and the floor, platform, runway, or ramp. The ends of the rails shall not overhang the terminal posts except where such overhang does not constitute a projection hazard. Minimum requirements for standard railings under various types of construction are specified in the following items:

(i) For wood railings, the posts shall be of at least 2-inch by 4-inch stock spaced not to exceed 8 feet; the top rail shall be of at least 2-inch by 4-inch stock; the intermediate rail shall be of at least 1-inch by 6-inch stock.

(ii) For pipe railings, posts and top and intermediate railings shall be at least 1 1/2 inches nominal OD diameter with posts spaced not more than 8 feet on centers.

(iii) For structural steel railings, posts and top and intermediate rails shall be of 2-inch by 2-inch by 3/8-inch angles or other metal shapes of equivalent bending strength, with posts spaced not more than 8 feet on centers.

(iv) For wire rope railings, the top and intermediate railings shall be at least 1/2-inch fibre core rope, or the equivalent to meet strength factor and deflection of subsection (5)(a)(v). Posts shall be spaced not more than 8 feet on centers. The rope shall be stretched taut, so as to present a minimum deflection.

(v) The anchoring of posts and framing of members for railings of all types shall be of such construction that the completed structure shall be capable of withstanding a load of at least 200 pounds applied in any direction at any point on the top rail, with a minimum of deflection.

(vi) Railings receiving heavy stresses from employees trucking or handling materials shall be provided additional strength by the use of heavier stock, closer spacing of posts, bracing, or by other means.

(vii) Other types, sizes, and arrangements of railing construction are acceptable, provided they meet the following conditions:

(A) A smooth-surfaced top rail at a height above floor, platform, runway, or ramp level of between 36 inches and 42 inches;

(B) A strength to withstand at least the minimum requirement of 200 pounds top rail pressure with a minimum of deflection;

(C) Protection between top rail and floor, platform, runway, ramp, or stair treads, equivalent at least to that afforded by a standard intermediate rail;

(D) Elimination of overhang of rail ends unless such overhang does not constitute a hazard.

(b)(i) A standard toe board shall be 4 inches minimum in vertical height from its top edge to the level of the floor, platform, runway, or ramp. It shall be securely fastened in place and have not more than 1/4-inch clearance above floor level. It may be made of any substantial material, either solid, or with openings not over 1 inch in greatest dimension.

(ii) Where material is piled to such height that a standard toe board does not provide protection, paneling, or screening from floor to intermediate rail or to top rail shall be provided.

(c) Floor opening covers shall be of any material that meets the following strength requirements:

(i) Conduits, trenches, and manhole covers and their supports, when located in roadways, and vehicular aisles shall be designed to carry a truck rear-axle load of at least 2 times the maximum intended load;

(ii) All floor opening covers shall be capable of supporting the maximum potential load but never less than two hundred pounds (with a safety factor of four).

(A) The cover shall be recessed to conform to the level of the surrounding floor or to be flush with the perimeter of the opening.

(B) The cover shall be secured by fastening devices to prevent unintentional removal.

(C) If it becomes necessary to remove the cover, a monitor shall remain at the opening until the cover is replaced. The monitor shall advise persons entering the area of the hazard, shall prevent exposure to the fall hazard and shall perform no other duties.

(d) Skylight openings that create a falling hazard shall be guarded with a standard railing, or covered in accordance with (c)(ii) of this subsection.

(e) Wall opening protection shall meet the following requirements:

(i) Barriers shall be of such construction and mounting that, when in place at the opening, the barrier is capable of withstanding a load of at least 200 pounds applied in any direction (except upward), with a minimum of deflection at any point on the top rail or corresponding member.

(ii) Screens shall be of such construction and mounting that they are capable of withstanding a load of at least 200 pounds applied horizontally at any point on the near side of the screen. They may be of solid construction, of grill work with openings not more than 8 inches long, or of slat work with openings not more than 4 inches wide with length unrestricted.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-155-50505 (~~Roofing, insulating and waterproofing.~~) **Reserved.** ((~~(1) Hoisting jack construction. Roofers hoisting jack shall be constructed to withstand the contemplated load to be hoisted. The beam from counter balance point to heel of jack shall be at least 3/4 the length of the entire beam.~~

~~(2) Counterweight. Hoisting jack shall be counterweighted with a minimum of three times the contemplated maximum load to be lifted. Counterweight shall be securely fastened to heel of jack to prevent displacement, or the jack shall be fastened by means of lashing, bolting, or other means to prevent displacement.~~

~~(3) Pulley attachment. A steel collar or U bolt and shackle on head of the hoisting jack shall be provided for attachment of the pulley.~~

~~(4) Pulley construction. Hoisting pulleys shall be of steel construction.~~

~~(5) Hoisting line specifications. Where materials are hoisted by hand the hoist line shall be not less than five-eighths manila rope, or the equivalent. Where machine hoist is used the hoist line shall be wire rope.~~

~~(6) Hook construction. Hoisting hooks shall be of cast or forged steel heavy enough to prevent straightening under a load.~~

~~(7) Worker clearance. Workers shall not stand under the load.~~

~~(8) Hot buckets. Hot asphalt shall be kept at a safe level in buckets for carrying and hoisting.~~

~~(9) Ladders. Service buckets of hot asphalt shall not be carried up ladders by workers.~~

~~(10) Service bucket specifications. Service buckets shall be standard safety bucket or flatbottom bucket with bails fastened to an offset ear firmly riveted to side of bucket. There shall be a handle riveted near bottom of bucket for tipping purposes.~~

~~(11) Ladder extensions. Ladders shall extend at least three feet above the platform or roof served and shall be secured at top and bottom to prevent slipping.~~

~~(12) Safeguards for power lines. Safeguards shall be erected to prevent loads and lines contacting power lines where it is not possible to work at least 10 feet from the power lines.~~

~~(13) Asphalt cakes. Whole asphalt cakes shall be broken in chunks before being placed in hot tar pot. To eliminate the potential hazard of moisture being trapped in the cake and also prevent the splashing of hot material.~~

~~(14) Fire smothering. There shall be means to smother fires at fired tar pots.~~

~~(15) Mop handles. Mop or spud bar handles over three feet long shall be of wood or other nonconductive material.~~

~~(16) Protective clothing. Persons working at kettles or handling hot tar shall wear gloves and have arms fully protected by material capable of preventing burns.~~

~~(17) Tar pots. Open tar heating pots shall be kept outside of buildings.~~

~~(18) Tar pot procedures. Electric tar heating equipment may be used inside of the working enclosure provided that:~~

~~(a) Exhaust fans in connection with tubing capable of carrying fumes created by the heating process to the outside are installed and in constant use during heating operations.~~

~~(b) The equipment shall be provided with a hinged lid or baffle plate for the purpose of immediately smothering a pot fire.~~

~~(19) Ventilation. While hot tar is being applied inside an enclosure, exhaust fans to supplement natural ventilation shall be installed to expedite removal of gaseous fumes from the building.~~

~~(20) Prohibited locations. Flame heated tar pots shall be prohibited on roofs of structures.~~

~~(21) Tar pot controls. Tar pots shall be equipped with automatic controls or have an attendant at all times while in operation.~~

~~(22) Guarding roof perimeters. The perimeter of all roofs shall be guarded as specified by chapter 296-155 WAC Part C-1 Fall restraint and fall arrest.~~

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-155-530 **Material hoists, personnel hoists, and elevators.** (1) General requirements.

(a) The employer shall comply with the manufacturer's specifications and limitations applicable to the operation of all hoists and elevators. Where the manufacturer's specifications are not available, the limitations assigned to the equipment shall be based on the determinations of a professional engineer competent in the field.

(b) The employer shall ensure that no person shall enter a hoistway, elevator shaft, or similar enclosure in which the hoisting apparatus or vehicle is installed and functioning unless the power source operating those systems is locked out in accordance with WAC 296-155-429 ((~~(1), (2), and (3)~~)).

(c) Rated load capacities, recommended operating speeds, and special hazard warning or instructions shall be posted on cars and platforms.

(d) Wire rope shall be removed from service when any of the following conditions exists:

(i) In hoisting ropes, six randomly distributed broken wires in one rope lay or three broken wires in one strand in one rope lay;

(ii) Abrasion, scrubbing, flattening, or peening, causing loss of more than one-third of the original diameter of the outside wires;

(iii) Evidence of any heat damage resulting from a torch or any damage caused by contact with electrical wires;

(iv) Reduction from nominal diameter of more than three sixty-fourths inch for diameters up to and including three-fourths inch; one-sixteenth inch for diameters seven-eighths to 1 1/8 inches; and three thirty-seconds inch for diameters 1 1/4 to 1 1/2 inches.

(e) Hoisting ropes shall be installed in accordance with the wire rope manufacturer's recommendations.

(f) The installation of live booms on hoists is prohibited.

(g) The use of endless belt-type man lifts on construction shall be prohibited.

(h) Employees shall not be permitted to ride on top of material hoists, personnel hoists or permanent elevators

except for purposes of inspection, maintenance, elevator installation or dismantling work.

(2) Material hoists, (a)(i) Operating rules shall be established and posted at the operator's station of the hoist. Such rules shall include signal system and allowable line speed for various loads. Rules and notices shall be posted on the car frame or crosshead in a conspicuous location, including the statement "No riders allowed."

(ii) No person shall be allowed to ride on material hoists except for the purposes of inspection and maintenance.

(b) All entrances of the hoistways shall be protected by substantial gates or bars which shall guard the full width of the landing entrance. All hoistway entrance bars and gates shall be painted with diagonal contrasting colors, such as black and yellow stripes.

(i) Bars shall be not less than 2- by 4-inch wooden bars or the equivalent, located 2 feet from the hoistway line. Bars shall be located not less than 36 inches nor more than 42 inches above the floor.

(ii) Gates or bars protecting the entrances to hoistway shall be quipped with a latching device.

(c) Overhead protective covering of two-inch planking, 3/4-inch plywood or other solid material of equivalent strength shall be provided on the top of every material hoist cage or platform to prevent objects falling on the workers loading or unloading the hoist.

(i) The protective covering on the top of the cage or platform may be made in hinged sections that may be raised when hoisting long material.

(ii) When using a cage or platform for long material, the several pieces of the material shall be securely fastened together and made fast to the cage or platform, so that no part of the load can fall or project beyond the sides of the cage or platform.

(d) The operator's station of a hoisting machine shall be provided with overhead protection equivalent to tight planking not less than 2 inches thick. The support for the overhead protection shall be of equal strength.

(e) Hoist towers may be used with or without an enclosure on all sides. However, whichever alternative is chosen, the following applicable conditions shall be met:

(i) When a hoist tower is enclosed, it shall be enclosed on all sides for its entire height with a screen enclosure of 1/2-inch mesh, No. 18 U.S. gauge wire or equivalent, except for landing access.

(ii) When a hoist tower is not enclosed, the hoist platform or car shall be totally enclosed (caged) on all sides for the full height between the floor and the overhead protective covering with 1/2-inch mesh of No. 14 U.S. gauge wire or equivalent. The hoist platform enclosure shall include the required gates for loading and unloading. A 6-foot high enclosure shall be provided on the unused sides of the hoist tower at ground level.

(f) Car arresting devices shall be installed to function in case of rope failure.

(g) All material hoist towers shall be designed by a licensed professional engineer.

(h) All material hoists shall conform to the requirements of ANSI A10.5-1969, Safety Requirements for Material Hoists.

(3) Personnel hoists.

(a) Personnel hoists shall be provided for access and egress on all multi story buildings where vertical travel exceeds sixty feet from a ground level access point.

(b) Hoist towers outside the structure shall be enclosed for the full height on the side or sides used for entrance and exit to the structure. At the lowest landing, the enclosure on the sides not used for exit or entrance to the structure shall be enclosed to a height of at least 10 feet. Other sides of the tower adjacent to floors or scaffold platforms shall be enclosed to a height of 10 feet above the level of such floors or scaffolds.

(c) Towers inside of structures shall be enclosed on all four sides throughout the full height.

(d) Towers shall be anchored to the structure at intervals not exceeding 25 feet. In addition to tie-ins, a series of guys shall be installed. Where tie-ins are not practical the tower shall be anchored by means of guys made of wire rope at least one-half inch in diameter, securely fastened to anchorages to ensure stability.

(e) Hoistway doors or gates shall be not less than 6 feet 6 inches high and shall be provided with mechanical locks which cannot be operated from the landing side, and shall be accessible only to persons on the car.

(f) Cars shall be permanently enclosed on all sides and the top, except sides used for entrance and exit, which have car gates or doors.

(g) A door or gate shall be provided at each entrance to the car which shall protect the full width and height of the car entrance opening.

(h) Overhead protective covering of 2-inch planking, 3/4-inch plywood or other solid material of equivalent strength shall be provided on the top of every personnel hoist.

(i) Doors or gates shall be provided with electric contacts which do not allow movement of the hoist when door or gate is open.

(j) A signal device shall be installed in the elevator car and only operated by an attendant who shall give the signals for operation, when transporting workers.

(k) An electrical push button signalling device or other approved signalling system shall be provided at each floor landing connected to an annunciator in the car. The signal code shall be posted adjacent to the signal device at each and every work level and at operator's work level. All wording shall be black on a white card, in large clear letters.

(l) The elevator machine and controls shall be housed in as a protection against accidents and the weather, and the door kept locked against unauthorized entrance when operator is not in attendance.

(m) Safeties shall be capable of stopping and holding the car and rated load when traveling at governor tripping speed.

(n) Cars shall be provided with a capacity and data plate secured in a conspicuous place on the car or crosshead.

(o) Internal combustion engines shall not be permitted for direct drive.

(p) Normal and final terminal stopping devices shall be provided.

(q) An emergency stop switch shall be provided in the car and marked "stop."

(r) Ropes:

- (i) The minimum number of hoisting ropes used shall be three for traction hoists and two for drum-type hoists.
- (ii) The minimum diameter of hoisting and counter-weight wire ropes shall be 1/2-inch.
- (iii) Safety factors:

**MINIMUM FACTORS OF SAFETY
FOR SUSPENSION WIRE ROPES**

Rope speed in feet per minute:	Minimum factor of safety
50	7.60
75	7.75
100	7.95
125	8.10
150	8.25
175	8.40
200	8.60
225	8.75
250	8.90
300	9.20
350	9.50
400	9.75
450	10.00
500	10.25
550	10.45
600	10.70

(s) Following assembly and erection of hoists, and before being put in service, an inspection and test of all functions and safety devices shall be made under the supervision of a competent person. A similar inspection and test is required following major alteration of an existing installation. All hoists shall be inspected and tested at not more than 3-month intervals. Records shall be maintained and kept on file for the duration of the job.

(t) All personnel hoists used by employees shall be constructed of materials and components which meet the specifications for materials, construction, safety devices, assembly, and structural integrity as stated in the American National Standard A10.4-1963, Safety Requirements for Workmen's Hoists. The requirements of this subdivision do not apply to cantilever type personnel hoists.

(u) Wire rope shall be taken out of service when any of the following conditions exist:

- (i) In running ropes, six randomly distributed broken wires in one lay or three broken wires in one strand in one lay;
- (ii) Wear of one-third the original diameter of outside individual wires. Kinking, crushing, bird caging, or any other damage resulting in distortion of the rope structure;
- (iii) Evidence of any heat damage from any cause;
- (iv) Reductions from nominal diameter of more than three-sixty-fourths inch for diameters to and including three-fourths inch, one sixteenth inch for diameter seven-eighths inch to 1 1/8 inches inclusive, three-thirty-seconds inch for diameters 1 1/4 to 1 1/2 inches inclusive;
- (v) In standing ropes, more than two broken wires in one lay in sections beyond end connections or more than one broken wire at an end connection.

(v)(i) Personnel hoists used in bridge tower construction shall be approved by a registered professional engineer and erected under the supervision of a qualified engineer competent in this field.

(ii) When a hoist tower is not enclosed, the hoist platform or car shall be totally enclosed (caged) on all sides for the full height between the floor and the overhead protective covering with 3/4-inch mesh of No. 14 U.S. gauge wire or equivalent. The hoist platform enclosure shall include the required gates for loading and unloading.

(iii) These hoists shall be inspected and maintained on a weekly basis. Whenever the hoisting equipment is exposed to winds exceeding 35 miles per hour it shall be inspected and put in operable condition before reuse.

(4) Permanent elevators under the care and custody of the employer and used by employees for work covered by this act shall comply with the requirements of American National Standards Institute, A17.1-1971, and inspected in accordance with A17.2-1960 with addenda A17.2a-1965, A17.2b-1967.

Note: For additional information refer to (~~chapter 296-90 WAC, safety requirements for cantilever hoists and~~) chapter 296-100 WAC, safety requirements for material hoists.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-545 Conveyors. (1) All conveyors in use shall meet the applicable requirements for design, construction, inspection, testing, maintenance, and operation, as prescribed in ANSI B20.1-1976, Safety Code for Conveyors, Cableways, and Related Equipment.

(2) Starting precautions.

(a) When the entire length of a conveyor is visible from the starting switch, the operator shall visually check to make certain that all persons are in the clear before starting the conveyor.

(b) When the entire length of the conveyor is not visible from the starting switch, a positive audible or visible warning system shall be installed and operated to warn persons that the conveyor will be started.

(c) All reasonable precautions shall be taken by the operator prior to starting a conveyor, to assure that no person is in a hazardous location where ~~(he)~~ they may be injured when the conveyor is started.

(3) Riding and walking on conveyors.

(a) Riding on conveyor chains, belt, or bucket elevators shall be prohibited.

(b) Persons shall not be allowed to walk on conveyors except for emergency purposes and then only after the conveyor has been de-energized and the person can do so safely.

(c) Riding of conveyors shall only be permitted on the manlift steps and platforms with handholds attached and other safety factors as specified in chapter 296-82 WAC, Safety standards for existing belt manlifts.

(4) Stop controls.

(a) Means for stopping the motor or engine of a conveyor shall be provided at the operator's station.

(b) If the operator's station is at a remote point, similar provisions for stopping the motor or engine shall be provided at the motor or engine location.

(5) Emergency controls. Emergency stop switches shall be arranged so that the conveyor cannot be started again until the actuating stop switch has been reset to running or "on" position.

(6) Screw type conveyors. Screw or auger type conveyors shall be guarded to prevent employee contact with turning flights.

(7) Overhead conveyors.

(a) Where a conveyor passes over work areas, aisles, or thoroughfares, guards shall be provided to protect persons required to work below the conveyors.

(b) Where a conveyor crosses over an aisle or passageway, it shall be conspicuously marked by suitable signs, as required by Part E of this chapter.

(c) When the return strand of a conveyor operates within seven feet of the floor there shall be a trough provided of sufficient strength to carry the weight resulting from a broken chain. If the strands are over a passageway, a means shall be provided to catch and support the ends of the chain in the event of a break.

(8) Emergency stop.

(a) Conveyors shall be provided with an emergency stopping device (panic-type) which can be reached from the conveyor.

(b) The emergency stopping device shall be located near the material entrance and shall stop the conveyor a sufficient distance away from the hazard to prevent injury.

(c) Where the conveyor leading into such equipment is under constant control of an operator who has full view of the material entrance who is located or restrained where ~~((he))~~ they cannot possibly fall onto the conveyor an emergency stopping device is not mandatory.

(9) Conveyor lockout.

(a) Conveyors shall be locked out with a padlock at any time repair, maintenance, or clean-up work is being performed on the conveyor.

(b) Tags or push-button stops are not acceptable.

(10) Where conveyors are in excess of seven feet in height, means shall be provided to safely permit essential inspection and maintenance operations.

(11) Conveyor repair.

(a) Any part showing signs of significant wear shall be inspected carefully and replaced prior to reaching a condition where it may create a hazard.

(b) Replacement parts shall be equal to or exceed the manufacturer's specifications.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-565 Hoisting engines. (1) All gearing on hoisting engines shall be enclosed. Steam piping subject to contact shall be insulated and if electrical equipment is used, it shall be grounded.

(2) Hoisting engines shall be of ample capacity and equipped with brakes capable of sustaining one hundred and fifty percent of rated load for stopping and sustaining the maximum load in any position.

(3) Hoisting engines shall be protected against the weather and falling objects by a substantial cover.

(4) All hoisting equipment shall be frequently inspected, and brakes, gears and operating levers kept in working condition.

(5) Guards shall be provided to prevent persons coming in contact with hoisting cables.

(6) Brake drums shall be kept free of oil or grease.

(7) A positive operated pawl shall be used in addition to the brake to hold the load when it is suspended. Counter weight operated dogs are prohibited.

(8) Hoisting engines shall not be set up in the street when it can be avoided; but, if so located, they shall be completely housed.

(9) Only competent personnel shall operate material hoists.

(10) The operator shall not lift a load when a person is on the hoist, and all towers shall be posted to that effect, except as provided in other sections of this part.

(11) The operator shall be notified when any person goes up the tower ladder, or before any work is done on any part of the tower, overhead work, hoist or in the pit.

(12) The operator shall make daily inspections of all equipment before ~~((he starts))~~ starting operations.

(13) When the hoisting engine is located close to the building operation, it shall be covered with a strong plank roof covering to protect the operator from falling objects.

(14) Exhaust steam pipes shall discharge overhead so as not to obstruct the view of the operator or scald persons.

(15) In the operation of hoists, the operator shall always give a warning sign or signal before starting.

(16) When hoisting machinery is set on an elevated platform such platform shall be of substantial construction and standard guard rails and toeboards shall be provided along all open sides of the platform.

(17) Material hoists of more than one drum capacity shall be equipped with brake controls.

(18) A safety strap shall be provided on the foot block of all hoists.

(19) When electric motors are used for hoisting equipment, they shall be operated only by qualified personnel.

(a) Installations shall be made in accordance with provisions of local and national electrical safety codes, and shall be made by experienced workers only.

(b) Inclosed switches and fuses shall always be used.

(c) Switchboards shall be screened, and a sign placed warning unauthorized persons to keep clear.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-575 Helicopters and helicopter cranes. (1) Helicopter regulations. Helicopter cranes shall be expected to comply with any applicable regulations of the Federal Aviation Administration.

(2) Briefing. Prior to each day's operation a briefing shall be conducted. This briefing shall set forth the plan of operation for the pilot and ground personnel.

(3) Slings and tag lines. Load shall be properly slung. Tag lines shall be of a length that will not permit their being drawn up into rotors. Pressed sleeve, swedged eyes, or equivalent means shall be used for all freely suspended loads to prevent hand splices from spinning open or cable clamps from loosening.

(4) Cargo hooks. All electrically operated cargo hooks shall have the electrical activating device so designed and installed as to prevent inadvertent operation. In addition, these cargo hooks shall be equipped with an emergency mechanical control for releasing the load. The hooks shall be tested prior to each day's operation to determine that the

release functions properly, both electrically and mechanically.

(5) Personal protective equipment.

(a) Personal protective equipment for employees receiving the load shall consist of complete eye protection and hard hats secured by chinstraps.

(b) Loose-fitting clothing likely to flap in the downwash, and thus be snagged on hoist line, shall not be worn.

(6) Loose gear and objects. Every practical precaution shall be taken to provide for the protection of the employees from flying objects in the rotor downwash. All loose gear within 100 feet of the place of lifting the load, depositing the load, and all other areas susceptible to rotor downwash shall be secured or removed.

(7) Housekeeping. Good housekeeping shall be maintained in all helicopter loading and unloading areas.

(8) Operator responsibility. The helicopter operator shall be responsible for size, weight, and manner in which loads are connected to the helicopter. If, for any reason, the helicopter operator believes the lift cannot be made safely, the lift shall not be made.

(9) Hooking and unhooking loads. Employees shall not perform work under hovering craft except for that limited period of time necessary to guide, secure and unhook loads, or to hook loads. Regardless of whether the hooking or unhooking of a load takes place on the ground or a flat roof, or other location in an elevated work position in structural members, a safe means of access and egress, to include an unprogrammed emergency escape route or routes, shall be provided for the employees who are hooking or unhooking loads.

(10) Static charge. Static charge on the suspended load shall be dissipated with a grounding device before ground personnel touch the suspended load, or protective rubber gloves shall be worn by all ground personnel touching the suspended load.

(11) Weight limitation. The weight of an external load shall not exceed the manufacturer's rating.

(12) Ground lines. Hoist wires or other gear, except for pulling lines or conductors that are allowed to "pay out" from a container or roll off a reel, shall not be attached to any fixed ground structure, or allowed to foul on any fixed structure.

(13) Visibility. When visibility is reduced by dust or other conditions, ground personnel shall exercise special caution to keep clear of main and stabilizing rotors. Precautions shall also be taken by the employer to eliminate as far as practical reduced visibility.

(14) Signal systems. Signal systems between aircrew and ground personnel shall be understood and checked in advance of hoisting the load. This applies to either radio or hand signal systems. Hand signals shall be as shown in Figure L-1.

(15) Approach distance. No unauthorized person shall be allowed to approach within 50 feet of the helicopter when the rotor blades are turning.

(16) Approaching helicopter. Whenever approaching or leaving a helicopter with blades rotating, all employees shall remain in full view of the pilot and keep in a crouched position. Employees shall avoid the area from the cockpit

or cabin rearward unless authorized by the helicopter operator to work there.

(17) Personnel. Sufficient ground personnel shall be provided when required for safe helicopter loading and unloading operations.

(18) Communications. There shall be constant reliable communication between the pilot, and a designated employee of the ground crew who acts as a (~~signalman~~) signalperson during the period of loading and unloading. This (~~signalman~~) signalperson shall be distinctly recognizable from other ground personnel.

(19) Fires. Open fires shall not be permitted in an area that could result in such fires being spread by the rotor downwash.

(20) Refueling operations.

(a) Under no circumstances shall the refueling of any type helicopter with either aviation gasoline or Jet B (turbine-kerosene) type fuel be permitted while the engines are running.

(b) No unauthorized persons shall be allowed within fifty feet of the refueling operation or fueling equipment.

(c) A minimum of one thirty-pound fire extinguisher, or a combination of same, good for Class A, B and C fires, shall be provided within one hundred feet on the upwind side of the refueling operation.

(d) All fueling personnel shall be thoroughly trained in the refueling operation and in the use of available fire extinguishing equipment.

(e) There shall be no smoking, open flames, exposed flame heaters, flare pots or open flame lights for spark producing agents within fifty feet of the refueling area or fueling equipment. All entrances to the refueling area shall be posted with "NO SMOKING" signs.

(f) Due to the numerous causes of static electricity, it should be considered present at all times. Prior to starting refueling operations, the fueling equipment and the helicopter shall be grounded and the fueling nozzle shall be electrically bonded to the helicopter.

(i) Conductive hose shall not be used to accomplish the bonding.

(ii) All grounding and bonding connections shall be electrically and mechanically firm, to clean unpainted metal parts.

(g) To control spills:

(i) Fuel shall be pumped either by hand or power.

(ii) Pouring or gravity flow shall not be permitted.

(iii) Selfclosing nozzles shall not be dragged on the ground.

(h) In case of a spill, the fueling operation shall be immediately stopped until such time as the person in charge determines that it is safe to resume the refueling operation.

(i) When ambient temperatures have been in the one hundred degree F range for an extended period of time, all refueling of helicopters with the engines running shall be suspended until such time as conditions become suitable to resume refueling with the engines running.

(21) Hook on persons shall wear contrasting colored hard hats, with chinstraps, and high visibility vests or outer garments to enable the helicopter operator to readily identify their locations.

(22) Riding the load or hook of a helicopter is prohibited except in the case of emergency and then only with the proper safety gear.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-615 Material handling equipment.

(1) Earthmoving equipment; general.

(a) These rules apply to the following types of earthmoving equipment: Scrapers, loaders, crawler or wheel tractors, bulldozers, off-highway trucks, graders, agricultural and industrial tractors, and similar equipment. The promulgation of specific rules for compactors and rubber-tired "skid-steer" equipment is reserved pending consideration of standards currently being developed.

(b) Seat belts.

(i) Seat belts shall be provided on all equipment covered by this section and shall meet the requirements of the Society of Automotive Engineers, J386-1969, Seat Belts for Construction Equipment. Seat belts for agricultural and light industrial tractors shall meet the seat belt requirements of Society of Automotive Engineers J333a-1970, Operator Protection for Agricultural and Light Industrial Tractors.

(ii) Seat belts need not be provided for equipment which is designed only for standup operation.

(iii) Seat belts shall not be provided for equipment which does not have rollover protective structure (ROPS) or adequate canopy protection.

(c) Access roadways and grades.

(i) No employer shall move or cause to be moved construction equipment or vehicles upon any access roadway or grade unless the access roadway or grade is constructed and maintained to accommodate safely the movement of the equipment and vehicles involved.

(ii) Every emergency access ramp and berm used by an employer shall be constructed to restrain and control runaway vehicles.

(d) Brakes. All earthmoving equipment mentioned in WAC 296-155-615 (1)(a) shall have a service braking system capable of stopping and holding the equipment fully loaded, as specified in Society of Automotive Engineers SAE-J237, Loader Dozer-1971, J236, Graders-1971, and J319b, Scrapers-1971. Brake systems for self-propelled rubber-tired off-highway equipment manufactured after January 1, 1972 shall meet the applicable minimum performance criteria set forth in the following Society of Automotive Engineers Recommended Practices:

Self-propelled scrapers	_____	SAE J319b-1971
Self-propelled graders	_____	SAE J236-1971
Trucks and wagons	_____	SAE J166-1971
Front end loaders and dozer	_____	SAE J237-1971

(e) Fenders. Pneumatic-tired earthmoving haulage equipment (trucks, scrapers, tractors, and trailing units) whose maximum speed exceeds 15 miles per hour, shall be equipped with fenders on all wheels to meet the requirements of Society of Automotive Engineers SAE J321a-1970, Fenders for Pneumatic-Tired Earthmoving Haulage Equipment. An employer may, of course, at any time seek

to show under WAC 296-155-010, that the uncovered wheels present no hazard to personnel from flying materials.

(f) Rollover protective structures (ROPS). See Part V of this chapter for requirements for rollover protective structures and overhead protection.

(g) Rollover protective structures for off-highway trucks. The promulgation of standards for rollover protective structures for off-highway trucks is reserved pending further study and development.

(h) Specific effective dates—Brakes and fenders. ((+)) Equipment mentioned in WAC 296-155-615 (d) and (e) and manufactured after January 1, 1972, which is used by any employer after that date, shall comply with the applicable rules prescribed therein concerning brakes. Equipment mentioned in WAC 296-155-615 (d) and (e) and manufactured before January 1, 1972, which is used by any employer after that date, shall meet the applicable rules prescribed herein not later than October 1, 1974. It should be noted that employers may request variations from the applicable brakes standards required by this part. Employers wishing to seek variations from the applicable brakes rules may submit any requests for variations in accordance with WAC 296-155-010. Any statements should specify how the variation would protect the safety of the employees by providing for any compensating restrictions on the operation of equipment.

(i) Audible alarms.

(i) All bidirectional machines, such as rollers, (~~compacters~~) compactors, front-end loaders, bulldozers, and similar equipment, shall be equipped with a horn, distinguishable from the surrounding noise level, which shall be operated as needed when the machine is moving in either direction. The horn shall be maintained in an operative condition.

(ii) No employer shall permit earthmoving or compacting equipment which has an obstructed view to the rear to be used in reverse gear unless the equipment has in operation a reverse signal alarm distinguishable from the surrounding noise level or an employee signals that it is safe to do so.

(iii) In circumstances where the surrounding noise level is of such amplitude that reverse signal alarms are not effective, amber strobe lights shall be used.

(iv) Operators of equipment which does not have an obstructed view to the rear shall look to the rear while operating the equipment in reverse.

(j) Scissor points. Scissor points on all front-end loaders, which constitute a hazard to the operator during normal operation, shall be guarded.

(k) Tractor motors shall be cranked only by operators or other experienced persons.

(l) Waterproof and comfortable seat cushions shall be provided on tractors at all times when working.

(m) Riders, except mechanics and persons in training to operate equipment, shall not be allowed on equipment unless a seat with a seatbelt is provided and used.

(n) Winch lines shall be maintained in good condition and provided with spliced eye, knob or hook in working end, except under conditions where unspliced end is required.

(o) No repairs on blade or dozer equipment shall be initiated unless motor has been stopped and dozer blade is resting on the ground or securely blocked. The same shall apply to carry-all gates.

(p) Bulldozer blades and carryall gates shall rest on the ground or on blocking when machines are not in operation.

(q) Operator shall not leave controls of tractor with master clutch engaged.

(r) Personnel shall not get on or off machine while machine is in motion.

(s) Where excessive dust conditions are created, such areas shall be sprinkled with water to maintain dust at a minimum.

(t) Respirators shall be worn by operators when subject to harmful dust exposure.

(2) Excavating and other equipment.

(a) Tractors covered in subsection (1) of this section shall have seat belts as required for the operators when seated in the normal seating arrangement for tractor operation, even though backhoes, breakers, or other similar attachments are used on these machines for excavating or other work.

(b) For the purposes of this part and of part L of this chapter, the nomenclatures and descriptions for measurement of dimensions of machinery and attachments shall be as described in Society of Automotive Engineers 1970 Handbook, pages 1088 through 1103.

(c) The safety requirements, ratios, or limitations applicable to machines or attachment usage covered in Power Crane and Shovel Association's Standards No. 1 and No. 2 of 1968, and No. 3 of 1969, shall be complied with, and shall apply to cranes, machines, and attachments under this part.

(3) Lifting and hauling equipment (other than equipment covered under Part L of this chapter). ~~((+))~~ Industrial trucks shall meet the requirements of WAC 296-155-605 and the following:

~~((+))~~ (a) Lift trucks, stackers, etc., shall have the rated capacity clearly posted on the vehicle so as to be clearly visible to the operator. When auxiliary removable counterweights are provided by the manufacturer, corresponding alternate rated capacities also shall be clearly shown on the vehicle. These ratings shall not be exceeded.

~~((+))~~ (b) No modifications or additions which affect the capacity or safe operation of the equipment shall be made without the manufacturer's or professional engineer's written approval. If such modifications or changes are made, the capacity, operation, and maintenance instruction plates, tags, or decals, shall be changed accordingly. In no case shall the original safety factor of the equipment be reduced.

~~((+))~~ (c) If a load is lifted by two or more trucks working in unison, the proportion of the total load carried by any one truck shall not exceed its capacity.

~~((+))~~ (d) Steering or spinner knobs shall not be attached to the steering wheel unless the steering mechanism is of a type that prevents road reactions from causing the steering handwheel to spin. The steering knob shall be mounted within the periphery of the wheel.

~~((+))~~ (e) All high lift rider industrial trucks shall be equipped with overhead guards which meet the configuration and structural requirements as defined in paragraph 502 of American National Standards Institute B56.1-1975, Safety Standards for Powered Industrial Trucks.

~~((+))~~ (f) All industrial trucks in use shall meet the applicable requirements of design, construction, stability, inspection, testing, maintenance, and operation, as defined in

American National Standards Institute B56.1-1975, Safety Standards for Powered Industrial Trucks.

(g) Unauthorized personnel shall not be permitted to ride on powered industrial trucks. A safe place to ride shall be provided where riding of trucks is authorized.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-61705 Employee training. (1) Employer responsibility. The employer shall provide a program to train all employees who service rim wheels in the hazards involved in servicing those multipiece rim wheels and the safety procedures to be followed.

(a) The employer shall assure that no employee services any rim wheel unless the employee has been trained and instructed in correct procedures of servicing the type of wheel being serviced, and in the safe operating procedures described in WAC 296-24-21711.

(b) Information to be used in the training program shall include, at a minimum, the applicable data contained in the charts (rim manuals) and the contents of this standard.

(c) Where an employer knows or has reason to believe that any of ~~((his))~~ the employees ~~((is))~~ are unable to read and understand the charts or rim manual, the employer shall assure that the employee is instructed concerning the contents of the charts and rim manual in a manner which the employee is able to understand.

(2) Employee qualification. The employer shall assure that each employee demonstrates and maintains the ability to service rim wheels safely, including performance of the following tasks:

(a) Demounting of tires (including deflation);

(b) Inspection and identification of the rim wheel components;

(c) Mounting of tires (including inflation with a restraining device or other safeguard required by this section);

(d) Use of the restraining device or barrier, and other equipment required by this section;

(e) Handling of rim wheels;

(f) Inflation of the tire when a single-piece rim wheel is mounted on a vehicle;

(g) An understanding of the necessity of standing outside the trajectory both during inflation of the tire and during inspection of the rim wheel following inflation; and

(h) Installation and removal of wheels.

(3) Ongoing training. The employer shall evaluate each employee's ability to perform these tasks and to service rim wheels safely and shall provide additional training as necessary to assure that each employee maintains his or her proficiency.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-61711 Safe operating procedure—Multipiece rim wheels. The employer shall establish a safe operating procedure for servicing multipiece rim wheels and shall assure that employees are instructed in and follow that procedure. The procedure shall include at least the following elements:

(1) Deflation before demounting. Tires shall be completely deflated before demounting by removal of the valve core.

(2) Deflation on axle. Tires shall be completely deflated by removing the valve core, before a rim wheel is removed from the axle in either of the following situations:

(a) When the tire has been driven underinflated at eighty percent or less of its recommended pressure; or

(b) When there is obvious or suspected damage to the tire or wheel components.

(3) Rubber lubricant. Rubber lubricant shall be applied to bead and rim mating surfaces during assembly of the wheel and inflation of the tire, unless the tire or wheel manufacturer recommends against it.

(4) Inflation of tire while on vehicle. If a tire on a vehicle is underinflated but has more than eighty percent of the recommended pressure, the tire may be inflated while the rim wheel is on the vehicle provided remote control inflation equipment is used, and no employees remain in the trajectory during inflation.

(5) Tire bead. Tires shall be inflated outside a restraining device only to a pressure sufficient to force the tire bead onto the rim ledge and create an airtight seal with the tire and bead.

(6) Restraining device clearance. Whenever a rim wheel is in a restraining device the employee shall not rest or lean any part of ~~((his))~~ the body or equipment on or against the restraining device.

(7) Inspection of components. After tire inflation, the tire and wheel components shall be inspected while still within the restraining device to make sure that they are properly seated and locked. If further adjustment to the tire or wheel components is necessary, the tire shall be deflated by removal of the valve core before the adjustment is made.

(8) Use of force. No attempt shall be made to correct the seating of side and lock rings by hammering, striking or forcing the components while the tire is pressurized.

(9) Damaged components. Cracked, broken, bent, or otherwise damaged rim components shall not be reworked, welded, brazed, or otherwise heated.

(10) Trajectory clearance. Whenever multipiece rim wheels are being handled, employees shall stay out of the trajectory unless the employer can demonstrate that performance of the servicing makes the employee's presence in the trajectory necessary.

(11) Wheel heating prohibition. No heat shall be applied to a multi-piece wheel or wheel component.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-61713 Safe operating procedure—Single-piece rim wheels. The employer shall establish a safe operating procedure for servicing single-piece rim wheels and shall assure that employees are instructed in and follow that procedure. The procedure shall include at least the following elements:

(1) Deflation. Tires shall be completely deflated by removal of the valve core before demounting.

(2) Mounting and demounting. Mounting and demounting of the tire shall be done only from the narrow ledge side of the wheel. Care shall be taken to avoid damaging the tire

beads while mounting tires on wheels. Tires shall be mounted only on compatible wheels of matching bead diameter and width.

(3) Lubricant. Nonflammable rubber lubricant shall be applied to bead and wheel mating surfaces before assembly of the rim wheel, unless the tire or wheel manufacturer recommends against the use of any rubber lubricant.

(4) Changing machine. If a tire changing machine is used, the tire shall be inflated only to the minimum pressure necessary to force the tire bead onto the rim ledge while on the tire changing machine.

(5) Bead expander. If a bead expander is used, it shall be removed before the valve core is installed and as soon as the rim wheel becomes airtight (the tire bead slips onto the bead seat).

(6) Inflation restrictions. Tires may be inflated only when contained within a restraining device, positioned behind a barrier or bolted on the vehicle with the lug nuts fully tightened.

(7) Inflation trajectory. Tires shall not be inflated when any flat, solid surface is in the trajectory and within one foot of the sidewall.

(8) Employee safety. Employees shall stay out of the trajectory when inflating a tire.

(9) Inflation pressure. Tires shall not be inflated to more than the inflation pressure stamped in the sidewall unless a higher pressure is recommended by the manufacturer.

(10) Seating tire bead. Tires shall not be inflated above the maximum pressure recommended by the manufacturer to seat the tire bead firmly against the rim flange.

(11) Prohibition on use of heat. No heat shall be applied to a single-piece wheel.

(12) Mixing tire and rim sizes. Employee shall be informed of the hazard created by mixing 16" and 16.5" tires and rims.

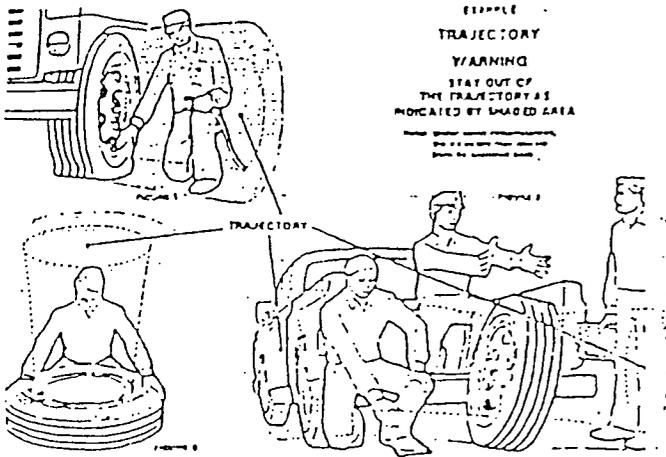
(13) Defective components. Cracked, broken, bent, or otherwise damaged wheels shall not be reworked, welded, brazed, or otherwise heated.

APPENDIX A
TRAJECTORY

WARNING

STAY OUT OF
THE TRAJECTORY AS
INDICATED BY SHADED AREA

Note: Under some circumstances, the trajectory may deviate from its expected path.



Appendix B—Ordering Information for NHTSA charts

The NHTSA charts as part of a continuing campaign to alert rim wheel serving personnel of the industry accepted procedures for servicing multipiece rim wheels.

Prints of the charts are available through the (~~Division of Industrial Safety and Health Administration (WISHA))~~ Occupational Safety and Health Administration (OSHA) area offices. The address and telephone number of the nearest (~~WISHA~~) OSHA area office can be obtained by (~~contacting the State of Washington, Department of Labor and Industries, Division of Industrial Safety and Health, P.O. Box 207, Olympia, Washington, 98504, (206) 754-1258, or in your telephone directory for a local number~~) looking in the local telephone directory under U.S. Government, U.S. Department of Labor, Occupational Safety and Health Administration.

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-155-620 Pile driving equipment. (1) General requirements.

(a) Boilers and piping systems which are a part of, or used with, pile driving equipment shall meet the applicable requirements of the American Society of Mechanical Engineers, Powers Boilers (section I).

(b) All pressure vessels which are a part of or used with, pile driving equipment shall meet the applicable requirements of the American Society of Mechanical Engineers, Pressure Vessels (section VIII).

(c) Overhead protection, which will not obscure the vision of the operator, and which meets the requirements of Part L of this chapter, shall be provided. Protection shall be of 2-inch planking or other solid material of equivalent strength.

(d) Stop blocks shall be provided for the leads to prevent the hammer from being raised against the head block.

(e) A blocking device, capable of safely supporting the weight of the hammer shall be provided for placement in the leads under the hammer at all times while employees are working under the hammer.

(f) Guards shall be provided across the top of the head block to prevent the cable from jumping out of the sheaves.

(g) When the leads must be inclined in the driving of batter piles, provisions shall be made to stabilize the leads.

(h) All working equipment shall be visually inspected at the beginning of each shift.

(i) Fixed leads shall be provided with ladder, and adequate rings, or similar attachment points, so that the loft workers may engage their full body harness lanyard to the leads. If the leads are provided with loft platform(s) such platform(s) shall be protected by standard guardrails.

(j) Pile drivers with swinging leads shall have a wire rope safety strap on top end.

(k) Spud bars shall be of hard wood with smooth round handle end for safe handling. Iron shod spud bars are prohibited.

(l) A follower block or driving cap shall be used with a drop hammer on all piling except sheet piling.

(m) Steam hose leading to a steam hammer or jet pipe shall be securely attached to the hammer with an adequate length of at least 1/4-inch diameter chain or cable to prevent whipping in the event the joint at the hammer is broken. Air hammer hoses shall be provided with the same protection as required for steam lines.

(n) Safety chains, or equivalent means, shall be provided for each hose connection to prevent the line from thrashing around in case the coupling becomes disconnected.

(o) Steam line controls shall consist of two shutoff valves, one of which shall be a quick-acting lever type within easy reach of the hammer operator.

(p) Guys, outriggers, thrustouts, or counterbalances shall be provided as necessary to maintain stability of pile driver rigs.

(q) Ladders constructed in compliance with this chapter shall be installed on all pile drivers from the hoist platform to the head block, and in such position that workers using ladders will not come in contact with lines, sheaves, etc.

(r) Drop hammers which have been chipped on the face shall not be used for pile driving.

(s) Groove worn drums or spools shall be replaced or properly repaired to present a smooth working surface.

(t) At least two full wraps of cable shall be maintained on hoisting drums.

(u) Proper racks shall be provided for storage of cross-cut saws.

(v) Every hoisting drum used as a pile driver shall be equipped with manually operated dogs or pawls to hold suspended loads. Foot brakes shall only be used to hold suspended loads until drum dogs are engaged. The dogs shall be visible from the operator's station or be equipped with a positive direct connected telltale which shall be visible to the operator.

(w) No counterweight or spring arrangement on dogs shall be permitted which would allow dog to be automatically disengaged either by relieving the load or rolling the drum.

(x) In every crew there shall be designated (~~signalmen~~) signalperson. The driver operator or drum person shall receive signals from no others, except when (~~loftsmen~~) loftworker is above. The hammer shall not be lowered except on the (~~loftsmen's~~) loftworker's signal.

(y) Spliced hammer lines shall not be used.

(2) Pile driving from barges and floats. Barges or floats supporting pile driving operations shall meet the applicable requirements of WAC 296-155-630.

(3) Pile driving equipment.

(a) Engineers and (~~winchmen~~) winchperson shall accept signals only from the designated (~~signalmen~~) signalperson.

(b) All employees shall be kept clear when piling is being hoisted into the leads.

(c) When piles are being driven in an excavated pit, the walls of the pit shall be sloped to the angle of repose or sheet-piled and braced.

(d) When steel tube piles are being "blown out," employees shall be kept well beyond the range of falling materials.

(e) When it is necessary to cut off the tops of driven piles, pile driving operations shall be suspended except where the cutting operations are located at least twice the length of the longest pile from the driver.

(f) When driving jacked piles, all access pits shall be provided with ladders and bulkheaded curbs to prevent material from falling into the pit.

(g) Floating equipment such as dredges and pile drivers shall maintain a signal system to shore in the event of an emergency.

(h) The distribution of machinery on floating equipment shall be such that the completed unit floats on an even keel.

(i) Fuel tanks below decks shall be vented to outside of hull and vents shall be equipped with flame arrestors.

(j) All hull compartments shall be ventilated. No person shall work in hull compartments until it is shown the compartments contain no flammable or toxic concentrations.

(k) Light fixtures installed or used within the hull shall be explosion proof.

(l) All floating rigs shall be equipped with ladderways extending from the deck to the waterline where the deck is more than 36 inches above the water. A wire rope shall be hung along both sides of the hull or float and so hung that it shall be at all times near or at the waterline.

(m) Doors of deck houses where deck house sets within 36" of edge of deck and doorways in hull shall be equipped with guard rails or cross chains.

(n) Deck houses shall have a substantial grab rail installed on all sides where such installation will not interfere with operations.

(o) Pile driver and dredge fairlead sheaves, and spudline sheaves shall be guarded to prevent workers or tools being drawn into them.

(p) All work deck shall be kept clear of debris, unnecessary tools and equipment in order to minimize the stumbling hazard. Lines shall be coiled, tools stored and material stacked clear of working spaces.

(q) Night operations shall be adequately lighted for all activity while work is in progress and shall be maintained until workers leave the work area.

(r) Electrical installation and equipment shall be installed and maintained in compliance with the National Electric Code.

(s) All walkways over water and on dredge pontoon discharge pipe lines shall be a minimum of 20" in width with standard handrail along one side on structures and gang

planks. Walkways on pontoon lines may be equipped with hand lines in lieu of standard handrail.

(t) Adequate fire extinguishing equipment shall be provided and maintained in a serviceable condition.

(u) Protective equipment shall be used when working with creosote timbers. Protective creams shall be used on exposed skin surfaces and gloves and eye protection worn especially when driving piles.

(v) Pulling piles with hammer or pile line rigged through the head block is prohibited unless driver and rigging are designed to safely withstand the imposed strain.

(w) Truck runways and platforms shall be equipped with a wheel guard on all outside edges. Top of wheel guards shall be a minimum of 10 inches above deck.

(x) Use of foot blocks at base of leads for hammer line or pile line is prohibited.

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-155-625 Site clearing. (1) General.

(a) The word "clearing" means the removal of trees, stumps, logs, brush, debris and rubbish from the surface of the ground in preparation of a site for construction work of any kind. The removal of trees and logs shall be in accordance with the requirements of chapter 296-54 WAC.

(b) All equipment and tools such as axes, sledges, wedges, saws, springboards, etc., shall be maintained in a safe condition and guarded with standard safeguards.

(c) Fallers shall give warning to brushing crews, buckers and other persons in the vicinity where a tree is being felled; taking notice that such persons are not only out of the reach of tree, but also out of danger of possible sidewinders, snags or other trees which may be knocked over by the tree being felled.

(d) No tree shall be felled toward and within range of traveled road or railroad in use, unless a (~~flagman~~) flagger is placed on such road or railroad to warn all approaching persons or to stop vehicles.

(e) Clearing crews shall not be placed immediately below other crews working on hillsides where there is a possible danger of skidding or rolling trees, moving earth or rock.

(f) Pioneer roads on clearing operations shall be constructed to safely accommodate all equipment moved over road.

(g) Hazardous standing and down timber, rocks, etc., shall be moved from upper sides of cuts on side hill operations.

(h) Care shall be exercised in the use of oil for burning brush or timber.

(i) Employees engaged in site clearing shall be protected from hazards of irritant and toxic plants and suitably instructed in the first-aid treatment available.

(j) All equipment used in site clearing operations shall be equipped with rollover guards meeting the requirements of this chapter. In addition, rider-operated equipment shall be equipped with an overhead and rear canopy guard meeting the following requirements:

(i) The overhead covering on this canopy structure shall be of not less than 1/8-inch steel plate or 1/4-inch woven

wire mesh with openings no greater than 1 inch, or equivalent.

(ii) The opening in the rear of the canopy structure shall be covered with not less than 1/4-inch woven wire mesh with openings no greater than 1 inch.

(iii) Use of 1/2 inch thick plastic sheets or other thicknesses of plastic panels derived from polycarbonate, acrylic, cellulose acetate butyrate which provides equivalent or better protection against particular hazards involved is acceptable in lieu of 1 or 1 3/4 inch open mesh material.

(A) All panels shall be installed in a manner which can withstand the initial impact, and maintain the protective barrier integrity; and

(B) All panels must be labeled or marked to distinguish between acceptable and inferior materials.

(k) In addition to observance of the general safety and health standards;

(i) The employer shall assume the responsibility of work assignment so that no worker shall be required to work in a position or location so isolated as to not be within ordinary calling distance of another person who can render assistance in case of emergency. In any operation where cutting, felling trees, loading, or a combination of these duties is carried on, there shall be a minimum crew of two persons who shall work as a team and shall be in visual or voice contact with one another. If one worker at these operations is required to be left alone for a period of time, ~~((he))~~ the worker shall be contacted by another person at reasonable intervals not to exceed fifteen minutes unless such practice can be established to be impractical.

(ii) This does not apply to operators of motor vehicles, ~~((watchmen))~~ watchpersons or certain other jobs which, by their nature, are singular worker assignments. However, a definite procedure for checking the welfare of all workers during working hours shall be instituted and all workers so advised.

AMENDATORY SECTION (Amending Order 76-29, filed 9/30/76)

WAC 296-155-630 Marine operations and equipment. (1) Material handling operations.

~~((a))~~ Operations fitting the definition of "material handling" shall be performed in conformance with applicable requirements of "Safety and health regulations for longshoring." The term "longshoring operations" means the loading, unloading, moving, or handling of construction materials, equipment and supplies, etc. into, in, on, or out of any vessel, from a fixed structure or shore-to-vessel, vessel-to-shore or fixed structure or vessel-to-vessel.

(2) Access to barges.

(a) Ramps for access of vehicles to or between barges shall be of adequate strength, provided with side boards, well maintained, and properly secured.

(b) Unless employees can step safely to or from the wharf, float, barge, or river towboat, either a ramp, meeting the requirements of (a) of this subsection, or a safe walkway, shall be provided.

(c) Jacob's ladders shall be of the double rung or flat tread type. They shall be well maintained and properly secured.

(d) A Jacob's ladder shall either hang without slack from its lashings or be pulled up entirely.

(e) When the upper end of the means of access rests on or is flush with the top of the bulwark, substantial steps, properly secured and equipped with at least one substantial hand rail approximately 33 inches in height, shall be provided between the top of the bulwark and the deck.

(f) Obstructions shall not be laid on or across the gangway.

(g) The means of access shall be adequately illuminated for its full length.

(h) Unless the structure makes it impossible, the means of access shall be so located that the load will not pass over employees.

(3) Working surfaces of barges.

(a) Employees shall not be permitted to walk along the sides of covered lighters or barges with coamings more than 5 feet high, unless there is a 3-foot clear walkway, or a grab rail, or a taut handline is provided.

(b) Decks and other working surfaces shall be maintained in a safe condition.

(c) Employees shall not be permitted to pass fore and aft, over, or around deckloads, unless there is a safe passage.

(d) Employees shall not be permitted to walk over deckloads from rail to coaming unless there is a safe passage. If it is necessary to stand at the outboard or inboard edge of the deckload where less than 24 inches of bulwark, rail, coaming, or other protection exists, all employees shall be provided with a suitable means of protection against falling from the deckload.

(4) First-aid and lifesaving equipment.

(a) Provisions for rendering first aid and medical assistance shall be in accordance with Part B of this Chapter.

(b) The employer shall ensure that there is in the vicinity of each barge in use at least one U.S. Coast Guard-approved 30-inch life ring with not less than 90 feet of line attached, and at least one portable or permanent ladder which will reach the top of the apron to the surface of the water. If the above equipment is not available at the pier, the employer shall furnish it during the time that ~~((he))~~ the employer is working the barge.

(c) Employees walking or working on the unguarded decks of barges shall be protected with U.S. Coast Guard-approved personal flotation devices such as Type I PFD, Type II PFD, Type III PFD, or Type V PFD, or their equivalent, pursuant to 46 CFR 160 (Coast Guard Lifesaving Equipment Specifications) and 33 CFR 175.23 (Coast Guard table of devices equivalent to personal flotation devices). Ski belt or inflatable type personal flotation devices are specifically prohibited.

(5) Diving operations. (Reserved.)

AMENDATORY SECTION (Amending Order 92-06, filed 10/30/92, effective 12/8/92)

WAC 296-155-650 Scope, application, and definitions applicable to this part. (1) Scope and application. This part applies to all open excavations made in the earth's surface. Excavations are defined to include trenches.

(2) Definitions applicable to this part.

(a) "Accepted engineering requirements or practices." Those requirements which are compatible with standards of practice required by a registered professional engineer.

(b) "Aluminum hydraulic shoring." A preengineered shoring system comprised of aluminum hydraulic cylinders (crossbraces) used in conjunction with vertical rails (uprights) or horizontal rails (walers). Such system is designed, specifically to support the sidewalls of an excavation and prevent cave-ins.

(c) "Bell-bottom pier hole." A type of shaft or footing excavation, the bottom of which is made larger than the cross section above to form a belled shape.

(d) "Benching (benching system)." A method of protecting employees from cave-ins by excavating the sides of an excavation to form one or a series of horizontal levels or steps, usually with vertical or near-vertical surfaces between levels.

(e) "Cave-in." The separation of a mass of soil or rock material from the side of an excavation, or loss of soil from under a trench shield or support system, and its sudden movement into the excavation in quantity that it could entrap, bury, injure, or immobilize a person.

(f) "Competent person." One who can identify existing or predictable hazards in the surroundings that are unsanitary, hazardous, or dangerous to employees. Also has authorization or authority by the nature of their position to take prompt corrective measures to eliminate them. The person shall be knowledgeable in the requirements of this part.

(g) "Cross braces." The horizontal members of a shoring system installed perpendicular to the sides of the excavation, the ends of which bear against either uprights or wales.

(h) "Excavation." Any ~~((man))~~ person-made cut, cavity, trench, or depression in the earth's surface, formed by earth removal.

(i) "Faces or sides." The vertical or inclined earth surfaces formed as a result of excavation work.

(j) "Failure." The breakage, displacement, or permanent deformation of a structural member or connection so as to reduce its structural integrity and its supportive capabilities.

(k) "Hazardous atmosphere." A atmosphere which by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritating, oxygen deficient, toxic, or otherwise harmful, may cause death, illness, or injury.

(l) "Kickouts." Accidental release or failure of a cross brace.

(m) "Protective system." A method of protecting employees from cave-ins, from material that could fall or roll from an excavation face or into an excavation, or from the collapse of adjacent structures. Protective systems include support systems, sloping and benching systems, shield systems, and other systems that provide the necessary protection.

(n) "Ramp." An inclined walking or working surface that is used to gain access to one point to another, and is constructed from earth or from structural materials such as steel or wood.

(o) "Registered professional engineer." A person who is registered as a professional engineer in the state of Washington. The registered professional engineer shall

comply with the Washington state department of licensing requirements, chapter 18.43 RCW.

(p) "Sheeting." The members of a shoring system that retain the earth in position and in turn are supported by other members of the shoring system.

(q) "Shield (shield system)." A structure that is able to withstand the forces imposed on it by a cave-in and thereby protect employees within the structure. Shields can be permanent structures or can be designed to be portable and moved along as work progresses. Additionally, shields can be either premanufactured or job-built in accordance with WAC 296-155-657 (3)(c) or (d). Shields used in trenches are usually referred to as "trench boxes" or "trench shields."

(r) "Shoring (shoring system)." A structure such as a metal hydraulic, mechanical, or timber shoring system that supports the sides of an excavation and which is designed to prevent cave-ins.

(s) "Sides." See "faces."

(t) "Sloping (sloping system)." A method of protecting employees from cave-ins by excavating to form sides of an excavation that are inclined away from the excavation so as to prevent cave-ins. The angle of incline required to prevent a cave-in varies with differences in such factors as the soil type, environmental conditions of exposure, and application of surcharge loads.

(u) "Stable rock." A natural solid mineral material that can be excavated with vertical sides and will remain intact while exposed. Unstable rock is considered to be stable when the rock material on the side or sides of the excavation is secured against caving-in or movement by rock bolts or by another protective system that has been designed by a registered professional engineer.

(v) "Structural ramp." A ramp built of steel or wood, usually used for vehicle access. Ramps made of soil or rock are not considered structural ramps.

(w) "Support system." A structure such as underpinning, bracing or shoring, which provides support to an adjacent structure, underground installation, or the sides of an excavation.

(x) "Tabulated data." Tables and charts approved by a registered professional engineer and used to design and construct a protective system.

(y) "Trench (trench excavation)." A narrow excavation in relation to its length made below the surface of the ground. In general, the depth is greater than the width, but the width of a trench (measured at the bottom) is not greater than 15 feet (4.6m). If forms or other structures are installed or constructed in an excavation so as to reduce the dimension measured from the forms or structure to the side of the excavation to 15 feet (4.6 m) or less (measured at the bottom of the excavation), the excavation is also considered to be a trench.

(z) Trench box. See "shield."

(aa) "Trench shield." See "shield."

(bb) "Uprights." The vertical members of a trench shoring system placed in contact with the earth and usually positioned so that individual members do not contact each other. Uprights placed so that individual members are closely spaced, in contact with or interconnected to each other, are often called "sheeting."

(cc) "Wales." Horizontal members of a shoring system placed parallel to the excavation face whose sides bear against the vertical members of the shoring system or earth.

AMENDATORY SECTION (Amending Order 91-01, filed 5/20/91, effective 6/20/91)

WAC 296-155-675 Scope, application, and definitions applicable to this part. (1) Scope and application. This ~~((subpart))~~ part sets forth requirements to protect all construction employees from the hazards associated with concrete and masonry construction operations performed in workplaces covered under chapter 296-155 WAC.

(2) Definitions applicable to this part.

(a) "Bull float" means a tool used to spread out and smooth the concrete.

(b) "Formwork" means the total system of support for freshly placed or partially cured concrete, including the mold or sheeting (form) that is in contact with the concrete as well as all supporting members including shores, reshores, hardware, braces, and related hardware.

(c) "Jacking operation" means the task of lifting a slab (or group of slabs) vertically from one location to another (e.g., from the casting location to a temporary (parked) location, or from a temporary location to another temporary location, or to its final location in the structure), during the construction of a building/structure where the lift-slab process is being used.

(d) "Lift slab" means a method of concrete construction in which floor and roof slabs are cast on or at ground level and, using jacks, lifted into position.

(e) "Limited access zone" means an area alongside a masonry wall, which is under construction, and which is clearly demarcated to limit access by employees.

(f) "Precast concrete" means concrete members (such as walls, panels, slabs, columns, and beams) which have been formed, cast, and cured prior to final placement in a structure.

(g) "Reshoring" means the construction operation in which shoring equipment (also called reshores or reshoring equipment) is placed, as the original forms and shores are removed, in order to support partially cured concrete and construction loads.

(h) "Shore" means a supporting member that resists a compressive force imposed by a load.

(i) "Vertical slip forms" means forms which are jacked vertically during the placement of concrete.

(j) "Guy" means a line that steadies a high piece or structure by pulling against an off-center load.

AMENDATORY SECTION (Amending Order 90-10, filed 8/13/90, effective 9/24/90)

WAC 296-155-680 General provisions. (1) General. All equipment, material and construction techniques used in concrete construction and masonry work shall meet the applicable requirements for design, construction, inspection, testing, maintenance and operations as prescribed in ANSI A10.9-1970, Safety Requirements for Concrete Construction and Masonry Work.

(2) Construction loads. No construction loads shall be placed on a concrete structure or portion of a concrete structure unless the employer determines, based on informa-

tion received from a person who is qualified in structural design, that the structure or portion of the structure is capable of supporting the loads.

(3) Vertical loads. Vertical loads consist of a dead load plus an allowance for live load. The weight of formwork together with the weight of freshly placed concrete is dead load. The live load consists of the weight of ~~((workmen))~~ workers, equipment, runways and impact, and shall be computed in pounds per square foot (psf) of horizontal projection.

(4) Lateral loads. Braces and shores shall be designed to resist all foreseeable lateral loads such as wind, cable tensions, inclined supports, impact of placement, and starting and stopping of equipment. The assumed value of load due to wind, impact of concrete, and equipment acting in any direction at each floor line shall not be less than one hundred pounds per lineal foot of floor edge or two percent of total dead load of the floor, whichever is greater. Wall forms shall be designed for a minimum wind load of ten psf, and bracing for wall forms should be designed for a lateral load of at least one hundred pounds per lineal foot of wall, applied at the top. Walls of unusual height require special consideration.

(5) Special loads. Formwork shall be designed for all special conditions of construction likely to occur, such as unsymmetrical placement of concrete, impact of machine-delivered concrete, uplift, and concentrated loads.

(6) Form supports and wedges shall be checked during concrete placement to prevent distortion or failure.

(7) Reinforcing steel.

(a) All protruding reinforcing steel, onto and into which employees could fall, shall be guarded to eliminate the hazard of impalement.

~~((Note: Acceptable methods to meet this requirement to prevent impalement will be to secure a plank or platform over the vertical ends of the reinforcing steel bars or to bend bars over to the extent they would be horizontal instead of vertical.))~~

(b) Wire mesh rolls: Wire mesh rolls shall be secured at each end to prevent dangerous recoiling action.

(c) Guying: Reinforcing steel for walls, piers, columns, and similar vertical structures shall be guyed and supported to prevent overturning and to prevent collapse.

(8) Post-tensioning operations.

(a) No employee (except those essential to the post-tensioning operations) shall be permitted to be behind the jack during tensioning operations.

(b) Signs and barriers shall be erected to limit employee access to the post-tensioning area during tensioning operations.

(9) Working under loads.

(a) No employee shall be permitted to work under concrete buckets while buckets are being elevated or lowered into position.

(b) To the extent practical, elevated concrete buckets shall be routed so that no employee, or the fewest number of employees, are exposed to the hazards associated with falling concrete buckets.

(10) Personal protective equipment.

(a) No employee shall be permitted to apply a cement, sand, and water mixture through a pneumatic hose unless the employee is wearing protective head and face equipment.

(b) No employee shall be permitted to place or tie reinforcing steel more than six feet (1.8 m) above any adjacent working surface unless the employee is protected by the use of a safety belt or equivalent fall protection meeting the criteria of ~~((WAC 296-155-225))~~ chapter 296-155 WAC, Part C-1.

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-155-682 Requirements for equipment and tools. (1) Bulk cement storage. Bulk storage bins, containers, and silos shall be equipped with the following:

- (a) Conical or tapered bottoms; and
- (b) Mechanical or pneumatic means of starting the flow of material.

(2) No employee shall be permitted to enter storage facilities unless the ejection system has been shut down and locked out in accordance with WAC 296-155-429.

(3) Safety belts, harnesses, lanyards, lifelines or droplines, independently attached or attended, shall be used as prescribed in WAC 296-155-24510 (5)(a).

(4) Concrete mixers. Concrete mixers with one cubic yard (.8 m³) or larger loading skips shall be equipped with the following:

- (a) A mechanical device to clear the skip of materials; and
- (b) Guardrails installed on each side of the skip.

(5) Power concrete trowels. Powered and rotating type concrete troweling machines that are manually guided shall be equipped with a control switch that will automatically shut off the power whenever the hands of the operator are removed from the equipment handles.

(6) Concrete buggies. Concrete buggy handles shall not extend beyond the wheels on either side of the buggy.

Note: Installation of knuckle guards on buggy handles is recommended.

(7) Runways.

(a) Runways shall be constructed to carry the maximum contemplated load with a safety factor of four, have a smooth running surface, and be of sufficient width for two buggies to pass. Single runs to have a minimum width of forty-two inches with turnouts. Runways to have standard railings. Where motor driven concrete buggies are used, a minimum four-inches by four-inches wheel guard shall be securely fastened to outside edge of runways.

(b) All concrete buggy runways which are 12 inches or more above a work surface or floor, or ramps with more than 4 percent incline shall be considered "elevated" runways.

Exception: Small jobs utilizing only one concrete buggy, or larger jobs utilizing a "one-way traffic pattern" may be exempt from the requirements for "turnouts" or for "sufficient width for two buggies to pass."

Exemption: Runways less than 12 inches above the floor or ground which are utilized by hard-powered buggies only, may be exempt from the requirements for guardrails and wheelguards.

(8) Concrete pumping systems.

(a) The employer shall comply with the manufacturer's specifications and limitations applicable to the operation of pumpcrete or similar systems. Where manufacturer's

specifications are not available, the limitations assigned to the equipment shall be based on the determinations of a qualified engineer, competent in this field, and such determinations will be appropriately documented and recorded.

(b) Rated load capacities, and recommended operating speeds and pressures, special hazard warnings, or instructions, shall be conspicuously posted on all equipment. Instructions and warnings shall be visible to the operator while ~~((he is))~~ at ~~((his))~~ the control station.

(c) Concrete pumping systems using discharge pipes shall be provided with pipe supports designed for one hundred percent overload.

(d) Compressed air hoses used on concrete pumping systems shall be provided with positive fail-safe joint connectors to prevent separation of sections when pressurized.

(e) No part of the concrete pumping system shall operate closer to high voltage electrical conductors than the distances specified in ~~((WAC 296-155-428 (1)(d)(i) and (ii)))~~ chapter 296-155 WAC, Part I.

(f) Hoses and/or pipes used to carry concrete under pressure shall be secured one to the other with an adequate length of at least 1/4 inch diameter chain or cable to prevent whipping in the event of an accidental separation of joints. All system safety pins shall be in place during pumping operations.

(g) The employer shall designate a competent person who shall inspect all machinery, equipment, and accessories prior to each use, and periodically during use, to make sure it is in safe operating conditions. Any deficiencies shall be repaired, or defective parts replaced before continued use.

(h) A thorough annual inspection of the equipment including nondestructive testing of all sections of the booms, by a method capable of ensuring the structural integrity of the material being tested shall be made. The inspection and testing shall be conducted by a competent person, or a government or private agency recognized by the department. A record of the test results shall be maintained by the employer, and a copy shall be available in each unit for inspection by the department.

(i) All welding shall conform to AWS B3.0-41 Standard Qualification Procedure: AWS D8.4-61 Recommended Practices of Automotive Welding Design: or AWS D10.9-69 Standard Qualification of Welding Procedures and Welders for Piping and Tubing.

(j) Booms shall not be used for operations other than that for which they are designed.

(9) Concrete buckets.

(a) Concrete buckets equipped with hydraulic or pneumatic gates shall have positive safety latches or similar safety devices installed to prevent premature or accidental dumping.

(b) Concrete buckets shall be designed to prevent concrete from hanging up on top and the sides.

(c) Riding of concrete buckets for any purpose shall be prohibited, and vibrator crews shall be kept out from under concrete buckets suspended from cranes or cableways.

(d) When discharging on a slope, the wheels of ready-mix trucks shall be blocked and the brakes set to prevent movement.

(10) Tremies. Sections of tremies and similar concrete conveyances shall be secured with wire rope (or equivalent materials in addition to the regular couplings or connections).

(11) Bull floats. Bull float handles, used where they might contact energized electrical conductors, shall be constructed of nonconductive material or insulated with a nonconductive sheath whose electrical and mechanical characteristics provide the equivalent protection of a handle constructed of nonconductive material.

(12) Masonry saws shall be constructed, guarded, and operated in accordance with WAC 296-155-367 (1) through (4).

(13) Lockout/tagout procedures. No employee shall be permitted to perform maintenance or repair activity on equipment (such as compressors, mixers, screens, or pumps used for concrete and masonry construction activities) where the inadvertent operation of the equipment could occur and cause injury, unless all potentially hazardous energy sources have been locked out and tagged in accordance with (~~WAC 296-155-429~~) chapter 296-155 WAC, Part I.

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-155-684 Requirements for cast in place concrete. (1) General requirements for formwork.

(a) Formwork shall be designed, fabricated, erected, supported, braced, and maintained so that it will be capable of supporting without failure all vertical and lateral loads that may reasonably be anticipated to be applied to the formwork. Formwork which is designed, fabricated, erected, supported, braced, and maintained in conformance with the Appendix to this section will be deemed to meet the requirements of this subdivision.

(b) Any form, regardless of size, shall be planned in every particular and designed and constructed with an adequate factor of safety. In addition to computable loading, additional form pressures may result from impact during concrete placement, sudden lowering of temperatures retarding the set and increasing the liquid head or static pressure, vibrations of the form or concrete, uneven stressing resulting from failure or weakening of form members, or impact from concrete buckets or placing equipment. As a result, an adequate factor of safety is required to offset these unpredictable conditions.

(c) The thoroughness of planning and design shall be governed by the size, complexity, and intended use of the form. Formwork which is complex in nature or which will be subjected to unusually high concrete pressures shall be designed or approved for use by an engineer or experienced form designer.

(2) Drawings or plans, including all revisions, for the jack layout, formwork (including shoring equipment), working decks, and scaffolds, shall be available at the jobsite.

(3) Shoring and reshoring.

(a) General: Shoring installations constructed in accordance with this standard shall be designed in accordance with American National Standard Recommended Practice for Concrete Formwork, ANSI-(ACI 347-78), Formwork for Concrete ACI 318-83, or with the following publications of the Scaffolding & Shoring Institute: Recom-

mended Standard Safety Code for Vertical Shoring, 1970; Single Post Shore Safety Rules, 1969; and Steel Frame Shoring Safety, Safety Rules, 1969.

(b) All shoring equipment shall be inspected prior to erection to determine that it is as specified in the shoring layout.

(c) A shoring layout shall be prepared or approved by a person qualified to analyze the loadings and stresses which are induced during the construction process.

(d) A copy of the shoring layout shall be available at the jobsite.

(e) The shoring layout shall include all details of the specification, including unusual conditions such as heavy beams, sloping areas, ramps, and cantilevered slabs, as well as plan and elevation views.

(f) Shoring equipment found to be damaged such that its strength is reduced to less than that required by WAC (~~296-155-683~~) 296-155-684 (1)(a) shall not be used for shoring.

(g) Erected shoring equipment shall be inspected immediately prior to, during, and immediately after concrete placement.

(h) Upon inspection, shoring equipment that is found to be damaged or weakened shall be immediately removed and replaced.

(i) The sills for shoring shall be sound, rigid, and capable of carrying the maximum intended load without settlement or displacement.

(j) All base plates, shore heads, extension devices, and adjustment screws shall be in firm contact, and secured when necessary, with the foundation and the form.

(k) Eccentric loads on shore heads and similar members shall be prohibited unless these members have been designed for such loading.

(l) The minimum total design load for any shoring used in slab and beam structures shall be not less than one hundred pounds per square foot for the combined live and dead load regardless of slab thickness; however, the minimum allowance for live load and formwork shall be not less than twenty pounds per square foot in addition to the weight of the concrete. Additional allowance for live load shall be added for special conditions other than when placing concrete for standard-type slabs and beams. Shoring shall also be designed to resist all foreseeable lateral loads such as wind, cable tensions, inclined supports, impact of placement, and starting and stopping of equipment. The assumed value of load due to wind, impact of concrete, and equipment acting in any direction at each floor line shall not be less than one hundred pounds per lineal foot of floor edge or two percent of total dead load of the floor, whichever is greater. (See subsection (3)(b) of this section.)

(m) When motorized carts are used, the design load shall be increased twenty-five pounds per square foot.

(4) The design stresses for form lumber and timbers shall be within the tolerance of the grade, condition, and species of lumber used.

(5) The design stresses used for form lumber and timber shall be shown on all drawings, specifications, and shoring layouts.

(6) All load-carrying timber members of scaffold framing shall be a minimum of 1500 f (stress grade) construction grade lumber. All dimensions are nominal sizes except that where rough sizes are noted, only rough or

undressed lumber of the size specified shall satisfy minimum requirements.

(7) When shoring from soil, an engineer or other qualified person shall determine that the soil is adequate to support the loads which are to be placed on it.

(8) Precautions shall be taken so that weather conditions do not change the load-carrying conditions of the soil below the design minimum.

(9) When shoring from fill or when excessive earth disturbance has occurred, an engineer or other qualified person shall supervise the compaction and reworking of the disturbed area and determine that it is capable of carrying the loads which are to be imposed upon it.

(10) Suitable sills shall be used on a pan or grid dome floor or any other floor system involving voids where vertical shoring equipment could concentrate an excessive load on a thin concrete section.

(11) When temporary storage of reinforcing rods, material, or equipment on top of formwork becomes necessary, these areas shall be sufficient to meet the loads.

(12) If any deviation in the shoring plan is necessary because of field conditions, the person who prepared the shoring layout shall be consulted for ~~(his)~~ approval of the actual field setup before concrete is placed.

(13) The shoring setup shall be checked to insure that all details of the layout have been met.

(14) The completed shoring setup shall be a homogeneous unit or units and shall have the specified bracing to give it lateral stability.

(15) The shoring setup shall be checked to make certain that bracing specified in the shoring layout for lateral stability is in place.

(16) All vertical shoring equipment shall be plumb. Maximum allowable deviation from the vertical is one-eighth inch in three feet. If this tolerance is exceeded, the shoring equipment shall not be used until readjusted within this limit.

(17) Upon inspection, shoring equipment that is found to be damaged or weakened shall be immediately removed and replaced.

(18) Shoring equipment shall not be released or removed until the approval of a qualified engineer has been received.

(19) Removal of shoring equipment shall be planned so that the equipment which is still in place is not overloaded.

(20) Slabs or beams which are to be reshored should be allowed to take their actual permanent deflection before final adjustment of reshoring equipment is made.

(21) While the reshoring is underway, no construction loads shall be permitted on the partially-cured concrete.

(22) The allowable load on the supporting slab shall not be exceeded when reshoring.

(23) The reshoring shall be thoroughly checked to determine that it is properly placed and that it has the load capacity to support the areas that are being reshored.

AMENDATORY SECTION (Amending Order 90-10, filed 8/13/90, effective 9/24/90)

WAC 296-155-691 Precast concrete and tilt-up operations. (1) It shall be the responsibility of the contractor to use accessories which are designed to be compatible.

(2) The design capacity of all lifting devices and accessories shall be known. The devices and accessories with the appropriate capacity shall be used.

(3) Prior to pouring the panels of a tilt-up type construction job, a set of plans or job specifications, including lifting procedures, shall be drawn up.

(a) These plans shall be at the job site and made available upon request.

(b) Any changes made in the rigging procedure of a tilt-up panel or slab shall provide the same degree of safety as required by the original plans.

(c) The plans or specifications shall contain the following information:

(i) The type, size, and location of all lifting inserts.

(ii) The type, size, and location of all brace inserts or fittings for guy wires in each panel and floor or support.

(iii) The size of braces or guys to be used.

(iv) The compression strength which concrete panels must attain prior to being lifted.

(4) The following conditions shall be included in the erection process and shall be incorporated in the design plan:

(a) Braces and all associated components of the bracing system shall be designed to incorporate a safety factor of one and one-half to resist any normal stresses to which they may be subjected, including normal high wind velocity pressures for the area.

(b) Precast concrete wall units, structural framing, and tilt-up wall panels shall be adequately supported to prevent overturning and to prevent collapse until permanent connections are completed.

(c) Floor braces used to secure panel sections shall be placed at an angle of not less than forty-five degrees or more than sixty degrees from horizontal when physically possible to install in this manner.

(d) The bracing on all panel sections shall be installed in such a manner as to prevent the panel from accidentally rotating.

(e) Each panel section not secured by other means shall have a minimum of two braces. The braces shall be installed in such a manner as to evenly distribute the load or guy wires, when properly installed, may be used in lieu of stiff leg braces.

(f) If braces are attached to a panel or slab by bolts tightened into inserts installed in holes drilled in concrete, the type of inserts used and method of installation shall be such as to develop the required strength to be maintained for the bracing system.

(g) Inserts to be installed for lifting sections of tilt-up precast panels shall be designed mechanically to maintain a safety factor of three.

(h) Lifting inserts which are embedded or otherwise attached to precast concrete members, other than the tilt-up members, shall be capable of supporting at least four times the maximum intended load applied or transmitted to them.

(i) The compression strength of the concrete shall be such that when the proper type, size, and amount of inserts are installed a minimum safety factor of two will be maintained.

(j) Lifting hardware shall be capable of supporting at least five times the maximum intended load applied or transmitted to the lifting hardware.

(k) Lifting bolts or other lifting devices which have been bent, worn, or are defective shall be discarded.

(l) The upper and lower sections of telescoping type braces shall be secured by high tensile steel pins or bolts which provide adequate shear strength and which will positively secure against accidental removal.

(m) Manufactured products shall not be altered in a manner which would reduce the safe working load to less than its original value.

(n) Inserts shall be positioned so that bolts, or lifting devices, when inserted, will be perpendicular to the face on which they are placed.

(5) Design of the panels and layout of the pour shall be made in such a manner so that when picking, the top of the panel will be away from the crane. If this is not possible, the contractor shall consult with a representative of the department and the crane company involved to determine the procedure to be followed in lifting and placing in its permanent position safely. Panels shall be lifted and handled in such a manner that they will not strike the hoisting equipment, in case of failure.

(a) Physical stops shall be provided which will prevent the bottom edge of a panel being set from slipping off the edge of its supporting structure.

(b) Tilt-up panels shall not be set when there is a possibility that wind velocity would create a hazardous condition.

(c) A qualified ~~((signalman))~~ signalperson shall be designated and shall consult with the crane operator on lifting procedures prior to making the pick. The ~~((signalman))~~ signalperson shall be located in such a position during the pick of the panel that ~~((he))~~ they can observe both the crane operator and the employees working in the immediate area.

(d) During the lifting process, workers shall keep clear of the under side of the panel.

(e) Persons not involved in the lifting process shall be kept clear of the hazardous area near where panels are being raised, moved or placed.

(f) If braces must be removed temporarily during construction, other effective means shall be provided to safely support the panel during the interim period.

(g) Each panel shall be properly braced or otherwise secured prior to removal of the hoisting equipment.

(h) Short panels or sections not otherwise supported by floor, footings, columns or other structure, shall be properly shored.

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-155-699 Appendix A to ((Subpart Q)) Part O—References to ((Subpart Q)) Part O of ((Part 1926)) chapter 296-155 WAC. (This Appendix is nonmandatory.)

The following nonmandatory references provide information which can be helpful in understanding and complying with the requirements contained in ((Subpart Q)) Part O.

- Accident Prevention Manual for Industrial Operations; Eighth Edition; National Safety Council.

- Building Code Requirements for Reinforced Concrete (ACI 318-83).

- Formwork for Concrete (ACI SP-4).

- Recommended Practice for Concrete Formwork (ACI 347-78).

- Safety Requirements for Concrete and Masonry Work (ANSI A10.9-1983).

- Standard Test Method for Compressive Strength of Cylindrical Concrete Specimens (ASTM C39-86).

- Standard Test Method for Making and Curing Concrete Test Specimens in the Field (ASTM C31-85).

- Standard Test Method for Penetration Resistance of Hardened Concrete (ASTM C803-82).

- Standard Test Method for Compressive Strength of Concrete Cylinders Cast In-Place in Cylindrical Molds (ASTM C873-85).

- Standard Method for Developing Early Age Compressive Test Values and Projecting Later Age Strengths (ASTM C918-80).

- Recommended Practice for Inspection and Testing Agencies for Concrete, Steel and Bituminous Materials as Used in Construction (ASTM E329-77).

- Method of Making and Curing Concrete Test Specimens in the Laboratory (ASTM C192-88).

- Methods of Obtaining and Testing Drilled Cores and Sawed Beams of Concrete (ASTM C42-87).

- Methods of Securing, Preparing and Testing Specimens from Hardened Lightweight Insulating Concrete for Compressive Strength (ASTM C513-86).

- Test Method for Comprehensive Strength of Lightweight Insulating Concrete (ASTM C495-86).

- Method of Making, Accelerating Curing, and Testing of Concrete Compression Test Specimens (ASTM C684-81).

- Test Method for Compressive Strength of Concrete Using Portions of Beams Broken in Flexure (ASTM C116-68 (1980)).

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-155-700 General requirements. (1) Erection gangs on structural steel erection shall work under the direction of experienced ~~((foreman))~~ crew leader.

(2) Workers shall not ride on steel being hoisted, nor slide down ropes, columns or ladders.

(3) Wire rope slings shall be used when lifting loads. Care shall be taken to avoid sharp bends by using wood or similar type padding between wire rope and load. Reinforcing steel shall not be lifted by bundling ties.

(4) If float scaffolds are used during steel erection, they shall be used in accordance with WAC 296-155-485(24).

AMENDATORY SECTION (Amending Order 76-29, filed 9/30/76)

WAC 296-155-715 Bolting, riveting, fitting-up, and plumbing-up. (1) General requirements.

(a) Containers shall be provided for storing or carrying rivets, bolts, and drift pins, and secured against accidental displacement when aloft.

(b) Pneumatic hand tools shall be disconnected from the power source, and pressure in hose lines shall be released, before any adjustments or repairs are made.

(c) Air line hose sections shall be tied together except when quick disconnect couplers are used to join sections.

(d) Eye protection shall be provided in accordance with Part C of this chapter.

(2) Bolting.

(a) When bolts or drift pins are being knocked out, means shall be provided to keep them from falling.

(b) Impact wrenches shall be provided with a locking device for retaining the socket.

(3) Riveting.

(a) Riveting shall not be done in the vicinity of combustible material unless precautions are taken to prevent fire.

(b) When workers are below and rivet heads are knocked off or backed out, means shall be provided to keep the rivet heads from falling on such workers.

(c) A safety wire shall be properly installed on the snap and on the handle of the pneumatic riveting hammer and shall be used at all times. The wire size shall be not less than No. 9 (B & S gauge), leaving the handle and annealed No. 14 on the snap or equivalent.

(d) The rivet heating equipment shall be kept as near as possible to the riveting gang with whom the rivet heater is working.

(e) Hot rivets shall never be thrown across shaftways or towards the outside of a building.

(f) When riveting is done on an outside wall, the rivets shall be passed by hand or thrown parallel to the wall.

(g) Metal cone shaped buckets shall be used for catching hot rivets.

(h) Riveters shall avoid allowing the air hose to become wrapped or tangled around their legs.

(i) Empty bolt and rivet kegs shall be removed from the floor as soon as possible.

(j) Pails and hand lines shall be used when raising or lowering bolts, rivets or small tools.

(k) The nozzle of the riveting gun shall be periodically inspected and the wire attachment not allowed to become worn so as to permit the nozzle to fly out with the air pressure.

(l) Electric welding equipment shall not be used where wire rope is used to suspend scaffolds.

(4) Plumbing-up.

(a) Connections of the equipment used in plumbing-up shall be properly secured.

(b) The turnbuckles shall be secured to prevent unwinding while under stress.

(c) Plumbing-up guys related equipment shall be placed so that employees can get at the connection points.

(d) Plumbing-up guys shall be removed only under the supervision of a competent person.

(5) Wood planking shall be of proper thickness to carry the working load, but shall be not less than 2 inches thick full size undressed, exterior grade plywood, at least 3/4-inch thick, or equivalent material.

(6) Metal decking of sufficient strength shall be laid tight and secured to prevent movement.

(7) Planks shall overlap the bearing on each end by a minimum of 12 inches.

(8) Wire mesh, exterior plywood, or equivalent, shall be used around columns where planks do not fit tightly.

(9) Provisions shall be made to secure temporary flooring against displacement.

(10) All unused openings in floors, temporary or permanent, shall be completely planked over or guarded in accordance with Part K of this chapter.

(11) Temporary bracing and/or guying shall be utilized to stabilize a structure until construction has been completed.

(12) Employees shall use safety belts in accordance with ((WAC 296-155-225)) Part C-1 of this chapter when they are working on float scaffolds.

AMENDATORY SECTION (Amending Order 91-01, filed 5/20/91, effective 6/20/91)

WAC 296-155-730 Tunnels and shafts. (1) Scope and application.

(a) This section applies to the construction of underground tunnels, shafts, chambers, and passageways. This section also applies to cut-and-cover excavations which are both physically connected to ongoing underground construction operations within the scope of this section, and covered in such a manner as to create conditions characteristic of underground construction.

(b) This section does not apply to excavation and trenching operations covered by Part N of this chapter, such as foundation operations for above-ground structures that are not physically connected to underground construction operations, and surface excavation.

(c) The employer shall comply with the requirements of this part and chapter in addition to applicable requirements of chapter 296-36 WAC, Safety standards—Compressed air work.

(2) Access and egress.

(a) Each operation shall have a check-in/check-out system that will provide positive identification of every employee underground. An accurate record of identification and location of the employees shall be kept on the surface. This procedure is not required when the construction of underground facilities designed for human occupancy has been sufficiently completed so that the permanent environmental controls are effective, and when the remaining construction activity will not cause any environmental hazard, or structural failure within the facilities.

(b) The employer shall provide and maintain safe means of access and egress to all work stations.

(c) The employer shall provide access and egress in such a manner that employees are protected from being struck by excavators, haulage machines, trains, and other mobile equipment.

(d) The employer shall control access to all openings to prevent unauthorized entry underground. Unused chutes, manways, or other openings shall be tightly covered, bulkheaded, or fenced off, and shall be posted with warning signs indicating "keep out" or similar language. Completed or unused sections of the underground facility shall be barricaded.

(3) Safety instruction. All employees shall be instructed in the recognition and avoidance of hazards associated with underground construction activities including, where appropriate, the following subjects:

(a) Air monitoring;

(b) Ventilation;

(c) Confined space entry procedures;

(d) Illumination;

- (e) Communications;
- (f) Flood control;
- (g) Mechanical equipment;
- (h) Personal protective equipment;
- (i) Explosives;
- (j) Fire prevention and protection; and
- (k) Emergency procedures, including evacuation plans and check-in/check-out systems.

(4) Notification.

(a) Oncoming shifts shall be informed of any hazardous occurrences or conditions that have affected, or might affect employee safety, including liberation of gas, equipment failures, earth or rock slides, cave-ins, floodings, fire(s), or explosions.

(b) Information specified in (a) of this subsection shall be recorded in a shift journal which shall be current prior to the end of each shift, and shall be located aboveground.

(c) Oncoming supervisory personnel shall read the notification prior to going underground, and shall signify their understanding of the contents by affixing their respective initials to the log.

(d) The hazard notification log shall be retained on the site until the completion of the project.

(e) The employer shall establish and maintain direct communications for coordination of activities with other employers whose operations at the jobsite affect or may affect the safety of employees underground.

(5) Communications.

(a) When natural unassisted voice communication is ineffective, a power-assisted means of voice communication shall be used to provide communication between the work face, the bottom of the shaft, and the surface.

(b) Two effective means of communication, at least one of which shall be voice communication, shall be provided in all shafts which are being developed or used either for personnel access or for hoisting. Additional requirements for hoist operator communication are contained in subsection (22)(c)(xv) of this section.

(c) Powered communication systems shall operate on an independent power supply, and shall be installed so that the use of or disruption of any one phone or signal location will not disrupt the operation of the system from any other location.

(d) Communication systems shall be tested upon initial entry of each shift to the underground, and as often as necessary at later times, to ensure that they are in working order.

(e) Any employee working alone underground in a hazardous location, who is both out of the range of natural unassisted voice communication and not under observation by other persons, shall be provided with an effective means of obtaining assistance in an emergency.

(6) Emergency provisions. Hoisting capability. When a shaft is used as a means of egress, the employer shall make advance arrangements for power-assisted hoisting capability to be readily available in an emergency, unless the regular hoisting means can continue to function in the event of an electrical power failure at the jobsite. Such hoisting means shall be designed so that the load hoist drum is powered in both directions of rotation and so that the brake is automatically applied upon power release or failure.

(7) Self-rescuers. The employer shall provide self-rescuers having current approval from the National Institute for Occupational Safety and Health and the Mine Safety and Health Administration to be immediately available to all employees at work stations in underground areas where employees might be trapped by smoke or gas. The selection, issuance, use, and care of respirators shall be in accordance with the requirements of WAC 296-62-071 through 296-62-07121.

(8) Designated person. At least one designated person shall be on duty aboveground whenever any employee is working underground. This designated person shall be responsible for securing immediate aid and keeping an accurate record of the number, identification, and location of employees who are underground in case of emergency. The designated person must not be so busy with other responsibilities that the personnel counting and identification function is encumbered.

(9) Emergency lighting. Each employee underground shall have an acceptable portable hand lamp or cap lamp in his or her work area for emergency use, unless natural light or an emergency lighting system provides adequate illumination for escape.

(10) Rescue teams.

(a) On jobsites where 25 or more employees work underground at one time, the employer shall provide (or make arrangements in advance with locally available rescue services to provide) at least two 5-person rescue teams, one on the jobsite or within one-half hour travel time from the entry point, and the other within 2 hours travel time.

(b) On jobsites where less than 25 employees work underground at one time, the employer shall provide (or make arrangements in advance with locally available rescue services to provide) at least one 5-person rescue team to be either on the jobsite or within one-half hour travel time from the entry point.

(c) Rescue team members shall be qualified in rescue procedures, the use and limitations of breathing apparatus, and the use of fire fighting equipment. Qualifications shall be reviewed not less than annually.

(d) On jobsites where flammable or noxious gases are encountered or anticipated in hazardous quantities, rescue team members shall practice donning and using pressure demand mode, self-contained breathing apparatuses monthly.

(e) The employer shall ensure that rescue teams are familiar with conditions at the jobsite.

(11) Hazardous classifications.

(a) Potentially gassy operations. Underground construction operations shall be classified as potentially gassy if either:

(i) Air monitoring discloses 10 percent or more of the lower explosive limit for methane or other flammable gases measured at 12 inches (304.8 mm) \pm 0.25 inch (6.35 mm) from the roof, face, floor, or walls in any underground work area for more than a 24-hour period; or

(ii) The history of the geographical area or geological formation indicates that 10 percent or more of the lower explosive limit for methane or other flammable gases is likely to be encountered in such underground operations.

(b) Gassy operations. Underground construction operations shall be classified as gassy if:

(i) Air monitoring discloses 10 percent or more of the lower explosive limit for methane or other flammable gases measured at 12 inches (304.8 mm) \pm 0.25 inch (6.35 mm) from the roof, face, floor, or walls in any underground work area for three consecutive days; or

(ii) There has been an ignition of methane or of other flammable gases emanating from the strata that indicates the presence of such gases; or

(iii) The underground construction operation is both connected to an underground work area which is currently classified as gassy and is also subject to a continuous course of air containing the flammable gas concentration.

(c) Declassification to potentially gassy operations. Underground construction gassy operations may be declassified to potentially gassy when air monitoring results remain under 10 percent of the lower explosive limit for methane or other flammable gases for three consecutive days.

(12) Gassy operations—Additional requirements. Only acceptable equipment, maintained in suitable condition, shall be used in gassy operations.

(a) Mobile diesel-powered equipment used in gassy operations shall be either approved in accordance with the requirements of 30 CFR Part 36 (formerly Schedule 31) by MSHA, or shall be demonstrated by the employer to be fully equivalent to such MSHA-approved equipment, and shall be operated in accordance with that part.

(b) Each entrance to a gassy operation shall be prominently posted with signs notifying all entrants of the gassy classification.

(c) Smoking shall be prohibited in all gassy operations and the employer shall be responsible for collecting all personal sources of ignition, such as matches and lighters, from all persons entering a gassy operation.

(d) A fire watch as described in WAC 296-155-410(5) shall be maintained when hot work is performed.

(e) Once an operation has met the criteria in subsection (11)(a)(i) of this section, warranting classification as gassy, all operations in the affected area, except the following, shall be discontinued until the operation either is in compliance with all of the gassy operation requirements or has been declassified in accordance with (c) of this subsection:

(i) Operations related to the control of the gas concentration;

(ii) Installation of new equipment, or conversion of existing equipment, to comply with this subsection; and

(iii) Installation of above-ground controls for reversing the air flow.

(13) Air quality and monitoring.

(a) General. Air quality limits and control requirements specified in chapter 296-62 WAC shall apply except as modified by this subsection.

(b) The employer shall assign a competent person who shall perform all air monitoring required by this section.

(c) Where this ~~(paragraph)~~ section requires monitoring of airborne contaminants "as often as necessary," the competent person shall make a reasonable determination as to which substances to monitor and how frequently to monitor, considering at least the following factors:

(i) Location of jobsite: Proximity to fuel tanks, sewers, gas lines, old landfills, coal deposits, and swamps;

(ii) Geology: Geological studies of the jobsite, particularly involving the soil type and its permeability;

(iii) History: Presence of air contaminants in nearby jobsites, changes in levels of substances monitored on the prior shift; and

(iv) Work practices and jobsite conditions: The use of diesel engines, use of explosives, use of fuel gas, volume and flow of ventilation, visible atmospheric conditions, decompression of the atmosphere, welding, cutting and hot work, and employees' physical reactions to working underground.

(d) The employer shall provide testing and monitoring instruments which are capable of achieving compliance with the provisions of this subsection, and:

(i) Shall maintain the testing and monitoring instruments in good condition;

(ii) Shall calibrate the instruments on a frequency not to exceed 6 months.

(e) Exposure to airborne contaminants shall not exceed the levels established by chapter 296-62 WAC.

(f) Respirators shall not be substituted for environmental control measures. However, where environmental controls have not yet been developed, or when necessary by the nature of the work involved (for example, welding, sand blasting, lead burning), an employee may work for short periods of time in concentrations of airborne contaminants which exceed the limit of permissible exposure referred to in (d) of this subsection, if the employee wears a respiratory protective device approved by MSHA-NIOSH as protection against the particular hazards involved, and the selection and use of respirators complies with the provisions of WAC 296-62-071 through 296-62-07121.

(g) Employees shall be withdrawn from areas in which there is a concentration of an airborne contaminant which exceeds the permissible exposure limit listed for that contaminant, except as modified in (t)(i) and (ii) of this subsection.

(h) The atmosphere in all underground work areas shall be tested as often as necessary to assure that the atmosphere at normal atmospheric pressure contains at least 19.5 percent oxygen and no more than 22 percent oxygen.

(i) Tests for oxygen content shall be made before tests for air contaminants.

(j) Field-type oxygen analyzers, or other suitable devices, shall be used to test for oxygen deficiency.

(k) The atmosphere in all underground work areas shall be tested quantitatively for carbon monoxide, nitrogen dioxide, hydrogen sulfide, and other toxic gases, dust, vapors, mists, and fumes as often as necessary to ensure that the permissible exposure limits prescribed in chapter 296-62 WAC, are not exceeded.

(l) The atmosphere in all underground work areas shall be tested quantitatively for methane and other flammable gases as often as necessary to determine:

(i) Whether action is to be taken under (q), (r), and (s) of this subsection; and

(ii) Whether an operation is to be classified potentially gassy or gassy under subsection (11) of this section.

(m) If diesel-engine or gasoline-engine driven ventilating fans or compressors are used, an initial test shall be made of the inlet air of the fan or compressor, with the engines operating, to ensure that the air supply is not contaminated by engine exhaust.

(n) Testing shall be performed as often as necessary to ensure that the ventilation requirements of subsection (15) of this section are met.

(o) When rapid excavation machines are used, a continuous flammable gas monitor shall be operated at the face with the sensor(s) placed as high and close to the front of the machine's cutter head as practicable.

(p) Whenever air monitoring indicates the presence of 5 ppm or more of hydrogen sulfide, a test shall be conducted in the affected underground work area(s), at least at the beginning and midpoint of each shift, until the concentration of hydrogen sulfide has been less than 5 ppm for 3 consecutive days.

(i) Whenever hydrogen sulfide is detected in an amount exceeding 10 ppm, a continuous sampling and indicating hydrogen sulfide monitor shall be used to monitor the affected work area.

(ii) Employees shall be informed when a concentration of 10 ppm hydrogen sulfide is exceeded.

(iii) The continuous sampling and indicating hydrogen sulfide monitor shall be designed, installed, and maintained to provide a visual and aural alarm when the hydrogen sulfide concentration reaches ~~((20))~~ 15 ppm to signal that additional measures, such as respirator use, increased ventilation, or evacuation, might be necessary to maintain hydrogen sulfide exposure below the permissible exposure limit.

(q) When the competent person determines, on the basis of air monitoring results or other information, that air contaminants may be present in sufficient quantity to be dangerous to life, the employer shall:

(i) Prominently post a notice at all entrances to the underground jobsite to inform all entrants of the hazardous condition; and

(ii) Immediately increase sampling frequency levels to insure workers are not exposed to identified contaminants in excess of the permissible exposure limit(s); and

(iii) Ensure that all necessary precautions are taken to comply with pertinent requirements of this section, and chapter 296-62 WAC.

(r) Whenever five percent or more of the lower explosive limit for methane or other flammable gases is detected in any underground work area(s) or in the air return, steps shall be taken to increase ventilation air volume or otherwise control the gas concentration, unless the employer is operating in accordance with the potentially gassy or gassy operation requirements. Such additional ventilation controls may be discontinued when gas concentrations are reduced below five percent of the lower explosive limit, but shall be reinstated whenever the five percent level is exceeded.

(s) Whenever 10 percent or more of the lower explosive limit for methane or other flammable gases is detected in the vicinity of welding, cutting, or other hot work, such work shall be suspended until the concentration of such flammable gas is reduced to less than 10 percent of the lower explosive limit.

(t) Whenever 20 percent or more of the lower explosive limit for methane or other flammable gases is detected in any underground work area(s) or in the air return:

(i) All employees, except those necessary to eliminate the hazard, shall be immediately withdrawn to a safe location above ground; and

(ii) Employees who remain underground to correct or eliminate the hazard described in (t) above shall be equipped with approved, pressure demand mode, self-contained breathing apparatus, and shall have received adequate training in the proper use of that equipment.

(iii) Electrical power, except for acceptable pumping and ventilation equipment, shall be cut off to the area endangered by the flammable gas until the concentration of such gas is reduced to less than 20 percent of the lower explosive limit.

(14) Additional monitoring for potentially gassy and gassy operations. Operations which meet the criteria for potentially gassy and gassy operations set forth in subsection (13) of this section shall be subject to the additional monitoring requirements of this subsection.

(a) A test for oxygen content shall be conducted in the affected underground work areas and work areas immediately adjacent to such areas at least at the beginning and midpoint of each shift.

(b) When using rapid excavation machines, continuous automatic flammable gas monitoring equipment shall be used to monitor the air at the heading, on the rib, and in the return air duct. The continuous monitor shall signal the heading, and shut down electric power in the affected underground work area, except for acceptable pumping and ventilation equipment, when 20 percent or more of the lower explosive limit for methane or other flammable gases is encountered.

(i) A manual flammable gas monitor shall be used as needed, but at least at the beginning and midpoint of each shift, to ensure that the limits prescribed in subsections (11) and (13) of this section are not exceeded. In addition, a manual electrical shut down control shall be provided near the heading.

(ii) Local gas tests shall be made prior to and continuously during any welding, cutting, or other hot work.

(iii) In underground operations driven by drill-and-blast methods, the air in the affected area shall be tested for flammable gas prior to re-entry after blasting, and continuously when employees are working underground.

(c) Recordkeeping. A record of all air quality tests shall be maintained above ground at the worksite and be made available to the director or his/her representatives upon request. The record shall include the location, date, time, substance and amount monitored. Records of exposures to toxic substances shall be retained in accordance with Part B, chapter 296-62 WAC. All other air quality test records shall be retained until completion of the project.

(15) Ventilation.

(a)(i) Fresh air shall be supplied to all underground work areas in sufficient quantities to prevent dangerous or harmful accumulation of dust, fumes, mists, vapors, or gases.

(ii) Mechanical ventilation shall be provided in all underground work areas except when the employer can demonstrate that natural ventilation provides the necessary air quality through sufficient air volume and air flow.

(b) A minimum of 200 cubic feet (5.7 m³) of fresh air per minute shall be supplied for each employee underground.

(c) The linear velocity of air flow in the tunnel bore, in shafts, and in all other underground work areas shall be at least 30 feet (9.15 m) per minute where blasting or rock drilling is conducted, or where other conditions likely to

produce dust, fumes, mists, vapors, or gases in harmful or explosive quantities are present.

(d) The direction of mechanical air flow shall be reversible.

(e) Air that has passed through underground oil or fuel-storage areas shall not be used to ventilate working areas.

(f) Following blasting, ventilation systems shall exhaust smoke and fumes to the outside atmosphere before work is resumed in affected areas.

(g) Ventilation doors shall be designed and installed so that they remain closed when in use, regardless of the direction of the air flow.

(h) When ventilation has been reduced to the extent that hazardous levels of methane or flammable gas may have accumulated, a competent person shall test all affected areas after ventilation has been restored and shall determine whether the atmosphere is within flammable limits before any power, other than for acceptable equipment, is restored or work is resumed.

(i) Whenever the ventilation system has been shut down with all employees out of the underground area, only competent persons authorized to test for air contaminants shall be allowed underground until the ventilation has been restored and all affected areas have been tested for air contaminants and declared safe.

(j) When drilling rock or concrete, appropriate dust control measures shall be taken to maintain dust levels within limits set in ~~((WAC 296-155-160))~~ chapter 296-62 WAC. Such measures may include, but are not limited to, wet drilling, the use of vacuum collectors, and water mix spray systems.

(k)(i) Internal combustion engines, except diesel-powered engines on mobile equipment, are prohibited underground.

(ii) Mobile diesel-powered equipment used underground in atmospheres other than gassy operations shall be either approved by MSHA in accordance with the provisions of 30 CFR Part 32 (formerly Schedule 24), or shall be demonstrated by the employer to be fully equivalent to such MSHA-approved equipment, and shall be operated in accordance with that Part. (Each brake horsepower of a diesel engine requires at least 100 cubic feet (28.32 m3) of air per minute for suitable operation in addition to the air requirements for personnel. Some engines may require a greater amount of air to ensure that the allowable levels of carbon monoxide, nitric oxide, and nitrogen dioxide are not exceeded.)

(iii) Application shall be made to the mining/explosives section, ((division of industrial safety and health,)) department of labor and industries, for permission to use specified diesel equipment in a specified underground area and shall include the following:

(A) The type of construction and complete identification data and specifications including analysis of the undiluted exhaust gases of the diesel equipment.

(B) The location where the diesel equipment is to be used.

(C) Before the diesel equipment is taken underground, written permission shall be obtained from the ~~((division of industrial safety and health,))~~ department of labor and industries or its duly authorized representative. A satisfactory test on surface, to show that the exhaust gases do not

exceed the maximum percentage of carbon monoxide permitted, shall be required.

(D) Diesel equipment shall only be used underground where the ventilation is controlled by mechanical means and shall not be operated if the ventilating current is less than 100 CFM per horsepower based on the maximum brake horsepower of the engines.

(E) Air measurements shall be made at least once daily in the diesel engine working area and the measurements entered in the Underground Diesel Engine Record Book. Permissible maximum amounts of noxious gases are as follows:

At engine exhaust ports	Carbon Monoxide	.10%	1,000 ppm ³
Next to equipment	Carbon Monoxide	((.005%)) 50 ppm	
		.0035%	35 ppm
General atmosphere	Carbon Monoxide	((.005%)) 50 ppm	
		.0035%	35 ppm
General atmosphere	Nitrogen Dioxide	((.0003%)) 3 ppm	
		.0001%	1 ppm
General atmosphere	Aldehydes	.0002%	2 ppm

³ Parts of vapor or gas per million parts of contaminated air by volume at 25°C and 760 mm Hg. pressure.

(l) Potentially gassy or gassy operations shall have ventilation systems installed which shall:

- (i) Be constructed of fire-resistant materials; and
- (ii) Have acceptable electrical systems, including fan motors.

(m) Gassy operations shall be provided with controls located aboveground for reversing the air flow of ventilation systems.

(n) In potentially gassy or gassy operations, wherever mine-type ventilation systems using an offset main fan installed on the surface are used, they shall be equipped with explosion-doors or a weak-wall having an area at least equivalent to the cross-sectional area of the airway.

(16) Illumination.

(a) Sufficient lighting shall be provided, in accordance with the requirements of WAC 296-155-165 ~~((1 through 4))~~, to permit safe operations at the face as well as in the general tunnel or shaft area and at the employees' workplace.

(b) Only acceptable portable lighting shall be used within 50 feet (15.24 m) of any underground heading during explosive handling.

(17) Fire prevention and control. Fire prevention and protection requirements applicable to underground construction operations are found in Part D of this chapter except as modified by the following additional standards.

(a) Open flames and fires are prohibited in all underground construction operations except as permitted for welding, cutting, and other hot work operations.

(i) Smoking may be allowed only in areas free of fire and explosion hazards.

(ii) Readily visible signs prohibiting smoking and open flames shall be posted in areas having fire or explosion hazards.

(iii) The carrying of matches, lighters, or other flame-producing smoking materials shall be prohibited in all underground operations where fire or explosion hazards exist.

(b) The employer may store underground no more than a 24-hour supply of diesel fuel for the underground equipment used at the worksite.

(c) The piping of diesel fuel from the surface to an underground location is permitted only if:

(i) Diesel fuel is contained at the surface in a tank whose maximum capacity is no more than the amount of fuel required to supply for a 24-hour period the equipment serviced by the underground fueling station; and

(ii) The surface tank is connected to the underground fueling station by an acceptable pipe or hose system that is controlled at the surface by a valve, and at the shaft bottom by a hose nozzle; and

(iii) The pipe is empty at all times except when transferring diesel fuel from the surface tank to a piece of equipment in use underground; and

(iv) Hoisting operations in the shaft are suspended during refueling operations if the supply piping in the shaft is not protected from damage.

(d)(i) Gasoline shall not be carried, stored, or used underground.

(ii) Acetylene, liquefied petroleum gas, and methylacetylene propadiene stabilized gas may be used underground only for welding, cutting and other hot work, and only in accordance with Part H of this chapter and subsections (13), (15), (17), and (18) of this section.

(e) Oil, grease, and diesel fuel stored underground shall be kept in tightly sealed containers in fire-resistant areas at least 300 feet (91.44 m) from underground explosive magazines, and at least 100 feet (30.48 m) from shaft stations and steeply inclined passageways. Storage areas shall be positioned or diked so that the contents of ruptured or overturned containers will not flow from the storage area.

(f) Flammable or combustible materials shall not be stored above ground within 100 feet (30.48 m) of any access opening to any underground operation. Where this is not feasible because of space limitations at the jobsite, such materials may be located within the 100-foot limit, provided that:

(i) They are located as far as practicable from the opening; and

(ii) Either a fire-resistant barrier of not less than one-hour rating is placed between the stored material and the opening, or additional precautions are taken which will protect the materials from ignition sources.

(g) Fire-resistant hydraulic fluids shall be used in hydraulically-actuated underground machinery and equipment unless such equipment is protected by a fire suppression system or by multipurpose fire extinguisher(s) rated at a sufficient capacity for the type and size of hydraulic equipment involved, but rated at least 4A:4OB:C.

(h)(i) Electrical installations in underground areas where oil, grease, or diesel fuel are stored shall be used only for lighting fixtures.

(ii) Lighting fixtures in storage areas, or within 25 feet (7.62 m) of underground areas where oil, grease, or diesel fuel are stored, shall be approved for Class I, Division 2 locations, in accordance with Part I of this chapter.

(i) Leaks and spills of flammable or combustible fluids shall be cleaned up immediately.

(j) A fire extinguisher of at least 4A:4OB:C rating or other equivalent extinguishing means shall be provided at the

head pulley and at the tail pulley of underground belt conveyors, and at 300-foot intervals along the belt.

(k) Any structure located underground or within 100 feet (30.48 m) of an opening to the underground shall be constructed of material having a fire-resistance rating of at least one hour.

(18) Welding, cutting, and other hot work. In addition to the requirements of Part H of this chapter, the following requirements shall apply to underground welding, cutting, and other hot work.

(a) No more than the amount of fuel gas and oxygen cylinders necessary to perform welding, cutting, or other hot work during the next 24-hour period shall be permitted underground.

(b) Noncombustible barriers shall be installed below welding, cutting, or other hot work being done in or over a shaft or raise.

(19) Ground support.

(a) In tunnels (other than hard rock) timber sets, steel rings, steel frames, concrete liners, or other engineered tunnel support systems shall be used. Every tunnel support system shall be designed by a licensed professional engineer. Design specifications shall be available at the worksite.

(b) Portal areas. Portal openings and access areas shall be guarded by shoring, fencing, head walls, shotcreting, or other equivalent protection to ensure safe access of employees and equipment. Adjacent areas shall be scaled or otherwise secured to prevent loose soil, rock, or fractured materials from endangering the portal and access area.

(c) Subsidence areas. The employer shall ensure ground stability in hazardous subsidence areas by shoring, by filling in, or by erecting barricades and posting warning signs to prevent entry.

(d) Underground areas.

(i)(A) A competent person shall inspect the roof, face, and walls of the work area at the start of each shift and as often as necessary to determine ground stability.

(B) Competent persons conducting such inspections shall be protected from loose ground by location, ground support, or equivalent means.

(ii) Ground conditions along haulageways and travelways shall be inspected as frequently as necessary to ensure safe passage.

(iii) Loose ground that might be hazardous to employees shall be taken down, scaled, or supported.

(iv) Torque wrenches shall be used wherever bolts that depend on torsionally applied force are used for ground support.

(v) A competent person shall determine whether rock bolts meet the necessary torque, and shall determine the testing frequency in light of the bolt system, ground conditions, and the distance from vibration sources.

(vi) Suitable protection shall be provided for employees exposed to the hazard of loose ground while installing ground support systems.

(vii) Support sets shall be installed so that the bottoms have sufficient anchorage to prevent ground pressures from dislodging the support base of the sets. Lateral bracing (collar bracing, tie rods, or spreaders) shall be provided between immediately adjacent sets to ensure added stability.

(viii) Damaged or dislodged ground supports that create a hazardous condition shall be promptly repaired or replaced.

When replacing supports, the new supports shall be installed before the damaged supports are removed.

(ix) A shield or other type of support shall be used to maintain a safe travelway for employees working in dead-end areas ahead of any support replacement operation.

(e) Shafts.

(i) Shafts and wells over 4 feet (1.219 m) in depth that employees must enter shall be supported by a steel casing, concrete pipe, timber, solid rock, or other suitable material.

(ii)(A) The full depth of the shaft shall be supported by casing or bracing except where the shaft penetrates into solid rock having characteristics that will not change as a result of exposure. Where the shaft passes through earth into solid rock, or through solid rock into earth, and where there is potential for shear, the casing or bracing shall extend at least 5 feet (1.53 m) into the solid rock. When the shaft terminates in solid rock, the casing or bracing shall extend to the end of the shaft or 5 feet (1.53 m) into the solid rock, whichever is less.

(B) The casing or bracing shall extend 42 inches (1.07 m) plus or minus 3 inches (8 cm) above ground level, except that the minimum casing height may be reduced to 12 inches (0.3 m), provided that a standard railing is installed; that the ground adjacent to the top of the shaft is sloped away from the shaft collar to prevent entry of liquids; and that effective barriers are used to prevent mobile equipment operating near the shaft from jumping over the 12-inch (0.3 m) barrier.

(iii) After blasting operations in shafts, a competent person shall determine if the walls, ladders, timbers, blocking, or wedges have loosened. If so, necessary repairs shall be made before employees other than those assigned to make the repairs are allowed in or below the affected areas.

(f) Blasting. This subsection applies in addition to the requirements for blasting and explosives operations, including handling of misfires, which are found in chapter 296-52 WAC.

(i) Blasting wires shall be kept clear of electrical lines, pipes, rails, and other conductive material, excluding earth, to prevent explosives initiation or employee exposure to electric current.

(ii) Following blasting, an employee shall not enter a work area until the air quality meets the requirements of subsection (13) of this section.

(g) Drilling.

(i) A competent person shall inspect all drilling and associated equipment prior to each use. Equipment defects affecting safety shall be corrected before the equipment is used.

(ii) The drilling area shall be inspected for hazards before the drilling operation is started.

(iii) Employees shall not be allowed on a drill mast while the drill bit is in operation or the drill machine is being moved.

(iv) When a drill machine is being moved from one drilling area to another, drill steel, tools, and other equipment shall be secured and the mast shall be placed in a safe position.

(v) Receptacles or racks shall be provided for storing drill steel located on jumbos.

(vi) Employees working below jumbo decks shall be warned whenever drilling is about to begin.

(vii) Drills on columns shall be anchored firmly before starting drilling, and shall be retightened as necessary thereafter.

(viii) The employer shall provide mechanical means on the top deck of a jumbo for lifting unwieldy or heavy material.

(ix) When jumbo decks are over 10 feet (3.05 m) in height, the employer shall install stairs wide enough for two persons.

(x) Jumbo decks more than 10 feet (3.05 m) in height shall be equipped with guardrails on all open sides, excluding access openings of platforms, unless an adjacent surface provides equivalent fall protection.

(xi) Only employees assisting the operator shall be allowed to ride on jumbos, unless the jumbo meets the requirements of subsection (20)(e) of this section.

(xii) Jumbos shall be chocked to prevent movement while employees are working on them.

(xiii) Walking and working surfaces of jumbos shall be maintained to prevent the hazards of slipping, tripping, and falling.

(xiv) Jumbo decks and stair treads shall be designed to be slip-resistant and secured to prevent accidental displacement.

(xv) Scaling bars shall be available at scaling operations and shall be maintained in good condition at all times. Blunted or severely worn bars shall not be used.

(xvi) Before commencing the drill cycle, the face and lifters shall be examined for misfires (residual explosives) and, if found, they shall be removed before drilling commences at the face. Blasting holes shall not be drilled through blasted rock (muck) or water.

(xvii) Employees in a shaft shall be protected either by location or by suitable barrier(s) if powered mechanical loading equipment is used to remove muck containing unfired explosives.

(xviii) A caution sign reading "buried line," or similar wording shall be posted where air lines are buried or otherwise hidden by water or debris.

(20) Haulage.

(a) A competent person shall inspect haulage equipment before each shift.

(i) Equipment defects affecting safety and health shall be corrected before the equipment is used.

(ii) Powered mobile haulage equipment shall be provided with adequate brakes.

(iii) Power mobile haulage equipment, including trains, shall have audible warning devices to warn employees to stay clear. The operator shall sound the warning device before moving the equipment and whenever necessary during travel.

(iv) The operator shall assure that lights which are visible to employees at both ends of any mobile equipment, including a train, are turned on whenever the equipment is operating.

(v) In those cabs where glazing is used, the glass shall be safety glass, or its equivalent, and shall be maintained and cleaned so that vision is not obstructed.

(b) Antirollback devices or brakes shall be installed on inclined conveyor drive units to prevent conveyors from inadvertently running in reverse. Employees shall not be permitted to ride a power-driven chain, belt, or bucket

conveyor unless the conveyor is specifically designed for the transportation of persons.

(c) Endless belt-type manlifts are prohibited in underground construction.

(d) General requirements also applicable to underground construction for use of conveyors in construction are found in WAC 296-155-545 ((~~(1)~~ through (~~17~~))).

(e) No employee shall ride haulage equipment unless it is equipped with seating for each passenger and protects passengers from being struck, crushed, or caught between other equipment or surfaces. Members of train crews may ride on a locomotive if it is equipped with handholds and nonslip steps or footboards. Requirements applicable to underground construction for motor vehicle transportation of employees are found in WAC 296-155-610.

(f) Conveyor lockout.

(i) Conveyors shall be de-energized and locked out with a padlock, and tagged out with a "Do Not Operate" tag at any time repair, maintenance, or clean-up work is being performed on the conveyor.

(ii) Tags or push button stops are not acceptable.

(iii) Persons shall not be allowed to walk on conveyors except for emergency purposes and then only after the conveyor has been deenergized and locked out in accordance with (f) above, and persons can do so safely.

(g) Powered mobile haulage equipment, including trains, shall not be left unattended unless the master switch or motor is turned off; operating controls are in neutral or park position; and the brakes are set, or equivalent precautions are taken to prevent rolling.

(h) Whenever rails serve as a return for a trolley circuit, both rails shall be bonded at every joint and crossbonded every 200 feet (60.96 m).

(i) When dumping cars by hand, the car dumps shall have tiedown chains, bumper blocks, or other locking or holding devices to prevent the cars from overturning.

(j) Rocker-bottom or bottom-dump cars shall be equipped with positive locking devices to prevent unintended dumping.

(k) Equipment to be hauled shall be loaded and secured to prevent sliding or dislodgement.

(l)(i) Mobile equipment, including rail-mounted equipment, shall be stopped for manual connecting or service work, and;

(ii) Employees shall not reach between moving cars during coupling operations.

(iii) Couplings shall not be aligned, shifted, or cleaned on moving cars or locomotives.

(iv) Safety chains or other connections shall be used in addition to couplers to connect ((~~man~~) person) cars or powder cars whenever the locomotive is uphill of the cars.

(v) When the grade exceeds one percent and there is a potential for runaway cars, safety chains or other connections shall be used in addition to couplers to connect haulage cars or, as an alternative, the locomotive must be downhill of the train.

(vi) Such safety chains or other connections shall be capable of maintaining connection between cars in the event of either coupler disconnect, failure or breakage.

(m) Parked rail equipment shall be chocked, blocked, or have brakes set to prevent inadvertent movement.

(n) Berms, bumper blocks, safety hooks, or equivalent means shall be provided to prevent overtravel and overturning of haulage equipment at dumping locations.

(o) Bumper blocks or equivalent stopping devices shall be provided at all track dead ends.

(p)(i) Only small handtools, lunch pails, or similar small items may be transported with employees in ((~~man~~) person) cars, or on top of a locomotive.

(ii) When small hand tools or other small items are carried on top of a locomotive, the top shall be designed or modified to retain them while traveling.

(q)(i) Where switching facilities are available, occupied personnel cars shall be pulled, not pushed. If personnel cars must be pushed and visibility of the track ahead is hampered, then a qualified person shall be stationed in the lead car to give signals to the locomotive operator.

(ii) Crew trips shall consist of personnel loads only.

(21) Electrical safety. This ((~~paragraph~~) subsection) applies in addition to the general requirements for electrical safety which are found in Part I of this chapter.

(a) Electric power lines shall be insulated or located away from water lines, telephone lines, air lines, or other conductive materials so that a damaged circuit will not energize the other systems.

(b) Lighting circuits shall be located so that movement of personnel or equipment will not damage the circuits or disrupt service.

(c) Oil-filled transformers shall not be used underground unless they are located in a fire-resistant enclosure suitably vented to the outside and surrounded by a dike to retain the contents of the transformers in the event of rupture.

(22) Hoisting unique to underground construction except as modified by this section, the following provisions of chapter 296-155 WAC, Part L apply: Requirements for cranes are found in WAC 296-155-525. WAC 296-155-48533 contains rules applicable to crane hoisting of personnel, except, that the limitations imposed by WAC 296-155-48533(2) do not apply to the routine access of employees to the underground via a shaft. Requirements for personnel hoists, material hoists, and elevators are found in WAC 296-155-530 and in this subsection.

(a) General requirements for cranes and hoists.

(i) Materials, tools, and supplies being raised or lowered, whether within a cage or otherwise, shall be secured or stacked in a manner to prevent the load from shifting, snagging, or falling into the shaft.

(ii) A warning light suitably located to warn employees at the shaft bottom and subsurface shaft entrances shall flash whenever a load is above the shaft bottom or subsurface entrances, or the load is being moved in the shaft. This ((~~paragraph~~) subsection) does not apply to fully enclosed hoistways.

(iii) Whenever a hoistway is not fully enclosed and employees are at the shaft bottom, conveyances or equipment shall be stopped at least 15 feet (4.57 m) above the bottom of the shaft and held there until the ((~~signalman~~) signalperson) at the bottom of the shaft directs the operator to continue lowering the load, except that the load may be lowered without stopping if the load or conveyance is within full view of a bottom ((~~signalman~~) signalperson) who is in constant voice communication with the operator.

(iv)(A) Before maintenance, repairs, or other work is commenced in the shaft served by a cage, skip, or bucket, the operator and other employees in the area shall be informed and given suitable instructions.

(B) A sign warning that work is being done in the shaft shall be installed at the shaft collar, at the operator's station, and at each underground landing.

(v) Any connection between the hoisting rope and the cage or skip shall be compatible with the type of wire rope used for hoisting.

(vi) Spin-type connections, where used, shall be maintained in a clean condition and protected from foreign matter that could affect their operation.

(vii) Cage, skip, and load connections to the hoist rope shall be made so that the force of the hoist pull, vibration, misalignment, release of lift force, or impact will not disengage the connection. Only closed shackles shall be used for cage and skip rigging.

(viii) When using wire rope wedge sockets, means shall be provided to prevent wedge escapement and to ensure that the wedge is properly seated.

(b) Additional requirements for cranes. Cranes shall be equipped with a limit switch to prevent overtravel at the boom tip. Limit switches are to be used only to limit travel of loads when operational controls malfunction and shall not be used as a substitute for other operational controls.

(c) Additional requirements for hoists.

(i) Hoists shall be designed so that the load hoist drum is powered in both directions of rotation, and so that brakes are automatically applied upon power release or failure.

(ii) Control levers shall be of the "deadman type" which return automatically to their center (neutral) position upon release.

(iii) When a hoist is used for both personnel hoisting and material hoisting, load and speed ratings for personnel and for materials shall be assigned to the equipment.

(iv) Hoist machines with cast metal parts shall not be used.

(v) Material hoisting may be performed at speeds higher than the rated speed for personnel hoisting if the hoist and components have been designed for such higher speeds and if shaft conditions permit.

(vi) Employees shall not ride on top of any cage, skip, or bucket except when necessary to perform inspection or maintenance of the hoisting system, in which case they shall be protected by a body belt/harness system to prevent falling.

(vii) Personnel and materials (other than small tools and supplies secured in a manner that will not create a hazard to employees) shall not be hoisted together in the same conveyance. However, if the operator is protected from the shifting of materials, then the operator may ride with materials in cages or skips which are designed to be controlled by an operator within the cage or skip.

(viii) Line speed shall not exceed the design limitations of the systems.

(ix) Hoists shall be equipped with landing level indicators at the operator's station. Marking of the hoist rope does not satisfy this requirement.

(x) Whenever glazing is used in the hoist house, it shall be safety glass, or its equivalent, and be free of distortions and obstructions.

(xi) A fire extinguisher that is rated at least 2A:10B:C (multipurpose, dry chemical) shall be mounted in each hoist house.

(xii) Hoist controls shall be arranged so that the operator can perform all operating cycle functions and reach the emergency power cutoff without having to reach beyond the operator's normal operating position.

(xiii) Hoists shall be equipped with limit switches to prevent overtravel at the top and bottom of the hoistway.

(xiv) Limit switches are to be used only to limit travel of loads when operational controls malfunction and shall not be used as a substitute for other operational controls.

(xv) Hoist operators shall be provided with a closed-circuit voice communication system to each landing station, with speaker-microphones so located that the operator can communicate with individual landing stations during hoist use.

(xvi) When sinking shafts 75 feet (22.86 m) or less in depth, cages, skips, and buckets that may swing, bump, or snag against shaft sides or other structural protrusions shall be guided by fenders, rails, ropes, or a combination of those means.

(xvii) When sinking shafts more than 75 feet (22.86 m) in depth, all cages, skips, and buckets shall be rope or rail-guided to within a rail length from the sinking operation.

(xviii) Cages, skips, and buckets in all completed shafts, or in all shafts being used as completed shafts, shall be rope or rail-guided for the full length of their travel.

(xix) Wire rope used in load lines of material hoists shall be capable of supporting, without failure, at least five times the maximum intended load or the factor recommended by the rope manufacturer, whichever is greater. Refer to WAC 296-155-530 (3)(r)(i), (ii), and (iii) for design factors for wire rope used in personnel hoists. The design factors shall be calculated by dividing the breaking strength of wire rope, as reported in the manufacturer's rating tables, by the total static load, including the weight of the wire rope in the shaft when fully extended.

(xx) A competent person shall visually check all hoisting machinery, equipment, anchorages, and hoisting rope at the beginning of each shift and during hoist use, as necessary.

(xxi) Each safety device shall be checked by a competent person at least weekly during hoist use to ensure suitable operation and safe condition.

(xxii) In order to ensure suitable operation and safe condition of all functions and safety devices, each hoist assembly shall be inspected and load-tested to 100 percent of its rated capacity: At the time of installation; after any repairs or alterations affecting its structural integrity; after the operation of any safety device; and annually when in use. The employer shall prepare a certification record which includes the date each inspection and load-test was performed; the signature of the person who performed the inspection and test; and a serial number or other identifier for the hoist that was inspected and tested. The most recent certification record shall be maintained on file until completion of the project.

(xxiii) Before hoisting personnel or material, the operator shall perform a test run of any cage or skip whenever it has been out of service for one complete shift, and

whenever the assembly or components have been repaired or adjusted.

(xiv) Unsafe conditions shall be corrected before using the equipment.

(d) Additional requirements for personnel hoists.

(i) Hoist drum systems shall be equipped with at least two means of stopping the load, each of which shall be capable of stopping and holding 150 percent of the hoist's rated line pull. A broken-rope safety, safety catch, or arrestment device is not a permissible means of stopping under this subsection.

(ii) The operator shall remain within sight and sound of the signals at the operator's station.

(iii) All sides of personnel cages shall be enclosed by one-half inch (12.70 mm) wire mesh (not less than No. 14 gauge or equivalent) to a height of not less than 6 feet (1.83 m). However, when the cage or skip is being used as a work platform, its sides may be reduced in height to 42 inches (1.07 m) when the conveyance is not in motion.

(iv) All personnel cages shall be provided with a positive locking door that does not open outward.

(v) All personnel cages shall be provided with a protective canopy. The canopy shall be made of steel plate, at least 3/16 -inch (4.763 mm) in thickness, or material of equivalent strength and impact resistance. The canopy shall be sloped to the outside, and so designed that a section may be readily pushed upward to afford emergency egress. The canopy shall cover the top in such a manner as to protect those inside from objects falling in the shaft.

(vi) Personnel platforms operating on guide rails or guide ropes shall be equipped with broken-rope safety devices, safety catches, or arrestment devices that will stop and hold 150 percent of the weight of the personnel platform and its maximum rated load.

(vii) During sinking operations in shafts where guides and safeties are not yet used, the travel speed of the personnel platform shall not exceed 200 feet (60.96 m) per minute. Governor controls set for 200 feet (60.96 m) per minute shall be installed in the control system and shall be used during personnel hoisting.

(viii) The personnel platform may travel over the controlled length of the hoistway at rated speeds up to 600 feet (182.88 m) per minute during sinking operations in shafts where guides and safeties are used.

(ix) The personnel platform may travel at rated speeds greater than 600 feet (182.88 m) per minute in complete shafts.

AMENDATORY SECTION (Amending Order 88-25, filed 11/14/88)

WAC 296-155-745 Compressed air. (1) General provisions.

(a) There shall be present, at all times, at least one competent person designated by and representing the employer, who shall be familiar with this part in all respects and responsible for full compliance with these and other applicable parts.

(b) Every employee shall be instructed in the rules and regulations which concern ~~((his))~~ their safety or the safety of others.

(2) Medical attendance, examination, and regulations.

(a) There shall be retained one or more licensed physicians familiar with and experienced in the physical requirements and the medical aspects of compressed air work and the treatment of decompression illness. ~~((He))~~ They shall be available at all times while work is in progress in order to provide medical supervision of employees employed in compressed air work. ~~((He))~~ They shall ~~((himself))~~ be physically qualified and be willing to enter a pressurized environment.

(b) No employee shall be permitted to enter a compressed air environment until ~~((he has))~~ they have been examined by the physician and reported ~~((by him))~~ to be physically qualified to engage in such work.

(c) In the event an employee is absent from work for 10 days, or is absent due to sickness or injury, ~~((he))~~ they shall not resume work until ~~((he is))~~ they are reexamined by the physician, and ~~((his))~~ their physical condition reported, as provided in this subsection, to be such as to permit ~~((him))~~ them to work in compressed air.

(d) After an employee has been employed continuously in compressed air for a period designated by the physician, but not to exceed 1 year, ~~((he))~~ the employee shall be reexamined by the physician to determine if ~~((he is))~~ they are still physically qualified to engage in compressed air work.

(e) Such physician shall at all times keep a complete and full record of examinations made by ~~((him))~~ themselves. The physician shall also keep an accurate record of any decompression illness or other illness or injury incapacitating any employee for work, and of all loss of life that occurs in the operation of a tunnel, caisson, or other compartment in which compressed air is used.

(f) Records shall be available for the inspection by the director or his/her representatives, and a copy thereof shall be forwarded to the ~~((division))~~ department within 48 hours following the occurrence of the accident, death, injury, or decompression illness. It shall state as fully as possible the cause of said death or decompression illness, and the place where the injured or sick employee was taken, and such other relative information as may be required by the director.

(g) A fully equipped first-aid station shall be provided at each tunnel project regardless of the number of persons employed. An ambulance or transportation suitable for a litter case shall be at each project.

(h) Where tunnels are being excavated from portals more than 5 road miles apart, a first-aid station and transportation facilities shall be provided at each portal.

(i) A medical lock shall be established and maintained in immediate working order whenever air pressure in the working chamber is increased above the normal atmosphere.

(j) The medical lock shall:

(i) Have at least 6 feet of clear headroom at the center, and be subdivided into not less than two compartments;

(ii) Be readily accessible to employees working under compressed air;

(iii) Be kept ready for immediate use for at least 5 hours subsequent to the emergence of any employee from the working chamber;

(iv) Be properly heated, lighted and ventilated;

(v) Be maintained in a sanitary condition;

(vi) Have a nonshatterable port through which the occupant(s) may be kept under constant observation;

(vii) Be designed for a working pressure of 75 p.s.i.g.;
 (viii) Be equipped with internal controls which may be overridden by external controls;

(ix) Be provided with air pressure gauges to show the air pressure within each compartment to observers inside and outside the medical lock;

(x) Be equipped with a manual type sprinkler system that can be activated inside the lock or by the outside lock tender;

(xi) Be provided with oxygen lines and fittings leading into external tanks. The lines shall be fitted with check valves to prevent reverse flow. The oxygen system inside the chamber shall be of a closed circuit design and be so designed as to automatically shut off the oxygen supply whenever the fire system is activated.

(xii) Be in constant charge of an attendant under the direct control of the retained physician. The attendant shall be trained in the use of the lock and suitably instructed regarding steps to be taken in the treatment of employee exhibiting symptoms compatible with a diagnosis of decompression illness;

(xiii) Be adjacent to an adequate emergency medical facility;

(xiv) The medical facility shall be equipped with demand-type oxygen inhalation equipment approved by the U.S. Bureau of Mines or Mine Safety and Health Administration (MSHA) and the National Institute for Occupational Safety and Health (NIOSH);

(xv) Be capable of being maintained at a temperature, in use, not to exceed 90°F. nor be less than 70°F.; and

(xvi) Be provided with sources of air, free of oil and carbon monoxide, for normal and emergency use, which are capable of raising the air pressure in the lock from 0 to 75 p.s.i.g. in 5 minutes.

(k) Identification badges shall be furnished to all employees, indicating that the wearer is a compressed air worker. A permanent record shall be kept of all identification badges issued. The badge shall give the employee's name, address of the medical lock, the telephone number of the licensed physician for the compressed air project, and contain instructions that in case of emergency of unknown or doubtful cause or illness, the wearer shall be rushed to the medical lock. The badge shall be worn at all times—off the job, as well as on the job.

(3) Telephone and signal communication. Effective and reliable means of communication, such as bells, whistles, or telephones, shall be maintained at all times between all the following locations;

- (a) The working chamber face;
- (b) The working chamber side of the man lock near the door;
- (c) The interior of the man lock;
- (d) Lock attendant's station;
- (e) The compressor plant;
- (f) The first-aid station;
- (g) The emergency lock (if one is required); and
- (h) The special decompression chamber (if one is required).

(4) Signs and records.

(a) The time of decompression shall be posted in each man lock as follows:

TIME OF DECOMPRESSION FOR THIS LOCK

..... pounds to pounds in minutes.

..... pounds to pounds in minutes.

(Signed by)
 (Superintendent)

This form shall be posted in the man lock at all times.

(b) Any code of signals used shall be conspicuously posted near workplace entrances and such other locations as may be necessary to bring them to the attention of all employees concerned.

(c) For each 8-hour shift, a record of employees employed under air pressure shall be kept by an employee who shall remain outside the lock near the entrance. This record shall show the period each employee spends in the air chamber and the time taken from decompression. A copy shall be submitted to the appointed physician after each shift.

(5) Compression.

(a) Every employee going under air pressure for the first time shall be instructed on how to avoid excessive discomfort.

(b) During the compression of employees, the pressure shall not be increased to more than 3 p.s.i.g. within the first minute. The pressure shall be held at 3 p.s.i.g. and again at 7 p.s.i.g. sufficiently long to determine if any employees are experiencing discomfort.

(c) After the first minute the pressure shall be raised uniformly and at a rate not to exceed 10 p.s.i. per minute.

(d) If any employee complains of discomfort, the pressure shall be held to determine if the symptoms are relieved. If, after 5 minutes the discomfort does not disappear, the lock attendant shall gradually reduce the pressure until the employee signals that the discomfort has ceased. If ~~(he)~~ the employee does not indicate that the discomfort has disappeared, the lock attendant shall reduce the pressure to atmospheric and the employee shall be released from the lock.

(e) No employee shall be subjected to pressure exceeding 50 pounds per square inch except in an emergency.

(6) Decompression.

(a) Decompression to normal condition shall be in accordance with the decompression tables in Appendix A of this part.

(b) In the event it is necessary for an employee to be in compressed air more than once in a 24-hour period, the appointed physician shall be responsible for the establishment of methods and procedures of decompression applicable to repetitive exposures.

(c) If decanting is necessary, the appointed physician shall establish procedures before any employee is permitted to be decompressed by decanting methods. The period of time that the employees spend at atmospheric pressure between the decompression following the shift and recompression shall not exceed 5 minutes.

(7) Man locks and special decompression chambers.

(a) Man locks.

(i) Except in emergency, no employees employed in compressed air shall be permitted to pass from the working

chamber to atmospheric pressure until after decompression, in accordance with the procedures in this part.

(ii) The lock attendant in charge of a man lock shall be under the direct supervision of the appointed physician. ((He)) The lock attendant shall be stationed at the lock controls on the free air side during the period of compression and decompression and shall remain at the lock control station whenever there are persons in the working chamber or in the man lock.

(iii) Except where air pressure in the working chamber is below 12 p.s.i.g., each man lock shall be equipped with automatic controls which, through taped programs, cams, or similar apparatus, shall automatically regulate decompressions. It shall also be equipped with manual controls to permit the lock attendant to override the automatic mechanism in the event of an emergency, as provided in item (viii) of this subdivision.

(iv) A manual control, which can be used in the event of an emergency, shall be placed inside the man lock.

(v) A clock, thermometer, and continuous recording pressure gauge with a 4-hour graph shall be installed outside of each man lock and shall be changed prior to each shift's decompression. The chart shall be of sufficient size to register a legible record of variations in pressure within the man lock and shall be visible to the lock attendant. A copy of each graph shall be submitted to the appointed physician after each shift. In addition, a pressure gauge, clock, and thermometer shall also be installed in each man lock. Additional fittings shall be provided so that the test gauges may be attached whenever necessary.

(vi) Except where air pressure is below 12 p.s.i.g. and there is no danger of rapid flooding, all caissons having a working area greater than 150 square feet, and each bulkhead in tunnels of 14 feet or more in diameter, or equivalent area, shall have at least two locks in perfect working condition, one of which shall be used exclusively as a man lock, the other, as a materials lock.

(vii) Where only a combination man-and-materials lock is required, this single lock shall be of sufficient capacity to hold the employees constituting two successive shifts.

(viii) Emergency locks shall be large enough to hold an entire heading shift and a limit maintained of 12 p.s.i.g. There shall be a chamber available for oxygen decompression therapy to 28 p.s.i.g.

(ix) The man lock shall be large enough so that those using it are not compelled to be in a cramped position and shall not have less than 5 feet clear head room at the center and a minimum of 30 cubic feet of air space per occupant.

(x) Locks on caissons shall be so located that the bottom door shall be not less than 3 feet above the water level surrounding the caisson on the outside. (The water level, where it is affected by tides, is construed to mean high tide.)

(xi) In addition to the pressure gauge in the locks, an accurate pressure gauge shall be maintained on the outer and inner side of each bulkhead. These gauges shall be accessible at all times and shall be kept in accurate working order.

(xii) Man locks shall have an observation port at least 4 inches in diameter located in such a position that all occupants of the man lock may be observed from the working chamber and from the free air side of the lock.

(xiii) Adequate ventilation in the lock shall be provided.

(xiv) Man locks shall be maintained at a minimum temperature of 70°F.

(xv) When locks are not in use and employees are in the working chamber, lock doors shall be kept open to the working chamber, where practicable.

(xvi) Provision shall be made to allow for rescue parties to enter the tunnel if the working force is disabled.

(xvii) A special decompression chamber of sufficient size to accommodate the entire force of employees being decompressed at the end of a shift shall be provided whenever the regularly established working period requires total time of decompression exceeding 75 minutes.

(b) Special decompression chamber.

(i) The headroom in the special decompression chamber shall be not less than a minimum 7 feet and the cubical content shall provide at least 50 cubic feet of airspace for each employee. For each occupant, there shall be provided 4 square feet of free walking area and 3 square feet of seating space, exclusive of area required for lavatory and toilet facilities. The rated capacity shall be based on the stated minimum space per employee and shall be posted at the chamber entrance. The posted capacity shall not be exceeded, except in case of emergency.

(ii) Each special decompression chamber shall be equipped with the following:

(A) A clock or clocks suitably placed so that the attendant and the chamber occupants can readily ascertain the time;

(B) Pressure gauges which will indicate to the attendants and to the chamber occupants the pressure in the chamber;

(C) Valves to enable the attendant to control the supply and discharge of compressed air into and from the chamber.

(D) Valves and pipes, in connection with the air supply and exhaust, arranged so that the chamber pressure can be controlled from within and without;

(E) Effective means of oral intercommunication between the attendant, occupants of the chamber, and the air compressor plant; and

(F) An observation port at the entrance to permit observation of the chamber occupants.

(iii) Seating facilities in special decompression chambers shall be so arranged as to permit a normal sitting posture without cramping. Seating space, not less than 18 inches by 24 inches wide, shall be provided per occupant.

(iv) Adequate toilet and washing facilities, in a screened or enclosed recess, shall be provided. Toilet bowls shall have a built-in protector on the rim so that an air space is created when the seat lid is closed.

(v) Fresh and pure drinking water shall be available. This may be accomplished by either piping water into the special decompression chamber and providing drinking fountains, or by providing individual canteens, or by some other sanitary means. Community drinking vessels are prohibited.

(vi) No refuse or discarded material of any kind shall be permitted to accumulate, and the chamber shall be kept clean.

(vii) Unless the special decompression chamber is serving as the man lock to atmospheric pressure, the special decompression chamber shall be situated, where practicable, adjacent to the man lock on the atmospheric pressure side of the bulkhead. A passageway shall be provided, connecting

the special chamber with the man lock, to permit employees in the process of decompression to move from the man lock to the special chamber without a reduction in the ambient pressure from that designated for the next stage of decompression. The passageway shall be so arranged as to not interfere with the normal operation of the man lock, nor with the release of the occupants of the special chamber to atmospheric pressure upon the completion of the decompression procedure.

(8) Compressor plant and air supply.

(a) At all times there shall be a thoroughly experienced, competent, and reliable person on duty at the air control valves as a gauge tender who shall regulate the pressure in the working areas. During tunneling operations, one gauge tender may regulate the pressure in not more than two headings: Provided; That the gauges and controls are all in one location. In caisson work, there shall be a gauge tender for each caisson.

(b) The low air compressor plant shall be of sufficient capacity to not only permit the work to be done safely, but shall also provide a margin to meet emergencies and repairs.

(c) Low air compressor units shall have at least two independent and separate sources of power supply and each shall be capable of operating the entire low air plant and its accessory systems.

(d) The capacity, arrangement, and number of compressors shall be sufficient to maintain the necessary pressure without overloading the equipment and to assure maintenance of such pressure in the working chamber during periods of breakdown, repair, or emergency.

(e) Switching from one independent source of power supply to the other shall be done periodically to ensure that workability of the apparatus in an emergency.

(f) Duplicate low-pressure air feedlines and regulating valves shall be provided between the source of air supply and a point beyond the locks with one of the lines extending to within 100 feet of the working face.

(g) All high-pressure and low-pressure air supply lines shall be equipped with check valves.

(h) Low-pressure air shall be regulated automatically. In addition, manually operated valves shall be provided for emergency conditions.

(i) The air intakes for all air compressors shall be located at a place where fumes, exhaust gases, and other air contaminants will be at a minimum.

(j) Gauges indicating the pressure in the working chamber shall be installed in the compressor building, the lock attendant's station, and at the employer's field office.

(9) Ventilation and air quality.

(a) Exhaust valves and exhaust pipes shall be provided and operated so that the working chamber shall be well ventilated, and there shall be no pockets of dead air. Outlets may be required at intermediate points along the main low-pressure air supply line to the heading to eliminate such pockets of dead air. The quantity of ventilation air shall be not less than 30 cubic feet per minute.

(b) The air in the workplace shall be analyzed by the employer not less than once each shift, and records of such tests shall be kept on file at the place where the work is in progress. The test results shall be within the threshold limit values specified in part B of this chapter, for hazardous gases, and within 10 percent of the lower explosive limit of

flammable gases. If these limits are not met, immediate action to correct the situation shall be taken by the employer.

(c) The temperature of all working chambers which are subjected to air pressure shall, by means of after-coolers or other suitable devices, be maintained at a temperature not to exceed 85°F.

(d) Forced ventilation shall be provided during decompression. During the entire decompression period, forced ventilation through chemical or mechanical air purifying devices that will ensure a source of fresh air shall be provided.

(e) Whenever heat-producing machines (moles, shields) are used in compressed air tunnel operations, a positive means of removing the heat build-up at the heading shall be provided.

(10) Electricity.

(a) All lighting in compressed-air chambers shall be by electricity exclusively, and two independent electric-lighting systems with independent sources of supply shall be used. The emergency source shall be arranged to become automatically operative in the event of failure of the regularly used source.

(b) The minimum intensity of light on any walkway, ladder, stairway, or working level shall be not less than 10 foot-candles, and in all workplaces the lighting shall at all times be such as to enable employees to see clearly.

(c) All electrical equipment, and wiring for light and power circuits, shall comply with requirements of Part I, of this standard, for use in damp, hazardous, high temperature, and compressed air environments.

(d) External parts of lighting fixtures and all other electrical equipment, when within 8 feet of the floor, shall be constructed of noncombustible, nonabsorptive, insulating materials, except that metal may be used if it is effectively grounded.

(e) Portable lamps shall be equipped with noncombustible, nonabsorptive, insulating sockets, approved handles, basket guards, and approved cords.

(f) The use of worn or defective portable and pendant conductors is prohibited.

(11) Sanitation.

(a) Sanitary, heated, lighted, and ventilated dressing rooms and drying rooms shall be provided for all employees engaged in compressed air work. Such rooms shall contain suitable benches and lockers. Bathing accommodations (showers at the ratio of one to 10 employees per shift), equipped with running hot and cold water, and suitable and adequate toilet accommodations, shall be provided. One toilet for each 15 employees, or fractional part thereof, shall be provided.

(b) When the toilet bowl is shut by a cover, there should be an air space so that the bowl or bucket does not implode when pressure is increased.

(c) All parts of caissons and other working compartments shall be kept in a sanitary condition.

(12) Fire prevention and protection.

(a) Fire fighting equipment shall be available at all times and shall be maintained in working condition.

(b) While welding or flame-cutting is being done in compressed air, a firewatch with a fire hose or approved extinguisher shall stand by until such operation is completed.

(c) Shafts and caissons containing flammable material of any kind, either above or below ground, shall be provided with a waterline and a fire hose connected thereto, so arranged that all points of the shaft or caisson are within reach of the hose stream.

(d) Fire hose shall be at least 1 1/2 inches in nominal diameter; the water pressure shall at all times be adequate for efficient operation of the type of nozzle used; and the water supply shall be such as to ensure an uninterrupted flow. Fire hose, when not in use, shall be located or guarded to prevent injury thereto.

(e) The power house, compressor house, and all buildings housing ventilating equipment, shall be provided with at least one hose connection in the waterline, with a fire hose connected thereto. A fire hose shall be maintained within reach of structures of wood over or near shafts.

(f) Tunnels shall be provided with a 2-inch minimum diameter waterline extending into the working chamber and to within 100 feet of the working face. Such line shall have hose outlets with 100 feet of fire hose attached and maintained as follows: One at the working face; one immediately inside of the bulkhead of the working chamber; and one immediately outside such bulkhead. In addition, hose outlets shall be provided at 200-foot intervals throughout the length of the tunnel, and 100 feet of fire hose shall be attached to the outlet nearest to any location where flammable material is being kept or stored or where any flame is being used.

(g) In addition to fire hose protection required by this part, on every floor of every building not under compressed air, but used in connection with the compressed air work, there shall be provided at least one approved fire extinguisher of the proper type for the hazards involved. At least two approved fire extinguishers shall be provided in the working chamber as follows: One at the working face and one immediately inside the bulkhead (pressure side). Extinguishers in the working chamber shall use water as the primary extinguishing agent and shall not use any extinguishing agent which could be harmful to the employees in the working chamber. The fire extinguisher shall be protected from damage.

(h) Highly combustible materials shall not be used or stored in the working chamber. Wood, paper, and similar combustible material shall not be used in the working chamber in quantities which could cause a fire hazard. The compressor building shall be constructed of noncombustible material.

(i) Man locks shall be equipped with a manual type fire extinguisher system that can be activated inside the man lock and also by the outside lock attendant. In addition, a fire hose and portable fire extinguisher shall be provided inside and outside the man lock. The portable fire extinguisher shall be the dry chemical type.

(j) Equipment, fixtures, and furniture in man locks and special decompression chambers shall be constructed of noncombustible materials. Bedding, etc., shall be chemically treated so as to be fire resistant.

(k) Head frames shall be constructed of structural steel or open frame-work fireproofed timber. Head houses and other temporary surface buildings or structures within 100 feet of the shaft, caisson, or tunnel opening shall be built of fire-resistant materials.

(l) No oil, gasoline, or other combustible materials shall be stored within 100 feet of any shaft, caisson, or tunnel opening, except that oils may be stored in suitable tanks in isolated fireproof buildings, provided such buildings are not less than 50 feet from any shaft, caisson, or tunnel opening, or any building directly connected thereto.

(m) Positive means shall be taken to prevent leaking flammable liquids from flowing into the areas specifically mentioned in the preceding subdivision.

(n) All explosives used in connection with compressed air work shall be selected, stored, transported, and used as specified in part T of this chapter.

(13) Bulkheads and safety screens.

(a) Intermediate bulkheads with locks, or intermediate safety screens or both, are required where there is danger of rapid flooding.

(b) In tunnels 16 feet or more in diameter, hanging walkways shall be provided from the face to the man lock as high in the tunnel as practicable, with at least 6 feet of head room. Walkways shall be constructed of noncombustible material. Standard railings shall be securely installed throughout the length of all walkways on open sides in accordance with part K of this chapter. Where walkways are ramped under safety screens, the walkway surface shall be skidproofed by cleats or by equivalent means.

(c) Bulkheads used to contain compressed air shall be tested, where practicable, to prove their ability to resist the highest air pressure which may be expected to be used.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-74501 Appendix A—Decompression tables.

APPENDIX A—DECOMPRESSION TABLES

(1) **Explanation.** The decompression tables are computed for working chamber pressures from 0 to 14 pounds, and from 14 to 50 pounds per square inch gauge inclusive by 2-pound increments and for exposure times for each pressure extending from one-half to over 8 hours inclusive. Decompressions will be conducted by two or more stages with a maximum of four stages, the latter for a working chamber pressure of 40 pounds per square inch gauge or over.

Stage 1 consists of a reduction in ambient pressure ranging from 10 to a maximum of 16 pounds per square inch, but in no instance will the pressure be reduced below 4 pounds at the end of stage 1. This reduction in pressure in stage 1 will always take place at a rate not greater than 5 pounds per minute.

Further reduction in pressure will take place during stage 2 and subsequent stages as required at a slower rate, but in no event at a rate greater than 1 pound per minute.

Decompression Table No. 1 indicates in the body of the table the total decompression time in minutes for various combinations of working chamber pressure and exposure time.

Decompression Table No. 2 indicates for the same various combinations of working chamber pressure and exposure time the following:

(a) The number of stages required;

- (b) The reduction in pressure and the terminal pressure for each required stage;
- (c) The time in minutes through which the reduction in pressure is accomplished for each required stage;
- (d) The pressure reduction rate in minutes per pound for each required stage;

Important note The pressure reduction in each stage is accomplished at a uniform rate. Do not interpolate between values shown on the tables. Use the next higher value of working chamber pressure or exposure time should the actual working chamber pressure or the actual exposure time, respectively, fall between those for which calculated values are shown in the body of the tables.

Examples:

Example No. 1:

4 hours working period at 20 pounds gage.

Decompression Table No. 1:

20 pounds for 4 hours, total decompression time. 43 minutes.

Decompression Table No. 2:

Stage 1: Reduce pressure from 20 pounds to 4 pounds at the uniform rate of 5 pounds per minute.

Elapsed time stage 1: 16/5- 3 minutes.

Stage 2 (final stage): Reduce pressure at a uniform rate from 4 pounds to 0-pound gage over a period of 40 minutes.

Rate—0.10 per pound per minute or 10 minutes per pound.

Stage 2 (final) elapsed time. 40 minutes.

Total time 43 minutes.

Example No. 2:

5-hour working period at 24 pounds gage.

Decompression Table No. 1:

24 pounds for 5 hours, total decompression time. 117 minutes.

Decompression Table No. 2:

Stage 1: Reduce pressure from 24 pounds to 8 pounds at the uniform rate of 5 pounds per minute.

Elapsed time stage 1: 16/5 3 minutes.

Stage 2: Reduce pressure at a uniform rate from 8 pounds to 4 pounds over a period of 4 minutes. Rate, 1 pound per minute elapsed time, stage 2 4 minutes.

Transfer ((men)) person to special decompression chamber maintaining the 4-pound pressure

during the transfer operation.

Stage 3 (final stage): In the special decompression chamber, reduce the pressure at a uniform rate from 4 pounds to 0-pound gage over a period of 110 minutes. Rate, 0.037 pound per minute or 27.5 minutes per pound. **Stage 3 (final) elapsed time.** 110 minutes.

Total time 117 minutes.

DECOMPRESSION TABLE NO. 1

TABLE DECOMPRESSION TIME

Work pressure p.s.i.g.	Working period hours										
	1/2	1	1 1/2	2	3	4	5	6	7	8	Over
0-12	3	3	3	3	3	3	3	3	3	3	3
14	6	6	6	6	6	6	6	6	16	16	33
16	7	7	7	7	7	7	17	33	48	48	62
18	7	7	7	8	11	17	48	63	63	73	87
20	7	7	8	15	15	43	63	73	83	103	113
22	9	9	16	24	38	68	93	103	113	128	133
24	11	12	23	27	52	92	117	122	127	137	151
26	13	14	29	34	69	104	126	141	142	142	163
28	15	23	31	41	98	127	143	153	153	165	183
30	17	28	38	62	105	143	165	168	178	188	204
32	19	35	43	85	126	163	178	193	203	213	226
34	21	39	58	98	151	178	195	218	223	233	248
36	24	44	63	113	170	198	223	233	243	253	273
38	28	49	73	128	178	203	223	238	253	263	278
40	31	49	84	143	183	213	233	248	258	278	288
42	37	56	102	144	189	215	245	260	263	268	293
44	43	64	118	154	199	234	254	264	269	269	293
46	44	74	139	171	214	244	269	274	289	299	318
48	51	89	144	189	229	269	299	309	319	319	...
50	58	94	164	209	249	279	309	329

DECOMPRESSION TABLE NO. 2

(Do not interpolate, use next higher value for conditions not computed.)

Working chamber pressure P.s.i.g.	Working period Hours	Stage No.	Decompression data				
			Pressure reduction P.s.i.g.		Time in stage Minutes Min/Pound	Pressure reduction rate	Total time decompress Minutes
			From	To			
14	1/2	1	14	4	2	0.20	6
		2	4	0	4	1.00	6
	1	1	14	4	2	0.20	6
		2	4	0	4	1.00	6
	1 1/2	1	14	4	2	0.20	6
		2	4	0	4	1.00	6
	2	1	14	4	2	0.20	6
		2	4	0	4	1.00	6
	3	1	14	4	2	0.20	6
		2	4	0	4	1.00	6
	4	1	14	0	2	0.20	6
		2	4	0	4	1.00	6
	5	1	14	4	2	0.20	6
		2	4	0	4	1.00	6
	6	1	14	4	2	0.20	6

	2	4	0	4	1.00	6	5	1	22	6	3	0.20		
7	1	14	4	2	0.20			2	6	0	90	15.00	93	
	2	4	0	14	3.50	16	6	1	22	6	3	0.20		
8	1	14	4	2	0.20			2	6	0	100	16.67	103	
	2	4	0	14	3.50	16	7	1	22	6	3	0.20		
Over 8	1	14	4	2	0.20			2	6	0	110	18.35	113	
	2	4	0	30	7.50	32	8	1	22	6	3	0.20		
16 .. 1/2	1	16	4	3	0.20			2	6	0	125	20.80	128	
	2	4	0	4	1.00	7	Over 8	1	22	6	3	0.20		
1	1	16	4	3	0.20	7		2	6	0	130	21.70	133	
	2	4	0	4	1.00	7	24 .. 1/2	1	24	8	3	0.20		
1 1/2	1	16	4	3	0.20			2	8	4	4	1.00		
	2	4	0	4	1.00	7		3	4	0	4	1.00	11	
2	1	16	4	3	0.20		1	1	24	8	3	0.20		
	2	4	0	4	1.00	7		2	8	4	4	1.00		
3	1	16	4	3	0.20			3	4	0	5	1.25	12	
	2	4	0	4	1.00	7	1 1/2	1	24	8	3	0.20		
4	1	14	4	3	0.20			2	8	4	4	1.00		
	2	4	0	4	1.00	7		3	4	0	16	4.00	23	
5	1	14	4	3	0.20	7	2	1	24	8	3	0.20		
	2	4	0	4	3.50	17		2	8	4	4	1.00		
6	1	14	4	3	0.20		3	1	24	4	0	20	5.00	27
	2	4	0	30	7.50	33	3	1	24	8	3	0.20		
7	1	14	4	3	0.20			2	8	4	4	1.00		
	2	4	0	45	11.25	48	4	1	24	8	3	0.20	52	
8	1	14	4	3	0.20			2	8	4	4	1.00		
	2	4	0	45	11.25	48	5	1	24	8	3	0.20	92	
Over 8	1	14	4	3	0.20			2	8	4	4	1.00		
	2	4	0	60	15.00	63	6	1	24	8	3	0.20		
18 .. 1/2	1	18	4	3	0.20			2	8	4	4	1.00		
	2	4	0	4	1.00	7		3	4	0	110	27.50	117	
1	1	18	4	3	0.20		6	1	24	8	3	0.20		
	2	4	0	4	1.00	7		2	8	4	4	1.00		
1 1/2	1	18	4	3	0.20			3	4	0	115	28.80	122	
	2	4	0	4	1.00	7	7	1	24	8	3	0.20		
2	1	18	4	3	0.20			2	8	4	4	1.00		
	2	4	0	5	1.25	8	8	1	24	8	3	0.20	127	
3	1	18	4	3	0.20			2	8	4	4	1.00		
	2	4	0	8	2.00	11	Over 8	1	24	8	3	0.20	137	
4	1	18	4	3	0.20			2	8	4	4	1.00		
	2	4	0	14	3.50	17		3	4	0	130	32.50		
5	1	18	4	3	0.20		26 .. 1/2	1	26	10	3	0.20	151	
	2	4	0	45	11.25	48		2	8	4	8	2.00		
6	1	18	4	3	0.20			3	4	0	140	35.00		
	2	4	0	60	15.00	63	26 .. 1/2	2	10	4	6	1.00		
7	1	18	4	3	0.20			3	4	0	4	1.00	13	
	2	4	0	60	15.00	63	1	1	26	10	3	0.20		
8	1	18	4	3	0.20			2	10	4	6	1.00		
	2	4	0	70	17.50	73	1 1/2	1	26	10	3	0.20	14	
Over 8	1	18	4	3	0.20			2	10	4	6	1.00		
	2	4	0	84	21.00	87		3	4	0	20	5.00	29	
20 .. 1/2	1	20	4	3	0.20		2	1	26	10	3	0.20		
	2	4	0	4	1.00	7		2	10	4	6	1.00		
1	1	20	4	3	0.20			3	4	0	25	6.25	34	
	2	4	0	4	1.00	7	3	1	26	10	3	0.20		
1 1/2	1	20	4	3	0.20			2	10	4	6	1.00		
	2	4	0	5	1.25	8	4	1	26	10	3	0.20	69	
2	1	20	4	3	0.20			2	10	4	6	1.00		
	2	4	0	12	3.00	15	4	1	26	10	3	0.20		
3	1	20	4	3	0.20			2	10	4	6	1.00		
	2	4	0	12	3.00	15	5	1	26	10	3	0.20	104	
4	1	20	4	3	0.20			2	10	4	6	1.00		
	2	4	0	40	10.00	43	6	1	26	10	3	0.20	126	
5	1	20	4	3	0.20			2	10	4	8	1.33		
	2	4	0	60	15.00	63	7	1	26	10	3	0.20	141	
6	1	20	4	3	0.20			2	10	4	6	1.00		
	2	4	0	70	17.50	73	8	1	26	10	3	0.20	142	
7	1	20	4	3	0.20			2	10	4	9	1.50		
	2	4	0	80	20.00	83	Over 8	1	26	10	3	0.20	142	
8	1	20	4	3	0.20			2	10	4	9	1.50		
	2	4	0	100	25.00	103		3	4	0	130	32.50	142	
Over 8	1	20	4	3	0.20		28 .. 1/2	1	28	12	3	0.20	163	
	2	4	0	110	27.50	113		2	12	4	8	1.00		
22 .. 1/2	1	22	6	3	0.20			3	4	0	4	1.00	15	
	2	6	0	6	1.00	9	1	1	28	12	3	0.20		
1	1	22	6	3	0.20			2	12	4	8	1.00		
	2	6	0	6	1.00	9		3	4	0	4	1.00		
1 1/2	1	22	6	3	0.20		28 .. 1/2	2	12	4	8	1.00		
	2	6	0	13	2.20	16		3	4	0	4	1.00		
2	1	22	6	3	0.20			1	28	12	3	0.20		
	2	6	0	21	3.50	24	1	1	28	12	3	0.20	23	
3	1	22	6	3	0.20			2	12	4	8	1.00		
	2	6	0	35	5.85	38	1 1/2	1	28	12	3	0.20		
4	1	22	6	3	0.20			2	12	4	8	1.00		
	2	6	0	65	10.83	68		3	4	0	20	5.00	31	

2	1	28	12	3	0.20			2	16	4	80	6.67		
	2	12	4	8	1.00			3	4	0	130	32.50	213	
	3	4	0	30	7.50	41		Over 8	1	32	16	3	0.20	
3	1	28	12	3	0.20				2	16	4	93	7.75	
	2	12	4	10	1.25				3	4	0	130	32.50	226
	3	4	0	85	21.20	98	34	1/2	1	34	18	3	0.20	
4	1	28	12	3	0.20				2	18	4	14	1.00	
	2	12	4	14	1.75				3	4	0	4	1.00	21
	3	4	0	110	27.50	127		1	1	34	18	3	0.20	
5	1	28	12	3	0.20				2	18	4	14	1.00	
	2	12	4	20	2.50				3	4	0	22	5.50	39
	3	4	0	120	30.00	143		1 1/2	1	34	18	3	0.20	
6	1	28	12	3	0.20				2	18	4	25	1.80	
	2	12	4	20	2.50				3	4	0	30	7.50	58
	3	4	0	130	32.50	153		2	1	34	18	3	0.20	
7	1	28	12	3	0.20				2	18	4	35	2.50	
	2	12	4	20	2.50				3	4	0	60	15.00	98
	3	4	0	130	32.50	153		3	1	34	18	3	0.20	
8	1	28	12	3	0.20				2	18	4	43	3.10	
	2	12	4	32	4.00				3	4	0	105	26.25	151
	3	4	0	130	32.50	165		4	1	34	18	3	0.20	
Over 8	1	28	12	3	0.20				2	18	4	55	3.93	
	2	12	4	50	6.25				3	4	0	120	30.00	178
	3	4	0	130	32.50	183		5	1	34	18	3	0.20	
30	1/2	30	14	3	0.20				2	18	4	62	4.43	
	2	14	4	10	1.00				3	4	0	130	32.50	195
	3	4	0	4	1.00	17		6	1	34	18	3	0.20	
1	1	30	14	3	0.20				2	18	4	85	6.07	
	2	14	4	10	1.00				3	4	0	130	32.50	218
	3	4	0	15	3.75	28		7	1	34	18	3	0.20	
1 1/2	1	30	14	3	0.20				2	18	4	90	6.43	
	2	14	4	10	1.00				3	4	0	130	32.50	223
	3	4	0	25	6.25	38		8	1	34	18	3	0.20	
2	1	30	14	3	0.20				2	18	4	100	7.15	
	2	14	4	14	1.40				3	4	0	130	32.50	233
	3	4	0	45	11.25	62		Over 8	1	34	18	3	0.20	
3	1	30	14	3	0.20				2	18	4	115	8.23	
	2	14	4	17	1.70				3	4	0	130	32.50	248
	3	4	0	85	21.20	105	36	1/2	1	36	20	3	0.20	
4	1	30	14	3	0.20				2	20	4	16	1.00	
	2	14	4	30	3.00				3	4	0	5	1.25	24
	3	4	0	110	27.50	143		1	1	36	20	3	0.20	
5	1	30	14	3	0.20				2	20	4	16	1.00	
	2	14	4	35	3.50				3	4	0	25	6.25	44
	3	4	0	130	32.50	165		1 1/2	1	36	20	3	0.20	
6	1	30	14	3	0.20				2	20	4	30	1.88	
	2	14	4	35	3.50				3	4	0	30	7.50	63
	3	4	0	130	32.50	168		2	1	36	20	3	0.20	
7	1	30	14	3	0.20				2	20	4	40	2.50	
	2	14	4	45	4.50				3	4	0	70	17.50	113
	3	4	0	130	32.50	178		3	1	36	20	3	0.20	
8	1	30	14	3	0.20				2	20	4	52	3.25	
	2	14	4	55	5.50				3	4	0	115	28.75	170
	3	4	0	130	32.50	188		4	1	36	20	3	0.20	
Over 8	1	30	14	3	0.20				2	20	4	65	4.06	
	2	14	4	71	7.10				3	4	0	130	32.50	198
	3	4	0	130	32.50	204		5	1	36	20	3	0.20	
32	1/2	32	16	3	0.20				2	20	4	90	5.63	
	2	16	4	12	1.00				3	4	0	130	32.50	223
	3	4	0	4	1.00	19		6	1	36	20	3	0.20	
1	1	32	16	3	0.20				2	20	4	100	6.25	
	2	16	4	12	1.00				3	4	0	130	32.50	233
	3	4	0	20	5.00	35		7	1	36	20	3	0.20	
1 1/2	1	32	16	3	0.20				2	20	4	110	6.88	
	2	16	4	15	1.25				3	4	0	130	32.50	243
	3	4	0	25	6.25	43		8	1	36	20	3	0.20	
2	1	32	16	3	0.20				2	20	4	120	7.50	
	2	16	4	22	1.83				3	4	0	130	32.50	253
	3	4	0	60	15.00	85		Over 8	1	36	20	3	0.20	
3	1	32	16	3	0.20				2	20	4	140	8.75	
	2	16	4	28	2.33				3	4	0	130	32.50	273
	3	4	0	95	23.75	126	38	1/2	1	38	22	3	0.20	
4	1	32	16	3	0.20				2	22	6	16	1.00	
	2	16	4	40	3.33				3	6	0	9	1.50	28
	3	4	0	120	30.00	163		1	1	38	22	3	0.20	
5	1	32	16	3	0.20				2	22	6	16	1.00	
	2	16	4	45	3.75				3	6	0	30	5.00	49
	3	4	0	130	32.50	178		1 1/2	1	38	22	3	0.20	
6	1	32	16	3	0.20				2	22	6	20	1.25	
	2	16	4	60	5.00				3	6	0	50	8.34	73
	3	4	0	130	32.50	193		2	1	38	22	3	0.20	
7	1	32	16	3	0.20				2	22	6	30	1.88	
	2	16	4	70	5.83				3	6	0	95	15.83	128
	3	4	0	130	32.50	203		3	1	38	22	3	0.20	
8	1	32	16	3	0.20				2	22	6	35	2.19	

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	3	6	0	140	23.35	178		3	10	4	65	10.83	
4	1	38	22	3	0.20			4	4	0	130	32.50	215
	2	22	6	50	3.12		5	1	42	26	3	0.20	
	3	6	0	150	25.00	203		2	26	10	27	1.69	
5	1	38	22	3	0.20			3	10	4	85	14.18	
	2	22	6	55	3.44			4	4	0	130	32.50	245
	3	6	0	165	27.50	223	6	1	42	26	3	0.20	
6	1	28	22	3	0.20			2	26	10	27	1.69	
	2	22	6	70	4.38			3	10	4	100	16.67	
	3	6	0	165	27.50	238		4	4	0	130	32.50	260
7	1	38	22	3	0.20		7	1	42	26	3	0.20	
	2	22	6	85	5.32			2	26	10	30	1.88	
	3	6	0	165	27.50	253		3	10	4	100	16.67	
8	1	38	22	3	0.20			4	4	0	130	32.50	263
	2	22	6	95	5.93		8	1	42	26	3	0.20	
	3	6	0	165	27.50	263		2	26	10	35	2.19	
Over 8	1	38	22	3	0.20			3	10	4	100	16.67	
	2	22	6	110	6.88			4	4	0	130	32.50	268
	3	6	0	165	27.50	278	Over 8	1	42	26	3	0.20	
40 .. 1/2	1	40	24	3	0.20			2	26	10	60	3.75	
	2	24	8	16	1.00			3	10	4	100	16.67	
	3	8	4	4	1.00			4	4	0	130	32.50	293
	4	4	0	8	2.00	31	44 .. 1/2	1	44	28	3	0.20	
1	1	40	24	3	0.20			2	28	12	16	1.00	
	2	24	8	16	1.00			3	12	4	8	1.00	
	3	8	4	5	1.25			4	4	0	16	4.00	43
	4	4	0	25	6.25	49	1	1	44	28	3	0.20	
1 1/2	1	40	24	3	0.20			2	28	12	16	1.00	
	2	24	8	16	1.00			3	12	4	20	2.50	
	3	8	4	20	5.00			4	4	0	25	6.25	64
	4	4	0	45	11.25	84	1 1/2	1	44	28	3	0.20	
2	1	40	24	3	0.20			2	28	12	16	1.00	
	2	24	8	25	1.56			3	12	4	27	3.38	
	3	8	4	20	5.00			4	4	0	72	18.00	118
	4	4	0	95	23.75	143	2	1	44	28	3	0.20	
3	1	40	24	3	0.20			2	28	12	16	1.00	
	2	24	8	30	1.88			3	12	4	40	5.00	
	3	8	4	30	7.50			4	4	0	95	23.75	154
	4	4	0	120	30.00	183	3	1	44	28	3	0.20	
4	1	40	24	3	0.20			2	28	12	16	1.00	
	2	24	8	45	2.81			3	12	4	60	7.50	
	3	8	4	35	8.75			4	4	0	120	30.00	199
	4	4	0	130	32.50	213	4	1	44	28	3	0.20	
5	1	40	24	3	0.20			2	28	12	16	1.00	
	2	24	8	47	2.94			3	12	4	85	10.62	
	3	8	4	53	13.25			4	4	0	130	32.50	234
	4	4	0	130	32.50	233	5	1	44	28	3	0.20	
6	1	40	24	3	0.20			2	28	12	16	1.00	
	2	24	8	55	3.44			3	12	4	105	13.13	
	3	8	4	60	15.00			4	4	0	130	32.50	254
	4	4	0	130	32.50	248	6	1	44	28	3	0.20	
7	1	40	24	3	0.20			2	28	12	16	1.00	
	2	24	8	65	4.06			3	12	4	115	14.38	
	3	8	4	60	15.00			4	4	0	130	32.50	264
	4	4	0	130	32.50	258	7	1	44	28	3	0.20	
8	1	40	24	3	0.20			2	28	12	16	1.00	
	2	24	8	75	4.70			3	12	4	120	15.00	
	3	8	4	60	15.00			4	4	0	130	32.50	269
	4	4	0	130	32.50	268	8	1	44	28	3	0.20	
Over 8	1	40	24	3	0.20			2	28	12	16	1.00	
	2	24	8	95	5.93			3	12	4	120	15.00	
	3	8	4	60	15.00			4	4	0	130	32.50	269
	4	4	0	130	32.50	288	Over 8	1	44	28	3	0.20	
42 .. 1/2	1	42	26	3	0.20			2	28	12	40	2.50	
	2	26	10	16	1.00			3	12	4	120	15.00	
	3	10	4	6	1.00			4	4	0	130	32.50	293
	4	4	0	12	3.00	37	46 .. 1/2	1	46	30	3	0.20	
1	1	42	26	3	0.20			2	30	14	16	1.00	
	2	26	10	16	1.00			3	14	4	10	1.00	
	3	10	4	12	2.00			4	4	0	15	3.75	44
	4	4	0	25	6.25	56	1	1	46	30	3	0.20	
1 1/2	1	42	26	3	0.20			2	30	14	16	1.00	
	2	26	10	16	1.00			3	14	4	25	2.50	
	3	10	4	23	3.83			4	4	0	30	7.50	74
	4	4	0	60	15.00	102	1 1/2	1	46	30	3	0.20	
2	1	42	26	3	0.20			2	30	14	16	1.00	
	2	26	10	16	1.00			3	14	4	35	3.50	
	3	10	4	30	5.00			4	4	0	85	21.20	139
	4	4	0	95	23.75	144	2	1	46	30	3	0.20	
3	1	42	26	3	0.20			2	30	14	16	1.00	
	2	26	10	16	1.00			3	14	4	47	4.70	
	3	10	4	50	8.34			4	4	0	105	26.25	171
	4	4	0	120	30.00	189	3	1	46	30	3	0.20	
4	1	42	26	3	0.20			2	30	14	16	1.00	
	2	26	10	17	1.06			3	14	4	65	6.50	

	4	4	0	130	32.50	214
4	1	46	30	3	0.20	
	2	30	14	16	1.00	
	3	14	4	95	9.50	
4	4	4	0	130	32.50	244
5	1	46	30	3	0.20	
	2	30	14	16	1.00	
	3	14	4	120	12.00	
4	4	4	0	130	32.50	269
6	1	46	30	3	0.20	
	2	30	14	16	1.00	
	3	14	4	125	12.50	
4	4	4	0	130	32.50	274
7	1	46	30	3	0.20	
	2	30	14	16	1.00	
	3	14	4	140	14.00	
4	4	4	0	130	32.50	289
8	1	46	30	3	0.20	
	2	30	14	16	1.00	
	3	14	4	150	15.00	
4	4	4	0	130	32.50	299
Over 8	1	46	30	3	0.20	
	2	30	14	25	1.56	
	3	14	4	160	16.00	
4	4	4	0	130	32.50	318
48 ... 1/2	1	48	32	3	0.20	
	2	32	16	16	1.00	
	3	16	4	12	1.00	
4	4	4	0	20	5.00	51
1	1	48	32	3	0.20	
	2	32	16	16	1.00	
	3	16	4	35	2.92	
4	4	4	0	35	8.75	89
1 1/2	1	48	32	3	0.20	
	2	32	16	16	1.00	
	3	16	4	45	3.75	
4	4	4	0	80	20.00	144
2	1	48	32	3	0.20	
	2	32	16	16	1.00	
	3	16	4	60	5.00	
4	4	4	0	110	27.50	189
3	1	48	32	3	0.20	
	2	32	16	16	1.00	
	3	16	4	90	7.50	
4	4	4	0	120	30.00	229
4	1	48	32	3	0.20	
	2	32	16	16	1.00	
	3	16	4	120	10.00	
4	4	4	0	130	32.50	269
5	1	48	32	3	0.20	
	2	32	16	16	1.00	
	3	16	4	140	11.67	
4	4	4	0	130	32.50	299
6	1	48	32	3	0.20	
	2	32	16	16	1.00	
	3	16	4	160	13.33	
4	4	4	0	130	32.50	309
7	1	48	32	3	0.20	
	2	32	16	16	1.00	
	3	16	4	170	14.17	
4	4	4	0	130	32.50	319
8	1	48	32	3	0.20	
	2	32	16	16	1.00	
	3	16	4	170	14.17	
4	4	4	0	130	32.50	319
50 ... 1/2	1	50	34	3	0.20	
	2	34	18	16	1.00	
	3	18	4	14	1.00	
4	4	4	0	25	6.25	58
1	1	50	34	3	0.20	
	2	34	18	16	1.00	
	3	18	4	40	2.86	
4	4	4	0	35	8.75	94
1 1/2	1	50	34	3	0.20	
	2	34	18	16	1.00	
	3	18	4	55	3.93	
4	4	4	0	90	22.50	164
2	1	50	34	3	0.20	
	2	34	18	16	1.00	
	3	18	4	70	5.00	
4	4	4	0	120	30.00	209
3	1	50	34	3	0.20	
	2	34	18	16	1.00	
	3	18	4	100	7.15	
4	4	4	0	130	32.50	249

4	1	50	34	3	0.20	
	2	34	18	16	1.00	
	3	18	4	130	8.58	
4	4	4	0	130	32.50	279
5	1	50	34	3	0.20	
	2	34	18	16	1.00	
	3	18	4	160	11.42	
4	4	4	0	130	32.50	309
6	1	50	34	3	0.20	
	2	34	18	16	1.00	
	3	18	4	180	12.85	
4	4	4	0	130	32.50	329

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-155-775 Preparatory operations. (1) Prior to permitting employees to start demolition operations, an engineering survey shall be made, by a competent person, of the structure to determine structural integrity and the possibility of unplanned collapse of any portion of the structure. Any adjacent structure where employees may be exposed shall also be similarly checked. The employer shall have in writing, evidence that such a survey has been performed.

(2) A copy of the survey report and of the plans and/or methods of operations shall be maintained at the job site for the duration of the demolition operation.

(3) Any device or equipment such as scaffolds, ladders, derricks, hoists, etc., used in connection with demolition work shall be constructed, installed, inspected, maintained and operated in accordance with the regulations governing the construction, installation, inspection, maintenance and operation of such device or equipment as specified in other parts of this chapter.

(4) Federal and state codes, safety standards, rules, regulations, and ordinances governing any and all phases of demolition work shall be observed at all times.

(5) Demolition of all buildings and structures shall be conducted under competent supervision, and safe working conditions shall be afforded the employees.

(6) When employees are required to work within a structure to be demolished which has been damaged by fire, flood, explosion, or other cause, the walls or floor shall be shored or braced.

(7) All electric, gas, water, steam, sewer, and other service lines shall be shut off, capped, or otherwise controlled, outside the building line before demolition work is started. In each case, any utility company which is involved shall be notified in advance.

(8) If it is necessary to maintain any power, water or other utilities during demolition, such lines shall be temporarily relocated, as necessary, and protected.

(9) It shall be determined whether asbestos, hazardous materials, hazardous chemicals, gases, explosives, flammable materials, or similarly dangerous substances are present at the work site. When the presence of any such substance is apparent or suspected, testing and removal or purging shall be performed and the hazard eliminated before demolition is started. Removal of such substances shall be in accordance with the requirements of chapters 296-62 and 296-65 WAC.

(10) Where a hazard exists from fragmentation of glass, such hazards shall be removed.

(11) Where a hazard exists to employees falling through wall openings, the opening shall be protected to a height of between thirty-six and forty-two inches.

(12) When debris is dropped without the use of chutes, the area onto which the material is dropped shall be completely enclosed with barricades not less than forty-two inches high and not less than twenty feet back from the projected edge of the opening above. Signs, warning of the hazard of falling materials, shall be posted at each level. Removal shall not be permitted in this lower area until debris handling ceases above.

(13) All floor openings, not used as material drops, shall be covered over with material substantial enough to support the weight of any load which may be imposed. Such material shall be properly secured to prevent its accidental movement.

(14) Except for the cutting of holes in floors for chutes, holes through which to drop materials, preparation of storage space, and similar necessary preparatory work, the demolition of exterior walls and floor construction shall begin at the top of the structure and proceed downward. Each story of exterior wall and floor construction shall be removed and dropped into the storage space before commencing the removal of exterior walls and floors in the story next below.

(15) (~~Workmen~~) Workers shall not be permitted to carry on a demolition operation which will expose (~~men~~) persons working on a lower level to danger.

(16) Employee entrances to multistory structures being demolished shall be completely protected by sidewalk sheds or canopies, or both, providing protection from the face of the building for a minimum of eight feet. All such canopies shall be at least two feet wider than the building entrances or openings (one foot wider on each side thereof), and shall be capable of sustaining a load of one hundred fifty pounds per square foot.

(17) Protruding nails in boards, planks and timber shall be withdrawn, driven in or bent over as soon as the same is removed from the structure being demolished.

(18) Any material to be removed which will cause dust to be formed, shall be sprinkled with water to lay the dust incidental to its removal.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-785 Chutes. (1) No material shall be dropped to any point lying outside the exterior walls of the structure unless the area is effectively protected.

(2) All materials chutes, or sections thereof, at an angle of more than 45° from the horizontal, shall be entirely enclosed, except for openings equipped with closures at or about floor level for the insertion of materials. The openings shall not exceed 48 inches in height measured along the wall of the chute. At all stories below the top floor, such openings shall be kept closed when not in use.

(3) A substantial gate shall be installed in each chute at or near the discharge end. A competent employee shall be assigned to control the operation of the gate, and the backing and loading of trucks.

(4) When operations are not in progress, the area surrounding the discharge end of a chute shall be securely closed off.

(5) Any chute opening, into which workers dump debris, shall be protected by a substantial guardrail between 36 and 42 inches above the floor or other surface on which the (~~men~~) employees stand to dump the material. Any space between the chute and the edge of openings in the floors through which it passes shall be solidly covered over.

(6) Where the material is dumped from mechanical equipment or wheelbarrows, a securely attached toeboard or bumper, not less than 4 inches thick and 6 inches high, shall be provided at each chute opening.

(7) Chutes shall be designed and constructed of such strength as to eliminate failure due to impact of materials or debris loaded therein.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-800 Manual removal of floors. (1) Openings cut in a floor shall extend the full span of the arch between supports.

(2) Before demolishing any floor arch, debris and other material shall be removed from such arch and other adjacent floor area. Planks not less than 2 inches by 10 inches in cross section, full size undressed, shall be provided for, and shall be used by employees to stand on while breaking down floor arches between beams. Such planks shall be so located as to provide a safe support for the (~~workmen~~) workers should the arch between the beams collapse. The open space between planks shall not exceed 16 inches.

(3) Safe walkways, not less than 18 inches wide, formed of planks not less than 2 inches thick if wood, or of equivalent strength if metal, shall be provided and used by (~~workmen~~) workers when necessary to enable them to reach any point without walking upon exposed beams.

(4) Stringers of ample strength shall be installed to support the flooring planks, and the ends of such stringers shall be supported by floor beams or girders, and not by floor arches alone.

(5) Planks shall be laid together over solid bearings with the ends overlapping at least 1 foot.

(6) When floor arches are being removed, employees shall not be allowed in the area directly underneath, and such an area shall be barricaded to prevent access to it.

(7) Demolition of floor arches shall not be started until they, and the surrounding floor area for a distance of 20 feet, have been cleared of debris and any other unnecessary materials.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-955 Minimum performance criteria for rollover protective structures for designated scrapers, loaders, dozers, graders, and crawler tractors. (1) Definitions. For purposes of this section, "vehicle weight" means the manufacturer's maximum weight of the prime mover for rubber-tired self-propelled scrapers. For other types of equipment to which this section applies, "vehicle weight" means the manufacturer's maximum recommended weight of the vehicle plus the heaviest attachment.

(2) General.

(a) This section prescribes minimum performance criteria for rollover protective structures (ROPS) for rubber-

tired self-propelled scrapers; rubber-tired front-end loaders and rubber-tired dozers; crawler tractors, and crawler-type loaders, and motor graders. The vehicle and ROPS as a system shall have the structural characteristics prescribed in subsection (7) of this section for each type of machine described in this subsection.

(b) Equipment listed in subsection (2)(a) of this section may be exempted from the requirements for fitment of ROPS where it can be shown, to the satisfaction of the department, that the equipment will only be used where no rollover hazard will exist.

(3) The static laboratory test prescribed herein will determine the adequacy of the structures used to protect the operator under the following conditions:

(a) For rubber-tired self-propelled scrapers, rubber-tired front-end loaders, and rubber-tired dozers: Operating between 0 and 10 miles per hour over hard clay where rollover would be limited to a maximum roll angle of 360° down a slope of 30° maximum.

(b) For motor graders: Operating between 0 and 10 miles per hour over hard clay where rollover would be limited to 360° down a slope of 30° maximum.

(c) For crawler tractors and crawler-type loaders: Operating between 0 and 10 miles per hour over hard clay where rollover would be limited to a maximum roll angle of 360° down a slope of 45°.

(4) Facilities and apparatus.

(a) The following material is necessary:

(i) Material, equipment, and tiedown means adequate to ensure that the ROPS and its vehicle frame absorb the applied energy.

(ii) Equipment necessary to measure and apply loads to the ROPS. Adequate means to measure deflection and lengths should also be provided.

(iii) Recommended, but not mandatory, types of test setups are illustrated in Figure V-1 for all types of equipment to which this section applies; and in Figure V-2 for rubber-tired self-propelled scrapers; Figure V-3 for rubber-tired front-end loaders, rubber-tired dozers, and motor graders; and Figure V-4 for crawler tractors and crawler-type loaders.

(b) Table V-1 contains a listing of the required apparatus for all types of equipment described in subsection (2)(a) of this section.

TABLE V-1

Means to measure	Accuracy
Deflection of ROPS, inches	± 5% of deflection measured.
Vehicle weight, pounds	± 5% of the weight measured.
Force applied to frame, pounds	± 5% of force measured.
Dimensions of critical zone, inches.	± 0.5 in.

(5) Vehicle condition. The ROPS to be tested must be attached to the vehicle structure in the same manner as it will be attached during vehicle use. A totally assembled vehicle is not required. However, the vehicle structure and frame which support the ROPS must represent the actual

vehicle installation. All normally detachable windows, panels, or nonstructural fittings shall be removed so that they do not contribute to the strength of the ROPS.

(6) Test procedure. The test procedure shall include the following, in the sequence indicated:

(a) Energy absorbing capabilities of ROPS shall be verified when loaded laterally by incrementally applying a distributed load to the longitudinal outside top member of the ROPS, as shown in Figure V-1, V-2 or V-3 as applicable. The distributed load must be applied so as to result in approximately uniform deflection of the ROPS. The load increments should correspond with approximately 0.5 in. ROPS deflection increment in the direction of the load application, measured at the ROPS top edge. Should the operator's seat be off center, the load shall be applied on the off center side. For each applied load increment, the total load (lb.) versus corresponding deflection (in.) shall be plotted, and the area under the load-deflection curve shall be calculated. This area is equal to the energy (in.-lb.) absorbed by the ROPS. For a typical load-deflection curve and calculation method, see Figure V-5.

Incremental loading shall be continued until the ROPS has absorbed the amount of energy and the minimum applied load specified under subsection (7) of this section has been reached or surpassed.

(b) To cover the possibility of the vehicle coming to rest on its top, the support capability shall be verified by applying a distributed vertical load to the top of the ROPS so as to result in approximately uniform deflection (see Figure V-1). The load magnitude is specified in subsection ~~((6))~~ (7)(b)(iii) of this section.

(c) The low temperature impact strength of the material used in the ROPS shall be verified by suitable material tests or material certification (see subsection (7)(b)(iv) of this section).

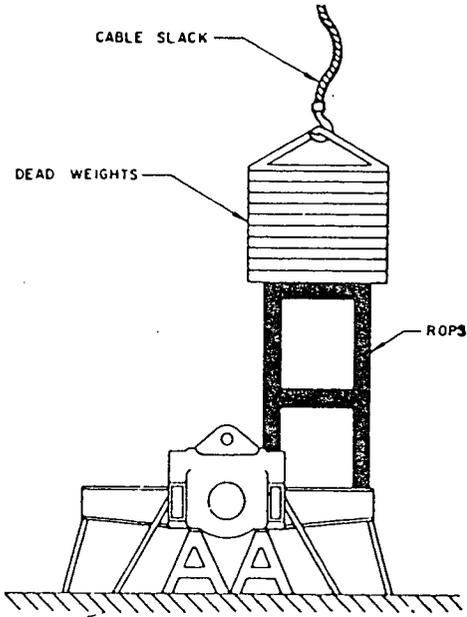


FIGURE V-1

Vertical loading setup for all types of equipment described in WAC 296-155-955(1).

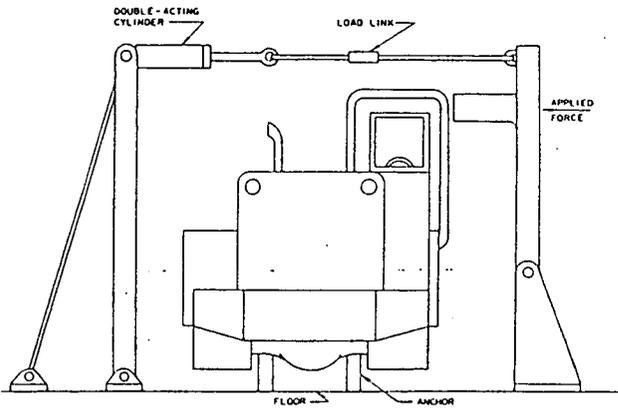


FIGURE V-2

Test setup for rubber-tired self-propelled scrapers.

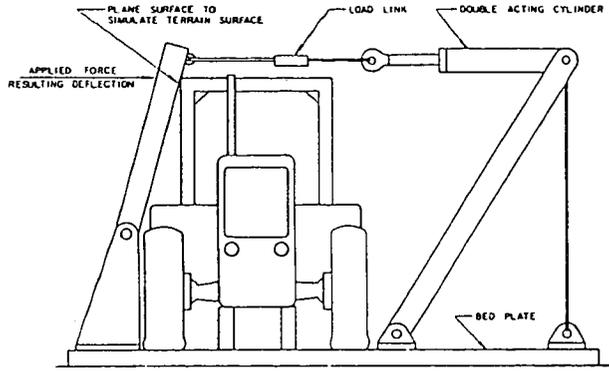


FIGURE V-3

Test setup for rubber-tired front-end loaders, rubber-tired dozers, and motor graders.

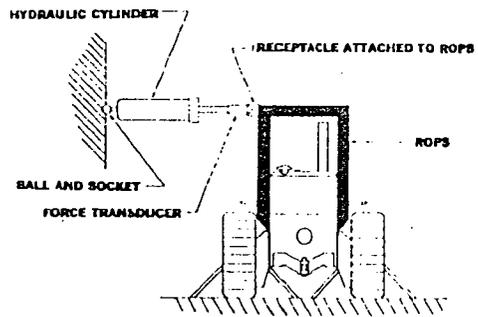


FIGURE V-4

Side-loading setup for crawler tractors and crawler loaders.

measured as pounds; energy (U) is measured as inch-pounds).

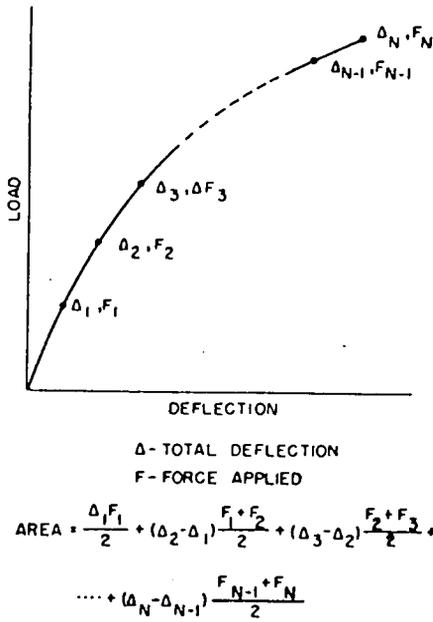


FIGURE V-5

Determination of energy area under force deflection curve for all types of ROPS equipment defined in WAC 296-155-955.

(7) Performance requirements.

(a) General performance requirements.

(i) No repairs or straightening of any member shall be carried out between each prescribed test.

(ii) During each test, no part of the ROPS shall enter the critical zone as detailed in SAE J397 (1969). Deformation of the ROPS shall not allow the plane of the ground to enter this zone.

(b) Specific performance requirements.

(i) The energy requirement for purposes of meeting the requirements of subsection (6)(a) of this section is to be determined by referring to the plot of the energy versus weight of vehicle (see Figure V-6 for rubber-tired self-propelled scrapers; Figure V-7 for rubber-tired front-end loaders and rubber-tired dozers; Figure V-8 for crawler tractors and crawler-type loaders; and Figure V-9 for motor graders. For purposes of this section, force and weight are

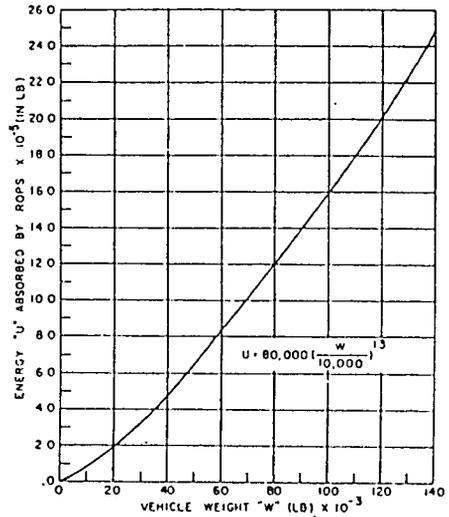


FIGURE V-6

Energy absorbed versus vehicle weight.

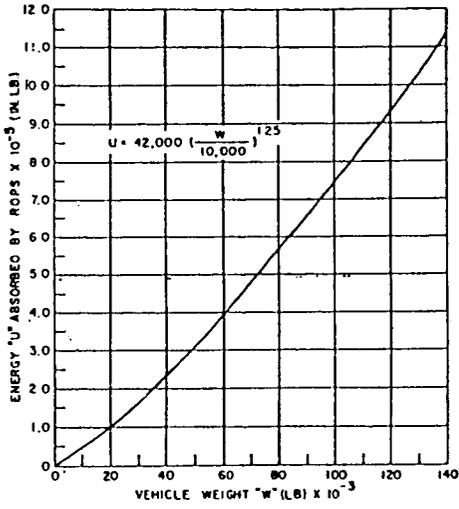


FIGURE V-7

Energy absorbed versus vehicle weight.

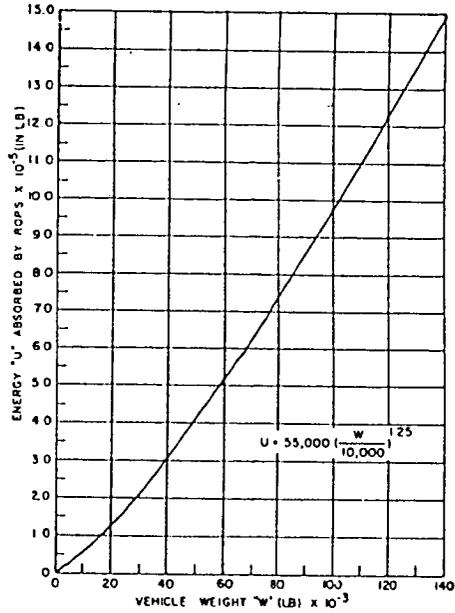


FIGURE V-9

Energy absorbed versus vehicle weight.

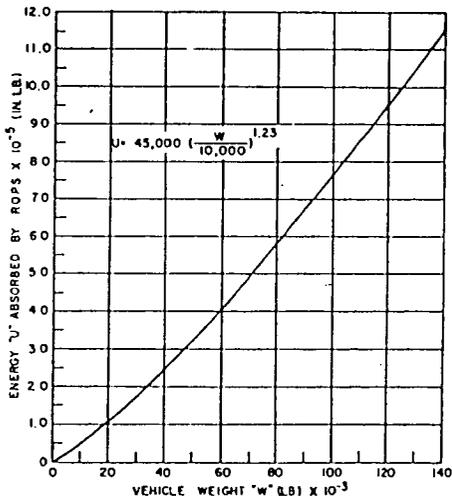


FIGURE V-8

Energy absorbed versus vehicle weight.

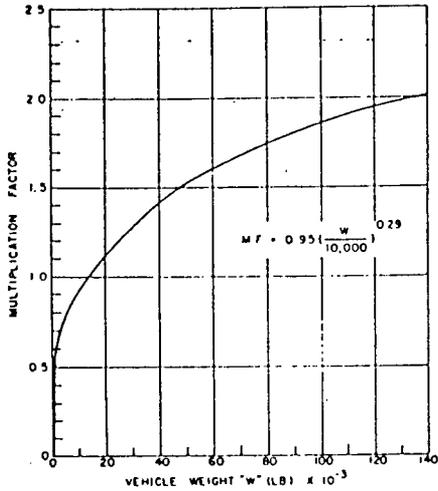


FIGURE V-10

Minimum horizontal load factor for self-propelled scrapers.

(ii) The applied load must attain at least a value which is determined by multiplying the vehicle weight by the corresponding factor shown in Figure V-10 for rubber-tired self-propelled scrapers; in Figure V-11 for rubber-tired front-end loaders and rubber-tired dozers; in Figure V-12 for crawler tractors and crawler-type loaders; and in Figure V-13 for motor graders.

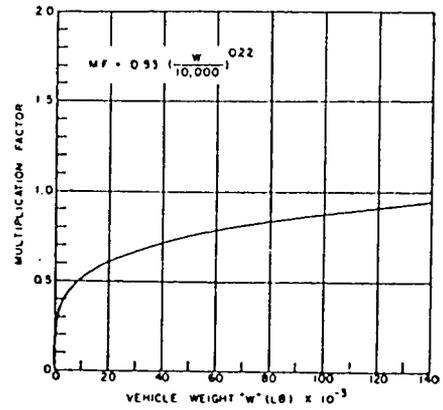


FIGURE V-11

Minimum horizontal load factor for rubber-tired loaders and dozers.

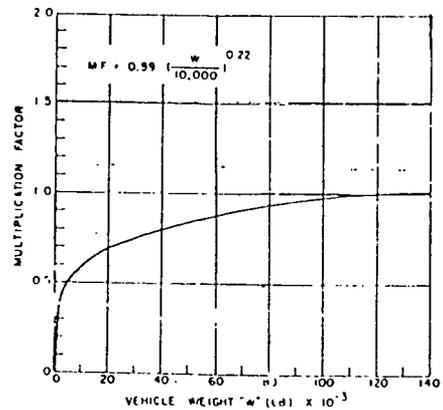


FIGURE V-12

Minimum horizontal load factor for crawler tractors and crawler-type loaders.

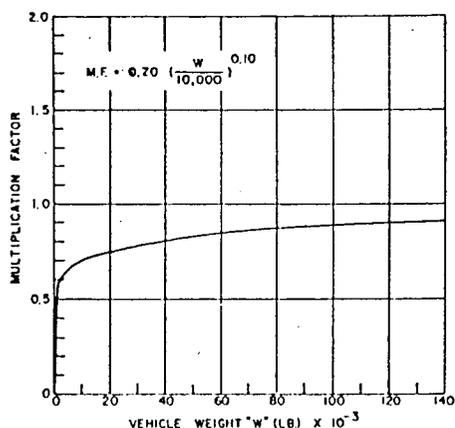


FIGURE V-13

Minimum horizontal load factor for motor graders.

(iii) The load magnitude for purposes of compliance with subsection (6)(b) of this section is equal to the vehicle weight. The test of load magnitude shall only be made after the requirements of subdivision (b)(i) of this subsection are met.

(iv) Material used in the ROPS must have the capability of performing at zero degrees Fahrenheit, or exhibit Charpy V notch impact strength of 8 foot-pounds at minus 20° Fahrenheit. This is a standard Charpy specimen as described in American Society of Testing and Materials A 370, Methods and Definitions for Mechanical Testing of Steel Products. The purpose of this requirement is to reduce the tendency of brittle fracture associated with dynamic loading, low temperature operation, and stress raisers which cannot be entirely avoided on welded structures.

(8) Source of standard. This standard is derived from, and restates, the following Society of Automotive Engineers Recommended Practices: SAE J320a, Minimum Performance Criteria for Roll-Over Protective Structure for Rubber-Tired, Self-Propelled Scrapers; SAE J394, Minimum Performance Criteria for Roll-Over Protective Structure for Rubber-Tired Front- End Loaders and Rubber-Tired Dozers; SAE J395, Minimum Performance Criteria for Roll-Over Protective Structure for Crawler Tractors and Crawler-Type Loaders; and SAE J396, Minimum Performance Criteria for Roll-Over Protective Structure for Motor Graders. These recommended practices shall be resorted to in the event that questions of interpretation arise. The recommended practices appear in the 1971 SAE Handbook, which may be examined in each of the district offices of the (~~division of industrial safety and health of the~~) department of labor and industries.

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

AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

WAC 296-350-010 Definitions. (1) The definitions and interpretations of RCW 49.17.020 shall apply to the provisions of this chapter unless the context of the provision clearly requires otherwise.

(2) "Presiding officer" means that person designated by the director as being responsible for the conducting of the informal conference provided for in RCW 49.17.140(3) and WAC 296-350-070.

(3) "Act" means the Washington Industrial Safety and Health Act (chapter 80, Laws of 1973; chapter 49.17 RCW) as now or hereafter amended.

(4) "Assistant director" shall mean the assistant director of (~~industrial safety and health~~) consultation and compliance of the department, or his/her designated representative.

(5) "Citation" shall mean that CITATION issued to an employer in accordance with the provisions of RCW 49.17.120, otherwise known as a CITATION AND NOTICE. (Form No. WISHERS-110.)

(6) "Abatement date" shall mean the date identified as such on the CITATION. The "abatement date" is the date by which the condition identified in the CITATION must be brought into compliance with the cited safety and health standard.

(7) "Division" shall mean the division of (~~industrial safety and health~~) consultation and compliance of the department.

AMENDATORY SECTION (Amending Order 90-01, filed 4/10/90, effective 5/25/90)

WAC 296-350-030 Notice of appeal—Filing and service. Any party authorized to appeal from an action of the department as set forth in RCW 49.17.140(3), may do so by filing a notice of appeal in writing in the recommended manner and containing the recommended subject matter as hereinafter set forth with fifteen working days of the communication of the notice, by serving a copy of such notice of appeal either in person or by mail upon the assistant director of the Division of (~~Industrial Safety and Health, 805 Plum Street South East~~) Consultation and Compliance, P.O. Box 44600, Olympia, Washington 98504-4600.

AMENDATORY SECTION (Amending Order 75-14, filed 4/14/75)

WAC 296-350-040 Notice of appeal—Contents. In order to expedite the decision of the department as to whether to reassume jurisdiction over the subject matter of the appeal and in order to facilitate the certification of the notice of appeal and department file to the board of industrial insurance appeals, if appropriate, the notice of appeal should contain:

(1) The name and address of the appealing party and his/her representative, if any;

(2) The place where the alleged safety violation occurred;

(3) A statement identifying the order, decision or citation appealed from by report number and date of issuance.

(4) The grounds upon which the appealing party considers such order, decision or citation to be unjust or unlawful;

(5) A statement of facts in support of each grounds stated;

(6) The relief sought, including the specific nature and extent;

(7) A statement that the person signing the notice of appeal has read it and to the best of his/her knowledge, information and belief there is good ground to support it. A notice of appeal may be signed by the party or by his/her authorized representative.

AMENDATORY SECTION (Amending Order 86-27, filed 7/25/86)

WAC 296-350-050 Reassumption of jurisdiction—Time—Notice of reassumption of jurisdiction and informal conference. After receipt of a notice of appeal filed pursuant to RCW 49.17.140(3), and these rules, the department after investigation of the allegations contained in the notice of appeal, and not later than five working days from the date of receipt of such notice of appeal, shall make a determination to reassume jurisdiction over the subject matter of the appeal or, in the alternative, certify the record of the department which is the subject of appeal to the board of industrial insurance appeals along with such notice of appeal. If the department determines to reassume jurisdiction over the subject matter of the appeal, a **notice of reassumption of jurisdiction** and a **notice of informal conference** shall be issued giving notice that jurisdiction has been reassumed and that an opportunity will be afforded to all appealing parties as well as other interested parties as prescribed in RCW 49.17.140(3), to participate in an informal conference and that any redetermination and corrective notices will be completed not later than thirty working days (that may be extended an additional fifteen working days upon agreement of all parties to the appeal) following the date that the determination to reassume jurisdiction was made. The notice of informal conference shall give notice of the time, date and place at which such informal conference is to be conducted. The **notice of reassumption of jurisdiction and informal conference** may be combined on one document and issued as a single notice.

AMENDATORY SECTION (Amending Order 75-14, filed 4/14/75)

WAC 296-350-070 Reassumption of jurisdiction—Informal conferences—Procedure—Evidence. (1) The director shall designate personnel of the staff of the division of (~~industrial safety and health~~) consultation and compliance to act as presiding officers at informal conferences.

(2) A presiding officer shall be present and preside over the proceedings at all informal conferences conducted. He/she may be accompanied by an assistant attorney general who shall be able to render legal advice to the presiding officer. The assistant attorney general may, at the presiding officer's request, preside over the proceedings.

(3) Prior to the commencement of the informal conference, the presiding officer may confer with the parties to the informal conference concerning the material to be presented for the record in order to determine an orderly method of

procedure. The designated presiding officer may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent (~~men~~) persons in the conduct of their affairs. Effect shall be given to the rules of privilege recognized by law. The presiding officer may exclude incompetent, irrelevant, immaterial and unduly repetitious evidence. Documentary evidence may be received in the form of copies of excerpts or by incorporation in the record by reference. Every party shall have the right to ask questions of other parties present. The designated presiding officer may take notice of judicially cognizable facts and in addition may take notice of general, technical, or scientific facts within the specialized knowledge of the department's officers relating to industrial safety and health.

AMENDATORY SECTION (Amending Order 75-14, filed 4/14/75)

WAC 296-350-200 Variances—Foreword. WAC 296-350-200 through 296-350-280 contain rules pursuant to which employers may apply for departmental orders granting variances from industrial safety and health standards in accordance with the provisions of RCW 49.17.080 and 49.17.090. Also included are rules on procedures to be followed by the director or his/her authorized representatives following the receipt of such an application for an order granting a variance.

AMENDATORY SECTION (Amending Order 75-14, filed 4/14/75)

WAC 296-350-210 Types of orders granting a variance. (1) Section 8 (RCW 49.17.080) and section 9 (RCW 49.17.090) of the Washington Industrial Safety and Health Act (chapter 80, Laws of 1973) provide for the granting of two types of orders granting a variance from industrial safety and health standards administered according to that chapter.

(2) RCW 49.17.080 authorizes the issuance of an order granting a variance (temporary) from any safety and health standard promulgated under the authority of the act upon proper application by the employer and sufficient showing by the applicant employer that the applicant employer is unable to comply with a safety and health standard because of unavailability of professional or technical personnel or materials and equipment needed to come into compliance with the safety and health standard or because necessary construction or alteration of facilities cannot be accomplished by the effective date of the standard, and that the employer is taking all available steps to safeguard his/her employees against the hazards covered by the safety and health standard and that the employer has an effective program for coming into compliance with the safety and health standard as quickly as practicable.

(3) RCW 49.17.090 authorizes the issuance of an order granting a variance (permanent) from any safety and health standard promulgated under the authority of the act upon proper application by the employer and sufficient showing by the applicant employer that the conditions, practices, means, methods, operations or processes used or proposed to be used by such applicant employer will provide employment and places of employment to his/her employees which are as safe and healthful as those which would prevail if the

employer complied with the safety and health standard or standards from which the variance is sought.

AMENDATORY SECTION (Amending Order 75-14, filed 4/14/75)

WAC 296-350-230 Effect of variances. All variances granted pursuant to the provisions of this chapter shall have only future effect. In his/her discretion, the director or his/her authorized representative may decline to entertain an application for a variance on a subject or issue concerning which a citation has been issued to the employer involved and a proceeding on the citation or a related issue concerning a proposed penalty or period of abatement is pending before the board of industrial insurance appeals, or an appropriate court, until the completion of such proceeding.

AMENDATORY SECTION (Amending Order 75-14, filed 4/14/75)

WAC 296-350-240 Variance applications—Form of documents—Subscription. (1) No particular form is prescribed for applications and other papers which may be filed in proceedings relating to the application for an order granting a variance. However, any applications and other papers shall be clearly legible. Department forms for application for a variance may be used and may be obtained from the Division of (~~Industrial Safety and Health~~) Consultation and Compliance, Department of Labor and Industries, P.O. Box 44600 Olympia, Washington 98504-4600; or other offices of that division.

(2) Each application or other paper which is filed in proceedings relating to the application for an order granting a variance under this chapter shall be subscribed by the person filing the same or by his/her attorney or other authorized representative.

AMENDATORY SECTION (Amending Order 75-14, filed 4/14/75)

WAC 296-350-250 Order granting a temporary variance—Application. (1) Application for a temporary variance. Any employer(~~, or class of employers,~~) desiring a variance from a standard, or portion thereof, authorized by section 8 of the act (RCW 49.17.080) may file a written application containing the information specified in this section with the (~~Supervisor of Industrial Safety and Health~~) Assistant director of the division of Consultation and Compliance, P.O. Box (~~(207)~~) 44600, Olympia, Washington 98504-4600.

(2) Contents. An application filed pursuant to subsection (1) of this section shall include:

(a) The name(~~(s)~~) and address(~~(es)~~) of the applicant (~~(or applicants)~~);

(b) The address(~~(es)~~) of the place (~~(or places)~~) of employment involved;

(c) A specification of the standard or portion thereof from which the applicant(~~(s)~~) seek(~~(s)~~)s(~~(t)~~) a variance; to include a reference to the appropriate code section or sections;

(d) A representation by the applicant(~~(s)~~) supported by representations from a qualified person or persons having firsthand knowledge of the facts represented, that he

(~~(they)~~)/she is (~~(are)~~) unable to comply with the standard(~~(s)~~) or portion(~~(s)~~) thereof by its effective date and a detailed statement of the reasons therefor;

(e) A statement of the steps the applicant(~~(s)~~) has (~~(have)~~) taken and will take, with specific dates where appropriate, to protect employees against the hazard covered by the standard;

(f) A statement of when the applicant(~~(s)~~) expect(~~(s)~~)s(~~(t)~~) to be able to comply with the standard and of what steps he (~~(they)~~)/she has (~~(have)~~) taken and will take, with specific dates where appropriate, to come into compliance with the standard;

(g) A statement of the facts the applicant(~~(s)~~) would show to establish that:

(i) The applicant(~~(s)~~) is (~~(are)~~) unable to comply with a standard by its effective date because of unavailability of professional or technical personnel or materials and equipment needed to come into compliance with the standard or because necessary construction or alteration of facilities cannot be completed by the effective date of the standard from which the variance is sought;

(ii) He (~~(they)~~)/she is (~~(are)~~) taking all available steps to safeguard (~~(his)~~) their employees against the hazards covered by the standard; and

(iii) He (~~(they)~~)/she has (~~(have)~~) an effective program for coming into compliance with the standard as quickly as practicable;

(h) Any request for a hearing, as provided in WAC 296-350-280;

(i) A statement that the applicant(~~(s)~~) has (~~(have)~~) informed (~~(his-)~~)their(~~(t)~~) affected employees of the application by giving a copy thereof to their authorized representative, posting a statement, giving a summary of the application and specifying where a copy may be examined, at the place or places where notices to employees are normally posted, and by other appropriate means; and

(j) A description of how affected employees have been informed of the application and of their right to petition the director for a hearing.

AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

WAC 296-350-255 Order granting a permanent variance—Application. (1) Application for a permanent variance. Any employer(~~, or class of employers,~~) desiring a variance authorized by section 9 of the act (RCW 49.17.090) may file a written application containing the information specified in this section with the assistant director of (~~Industrial Safety and Health~~) Consultation and Compliance, P.O. Box (~~(207)~~) 44600, Olympia, Washington 98504-4600.

(2) Contents. An application filed pursuant to subsection (1) of this section shall include:

(a) The name(~~(s)~~) and address(~~(es)~~) of the applicant (~~(or applicants)~~);

(b) The address(~~(es)~~) of the place (~~(or places)~~) of employment involved;

(c) A specification of the standard or portion thereof from which the applicant(~~(s)~~) seek(~~(s)~~)s(~~(t)~~) a variance; to

include a reference to the appropriate code section or sections;

(d) A description of the conditions, practices, means, methods, operations, or processes used or proposed to be used by the applicant (~~(or applicants)~~);

(e) A statement showing how the conditions, practices, means, methods, operations, or processes used or proposed to be used would provide employment and places of employment to employees which are as safe and healthful as those required by the standard from which a variance is sought;

(f) A certification that the applicant(~~((s))~~) has (~~((have))~~) informed his/her (~~((their))~~) employees of the application by:

(i) Giving a copy thereof to their authorized representative;

(ii) Posting a statement giving a summary of the application and specifying where a copy may be examined, at the place or places where notices to employees are normally posted (or in lieu of such summary, the posting of the application itself); and

(iii) By other appropriate means.

(g) Any request for a hearing, as provided in WAC 296-350-280; and

(h) A description of how employees have been informed of the application and of their right to petition the director for a hearing.

AMENDATORY SECTION (Amending Order 75-14, filed 4/14/75)

WAC 296-350-260 Interim order—Application—Notice of grant. (1) An application may also be made for an interim order to be effective until a decision is rendered on the application for the variance filed previously or concurrently. An application for an interim order may include statements of fact and arguments as to why the order should be granted. The director or his/her authorized representatives may rule ex parte upon the application.

(2) If an interim order is granted, a copy of the order shall be served upon the applicant(~~((s))~~) for the order and other parties. It shall be a condition of the order that the employer(~~((s))~~) shall give notice thereof to affected employees by the same means to be used to inform them of an application for a variance.

AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

WAC 296-350-280 Hearings on applications for variances—Temporary and permanent. (1) Any affected employee or employees, or an authorized representative of affected employees may request of the assistant director of (~~((industrial safety and health))~~) consultation and compliance that a hearing be held on the application for a temporary or permanent variance.

(2) The employer applicant(~~((s))~~) or his/her (~~((their))~~) representative may request of the assistant director of (~~((industrial safety and health))~~) consultation and compliance that a hearing be held on the application for a temporary or permanent variance.

(3) Requests for hearings authorized by section 8 and 9 of the act (RCW 49.17.080 and 49.17.090) and subsections (1) and (2) of this section shall be in writing, signed by the applicant(~~((s))~~), and must be received by the assistant director of (~~((industrial safety and health))~~) consultation and

compliance within twenty-one calendar days of the date of the application for a variance.

(4) After receipt of a request for a hearing filed pursuant to these rules, the department, not later than ten working days from the date of the receipt of such request, shall issue a notice of hearing advising that the opportunity will be afforded to all interested parties as prescribed in this section to participate in a hearing on the application for a variance. The notice of hearing shall fix the time for such hearing, such that the affected parties can reasonably be expected to receive the NOTICE OF HEARING not less than twenty days in advance of the date set for the hearing, and shall indicate the time, date and place at which such hearing is to be conducted. Such notice of hearing shall be immediately communicated to affected employees by giving a copy thereof to their authorized representative and posting a copy thereof with the application for a variance or a summary of said application as prescribed in WAC 296-350-250 (2)(i) or (2)(f). In addition to the forwarding of the notice of hearing, the department may give telephonic or telegraphic notice of the time, date and place for any such hearing.

(5) The director shall designate department personnel (~~((of the))~~) staff (~~((of the division of industrial safety and health))~~) to act as presiding officers at hearings on applications for variances.

(6) The duties of the presiding officer include but are not limited to the following:

(a) A presiding officer shall be present and preside over the proceedings at all hearings conducted. He/she may be accompanied by an assistant attorney general who shall be able to render legal advice to the presiding officer. The assistant attorney general may, at the presiding officer's request, preside over the proceedings.

(b) Prior to the commencement of the hearing, the presiding officer may confer with the parties attending the hearing concerning the material to be presented for the record in order to determine an orderly method of procedure. The designated presiding office may admit and give effect to evidence which possesses probative value commonly accepted by reasonably prudent people in the conduct of their affairs. Effect shall be given to the rules of privilege recognized by law. The presiding officer may exclude incompetent, irrelevant, immaterial and unduly repetitious evidence. Documentary evidence may be received in the form of copies of exhibits or by incorporation in the record by reference. Every party shall have the right to ask questions of other parties present. The designated presiding officer may take notice of judicially cognizable facts, and in addition may take notice of general, technical or scientific facts within the specialized knowledge of the department's officers relating to industrial safety and health.

(c) All proceedings relating to a hearing under this section shall be recorded mechanically or otherwise. Copies of transcripts of such recordings will be made available to any party at cost upon request of the party.

AMENDATORY SECTION (Amending Order 75-14, filed 4/14/75)

WAC 296-350-350 Extension of abatement date(s)—Application—Authority. All sections of this chapter which include WAC 296-350-350 in the section number apply to

the request of extension of abatement dates in accordance with the provisions of RCW 49.17.140(3), which reads in pertinent part:

"Upon application by an employer showing that a good faith effort to comply with the abatement requirements of a citation has been made and that the abatement has not been completed because of factors beyond his/her control, the director after affording an opportunity for a hearing shall issue an order affirming or modifying the abatement requirements in such citation."

AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

WAC 296-350-35010 Application for extension of abatement date(s). Applications for extensions of abatement dates shall be submitted in writing by the employer, or his/her representative, whose workplace is the subject of the citation containing the abatement date for which the extension(s) is (are) sought. Subject to the provisions of WAC 296-350-35015, applications received by telephone or personal nonwritten communication may be acted upon by the assistant director.

AMENDATORY SECTION (Amending Order 82-22, filed 6/11/82)

WAC 296-350-35055 Extension of abatement date(s)—Hearings. (1) The assistant director shall designate department personnel (~~(of the)~~) staff (~~(of the division of industrial safety and health)~~) to act as hearing officers at hearings on applications for extension of abatement date(s).

(2) A hearing officer shall be present and preside over the proceedings at all hearings conducted. The hearing officer may be accompanied by an assistant attorney general who shall be able to render legal advice to the hearing officer. The assistant attorney general may, at the hearing officer's request, preside over the proceedings.

(3) Prior to the commencement of the hearing, the hearing officer may confer with the parties attending the hearing concerning the material to be presented for the record in order to determine an orderly method of procedure.

(4) The provisions of chapter 34.04 RCW are applicable to hearings conducted pursuant to the provisions of this section.

(5) All proceedings relating to a hearing under this section shall be recorded mechanically or otherwise. Copies of transcripts of such recordings will be made available to any parties involved, upon request therefore and payment of the reasonable costs thereof.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-350-400 Posting of notices—Posting of citation and notice—Availability of act and applicable standards. (1) Definitions. The definitions of WAC 296-350-010 and 296-27-020 shall apply to this section.

(2) Each employer shall post and keep posted a notice or notices (the WISHA poster, Job safety and health protection, F416-081-000) to be furnished by the division of (~~industrial safety and health~~) **consultation and compliance**, department of labor and industries, informing employees of

the protections and obligations provided for in the act and that for assistance and information, including copies of the act, and of specific safety and health standards employees should contact the employer or the nearest office of the department of labor and industries. Such notice or notices shall be posted by the employer at each establishment in a conspicuous place or places where notices to employees are customarily posted. Each employer shall take steps to assure that such notices are not altered, defaced or covered by other material.

(3) The notice identified in subsection (2) of this section shall be posted in each establishment of the employer as defined in WAC 296-27-020(8).

(4) All notices required to be posted by provisions of the act, provisions of this chapter or the provisions of any other safety and health standard, rule or regulation adopted pursuant to the authority of the act, shall be posted as required by this section, or as required by the act, or as required by the provision of the applicable safety and health standard, rule or regulation.

(5) Unless otherwise specified in this section, the act, or the applicable safety and health standard, rule or regulation, notices or other materials required to be posted, shall be posted in each establishment of the employer, as defined in WAC 296-27-020(8).

(6) Copies of the act, all regulations published in this chapter and all applicable standards shall be available at all regional offices of the (~~division of industrial safety and health~~) department of labor and industries. If an employer has obtained copies of these materials, he/she shall make them available upon request to any employee or his/her authorized representative on the same day the request is made, or at the earliest time mutually convenient to the employee or his/her authorized representative and the employer, for review by the requesting employee or authorized representative.

(7) Any employer failing to comply with the provisions of this section shall be subject to citation and penalty in accordance with the provisions of section 12 and 18 of the act. (RCW 49.17.120 and 49.17.180.)

(8) Documents required to be posted include, but shall not be limited to the following:

(a) A copy or copies of an application or applications for a variance or variances from any safety and health standards applied for in accordance with RCW 49.17.080 or 49.17.090 shall be posted at each establishment to which the variance, if granted, will apply. The manner of posting such applications shall be in accordance with subsections (4) and (5) of this section.

(b) Upon receipt of any **citation and notice** issued by the department pursuant to RCW 49.17.120 or 49.17.130, the employer shall immediately post the **citation and notice** or a copy thereof in a prominent place at or near each place a violation referred to in the **citation and notice** occurred. Where, because of the nature of the employer's operations, it is not practicable to post the **citation and notice** or a copy thereof at or near each place of violation, the **citation and notice** or a copy thereof shall be posted in the establishment of the employer, as defined in WAC 296-27-020(8).

The posted **citation and notice** or copy thereof shall be complete and shall not be abstracted, edited or otherwise changed from the original. The posted **citation and notice**

or copy thereof shall be readily visible, and shall not be defaced or covered by other material.

The **citation and notice** or copy thereof shall remain posted as required by this subsection until all violations have been abated, or for three working days, whichever is longer. Whenever an employer verifies abatement of a violation in writing, see WAC 296-27-16009, a copy of the written verification shall be posted with the **citation and notice** for at least three working days.

(c) A copy of the notice of filing of appeal pursuant to RCW 49.17.140, the notice of conference pursuant to WAC 263-12-090, and the notice of hearing pursuant to WAC 263-12-100 shall be posted by the employer at each establishment to which the notices apply in a conspicuous place or places where notices to employees are customarily posted. The manner of posting such notices shall be in accordance with subsections (4) and (5) of this section.

(d) In the event that a proposed agreement settling an appeal of a citation and notice to the board of industrial insurance appeals is reached between the employer and the department without the concurrence of the affected employees or employee groups, a copy of the proposed agreement shall be posted by the employer at each establishment to which the agreement applies in a conspicuous place or places where notices to employees are customarily posted. The agreement shall be posted for 10 days before it is filed with the board of industrial insurance appeals. The manner of posting shall be in accordance with subsections (4) and (5) of this section.

(e) Notices required to be posted by specific provisions of any safety and health standard or other rule or regulation duly adopted by the director shall be posted according to the standard, rule or regulation requiring such posting. If the provision containing the requirement for posting does not specify the manner of posting, such posting shall conform to the requirements of subsections (4) and (5) of this section.

AMENDATORY SECTION (Amending Order 75-14, filed 4/14/75)

WAC 296-350-450 Complaints by employees or their representatives. (1) Any employee or representative of employees who in good faith believes that a violation of any safety or health standard or an imminent danger exists in any workplace where such employee is employed may request an inspection of such workplace by giving notice of the alleged violation or danger to any office or officer of the division of ~~((industrial safety and health))~~ consultation and compliance of the department. Any such notice shall be reduced to writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employee or representative of employees. A copy shall be provided the employer or his/her agent by an officer of the division no later than at the time of inspection, if any, except that upon the request of the person giving such notice, his/her name and the names of individual employees referred to therein shall not appear in such copy or on any record published, released, or made available by the department of labor and industries.

(2) If upon receipt of such notification it is determined that the complaint meets the requirements set forth in subsection (1) of this section, and that there are reasonable

grounds to believe that the alleged violation or danger exists, an inspection shall be made as soon as practicable, to determine if such alleged violation or danger exists. Inspections under this section may extend beyond the matters referred to in the complaint.

(3) Prior to or during any inspection of a workplace, any employee or representative of employees employed in such workplace may notify the inspector, in writing, of any violation of the act or safety or health standard he/she has reason to believe exists in such workplace. Any such notice shall comply with the requirements of subsection (1) of this section.

(4) RCW 49.17.160(1) provides: "No person shall discharge or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this chapter or has testified or is about to testify in such proceeding or because of the exercise of such employee on behalf of himself or others of any right afforded by this chapter."

AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

WAC 296-350-460 Complaints—Inspection not warranted—Informal review. (1) If it is determined that an inspection is not warranted because there are no reasonable grounds to believe that a violation or danger exists with respect to a complaint received pursuant to WAC 296-350-450, the complaining party shall be notified in writing of such determination. The complaining party may obtain informal review of such determination by submitting a written statement of position with the assistant director ~~((of industrial safety and health))~~ requesting such review. Upon the request of the complaining party, the assistant director ~~((of industrial safety and health))~~ or his/her designee, at his/her discretion, may hold an informal conference in which the complaining party may present his/her views orally or in writing. After considering all written and oral views presented, the assistant director ~~((of industrial safety and health))~~ or his/her designee shall affirm, modify, or reverse the original determination and furnish the complaining party with written notification of his/her decision and the reasons therefor.

(2) If the assistant director ~~((of industrial safety and health))~~ or his/her designee, determines that an inspection is not warranted because the requirements of WAC 296-350-460(1) have not been met, he/she shall notify the complaining party in writing of such determination. Such determination shall be without prejudice to the filing of a new complaint meeting the requirements of WAC 296-350-460(1).

AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

WAC 296-350-470 Citation not issued following complaint. (1) If a citation or notice of de minimis violations is issued for a violation alleged in a request for inspection under WAC 296-350-450(3), a copy of the citation or notice of de minimis violations shall also be sent to the employee or representative of employees who gave such notification.

(2) After an inspection, if it is determined that a citation is not warranted with respect to a danger or violation alleged to exist in a request for inspection under WAC 296-350-360(1), or a notification of violation under WAC 296-350-450(3), the informal review procedures prescribed in WAC 296-350-460(1) shall be applicable. After considering all views presented, the assistant director (~~(of industrial safety and health,)~~) or his/her designee, shall affirm the determination, order a reinspection, or issue a citation if he/she believes that the inspection disclosed a violation.

(3) The assistant director (~~(of industrial safety and health,)~~) or his/her designee shall furnish the complaining party and the employer with written notification of his/her determination and the reasons therefor.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-350-500 Citation and notice—Copy to employee representative. (1) RCW 49.17.120 provides in pertinent part

"The director shall provide by rule for procedures to be followed by an employee representative upon written application to receive copies of **citations and notices** issued to any employer having employees who are represented by such employee representative. Such rule may prescribe the forms of such application, the time for renewal of applications, and the eligibility of the applicant to receive copies of **citations and notices.**"

(2) "Employee representative" means:

(a) Any officer of the recognized bargaining agent of employees, acting on behalf of the employees of the employer.

(b) Any employee representative of an employer-employee safety committee within an establishment or the firm of the employer.

(c) Any employee of an employer who has been selected by the employees of that employer to act as their representative for the purposes indicated in subsection (1) of this section. Such selection shall be evidenced by a letter or other written communication to the division of (~~(industrial safety and health,)~~) consultation and compliance stating the name of the employee so selected and signed by not less than one-half of the employees of the employer so represented.

(3) An employee representative may receive copies of **citations and notices** issued to any employer having employees who are represented by such employee representative upon the filing of a complete application Form F418-023-000, a facsimile of which constitutes Appendix A of this section, with the Division of (~~(Industrial Safety and Health,)~~) Consultation and Compliance, Department of Labor and Industries, P.O. Box 44600 Olympia, Washington 98504-4600.

(4) In the event that the director or his/her authorized representative finds that application for copies of the **citation and notice** have been received by more than one employee representative of the same employees of the employer, the director or his/her authorized representative may elect which

of the applicants to which the copies of the **citation and notice** shall be sent.

(5) The director or his/her authorized representative may deny an application for copies of **citations and notices** upon finding that the applicant is not an employee representative as defined in subsection (2) of this section or upon finding that more than one employee representative of the same employees has applied for copies of **citations and notices**.

(6) An application for copies of **citations and notices** may be granted for a period not exceeding one year and may be renewed upon re-application for another one year period. The director or his/her authorized representative may, at the request of the applicant, waive the one year limitation.

(7) Upon the granting of the application for copies of **citations and notices**, the applicant shall be informed of the granting and of the date on which that grant shall expire.

AMENDATORY SECTION (Amending Order 80-21, filed 11/13/80)

WAC 296-360-005 Definitions. For the purposes of this chapter.

(1) "Assistant director" - the assistant director for the division of (~~(industrial safety and health,)~~) consultation and compliance.

(2) "Division" - the division of (~~(industrial safety and health,)~~) consultation and compliance of the department of labor and industries.

AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

WAC 296-360-040 Notification of assistant director's determination. (1) RCW 49.17.160(3) provides that the assistant director is to notify a complainant within ninety days of the complaint of his determination whether prohibited discrimination has occurred. This ninety-day provision is directory, not mandatory. Although every effort will be made to notify complainants of the assistant director's determination within ninety days, there may be instances when it is not possible to do so.

(2) If a complainant receives a determination from the assistant director that prohibited discrimination has not occurred, the complainant may file a written request for review by the director within fifteen working days of receipt of the determination. The request for review must set forth the basis for the request. The request shall be filed by mailing or delivering the request to the Director of Labor and Industries, (~~(General Administration Building,)~~) P.O. Box 44000, Olympia, Washington 98504-4000. Upon review the director may set aside the assistant director's determination, remand the matter for further investigation, or affirm the determination of the assistant director. The director shall notify the complainant of the decision after review.

AMENDATORY SECTION (Amending Order 80-21, filed 11/13/80)

WAC 296-360-050 Withdrawal of complaint. Enforcing the provisions of RCW 49.17.160 is not only a matter of protecting rights of individual employees, but also of protecting the public interest. Attempts by an employee to withdraw a filed complaint will not necessarily result in

termination of the division's investigation. The division's jurisdiction cannot be foreclosed as a matter of law by unilateral action of the employee. However, a voluntary and uncoerced request from a complainant to withdraw his/her complaint shall generally be accepted.

AMENDATORY SECTION (Amending Order 80-21, filed 11/13/80)

WAC 296-360-080 Persons protected by RCW 49.17.160. (1) All employees are afforded the full protection of RCW 49.17.160. WISHA defines an employee as "an employee of an employer who is employed in a business of his/her employer which affects commerce." RCW 49.17.020(4). WISHA does not define "employ"; however, the broad remedial nature of WISHA demonstrates a clear intent that the existence of an employment relationship, for purposes of RCW 49.17.160, is to be based upon economic realities rather than upon common law doctrines and concepts. See *U.S. v. Silk*, 331 U.S. 704 (1947); *Rutherford Food Corporation v. McComb*, 331 U.S. 722 (1947).

(2) For purposes of RCW 49.17.160, an applicant for employment could be considered an employee. See *NLRB v. Lamar Creamery*, 246 F.2d 8 (5th Cir., 1957).

AMENDATORY SECTION (Amending Order 80-21, filed 11/13/80)

WAC 296-360-090 Unprotected activities distinguished. (1) An employer or others may base actions that adversely affect an employee upon nondiscriminatory grounds. An employee's engagement in activities protected by WISHA does not automatically render him/her immune from discharge or discipline for legitimate reasons, or from adverse action dictated by nonprohibited considerations. See *NLRB v. Dixie Motor Coach Corp.* 128 F.2d 201 (5th Cir., 1942).

(2) To establish a violation of RCW 49.17.160, the employee's engagement in protected activity need not be the sole consideration behind discharge or other adverse action. If protected activity was a substantial reason for the action, or if the discharge or other adverse action would not have taken place "but for" the employee's engagement in protected activity, RCW 49.17.160 has been violated.

AMENDATORY SECTION (Amending Order 80-21, filed 11/13/80)

WAC 296-360-140 Discrimination because of exercise of right afforded by WISHA—Walkaround pay. Employee participation in walkaround inspections under RCW 49.17.100 is essential. Employees are a vital source of information to the ((safety)) division about work place hazards. Employees must be able freely to exercise their statutory right to participate in walkarounds without fear of economic loss, such as the denial of pay for the time spent helping WISHA inspectors during the walkaround. To ensure the unimpeded flow of information to the inspectors, and the unfettered statutory right of employees to participate in walkaround inspections, an employer's failure to pay employees for time they spend in walkaround inspections is discrimination under RCW 49.17.160. In addition, an employer's failure to pay employees for time spent in other

inspection-related activities, such as answering questions of inspectors or participating in the opening and closing conferences, is discrimination under RCW 49.17.160.

WSR 94-10-013
PROPOSED RULES
DEPARTMENT OF REVENUE

[Filed April 25, 1994, 1:51 p.m.]

Original Notice.

Title of Rule: Amending WAC 458-20-226 Landscape and horticultural services.

Purpose: To provide tax reporting information to persons performing landscape and horticultural services.

Statutory Authority for Adoption: RCW 82.32.300.

Statute Being Implemented: Title 82 RCW, particularly RCW 82.04.050.

Summary: Chapter 25, Laws of 1993 sp. sess. made landscape maintenance and horticultural services a retail sale. This rule is being revised to implement this change.

Name of Agency Personnel Responsible for Drafting and Implementation: Les Jaster, 711 Capitol Way, #303, Olympia, (206) 586-7150; and Enforcement: Russ Brubaker, 711 Capitol Way, #303, Olympia, (206) 586-0257.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule provides tax reporting information to persons performing landscape and horticultural services. Landscape maintenance and horticultural services became a retail sale with the exception of horticultural services for farmers.

Proposal Changes the Following Existing Rules: This is an amendment to WAC 458-20-226. Landscape maintenance services became a retail sale after July 1, 1993. This change is indicated in the rule. The rule indicates that trimming of trees along power lines is a retail sale.

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

The Department of Revenue has reviewed administrative provisions contained in this rule in order to lessen the economic impact on small businesses. A small business economic impact statement is not required for the following reason(s): The changes to this rule are made to conform to mandates of the legislature and the department is given no discretionary latitude; and the department is not aware of any new or additional administrative responsibilities placed on a business as a result of this rule.

Hearing Location: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on June 22, 1994, at 9:30 a.m.

Submit Written Comments to: Les Jaster, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, FAX (206) 664-0972, by June 22, 1994.

Date of Intended Adoption: July 1, 1994.

April 25, 1994
Russell W. Brubaker
Assistant Director

AMENDATORY SECTION (Amending Order ET 83-1, filed 3/30/83)

WAC 458-20-226 Landscape and horticultural services ((gardeners)). ~~((The business of landscape gardening ordinarily includes one or more of the following activities:~~

~~(a) The performance of contracts for grading, filling, leveling and planting of yards, lawns, and grounds.~~

~~(b) The sale, rental, or planting of ornamental trees, plants, shrubs, etc.~~

~~(c) The performance of contracts for the construction of structures, such as walks, pools, fences or trellises, rockeries and retaining walls.~~

~~(d) The maintenance of lawns, plants, or gardens, including grass cutting, hedge trimming, watering, and the pruning of trees and shrubs.~~

BUSINESS AND OCCUPATION TAX

Landscape gardeners are taxable under the classification retailing upon gross proceeds of sales of tangible personal property at retail and upon gross income from performing contracts of types (a), (b), and (c) for consumers. Landscape gardeners are taxable under the classification wholesaling on gross proceeds of sales of for resale and upon gross income from performing contracts of types (a), (b), and (c) for other contractors for resale. Such persons are taxable under the classification service and other activities upon gross income from activities of type (d).

RETAIL SALES TAX AND USE TAX

Landscape gardeners must collect and report the retail sales tax upon the full contract price when performing contracts of types (a), (b), and (c) for consumers. Such persons must pay the retail sales tax to their vendors when purchasing tools, equipment and supplies which are not resold, either directly or as a component part of the finished work. The use tax must be paid upon the value of any such property purchased or acquired without payment of the Washington retail sales tax. Landscape gardeners may give resale certificates to their vendors and are not liable for payment of the retail sales tax upon purchases of plants, shrubs, seed, ornamental trees, fertilizer, peat moss, building materials and any other tangible personal property which is resold either directly or as a component part of the finished work in the course of performing contracts of types (a), (b), and (c) for consumers. Retail sales tax or use tax is due with respect to articles or products used by landscape gardeners in the course of performing contracts of type (d).)

(1) Introduction. This section provides tax reporting instructions for persons who provide landscape and horticultural services. Chapter 25, Laws of 1993 sp. s. amended RCW 82.04.050 to include as a retail sale landscape maintenance and horticultural services, except horticultural services provided to farmers. This change became effective July 1, 1993. Landscape maintenance and horticultural services previously were taxed under the service and other business activities classification.

(2) Retail landscape and horticultural services. Landscape and horticultural services which are retail sales include:

(a) Grading, filling, leveling, planting, seeding, sodding, removing, cutting, trimming, pruning, mulching, aerating, applying chemicals, watering, and fertilizing to establish, promote, or control the growth of trees, shrubs, flowers, grass, ground cover and other flora for ornamentation or other nonagricultural purposes.

(b) The sale or rental of landscaping materials and the construction of sprinkling systems, walks, pools, fences, trellises, rockeries, and retaining walls.

(c) Cultivating fruits, flowers, and vegetables for consumers other than farmers.

(d) Tree trimming performed for public and private utilities to keep power lines free of tree branches. The department of revenue has considered trimming of trees for public or private utilities to be a landscape maintenance activity and not subject to retail sales tax for periods prior to July 1, 1993. This is a retail activity after July 1, 1993. This is an activity performed in respect to power lines. If this activity were not considered to be a landscaping activity, it would still come within the definition of a retail sale at RCW 82.04.050 as altering or improving tangible personal property or labor and services in respect to repairing or improving a structure above or upon real property.

(3) Non-retail landscape and horticultural services. Landscape and horticultural services which are not retail sales include:

(a) Landscape design services performed by a landscape architect separate from a contract for landscape maintenance.

(b) Planting trees for farmers or for the commercial production of timber.

(c) Thinning trees for persons who are involved in the commercial production of timber. (See WAC 458-20-135 and 209).

(d) Landscape services performed for municipal corporations or political subdivisions of the state on real property owned by those entities if the real property is used or held for public road purposes. (See WAC 458-20-171.)

(e) Horticultural services, including spraying and fertilizing, performed for farmers for agricultural purposes. See WAC 458-56-209 for examples of horticultural services performed for farmers.

(4) Business and occupation tax.

(a) Retailing. The gross income from landscape and horticultural services which are retail sales and which are performed for consumers is taxable under the retailing classification.

(b) Wholesaling. The gross income from services which are retail sales and which are performed for other contractors for resale is taxable under the wholesaling classification.

(c) Service. The gross income from horticultural services provided to farmers is taxable under the service and other activities classification.

(d) Selected business services. Effective July 1, 1993, landscape architects who perform design services are taxable under the selected business services tax classification. See RCW 82.04.290.

(e) Public road construction. Persons who perform landscape services for municipal corporations or political subdivisions of the state on real property owned by those entities are taxable under the public road construction tax,

but only if the real property is used or held for public road purposes.

(f) Government contracting. This classification applies to persons engaged in the business of constructing, repairing, decorating, or improving new or existing buildings or other structures for the United States, or a city or county housing authority created under chapter 35.82 RCW. This classification would include the construction or maintenance of items such as walls, fences, walks, pools and other structures. This classification does not include the planting of lawns or trees or the cutting of grass or tree trimming performed for these customers. These activities are subject to the retailing classification.

(5) Retail sales and use tax.

(a) Landscape gardeners and horticulturists, except horticulturists performing services for farmers, must generally collect and report the retail sales tax upon the full contract price when performing landscaping or horticultural services for consumers. For purposes of collecting the local option retail sales tax, the sale takes place where the service is performed. See WAC 458-20-145. The retail sales tax does not apply to charges to the United States for landscape services, including landscape maintenance services, and sellers may take a deduction from the retail sales tax classification in reporting those sales which are taxable under the retailing B&O tax classification.

(b) Persons performing a landscaping or horticultural service for a contractor for resale must provide a resale certificate. See WAC 458-20-102.

(c) Landscape gardeners and horticulturists must pay the retail sales tax to their vendors when purchasing tools, equipment, and supplies which are not resold, either directly or as a component part of the finished work. They must pay deferred sales or use tax directly to the department upon the value of any such property that was purchased or acquired without payment of Washington retail sales tax.

(d) Plants, shrubs, trees, sod, seed, chemicals, fertilizer, peat moss, sprinkler systems, rocks, building materials and any other tangible personal property which becomes a part of the finished work may be purchased for resale, except items used in providing horticultural services for farmers and items used in performing public road construction, government contracting, or services for timber growers.

(e) Retail sales tax or use tax is due with respect to items purchased by horticulturists for use in performing services for farmers.

(f) Retail sales tax or use tax is due with respect to items purchased for use in performing services for timber growers or which are taxable as either public road construction or government contracting. This includes items such as sod, seed, trees, building materials, fertilizers, spray materials, etc.

(6) Examples. The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all of the facts and circumstances.

(a) John Doe, a landscaper, was hired by a city to maintain the landscaping around the buildings at the cities' municipal golf courses. He must collect and report the retail sales tax and pay retailing B&O tax on the full contract amount.

(b) John Doe purchased several plants, some fertilizer, and insect spray to use in landscaping the golf course. He also purchased some solvent and mineral oil to clean and maintain some of his landscaping tools. His purchases of the plants, fertilizer and insect spray are purchases for resale. He must pay retail sales tax to his vendors on his purchases of the solvent and mineral oil.

(c) Landscaping company provides complete landscaping services including landscape design by a licensed landscape architect, installation, and maintenance. Landscaping charged Jane Smith \$200 for a landscaping plan for her new home. She planned to purchase the plants and do the landscaping work herself. Landscaping must report B&O tax on the charge for the design service at the rate for selected business services.

(d) Landscaping company entered into a contract to landscape the yard for a client's new home. The company must collect and report retail sales tax and pay retailing B&O on the full contract amount, even though part of Landscaping's services included drawing a landscaping plan.

(e) Landscaping company entered into a two-phase contract with a county. Phase one required the company to plant trees and shrubs and put in a sprinkling system as part of a public road project. The sprinkler system is located in the public road right of way. The contract provided Landscaping would receive \$500,000 for phase one of the project. Phase two provided that Landscaping would maintain the trees and shrubs for a period of five years. The contract provided for payments of \$4,000 per month plus costs for fertilizer and spray for maintaining the planted strips. Phase one is part of public road construction and Landscaping is taxable under the public road construction classification upon the \$500,000 received for phase one. The company must pay sales tax when purchasing the trees and shrubs and materials for the sprinkling system for use in phase one of the project. See WAC 458-20-171 for the tax liability for public road construction.

Phase two for the maintenance of the completed project is also public road construction. This is not a retail sale because the work is performed for a municipal corporation or political subdivision of the state on land owned by that entity and which is being used for public road purposes. See RCW 82.04.190. Landscaping will owe B&O tax under the public road construction classification and must pay retail sales or use tax on any items used in performing this work, including purchases of fertilizers, chemicals and other materials.

(f) John Doe has a contract with a public utility district (PUD) to trim trees along the PUD's power lines. Some of these trees are on private property with the PUD obtaining the permission of the owners to trim the trees. Some trees are also located on land for which the PUD has an easement, including along public road right of ways. This tree trimming is a retail sale, including trimming performed along the road right of way. The property on the road right of way is not owned by the PUD for whom the work is being performed. The easement is not for use as a public road and as such the tree trimming is not public road construction.

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 94-10-024
PROPOSED RULES
OFFICE OF THE
INSURANCE COMMISSIONER

[Filed April 27, 1994, 1:34 p.m.]

Continuance of WSR 94-05-089 and 94-08-013.

Title of Rule: Life and disability reinsurance agreements.

Other Identifying Information: Insurance Commissioner Matter No. R 94-4.

Date of Intended Adoption: May 31, 1994.

March 27, 1994
 Rich Nafziger
 Deputy Commissioner
 for Deborah Senn
 Insurance Commissioner

WSR 94-10-026
PREPROPOSAL COMMENTS
DEPARTMENT OF HEALTH

[Filed April 28, 1994, 9:25 a.m.]

Subject of Possible Rule Making: Rules to implement the Vision Care Consumer Assistance Act, ESHB 1847, enacted by the 1994 legislature. The rules will set forth requirements for transfer of information between all vision care practitioners participating in a patient's care. Rules may also be required to clarify the contents of a contact lens safety pamphlet and record-keeping requirements.

Persons may Comment on this Subject in the Following Ways: Send written comments by mail or FAX to the Department of Health, Health Professions Section Four, P.O. Box 47863, Olympia, WA 98504-7863, FAX (206) 586-7774, comments should be received no later than May 31, 1994.

Other Information or Comments by Agency at this Time, if any: Rules to clarify this chapter will be developed with the assistance of vision care practitioners. All written submissions will be considered when promulgating these rules. Once finalized a formal hearing will be held to adopt the rules. This rule process will review chapters 246-824 and 246-851 WAC and create a new chapter.

April 26, 1994
 Mimi L. Fields, MD, MPH
 for Bruce Miyahara
 Secretary

WSR 94-10-029
PROPOSED RULES
MULTIMODAL TRANSPORTATION
PROGRAMS AND PROJECTS
SELECTION COMMITTEE

[Filed April 28, 1994, 12:02 p.m.]

Original Notice.

Title of Rule: Multimodal transportation programs and projects selection committee.

Purpose: Amending chapter 240-20 WAC to permit the committee to create a supplemental application by taking

administrative actions or utilizing unobligated accumulative funds.

Statutory Authority for Adoption: Chapter 47.66 RCW.
 Statute Being Implemented: Chapter 47.66 RCW.

Summary: Permits the multimodal committee to take administrative actions to create supplemental funding from obligated and unobligated funds in the four accounts.

Reasons Supporting Proposal: It permits the committee to fund supplemental applications.

Name of Agency Personnel Responsible for Drafting: Teresa Olson, Transportation Building 1A18, 705-7927; Implementation: Jim Slakey, Transportation Building 1A18, 705-7920; and Enforcement: Martha Choe, 1100 Municipal Building, (206) 684-8802.

Name of Proponent: Multimodal Transportation Programs and Projects Selection Committee, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This change gives greater flexibility and discretion to the multimodal committee thereby enabling the committee to more effectively administer the account funds.

Proposal does not change existing rules.

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

Hearing Location: WestCoast SeaTac Hotel, 18220 Pacific Highway South, Seattle, WA 98188, on July 15, 1994, at 9:00 a.m.

Submit Written Comments to: Teresa Olson, Special Assistant to the Multimodal Committee, P.O. Box 47370, Olympia, WA 98504-7370, by July 14, 1994.

Date of Intended Adoption: July 20, 1994.

April 15, 1994
 Martha Choe
 Chair

NEW SECTION

WAC 240-20-075 Supplemental applications. After program and project selection, circumstances may develop wherein unobligated funds may accumulate in one or more of the accounts. Such accumulation may occur as a result of a program or project costing less than budgeted, a program or project being unable to go forward or to complete its objectives, or more funds being available in the account than projected. Should such accumulations occur, the committee may institute a supplemental application period to program those funds. Should the committee elect to do so, the application and project selection process will be subject to the conditions identified in this chapter. Furthermore, the application guidelines identified by WAC 240-20-060 and currently in use shall be used for the supplemental process. In the judgment of the committee, project(s) may be reduced or terminated in order to fund supplemental applications.

WSR 94-10-040
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Order 94-14—Filed April 29, 1994, 3:55 p.m.]

Original Notice.

Title of Rule: WAC 173-19-3506 Gig Harbor shoreline master program.

Purpose: Adoption of revised shoreline master program into state master program, chapter 173-19 WAC.

Statutory Authority for Adoption: RCW 90.58.200.

Statute Being Implemented: Chapter 90.58 RCW, Shoreline Management Act of 1971.

Summary: The amendment revises the shoreline master program for the city of Gig Harbor. This is a rewrite and update of the entire program with new and revised goals, policy and regulations.

Reasons Supporting Proposal: Shoreline master programs and revisions are developed by local governments and submitted to the department for approval. The programs do not become effective until adopted by the department in accordance with the Shoreline Management Act and the Administrative Procedure Act.

Name of Agency Personnel Responsible for Drafting: Linda Whitcher, Washington Department of Ecology, Box 47775, Olympia, 98504-7775, (206) 407-6523; Implementation and Enforcement: Jay A. Shepard, Washington Department of Ecology, Box 47690, Olympia, 98504-7690, (206) 407-7280.

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: This proposed rule is a major rewrite of the Gig Harbor shoreline master program originally adopted in March 1975. It includes a new shoreline environment designation, Urban Residential. A new section provides for a variety of uses related to the commercial fishing industry and a new section on administration of the program. The purpose is to provide minimum guidelines for the shoreline administrator, hearings examiner and city council to use when making decisions involving the city's shoreline area. It is anticipated that this program will provide consistent and clear development guidelines for shoreline development.

Proposal Changes the Following Existing Rules: This amends chapter 173-19 WAC, Shoreline Management Act of 1971, state master program.

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

Chapter 19.85 RCW, Regulatory Fairness Act, requires mitigating action and filing of a small business economic impact statement when rule adoption will have an economic impact on more than 20% of all industries or more than 10% of any one industry. This amendment proposed by the city of Gig Harbor does not meet the criteria which require preparation of a small business impact statement.

Hearing Location: Conference Room, Gig Harbor City Hall, 3105 Judson Street, Gig Harbor, WA, on June 7, 1994, at 7:00 p.m.

Submit Written Comments to: Don Bales, Washington State Department of Ecology, Shorelands and Coastal Zone Management Program, P.O. Box 47692, Olympia, WA 98504-7692, by June 14, 1994.

Date of Intended Adoption: June 28, 1994.

April 27, 1994
Mary Riveland
Director

AMENDATORY SECTION (Amending Order DE 80-50, filed 12/11/80)

WAC 173-19-3506 Gig Harbor, ((town)) city of. ((Town)) City of Gig Harbor master program approved September 10, 1975. Revision approved December 10, 1980. Revision approved June 28, 1994.

WSR 94-10-041

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 94-16—Filed April 29, 1994, 4:00 p.m.]

Original Notice.

Title of Rule: WAC 173-19-360 San Juan County shoreline master program.

Purpose: Adoption of revised shoreline master program into state master program, chapter 173-19 WAC.

Statutory Authority for Adoption: RCW 90.58.200.

Statute Being Implemented: Chapter 90.58 RCW, Shoreline Management Act of 1971.

Summary: The amendment revises the shoreline master program for San Juan County. The amendment adds provision for a hearings examiner to review shoreline permits and administrative appeals.

Reasons Supporting Proposal: Shoreline master programs and revisions are developed by local governments and submitted to the department for approval. The programs do not become effective until adopted by the department in accordance with the Shoreline Management Act and the Administrative Procedure Act.

Name of Agency Personnel Responsible for Drafting: Alice Schisel, Washington Department of Ecology, Box 47690, Olympia, 98504-7690, (206) 407-6524; Implementation and Enforcement: Jay A. Shepard, Washington Department of Ecology, Box 47690, Olympia, 98504-7690, (206) 407-7280.

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: This amendment provides for a hearing examiner to review shoreline permits and hear appeals of administrative decisions. It is intended to depoliticize the decision-making process.

Proposal Changes the Following Existing Rules: This amends chapter 173-19 WAC, Shoreline Management Act of 1971, state master program.

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

Chapter 19.85 RCW, Regulatory Fairness Act, requires mitigating action and filing of a small business economic impact statement when rule adoption will have an economic impact on more than 20% of all industries or more than 10% of any one industry. This amendment proposed by San Juan County does not meet the criteria for requiring preparation of a small business impact statement.

Hearing Location: Commissioners' Conference Room, 350 Court Street, Friday Harbor, WA, on June 8, 1994, at 2:00 p.m.

Submit Written Comments to: Don Bales, Washington State Department of Ecology, Shorelands and Coastal Zone Management Program, P.O. Box 47690, Olympia, WA 98504-7690, by June 15, 1994.

Date of Intended Adoption: June 28, 1994.

April 27, 1994
Mary Riveland
Director

AMENDATORY SECTION (Amending Order 92-40, filed 12/22/92, effective 1/22/93)

WAC 173-19-360 San Juan County. San Juan County master program approved May 28, 1976. Revision approved October 29, 1976. Revision approved April 13, 1981. Revision approved October 30, 1984. Revision approved April 19, 1989. Revision approved March 14, 1990. Revision approved May 15, 1990. Revision approved June 19, 1990. Revision approved February 5, 1991. Revision approved June 4, 1991. Revision approved August 18, 1992. Revision approved October 20, 1992. Revision approved June 28, 1994.

WSR 94-10-045
PROPOSED RULES
DEPARTMENT OF HEALTH
[Filed May 2, 1994, 12:45 p.m.]

Original Notice.

Title of Rule: Chapter 246-331 WAC, Hospice.

Purpose: To implement legislative amendments.

Statutory Authority for Adoption: RCW 70.127.120.

Statute Being Implemented: Chapter 70.127 RCW.

Summary: Establishing rules for deemed status, changing to a two year license period, clarifying requirements for volunteers, and clarifying language.

Name of Agency Personnel Responsible for Drafting: Natalie Gonzalez, P.O. Box 47852, Olympia, WA 98504-7852, 705-6780; Implementation and Enforcement: Kathy Stout, P.O. Box 47852, Olympia, WA 98504-7852, 705-6780.

Name of Proponent: [Department of Health], governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Implement changes in law including deemed status, reduced number of requirements for volunteers, increased length of licensure period and clarifying language.

Proposal Changes the Following Existing Rules: Chapter 246-331 WAC.

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

These amendments will not increase costs for small businesses.

Hearing Location: Training Room, Developmental Disability Office, West 1611 Indiana, Spokane, WA, on June 10, 1994, at 1:00 p.m.; and in the Training Room, Department of Health, 2725 Harrison N.W., Suite 500, Olympia, WA, on June 7, 1994, at 1:30 p.m.

Submit Written Comments to: Ann Foster, Rules Coordinator, 1112 S.E. Quince Street, Olympia, WA 98504-7902, by June 1, 1994.

Date of Intended Adoption: June 10, 1994.

May 2, 1994
Bruce Miyahara
Secretary

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-331-001 Purpose and scope. ~~((The purpose of these rules is to administratively))~~ (1) This chapter implements chapter 70.127 RCW by establishing minimum ((licensing)) standards for hospice ((care)) agencies ((related to safe and competent care of patients and the well-being of the patient unit)).

(2) This chapter does not apply to:

(a) Home health agencies as defined by RCW 70.127.010;

(b) Home care agencies as defined by RCW 70.127.010;

(c) Other persons, activities or entities specified in RCW 70.127.040; or

(d) Volunteer hospices meeting the requirements in RCW 70.127.050.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-331-010 Definitions. For the purpose of this chapter ((70.127 RCW and chapter 246-331 WAC, the following words and phrases shall have the following meaning)), the definitions in RCW 70.127.010 and in this section apply unless the context clearly indicates otherwise.

(1) "Administrator" means ((a person)) an individual responsible for managing ((and responsible for)) the day-to-day operation of ((each licensed)) an agency.

(2) ("Agency" means a hospice agency defined under this section and chapter 70.127 RCW.

(3) "AIDS" means acquired immunodeficiency syndrome defined under WAC 246-100-011.

(4) "Authorizing practitioner" means an individual authorized to sign a hospice plan of treatment, including:

(a) A physician, an individual licensed under chapter 18.57 or 18.71 RCW;

(b) A podiatric physician and surgeon, an individual licensed under chapter 18.22 RCW; or

(c) An advanced registered nurse practitioner (ARNP), a registered nurse with an ARNP recognition as authorized by the board of nursing under chapter 18.88 RCW.

(3) "Bereavement care" means care provided to the patient's family with the goal of alleviating the emotional and spiritual discomfort associated with the patient's death.

(4) "Branch office" means according to RCW 70.127.010, a location or site from which ((an)) a hospice agency provides services within a portion of the total geographic area served by the parent agency. The branch office is part of the agency ((, included in the license of agency)) and is located sufficiently close to share administration, supervision, and services.

((5) "Bereavement care" means care provided to the family of a patient with the goal of alleviating the emotional

~~and spiritual discomfort associated with the death of the patient.~~

~~(6) "Bylaws" means a set of rules adopted by an agency for governing the agency operation.~~

~~(7) "Clinical note" means a written, signed, dated notation of each contact with a patient which may contain a description of signs and symptoms, treatments, medications given, the patient reaction, any changes in physical or emotional condition, and other pertinent information.~~

~~(8)) (5) "Contractor" means a person or agency who contracts with a licensee to provide patient care services or equipment.~~

~~(6) "Deemed status" means a designation assigned by the department for a licensee meeting the provisions of WAC 246-331-030, certified or accredited by organizations recognized by RCW 70.127.080.~~

~~(7) "Department" means, according to RCW 70.127.010, the Washington state department of health.~~

~~((9) "Dietitian" means an individual certified under chapter 18.138 RCW, Dietitians and nutritionists.~~

~~(10)) (8) "Document" means to record with signature or unique identifier, title and date.~~

~~(9) "Family" means an individual or individuals ((who are important to and designated by the patient, and who may or may not be relatives.~~

~~(11) "Governing body" means the person, who may be the owner or a group, with responsibility and authority to establish policies related to operation of the agency);~~

~~(a) Designated by the patient, who may or may not be related; or~~

~~(b) Legally appointed to represent the patient.~~

~~((12) "HIV" means human immunodeficiency virus defined under RCW 70.24.017(7).~~

~~(13) "Home health aide" means an individual registered or certified as a nursing assistant under chapter 18.88A RCW.~~

~~(14) "Home health aide services" means services provided by a hospice under supervision of a registered nurse, physical therapist, occupational therapist, or speech therapist and as further defined under RCW 70.127.010(7).~~

~~(15) "Homemaker services" means services assisting ill, disabled, or infirm persons with household tasks essential to achieving adequate household and family management, including transportation, shopping, and maintenance of premises.~~

~~(16)) (10) "Health care professional" means an individual who provides health or health-related services within the individual's authorized scope of practice, who is:~~

~~(a) Licensed or certified under Title 18 RCW;~~

~~(b) Registered under chapter 18.19 or 18.88A RCW; or~~

~~(c) A speech therapist as defined in this section.~~

~~(11) "Health officer" means an individual defined in RCW 70.05.010.~~

~~(12) "Home health aide" means an individual registered or certified under chapter 18.88A RCW.~~

~~(13) "Hospice agency" ((means) or "agency" means, according to RCW 70.127.010, a private or public agency or organization ((administering or providing)) that administers or provides hospice care services directly or through a contract arrangement to terminally ill persons in places of temporary or permanent residence by using an interdisciplin-~~

~~ary team composed of at least nursing, social work, physician, and pastoral or spiritual counseling.~~

~~((17) "Hospice care" means:~~

~~(a) Palliative care provided to a terminally ill person in a place of temporary or permanent residence with the goal of alleviating physical symptoms, including pain, the emotional and spiritual discomfort associated with dying; and~~

~~(b) Bereavement care; and~~

~~(c) May include health and medical services, personal care, respite care, or homemaker services.~~

~~(18)) (14) "Hospice plan of care" means according to RCW 70.127.260, a written plan of care established by ((the interdisciplinary team)) a physician and ((periodically)) reviewed by ((a physician)) other members of the interdisciplinary team describing hospice care to be provided ((to a terminally ill patient for palliation or medically necessary treatment of an illness or injury)).~~

~~((19) "Ill, disabled, or infirm persons" means persons who need home health, hospice, or home care service in order to maintain themselves in their places of temporary or permanent residence.~~

~~(20)) (15) "Interdisciplinary team" means ((all disciplines)) the group of individuals involved in patient care ((minimally)) including, at a minimum, a physician, registered nurse, ((medical)) social worker, and spiritual counselor and may include additional health care professionals.~~

~~((21)) (16) "Licensed practical nurse" or "LPN" means an individual licensed as a practical nurse under chapter 18.78 RCW((, Practical Nurses)).~~

~~((22)) (17) "Licensee" means the person to whom the department issues the hospice agency license.~~

~~(18) "Managed care plan" means a plan prior-authorized and controlled by the terms of the reimbursement source.~~

~~((23) "May" means permissive or discretionary on the part of the department.~~

~~(24) "Medical social worker" means an individual with a bachelor's degree in social work, psychology, or a related field having completed one year of social work experience and registered as a counselor under RCW 18.19.090.~~

~~(25) "Occupational therapist" means an individual licensed as an occupational therapist under chapter 18.59 RCW.~~

~~(26) "Owner" means the individual, partnership, or corporate entity legally responsible for the business requiring licensure as a hospice agency under chapter 70.127 RCW.~~

~~(27)) (19) "Patient" means ((the terminally ill)) an individual with a terminal condition who is receiving care from the agency.~~

~~((28)) (20) "Patient unit" means the patient and family who together ((form the unit of care in hospice)) are the recipients of hospice care.~~

~~((29) "Personal care services" means services assisting ill, disabled, or infirm persons with dressing, feeding, and personal hygiene to facilitate self-care.~~

~~(30)) (21) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association and the legal successor thereof.~~

~~(22) "Personnel" means individuals ((providing patient care on behalf of an agency including employees and individuals under contract)) employed and compensated by the licensee.~~

((31) "Pharmacist" means an individual licensed as a pharmacist under RCW 18.64.080.

(32) "Physical therapist" means an individual licensed as a physical therapist under chapter 18.74 RCW.

(33) "Physician" means an individual licensed as a medical doctor under chapter 18.71 RCW or an osteopathic physician and surgeon licensed under chapter 18.57 RCW.

(34) "Prehire screening" means checking of work references, appropriate registration, licensure or certification, and qualifications.

~~((35))~~ (23) "Registered nurse" or "RN" means an individual licensed under chapter 18.88 RCW ~~((Registered nurses))~~.

~~((36) "Respite care services" means services assisting or supporting the primary caregiver on a scheduled basis.~~

~~(37) "Respiratory therapist" means an individual certified under chapter 18.89 RCW, Respiratory care practitioners.~~

~~(38) "Shall" means compliance is mandatory.~~

~~(39) "Speech therapist" means a person meeting:~~

~~(a) The education and experience requirements for a certificate of clinical competence in the appropriate area of speech pathology or audiology, granted by the American Speech, Language, and Hearing Association, as described in *The ASLHA Directory*, American Speech, Language and Hearing Association, 10801 Rockville Pike, Rockville, Maryland 20852, 1983; or~~

~~(b) The education requirements for a certificate of clinical competence and in the process of accumulating the supervised experience, as specifically prescribed in *The ASLHA Directory*, 1983.~~

~~((40))~~ (24) "Social worker" means an individual registered or certified as a counselor under chapter 18.19 RCW with a bachelor's degree in social work, psychology, or a related field.

(25) "Spiritual counseling services" means services:

(a) Coordinated by an individual with knowledge of theology, pastoral counseling, or an allied field ~~((;))~~; or ~~((an individual authorized by a spiritual organization to provide counseling services.~~

(41) "Supervision" means authoritative procedural guidance by a qualified person who assumes the responsibility for the accomplishment of a function or activity and who provides direction and ongoing monitoring and evaluation of the actual act of accomplishing the function or activity.

(42) "Therapist" means a physical therapist, occupational therapist, speech therapist, or respiratory therapist as defined in this section or other therapist licensed or certified under Title 18 RCW and providing health or medical care or treatment within their defined scope of practice.

~~((43))~~ (b) Authorized by a spiritual organization to provide counseling services.

(26) "Therapist" means an individual who is licensed or certified under Title 18 RCW and who is:

(a) A physical therapist licensed as a physical therapist under chapter 18.74 RCW; or

(b) A respiratory therapist certified under chapter 18.89 RCW; or

(c) An occupational therapist means an individual licensed under chapter 18.59 RCW; or

(d) A speech therapist meeting the education and experience requirements for a certificate of clinical compe-

tence in an appropriate area of speech pathology or audiology, granted by the American Speech, Language, and Hearing Association as described in *The ASLHA Directory*, American Speech, Language, and Hearing Association, 10801 Rockville Pike, Rockville, Maryland 20852, 1983; or for a certificate of clinical competence and in the process of accumulating the supervised experience, as specifically prescribed in *The ASLHA Directory*, 1983.

(27) "Therapy assistant" means a licensed occupational therapy assistant defined under chapter 18.59 RCW or physical therapist assistant defined under chapter ~~((246-915))~~ 246-42 WAC.

~~((44) "Therapy services" means those services delivered by therapists as defined in this section.~~

~~((45))~~ (28) "Volunteer" means an individual ~~((providing assistance))~~ who provides direct care to the ~~((hospice agency))~~ patient unit, and who:

(a) ~~((Oriented, trained, and supervised to perform specific assigned tasks; and~~

~~((b) Working without compensation.~~

~~((46) "Without compensation" means:~~

~~((a) A recipient of care is not charged a fee for any service delivered by the volunteer; and~~

~~((b) An individual delivering care receives no pay, except reimbursement for personal mileage incurred to deliver hospice services.))~~ Is not compensated by the agency or patient unit; and

~~((b) May be reimbursed for personal mileage incurred to deliver hospice services.~~

(29) "WISHA" means the Washington Industrial Safety and Health Act, chapter 49.17 RCW, administered by the Washington state department of labor and industries.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-331-025 Licensure ~~((of the hospice agency))~~—**Initial, renewal, transfer.** ~~((1) After June 30, 1989, persons operating hospice agencies defined under chapter 70.127 RCW shall submit applications and fees to the department.~~

~~((2) After July 1, 1990, no person shall:~~

~~((a) Advertise, operate, manage, conduct, open, or maintain a hospice agency without first obtaining an appropriate license from the department; or~~

~~((b) Use the words "hospice agency" or "hospice care" in its corporate or business name, or advertise using such words unless licensed as a hospice agency under chapter 70.127 RCW.~~

~~((3) Applicants for a hospice agency license shall:~~

~~((a) Submit a completed application and fee for initial license or renewal to the department on forms furnished by the department, including signature of the owner or legal representative of the owner;~~

~~((b) Furnish to the department full and complete information as required by the department for the proper administration of department requirements including:~~

~~((i) Evidence of current insurance including:~~

~~((A) Professional liability insurance coverage specified under RCW 70.127.080; and~~

~~((B) Public liability and property damage insurance coverage specified under RCW 70.127.080.~~

~~(ii) Information on organizational and governing structure and the identity of the applicant, officers, directors, partners, managing employees, or owners of ten percent or more of the applicant's assets;~~

~~(iii) A list of counties where the applicant will operate;~~

~~(iv) A list of branch offices; and~~

~~(v) A list of services provided or offered.~~

~~(4) Agencies requesting license renewal shall submit a renewal application and fee to the department.~~

~~(5) If the applicant or owner meets the requirements of this chapter and chapter 70.127 RCW, the department shall issue or renew a license for the agency.~~

~~(6) The department shall:~~

~~(a) Deny a license if in the last five years the owner, applicant, officers, directors, partners, managing employees, or owners of ten percent or more of the applicant's assets are found in a civil or criminal proceeding to have committed any act reasonably relating to the fitness of any of the above persons to:~~

~~(i) Establish, maintain, or administer an agency; or~~

~~(ii) Provide care in the home of another.~~

~~(b) Provide for a combination of applications and licenses and the reduction of individual license fees if an applicant applies for more than one category of license under chapter 70.127 RCW;~~

~~(c) Establish fees to be paid under chapter 43.70 RCW and WAC 246-331-990, including providing for the reduction of individual license fees if an applicant applies for more than one category of license under RCW 70.127.110;~~

~~(d) Prohibit transfer or reassignment of a license without thirty days prior notice to the department and department approval;~~

~~(e) Issue a license following approval of a new or current owner's application;~~

~~(f) Conduct on-site reviews of the agency, which may include in-home visits with the consent of the patient, to determine compliance;~~

~~(g) Examine and audit records of the agency if the department believes a person is providing care without an appropriate license;~~

~~(h) Provide for combined licensure inspections and audits for owners holding more than one license under RCW 70.127.110;~~

~~(i) Give written notice of any violations, including a statement of deficiencies observed;~~

~~(j) Inform the owner or applicant of the requirement to:~~

~~(i) Present a plan of correction to the department within ten working days; and~~

~~(ii) Comply within a specified time not to exceed sixty days.~~

~~(k) Allow the owner a reasonable period of time, not to exceed sixty days, to correct a deficiency prior to assessing a civil penalty unless:~~

~~(i) The deficiency is an immediate threat to life, health, or safety; or~~

~~(ii) The owner fails to comply with any of the provisions of WAC 246-331-045 (3)(a), (b), (c), (d), (e), (f), (g), (h), (i), and (j).~~

~~(l) Initiate disciplinary action, under RCW 70.127.170 and this chapter, if the owner or applicant fails to comply.~~

~~(7) The department may:~~

~~(a) Issue a license effective for one year or less unless the license is suspended or revoked;~~

~~(b) Inspect an agency and examine records at any time to determine compliance with chapter 70.127 RCW and this chapter; and~~

~~(c) Deny, suspend, modify, or revoke an agency license for failure to comply with chapter 70.127 RCW and this chapter.~~

~~(8) When a change of ownership is planned, the owner shall notify the department, in writing, at least thirty days prior to the date of transfer, including:~~

~~(a) Full name and address of the current owner and prospective new owner;~~

~~(b) Name and address of the agency and new name under which the agency will be operating, if known; and~~

~~(c) The date of the proposed change of ownership.~~

~~(9) The prospective new owner shall submit a new application for an agency license with the fee at least thirty days prior to the change of ownership.~~

~~(10) The agency shall inform the department, in writing, at the time of opening or closing the agency or branch offices included in the agency license:))~~

~~(1) A person shall have a current license issued by the department before operating or advertising a hospice agency.~~

~~(2) An applicant for initial licensure shall submit to the department:~~

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

~~(b) Evidence of current professional liability, public liability, and property damage insurance coverage in accordance with RCW 70.127.080;~~

~~(c) A criminal history background check in accordance with WAC 246-331-090(2);~~

~~(d) The following information:~~

~~(i) Names of officers, managing personnel, directors, and partners or individuals owning ten percent or more of the applicant's assets;~~

~~(ii) A description of the organizational structure;~~

~~(iii) A description of the services to be offered;~~

~~(iv) Name and address of branch offices;~~

~~(v) Counties where applicant will provide hospice services; and~~

~~(vi) Other information as required by the department; and~~

~~(e) Fees specified in WAC 246-331-990.~~

~~(3) A licensee shall apply for license renewal at least thirty days before the expiration date of the current license by submitting to the department:~~

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

~~(b) A criminal history background check in accordance with WAC 246-331-090(2);~~

~~(c) Documentation according to the provisions of WAC 246-331-030, if applying for deemed status;~~

~~(d) Fees specified in WAC 246-331-990; and~~

~~(e) Other information as required by the department.~~

~~(4) At least thirty days prior to transferring ownership of a currently licensed agency:~~

~~(a) The licensee shall submit to the department:~~

~~(i) The full name and address of the current licensee and prospective owner;~~

(ii) The name and address of the currently licensed agency and the name under which the transferred agency will operate; and

(iii) Date of the proposed change of ownership; and

(b) The prospective new owner shall submit the transfer fee specified in WAC 246-331-990, and:

(i) Apply for licensure according to subsection (2) of this section; or

(ii) If planning to add the transferred agency as a branch office provide notification to the department according to WAC 246-331-035 (1)(b).

(5) An owner wishing to license a volunteer hospice as defined in RCW 70.127.050 is exempt from subsection (2)(b) of this section.

NEW SECTION

WAC 246-331-030 Deemed status. (1) The department shall grant deemed status to licensees meeting the requirements in this section and otherwise qualified for licensure.

(2) The department shall renew a license without conducting an on-site survey for licensees with deemed status.

(3) A licensee certified by the federal Medicare program, 42 CFR Part 418, conditions of participation, home health agencies, applying for initial deemed status shall indicate certification on the renewal application.

(4) A licensee accredited by the joint commission on accreditation of health care organizations or the community health accreditation program, Inc. applying for initial deemed status shall submit to the department with the renewal application:

(a) Verification of accreditation; and

(b) A copy of an on-site survey conducted by the accrediting organization within the twenty-four month period preceding the renewal due date.

(5) A licensee granted deemed status pursuant to subsection (4) of this section shall submit to the department:

(a) A copy of each survey conducted by the accrediting organization within ninety days of the survey date; and

(b) All decisions and findings, including any changes in accreditation status, from the accrediting organization within ten days of receipt.

(6) The department shall grant deemed status to a licensee when:

(a) The licensee meets the requirements in this section;

(b) The licensee verifies an on-site survey has been conducted by an organization specified in this section within the twenty-four month period preceding the renewal due date; and

(c) The department determines, using a liberal interpretation, the survey standards used at the time of survey are substantially equivalent to chapter 70.127 RCW and this chapter.

(7) Upon determining survey standards used by an organization specified in this section are not substantially equivalent with chapter 70.127 RCW and this chapter, the department shall send affected licensees:

(a) A detailed description of the deficiencies in the alternate survey process; and

(b) An explanation concerning the risk to the consumer.

(8) The department shall conduct verification surveys according to RCW 70.127.085.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-331-035 (~~License denials—Suspensions—Modifications—Revocations.~~) **Responsibilities and rights—Licensee and department.** ((1) The department may deny, suspend, modify, or revoke a license or assess civil penalties, or both, against the agency if an applicant, owner, officer, director, or managing employee:

(a) Fails or refuses to comply with the provisions under chapter 70.127 RCW or this chapter;

(b) Continues to operate after the license is revoked or suspended for cause without subsequent reinstatement by the department;

(c) Makes a false statement of a material fact in the application for the license or data attached or in any record required by this chapter or matter under investigation by the department;

(d) Refuses to allow representatives of the department to inspect any part of the agency or books, records, or files required by this chapter;

(e) Willfully prevents or interferes with, or attempts to impede in any way, the work of a representative of the department in the lawful enforcement of chapter 70.127 RCW and this chapter;

(f) Willfully prevents or interferes with a representative of the department in the preservation of evidence of a violation under chapter 70.127 RCW or this chapter;

(g) Fails to pay or make arrangements to pay a civil monetary penalty assessed by the department within ten days after the assessment becomes final, as provided under WAC 246-331-045, Civil fines;

(h) Uses false, fraudulent, or misleading advertising;

(i) Has repeated incidents of personnel performing services beyond services authorized by the agency or law; or

(j) Misrepresents, or is fraudulent in an aspect of, the conduct of the applicant's or owner's business.

(2) If the department finds the public health, safety, or welfare imperatively require emergency action, a license may be summarily suspended pending proceedings for revocation or other action.) (1) A licensee shall:

(a) Comply with the provisions of Chapter 70.127 RCW and this chapter;

(b) Notify the department in writing:

(i) Thirty or more days before beginning or ceasing operation of an agency;

(ii) Upon beginning or ceasing operation of a branch office; and

(iii) Within ten working days of changing the geographical area served by the agency;

(c) Cooperate with the department during on-site surveys and investigations which may include reviewing agency records and in-home visits with patient consent;

(d) Respond to a statement of deficiencies by submitting to the department, according to the dates specified on the statement of deficiencies form:

(i) A written plan of correction for each deficiency stated in the report; and

(ii) A progress report of corrections.

(2) An applicant or licensee has the right to:

(a) Discuss with the surveyor deficiencies found during an on-site survey or investigation at the conclusion of the survey or investigation;

(b) A written statement of deficiencies found during the survey or investigation;

(c) Discuss the statement of deficiencies with the department's program manager; and

(d) Contest a disciplinary action or decision of the department to deny a license according to the provisions of RCW 43.70.115, chapter 34.05 RCW and chapter 246-10 WAC.

(3) The department shall:

(a) Issue an initial license for one year;

(b) Issue a renewal license for two years;

(c) Issue a transfer license to the new licensee for the remainder of the current license period;

(d) Investigate any entity suspected of providing hospice care without a license;

(e) Investigate an agency suspected of providing insufficient, inadequate or inappropriate care;

(f) Provide for combined surveys for licensees with more than one license under Chapter 70.127 RCW, in accordance with RCW 70.127.110;

(g) Conduct unannounced on-site surveys and investigations at any time to determine compliance with Chapter 70.127 RCW and this chapter;

(h) Provide a period of time for a licensee or applicant to correct deficiencies cited by the department during an on-site survey or investigation, according to the plan of correction;

(i) Reserve the right, according to the provisions of RCW 70.127.170, RCW 43.70.095, Chapter 34.05 RCW and Chapter 246-10 WAC, to:

(i) Deny, suspend, modify or revoke a license; and

(ii) Assess a civil monetary penalty, not to exceed one thousand dollars per deficiency, based on the preventive and remedial action of the licensee and threat to patient health or safety, for deficiencies including but not limited to:

(A) Failing to provide agreed-upon patient care services without appropriate notice;

(B) Actions resulting in the injury or death of a patient;

(C) Compromising the health or safety of a patient, including a pattern of incidents of personnel performing services beyond their authorized scope of practice;

(D) Knowingly making a false statement of a material fact concerning information requested in this chapter or in any matter under department investigation;

(E) Conducting business or advertising in a misleading or fraudulent manner;

(F) Refusing to allow the department to examine records or willfully interfering with an on-site survey or investigation;

(G) Failing to pay a fine within ten days after the assessment becomes final or as agreed to by the department and the licensee; and

(H) Continuing to operate after license revocation or suspension or operating outside the parameters of a modified or restricted license.

(4) The department may summarily suspend a license pending proceeding for revocation or other action if the

department determines a deficiency is an imminent threat to a patient's health, safety or welfare.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-331-065 General requirements. ~~((1) The agency shall have a written plan of operation including:~~

~~(a) An organizational chart showing ownership and lines for delegation of responsibility to the patient care level;~~

~~(b) The services offered including hours of operation and service availability;~~

~~(c) Admission discharge, referral, and transfer criteria;~~

~~(d) Evidence of administrative and supervisory control and responsibility for all services including services provided by branch offices;~~

~~(e) An annual budget approved by the governing body; and~~

~~(f) Provisions for ongoing care in the event the agency ceases operation.~~

(2) Hospice agencies shall:

(a) Arrange for one or more physicians to:

(i) Provide medical direction;

(ii) Advise the agency on policies and procedures;

(iii) Serve as liaison with the patient's attending physicians;

(iv) Provide patient care and approve modifications of the hospice plan of care if the attending physician does not provide care or approve modifications in the plan; and

(v) Participate regularly in hospice care planning conferences with staff.

(b) Provide medical social services with at least one medical social worker available;

(c) Provide spiritual counseling services, either directly or in coordination with an individual of the patient's choice, if the patient or family desires;

(d) Provide nursing consultation and in-home visits as needed twenty four hours per day, seven days per week, either directly or by arrangement with another agency;

(e) Provide or make available volunteer services to assist in provision of hospice care;

(f) Provide a bereavement care program, either directly or by arrangement for the family of patients, including:

(i) Referral of family members to other resources as needed;

(ii) Group and/or individual support opportunities as appropriate for bereavement care education and support;

(iii) Documented training and supervision of all personnel involved in bereavement care program; and

(iv) Follow up available for at least one year, after death of the patient.

(g) Provide scheduled support for staff.

(3) The agency shall provide services consistent with an authorized plan of treatment or plan of care and:

(a) Accept the patient unit only if the agency is capable of providing or arranging for needed hospice care at the level of intensity required by the patient unit; and

(b) Inform the patient unit of alternate services, if available, if the agency is unable to meet identified needs of the patient.

(4) Agency personnel shall communicate in a language or form of communication the patient can reasonably be

expected to understand. Whenever possible, the agency shall assist in obtaining:

- (a) Special devices;
- (b) Interpreters; or

(c) Other aids to facilitate communication.) The licensee shall:

- (1) Have a written plan of operation describing the:
 - (a) Delegation of responsibility;
 - (b) Services to be provided;
 - (c) Counties or portions of counties served; and
 - (d) Availability of services;
- (2) Provide management and supervision of services throughout the service delivery area;
- (3) Assure the scope of services are consistent with each authorized hospice plan of care;
- (4) Arrange for one or more physicians to coordinate medical direction including:
 - (a) Advising the agency on policies and procedures;
 - (b) Serving as liaison with a patient's attending physician;
 - (c) Providing patient care;
 - (d) Approving modifications in individual plans of care; and
 - (e) Participating in care planning conferences as required by WAC 246-331-135;
- (5) Make nursing consultation available twenty-four hours per day, seven days per week;
- (6) Provide nursing in-home visits as needed twenty-four hours per day, seven days per week;
- (7) Assure the following services are available to the patient unit, including, but not limited to:
 - (a) Social services;
 - (b) Spiritual counseling;
 - (c) Bereavement care;
 - (d) Volunteer services; and
 - (e) Respite care;
- (8) Continue bereavement care, if requested, for up to, one year after a patient's death;
- (9) Develop and use set criteria for:
 - (a) Accepting patients;
 - (b) Discontinuing service;
 - (c) Referring patients; and
 - (d) Transferring patients;
- (10) Inform each patient of alternate services prior to ceasing business or when the licensee is unable to met the patient's needs;
- (11) Review contracts annually for conformance with the agency's patient care policies and procedures, and document review; and
- (12) Develop policies and procedures as required by WAC 246-327-115.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-331-077 Patient bill of rights. ((Hospice agencies shall provide each patient unit with a written bill of rights affirming each patient's rights to:

(1) ~~Be informed of aspects of his or her condition necessary to make decisions regarding his or her care;~~

(2) ~~Refuse treatment or services to the extent permitted by law and be informed of the potential consequences of such action;~~

(3) ~~Be informed of the services offered by the agency, including those services provided in his or her home;~~

(4) ~~Participate in development of the hospice plan of care;~~

(5) ~~Be informed of any responsibilities the patient may have in the care process, including the requirement for medical supervision when required for the hospice plan of care;~~

(6) ~~Be informed of the name of the person supervising the hospice care and how to contact that person;~~

(7) ~~Be informed of the process for submitting and addressing complaints to both the agency and department;~~

(8) ~~Receive an explanation of the agency's charges and policy concerning billing and payment for services including, to the extent possible, insurance coverage and other methods for payment, unless services are reimbursed through a managed care plan;~~

(9) ~~Upon request, receive a fully itemized billing statement at least monthly including the date of each service and the charge, unless service is reimbursed through a managed care plan;~~

(10) ~~Access the department's directory of licensed agencies;~~

(11) ~~Upon request, be informed of who owns and controls the agency;~~

(12) ~~Personnel properly trained to perform assigned tasks;~~

(13) ~~Coordinated services;~~

(14) ~~Courteous and respectful treatment, privacy, and freedom from abuse and discrimination;~~

(15) ~~Confidential management of patient records and information;~~

(16) ~~Access information in the patient's own record upon request;~~

(17) ~~Be informed of the nature and purpose of care, as well as name and discipline of the person performing the care;~~

(18) ~~Be informed of any care provided by the agency which has experimental or research aspects with documentation of voluntary informed consent; and~~

(19) ~~Be informed of the reason for impending discharge, transfer to another agency and/or level of care, ongoing care requirements, and other available services and options if needed.)~~ The licensee shall comply with RCW 70.127.140, Bill of rights—Billing statements.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-331-085 ((Governing body—)) Organization and administration. (1) The ((governing body of the agency)) licensee shall establish a mechanism to:

(a) ((Approve a quality assurance plan whereby problems are identified, monitored, and corrected;)) Oversee the management and fiscal affairs of the agency;

(b) Approve and review, at least every two years, written policies and procedures related to safe, adequate patient care, and operation of the hospice agency;

~~(c) ((Assure an annual review of the agency by health professionals to evaluate the scope and quality of the services provided;~~

~~(d) Appoint an administrator and provide for an alternate in the administrator's absence;~~

~~(e) Adopt and periodically review written bylaws;~~

~~(f) Oversee the management and fiscal affairs of the agency; and~~

~~(g) Obtain regular reports on patient unit satisfaction.~~

~~(2) Each agency shall have an administrator to:~~

~~(a) Organize and direct the agency's ongoing functions;~~

~~(b) Arrange for professional services;~~

~~(c) Maintain ongoing liaison between the governing body and personnel;~~

~~(d) Employ qualified personnel and ensure adequate education and supervision of personnel and volunteers;~~

~~(e) Ensure the accuracy of public information materials and activities;~~

~~(f) Implement a budget and accounting system;~~

~~(g) Ensure the presence of an alternate to act in the administrator's absence.)) Approve and implement a quality assurance plan, which includes but is not limited to:~~

~~(i) A complaint process;~~

~~(ii) A method to identify, monitor, evaluate and correct problems identified by the patient unit, personnel, contractors, and volunteers; and~~

~~(iii) A system to assess patient unit satisfaction.~~

~~(2) The licensee shall appoint an administrator who shall:~~

~~(a) Implement the provisions of subsection (1) of this section;~~

~~(b) Designate an alternate to act in the administrator's absence;~~

~~(c) Organize and direct the ongoing functions of the agency;~~

~~(d) Arrange for necessary professional services;~~

~~(e) Serve as a liaison between the licensee and personnel;~~

~~(f) Assure personnel, contractors and volunteers comply with this chapter;~~

~~(g) Assure the complaint process is explained to the patient unit; and~~

~~(h) Assure the accuracy of public information materials and activities.~~

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-331-095 Personnel, contractors and volunteers. ~~((1) The agency shall establish minimal written personnel and volunteer policies including, but not limited to:~~

~~(a) Personnel and volunteer qualifications commensurate with anticipated job responsibilities;~~

~~(b) Employment criteria without regard to sex, race, age, creed, handicap, national origin, or sexual orientation;~~

~~(c) Orientation and in-service training related to safe care, appropriate to each classification of personnel and volunteer and the tasks he or she is expected to perform;~~

~~(d) Evidence of prehire screening; and~~

~~(e) Annual or more frequent performance evaluations including:~~

~~(i) Assessment of safe performance of job responsibilities; and~~

~~(ii) Conformance with agency policies and procedures.~~

~~(2) The agency shall maintain records including:~~

~~(a) Qualifications of personnel and direct patient care volunteers;~~

~~(b) Evidence of current licensure, certification, or registration when applicable to job requirements;~~

~~(c) Evidence of review of agency policy and procedures related to abuse and neglect of children and adults for all personnel and volunteers providing services in the home consistent with chapters 26.44 and 74.34 RCW;~~

~~(d) Performance evaluations and evidence of pre-hire screening; and~~

~~(e) Health records including evidence of at least one tuberculin skin test by the Mantoux method at the time of employment unless medically contraindicated, and meeting specifications under subsection (3) of this section.~~

~~(3) The agency shall ensure personnel and volunteers expected to provide direct patient care have a tuberculin skin test by the Mantoux method prior to patient contact and meeting the following requirements:~~

~~(a) When a skin test is negative, less than ten millimeters of induration read at forty eight to seventy two hours:~~

~~(i) Personnel and volunteers under thirty five years of age require no further testing; and~~

~~(ii) Personnel and volunteers thirty five years of age or over require a second test in one to three weeks.~~

~~(b) Positive reactors, reaction of ten millimeters or more of induration, shall have a chest x ray within ninety days of the first day of employment. Exceptions and specific requirements are as follows:~~

~~(i) The hospice agency shall maintain results of skin tests, report of x ray findings, or exemptions to such in the agency; and~~

~~(ii) New personnel and volunteers providing documentation of a significant Mantoux skin test reaction in the past are excluded from screening.~~

~~(c) New personnel and volunteers currently and consistently employed by or volunteering in another agency or facility with similar required screening, meeting the requirements under this subsection, may use the previous screening as documentation; and~~

~~(d) In the event of personnel or volunteers exposure to an infectious case of tuberculosis, the agency shall supply the names and identifying information to the local health department sufficient for screening to occur.~~

~~(4) The agency shall assure observance of appropriate precautions when personnel and volunteers show signs or report symptoms of a communicable disease.~~

~~(5) The agency shall assume responsibility for personnel providing agency services included in the hospice plan of care.)) (1) For agency personnel the licensee shall:~~

~~(a) Establish employment criteria consistent with chapter 49.60 RCW, Discrimination—Human rights commission;~~

~~(b) Develop and maintain job descriptions commensurate with responsibilities and consistent with health care professional credentialing standards;~~

~~(c) Conduct criminal history background checks in accordance with WAC 246-331-090;~~

~~(d) Verify work references and document verification;~~

(e) Maintain documentation that health care professional credentials are current and in good standing;

(f) Provide and document:

(i) Orientation;

(ii) Ongoing training on current agency policies and procedures;

(iii) Cardiopulmonary resuscitation training, consistent with policies and procedures, for direct patient care personnel at least biennially; and

(iv) Scheduled support and counseling for personnel providing bereavement care;

(g) Provide the equipment necessary to implement the agency infection control policies and procedures, respiratory protection program and patients' plans of treatment or plans of care;

(h) Document the 1993 WISHA "Compliance Memo for Occupational Exposure to Tuberculosis" is followed including but not limited to:

(i) Proof of a negative TB Mantoux skin test, prior to direct patient contact; and

(ii) A retest at least annually;

(i) Conduct annual performance evaluations of all personnel, including on-site observation of personnel providing direct patient care.

(2) For volunteers the licensee shall:

(a) Develop and maintain work descriptions commensurate with responsibilities;

(b) Conduct criminal history background checks in accordance with WAC 246-331-090;

(c) Provide and document orientation on patient care policies and procedures; and

(d) For volunteer health care professionals contributing services within their scope of practice:

(i) Maintain documentation credentials are current and in good standing; and

(ii) Provide and document on-going training, on agency patient care policies and procedures;

(e) Schedule support and counseling for volunteers providing bereavement care;

(f) Provide the equipment necessary to implement the agency infection control policies and procedures, respiratory protection program and patients' plans of treatment or plans of care; and

(g) Document the 1993 WISHA "Compliance Memo for Occupational Exposure to Tuberculosis" is followed including, but not limited to:

(i) Proof of a negative TB Mantoux skin test, prior to direct patient contact; and

(ii) A retest at least annually.

(3) For contracted services, the licensee shall, directly or by contract:

(a) Comply with chapter 49.60 RCW, Discrimination—Human rights commission;

(b) Develop and maintain job descriptions commensurate with responsibilities and consistent with health care professional credentialing standards;

(c) Conduct criminal history background checks as required by WAC 246-331-090;

(d) Verify work references and document verification;

(e) Maintain documentation that health care professional credentials are current and in good standing;

(f) Provide and document:

(i) Orientation;

(ii) Ongoing training on current agency policies and procedures;

(iii) Cardiopulmonary resuscitation training, consistent with policies and procedures for direct patient care personnel at least biennially; and

(iv) Access to scheduled support and counseling for contractors who provide bereavement care;

(g) Provide the equipment necessary to implement the agency infection control policies and procedures, respiratory protection program and patients' plans of treatment or plans of care;

(h) Document the 1993 WISHA "Compliance Memo for Occupational Exposure to Tuberculosis" is followed including, but not limited to:

(i) Proof of a negative TB Mantoux skin test, prior to direct patient contact; and

(ii) A retest at least annually;

(i) Assure annual performance evaluations are conducted for all individuals providing direct patient care.

AMENDATORY SECTION (Amending Order 381, filed 7/26/93, effective 8/26/93)

WAC 246-331-100 Criminal history, disclosure, and background inquiries. (1) ((A)) The licensee or license applicant shall require a disclosure statement as (~~specified under~~) defined in RCW 43.43.834 for each prospective employee, volunteer, contractor, student, and any other ((person)) individual associated with the hospice agency having direct contact with(=

~~(a) Children under sixteen years of age;~~

~~(b)) vulnerable adults as defined under RCW 43.43.830(= and~~

~~(e) Developmentally disabled individuals)).~~

(2) ((A)) The license applicant having direct contact with vulnerable adults shall obtain a Washington state patrol criminal history background disclosure statement and submit it to the department either:

(a) With the initial application for licensure; or

(b) For current licensees, with the first application for renewal of license submitted after September 1, 1993.

(3) ((A)) The licensee or license applicant shall:

(a) Require a Washington state patrol background inquiry as specified in RCW 43.43.842(1) for each:

(i) ((Employee)) Personnel, volunteer, contractor, student, and any other ((person)) individual currently associated with the licensed hospice agency((=)) having direct contact with vulnerable adults, when engaged on or since July 22, 1989; and

(ii) Prospective ((employee)) personnel, volunteer, contractor, student, and ((person)) individual applying for association with the licensed ((facility)) agency prior to allowing the ((person)) individual direct contact with vulnerable adults, except as allowed by subsection (4) of this section;

(b) Inform each ((person)) individual identified in (a) of this subsection of the requirement for a background inquiry;

(c) Require the ((person)) individual to sign an acknowledgement statement that a background inquiry will be made;

(d) Verbally inform the ~~((person))~~ individual of the background inquiry results within seventy-two hours of receipt; and

(e) Offer to provide a copy of the background inquiry results to the ~~((person))~~ individual within ten days of receipt.

(4) ~~((A))~~ The licensee may conditionally employ, contract with, accept as a volunteer or associate, ~~((a person))~~ an individual having direct contact with vulnerable adults pending a background inquiry, provided the licensee:

(a) Immediately obtains a disclosure statement from the ~~((person))~~ individual; and

(b) Requests a background inquiry within three business days of the conditional acceptance of the ~~((person))~~ individual.

(5) Except as provided in RCW 43.43.842 and in subsection (4) of this section, a licensee shall not hire or retain, directly or by contract, any ~~((person))~~ individual having direct contact with vulnerable adults, if that ~~((person))~~ individual has been:

(a) Convicted of a crime against ~~((persons))~~ individuals as defined in RCW 43.43.830;

(b) Convicted of a crime relating to financial exploitation ~~((of a vulnerable adult))~~ as defined in RCW 43.43.830;

(c) Found in any disciplinary board final decision to have abused a vulnerable adult under RCW 43.43.830; or

(d) The subject in a protective proceeding under chapter 74.34 RCW.

(6) The licensee shall establish and implement procedures ensuring that all disclosure statements and background inquiry responses are:

(a) Maintained in a confidential and secure manner;

(b) Used for employment purposes only;

(c) Not disclosed to any ~~((person))~~ individual except:

(i) The ~~((person))~~ individual about whom the licensee made the disclosure or background inquiry;

(ii) Authorized state and federal employees; and

(iii) The Washington state patrol auditor~~((:))~~; and

(d) Retained and available for department review ~~((during and at least two years following termination of employment))~~;

(i) During the individual's employment or association with an agency; and

(ii) At least two years following termination of employment or association with an agency.

(7) The department shall:

(a) Review records required under this section;

(b) Investigate allegations of noncompliance with RCW 43.43.830 through 43.43.842, when necessary, in consultation with law enforcement personnel; and

(c) Use information collected under this section solely for the purpose of determining eligibility for licensure or relicensure as required under RCW 43.43.842.

(8) The department may require licensees to complete additional disclosure statements or background inquiries for ~~((a person))~~ an individual associated with the licensed ~~((facility))~~ agency having direct contact with vulnerable adults if the department has reason to believe that offenses specified under RCW 43.43.830 have occurred since completion of the previous disclosure statement or background inquiry.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-331-105 AIDS education and training. ~~((Hospice agencies))~~ The licensee shall:

~~(1) ((Verify or arrange for appropriate education and training of personnel and volunteers on the prevention, transmission, and treatment of HIV and AIDS consistent with RCW 70.24.310; and~~

~~(2)) Verify or arrange for two hours or more of appropriate education and training of nonlicensed personnel, volunteers and direct-care contractors within thirty days of direct patient contact on the prevention, transmission, and treatment of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) consistent with RCW 70.24.310.~~

~~(2) Use infection control standards and educational material consistent with:~~

~~(a) The approved curriculum manual ((Know)) KNOW - HIV/AIDS Prevention Education for Health Care Facility Employees, January 1991, or subsequent editions published by the department ((office on HIV/AIDS)); and~~

~~(b) WAC 296-620-08001, Bloodborne pathogens, adopted by the department of labor and industries to implement WISHA.~~

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 121, filed 12/27/90, effective 1/31/91)

WAC 246-331-115 ((Patient care)) Policies and procedures. ~~((1) The agency shall:~~

~~(a) Establish and implement written policies and procedures appropriate to the services offered by the agency; and~~

~~(b) Make policies and procedures available to all personnel and volunteers including:~~

~~(i) Treatments, procedures, and services carried out in providing patient unit care;~~

~~(ii) Any special qualifications of persons performing the services;~~

~~(iii) Infection control principles and practices;~~

~~(iv) Emergency care, patient safety, and death;~~

~~(v) Maintenance of supplies and equipment;~~

~~(vi) Admission, transfer, and discharge of patients;~~

~~(vii) Abuse and neglect consistent with chapters 26.44 and 74.34 RCW;~~

~~(viii) Coordination of services;~~

~~(ix) Clinical records; and~~

~~(x) Management and handling of patient owned drugs consistent with applicable state laws;~~

~~(xi) Spiritual counseling services;~~

~~(xii) Bereavement care counseling;~~

~~(xiii) Volunteer services; and~~

~~(xiv) Respite care services.~~

~~(2) The agency shall provide patient unit teaching:~~

~~(a) Consistent with agency policies and procedures; and~~

~~(b) Including demonstration, supervision, and evaluation.) A licensee shall:~~

(1) Establish, implement and make readily available to direct-care personnel and contractors, and volunteers, written policies and procedures including but not limited to:

- (a) Admitting, transferring and discharging patients;
- (b) Services to be provided to the patient unit and qualifications of the individuals performing the services;
- (c) Coordinating interagency and intra-agency services;
- (d) Techniques for communicating with the patient and family, and steps to take when communication is not possible, including but not limited to:

(i) Assistance with obtaining special communication devices;

(ii) Use of translated material, interpreters or interpreter services; or

(iii) Referral to community services;

(e) Providing a bereavement care program; and

(f) Infection control principles and practices, including;

(i) Bloodborne pathogens in accordance with chapter 296-62 WAC; and

(ii) Tuberculosis control program consistent with WISHA.

(g) Actions to take when an individual exhibits or reports symptoms of a communicable disease in an infectious stage in accordance with chapter 246-100 WAC;

(h) Maintaining supplies;

(i) Equipment maintenance program;

(j) Managing records consistent with WAC 246-331-165;

(k) Managing and handling patient-owned drugs consistent with state law;

(l) Managing abuse and neglect situations consistent with chapters 26.44 and 74.34 RCW;

(m) Emergency care, identifying the responsible agency when more than one agency provides care, including:

(i) Addressing chapter 70.122 RCW, Natural Death Act and advanced directives; and

(ii) Actions to take upon the death of a patient.

(2) Document in writing:

(a) Approval of policies and procedures; and

(b) Review of policies and procedures every two years.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

~~WAC 246-331-125 Supervision and coordination of patient ((care)) services. ((The hospice agency shall employ a registered nurse to supervise and coordinate patient care services who:~~

~~(1) Is available, or replaced by a similarly qualified person, at all times;~~

~~(2) Participates in the development and revision of written patient care policies and procedures related to each service provided;~~

~~(3) Is responsible for assignment and supervision of all personnel and volunteers providing direct patient care services; and~~

~~(4) Participates in coordination of interdisciplinary services and interagency services.)) (1) A licensee shall employ a RN as a supervisor of clinical services.~~

~~(2) The clinical supervisor shall:~~

~~(a) Designate a similarly qualified alternate to act in the clinical supervisor's absence;~~

~~(b) Coordinate or participate in, developing and revising written patient care policies related to each service provided;~~

~~(c) Assign and monitor all patient care personnel and contractors, and volunteers;~~

~~(d) Coordinate interdisciplinary services;~~

~~(e) Establish primary personnel or contractor responsibility for the plan of care;~~

~~(f) Monitor a patient's plan of care to assure it is followed; and~~

~~(g) Assure compliance with the patient's hospice plan of care;~~

~~(3) The clinical supervisor or alternate shall be available twenty-four hours per day, seven days per week.~~

~~(4) The licensee shall provide supervision, including, but not limited to:~~

~~(a) RN supervision when using the services of a LPN, in accordance with chapter 18.78 RCW;~~

~~(b) Supervision by an appropriate therapist when using the services of a therapy assistant; and~~

~~(c) Supervision of home health aides in accordance with RCW 70.127.010(11);~~

~~(5) The licensee using home health aides shall:~~

~~(a) Provide written instructions and orientation for each patient consistent with the hospice plan of care prior to initiating care; and~~

~~(b) Provide supervision by a health care professional or the clinical supervisor, and document:~~

~~(i) An in-home visit every two weeks; and~~

~~(ii) An in-home visit to directly observe the aide's performance at least every two months;~~

~~(c) Develop written guidelines to assure each aide:~~

~~(i) Assists only with those medications ordinarily self-administered by the patient, and limits assistance to the patient to:~~

~~(A) Communicating appropriate information regarding self-administration;~~

~~(B) Reminding to take a medication as prescribed;~~

~~(C) Reading the medication label;~~

~~(D) Handing the medication container to the patient;~~

~~(E) Opening the medication container; and~~

~~(F) Applying or installing skin, nose, eye, and ear preparations under specific direction of the supervisor;~~

~~(ii) Records pertinent information in the patient's clinical record;~~

~~(iii) Observes and recognizes changes in the patient's condition, and reports any changes to the supervisor; and~~

~~(iv) Initiates emergency procedures according to agency policy.~~

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

~~WAC 246-331-135 Hospice plan of care. (((1) The agency shall provide an individualized plan of care for every hospice patient unit which:~~

~~(a) Includes identification of current problems pertaining to the health of the patient with specific interventions and expected outcomes; and~~

~~(b) Is reviewed and revised in a case planning conference as necessary and every two weeks by three or more members of the interdisciplinary team including:~~

- ~~(i) Registered nurse, social worker, and one other discipline; and~~
 - ~~(ii) Documented contact with all disciplines involved with hospice care of the patient unit.~~
 - ~~(2) The agency shall ensure drugs and treatments are:~~
 - ~~(a) Ordered by a physician;~~
 - ~~(b) Verified by a registered nurse, licensed practical nurse, therapist, or pharmacist with:~~
 - ~~(i) Recording of the order documented in the patient record as soon as possible; and~~
 - ~~(ii) Countersignature by physician within a reasonable length of time.~~
 - ~~(c) Administered by legally authorized agency personnel or volunteers.~~
 - ~~(3) The agency shall ensure prompt reporting of suspected drug allergies, adverse reactions to drugs, or other problems related to patient use or drugs to the physician.)~~
- The licensee shall:
- (1) Develop a written hospice plan of care for each patient unit including, but not limited to:
 - (a) Current health problems pertaining to the health of the patient;
 - (b) Resuscitation status of the patient according to the Natural Death Act and advanced directives, chapter 70.122 RCW;
 - (c) Specific interventions and expected outcomes;
 - (d) Responsibilities of interdisciplinary team members;
 - and
 - (e) Methods for implementing and evaluating the plan;
 - (2) Include the hospice plan of care in the patient's health record;
 - (3) Develop and implement a system to:
 - (a) Document the hospice plan of care was reviewed within the first week of admission and revised every two weeks thereafter:
 - (i) By members of the interdisciplinary team, including at a minimum:
 - (A) A RN, social worker and one other discipline; and
 - (B) Documented contact with all disciplines involved with the patient unit; and
 - (ii) In a case planning conference, as necessary; and
 - (b) Periodically by an authorizing practitioner;
 - (c) Assure drugs and treatments are:
 - (i) Ordered by the authorizing practitioner and a verbal order is countersigned in a timely manner not to exceed forty-five days;
 - (ii) Verified by an appropriate health care professional;
 - (iii) Administered by authorized agency personnel, contractors or volunteers according to state law; and
 - (iv) Documented in the patient record as soon as possible;
 - (d) Teach and counsel the patient unit on meeting the patient's needs.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-331-165 Clinical records. (~~((1) The agency shall maintain clinical records under agency policies and procedures. Records shall be:~~

- ~~(a) Legibly written in ink suitable for photocopying;~~
- ~~(b) On standardized agency forms;~~

- ~~(c) Written in a legally acceptable manner;~~
 - ~~(d) In chronological order in entirety or by service;~~
 - ~~(e) Fastened together to avoid loss of pages;~~
 - ~~(f) Considered as property of the agency;~~
 - ~~(g) Available in one integrated document in one place, except:~~
 - ~~(i) A copy may be kept in the home or in the agency office; and~~
 - ~~(ii) More than one volume may be necessary.~~
 - ~~(h) Available and retrievable during operating hours either in the agency or by electronic means; and~~
 - ~~(i) Stored following discharge from service:~~
 - ~~(i) Preventing loss of information;~~
 - ~~(ii) Protecting the record from damage due to water, mildew, or fire; and~~
 - ~~(iii) Preventing access by unauthorized persons.~~
 - ~~(2) The agency shall include as contents of the clinical record:~~
 - ~~(a) Patient identifying information;~~
 - ~~(b) Patient service/treatment consent and agreement;~~
 - ~~(c) Pertinent past and current clinical findings including:~~
 - ~~(i) Assessment of patient's physical and mental status as well as social and environmental problems affecting care; and~~
 - ~~(ii) Clinical notes describing specific observations including, but not limited to, observations of patient condition.~~
 - ~~(d) The hospice plan of care; and~~
 - ~~(e) Physician orders.~~
 - ~~(3) Agencies shall maintain, retain, and preserve records:~~
 - ~~(a) For adults, a period of no less than five years following the date of termination of services; and~~
 - ~~(b) For minors, a period of no less than three years following attainment of eighteen years of age, or five years following discharge, whichever is longer.~~
 - ~~(4) Agencies shall establish policies and procedures specific to retention and disposition of clinical records including:~~
 - ~~(a) A method of disposal of clinical records or patient care data assuring prevention of retrieval and subsequent use of information; and~~
 - ~~(b) A means to transmit a copy of the clinical record or an abstract and copy of most recent summary report with the patient in the event of patient transfer to another agency or health care facility. When patients are transferred without notification of the receiving agency, a copy of the abstract shall be forwarded upon notification and as soon as possible.~~
 - ~~(5) Agencies shall safeguard clinical record information and patient care data against loss or unauthorized use including:~~
 - ~~(a) Adherence to written procedures governing use and removal of records and conditions for release of information; and~~
 - ~~(b) Requirement for prior written consent of the patient for release of information unless authorized by law.~~
 - ~~(6) Agencies discontinuing operation shall:~~
 - ~~(a) Notify the department prior to cessation of operation; and~~
 - ~~(b) Obtain department approval of a plan to preserve or destroy clinical records prior to disposition.)~~
- The licensee shall:

(1) Develop and implement procedures for maintaining a current clinical record for each patient consistent with chapter 70.02 RCW, Medical records—Health care information access and disclosure which is:

(a) Accessible, in an integrated document, in the licensee's main or branch office for review by appropriate direct care personnel and contractors, and the department;

(b) Written legibly or retrievable by electronic means:

(i) On the licensee's standardized forms; and

(ii) In a legally acceptable manner;

(c) Kept confidentially;

(d) Chronological in its entirety or by service; and

(e) Kept together to avoid loss of records;

(2) Include the following in each record:

(a) Patient's name, age, current address and phone number;

(b) Patient's consent for care;

(c) Hospice plan of care in accordance with WAC 246-331-145;

(d) Past and current clinical findings pertinent to WAC 246-331-145;

(e) Dated and signed clinical notes for each contact with the patient describing:

(i) Specific observations;

(ii) Changes in condition;

(iii) Medications given and all adverse reactions to medication;

(f) Instructions given to the patient unit; and

(g) Document services when more than one entity licensed pursuant to chapter 70.127 RCW is caring for one patient;

(3) Consider the records as property of the licensee;

(4) Develop and implement policies and procedures for:

(a) Transferring patient information or a summary, when the patient is relocated to another agency or facility to assure continuity of care;

(b) Retaining records for:

(i) Adults no less than three years following the date of termination of services;

(ii) Minors no less than three years after attaining the age of eighteen years of age, or five years following discharge, whichever is longer;

(c) Storing records to:

(i) Prevent loss of information;

(ii) Maintain the integrity of the records; and

(iii) Protect against unauthorized access according to chapter 70.02 RCW, Medical records—Health care information access and disclosure;

(d) Obtaining department approval to preserve or dispose of records prior to ceasing operation; and

(e) Disposing of records to protect confidentiality when ceasing operation or releasing of medical records after a patient's death.

AMENDATORY SECTION (Amending Order 121; filed 12/27/90, effective 1/31/91)

WAC 246-331-185 Medical supplies ((~~or~~))—~~Equipment services.~~ ((~~1~~)) ~~An agency providing medical supplies or equipment services shall provide:~~

(a) ~~A written description of the scope of the services including:~~

~~(i) The types of supplies and/or equipment provided; and~~

~~(ii) Policies and procedures for cleaning, maintenance, calibration, or replacement of equipment.~~

~~(b) Records of the services provided, date, time, and by whom; and~~

~~(c) Documentation of approval of patient unit for service, cost, and method of payment unless under a managed care plan.~~

~~(2) If provided, the agency shall maintain immediate availability of replacement supplies or equipment essential for the comfort and safety of the patient.~~

~~(3) The agency shall provide knowledgeable, trained personnel to:~~

~~(a) Initiate service;~~

~~(b) Maintain supplies and equipment; and~~

~~(c) Instruct patients or caregivers in the use and maintenance of supplies and equipment. Instructions shall be given:~~

~~(i) In writing;~~

~~(ii) Verbally; and~~

~~(iii) By demonstration and redemonstration as necessary.~~

~~(4) The agency shall document the training and qualifications of personnel.) Licensee's providing or contracting for medical supplies or equipment services shall:~~

~~(1) Develop and implement, for the scope of services provided a system for:~~

~~(a) Maintaining supplies;~~

~~(b) Cleaning, inspecting, repairing and calibrating equipment, and documenting with:~~

~~(i) Date;~~

~~(ii) Time; and~~

~~(iii) Name of the individual who conducted the activity;~~

~~(c) Informing the patient of the cost and method of payment for equipment repairs or replacement, unless under a managed care plan, and for documenting the patient's prior approval; and~~

~~(d) Replacing supplies or equipment essential for the health or safety of the patient.~~

~~(2) Provide knowledgeable and trained personnel capable of:~~

~~(a) Initiating the scope of services;~~

~~(b) Maintaining supplies and equipment; and~~

~~(c) Instructing each patient unit to use and maintain supplies and equipment in a language or format the patient unit understands, using one or more of the following:~~

~~(i) Written instruction;~~

~~(ii) Verbal instruction; or~~

~~(iii) Demonstration.~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 246-331-045 Civil fines.
- WAC 246-331-055 License action and/or civil fine—Notice—Adjudicative proceeding.
- WAC 246-331-155 Functions, duties, and responsibilities of direct care personnel.
- WAC 246-331-175 Parenteral product services.

AMENDATORY SECTION (Amending WSR 93-21-034, filed 10/15/93, effective 10/28/93)

WAC 246-331-990 Fees. (1) ~~((An applicant or))~~ A licensee or applicant shall submit to the department:

(a) A biennial renewal fee based on the number of full-time equivalents (FTEs), which is a measurement based on a forty-hour week and is applicable to paid agency ~~((employees))~~ personnel or contractors, as follows:

- (i) A base fee of three hundred sixty dollars; and
- (ii) For agencies with:
 - (A) Fifteen or less FTEs, one hundred ninety dollars;
 - (B) Sixteen through fifty FTEs, four hundred sixty dollars; or

(C) Fifty-one or more FTEs, nine hundred fifty dollars;

(b) A fee of one-half the renewal fee specified in (a) of this subsection for an initial twelve-month license for:

- (i) New firms;
- (ii) Businesses not currently licensed to provide hospice care in Washington state; or
- (iii) Currently licensed businesses which have had statement of charges filed against them; and

(c) A transfer of ownership fee of fifty dollars. A transferred license will be valid for the remainder of the current license period.

(2) An applicant or licensee shall pay one-half the base fee in addition to the full fee for FTEs for each additional home health and/or home care license.

(3) The department may charge and collect from a licensee a fee of one-half the base fee specified in subsection (1)(a) of this section for:

(a) A second on-site visit resulting from ~~((a licensee's))~~ failure of the licensee or applicant to adequately respond to a statement of deficiencies;

(b) A complete on-site inspection resulting from a substantiated complaint ~~((investigation))~~; or

(c) A follow-up compliance survey.

(4) A licensee with deemed status ~~((under WAC 246-331-030,))~~ shall pay fees according to this section.

(5) A licensee shall submit an additional late fee in the amount of ten dollars per day from the renewal date until the date of mailing the fee, as evidenced by the postmark.

WSR 94-10-046
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed May 2, 1994, 12:49 p.m.]

Original Notice.

Title of Rule: Chapter 246-336 WAC, Home care.

Purpose: To implement legislative amendments.

Statutory Authority for Adoption: RCW 70.127.120.

Statute Being Implemented: Chapter 70.127 RCW.

Summary: Establishing rules for deemed status, changing to a two year license period, clarifying requirements for volunteers, and clarifying language.

Name of Agency Personnel Responsible for Drafting: Natalie Gonzalez, P.O. Box 47852, Olympia, WA 98504-7852, 705-6780; Implementation and Enforcement: Kathy Stout, P.O. Box 47852, Olympia, WA 98504-7852, 705-6780.

Name of Proponent: [Department of Health], governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Implement changes in law including deemed status, reduced number of requirements for volunteers, increased length of licensure period and clarifying language.

Proposal Changes the Following Existing Rules: Chapter 246-336 WAC.

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

These amendments will not increase costs for small businesses.

Hearing Location: Training Room, Developmental Disability Office, West 1611 Indiana, Spokane, WA, on June 10, 1994, at 1:00 p.m.; and in the Training Room, Department of Health, 2725 Harrison N.W., Suite 500, Olympia, WA, on June 7, 1994, at 1:30 p.m.

Submit Written Comments to: Ann Foster, Rules Coordinator, 1112 S.E. Quince Street, Olympia, WA 98504-7902, by June 1, 1994.

Date of Intended Adoption: June 10, 1994.

May 2, 1994
 Bruce Miyahara
 Secretary

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-336-001 Purpose and scope. ~~((The purpose of these rules is to administratively implement chapter 70.127 RCW by establishing minimum licensing standards related to safety and well-being of participants in home care agencies.))~~ (1) This chapter implements chapter 70.127 RCW by establishing minimum standards for home care agencies.

(2) This chapter does not apply to:

(a) Hospice care agencies as defined by RCW 70.127.010;

(b) Home health agencies as defined by RCW 70.127.010; or

(c) Other persons, activities or entities specified in RCW 70.127.040.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-336-010 Definitions. For the purpose of this chapter ~~((70.127 RCW and chapter 246-336 WAC, the following words and phrases shall have the following meaning)),~~ the definitions in RCW 70.127.010 and in this section apply unless the context clearly indicates otherwise.

(1) "Administrator" means ((a person managing and responsible for)) an individual responsible for managing the day-to-day operation of ((each licensed)) an agency.

(2) ("Agency" means a home care agency as defined under this section and chapter 70.127 RCW.

(3) "AIDS" means acquired immunodeficiency syndrome defined under WAC 246-100-011.

(4)) "AAA" means the area agency on aging designated by the aging and adult services administration to contract for home care services in the department of social and health services regions I through VI.

(3) "Branch office" means, according to RCW 70.127.010, a location or site from which ~~((an))~~ a home care agency provides services within a portion of the total geographic area served by the parent agency. The branch office is part of the agency ~~((, included in the license of the agency,))~~ and is located sufficiently close to share administration, supervision, and services.

~~((5))~~ "Bylaws" means a set of rules adopted by an agency for governing the agency operation. (4) "Contractor" means a person or agency who contracts with a licensee to provide participant care services or equipment.

(5) "Deemed status" means a designation assigned by the department for a licensee meeting the provisions of WAC 246-336-030 with a current contract to provide home care services with the department of social and health services or AAA.

(6) "Department" means the Washington state department of health.

(7) "Document" means to record with signature or unique identifier, title and date.

(8) "Family" means an individual or individuals ~~((who are important to and designated by the participant, and who may or may not be relatives))~~;

(a) Designated by the participant, who may or may not be related; or

(b) Legally appointed to represent the participant.

~~((8))~~ "Governing body" means the person, who may be the owner or a group, with responsibility and authority to establish policies related to operation of the agency.))

(9) ~~((("HIV" means human immunodeficiency virus as defined under RCW 70.24.017(7).))~~ "Health officer" means an individual defined in RCW 70.05.010.

(10) "Home care agency" or "agency" means, according to RCW 70.127.010, a private or public agency or organization ~~((administering))~~ that administers or ~~((providing))~~ provides home care services directly or through a contract arrangement to ill, disabled, or infirm persons in places of temporary or permanent residence ~~((unless:~~

(a) Included as an exclusion under RCW 70.127.040; or

(b) A licensed home health agency or hospice agency delivers home care as an integral part of delivery of home health or hospice care; or

(c) The organization provides home care through volunteers without compensation as defined in this section; or

(d) An individual provides home care through direct agreement with the recipient of care; or

(e) An individual provides home care through a direct agreement with a third party payor where comparable services are not readily available through a home care agency)).

(11) "Home care plan of care" ~~((or "care plan"))~~ means, according to RCW 70.127.270, a written ~~((personalized))~~ plan of care established and periodically reviewed by a home care agency ~~((describing))~~ that describes the home care to be provided ~~((and requiring consent of the participant or the participant's designated representative)).~~

(12) ~~((("Home care services" means personal care services, homemaker services, respite care services, or any other nonmedical services provided to ill, disabled, or infirm persons enabling these persons to remain in their own residences consistent with their desires, abilities, and safety.~~

~~((13))~~ "Homemaker services" means services assisting ill, disabled, or infirm persons with household tasks essential to achieving adequate household and family management, including transportation, shopping, and maintenance of premises.

(14) "Ill, disabled, or infirm persons" means persons needing home health, hospice, or home care services in order to maintain themselves in their places of temporary or permanent residence.

~~((15))~~ "Licensee" means the person to whom the department issues the home care agency license.

(13) "Managed care plan" means a plan prior-authorized and controlled by the terms of the reimbursement source.

~~((16))~~ "May" means permissive or discretionary on the part of the department.

(17) "Other nonmedical services" means noninvasive procedures, such as assistance with toileting, applying nonsterile dry dressing, ambulation, transfer, positioning, bathing, reminding about medication, or other services unless such service must be delivered by a licensed or certified individual under Washington state law.

(18) "Owner" means the individual, partnership, or corporate entity legally responsible for the business requiring licensure as a home care agency under chapter 70.127 RCW.

~~((19))~~ (14) "Participant" means an individual receiving home care services.

~~((20))~~ "Personal care services" means services assisting ill, disabled, or infirm persons with dressing, feeding, and personal hygiene to facilitate self care.

~~((21))~~ (15) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, and the legal successor thereof.

(16) "Personnel" means individuals employed ~~((or under contract in a home care agency))~~ and compensated by the licensee.

~~((22))~~ "Respite care services" means services assisting or supporting the primary caregiver on a scheduled basis.

(23) "Shall" means compliance is mandatory.

(24) "Supervisor" means an individual qualified by training, education, and demonstrated skills and/or experience in home care service delivery who assumes the responsibility for the accomplishment of a function or activity and who provides initial direction and ongoing monitoring of performance.

~~((25))~~ (17) "Volunteer" means an individual ~~((providing assistance to the home care agency))~~ who provides direct care to a participant, and who:

(a) ~~((Oriented, trained, and supervised to perform specific assigned tasks; and~~

(b) Working without compensation.

(26) "Without compensation" means:

(a) A recipient of care is not charged a fee for any service delivered by the volunteer) Is not compensated by the agency or participants; and

(b) ~~((An individual delivering care receives no pay, except reimbursement))~~ May be reimbursed for personal mileage incurred to deliver home care services.

(18) "WISHA" means the Washington Industrial Safety and Health Act, chapter 49.17 RCW, administered by the Washington state department of labor and industries.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-336-025 Licensure ((of the home care agency))—Initial, renewal, transfer. ~~((1) After June 30, 1989, persons operating home care agencies as defined under chapter 70.127 RCW, shall submit application and fees to the department:~~

~~(2) After July 1, 1990, no person shall:~~

~~(a) Advertise, operate, manage, conduct, open, or maintain a home care agency without first obtaining an appropriate license from the department; or~~

~~(b) Use the words "home care agency" or "home care services" in its corporate or business name, or advertise using such words unless licensed as a home care agency under chapter 70.127 RCW.~~

~~(3) Applicants for a home care agency license shall:~~

~~(a) Submit a completed application and fee for initial license or renewal to the department on forms furnished by the department, including signature of the owner or legal representative of the owner; and~~

~~(b) Furnish to the department full and complete information as required by the department for the proper administration of department requirements including:~~

~~(i) Evidence of current insurance including:~~

~~(A) Professional liability insurance coverage specified under RCW 70.127.080; and~~

~~(B) Public liability and property damage insurance coverage as specified under RCW 70.127.080.~~

~~(ii) Information on organizational and governing structure and the identity of the applicant, officers, directors, partners, managing employees, or owners of ten percent or more of the applicant's assets;~~

~~(iii) A list of counties where the applicant will operate;~~

~~(iv) A list of branch offices; and~~

~~(v) A list of services provided or offered.~~

~~(4) Agencies requesting license renewal shall submit a renewal application and fee to the department.~~

~~(5) If the applicant or owner meets the requirements of this chapter and chapter 70.127 RCW, the department shall issue or renew a license for the agency, including branch offices.~~

~~(6) The department shall:~~

~~(a) Deny a license if in the last five years the owner, applicant, officers, directors, partners, managing employees, or owners of ten percent or more of the applicant's assets are found in a civil or criminal proceeding to have committed any act reasonably relating to the fitness of any of the above persons to:~~

~~(i) Establish, maintain, or administer an agency; or~~

~~(ii) Provide care in the home of another.~~

~~(b) Provide a combination of applications and licenses and the reduction of individual license fees if an applicant applies for more than one category of license under chapter 70.127 RCW;~~

~~(c) Establish fees to be paid as required under RCW 43.70.110 and WAC 246-336-990, including providing for the reduction of individual license fees if an applicant applies for more than one category of license under RCW 70.127.110;~~

~~(d) Prohibit transfer or reassignment of a license without a thirty-day prior notice to the department and department approval;~~

~~(e) Issue a license following approval of a new or current owner's application;~~

~~(f) Conduct on-site reviews of the agency, which may include in-home visits with the consent of the participant, in order to determine compliance;~~

~~(g) Examine and audit records of the agency if the department has reason to believe persons are providing care without an appropriate license;~~

~~(h) Provide for combined licensure inspections and audits for owners holding more than one license under RCW 70.127.110;~~

~~(i) Give written notice of any violations, including a statement of deficiencies observed;~~

~~(j) Inform the owner or applicant of the requirement to:~~

~~(i) Present a plan of correction to the department within ten working days; and~~

~~(ii) Comply within a specified time not to exceed sixty days.~~

~~(k) Allow the owner a reasonable period of time, not to exceed sixty days, to correct a deficiency prior to assessing a civil penalty unless:~~

~~(i) The deficiency is an immediate threat to life, health, or safety; or~~

~~(ii) The owner fails to comply with any of the provisions of WAC 246-336-045 (3)(a), (b), (c), (d), (e), (f), (g), (h), (i), and (j).~~

~~(l) Initiate disciplinary action, under RCW 70.127.170 and this chapter, if the owner or applicant fails to comply.~~

~~(7) The department may:~~

~~(a) Issue a license effective for one year unless the license is suspended or revoked;~~

~~(b) Inspect an agency and examine records at any time to determine compliance with chapter 70.127 RCW and this chapter; and~~

~~(c) Deny, suspend, modify, or revoke an agency license for failure to comply with chapter 70.127 RCW or this chapter.~~

~~(8) When a change of ownership is planned, the owner shall notify the department, in writing, at least thirty days prior to the date of transfer, including:~~

~~(a) Full name and address of the current owner and prospective new owner;~~

~~(b) Name and address of the agency and new name under which the agency will be operating, if known; and~~

~~(c) The date of the proposed change of ownership.~~

~~(9) The prospective new owner shall submit a new application for an agency license with the fee at least thirty days prior to the change of ownership.~~

~~(10) The agency shall inform the department in writing at the time of opening or closing of the agency or branch offices:)) (1) A person shall have a current license issued by the department before operating or advertising a home care agency.~~

(2) An applicant for initial licensure shall submit to the department:

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

(b) Evidence of current professional liability, public liability, and property damage insurance coverage in accordance with RCW 70.127.080;

(c) A criminal history background check in accordance with WAC 246-336-090(2);

(d) The following information:

(i) Name of officers, managing personnel, directors, and partners or individuals owning ten percent or more of the applicant's assets;

(ii) A description of the organizational structure;

(iii) A description of the services to be offered;

(iv) Name and address of branch offices;

(v) Counties where applicant will provide home care services;

(vi) Other information as required by the department;
and

(e) Fees specified in WAC 246-336-990.

(3) A licensee shall apply for license renewal at least thirty days before the expiration date of the current license by submitting to the department:

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

(b) A criminal history background check in accordance with WAC 246-336-090(2);

(c) Documentation according to the provisions of WAC 246-336-030, if the applicant is applying for deemed status;

(d) Fees specified in WAC 246-336-990; and

(e) Other information as required by the department.

(4) At least thirty days prior to transferring ownership of a currently licensed agency:

(a) The licensee shall submit to the department:

(i) The full name and address of the current licensee and prospective owner;

(ii) The name and address of the currently licensed agency, and the name under which the transferred agency will operate; and

(iii) Date of the proposed change of ownership; and

(b) The prospective owner shall submit the transfer fee specified in WAC 246-336-990; and

(i) Apply for licensure according to subsection (2) of this section; or

(ii) If planning to add the transferred agency as a branch office, provide notification to the department according to WAC 246-336-035 (1)(b).

NEW SECTION

WAC 246-336-030 Deemed status. (1) The department shall grant deemed status to licensees meeting the requirements in this section, and otherwise qualified for licensure.

(2) The department shall renew a license without conducting an on-site survey for licensees with deemed status.

(3) A licensee applying for initial deemed status shall submit to the department, with the renewal application, verification of a current contract with the department of social and health services or AAA.

(4) The department shall grant deemed status to a licensee when:

(a) The licensee meets the requirements in this section;

(b) The licensee verifies an on-site survey has been conducted by a contracting agency within the twenty-four month period preceding the renewal due date; and

(c) The department determines, using a liberal interpretation, the monitoring standards used at the time of survey are substantially equivalent to chapter 70.127 RCW and this chapter.

(5) Upon determining monitoring standards used by a contracting agency are not substantially equivalent with chapter 70.127 RCW and this chapter, the department shall send affected licensees:

(a) A detailed description of the deficiencies in the alternate survey process; and

(b) An explanation concerning the risk to the consumer.

(6) The department shall conduct verification surveys according to RCW 70.127.085.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

~~WAC 246-336-035 ((License denials—Suspensions—Modifications—Revocations—))~~ **Responsibilities and rights—Licensee and department.** ~~((1) The department may deny, suspend, modify, or revoke a license or assess civil penalties, or both, against the agency if an applicant, owner, officer, director, or managing employee:~~

~~(a) Fails or refuses to comply with the provisions of chapter 70.127 RCW or this chapter;~~

~~(b) Continues to operate after the license is revoked or suspended for cause and not subsequently reinstated by the department;~~

~~(c) Makes false statement of a material fact in the application for the license or data attached or in any record required by this chapter or matter under investigation by the department;~~

~~(d) Refuses to allow representatives of the department to inspect any part of the agency or books, records, or files required by this chapter;~~

~~(e) Willfully prevents or interferes with or attempts to impede in any way the work of any representative of the department in the lawful enforcement of chapter 70.127 RCW and this chapter;~~

~~(f) Willfully prevents or interferes with any representative of the department in the preservation of evidence of a violation under chapter 70.127 RCW or this chapter;~~

~~(g) Fails to pay or make arrangements to pay a civil monetary penalty assessed by the department within ten days after the assessment becomes final, as provided under WAC 246-336-045, Civil fines;~~

~~(h) Uses false, fraudulent, or misleading advertising;~~

~~(i) Has repeated incidents of personnel performing services beyond those authorized by the agency or law; or~~

~~(j) Misrepresents, or is fraudulent in an aspect of, the conduct of the applicant's or owner's business.~~

~~(2) If the department finds the public health, safety, or welfare imperatively require emergency action, a license may be summarily suspended pending proceedings for revocation or other action.))~~ (1) A licensee shall:

(a) Comply with the provisions of chapter 70.127 RCW and this chapter;

(b) Notify the department in writing;

(i) Thirty or more days before beginning or ceasing operation of an agency;

(ii) Upon beginning or ceasing operation of a branch office; and

(iii) Within ten working days of changing the geographical area served by the agency;

(c) Cooperate with the department during on-site surveys and investigations which may include reviewing agency records and in-home visits with participant consent;

(d) Respond to a statement of deficiencies by submitting to the department, according to the dates specified on the statement of deficiencies form:

(i) A written plan of correction for each deficiency stated in the report; and

(ii) A progress report of corrections.

(2) An applicant or licensee has the right to:

(a) Discuss with the surveyor deficiencies found during an on-site survey or investigation at the conclusion of the survey or investigation;

(b) A written statement of deficiencies found during the survey or investigation;

(c) Discuss the statement of deficiencies with the department's program manager; and

(d) Contest a disciplinary decision or action of the department according to the provisions of RCW 43.70.115, chapter 34.05 RCW and chapter 246-10 WAC.

(3) The department shall:

(a) Issue an initial license for one year;

(b) Issue a renewal license for two years;

(c) Issue a transfer license to the new licensee for the remainder of the current license period;

(d) Investigate any entity suspected of providing home care without a license;

(e) Investigate an agency suspected of providing insufficient, inadequate or inappropriate care;

(f) Provide for combined surveys for licensees with more than one license under chapter 70.127 RCW, in accordance with RCW 70.127.110;

(g) Conduct unannounced on-site surveys and investigations at any time to determine compliance with chapter 70.127 RCW and this chapter;

(h) Provide a period of time for a licensee or applicant to correct deficiencies cited by the department during an on-site survey or investigation, according to the plan of correction;

(i) Reserve the right, according to the provisions of RCW 70.127.170, 43.70.095, chapter 34.05 RCW and chapter 246-10 WAC, to:

(i) Deny, suspend, modify or revoke a home care license; and

(ii) Assess a civil monetary penalty, not to exceed one thousand dollars per deficiency, based on the preventive and remedial action of the licensee and threat to participant health or safety, for deficiencies including but not limited to:

(A) Failing to provide agreed-upon participant care services without appropriate notice;

(B) Actions resulting in the injury or death of a participant;

(C) Compromising the health or safety of a participant;

(D) Knowingly making a false statement of a material fact concerning information requested in this chapter or in any matter under department investigation;

(E) Conducting business of advertising in a misleading or fraudulent manner;

(F) Refusing to allow the department to examine records or wilfully interfering with an on-site survey or investigation;

(G) Failing to pay a fine within ten days after the assessment becomes final or as agreed to by the department and the licensee; and

(H) Continuing to operate after license revocation or suspension or operating outside the parameters of a modified or restricted license.

(4) The department may summarily suspend a license pending proceeding for revocation or other action if the department determines a deficiency is an imminent threat to a participant's health, safety or welfare.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-336-065 General requirements. The licensee shall:

(1) ~~((The agency shall))~~ Have a written plan of operation ~~((including))~~ describing the:

(a) ~~((An organizational chart showing ownership and lines of))~~ Delegation of responsibility ~~((to the participant care level));~~

(b) ~~((The))~~ Services ~~((offered, including hours of operation and service availability))~~ to be provided;

(c) ~~((Criteria for participant acceptance, referral, transfer, and termination;~~

(d) Evidence of direct administrative and supervisory control and responsibility for all services including services provided by branch offices;

(e) An annual budget approved by the governing body; and

(f) Provisions for informing each participant of other community resources if the agency ceases operation.

(2) The agency shall provide services for the participant consistent with the care plan and:

(a) Accept participants only when the agency is capable of providing the specific services or level of care requested by the participant or the participant's authorized representative and appropriate to the participant needs; and

(b) Inform the participant of other services when the home care agency is unable to meet identified needs.

(3) Agency personnel shall communicate in a language or form of communication the participant and family can reasonably be expected to understand. Whenever possible, the agency shall assist in obtaining:

(a) Special devices;

(b) Interpreters; or

(c) Other aids to facilitate communication.)) Counties or portions of counties served; and

(d) Availability of services, hours of operations, and staffing.

(2) Provide management and supervision of services throughout the service delivery area.

(3) Assure the scope of services are consistent with each authorized home care plan of care.

(4) Prior to accepting a participant, determine the services to be provided in consultation with the participant, family, and case manager in managed care plans.

(5) Develop and use set criteria for:

- (a) Accepting participants;
- (b) Discontinuing services;
- (c) Referring participants; and
- (d) Transferring participants.
- (6) Inform the participant of alternate services prior to ceasing business or when the licensee is unable to meet the participant's needs.
- (7) Review contracts annually for conformance with the agencies' participant care policies and procedures, and document review.
- (8) Develop policies and procedures as required by WAC 246-336-115.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-336-077 Participant bill of rights. ((The agency shall provide each participant and family with a written bill of rights affirming each participant's right to:

- (1) Be informed of the services offered by the agency and those being provided;
- (2) Refuse services;
- (3) Request a change of service;
- (4) Participate in development of the care plan;
- (5) Receive an explanation of any responsibilities the participant may have in the care process;
- (6) Be informed of the name of the person supervising the care and how to contact that person;
- (7) Be informed of the process for submitting and addressing complaints to the agency and department;
- (8) Receive an explanation of the agency's charges and policy concerning billing and payment for services, including, to the extent possible, insurance coverage and other payment options unless services are reimbursed through a managed care plan;
- (9) Receive, upon request, a fully itemized billing statement at least monthly, including the date of each service and the charge unless service is reimbursed through a managed care plan;
- (10) Have access to the department's registry of licensed agencies and who to contact in the community for financial resource information;
- (11) Upon request, be informed of who owns and controls the agency;
- (12) Personnel properly trained to perform assigned tasks;
- (13) Coordinated services;
- (14) Courteous and respectful treatment, privacy, and freedom from abuse and discrimination;
- (15) Confidential management of participant records and information;
- (16) Access information in the participant's own record upon request; and
- (17) Receive prior notice and an explanation for reasons of termination, referral, transfer, discontinuance of service, or change in the care plan.)) The licensee shall comply with RCW 70.127.140, Bill of rights—Billing statements.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-336-085 ((Governing body—Administration)) Organization and administration. (1) The ((governing body of the agency)) licensee shall establish a mechanism to:

- (a) ((Approve a quality assurance plan whereby problems are identified, monitored, and corrected;
- (b) Adopt and periodically review written bylaws or an acceptable equivalent;
- (c) Approve written policies and procedures related to safe, adequate services and operation of the agency with annual or more frequent review by administrative and supervisory personnel;
- (d) Appoint an administrator and approve a plan for an alternate in the administrator's absence;
- (e) Oversee the management and fiscal affairs of the agency; and
- (f) Approve a method of obtaining regular reports on participant satisfaction.
- (2) Each agency shall have an administrator to:
 - (a) Organize and direct the agency's ongoing functions;
 - (b) Maintain ongoing liaison between the governing body and the personnel;
 - (c) Employ qualified personnel and ensure appropriate ongoing education and supervision of personnel and volunteers;
 - (d) Ensure the accuracy of public information materials and activities;
 - (e) Implement a budgeting and accounting system; and
 - (f) Ensure the presence of an alternate administrator to act in the administrator's absence.)) Oversee the management and fiscal affairs of the agency;
 - (b) Approve and implement a quality assurance plan, which includes but is not limited to:
 - (i) A complaint process;
 - (ii) A method to identify, monitor, evaluate and correct problems identified by participants, families, personnel, contractors, and volunteers; and
 - (iii) A system to assess participant satisfaction.
 - (2) The licensee shall appoint an administrator who shall:
 - (a) Implement the provisions of subsection (1) of this section;
 - (b) Designate an alternate to act in the administrator's absence;
 - (c) Organize and direct the ongoing functions of the agency;
 - (d) Arrange for necessary professional services;
 - (e) Serve as a liaison between the licensee and personnel;
 - (f) Assure personnel, contractors and volunteers comply with this chapter;
 - (g) Assure the complaint process is explained to the participant and the participant's family; and
 - (h) Assure the accuracy of public information materials and activities.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-336-095 Personnel, contractors and volunteers. ~~((1) The agency shall establish written personnel and volunteer policies including, but not limited to:~~

- ~~(a) Personnel and volunteer qualifications commensurate with anticipated job responsibilities;~~
- ~~(b) Employment criteria without regard to sex, race, age, creed, handicap, national origin, or sexual orientation;~~
- ~~(c) Orientation and in-service training appropriate to each classification of personnel and volunteer and the tasks he or she is expected to perform, including information about safety and emergency procedures;~~
- ~~(d) Evidence of pre-hire screening; and~~
- ~~(e) Annual or more frequent performance evaluations including:~~

- ~~(i) Knowledge of safety pertinent to job assignment;~~
- ~~(ii) Conformance with agency policies and procedures; and~~
- ~~(iii) Observation of performance of personnel in the environment appropriate to job expectations.~~

- ~~(2) The agency shall maintain records including:~~
- ~~(a) Qualifications of personnel and direct participant care volunteers;~~
- ~~(b) Evidence of current licensure, certification, or registration when applicable to job requirements;~~
- ~~(c) Documentation of orientation and training required to perform assigned tasks, consistent with this chapter;~~
- ~~(d) Evidence of review of agency policy and procedures related to reporting any suspected abuse and neglect of children and adults consistent with chapters 26.44 and 74.34 RCW;~~
- ~~(e) Performance evaluations;~~
- ~~(f) Evidence of pre-hire screening prior to working with the agency; and~~
- ~~(g) Evidence of notification of the local health department when personnel are exposed to an infectious case of tuberculosis, as required in subsection (3) of this section.~~

~~(3) In the event of personnel or volunteer exposure to an infectious case of tuberculosis, the agency shall supply the names and identifying information to the local health department sufficient for screening to occur.~~

~~(4) The agency shall:~~

- ~~(a) Assure observance of appropriate precautions when personnel and volunteers are known to have a communicable disease in an infectious stage; and~~
- ~~(b) Assume responsibility for personnel providing all services included in the care plan.)~~

~~(1) For agency personnel the licensee shall:~~

- ~~(a) Establish employment criteria consistent with chapter 49.60 RCW, Discrimination—Human rights commission;~~
- ~~(b) Develop and maintain job descriptions commensurate with responsibilities;~~
- ~~(c) Conduct criminal history background checks in accordance with WAC 246-336-090;~~
- ~~(d) Verify work references and document verification;~~
- ~~(e) Provide and document:~~
- ~~(i) Orientation; and~~
- ~~(ii) Ongoing training on current agency policies and procedures;~~

~~(f) Provide the equipment necessary to implement agency infection control policies and procedures and participants' plans of care; and~~

~~(g) Conduct annual performance evaluations of all personnel, including on-site observation of personnel providing direct participant care.~~

~~(2) For volunteers the licensee shall:~~

- ~~(a) Develop and maintain work descriptions commensurate with responsibilities;~~
- ~~(b) Conduct criminal history background checks in accordance with WAC 246-336-090;~~
- ~~(c) Provide and document orientation on participant care policies and procedures; and~~
- ~~(d) Provide the equipment necessary to implement agency infection control policies and procedures and participants' plans of care.~~

~~(3) For contracted services, the licensee shall, directly or by contract:~~

- ~~(a) Comply with chapter 49.60 RCW, Discrimination—Human rights commission;~~
- ~~(b) Develop and maintain work descriptions commensurate with responsibilities;~~
- ~~(c) Conduct criminal history background checks in accordance with WAC 246-336-090;~~
- ~~(d) Verify work references and document verification;~~
- ~~(e) Provide and document:~~
- ~~(i) Orientation; and~~
- ~~(ii) Ongoing training on the agency's current participant care policies and procedures;~~
- ~~(f) Provide the equipment necessary to implement agency infection control policies and procedures and participants' plans of care; and~~
- ~~(g) Assure annual performance evaluations are conducted for all individuals providing direct participant care.~~

~~(f) Provide the equipment necessary to implement agency infection control policies and procedures and participants' plans of care; and~~

~~(g) Conduct annual performance evaluations of all personnel, including on-site observation of personnel providing direct participant care.~~

~~(2) For volunteers the licensee shall:~~

- ~~(a) Develop and maintain work descriptions commensurate with responsibilities;~~
- ~~(b) Conduct criminal history background checks in accordance with WAC 246-336-090;~~
- ~~(c) Provide and document orientation on participant care policies and procedures; and~~
- ~~(d) Provide the equipment necessary to implement agency infection control policies and procedures and participants' plans of care.~~

~~(3) For contracted services, the licensee shall, directly or by contract:~~

- ~~(a) Comply with chapter 49.60 RCW, Discrimination—Human rights commission;~~
- ~~(b) Develop and maintain work descriptions commensurate with responsibilities;~~
- ~~(c) Conduct criminal history background checks in accordance with WAC 246-336-090;~~
- ~~(d) Verify work references and document verification;~~
- ~~(e) Provide and document:~~
- ~~(i) Orientation; and~~
- ~~(ii) Ongoing training on the agency's current participant care policies and procedures;~~
- ~~(f) Provide the equipment necessary to implement agency infection control policies and procedures and participants' plans of care; and~~
- ~~(g) Assure annual performance evaluations are conducted for all individuals providing direct participant care.~~

~~(a) Comply with chapter 49.60 RCW, Discrimination—Human rights commission;~~

~~(b) Develop and maintain work descriptions commensurate with responsibilities;~~

~~(c) Conduct criminal history background checks in accordance with WAC 246-336-090;~~

~~(d) Verify work references and document verification;~~

~~(e) Provide and document:~~

~~(i) Orientation; and~~

~~(ii) Ongoing training on the agency's current participant care policies and procedures;~~

~~(f) Provide the equipment necessary to implement agency infection control policies and procedures and participants' plans of care; and~~

~~(g) Assure annual performance evaluations are conducted for all individuals providing direct participant care.~~

AMENDATORY SECTION (Amending Order 381, filed 7/26/93, effective 8/26/93)

WAC 246-336-100 Criminal history, disclosure, and background inquiries. (1) ~~((A))~~ The licensee or license applicant shall require a disclosure statement as ((specified under)) defined in RCW 43.43.834 for each prospective ((employee)) personnel, volunteer, contractor, student, and any other ((person)) individual associated with the home care agency having direct contact with((:

- ~~(a) Children under sixteen years of age;~~
- ~~(b)) vulnerable adults as defined under RCW 43.43.830((; and~~
- ~~(c) Developmentally disabled individuals).~~

(2) ((A)) The license applicant having direct contact with vulnerable adults shall obtain a Washington state patrol criminal history background disclosure statement and submit it to the department either:

- (a) With the initial application for licensure; or
- (b) For current licensees, with the first application for renewal of license submitted after September 1, 1993.

(3) ((A)) The licensee or license applicant shall:

- (a) Require a Washington state patrol background inquiry as specified in RCW 43.43.842(1) for each:
- (i) ((Employee)) Personnel, volunteer, contractor, student, and any other ((person)) individual currently associated with the licensed home care agency((;)) having

direct contact with vulnerable adults, when engaged on or since July 22, 1989; and

(ii) Prospective ~~((employee))~~ personnel, volunteer, contractor, student, and ~~((person))~~ individual applying for association with the licensed ~~((facility))~~ agency prior to allowing the ~~((person))~~ individual direct contact with vulnerable adults, except as allowed by subsection (4) of this section;

(b) Inform each ~~((person))~~ individual identified in (a) of this subsection of the requirement for a background inquiry;

(c) Require the ~~((person))~~ individual to sign an acknowledgement statement that a background inquiry will be made;

(d) Verbally inform the ~~((person))~~ individual of the background inquiry results within seventy-two hours of receipt; and

(e) Offer to provide a copy of the background inquiry results to the ~~((person))~~ individual within ten days of receipt.

(4) ~~((A))~~ The licensee may conditionally employ, contract with, accept as a volunteer or associate, ~~((a person))~~ an individual having direct contact with vulnerable adults pending a background inquiry, provided the licensee:

(a) Immediately obtains a disclosure statement from the ~~((person))~~ individual; and

(b) Requests a background inquiry within three business days of the conditional acceptance of the person.

(5) Except as provided in RCW 43.43.842 and in subsection (4) of this section, a licensee shall not hire or retain, directly or by contract, any ~~((person))~~ individual having direct contact with vulnerable adults, if that ~~((person))~~ individual has been:

(a) Convicted of a crime against ~~((persons))~~ individuals as defined in RCW 43.43.830;

(b) Convicted of a crime relating to financial exploitation ~~((of a vulnerable adult))~~ as defined in RCW 43.43.830;

(c) Found in any disciplinary board final decision to have abused a vulnerable adult under RCW 43.43.830; or

(d) The subject in a protective proceeding under chapter 74.34 RCW.

(6) The licensee shall establish and implement procedures ensuring that all disclosure statements and background inquiry responses are:

(a) Maintained in a confidential and secure manner;

(b) Used for employment purposes only;

(c) Not disclosed to any ~~((person))~~ individual except:

(i) The ~~((person))~~ individual about whom the licensee made the disclosure or background inquiry;

(ii) Authorized state and federal employees; and

(iii) The Washington state patrol auditor~~((:))~~; and

(d) Retained and available for department review;

(i) During ~~((and))~~ the individual's employment or association with a facility; and

(ii) At least two years following termination of employment or association with a facility.

(7) The department shall:

(a) Review records required under this section;

(b) Investigate allegations of noncompliance with RCW 43.43.830 through 43.43.842, when necessary, in consultation with law enforcement personnel; and

(c) Use information collected under this section solely for the purpose of determining eligibility for licensure or relicensure as required under RCW 43.43.842.

(8) The department may require licensees to complete additional disclosure statements or background inquiries for ~~((a person))~~ an individual associated with the licensed ~~((facility))~~ agency having direct contact with vulnerable adults if the department has reason to believe that offenses specified under RCW 43.43.830 have occurred since completion of the previous disclosure statement or background inquiry.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-336-105 HIV/AIDS education and training. ~~((Home care agencies))~~ The licensee shall:

~~((1))~~ (1) ~~((Verify or arrange for appropriate education and training of personnel and volunteers on the prevention, transmission, and treatment of HIV and AIDS consistent with RCW 70.24.310; and~~

~~((2))~~ (2) ~~((Use infection control standards and educational material consistent with the approved curriculum manual Know AIDS Education for Health Care Facility Employees, January 1991, published by the department office on HIV/AIDS))~~ Verify or arrange for two hours or more of appropriate education and training of nonlicensed personnel, volunteers and direct-care contractors within ninety days of direct patient contact on the prevention, transmission, and treatment of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) consistent with RCW 70.24.310.

(2) Use infection control standards and educational material consistent with:

(a) The approved curriculum manual *KNOW - HIV/AIDS Prevention Education for Health Care Facility Employees*, January 1991, or subsequent editions published by the department; and

(b) WAC 296-62-08001, Bloodborne pathogens implementing WISHA.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-336-115 ~~((Participant care))~~ Policies and procedures. ~~((1))~~ The home care agency shall establish and implement policies and procedures appropriate to the specific services provided and available in writing to all personnel and volunteers, including:

~~((a))~~ (a) All tasks carried out in providing services and implementing the care plan;

~~((b))~~ (b) Observations to be reported to the supervisor;

~~((c))~~ (c) Coping with difficult situations;

~~((d))~~ (d) Transporting of participants by licensed insured drivers;

~~((e))~~ (e) Any special qualifications of persons performing the services;

~~((f))~~ (f) Infection control principles and practices;

~~((g))~~ (g) Emergency procedures, participant safety, and death;

~~((h))~~ (h) Safe handling and use of supplies, equipment, and toxic or hazardous substances;

~~((i))~~ (i) Safe handling and preparation of food products;

~~((j))~~ (j) Abuse and neglect consistent with chapters 26.44 and 74.34 RCW;

~~((k))~~ (k) Coordination of inter- and intra-agency services;

~~((l))~~ (l) Participant records; and

~~(m) Restriction on personnel assisting with participant-owned medications only as provided in the care plan and restricted to:~~

~~(i) Reminding the participant of when it is time to take a prescribed medication;~~

~~(ii) Handing the medication container to the participant;~~

~~(iii) Opening the medication container; and~~

~~(iv) Assistance with application of skin, nose, eye, and ear preparations according to label when a participant is mentally oriented and able to supervise application.~~

~~(n) Limitations regarding handling of participant-owned money and property.~~

~~(2) Agencies shall review participant care policies and procedures annually and revise as necessary.)) (1) A licensee shall establish and implement the following written policies and procedures, consistent with this chapter and the services provided:~~

~~(a) Accepting, referring and discontinuing participants, including specific policies, as needed, for accepting or discontinuing participants under managed care plans;~~

~~(b) Coordinating interagency and intra-agency services;~~

~~(c) Techniques for communicating with the participant and family, and steps to take when communication is not possible, including but not limited to:~~

~~(i) Assistance with obtaining special communication devices;~~

~~(ii) Use of translated material, interpreters or interpreter services; or~~

~~(iii) Referral to community services;~~

~~(d) Infection control principles and practices, including:~~

~~(i) Bloodborne pathogens in accordance with chapter 296-62 WAC;~~

~~(ii) Food storing, preparing and handling; and~~

~~(iii) Establishing a yearly tuberculosis risk assessment program consistent with the 1993 centers for disease control guidelines;~~

~~(e) Actions to take when an individual exhibits or reports symptoms of a communicable disease in an infectious stage in accordance with chapter 246-100 WAC;~~

~~(f) Managing records consistent with WAC 246-336-165;~~

~~(g) Restricting medication assistance:~~

~~(i) As provided for in the home care plan of care and consistent with state law;~~

~~(ii) To participant-owned medications ordinarily self-administered; and~~

~~(iii) To the extent of:~~

~~(A) Communicating appropriate information regarding self-administration;~~

~~(B) Reminding to take a medication as prescribed;~~

~~(C) Reading the medication label;~~

~~(D) Handing the medication container to the participant;~~

~~(E) Opening the medication container; and~~

~~(F) Assisting with application of skin, nose, eye, and ear preparations under specific direction of the participant; and~~

~~(h) Managing abuse and neglect situations consistent with chapters 26.44 and 74.34 RCW; and~~

~~(i) Emergency care, identifying the responsible agency when more than one agency provides care, including:~~

~~(i) Addressing chapter 70.122 RCW, Natural Death Act and advanced directives; and~~

~~(ii) Actions to take upon the death of a participant.~~

~~(2) A licensee shall document:~~

~~(a) Approval of policies and procedures; and~~

~~(b) Review of policies and procedures every two years.~~

~~(3) The licensee shall make the policies and procedures specified in subsection (1) of this section available to direct-care personnel and contractors, and volunteers during the hours of operation.~~

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-336-125 Supervision and coordination of services. ((The agency shall employ a supervisor responsible for:

~~(1) Assessment of participant/family needs except under managed care plans;~~

~~(2) Development of care plan, except under managed care plans;~~

~~(3) Implementing the care plan;~~

~~(4) Referral to other community resources;~~

~~(5) Explaining resources the participant may access;~~

~~(6) Performance evaluations as indicated under WAC 246-336-095, Personnel and volunteers;~~

~~(7) Regular monitoring of effectiveness of the care plan, including:~~

~~(a) The participant's satisfaction with care received;~~

~~(b) Participant's health and safety;~~

~~(c) Periodic contact with participant to re-assess effectiveness and appropriateness of home care plan of care;~~

~~(d) Participating in development and review of agency policies for coordination; and~~

~~(e) Coordination or arrangement of home care services.)) (1) The licensee shall employ a supervisor of direct care services.~~

~~(2) The supervisor of direct care services shall:~~

~~(a) Designate a similarly qualified alternate to act in the supervisor's absence;~~

~~(b) Coordinate or develop and revise participant care policies;~~

~~(c) Coordinate intra- and inter-agency services to:~~

~~(i) Develop the home care plan of care, except under managed care; and~~

~~(ii) Implement the home care plan of care;~~

~~(d) Supervise direct care personnel and contractors, and volunteers; and~~

~~(e) Assure compliance with the participant's home care plan of care.~~

~~(3) The supervisor or alternate shall be available during all hours of agency operation.~~

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-336-135 Home care plan of care. ((Agencies shall:

~~(1) Ensure personnel follow an approved written care plan;~~

~~(2) Include all services to be provided in the care plan; and~~

~~(3) Ensure review and revision of care plan, as necessary:~~

~~(a) Whenever reports by the participant, family, or caregiver indicate substantial change in services needed;~~

~~(b) Based upon assessment by the supervisor, unless done through a managed care plan; and~~

~~(e) At least every six months for personal care services.)) The licensee shall:~~

~~(1) Develop and implement a written home care plan of care for each participant:~~

~~(a) Prior to initiating care;~~

~~(b) Based on an assessment of participant and family needs; and~~

~~(c) With approval of participant or family or case manager, in managed care plans.~~

~~(2) The home care plan of care shall include:~~

~~(i) Types of services and equipment required;~~

~~(ii) Frequency of visits;~~

~~(iii) Any special dietary or nutritional needs; and~~

~~(iv) Medication assistance according to agency policy and procedures.~~

~~(3) Develop a system to assure compliance with the home care plan of care;~~

~~(4) Document the review and update of the home care plan of care every six months, or more often as necessary; and~~

~~(5) Include the home care plan of care in the participant's record.~~

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-336-165 ((Records and documentation of) Participant care records. ~~((1) The home care agency shall maintain records which are orderly, intact, and:~~

~~(a) Legibly written in ink suitable for photocopying;~~

~~(b) In an agency approved format;~~

~~(c) Written in a legally acceptable manner;~~

~~(d) Considered as property of the home care agency;~~

~~(e) Include observations about the participant's physical condition;~~

~~(f) Available and retrievable either in the agency or by electronic means during business hours; and~~

~~(g) Stored following discontinuance from service in a manner which:~~

~~(i) Prevents loss or manipulation of information;~~

~~(ii) Protects the record from damage; and~~

~~(iii) Prevents access by unauthorized persons.~~

~~(2) Records shall include:~~

~~(a) Appropriate participant identifying information;~~

~~(b) Appropriate service consent and agreement, including payment source;~~

~~(c) Pertinent past and current information, including:~~

~~(i) Documentation of a participant assessment by a supervisor on acceptance and when conditions change extensively;~~

~~(ii) Notation of all services provided and recorded in the record or in another file maintained by the agency; and~~

~~(iii) Documentation of significant observations.~~

~~(d) Care plan; and~~

~~(e) Termination statement.~~

~~(3) Agencies shall ensure documentation, including:~~

~~(a) Recording of the service on the day it is provided;~~

~~(b) Immediate incorporation of reports of unusual events or incidents with date, time, and signature or valid initials of the recorder; and~~

~~(e) Entries incorporated within a month from the day service is rendered if the record is maintained in the agency.~~

~~(4) Agencies shall maintain, retain, and preserve records:~~

~~(a) For adults, a period of no less than five years following the date of discontinuation of service; and~~

~~(b) For minors, a period of no less than three years following attainment of eighteen years of age or five years following discontinuance of agency services, whichever is longer.~~

~~(5) Agencies shall establish policies and procedures specific to retention and disposition of records, including:~~

~~(a) Arrangements for preservation of participant records if the agency discontinues operation with a plan approved by the department; and~~

~~(b) A method of disposal of records assuring prevention of retrieval and subsequent use of information.~~

~~(6) Agencies shall safeguard recorded participant information against loss or unauthorized use, including:~~

~~(a) Adherence to written procedures governing use and removal of records and conditions for release of information; and~~

~~(b) Requirement for prior written consent of the participant for release of information unless authorized by law.))~~

~~The licensee shall:~~

~~(1) Maintain a current record for each participant consistent with chapter 70.02 RCW, health care information and disclosure, which is:~~

~~(a) Accessible, in an integrated document, in the licensee's main or branch office for review by appropriate direct care personnel and contractors and the department;~~

~~(b) Written legibly or retrievable by electronic means:~~

~~(i) On the licensee's standardized forms; and~~

~~(ii) In a legally acceptable manner;~~

~~(c) Kept confidentially;~~

~~(d) Chronological in its entirety or by service; and~~

~~(e) Kept together to avoid loss of records;~~

~~(2) Include the following in each record:~~

~~(a) Participant's name, age, current address and phone number;~~

~~(b) Participant's consent for service, care and payment source;~~

~~(c) Initial assessment;~~

~~(d) Home care plan of care;~~

~~(e) Instructions given to participant and family;~~

~~(f) Dated and signed notes for each contact with the participant, describing:~~

~~(i) General comments on changes in the participant's health or needs; and~~

~~(ii) Care provided to the participant;~~

~~(3) Consider the records as property of the licensee;~~

~~(4) Transfer participant information or a summary when the participant:~~

~~(i) Requests agency administrator to send the information; and~~

~~(ii) Is relocated to another agency or facility.~~

~~(5) Retain records for:~~

~~(a) Adults no less than three years following the date of termination of services;~~

~~(b) Minors no less than three years after attaining the age of eighteen years of age, or five years following discharge, whichever is longer;~~

- (6) Store records to:
 - (a) Prevent loss of information and maintain integrity;
 - and
 - (b) Protect against unauthorized access according to chapter 70.02 RCW, health care information and disclosure;
 - and
 - (7) Dispose of records to protect confidentiality when ceasing operation, or releasing medical records after a participant's death, according to chapter 70.02 RCW, health care information and disclosure.
 - (8) Obtain department approval to preserve or dispose of records prior to ceasing operation.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 246-336-045 Civil fines.
- WAC 246-336-055 License action and/or civil fine—Notice—Adjudicative proceeding.

AMENDATORY SECTION (Amending WSR 93-21-034, filed 10/15/93, effective 10/28/93)

WAC 246-336-990 Fees. (1) ~~((An applicant or))~~ A licensee or applicant shall submit to the department:

- (a) A biennial renewal fee based on the number of full-time equivalents (FTEs), which is a measurement based on a forty-hour week and is applicable to paid agency employees or contractors, as follows:
 - (i) A base fee of three hundred sixty dollars; and
 - (ii) For agencies with:
 - (A) Fifteen or less FTEs, one hundred ninety dollars;
 - (B) Sixteen through fifty FTEs, two hundred thirty dollars; or
 - (C) Fifty-one or more FTEs, three hundred thirty dollars;
 - (b) A fee of one-half the renewal fee specified in (a) of this subsection for an initial twelve-month license for:
 - (i) New firms;
 - (ii) Businesses not currently licensed to provide home care in Washington state; or
 - (iii) Currently licensed businesses which have had statement of charges filed against them; and
 - (c) A transfer of ownership fee of fifty dollars. A transferred license will be valid for the remainder of the current license period.

(2) An applicant or licensee shall pay one-half the base fee in addition to the full fee for FTEs for each additional home health and/or hospice license.

(3) The department may charge and collect from a licensee a fee of one-half the base fee specified in subsection (1)(a) of this section for:

- (a) A second on-site visit resulting from ~~((a licensee's))~~ failure of the licensee or applicant to adequately respond to a statement of deficiencies; and
- (b) A complete on-site ~~((inspection))~~ survey resulting from a substantiated complaint ~~((investigation))~~; or
- (c) A follow-up compliance survey.
- (4) A licensee with deemed status ~~((under WAC 246-336-030;))~~ shall pay fees according to this section.

(5) A licensee shall submit an additional late fee in the amount of ten dollars per day from the renewal date until the date of mailing the fee, as evidenced by the postmark.

WSR 94-10-047
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed May 2, 1994, 12:52 p.m.]

Original Notice.
 Title of Rule: Chapter 246-327 WAC, Home health.
 Purpose: To implement legislative amendments.
 Statutory Authority for Adoption: RCW 70.127.120.
 Statute Being Implemented: Chapter 70.127 RCW.
 Summary: Establishing rules for deemed status, changing to a two year license period, clarifying requirements for volunteers, and clarifying language.

Name of Agency Personnel Responsible for Drafting: Natalie Gonzalez, P.O. Box 47852, Olympia, WA 98504-7852, 705-6780; Implementation and Enforcement: Kathy Stout, P.O. Box 47852, Olympia, WA 98504-7862, 705-6780.

Name of Proponent: [Department of Health], governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Implement changes in law including deemed status, reduced number of requirements for volunteers, increased length of licensure period and clarifying language.

Proposal Changes the Following Existing Rules: Chapter 246-327 WAC.

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

These amendments will not increase costs to small businesses.

Hearing Location: Training Room, Developmental Disability Office, West 1611 Indiana, Spokane, WA, on June 10, 1994, at 1:00 p.m.; and in the Training Room, Department of Health, 2725 Harrison N.W., Suite 500, Olympia, WA, on June 7, 1994, at 1:30 p.m.

Submit Written Comments to: Ann Foster, Rules Coordinator, 1112 S.E. Quince Street, Olympia, WA 98504-7902, by June 1, 1994.

Date of Intended Adoption: June 10, 1994.

May 2, 1994
 Bruce Miyahara
 Secretary

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-327-001 Scope and purpose. ~~((The purpose of these rules is to administratively implement))~~ (1) This chapter implements chapter 70.127 RCW by establishing minimum ~~((licensing))~~ standards for home health agencies ~~((related to safe and competent care for patients)).~~

(2) This chapter does not apply to:
(a) Hospice care agencies as defined by RCW 70.127.010;

(b) Home care agencies as defined by RCW 70.127.010;

or

(c) Other persons, activities or entities specified in RCW 70.127.040.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-327-010 Definitions. For the purpose of this chapter (~~(70.127 RCW and chapter 246-327 WAC, the following words and phrases shall have the following meaning)~~), the definitions in RCW 70.127.010 and in this section apply unless the context clearly indicates otherwise.

(1) "Acute care" means, according to RCW 70.127.250, care provided by ~~((an))~~ a home health agency for patients who are not medically stable or have not attained a satisfactory level of rehabilitation. These patients require frequent monitoring by a health care professional in order to maintain their health status.

(2) "Administrator" means ~~((a person managing and))~~ an individual responsible for managing the day-to-day operation of ~~((each licensed))~~ an agency.

(3) ~~((("Advanced registered nurse practitioner" means a registered nurse with a ARNP recognition document under chapter 246-839 WAC.~~

(4) "Agency" means a home health agency defined under this section and chapter 70.127 RCW.

~~(5) "AIDS" means acquired immunodeficiency syndrome defined under WAC 246-100-011.~~

~~(6))~~ "Authorizing practitioner" means ~~((a person))~~ an individual authorized to sign a home health plan of treatment, including ~~((a physician licensed under chapter 18.57 or 18.71 RCW, a podiatrist licensed under chapter 18.22 RCW, or an advanced registered nurse practitioner as authorized by the board of nursing under chapter 18.88 RCW))~~:

(a) A physician, an individual licensed under chapter 18.57 or 18.71 RCW;

(b) A podiatric physician and surgeon, an individual licensed under chapter 18.22 RCW; or

(c) An advanced registered nurse practitioner, ARNP, a registered nurse with an ARNP recognition as authorized by the board of nursing under chapter 18.88 RCW.

~~((7))~~ (4) "Branch office" means, according to RCW 70.127.010, a location or site from which ~~((an))~~ a home health agency provides services within a portion of the total geographic area served by the parent agency. The branch office is part of the agency ~~((, included in the license of the agency,))~~ and is located sufficiently close to share administration, supervision, and services.

~~((8))~~ "Bylaws" means a set of rules adopted by an agency for governing the agency operation.

~~(9) "Clinical note" means a written, signed, dated notation of each contact with a patient which may contain a description of signs and symptoms, treatments, medications given, the patient reaction, any changes in physical or emotional condition, and other pertinent information.~~

~~(10))~~ (5) "Contractor" means a person or agency who contracts with a licensee to provide patient care services or equipment.

(6) "Deemed status" means a designation assigned by the department for a licensee meeting the provisions of

WAC 246-327-030 certified or accredited by organizations recognized by RCW 70.127.080.

(7) "Department" means, according to RCW 70.127.010, the department of health.

~~((11) "Dietitian" means an individual certified under chapter 18.138 RCW, Dietitians and Nutritionists.~~

~~(12))~~ (8) "Document" means to record with signature or unique identifier, title and date.

(9) "Family" means an individual or individuals ~~((who are important to and designated))~~:

(a) Designated by the patient, ~~((and))~~ who may or may not be ~~((relatives))~~ related; or

(b) Legally appointed to represent the patient.

~~((13) "Governing body" means the person, who may be the owner or a group, with responsibility and authority to establish policies related to operation of the agency.))~~ (10) "Health care professional" means an individual who provides health or health-related services within the individual's authorized scope of practice, who is:

(a) Licensed or certified under Title 18 RCW;

(b) Registered under chapter 18.19, or 18.88A RCW; or

(c) A speech therapist as defined in this section.

(11) "Health officer" means an individual defined in RCW 70.05.010.

~~((14) "HIV" means human immunodeficiency virus defined under RCW 70.24.017(7).~~

~~(15))~~ (12) "Home health agency" or "agency" means, according to RCW 70.127.010, a private or public agency or organization ~~((administering or providing))~~ that administers or provides home health aide services or two or more home health services directly or through a contract arrangement to ill, disabled, or infirm persons in places of temporary or permanent residence. A private or public agency or organization that administers or provides nursing services only may elect to be designated a home health agency for purposes of licensure.

~~((16))~~ (13) "Home health aid" means an individual registered or certified ~~((as a nursing assistant))~~ under chapter 18.88A RCW.

~~((17) "Home health aid services" means services provided by a home health agency under supervision of a registered nurse, physical therapist, occupational therapist, or speech therapist and as further defined under RCW 70.127.010(7).~~

~~(18))~~ (14) "Home health plan of care" ~~((or "plan of care"))~~ means, according to RCW 70.127.250, a written plan of care established by a home health agency by appropriate health care professionals ~~((, including comprehensive case assessment and management, and describing))~~ that describes maintenance care to be provided. A patient or ~~((the patient's))~~ his or her representative shall be allowed to participate in the development of the plan of care to the extent practicable.

~~((19))~~ (15) "Home health plan of treatment" ~~((or "plan of treatment"))~~ means, according to RCW 70.127.250, a written plan of care established by a physician licensed under chapter 18.57 or 18.71 RCW, a ~~((podiatrist))~~ podiatric physician and surgeon licensed under chapter 18.22 RCW, or an advanced registered nurse practitioner as authorized by the board of nursing under chapter 18.88 RCW, in consultation with appropriate health care professionals within the agency ~~((, including comprehensive case assessment and~~

management, and describing)) that describes medically necessary acute care to be provided for treatment of illness or injury.

~~((20) "Home health services" means health or medical services provided to ill, disabled, or infirm persons. Home health services of an acute or maintenance care nature include, but are not limited to:~~

- ~~(a) Nursing services;~~
- ~~(b) Home health aide services;~~
- ~~(c) Physical therapy services;~~
- ~~(d) Occupational therapy services;~~
- ~~(e) Speech therapy services;~~
- ~~(f) Respiratory therapy services;~~
- ~~(g) Nutritional services;~~
- ~~(h) Homemaker services;~~
- ~~(i) Personal care services;~~
- ~~(j) Medical social services;~~
- ~~(k) Medical supplies or equipment services; and~~
- ~~(l) Pharmacy services.~~

~~(21) "Homemaker services" means services assisting ill, disabled, or infirm persons with household tasks essential to achieving adequate household and family management, including transportation, shopping, and maintenance of premises.~~

~~(22) "Ill, disabled, or infirm persons" means persons needing home health, hospice, or home care services in order to maintain themselves in their places of temporary or permanent residence.~~

~~(23)) (16) "Licensed practical nurse" or "LPN" means an individual licensed as a practical nurse under chapter 18.78 RCW((, Practical nurses)).~~

~~((24)) (17) "Licensee" means the person to whom the department issues the home health agency license.~~

~~(18) "Maintenance care" means, according to RCW 70.127.250, care provided by home health agencies that is necessary to support an existing level of health and to preserve a patient from further failure or decline.~~

~~((25)) (19) "Managed care plan" means a plan prior-authorized and controlled by the terms of the reimbursement source.~~

~~((26) "May" means permissive or discretionary on the part of the department.~~

~~(27) "Medical social worker" means an individual with a bachelor's degree in social work, psychology, or a related field and having completed one year of social work experience and registered as a counselor under RCW 18.19.090.~~

~~(28) "Nutritional services" means nutritional assessment and counseling, dietary teaching, and the monitoring and management of special diets and hyperalimentation provided by a dietitian or certified nutritionist under chapter 18.138 RCW.~~

~~(29) "Occupational therapist" means an individual licensed as an occupational therapist under chapter 18.59 RCW.~~

~~(30) "Owner" means the individual, partnership, or corporate entity legally responsible for the business requiring licensure as a home health agency under chapter 70.127 RCW.~~

~~(31) "Personal care services" means services assisting ill, disabled, or infirm persons with dressing, feeding, and personal hygiene to facilitate self care.~~

~~(32)) (20) "Patient" means an individual receiving home health services.~~

~~(21) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, and legal successor thereof.~~

~~(22) "Personnel" means individuals ((providing patient care on behalf of an agency including employees and individuals under contract)) employed and compensated by the license.~~

~~((33) "Pharmacist" means an individual licensed as a pharmacist under RCW 18.64.080.~~

~~(34) "Physical therapist" means an individual licensed as a physical therapist under chapter 18.74 RCW.~~

~~(35) "Physician" means an individual licensed as a medical doctor under chapter 18.71 RCW or an osteopathic physician and surgeon licensed under chapter 18.57 RCW, or a podiatrist licensed under chapter 18.22 RCW.~~

~~(36) "Prehire screening" means checking of work references, appropriate registration, certification, licensure, and qualifications.~~

~~(37)) (23) "Registered nurse" or "RN" means an individual licensed under chapter 18.88 RCW((Registered nurses)).~~

~~((38) "Respiratory therapist" means an individual certified under chapter 18.89 RCW, Respiratory care practitioners.~~

~~(39) "Shall" means compliance is mandatory.~~

~~(40) "Speech therapist" means a person meeting:~~

~~(a)) (24) "Social worker" means an individual registered or certified as a counselor under chapter 18.19 RCW with a bachelor's degree in social work, psychology or a related field.~~

~~(25) "Therapist" means an individual who is:~~

~~(a) A physical therapist, licensed under chapter 18.74 RCW;~~

~~(b) A respiratory therapist, certified under chapter 18.89 RCW;~~

~~(c) An occupational therapist, licensed under chapter 18.59 RCW; or~~

~~(d) Speech therapist meeting the education and experience requirements for a certificate of clinical competence in the appropriate area of speech pathology or audiology, granted by the American Speech, Language, and Hearing Association as described in *The ASLHA Directory*, American Speech, Language, and Hearing Association, 10801 Rockville Pike, Rockville, Maryland 20852, 1983; or ((b) The education requirements)) for a certificate of clinical competence and in the process of accumulating the supervised experience, as specifically prescribed in *The ASLHA Directory*, 1983.~~

~~((41) "Supervision" means authoritative procedural guidance by a qualified person who assumes the responsibility for the accomplishment of a function or activity and who provides direction and ongoing monitoring and evaluation of the actual act of accomplishing the function or activity.~~

~~(42) "Therapist" means a physical therapist, occupational therapist, speech therapist, or respiratory therapist defined under this section or other therapist licensed or certified under Title 18 RCW and providing health or medical care or treatment within their defined scope of practice.~~

~~(43)) (26) "Therapy assistant" means a licensed occupational therapy assistant defined under chapter 18.59~~

RCW or physical therapist assistant defined under chapter 246-915 WAC.

~~((44) "Therapy services" means those services delivered by a therapist defined under this section.~~

~~(45)) (27) "Volunteer" means an individual ((providing assistance)) who provides direct care to ((the home health agency)) a patient and who:~~

~~(a) ((Oriented, trained, and supervised to perform specific assigned tasks; and~~

~~(b) Working without compensation.~~

~~(46) "Without compensation" means:~~

~~(a) A recipient of care is not charged a fee for any service delivered by the volunteer; and~~

~~(b) An individual delivering care receives no pay, except reimbursement for personal mileage incurred to deliver home health services)) Is not compensated by the agency or patient; and~~

~~(b) May be reimbursed for personal mileage incurred to deliver home health services.~~

~~(28) "WISHA" means the Washington Industrial Safety and Health Act, chapter 49.17 RCW, administered by the Washington state department of labor and industries.~~

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-327-025 Licensure ((of the home health agency))—Initial, renewal, transfer. ~~((1) After June 30, 1989, persons operating home health agencies defined under chapter 70.127 RCW shall submit applications and fees to the department.~~

~~(2) After July 1, 1990, no person shall:~~

~~(a) Advertise, operate, manage, conduct, open, or maintain a home health agency without first obtaining an appropriate license from the department; or~~

~~(b) Use the words "home health agency," "home health care services," or "visiting nurse services" in its corporate or business name, or advertise using such words unless licensed as a home health agency under chapter 70.127 RCW.~~

~~(3) Applicants for a home health agency license shall:~~

~~(a) Submit a completed application and fee for initial license or renewal to the department on forms furnished by the department, including signature of the owner or legal representative of the owner;~~

~~(b) Furnish to the department full and complete information as required by the department for the proper administration of department requirements including:~~

~~(i) Evidence of current insurance including:~~

~~(A) Professional liability insurance coverage specified under RCW 70.127.080; and~~

~~(B) Public liability and property damage insurance coverage specified under RCW 70.127.080.~~

~~(ii) Information on organizational and governing structure and the identity of the applicant, officers, directors, partners, managing employees, or owners of ten percent or more of the applicant's assets;~~

~~(iii) A list of counties where the applicant will operate;~~

~~(iv) A list of branch offices; and~~

~~(v) A list of services provided or offered.~~

~~(4) Agencies requesting license renewal shall submit a renewal application and fee to the department.~~

~~(5) If the applicant or owner meets the requirements of this chapter and chapter 70.127 RCW, the department shall issue or renew a license for the agency.~~

~~(6) The department shall:~~

~~(a) Deny a license if in the last five years the owner, applicant, officers, directors, partners, managing employees, or owners of ten percent or more of the applicant's assets are found in a civil or criminal proceeding to have committed any act reasonably relating to the fitness of any of the above persons to:~~

~~(i) Establish, maintain, or administer an agency; or~~

~~(ii) Provide care in the home of another.~~

~~(b) Provide a combination of applications and licenses and the reduction of individual license fees if an applicant applies for more than one category of license under chapter 70.127 RCW;~~

~~(c) Establish fees to be paid under RCW 43.70.110 and WAC 246-327-990, including providing for the reduction of individual license fees if an applicant applies for more than one category of license under RCW 70.127.110;~~

~~(d) Prohibit transfer or reassignment of a license without thirty day prior notice to the department and department approval;~~

~~(e) Issue a license following approval of a new or current owner's application;~~

~~(f) Conduct on-site reviews of the agency, which may include in-home visits with consent of the patient, to determine compliance;~~

~~(g) Examine and audit records of the agency if the department has reason to believe persons are providing care without an appropriate license;~~

~~(h) Provide for combined licensure inspections and audits for owners holding more than one license under RCW 70.127.110;~~

~~(i) Give written notice of any violations, including a statement of deficiencies observed;~~

~~(j) Inform the owner or applicant of the requirement to:~~

~~(i) Present a plan of correction to the department within ten working days; and~~

~~(ii) Comply within a specified time not to exceed sixty days.~~

~~(k) Allow the owner a reasonable period of time, not to exceed sixty days, to correct a deficiency prior to assessing a civil penalty unless:~~

~~(i) The deficiency is an immediate threat to life, health, or safety; or~~

~~(ii) The owner fails to comply with any of the provisions under WAC 246-327-045 (3)(a), (b), (c), (d), (e), (f), (g), (h), (i), and (j).~~

~~(l) Initiate disciplinary action, under RCW 70.127.170 and this chapter, if the owner or applicant fails to comply.~~

~~(7) The department may:~~

~~(a) Issue a license effective for one year or less unless the license is suspended or revoked;~~

~~(b) Inspect an agency and examine records at any time to determine compliance with chapter 70.127 RCW and this chapter;~~

~~(c) Deny, suspend, modify, or revoke an agency license for failure to comply with chapter 70.127 RCW or this chapter.~~

~~(8) When a change of ownership is planned, the owner shall notify the department, in writing, at least thirty days prior to the date of transfer, including:~~

~~(a) Full name and address of the current owner and prospective new owner;~~

~~(b) Name and address of the agency and new name under which the agency will be operating, if known; and~~

~~(c) The date of the proposed change of ownership.~~

~~(9) The prospective new owner shall submit a new application for an agency license with the fee at least thirty days prior to the change of ownership.~~

~~(10) The agency shall inform the department, in writing, at the time of opening or closing the agency or branch offices included in the agency license.)~~ (1) A person shall have a current license issued by the department before operating or advertising a home health agency.

(2) An applicant for initial licensure shall submit to the department:

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

(b) Evidence of current professional liability, public liability, and property damage insurance coverage in accordance with RCW 70.127.080;

(c) A criminal history background check in accordance with WAC 246-327-090(2);

(d) The following information:

(i) Name of officers, managing personnel, directors, and partners or individuals owning ten percent or more of the applicant's assets;

(ii) A description of the organizational structure;

(iii) A description of the services to be offered;

(iv) Name and address of branch offices;

(v) Counties where applicant will provide home health services; and

(vi) Other information as required by the department;

(e) Fees specified in WAC 246-327-990.

(3) A licensee shall apply for license renewal at least thirty days before the expiration date of the current license by submitting to the department:

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

(b) A criminal history background check in accordance with WAC 246-327-090(2);

(c) Documentation according to the provisions of WAC 246-327-030, if applying for deemed status;

(d) Fees specified in WAC 246-327-990; and

(e) Other information as required by the department.

(4) At least thirty days prior to transferring ownership of a currently licensed agency:

(a) The licensee shall submit to the department:

(i) The full name and address of the current licensee and prospective owner;

(ii) The name and address of the currently licensed agency and the name under which the transferred agency will operate; and

(iii) Date of the proposed change of ownership; and

(b) The prospective new owner shall submit the transfer fee specified in WAC 246-327-990, and:

(i) Apply for licensure according to subsection (2) of this section; or

(ii) If planning to add the transferred agency as a branch office provide notification to the department according to WAC 246-327-035 (1)(b).

NEW SECTION

WAC 246-327-030 Deemed status. (1) The department shall grant deemed status to licensees meeting the requirements in this section and otherwise qualified for licensure.

(2) The department shall renew a license without conducting an on-site survey for licensees with deemed status.

(3) A licensee certified by the federal Medicare program, 42 CFR Part 418, Conditions of Participation, Home Health Agencies, applying for initial deemed status shall indicate certification on the renewal application.

(4) A licensee accredited by the Joint Commission on Accreditation of Health Care Organizations or the Community Health Accreditation Program, Inc. applying for initial deemed status shall submit to the department with the renewal application:

(a) Verification of accreditation; and

(b) A copy of an on-site survey conducted by the accrediting organization within the twenty-four month period preceding the renewal due date.

(5) A licensee granted deemed status pursuant to subsection (4) of this section shall submit to the department:

(a) A copy of each survey conducted by the accrediting organization within ninety days of the survey date; and

(b) All decisions and findings, including any changes in accreditation status, from the accrediting organization within ten days of receipt.

(6) The department shall grant deemed status to a licensee when:

(a) The licensee meets the requirements in this section;

(b) The licensee verifies an on-site survey has been conducted by an organization specified in this section within the twenty-four month period preceding the renewal due date; and

(c) The department determines, using a liberal interpretation, the survey standards used at the time of survey are substantially equivalent to chapter 70.127 RCW and this chapter.

(7) Upon determining survey standards used by an organization specified in this section are not substantially equivalent with chapter 70.127 RCW and this chapter, the department shall send affected licensees:

(a) A detailed description of the deficiencies in the alternate survey process; and

(b) An explanation concerning the risk to the consumer.

(8) The department shall conduct verification surveys according to RCW 70.127.085.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-327-035 (~~License denials—Suspensions—Modifications—Revocations.~~) **Responsibilities and rights—Licensee and department.** ~~((1) The department may deny, suspend, modify, or revoke a license or assess civil penalties, or both, against the agency if an applicant, owner, officer, director, or managing employee:~~

~~(a) Fails or refuses to comply with the provisions under chapter 70.127 RCW or this chapter;~~

~~(b) Continues to operate after the license is revoked or suspended for cause without subsequent reinstatement by the department;~~

~~(c) Makes a false statement of a material fact in the application for the license or data attached or in any record required by this chapter or matter under investigation by the department;~~

~~(d) Refuses to allow representatives of the department to inspect any part of the agency or books, records, or files required by this chapter;~~

~~(e) Willfully prevents or interferes with, or attempts to impede in any way, the work of a representative of the department in the lawful enforcement of chapter 70.127 RCW and this chapter;~~

~~(f) Willfully prevents or interferes with a representative of the department in the preservation of evidence of a violation under chapter 70.127 RCW or this chapter;~~

~~(g) Fails to pay or make arrangements to pay a civil monetary penalty assessed by the department within ten days after the assessment becomes final, as provided under WAC 246-327-045, Civil fines;~~

~~(h) Uses false, fraudulent, or misleading advertising;~~

~~(i) Has repeated incidents of personnel performing services beyond services authorized by the agency or law; or~~
~~(j) Misrepresents, or is fraudulent in an aspect of, the conduct of the applicant's or owner's business.~~

~~(2) If the department finds the public health, safety, or welfare imperatively require emergency action, a license may be summarily suspended pending proceedings for revocation or other action-)) (1) A licensee shall:~~

~~(a) Comply with the provisions of chapter 70.127 RCW and this chapter;~~

~~(b) Notify the department in writing:~~

~~(i) Thirty or more days before beginning or ceasing operation of an agency;~~

~~(ii) Upon beginning or ceasing operation of a branch office; and~~

~~(iii) Within ten working days of changing the geographical area served by the agency;~~

~~(c) Cooperate with the department during on-site surveys and investigations which may include reviewing agency records and in-home visits with patient consent;~~

~~(d) Respond to a statement of deficiencies by submitting to the department, according to the dates specified on the statement of deficiencies form:~~

~~(i) A written plan of correction for each deficiency stated in the report; and~~

~~(ii) A progress report of corrections.~~

~~(2) An applicant or licensee has the right to:~~

~~(a) Discuss with the surveyor deficiencies found during an on-site survey or investigation at the conclusion of the survey or investigation;~~

~~(b) A written statement of deficiencies found during the survey or investigation;~~

~~(c) Discuss the statement of deficiencies with the department's program manager; and~~

~~(d) Contest a disciplinary action or decision of the department to deny a license according to the provisions of RCW 43.70.115, chapter 34.05 RCW and chapter 246-10 WAC.~~

(3) The department shall:

(a) Issue an initial license for one year;

(b) Issue a renewal license for two years;

(c) Issue a transfer license to the new licensee for the remainder of the current license period;

(d) Investigate any entity suspected of providing home health care without a license;

(e) Investigate an agency suspected of providing insufficient, inadequate or inappropriate care;

(f) Provide for combined surveys for licensees with more than one license under chapter 70.127 RCW, in accordance with RCW 70.127.110;

(g) Conduct unannounced on-site surveys and investigations at any time to determine compliance with chapter 70.127 RCW and this chapter;

(h) Provide a period of time for a licensee or applicant to correct deficiencies cited by the department during an on-site survey or investigation, according to the plan of correction;

(i) Reserve the right, according to the provisions of RCW 70.127.170, 43.70.095, chapter 34.05 RCW and chapter 246-10 WAC, to:

(i) Deny, suspend, modify or revoke a license; and

(ii) Assess a civil monetary penalty, not to exceed one thousand dollars per deficiency, based on the preventive and remedial action of the licensee and threat to patient health or safety, for deficiencies including but not limited to:

(A) Failing to provide agreed-upon patient care services without appropriate notice;

(B) Actions resulting in the injury or death of a patient;

(C) Compromising the health or safety of a patient, including a pattern of incidents of personnel performing services beyond their authorized scope of practice;

(D) Knowingly making a false statement of a material fact concerning information requested in this chapter or in any matter under department investigation;

(E) Conducting business or advertising in a misleading or fraudulent manner;

(F) Refusing to allow the department to examine records or willfully interfering with an on-site survey or investigation;

(G) Failing to pay a fine within ten days after the assessment becomes final or as agreed to by the department and the licensee; and

(H) Continuing to operate after license revocation or suspension or operating outside the parameters of a modified or restricted license.

(4) The department may summarily suspend a license pending proceeding for revocation or other action if the department determines a deficiency is an imminent threat to a patient's health, safety or welfare.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-327-065 General requirements. ((1) The agency shall have a written plan of operation including:

(a) An organizational chart showing ownership and lines for delegation of responsibility to the patient care level;

(b) The services offered including hours of operation and service availability;

(c) Admission discharge, referral, and transfer criteria;

(d) Evidence of administrative and supervisory control and responsibility for all services including services provided by branch offices;

(e) An annual budget approved by the governing body; and

(f) Provisions for ongoing care in the event the agency ceases operation.

(2) The agency shall provide services consistent with an authorized plan of treatment or plan of care and:

(a) Admit patients consistent with agency admission criteria, services provided, and capability of agency to provide the appropriate level of care; and

(b) Inform the patient of alternate services, if available, if the agency is unable to meet identified needs of the patient.

(3) Agency personnel shall communicate in a language or form of communication the patient can reasonably be expected to understand. Whenever possible, the agency shall assist in obtaining:

(a) Special devices;

(b) Interpreters; or

(c) Other aids to facilitate communication.) The licensee shall:

(1) Have a written plan of operation describing the:

(a) Delegation of responsibility;

(b) Services to be provided;

(c) Counties or portions of counties served; and

(d) Availability of services and hours of operation.

(2) Provide management and supervision of services throughout the service delivery area.

(3) Assure the scope of services are consistent with each authorized home health plan of care or plan of treatment.

(4) Prior to accepting a patient, determine the services to be provided in consultation with the patient or family.

(5) Develop and use set criteria for:

(a) Admitting patients;

(b) Discharging patients;

(c) Referring patients; and

(d) Transferring patients.

(6) Inform each patient of alternate services prior to ceasing business or when the licensee is unable to meet the patient's needs.

(7) Review contracts annually for conformance with the agency's patient care policies and procedures, and document review.

(8) Develop policies and procedures as required by WAC 246-327-115.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-327-077 Patient bill of rights. ((Home health agencies shall provide each patient and family with a written bill of rights affirming each patient's rights to:

(1) Be informed of aspects of his or her condition necessary to make decisions regarding his or her home health care;

(2) Refuse treatment or services to the extent permitted by law and be informed of the potential consequences of such action;

(3) Be informed of the services offered by the agency, including those services provided in his or her home;

(4) Participate in development of plan of care and/or plan of treatment to the extent practical;

(5) Be informed of any responsibilities he or she may have in the care process, including the requirement for medical supervision when required for the home health plan of treatment;

(6) Be informed of the name of the person supervising the care and how to contact that person;

(7) Be informed of the process for submitting and addressing complaints to both the agency and department;

(8) Receive an explanation of the agency's charges and policy concerning billing and payment for services including, to the extent possible, insurance coverage and other methods for payment, unless services are reimbursed through a managed care plan;

(9) Upon request, receive a fully itemized billing statement at least monthly including the date of each service and the charge, unless service is reimbursed through a managed care plan;

(10) Access the department's directory of licensed agencies;

(11) Upon request, be informed of who owns and controls the agency;

(12) Personnel properly trained to perform assigned tasks;

(13) Coordinated services;

(14) Courteous and respectful treatment, privacy, and freedom from abuse and discrimination;

(15) Confidential management of patient records and information;

(16) Access information in the patient's own record upon request;

(17) Be informed of the nature and purpose of care, as well as name and discipline of the person performing the care;

(18) Be informed of any care provided by the agency which has experimental or research aspects with documentation of voluntary informed consent; and

(19) Be informed of the reason for impending discharge, transfer to another agency and/or level of care, ongoing care requirements, and other available services and options if needed.) The licensee shall comply with RCW 70.127.140, Bill of rights—Billing statements.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-327-085 ((Governing body—)) Organization and administration. (1) The ((governing body of the agency)) licensee shall establish a mechanism to:

(a) ((Approve a quality assurance plan whereby problems are identified, monitored, and corrected)) Oversee the management and fiscal affairs of the agency;

(b) Approve and review, at least every two years, written policies and procedures related to safe, adequate patient care, and operation of the home health agency;

(c) ((Assure an annual review of the agency by health professionals to evaluate the scope and quality of the services provided;

(d) Appoint an administrator and provide for an alternate in the administrator's absence;

(e) Adopt and periodically review written bylaws;

~~(f) Oversee the management and fiscal affairs of the agency; and~~

~~(g) Obtain regular reports on patient satisfaction.~~

~~(2) Each agency shall have an administrator to:~~

~~(a) Organize and direct the agency's ongoing functions;~~

~~(b) Arrange for professional services;~~

~~(c) Maintain ongoing liaison between the governing body and personnel;~~

~~(d) Employ qualified personnel and ensure adequate education and supervision of personnel and volunteers;~~

~~(e) Ensure the accuracy of public information materials and activities;~~

~~(f) Implement a budget and accounting system;~~

~~(g) Ensure the presence of an alternate to act in the administrator's absence.)~~ Approve and implement a quality assurance plan, which includes, but is not limited to:

(i) A complaint process;

(ii) A method to identify, monitor, evaluate and correct problems identified by patients, families, personnel, contractors, and volunteers; and

(iii) A system to assess patient satisfaction.

(2) The licensee shall appoint an administrator who shall:

(a) Implement the provisions of subsection (1) of this section;

(b) Designate an alternate to act in the administrator's absence;

(c) Organize and direct the ongoing functions of the agency;

(d) Arrange for necessary professional services;

(e) Serve as a liaison between the licensee and personnel;

(f) Assure personnel, contractors and volunteers comply with this chapter;

(g) Assure the complaint process is explained to the patient and the patient's family; and

(i) Assure the accuracy of public information materials and activities.

(3) A licensee shall not charge a patient for any service delivered by a volunteer.

AMENDATORY SECTION (Amending Order 381, filed 7/26/93, effective 8/26/93)

WAC 246-327-090 Criminal history, disclosure, and background inquiries. (1) ~~((A))~~ The licensee or license applicant shall require a disclosure statement as ((specified under)) defined in RCW 43.43.834 for each prospective employee, volunteer, contractor, student, and any other ((person)) individual associated with the home health agency having direct contact with:

~~(a) Children under sixteen years of age;~~

~~(b)) vulnerable adults as defined under RCW 43.43.830((- and~~

~~(c) Developmentally disabled individuals)).~~

(2) ((A)) The license applicant having direct contact with vulnerable adults shall obtain a Washington state patrol criminal history background disclosure statement and submit it to the department either:

(a) With the initial application for licensure; or

(b) For current licensees, with the first application for renewal of license submitted after September 1, 1993.

(3) ((A)) The licensee or license applicant shall:

(a) Require a Washington state patrol background inquiry as specified in RCW 43.43.842(1) for each:

(i) ((Employee)) Personnel, volunteer, contractor, student, and any other ((person)) individual currently associated with the licensed home health agency((-)) having direct contact with vulnerable adults, when engaged on or since July 22, 1989; and

(ii) Prospective ((employee)) personnel, volunteer, contractor, student, and ((person)) individual applying for association with the licensed ((facility)) agency prior to allowing the ((person)) individual direct contact with vulnerable adults, except as allowed by subsection (4) of this section;

(b) Inform each ((person)) individual identified in (a) of this subsection of the requirement for a background inquiry;

(c) Require the ((person)) individual to sign an acknowledgement statement that a background inquiry will be made;

(d) Verbally inform the ((person)) individual of the background inquiry results within seventy-two hours of receipt; and

(e) Offer to provide a copy of the background inquiry results to the ((person)) individual within ten days of receipt.

(4) ((A)) The licensee may conditionally employ, contract with, accept as a volunteer or associate, ((a person)) an individual having direct contact with vulnerable adults pending a background inquiry, provided the licensee:

(a) Immediately obtains a disclosure statement from the ((person)) individual; and

(b) Requests a background inquiry within three business days of the conditional acceptance of the ((person)) individual.

(5) Except as provided in RCW 43.43.842 and in subsection (4) of this section, a licensee shall not hire or retain, directly or by contract, any ((person)) individual having direct contact with vulnerable adults, if that ((person)) individual has been:

(a) Convicted of a crime against ((persons)) individuals as defined in RCW 43.43.830;

(b) Convicted of a crime relating to financial exploitation ((of a vulnerable adult)) as defined in RCW 43.43.830;

(c) Found in any disciplinary board final decision to have abused a vulnerable adult under RCW 43.43.830; or

(d) The subject in a protective proceeding under chapter 74.34 RCW.

(6) The licensee shall establish and implement procedures ensuring that all disclosure statements and background inquiry responses are:

(a) Maintained in a confidential and secure manner;

(b) Used for employment purposes only;

(c) Not disclosed to any ((person)) individual except:

(i) The ((person)) individual about whom the licensee made the disclosure or background inquiry;

(ii) Authorized state and federal employees; and

(iii) The Washington state patrol auditor((-); and

(d) Retained and available for department review ((during and at least two years following termination of employment));

(i) During the individual's employment or association with a facility; and

(ii) At least two years following termination of employment or association with a facility.

(7) The department shall:

(a) Review records required under this section;

(b) Investigate allegations of noncompliance with RCW 43.43.830 through 43.43.842, when necessary, in consultation with law enforcement personnel; and

(c) Use information collected under this section solely for the purpose of determining eligibility for licensure or relicensure as required under RCW 43.43.842.

(8) The department may require licensees to complete additional disclosure statements or background inquiries for ~~((a person))~~ an individual associated with the licensed ~~((facility))~~ agency having direct contact with vulnerable adults if the department has reason to believe that offenses specified under RCW 43.43.830 have occurred since completion of the previous disclosure statement or background inquiry.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-327-095 Personnel, contractors and volunteers. ~~((1))~~ The agency shall establish written personnel and volunteer policies including, but not limited to:

~~(a) Personnel and volunteer qualifications commensurate with anticipated job responsibilities;~~

~~(b) Employment criteria without regard to sex, race, age, creed, handicap, national origin, or sexual orientation;~~

~~(c) Orientation and in-service training related to safe care, appropriate to each classification of personnel and volunteer and the tasks he or she is expected to perform;~~

~~(d) Evidence of prehire screening; and~~

~~(e) Annual or more frequent performance evaluations including:~~

~~(i) Assessment of safe performance of job responsibilities; and~~

~~(ii) Conformance with agency policies and procedures.~~

~~(2) The agency shall maintain records including:~~

~~(a) Qualifications of personnel and direct patient care volunteers;~~

~~(b) Evidence of current licensure, certification, or registration when applicable to job requirements;~~

~~(c) Evidence of current cardiopulmonary resuscitation training at least every two years for all personnel providing services in the home, except volunteers and delivery personnel;~~

~~(d) Evidence of review of agency policy and procedures related to abuse and neglect of children and adults for all personnel and volunteers providing services in the home consistent with chapters 26.44 and 74.34 RCW;~~

~~(e) Performance evaluations and evidence of prehire screening; and~~

~~(f) Health records including evidence of at least one tuberculin skin test by the Mantoux method at the time of employment unless medically contraindicated, and meeting specifications under subsection (3) of this section.~~

~~(3) The agency shall ensure personnel and volunteers expected to provide direct patient care have a tuberculin skin test by the Mantoux method prior to patient contact and meeting the following requirements:~~

~~(a) When a skin test is negative, less than ten millimeters of induration read at forty eight to seventy two hours:~~

~~(i) Personnel and volunteers under thirty five years of age require no further testing; and~~

~~(ii) Personnel and volunteers thirty five years of age or over require a second test in one to three weeks.~~

~~(b) Positive reactors, reaction of ten millimeters or more of induration, shall have a chest x ray within ninety days of the first day of employment. Exceptions and specific requirements are as follows:~~

~~(i) The home health agency shall maintain results of skin tests, report of x ray findings, or exemptions to such in the agency; and~~

~~(ii) New personnel and volunteers providing documentation of a significant Mantoux skin test reaction in the past are excluded from screening.~~

~~(c) New personnel and volunteers currently and consistently employed by or volunteering in another agency or facility with similar required screening, meeting the requirements under this subsection, may use the previous screening as documentation; and~~

~~(d) In the event of personnel or volunteer exposure to an infectious case of tuberculosis, the agency shall supply the names and identifying information to the local health department sufficient for screening to occur.~~

~~(4) The agency shall assure observance of appropriate precautions when personnel and volunteers show signs or report symptoms of communicable disease in an infectious stage.~~

~~(5) The agency shall assume responsibility for personnel providing agency services included in the plan of care or treatment.)~~ (1) For agency personnel the licensee shall:

(a) Establish employment criteria consistent with chapter 49.60 RCW, Discrimination—Human rights commission;

(b) Develop and maintain job descriptions commensurate with responsibilities and consistent with health care professional credentialing standards;

(c) Conduct criminal history background checks in accordance with WAC 246-327-090;

(d) Verify work references and document verification;

(e) Maintain documentation that health care professional credentials are current and in good standing;

(f) Provide and document:

(i) Orientation;

(ii) Ongoing training on current agency policies and procedures; and

(iii) Cardiopulmonary resuscitation training, consistent with policies and procedures for direct patient care personnel at least biennially;

(g) Provide the equipment necessary to implement the agency infection control policies and procedures, respiratory protection program and patients' plans of treatment or plans of care;

(h) Document the 1993 WISHA "Compliance Memo for Occupational Exposure to Tuberculosis" is followed including, but not limited to:

(i) Proof of a negative TB Mantoux skin test, prior to direct patient contact; and

(ii) A retest at least annually;

(i) Conduct annual performance evaluations of all personnel, including on-site observation of personnel providing direct patient care.

(2) For volunteers the licensee shall:

(a) Develop and maintain work descriptions commensurate with responsibilities;

(b) Conduct criminal history background checks in accordance with WAC 246-327-090;

(c) Provide and document orientation on patient care policies and procedures; and

(d) For volunteer health care professionals contributing services within their scope of practice:

(i) Maintain documentation credentials are current and in good standing; and

(ii) Provide and document ongoing training, on agency patient care policies and procedures;

(e) Provide the equipment necessary to implement the agency infection control policies and procedures, respiratory protection program and patients' plans of treatment or plans of care;

(f) Document the 1993 WISHA "Compliance Memo for Occupational Exposure to Tuberculosis" is followed including, but not limited to:

(i) Proof of a negative TB Mantoux skin test, prior to direct patient contact; and

(ii) A retest at least annually.

(3) For contracted services, the licensee shall, directly or by contract:

(a) Comply with chapter 49.60 RCW, Discrimination—Human rights commission;

(b) Develop and maintain job descriptions commensurate with responsibilities and consistent with health care professional credentialing standards;

(c) Conduct criminal history background checks as required by WAC 246-327-090;

(d) Verify work references and document verification;

(e) Maintain documentation that health care professional credentials are current and in good standing;

(f) Provide and document:

(i) Orientation;

(ii) Ongoing training on current agency policies and procedures; and

(iii) Cardiopulmonary resuscitation training, consistent with policies and procedures for direct patient care personnel at least biennially;

(g) Provide the equipment necessary to implement the agency infection control policies and procedures, respiratory protection program and patients' plans of treatment or plans of care;

(h) Document the 1993 WISHA "Compliance Memo for Occupational Exposure to Tuberculosis" is followed including, but not limited to:

(i) Proof of a negative TB Mantoux skin test, prior to direct patient contact; and

(ii) A retest at least annually;

(i) Assure annual performance evaluations are conducted for all individuals providing direct patient care.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-327-105 HIV/AIDS education and training. (~~Home health agencies~~) The licensee shall:

(1) (~~Verify or arrange for appropriate education and training of personnel and volunteers on the prevention,~~

~~transmission, and treatment of HIV and AIDS consistent with RCW 70.24.310; and~~

~~(2)) Verify or arrange for two hours or more of appropriate education and training of nonlicensed personnel, volunteers and direct-care contractors within thirty days of direct patient contact on the prevention, transmission, and treatment of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) consistent with RCW 70.24.310.~~

~~(2) Use infection control standards and educational material consistent with:~~

~~(a) The approved curriculum manual (~~know—AIDS~~) *KNOW - HIV/AIDS Prevention Education for Health Care Facility Employees*, January 1991, or subsequent editions published by the department (~~office on HIV/AIDS~~); and~~

~~(b) WAC 296-62-08001, Bloodborne pathogens implementing WISHA.~~

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-327-115 ((Patient care)) Policies and procedures. (~~(1) The agency shall:~~

~~(a) Establish and implement written policies and procedures appropriate to the services offered by the agency; and~~

~~(b) Make policies and procedures available to all personnel and volunteers including:~~

~~(i) Treatments and procedures used in providing patient services;~~

~~(ii) Any special qualifications of persons performing the services;~~

~~(iii) Infection control principles and practices;~~

~~(iv) Emergency care, patient safety, and death;~~

~~(v) Maintenance of supplies and equipment;~~

~~(vi) Admission, transfer, and discharge of patients;~~

~~(vii) Abuse and neglect consistent with chapters 26.44 and 74.34 RCW;~~

~~(viii) Coordination of services;~~

~~(ix) Clinical records; and~~

~~(x) Management and handling of patient owned drugs consistent with applicable state laws.~~

~~(2) The agency shall provide patient family teaching:~~

~~(a) Consistent with agency policies and procedures; and~~

~~(b) Including demonstration, supervision, and evaluation.) (1) A licensee shall establish and implement the following written policies and procedures, consistent with this chapter and the services provided:~~

~~(a) Admitting, transferring and discharging patients;~~

~~(b) Services to be provided to patients and qualifications of the individuals performing the services;~~

~~(c) Coordinating interagency and intra-agency services;~~

~~(d) Techniques for communicating with the patient and family, and steps to take when communication is not possible, including but not limited to:~~

~~(i) Assistance with obtaining special communication devices;~~

~~(ii) Use of translated material, interpreters or interpreter services; or~~

~~(iii) Referral to community services;~~

~~(e) Infection control principles and practices, including;~~

(i) Bloodborne pathogens in accordance with chapter 296-62 WAC; and

(ii) Tuberculosis control program consistent with WISHA.

(f) Actions to take when an individual exhibits or reports symptoms of a communicable disease in an infectious stage in accordance with chapter 246-100 WAC;

(g) Maintaining supplies;

(h) Equipment maintenance program;

(i) Managing records consistent with WAC 246-327-165;

(j) Managing and handling patient-owned drugs consistent with state law;

(k) Managing abuse and neglect situations consistent with chapters 26.44 and 74.34 RCW;

(l) Emergency care, identifying the responsible agency when more than one agency provides care, including:

(i) Addressing chapter 70.122 RCW, Natural Death Act and advanced directives; and

(ii) Actions to take upon the death of a patient.

(2) A licensee shall document:

(a) Approval of policies and procedures; and

(b) Review of policies and procedures every two years.

(3) The licensee shall make the policies and procedures specified in subsection (1) of this section available to direct-care personnel and contractors, and volunteers during the hours of operation.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-327-125 Supervision and coordination of ((clinical)) patient services. (((1) The agency shall employ a supervisor of clinical services who:

(a) Is a registered nurse if nursing services are provided;

(b) May be a therapist if no nursing services are provided;

(c) Is available, or can be replaced, by a similarly qualified person, during service hours;

(d) Participates in the development and revision of written patient care policies related to each service provided; and

(e) Is responsible for assignment and supervision of all patient care personnel and volunteers.

(2) The agency shall designate a coordinator of clinical services who:

(a) Coordinates interdisciplinary services and interagency services; and

(b) Provides for continuity of care within disciplines.))

(1) A licensee providing nursing services shall employ a RN as the supervisor of clinical services.

(2) A licensee not providing nursing services shall employ a health care professional as the supervisor of clinical services.

(3) The clinical supervisor shall:

(a) Designate a similarly qualified alternate to act in the clinical supervisor's absence;

(b) Coordinate or participate in, developing and revising written patient care policies related to each service provided;

(c) Assign and monitor all patient care personnel and contractors, and volunteers;

(d) Coordinate interdisciplinary services;

(e) Establish primary personnel or contractor responsibility for the plan of treatment or plan of care; and

(f) Assure compliance with the patient's home health plan of treatment or plan of care.

(4) The clinical supervisor or alternate shall be available during all hours of patient service according to hours described in WAC 246-327-065(1).

(5) The licensee shall provide supervision, including but not limited to:

(a) RN supervision when using the services of a LPN, in accordance with chapter 18.78 RCW;

(b) Supervision by an appropriate therapist when using the services of a therapy assistant; and

(c) Supervision of home health aides in accordance with RCW 70.127.010(13).

(6) The licensee using home health aides shall:

(a) Provide written instructions and orientation for each patient consistent with the home health plan of care or plan of treatment prior to initiating care;

(b) Provide supervision by a health care professional or the clinical supervisor, and document:

(i) A monthly in-home visit for patients needing acute care;

(ii) A quarterly in-home visit for patients needing maintenance care; and

(iii) A biannual in-home visit to directly observe the home health aide's performance;

(c) Develop written guidelines to assure each aide:

(i) Assists only with those medications ordinarily self-administered by the patient, and limits assistance to the patient to:

(A) Communicating appropriate information regarding self-administration;

(B) Reminding to take a medication as prescribed;

(C) Reading the medication label;

(D) Handing the medication container to the patient;

(E) Opening the medication container; and

(F) Applying or installing skin, nose, eye, and ear preparations under specific direction of the supervisor;

(i) Records pertinent information in the patient's clinical record;

(ii) Observes and recognizes changes in the patient's condition, and reports any changes to the supervisor; and

(iv) Initiates emergency procedures according to agency policy.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-327-135 Home health plan of treatment. (((1) The agency shall develop an individualized plan of treatment for patients receiving acute care services.

(2) The agency shall ensure:

(a) Patient care personnel and volunteers follow a written plan of treatment approved and reviewed by an authorizing practitioner;

(b) Services other than assessment are provided only with the approval of an authorizing practitioner;

(c) The plan of treatment covers all pertinent diagnoses and current problems pertaining to the health of the patient with specific objectives and plans for implementation;

~~(d) Personnel consult with the authorizing practitioner to approve additions and modifications to the original plan of treatment in the event the patient was referred under an incomplete plan of treatment;~~

~~(e) Inclusion of specific services and modalities, with frequency and duration in the plan of treatment;~~

~~(f) Personnel and the authorizing practitioner review the total plan of treatment;~~

~~(i) Whenever changes in the patient's condition require a change in the plan; and~~

~~(ii) At least once every sixty days;~~

~~(g) The authorizing practitioner receives timely reports including:~~

~~(i) Any changes suggesting a need to alter the plan of treatment;~~

~~(ii) Suspected drug allergies; and~~

~~(iii) Adverse reactions to drugs;~~

~~(h) An authorizing practitioner orders drugs and treatments and:~~

~~(i) Orders are verified by a registered nurse, licensed practical nurse, therapist, or pharmacist;~~

~~(ii) The drugs and treatments are administered by legally authorized agency personnel or volunteers;~~

~~(iii) Orders are recorded in a patient record as soon as possible; and~~

~~(iv) The authorizing practitioner countersigns the orders within a reasonable length of time.)) The licensee shall:~~

~~(1) Assure each patient is assessed by a health care professional appropriate to supervise the services to be provided prior to initiating treatment;~~

~~(2) Develop a written home health plan of treatment for each patient requiring acute care services based on an individual assessment, including, but not limited to:~~

~~(a) Current diagnoses and information on health status;~~

~~(b) Goals or outcome measures;~~

~~(c) Type of services, treatment and equipment to be provided or contracted by the licensee;~~

~~(d) Treatments and frequency of visits;~~

~~(e) Special dietary or nutritional needs;~~

~~(f) Medications and drug allergies;~~

~~(g) Physical, mental and functional limitations;~~

~~(h) Written approval by the authorizing practitioner;~~

~~(i) Verification of drug and of treatment orders by the appropriate health care professional;~~

~~(j) Discharge and referral plan;~~

~~(3) Include the home health plan of treatment in the patient's health record.~~

~~(4) Develop and implement a system to:~~

~~(a) Document the home health plan of treatment was:~~

~~(i) Submitted to the authorizing practitioner for signature within one week; and~~

~~(ii) Returned signed in a timely manner not to exceed forty-five days;~~

~~(b) Assure direct care personnel and contractors, and volunteers, follow the home health plan of treatment;~~

~~(c) Inform the patient's physician regarding initial and ongoing assessment;~~

~~(d) Review and update the plan by personnel and the authorizing practitioner every two months or more often as warranted by the patient's condition;~~

~~(e) Obtain approval from the authorizing practitioner for additions and modifications; and~~

~~(f) Teach and counsel the patient and family to meet the patient's needs, as appropriate;~~

~~(5) Assure drugs and treatments are:~~

~~(a) Ordered by the authorizing practitioner, and a verbal order is countersigned in a timely manner not to exceed forty-five days;~~

~~(b) Verified by the appropriate health care professional;~~

~~(c) Administered by authorized agency personnel, contractors or volunteers according to state law; and~~

~~(d) Documented in the patient record as soon as possible.~~

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-327-145 Home health plan of care. ((The agency shall develop individualized plans of care:

~~(1) Current and reflective of a patient's present health status;~~

~~(2) Reviewed and revised at least every three months;~~

~~(3) Supervised by a registered nurse or appropriate therapist; and~~

~~(4) Containing specific objectives and plans for implementation.)) The licensee shall:~~

~~(1) Assure each patient is assessed by a health care professional appropriate to supervise the services to be provided prior to initiating care;~~

~~(2) Develop a written home health plan of care for each patient requiring maintenance care services, based on the individual assessment, and including the types of services and equipment needed;~~

~~(3) Include the home health plan of care in the patient's health record;~~

~~(4) Develop and implement a system to:~~

~~(a) Assure direct care personnel and contractors, and volunteers, follow the home health plan of care;~~

~~(b) Review and update the plan every three months or more often as warranted by the patient's condition; and~~

~~(c) Teach and counsel the patient and family to meet the patient's needs as appropriate.~~

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-327-165 Clinical records. (((1) The agency shall maintain clinical records under agency policies and procedures. Records shall be:

~~(a) Legibly written in ink suitable for photocopying;~~

~~(b) On standardized agency forms;~~

~~(c) Written in a legally acceptable manner;~~

~~(d) In chronological order in entirety or by service;~~

~~(e) Fastened together to avoid loss of pages;~~

~~(f) Considered as property of the agency;~~

~~(g) Available in one integrated document in one place, except:~~

~~(i) A copy may be kept in the home or in the agency office; and~~

~~(ii) More than one volume may be necessary.~~

~~(h) Available and retrievable during operating hours either in the agency or by electronic means; and~~

~~(i) Stored following discharge from service;~~

~~(j) Preventing loss of information;~~

~~(ii) Protecting the record from damage due to water, mildew, or fire; and~~

~~(iii) Preventing access by unauthorized persons.~~

~~(2) The agency shall include as contents of the clinical record:~~

~~(a) Patient identifying information;~~

~~(b) Patient service/treatment consent and agreement;~~

~~(c) Pertinent past and current clinical findings including:~~

~~(i) Assessment of patient's physical and mental status as well as social and environmental problems affecting care; and~~

~~(ii) Clinical notes describing specific observations including, but not limited to, observations of patient condition.~~

~~(d) The home health plan of care and plan of treatment.~~

~~(3) Agencies shall maintain, retain, and preserve records:~~

~~(a) For adults, a period of no less than five years following the date of termination of services; and~~

~~(b) For minors, a period of no less than three years following attainment of eighteen years of age, or five years following discharge, whichever is longer.~~

~~(4) Agencies shall establish policies and procedures specific to retention and disposition of clinical records including:~~

~~(a) A method of disposal of clinical records or patient care data assuring prevention of retrieval and subsequent use of information; and~~

~~(b) A means to transmit a copy of the clinical record or an abstract and copy of most recent summary report with the patient in the event of patient transfer to another agency or health care facility. When patients are transferred without notification of the receiving agency, a copy of the abstract shall be forwarded upon notification and as soon as possible.~~

~~(5) Agencies shall safeguard clinical record information and patient care data against loss or unauthorized use including:~~

~~(a) Adherence to written procedures governing use and removal of records and conditions for release of information; and~~

~~(b) Requirement for prior written consent of the patient for release of information unless authorized by law.~~

~~(6) Agencies discontinuing operation shall:~~

~~(a) Notify the department prior to cessation of operation; and~~

~~(b) Obtain department approval of a plan to preserve or destroy clinical records prior to disposition.) The licensee shall:~~

~~(1) Develop and implement procedures for maintaining a current clinical record for each patient consistent with chapter 70.02 RCW, Medical records—Health care information access and disclosure which is:~~

~~(a) Accessible, in an integrated document, in the licensee's main or branch office for review by appropriate direct care personnel contractors, and the department;~~

~~(b) Written legibly or retrievable by electronic means:~~

~~(i) On the licensee's standardized forms; and~~

~~(ii) In a legally acceptable manner;~~

~~(c) Kept confidentially;~~

~~(d) Chronological in its entirety or by service; and~~

~~(e) Kept together to avoid loss of records;~~

~~(2) Include the following in each record:~~

(a) Patient's name, age, current address and phone number;

(b) Patient's consent for care and treatment;

(c) Home health plan of treatment in accordance with WAC 246-327-135 and home health plan of care in accordance with WAC 246-327-145;

(d) Dated and signed clinical notes for each contact with the patient describing;

(e) Past and current clinical findings pertinent to WAC 246-327-135 or 246-327-145:

(i) Specific observations;

(ii) Changes in condition;

(iii) Factors that may impact the patient's physical and mental health;

(iv) Signs and symptoms of illness;

(v) Treatments; and

(vi) Medications given and adverse reactions to any medication;

(f) Instructions given to patients and family; and

(g) Document services when more than one entity licensed pursuant to chapter 70.127 RCW is caring for one patient.

(3) Consider the records as property of the licensee;

(4) Develop and implement policies and procedures for:

(a) Transferring patient information or a summary, when the patient is relocated to another agency or facility to assure continuity of care;

(b) Retaining records for:

(i) Adults no less than three years following the date of termination of services;

(ii) Minors no less than three years after attaining the age of eighteen years of age, or five years following discharge, whichever is longer;

(c) Storing records to:

(i) Prevent loss of information;

(ii) Maintain the integrity of the records; and

(iii) Protect against unauthorized access according to chapter 70.02 RCW, Medical records—Health care information access and disclosure;

(d) Obtaining department approval to preserve or dispose of records prior to ceasing operation; and

(e) Disposing of records to protect confidentiality when ceasing operation or releasing of medical records after a patient's death.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-327-185 Medical supplies ((☞))— Equipment services. ((☞1) An agency providing medical supplies or equipment services shall provide:

(a) A written description of the scope of the services including:

(i) The types of supplies and/or equipment provided; and

(ii) Policies and procedures for cleaning, maintenance, calibration, or replacement of equipment.

(b) Records of the services provided, date, time, and by whom; and

(c) Documentation of approval of patient for service, cost, and method of payment unless under a managed care plan.

~~(2) If provided, the agency shall maintain immediate availability of replacement supplies or equipment essential for the life or safety of the patient.~~

~~(3) The agency shall provide knowledgeable, trained personnel to:~~

~~(a) Initiate service;~~

~~(b) Maintain supplies and equipment; and~~

~~(c) Instruct patients or caregivers in the use and maintenance of supplies and equipment. Instructions shall be given:~~

~~(i) In writing;~~

~~(ii) Verbally; and~~

~~(iii) By demonstration and redemonstration as necessary.~~

~~(4) The agency shall document the training and qualifications of personnel.)~~ Licensee's providing or contracting for medical supplies or equipment services shall:

(1) Develop and implement, for the scope of services provided, a system for:

(a) Maintaining supplies;

(b) Cleaning, inspecting, repairing and calibrating equipment, and documenting with:

(i) Date;

(ii) Time; and

(iii) Name of the individual who conducted the activity;

(c) Informing the patient of the cost and method of payment for equipment repairs or replacement, unless under a managed care plan, and for documenting the patient's prior approval; and

(d) Replacing supplies or equipment essential for the health or safety of the patient.

(2) Provide knowledgeable and trained personnel capable of:

(a) Initiating the scope of services;

(b) Maintaining supplies and equipment; and

(c) Instructing each patient or family to use and maintain supplies and equipment in a language or format the patient or family understands, using one or more of the following:

(i) Written instruction;

(ii) Verbal instruction; or

(iii) Demonstration.

AMENDATORY SECTION (Amending WSR 93-21-034, filed 10/15/93, effective 10/28/93)

WAC 246-327-990 Fees. (1) ~~((An applicant or))~~ A licensee or applicant shall submit to the department:

(a) A biennial renewal fee based on the number of full-time equivalents (FTEs), which is a measurement based on a forty-hour week and is applicable to paid agency ((employees)) personnel or contractors, as follows:

(i) A base fee of three hundred sixty dollars; and

(ii) For agencies with:

(A) Fifteen or less FTEs, seven hundred fifty dollars;

(B) Sixteen through fifty FTEs, nine hundred dollars; or

(C) Fifty-one or more FTEs, one thousand two hundred thirty dollars;

(b) A fee of one-half the renewal fee specified in (a) of this subsection for an initial twelve-month license for:

(i) New firms;

(ii) Businesses not currently licensed to provide home health care in Washington state; or

(iii) Currently licensed businesses which have had statement of charges filed against them; and

(c) A transfer of ownership fee of fifty dollars. A transferred license will be valid for the remainder of the current license period.

(2) An applicant or licensee shall pay one-half the base fee in addition to the full fee for FTEs for each additional hospice and/or home care license.

(3) The department may charge and collect from a licensee a fee of one-half the base fee specified in subsection (1)(a) of this section for:

(a) A second on-site visit resulting from ((a licensee's)) failure of the licensee or applicant to adequately respond to a statement of deficiencies;

(b) A complete on-site ((inspection)) survey resulting from a substantiated complaint ((investigation)); or

(c) A follow-up compliance survey.

(4) A licensee with deemed status ((under WAC 246-327-030,)) shall pay fees according to this section.

(5) A licensee shall submit an additional late fee in the amount of ten dollars per day from the renewal date until the date of mailing the fee, as evidenced by the postmark.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-327-045

Civil fines.

WAC 246-327-055

License action and/or civil fine—Notice—Adjudicative proceeding.

WAC 246-327-155

Functions, duties, and responsibilities of direct care personnel.

WAC 246-327-175

Parenteral product services.

WSR 94-10-048

PROPOSED RULES

PARKS AND RECREATION COMMISSION

[Filed May 2, 1994, 2:00 p.m.]

Original Notice.

Title of Rule: WAC 352-32-250 Standard fees charged.

Purpose: To set fees for camping and the use of certain facilities in state parks.

Statutory Authority for Adoption: RCW 43.51.060.

Statute Being Implemented: RCW 43.51.060.

Summary: WAC 352-32-250 establishes fees for the use of facilities and camping in state parks.

Reasons Supporting Proposal: Fee increases proposed by Washington State Parks and Recreation Commission.

Name of Agency Personnel Responsible for Drafting: Rex Derr, 7150 Cleanwater Lane, 98504-2650, 753-2066; Implementation and Enforcement: Kathy Smith, 7150 Cleanwater Lane, 98504-2650, 753-5761.

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: On April 6, 1994, Governor Lowry vetoed the 1994

supplemental budget bill language that directed state parks to implement fees that would have raised at least \$3 million of additional revenue for the biennium. With the additional revenue requirement removed, the need for a day-use parking permit to raise revenue no longer exists. This WAC was filed on an emergency basis to stop implementation of the collection of day-use parking permit moneys which were to begin May 1, 1994. This filing begins the process to remove the day-use parking permit program language from the WAC. Staff saved substantial funds by not implementing this portion of the WAC and the public has continued day use of the parks at no charge.

Proposal Changes the Following Existing Rules: Removes the language and the requirement for a day-use parking permit program from state park fees.

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

Hearing Location: Red Lion Inn, 1507 North 1st Street, Yakima, WA 98901, on June 10, 1994, at 9:00 a.m.

Submit Written Comments to: Rex Derr, P.O. Box 42650, Olympia, WA 98504-2650, by May 27, 1994.

Date of Intended Adoption: June 10, 1994.

May 2, 1994
Sharon Howdeshell
Office Manager

AMENDATORY SECTION [(Amending WSR 94-08-036, filed 3/31/94)]

WAC 352-32-250 Standard fees charged. The following fees shall be charged in all parks operated by the Washington state parks and recreation commission:

(1) Overnight camping - standard campsite: \$10.00 per night;

(2) Overnight camping - utility campsite: \$15.00 per night. Payment for utility campsite will be collected whether utility hookups are actually used or not, except when otherwise specified by a ranger. The electrical hookup surcharge reference in WAC 352-32-252(3) shall be \$3.00 per night;

(3) Overnight camping - primitive campsite: \$5.00 per night for nonmotorized vehicle and \$7.00 per night for motorized vehicle;

(4) Overnight camping - reservation fee: As specified in WAC 352-32-035;

(5) Overnight camping - multiple campsites: Where campsites are designated and posted as a "multiple campsite," an individual may rent the multiple campsite by paying the multiple campsite fee. The multiple campsite fee will be calculated by multiplying the standard utility or primitive campsite fee, as applicable, by the number of individual campsites to be used in the designated multiple campsite;

(6) Group camping area - certain parks: \$1.00 per person for groups of 20 or more per day and/or night; nonrefundable reservation/registration fee - \$25.00. Camping units must pay the primitive campsite fee or other appropriate fee based on facilities available;

(7) Environmental learning center - overnight camping: \$5.50 per camper per night;

(a) Camp Wooten environmental learning center during the season the swimming pool is operational: \$6.85 per camper per night;

(b) Environmental learning center - day use only: \$2.00 multiplied by the minimum capacity established for each environmental learning center or \$2.00 for each member of the group - whichever is higher;

(c) A late check-in fee of \$50.00 shall be charged if arrival is more than one hour after the scheduled check-in time, unless the group contacts the park ranger prior to scheduled check-in time in order to reschedule the check-in;

(8) Hot showers: \$.25 for a maximum of six minutes shower time;

(9) Electric stoves: \$.25 for thirty minutes cooking time;

(10) Adirondacks - not to include those located in ELC areas: Same as fee charged for full utility campsite. Occupancy shall be limited to the number of built-in bunks provided;

(11) Extra vehicle overnight parking fee: \$5.00 per night for each additional unhitched vehicle in excess of the one recreational vehicle allowed at each campsite: *Provided*, An extra vehicle overnight parking fee shall not be imposed when the recreational vehicle and the towed vehicle arrive at the park hitched together, and after the camper has registered for and occupied the assigned campsite either the recreational vehicle or the towed vehicle remain parked at the campsite for the duration of the camper's stay;

(12) Marine park moorage facilities - see WAC 352-12-020 and 352-12-030;

(13) Overnight camping - emergency camp area: The fee shall be the standard campsite fee.

These fees do not apply in those circumstances set forth in WAC 352-32-280 and 352-32-285 as now or hereafter amended.

(14) Unattended vehicle overnight parking permit: \$5.00 per night per vehicle. Unoccupied vehicles parked overnight in designated areas must register and pay the nightly permit fee. The permit must be prominently displayed in the vehicle;

(15) Boat launch permit fee - \$4.00 per day per watercraft for use of all boat launches designated by the commission with maintained bathrooms, parking areas, and docking facilities. \$3.00 per day per watercraft for use of all other boat launches designated by the commission. Boat launch permit shall not be required for:

(a) Vehicles registered for camping in the park containing the boat launch area;

(b) Vehicles of persons using any recreational housing or conference facilities at Fort Worden State Park;

(c) Vehicles of persons holding limited-income senior citizen, disability or disabled veteran passes;

(d) Vehicles displaying a valid annual boat launch permit;

(16) Annual boat launch permit fee - \$40.00 per boat launching vehicle per calendar year. Valid January 1 - December 31 at any launch designated by the commission. Permit must be displayed as instructed on permit backing;

(17) Trailer dump station fee - \$3.00 per use: Fee shall not be required for registered camping vehicles in the park containing the dump station;

(18) Popular destination park fee - \$1.00 surcharge for use of standard or utility campsite located in a popular destination park during the period of April 1 through September 30;

(19) Marine trail camping area fee - certain parks: \$1.00 per person per day and/or night;

(20) ~~Day use parking permit—\$2.00 per vehicle per day for parking in all designated state parks Thursday through Monday year round. The Director shall implement day use parking at those parks that meet the following criteria:~~

- ~~(a) High revenue potential;~~
- ~~(b) Facilities suitable for fee collection;~~
- ~~(c) Availability of staff to collect fees; and~~
- ~~(d) Minimal impact on surrounding neighborhoods.~~

~~Day use parking permit requirements shall not be imposed on the following:~~

- ~~(i) Any administrative vehicle;~~
- ~~(ii) Vehicles used for boat launching which are subject to a boat launch fee as set forth in subsection (15) of this section;~~
- ~~(iii) Vehicles of persons camping/overnight mooring within the park use area;~~
- ~~(iv) Vehicles of persons using any recreational housing or conference facilities at Fort Worden State Park;~~
- ~~(v) Vehicles of persons using the environmental learning centers at the park;~~
- ~~(vi) In snow parks between October 1 and May 1, vehicles of persons with current snow park permits;~~
- ~~(vii) Vehicles of persons holding limited income senior citizen, disability or disabled veteran passes;~~
- ~~(viii) Vehicles of persons that paid the unattended vehicle overnight parking permit;~~
- ~~(ix) Vehicles displaying a valid annual day use parking permit;~~

(21) Annual day use parking permit—\$15.00 per vehicle per calendar year valid January 1 through December 31 at any designated state park area Thursday through Monday;

(22) Those permit payments required in subsections 20 and 21 of this section shall sunset December 31, 1995.

(23) A surcharge of \$5.00 per collection shall be assessed for any staff collected fee at a self-registration overnight facility.

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.

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 94-10-053
PREPROPOSAL COMMENTS
DEPARTMENT OF
GENERAL ADMINISTRATION
 [Filed May 2, 1994, 3:22 p.m.]

Agency: Department of General Administration (in cooperation with Department of Corrections).

Subject of Possible Rule Making: Rules relating to a revision to state purchasing practices under RCW 43.19.534

involving goods or services produced by state inmate work programs.

Persons may Comment on this Subject in the Following Ways: Interested parties can effectively participate in the development of these new rules, by written comment to the attention of Steve Borchardt, APA Rules Coordinator, General Administration Building, P.O. Box 41018, Olympia, WA 98504-1018, not later than 5:00 p.m., June 7, 1994.

Other Information or Comments by Agency at this Time, if any: ESB 5989 (chapter 20, Laws of 1993 sp. sess.) amends RCW 43.19.534 and is specific statutory authority for this rule. This rule is needed to satisfy the legislative mandate that a rule be used to implement this section. The goal of the rule is to explain the process agreed to between the Department of General Administration and the Department of Corrections to implement this statutory amendment. The rule will be developed under the open public rule-making hearing provisions of chapter 34.05 RCW, the Administrative Procedure Act, to ensure effective participation by all interested parties.

Prior to ESB 5989 being signed into law, RCW 43.19.534 stated: "State agencies, the legislature, and departments shall purchase for their use all goods and services required by the legislature, agencies or departments that are produced or provided in whole or in part from Class II inmate work programs operated by the department of corrections through state contract. These goods and services shall not be purchased from any other source unless, upon application by the department or agency: (1) The department of general administration finds that the articles or products do not meet the reasonable requirements of the agency or department, (2) are not of equal or better quality, or (3) the price of the product or service is higher than that produced by the private sector."

ESB 5989 added the following language: "However, the criteria contained in (1), (2), and (3) of this section for purchasing goods and services from sources other than correctional industries do not apply to goods and services produced by correctional industries that primarily replace goods manufactured or services obtained from outside the state. The department of corrections and department of general administration shall adopt administrative rules that implement this section."

May 2, 1994
 Alan Kurimura
 Assistant Director

WSR 94-10-054
WITHDRAWAL OF PROPOSED RULES
SECRETARY OF STATE
 (By the Code Reviser's Office)
 [Filed May 3, 1994, 8:10 a.m.]

WAC 434-120-120, proposed by the Secretary of State in WSR 93-21-093, appearing in issue 93-21 of the State Register, which was distributed on November 3, 1993, 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 94-10-055
PROPOSED RULES
OFFICE OF
FINANCIAL MANAGEMENT

[Filed May 3, 1994, 9:26 a.m.]

Original Notice.

Title of Rule: Amends existing WAC 82-50-021 Official lagged, semimonthly paydates established.

Purpose: Establishes state paydates for calendar year 1995.

Statutory Authority for Adoption: RCW 42.16.010(1) and 42.16.017.

Statute Being Implemented: RCW 42.16.010(1) and 42.16.017.

Summary: Eliminates historical paydates for calendar year 1993; retains existing paydates for calendar year 1994; and adds new paydates for calendar year 1995.

Reasons Supporting Proposal: To ensure compliance with legislative directive to annually update and publish the official lagged, semimonthly paydates for the current and ensuing calendar years through the administrative hearing process.

Name of Agency Personnel Responsible for Drafting and Enforcement: Rose Schaller, 406 Legion Way S.E., 664-3406; and Implementation: Mike Cheney, 406 Legion Way S.E., 664-3403.

Name of Proponent: Office of Financial Management, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Make annual adjustments to state paydates, eliminating calendar year 1993 paydates, retaining calendar year 1994 paydates, and adding calendar year 1995 paydates.

Proposal Changes the Following Existing Rules: Eliminates calendar year 1993 paydates from WAC 82-50-021 and adds calendar year 1995 paydates to WAC 82-50-021.

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

Hearing Location: First Floor Conference Room, 406 Legion Way S.E., Olympia, WA 98504, on June 7, 1994, at 9:30 a.m.

Submit Written Comments to: Rose Schaller, Mailstop 43127, Office of Financial Management, by June 1, 1994.

Date of Intended Adoption: June 7, 1994.

May 3, 1994
Carl Wieland
Assistant Director

basis for the official twice-a-month pay periods established in RCW 42.16.010(1). The following are the official lagged, semimonthly pay dates for calendar years ((1993 and)) 1994 and 1995:

((CALENDAR YEAR 1993	CALENDAR YEAR 1994
Monday, January 11, 1993	Monday, January 10, 1994
Monday, January 25, 1993	Tuesday, January 25, 1994
Wednesday, February 10, 1993	Thursday, February 10, 1994
Thursday, February 25, 1993	Friday, February 25, 1994
Wednesday, March 10, 1993	Thursday, March 10, 1994
Thursday, March 25, 1993	Friday, March 25, 1994
Friday, April 9, 1993	Monday, April 11, 1994
Monday, April 26, 1993	Monday, April 25, 1994
Monday, May 10, 1993	Tuesday, May 10, 1994
Tuesday, May 25, 1993	Wednesday, May 25, 1994
Thursday, June 10, 1993	Friday, June 10, 1994
Friday, June 25, 1993	Friday, June 24, 1994
Friday, July 9, 1993	Monday, July 11, 1994
Monday, July 26, 1993	Monday, July 25, 1994
Tuesday, August 10, 1993	Wednesday, August 10, 1994
Wednesday, August 25, 1993	Thursday, August 25, 1994
Friday, September 10, 1993	Friday, September 9, 1994
Friday, September 24, 1993	Monday, September 26, 1994
Friday, October 8, 1993	Friday, October 7, 1994
Monday, October 25, 1993	Tuesday, October 25, 1994
Wednesday, November 10, 1993	Thursday, November 10, 1994
Wednesday, November 24, 1993	Wednesday, November 23, 1994
Friday, December 10, 1993	Friday, December 9, 1994
Thursday, December 23, 1993	Friday, December 23, 1994

CALENDAR YEAR 1994

- Monday, January 10, 1994
- Tuesday, January 25, 1994
- Thursday, February 10, 1994
- Friday, February 25, 1994
- Thursday, March 10, 1994
- Friday, March 25, 1994
- Monday, April 11, 1994
- Monday, April 25, 1994
- Tuesday, May 10, 1994
- Wednesday, May 25, 1994
- Friday, June 10, 1994
- Friday, June 24, 1994
- Monday, July 11, 1994
- Monday, July 25, 1994
- Wednesday, August 10, 1994
- Thursday, August 25, 1994
- Friday, September 9, 1994
- Monday, September 26, 1994
- Friday, October 7, 1994
- Tuesday, October 25, 1994
- Thursday, November 10, 1994
- Wednesday, November 23, 1994
- Friday, December 9, 1994
- Friday, December 23, 1994

CALENDAR YEAR 1995

- Tuesday, January 10, 1995
- Wednesday, January 25, 1995
- Friday, February 10, 1995
- Friday, February 24, 1995
- Friday, March 10, 1995
- Friday, March 24, 1995
- Monday, April 10, 1995
- Tuesday, April 25, 1995
- Wednesday, May 10, 1995
- Thursday, May 25, 1995
- Friday, June 9, 1995
- Monday, June 26, 1995
- Monday, July 10, 1995
- Tuesday, July 25, 1995
- Thursday, August 10, 1995
- Friday, August 25, 1995
- Monday, September 11, 1995
- Monday, September 25, 1995
- Tuesday, October 10, 1995
- Wednesday, October 25, 1995
- Thursday, November 9, 1995
- Wednesday, November 22, 1995
- Monday, December 11, 1995
- Friday, December 22, 1995

WSR 94-10-056
PREPROPOSAL COMMENTS
DEPARTMENT OF HEALTH
(Board of Nursing)
[Filed May 3, 1994, 9:30 a.m.]

Subject of Possible Rule Making: WAC 246-839-300 through 246-839-365; statutory authority RCW 18.88.175. New and revised WACs are needed to clarify requirements for advanced registered nurse practitioner education and practice. The goal is to assist potential applicants by expanding information on education required and to make explicit the scope of practice recognized by the board.

AMENDATORY SECTION (Amending WSR 93-24-041, filed 11/23/93, effective 12/24/93)

WAC 82-50-021 Official lagged, semimonthly pay dates established. Unless exempted otherwise under the provisions of WAC 82-50-031, the salaries of all state officers and employees are paid on a lagged, semimonthly

Persons may Comment on this Subject in the Following Ways: Written comments may be sent to the board office by May 31, 1994, Washington State Board of Nursing, P.O. Box 47864, Olympia, WA 98504-7864. Oral participation will be allowed at the Washington State Board of Nursing meeting on June 3, 1994, at 1:30 p.m. This meeting will be held at: Wyndham Garden Hotel, 18118 Pacific Highway South, SeaTac, WA 98188.

Other Information or Comments by Agency at this Time, if any: This rule will be developed by staff, then brought to the board for revision prior to the filing of the proposed rule.

May 2, 1994
Patricia O. Brown, RN, MSN
Executive Director

WSR 94-10-057
PREPROPOSAL COMMENTS
DEPARTMENT OF HEALTH
(Board of Nursing)
[Filed May 3, 1994, 9:32 a.m.]

Subject of Possible Rule Making: WAC 246-839-020; statutory authority RCW 18.88.130. Rule change is needed to clarify licensure requirements for students who have graduated from a basic professional nursing course and are continuing their education in nursing; and to clarify the requirements for exceptions to the licensing requirements. The goal is to clarify the intent of the WAC.

Persons may Comment on this Subject in the Following Ways: Written comments may be sent to the board offices by May 31, 1994, Washington State Board of Nursing, P.O. Box 47864, Olympia, WA 98504-7864. Oral participation will be allowed at the Washington State Board of Nursing meeting on June 3, 1994, at 1:30 p.m. This meeting will be held at: Wyndham Garden Hotel, 18118 Pacific Highway South, SeaTac, WA 98188.

Other Information or Comments by Agency at this Time, if any: This rule will be developed by staff, then brought to the board for revisions prior to the filing of the proposed rule.

May 2, 1994
Patricia O. Brown, RN, MSN
Executive Director

WSR 94-10-058
PREPROPOSAL COMMENTS
DEPARTMENT OF HEALTH
[Filed May 3, 1994, 9:32 a.m.]

Subject of Possible Rule Making: Transient accommodations, the department will draft amendments to chapter 246-360 WAC, Transient accommodations, for possible State Board of Health adoption. The amendments will implement changes resulting from the enactment of EHB 2555, and improve readability. In addition, the department will amend WAC 246-360-990 to reduce fees.

Persons may comment on this subject by phone or by writing to Leslie Baldwin, Facilities and Services Licensing, Department of Health, P.O. Box 47852, Olympia, WA

98504-7852, or by calling (206) 705-6788, at any time prior to adoption (tentatively scheduled for winter 1994).

Other Information or Comments by Agency at this Time, if any:

Intent: To implement chapter 250, Laws of 1994, the State Board of Health will amend chapter 246-360 WAC, and the Department of Health will amend WAC 246-360-990 to reduce fees.

Authorities: Chapter 70.62 RCW gives both the Department of Health and the Board of Health rule-making responsibilities: The Department of Health is authorized by RCW 70.62.250 to develop rules to implement chapter 70.62 RCW for proposed adoption by the Board of Health; the Board of Health is authorized by RCW 70.62.240 to adopt the rules; and the Department of Health is authorized to set fees by RCW 43.70.110 and 43.70.250.

Reasons for Rule Actions: Current rules need to be amended to implement new legislation which changes license expiration date from December 31 of each year to one year from the date of issuance; reduces the required frequency of department conducted annual on-site surveys for 100% of the facilities to at least 10% of facilities; adds a requirement for the department to develop and use alternative survey methods; authorizes the department to access civil fines; and eliminates the state fire marshal's responsibility to enforce fire safety rules.

Goals of New Rules: To implement the new legislation and make the rules easier to understand.

Rule Development Process: The department met with representatives of transient accommodation associations on April 13, 1994. The representatives and department staff agreed to request input from transient accommodation operators. The department will send a questionnaire to all transient accommodation licensees (1,511) by May 3, 1994, to solicit suggestions and invite licensees to participate in workshops focussed on implementing the new legislation. The department will develop a workplan for rule development based on the results of the questionnaire and interest shown by the industry.

Participation: Interested parties may provide comment, request a questionnaire, and/or sign-up to participate in workshops by writing Leslie Baldwin, Facilities and Services Licensing, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852.

May 2, 1994
Bruce Miyahara
Secretary

WSR 94-10-059
PROPOSED RULES
DEPARTMENT OF HEALTH
(Occupational Therapy Practice Board)
[Filed May 3, 1994, 9:36 a.m.]

Original Notice.

Title of Rule: Amending recognized educational program definition to be consistent with national accreditation process; housekeeping changes.

Purpose: Corrects national accrediting body designation; makes minor housekeeping changes to WAC 246-847-060, 246-847-068 and 246-847-190.

Statutory Authority for Adoption: RCW 18.59.130.

Statute Being Implemented: Chapter 18.59 RCW.

Summary: Amends title of national accrediting body; makes minor housekeeping changes to existing rules.

Reasons Supporting Proposal: For clarification and consistency.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Carol Neva, P.O. Box 47868, 1300 S.E. Quince, Olympia, 753-3132.

Name of Proponent: Occupational Therapy Practice Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Corrects title of national accrediting body; makes minor housekeeping changes. Amendments have no effect on current licensees and/or applicants for licensure.

Proposal does not change existing rules.

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

Hearing Location: WestCoast Wenatchee Center Hotel, 201 North Wenatchee Avenue, Apple Room, Wenatchee, WA 98801, on June 23, 1994, at 1:30 p.m.

Submit Written Comments to: Department of Health, OT Board, P.O. Box 47868, Olympia, WA 98504-7868, FAX (206) 753-0657, by June 16, 1994.

Date of Intended Adoption: June 23, 1994.

April 20, 1994
Carol Neva
Board Chair
for Clark Landis
Public Member

AMENDATORY SECTION (Amending Order 213B, filed 11/14/91, effective 12/15/91)

WAC 246-847-040 Recognized educational programs—Occupational therapists. The board recognizes and approves courses of instruction conducted by schools that have obtained accreditation of the program in occupational therapy from the ~~((Committee on Allied Health Education and Accreditation of the American Medical Association in collaboration with the American Occupational Therapy Association))~~ American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education as recognized in the current Listing of *Educational Programs in Occupational Therapy* published by the American Occupational Therapy Association, Inc.

AMENDATORY SECTION (Amending Order 213B, filed 11/14/91, effective 12/15/91)

WAC 246-847-050 Recognized educational programs—Occupational therapy assistants. The board recognizes and approves courses of instruction conducted by schools that have obtained approval of the occupational therapy assistant associate degree programs and occupational therapy assistant certificate programs from the American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education as recognized in the

current Listing of *Educational Programs in Occupational Therapy* published by the American Occupational Therapy Association, Inc.

AMENDATORY SECTION (Amending Order 213B, filed 11/14/91, effective 12/15/91)

WAC 246-847-060 License renewal registration date and fee. (1) Individuals making application for initial license, provided they meet the requirements for licensure in the state of Washington, will be issued a license to expire on their ~~((next))~~ second birth anniversary date following initial licensure.

(2) Licenses shall be renewed upon a biennial basis on or before the licensee's birth anniversary date. Licenses not renewed on or before the licensee's biennial birth anniversary date shall expire immediately after the licensee's birth anniversary date and any practice engaged in with an expired license shall be deemed unlicensed practice.

~~((3)) On a one time basis, effective February 1, 1989, all persons applying for license renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 246-847-190.~~

~~Those persons who must renew during 1989 shall submit evidence of compliance with the education requirements of WAC 246-847-190 with their renewal application. Persons who are unable to verify compliance by their 1989 renewal date may, upon written application, be granted an extension to December 31, 1989. Those persons who must renew during 1990 shall submit evidence of compliance with WAC 246-847-190 on or before December 31, 1989.)~~

AMENDATORY SECTION (Amending Order 394B, filed 9/1/93, effective 10/2/93)

WAC 246-847-068 Renewal of expired license. (1) The license of any occupational therapist or occupational therapy assistant who has ~~((not))~~ neither placed his or her license on inactive status as described in WAC 246-847-070 nor been actively engaged in the practice of occupational therapy in another jurisdiction and fails to renew the license by the date set by the secretary for renewal shall automatically expire. The licensee may, within four years from the date of expiration, request the license be renewed upon payment of the renewal and late renewal fees determined by the secretary and completion of continued competency requirements as specified in WAC 246-847-065.

(2) If a license has expired for four years or more, the license may be renewed under the following conditions:

(a) Submission of a written application to the board on forms provided by the secretary together with:

(b) Evidence of having been employed as an occupational therapist or occupational therapy assistant in another jurisdiction during the period of lapse;

(c) Renewal and late fees; and

~~((e))~~ (d) Evidence of having passed the examination as defined in WAC 246-847-080 within the previous two-year period and documentation of thirty hours of continued competency as described in WAC 246-847-065 for the previous two-year period; or

~~((d))~~ (e) Evidence of having successfully completed a board approved educational program specifically designed

for occupational therapists or occupational therapy assistants preparing for reentry into the field of occupational therapy.

(3) The applicant may be required to appear before the board for oral interview.

AMENDATORY SECTION (Amending Order 112B, filed 2/12/91, effective 3/15/91)

WAC 246-847-190 AIDS education and training. (1) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(2) "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.

(3) Acceptable education and training. The department of (~~licensing~~) health will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of six clock hours and shall 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.

(4) Implementation. Effective February 1, 1989, the requirement for licensing application, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (3) of this section.

(5) Documentation. The licensee shall:

(a) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987, and before the renewal date or December 31, 1989, whichever date is earlier;

(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 learning has taken place.

WSR 94-10-060
PREPROPOSAL COMMENTS
DEPARTMENT OF REVENUE

[Filed May 3, 1994, 11:29 a.m.]

Subject of Possible Rule Making: New sections WAC 458-16A-010 Nonprofit homes for the aging and 458-16A-020 Nonprofit homes for the aging—Initial application and annual renewal.

Persons may comment on this subject in writing or by attending the public meeting. Written comments should be addressed to: Kim M. Qually, Counsel, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, FAX (206) 664-0972. Public meeting scheduled in: Riverview Plaza, Building 2, 16000 Christensen Road, Suite 303, Seattle, WA 98188, on June 23, 1994, at 10:00 a.m. (Written comments should be submitted by this date to

assure full consideration, but will be accepted to date of adoption.)

Other Information or Comments by Agency at this Time, if any: The adoption of the new rules is necessary to implement and administer the 1993 legislative changes to RCW 84.36.041. WAC 458-16-265 will be repealed upon the adoption of the new sections. Copies of the rule drafts are available upon request. Contact Pat Baxter, (206) 753-1382.

May 3, 1994
William N. Rice
Assistant Director
Property Tax

WSR 94-10-063
PROPOSED RULES
DEPARTMENT OF REVENUE
[Filed May 3, 1994, 11:38 a.m.]

Original Notice.

Title of Rule: WAC 458-40-650 Timber quality codes defined, 458-40-660 Stumpage value tables, and 458-40-670 Stumpage value adjustments.

Purpose: To establish the stumpage values for reporting and payment of the timber excise tax.

Statutory Authority for Adoption: RCW 82.32.300 and 84.33.096.

Statute Being Implemented: RCW 84.33.091.

Summary: The rule establishes the stumpage value of timber within the state of Washington. These values are to be used by harvesters to compute their timber tax liability for the period from July 1, 1994, through December 31, 1994 (second half 1994).

Name of Agency Personnel Responsible for Drafting: Robert L. Smith, 2735 Harrison N.W., Target Plaza Building 4, (206) 753-1385; Implementation and Enforcement: Gary O'Neil, 2735 Harrison N.W., Target Plaza Building 4, (206) 753-2871.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule establishes the stumpage value of timber, and adjustments, throughout the state of Washington. These values are to be used by harvesters to determine their taxable stumpage value when calculating their timber tax liability.

Proposal Changes the Following Existing Rules: This rule changes the stumpage values of timber throughout the state.

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

The Department of Revenue has reviewed administrative provisions contained in WAC 458-40-650, 458-40-660 and 458-40-670 in order to determine the economic impact on small businesses.

The new provisions incorporated in this rule do not change the timing or frequency of tax payments, require new forms, or alter long standing and generally accepted record keeping requirements.

This rule will have no economic impact on industry.

The economic impact of actual tax liability is beyond the scope of the small business economic impact statement and is therefore not addressed.

The department does not have the legal requirement to exempt small businesses from statutory requirements merely repeated in this rule.

Taxpayers report liability on the forest excise tax return. Records that a taxpayer must keep are those necessary to determine actual tax liability or those that show a harvester's right to a deduction, credit, or exemption. There is no other compliance requirement imposed by this rule.

Hearing Location: Department of Revenue Conference Room, Third Floor, Suite 300, Northtown Office Building, North 4407 Division Street, Spokane, WA, on June 7, 1994, at 11:30 a.m.; and at the Department of Revenue Conference Room, Target Place Plaza, 2735 Harrison Avenue N.W., Olympia, WA, on June 9, 1994, at 9:30 a.m.

Submit Written Comments to: Gary O'Neil, Department of Revenue Forest Tax Section, P.O. Box 47472, Olympia, WA 98504-7472, by June 9, 1994.

Date of Intended Adoption: June 30, 1994.

May 3, 1994
Gary K. O'Neil
Assistant Director
Special Programs Division

AMENDATORY SECTION (Amending WSR 92-14-083, filed 6/29/92, effective 7/1/92)

WAC 458-40-650 Timber excise tax—Timber quality codes defined. The timber quality code numbers for each species of timber shown in the stumpage value tables contained in this chapter are defined as follows:

**TABLE 1—Timber Quality Code Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 10**

Species	Quality Code Number	Log grade specifications ¹
Douglas-fir	1	Over 50% No. 2 Sawmill and better log grade, and 15% and over Special Mill, No. 1 Sawmill, and better log grade.
Douglas-fir	2	Over 50% No. 2 Sawmill and better log grade, and less than 15% Special Mill, No. 1 Sawmill, and better log grade.
Douglas-fir	3	25-50% inclusive No. 2 Sawmill and better log grade.
Douglas-fir	4	Less than 25% No. 2 Sawmill and better log grade.
Western Redcedar and Alaska-Cedar	1	Over 30% No. 2 Sawmill and better log grade, and 15% and over Special Mill, No. 1 Sawmill, Peeler and better log grade.
Western Redcedar and Alaska-Cedar	2	Over 30% No. 2 Sawmill and better log grade, and less than 15% Special Mill, No. 1 Sawmill, Peeler Land better log grade.
Western Redcedar and Alaska-Cedar	3	5-30% inclusive No. 2 Sawmill and better log grade.
Western Redcedar and Alaska-Cedar	4	Less than 5% No. 2 Sawmill and better log grade.

Western Hemlock, True Firs, Other Conifer, and Spruce	1	Over 50% No. 2 Sawmill and better log grade, and 5% and over Special Mill, No. 1 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	2	Over 50% No. 2 Sawmill and better log grade, and less than 5% Special Mill, No. 1 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	3	25-50% inclusive No. 2 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	4	Less than 25% No. 2 Sawmill and better log grade.
Ponderosa Pine	1	Less than 10 logs 16 feet long per thousand board feet Scribner scale.
Ponderosa Pine	2	10 or more logs 16 feet long per thousand board feet Scribner scale.
Lodgepole Pine	1	All log grades.
((Hardwoods	1	All No. 3 Sawmill logs and better log grades.
Hardwood Utility	1	All No. 4 Sawmill log grade and all hardwood logs graded as utility.
<u>Red Alder and other hardwoods</u>	<u>1</u>	<u>Over 50% No. 3 Sawmill and better log grades.</u>
<u>Red Alder and other hardwoods</u>	<u>2</u>	<u>10-50% inclusive No. 3 Sawmill and better other hardwoods log grades.</u>
<u>Red Alder and other hardwoods</u>	<u>3</u>	<u>Less than 10% No. 3 Sawmill and better log grades.</u>
<u>Black Cottonwood</u>	<u>1</u>	<u>35% and over Peeler log grade.</u>
<u>Black Cottonwood</u>	<u>2</u>	<u>Less than 35% Peeler log grade and 15% and greater No.1 Sawmill and better log grade.</u>
<u>Black Cottonwood</u>	<u>3</u>	<u>Less than 15% No. 1 Sawmill and better log grade.</u>
Conifer Utility	1	All conifer logs graded as utility log grade.

¹ For detailed descriptions and definitions of approved log scaling, grading rules, and procedures see WAC 458-40-680.

**TABLE 2—Timber Quality Code Table
Stumpage Value Areas 6 and 7**

Species	Quality Code Number	Log grade specifications ¹
Ponderosa Pine	1	Less than 10 logs 16 feet long per thousand board feet Scribner scale.
Ponderosa Pine	2	10 or more logs 16 feet long per thousand board feet Scribner scale.
All conifers other than Ponderosa Pine	1	All log sizes.
Hardwoods	1	Sawlogs only.
Utility	1	All logs graded as utility.

AMENDATORY SECTION (Amending WSR 94-02-047, filed 12/30/93, effective 1/1/94)

WAC 458-40-660 Timber excise tax—Stumpage value tables. The following stumpage value tables are hereby adopted for use in reporting the taxable value of

stumpage harvested during the period ((January)) July 1 through ((June 30)) December 31, 1994:

**(TABLE 1—Stumpage Value Table
Stumpage Value Area 1
January 1 through June 30, 1994**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$1,174	\$1,167	\$1,160	\$1,153	\$1,146
		2	913	906	899	892	885
		3	774	767	760	753	746
		4	353	346	339	332	325
Western Redcedar ²	RC	1	1107	1100	1093	1086	1079
		2	1107	1100	1093	1086	1079
		3	637	630	623	616	609
		4	607	600	593	586	579
Western Hemlock ³	WH	1	610	603	596	589	582
		2	604	597	590	583	576
		3	597	590	583	576	569
		4	278	271	264	257	250
Other Conifer	OC	1	610	603	596	589	582
		2	604	597	590	583	576
		3	597	590	583	576	569
		4	278	271	264	257	250
Red Alder	RA	1	166	159	152	145	138
		2	166	159	152	145	138
Black Cottonwood	BC	1	164	157	150	143	136
		2	164	157	150	143	136
Other Hardwood	OH	1	84	77	70	63	56
		2	84	77	70	63	56
Hardwood Utility	HU	1	115	108	101	94	87
		2	115	108	101	94	87
Conifer Utility	CU	1	54	47	40	33	26
		2	54	47	40	33	26
RC Shake Blocks	RCS	1	774	767	760	753	746
		2	774	767	760	753	746
RC Shingle Blocks	RCF	1	166	159	152	145	138
		2	166	159	152	145	138
RC & Other Posts ⁴	RCP	1	0.45	0.45	0.45	0.45	0.45
		2	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁵	DFX	1	0.25	0.25	0.25	0.25	0.25
		2	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁵	TFX	1	0.50	0.50	0.50	0.50	0.50
		2	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Alaska Cedar.

³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁴ Stumpage value per 8 lineal feet or portion thereof.

⁵ Stumpage value per lineal foot.

**TABLE 2—Stumpage Value Table
Stumpage Value Area 2
January 1 through June 30, 1994**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$1,174	\$1,167	\$1,160	\$1,153	\$1,146
		2	833	826	819	812	805
		3	710	703	696	689	682
		4	571	564	557	550	543

Western Redcedar ²	RC	1	1218	1211	1204	1197	1190
		2	1218	1211	1204	1197	1190
		3	673	666	659	652	645
		4	326	319	312	305	298

Western Hemlock ³	WH	1	599	592	585	578	571
		2	583	576	569	562	555
		3	568	561	554	547	540
		4	323	316	309	302	295

Other Conifer	OC	1	599	592	585	578	571
		2	583	576	569	562	555
		3	568	561	554	547	540
		4	323	316	309	302	295

Red Alder	RA	1	166	159	152	145	138
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Black Cottonwood	BC	1	164	157	150	143	136
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Other Hardwood	OH	1	84	77	70	63	56
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Hardwood Utility	HU	1	115	108	101	94	87
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Conifer Utility	CU	1	54	47	40	33	26
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RC Shake Blocks	RCS	1	774	767	760	753	746
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RC Shingle Blocks	RCF	1	166	159	152	145	138
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RC & Other Posts ⁴	RCP	1	0.45	0.45	0.45	0.45	0.45
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DF Christmas Trees ⁵	DFX	1	0.25	0.25	0.25	0.25	0.25
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Other Christmas Trees ⁵	TFX	1	0.50	0.50	0.50	0.50	0.50
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¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Alaska Cedar.

³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁴ Stumpage value per 8 lineal feet or portion thereof.

⁵ Stumpage value per lineal foot.

**TABLE 3—Stumpage Value Table
Stumpage Value Area 3
January 1 through June 30, 1994**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5

Douglas Fir ²	DF	1	\$903	\$896	\$889	\$882	\$875
		2	847	840	833	826	819
		3	809	802	795	788	781
		4	595	588	581	574	567

Western Redcedar ³	RC	1	1122	1115	1108	1101	1094
		2	1122	1115	1108	1101	1094
		3	595	588	581	574	567
		4	560	562	555	548	541

Western Hemlock ⁴	WH	1	514	507	500	493	486
		2	484	477	470	463	456
		3	464	457	450	443	436
		4	264	257	250	243	236

Other Conifer	OC	1	514	507	500	493	486
		2	484	477	470	463	456
		3	464	457	450	443	436
		4	264	257	250	243	236

Red Alder	RA	1	166	159	152	145	138
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Black Cottonwood	BC	1	164	157	150	143	136
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Other Hardwood	OH	1	84	77	70	63	56
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Hardwood Utility	HU	1	115	108	101	94	87
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Conifer Utility	CU	1	54	47	40	33	26
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RC Shake Blocks	RCS	1	774	767	760	753	746
RC Shingle Blocks	RCF	1	166	159	152	145	138
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458 40 684 and 458 40 686.

² Includes Western Larch.

³ Includes Alaska Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵ Stumpage value per 8 lineal feet or portion thereof.

⁶ Stumpage value per lineal foot.

TABLE 4 Stumpage Value Table
Stumpage Value Area 4
 January 1 through June 30, 1994

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir ²	DF	1	\$908	\$901	\$894	\$887	\$880
		2	785	778	771	764	757
		3	755	748	741	734	727
		4	595	588	581	574	567
Lodgepole Pine	LP	1	239	232	225	218	211
Ponderosa Pine	PP	1	757	750	743	736	729
		2	409	402	395	388	381
Western Redcedar ³	RC	1	1088	1081	1074	1067	1060
		2	1088	1081	1074	1067	1060
		3	581	574	567	560	553
		4	429	422	415	408	401
Western Hemlock ⁴	WH	1	514	507	500	493	486
		2	503	496	489	482	475
		3	493	486	479	472	465
		4	397	390	383	376	369
Other Conifer	OC	1	514	507	500	493	486
		2	503	496	489	482	475
		3	493	486	479	472	465
		4	397	390	383	376	369
Red Alder	RA	1	166	159	152	145	138
Black Cottonwood	BC	1	164	157	150	143	136
Other Hardwood	OH	1	84	77	70	63	56
Hardwood Utility	HU	1	115	108	101	94	87
Conifer Utility	CU	1	54	47	40	33	26
RC Shake Blocks	RCS	1	774	767	760	753	746
RC Shingle Blocks	RCF	1	166	159	152	145	138
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458 40 684 and 458 40 686.

² Includes Western Larch.

³ Includes Alaska Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵ Stumpage value per 8 lineal feet or portion thereof.

⁶ Stumpage value per lineal foot.

TABLE 5 Stumpage Value Table
Stumpage Value Area 5
 January 1 through June 30, 1994

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir ²	DF	1	\$900	\$893	\$886	\$879	\$872
		2	853	846	839	832	825
		3	614	607	600	593	586
		4	554	547	540	533	526
Lodgepole Pine	LP	1	239	232	225	218	211
Ponderosa Pine	PP	1	757	750	743	736	729
		2	409	402	395	388	381
Western Redcedar ³	RC	1	1014	1007	1000	993	986
		2	968	961	954	947	940
		3	604	597	590	583	576
		4	365	358	351	344	337
Western Hemlock ⁴	WH	1	525	518	511	504	497
		2	525	518	511	504	497
		3	398	391	384	377	370
		4	327	320	313	306	299
Other Conifer	OC	1	525	518	511	504	497
		2	525	518	511	504	497
		3	398	391	384	377	370
		4	327	320	313	306	299
Red Alder	RA	1	166	159	152	145	138
Black Cottonwood	BC	1	164	157	150	143	136
Other Hardwood	OH	1	84	77	70	63	56
Hardwood Utility	HU	1	115	108	101	94	87
Conifer Utility	CU	1	54	47	40	33	26
RC Shake Blocks	RCS	1	774	767	760	753	746
RC Shingle Blocks	RCF	1	166	159	152	145	138
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458 40 684 and 458 40 686.

² Includes Western Larch.

³ Includes Alaska Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵ Stumpage value per 8 lineal feet or portion thereof.

⁶ Stumpage value per lineal foot.

**TABLE 6—Stumpage Value Table
Stumpage Value Area 6
January 1 through June 30, 1994**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir ²	DF	1	\$675	\$668	\$661	\$654	\$647
Engelmann Spruce	ES	1	237	230	223	216	209
Lodgepole Pine	LP	1	230	222	225	218	211
Ponderosa Pine	PP	1	757	750	743	736	729
		2	409	402	395	388	381
Western Redcedar ³	RC	1	544	537	530	523	516
True Firs ⁴	WH	1	221	214	207	200	193
Western White Pine	WP	1	425	428	421	414	407
Hardwoods	OH	1	25	18	11	4	1
Utility	CU	1	50	43	36	29	22
RC Shake & Shingle Blocks	RCF	1	152	145	138	131	124
LP & Other Posts ⁵	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁶	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per 8 lineal feet or portion thereof.
⁶ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁷ Stumpage value per lineal foot.

**TABLE 7—Stumpage Value Table
Stumpage Value Area 7
January 1 through June 30, 1994**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir ²	DF	1	\$394	\$387	\$380	\$373	\$366
Engelmann Spruce	ES	1	294	287	280	273	266
Lodgepole Pine	LP	1	294	287	280	273	266
Ponderosa Pine	PP	1	671	664	657	650	643
		2	444	437	430	423	416
Western Redcedar ³	RC	1	544	537	530	523	516
True Firs ⁴	WH	1	294	287	280	273	266
Western White Pine	WP	1	594	587	580	573	566
Hardwoods	OH	1	25	18	11	4	1
Utility	CU	1	50	43	36	29	22

RC Shake & Shingle Blocks	RCF	1	152	145	138	131	124
LP & Other Posts ⁵	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁶	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per 8 lineal feet or portion thereof.
⁶ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁷ Stumpage value per lineal foot.

**TABLE 8—Stumpage Value Table
Stumpage Value Area 10
January 1 through June 30, 1994**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir ²	DF	1	\$894	\$887	\$880	\$873	\$866
		2	771	764	757	750	743
		3	741	734	727	720	713
		4	581	574	567	560	553
Lodgepole Pine	LP	1	229	222	225	218	211
Ponderosa Pine	PP	1	757	750	743	736	729
		2	409	402	395	388	381
Western Redcedar ³	RC	1	1074	1067	1060	1053	1046
		2	1074	1067	1060	1053	1046
		3	567	560	553	546	539
		4	415	408	401	394	387
Western Hemlock ⁴	WH	1	500	493	486	479	472
		2	489	482	475	468	461
		3	479	472	465	458	451
		4	383	376	369	362	355
Other Conifer	OC	1	500	493	486	479	472
		2	489	482	475	468	461
		3	479	472	465	458	451
		4	383	376	369	362	355
Red Alder	RA	1	152	145	138	131	124
Black Cottonwood	BC	1	150	143	136	129	122
Other Hardwood	OH	1	70	63	56	49	42
Hardwood Utility	HU	1	101	94	87	80	73
Conifer Utility	CU	1	40	33	26	19	12
RC Shake Blocks	RCS	1	774	767	760	753	746
RC Shingle Blocks	RCF	1	166	159	152	145	138
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

PROPOSED

⁵ Stumpage value per 8 lineal feet or portion thereof.

⁶ Stumpage value per lineal foot.)

TABLE 1—Stumpage Value Table
Stumpage Value Area 1
 July 1 through December 31, 1994

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$975	\$968	\$961	\$954	\$947
		2	868	861	854	847	840
		3	739	732	725	718	711
		4	600	593	586	579	572
Western Redcedar ²	RC	1	1388	1381	1374	1367	1360
		2	1324	1317	1310	1303	1296
		3	637	630	623	616	609
		4	607	600	593	586	579
Western Hemlock ³	WH	1	601	594	587	580	573
		2	566	559	552	545	538
		3	566	559	552	545	538
		4	374	367	360	353	346
Other Conifer	OC	1	601	594	587	580	573
		2	566	559	552	545	538
		3	566	559	552	545	538
		4	374	367	360	353	346
Red Alder	RA	1	172	165	158	151	144
		2	153	146	139	132	125
		3	79	72	65	58	51
Black Cottonwood	BC	1	181	174	167	160	153
		2	139	132	125	118	111
		3	100	93	86	79	72
Other Hardwood	OH	1	163	156	149	142	135
		2	86	79	72	65	58
		3	73	66	59	52	45
Conifer Utility	CU	1	89	82	75	68	61
RC Shake Blocks	RCS	1	774	767	760	753	746
RC Shingle Blocks	RCF	1	166	159	152	145	138
RC & Other Posts ⁴	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁵	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁵	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Alaska-Cedar.
³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁴ Stumpage value per 8 lineal feet or portion thereof.
⁵ Stumpage value per lineal foot.

TABLE 2—Stumpage Value Table
Stumpage Value Area 2
 July 1 through December 31, 1994

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$928	\$921	\$914	\$907	\$900
		2	821	814	807	800	793
		3	692	685	678	671	664
		4	541	534	527	520	513

Western Redcedar ²	RC	1	1388	1381	1374	1367	1360
		2	1265	1258	1251	1244	1237
		3	673	666	659	652	645
		4	326	319	312	305	298
Western Hemlock ³	WH	1	613	606	599	592	585
		2	573	566	559	552	545
		3	573	566	559	552	545
		4	393	386	379	372	365
Other Conifer	OC	1	613	606	599	592	585
		2	573	566	559	552	545
		3	573	566	559	552	545
		4	393	386	379	372	365
Red Alder	RA	1	187	180	173	166	159
		2	125	118	111	104	97
		3	98	91	84	77	70
Black Cottonwood	BC	1	198	191	184	177	170
		2	111	104	97	90	83
		3	100	93	86	79	72
Other Hardwood	OH	1	246	239	232	225	218
		2	107	100	93	86	79
		3	97	90	83	76	69
Conifer Utility	CU	1	89	82	75	68	61
RC Shake Blocks	RCS	1	774	767	760	753	746
RC Shingle Blocks	RCF	1	166	159	152	145	138
RC & Other Posts ⁴	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁵	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁵	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Alaska-Cedar.
³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁴ Stumpage value per 8 lineal feet or portion thereof.
⁵ Stumpage value per lineal foot.

TABLE 3—Stumpage Value Table
Stumpage Value Area 3
 July 1 through December 31, 1994

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$1005	\$998	\$991	\$984	\$977
		2	1005	998	991	984	977
		3	674	667	660	653	646
		4	561	554	547	540	533
Western Redcedar ²	RC	1	1388	1381	1374	1367	1360
		2	1265	1258	1251	1244	1237
		3	595	588	581	574	567
		4	569	562	555	548	541
Western Hemlock ³	WH	1	632	625	618	611	604
		2	556	549	542	535	528
		3	488	481	474	467	460
		4	363	356	349	342	335
Other Conifer	OC	1	632	625	618	611	604
		2	556	549	542	535	528
		3	488	481	474	467	460
		4	363	356	349	342	335
Red Alder	RA	1	215	208	201	194	187
		2	96	89	82	75	68
		3	96	89	82	75	68

Black Cottonwood	BC	1	198	191	184	177	170
		2	116	109	102	95	88
		3	102	95	88	81	74
Other Hardwood	OH	1	210	203	196	189	182
		2	135	128	121	114	107
		3	98	91	84	77	70
Conifer Utility	CU	1	89	82	75	68	61
RC Shake Blocks	RCS	1	774	767	760	753	746
RC Shingle Blocks	RCF	1	166	159	152	145	138
RC & Other Posts ⁴	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁵	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁵	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Alaska-Cedar.

³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁴ Stumpage value per 8 lineal feet or portion thereof.

⁵ Stumpage value per lineal foot.

TABLE 4—Stumpage Value Table
Stumpage Value Area 4
 July 1 through December 31, 1994

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$1059	\$1052	\$1045	\$1038	\$1031
		2	851	844	837	830	823
		3	741	734	727	720	713
		4	575	568	561	554	547
Lodgepole Pine	LP	1	417	410	403	396	389
Ponderosa Pine	PP	1	699	692	685	678	671
		2	520	513	506	499	492
Western Redcedar ³	RC	1	1388	1381	1374	1367	1360
		2	1054	1047	1040	1033	1026
		3	581	574	567	560	553
		4	429	422	415	408	401
Western Hemlock ⁴	WH	1	627	620	613	606	599
		2	556	549	542	535	528
		3	552	545	538	531	524
		4	377	370	363	356	349
Other Conifer	OC	1	627	620	613	606	599
		2	556	549	542	535	528
		3	552	545	538	531	524
		4	377	370	363	356	349
Red Alder	RA	1	158	151	144	137	130
		2	145	138	131	124	117
		3	74	67	60	53	46
Black Cottonwood	BC	1	199	192	185	178	171
		2	141	134	127	120	113
		3	100	93	86	79	72
Other Hardwood	OH	1	224	217	210	203	196
		2	99	92	85	78	71
		3	98	91	84	77	70
Conifer Utility	CU	1	89	82	75	68	61
RC Shake Blocks	RCS	1	774	767	760	753	746
RC Shingle Blocks	RCF	1	166	159	152	145	138
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵ Stumpage value per 8 lineal feet or portion thereof.

⁶ Stumpage value per lineal foot.

TABLE 5—Stumpage Value Table
Stumpage Value Area 5
 July 1 through December 31, 1994

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$1059	\$1052	\$1045	\$1038	\$1031
		2	847	840	833	826	819
		3	692	685	678	671	664
		4	600	593	586	579	572
Lodgepole Pine	LP	1	417	410	403	396	389
Ponderosa Pine	PP	1	699	692	685	678	671
		2	520	513	506	499	492
Western Redcedar ³	RC	1	1388	1381	1374	1367	1360
		2	1097	1090	1083	1076	1069
		3	604	597	590	583	576
		4	365	358	351	344	337
Western Hemlock ⁴	WH	1	525	518	511	504	497
		2	525	518	511	504	497
		3	525	518	511	504	497
		4	390	383	376	369	362
Other Conifer	OC	1	525	518	511	504	497
		2	525	518	511	504	497
		3	525	518	511	504	497
		4	390	383	376	369	362
Red Alder	RA	1	142	135	128	121	114
		2	120	113	106	99	92
		3	95	88	81	74	67
Black Cottonwood	BC	1	198	191	184	177	170
		2	139	132	125	118	111
		3	91	84	77	70	63
Other Hardwood	OH	1	210	203	196	189	182
		2	125	118	111	104	97
		3	91	84	77	70	63
Conifer Utility	CU	1	89	82	75	68	61
RC Shake Blocks	RCS	1	774	767	760	753	746
RC Shingle Blocks	RCF	1	166	159	152	145	138
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per 8 lineal feet or portion thereof.
⁶ Stumpage value per lineal foot.

TABLE 6—Stumpage Value Table
Stumpage Value Area 6
 July 1 through December 31, 1994

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$750	\$743	\$736	\$729	\$722
Engelmann Spruce	ES	1	403	396	389	382	375
Lodgepole Pine	LP	1	417	410	403	396	389
Ponderosa Pine	PP	1	699	692	685	678	671
		2	520	513	506	499	492
Western Redcedar ³	RC	1	564	557	550	543	536
True Firs ⁴	WH	1	438	431	424	417	410
Western White Pine	WP	1	582	575	568	561	554
Hardwoods	OH	1	25	18	11	4	1
Utility	CU	1	64	57	50	43	36
RC Shake & Shingle Blocks	RCF	1	152	145	138	131	124
LP & Other Posts ⁵	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁶	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per 8 lineal feet or portion thereof.
⁶ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁷ Stumpage value per lineal foot.

TABLE 7—Stumpage Value Table
Stumpage Value Area 7
 July 1 through December 31, 1994

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$434	\$427	\$420	\$413	\$406
Engelmann Spruce	ES	1	403	396	389	382	375
Lodgepole Pine	LP	1	417	410	403	396	389
Ponderosa Pine	PP	1	699	692	685	678	671
		2	520	513	506	499	492
Western Redcedar ³	RC	1	564	557	550	543	536
True Firs ⁴	WH	1	403	396	389	382	375
Western White Pine	WP	1	582	575	568	561	554

Hardwoods	OH	1	25	18	11	4	1
Utility	CU	1	64	57	50	43	36
RC Shake & Shingle Blocks	RCF	1	152	145	138	131	124
LP & Other Posts ⁵	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁶	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per 8 lineal feet or portion thereof.
⁶ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁷ Stumpage value per lineal foot.

TABLE 8—Stumpage Value Table
Stumpage Value Area 10
 July 1 through December 31, 1994

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$1045	\$1038	\$1031	\$1024	\$1017
		2	837	830	823	816	809
		3	727	720	713	706	699
		4	561	554	547	540	533
Lodgepole Pine	LP	1	417	410	403	396	389
Ponderosa Pine	PP	1	699	692	685	678	671
		2	520	513	506	499	492
Western Redcedar ³	RC	1	1374	1367	1360	1353	1346
		2	1040	1033	1026	1019	1012
		3	567	560	553	546	539
		4	415	408	401	394	387
Western Hemlock ⁴	WH	1	613	606	599	592	585
		2	542	535	528	521	514
		3	538	531	524	517	510
		4	363	356	349	342	335
Other Conifer	OC	1	613	606	599	592	585
		2	542	535	528	521	514
		3	538	531	524	517	510
		4	363	356	349	342	335
Red Alder	RA	1	144	137	130	123	116
		2	131	124	117	110	103
		3	60	53	46	39	32
Black Cottonwood	BC	1	185	178	171	164	157
		2	127	120	113	106	99
		3	86	79	72	65	58
Other Hardwood	OH	1	210	203	196	189	182
		2	85	78	71	64	57
		3	84	77	70	63	56
Conifer Utility	CU	1	75	68	61	54	47
RC Shake Blocks	RCS	1	774	767	760	753	746
RC Shingle Blocks	RCF	1	166	159	152	145	138
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45

DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per 8 lineal feet or portion thereof.
⁶ Stumpage value per lineal foot.

AMENDATORY SECTION (Amending WSR 94-02-047, filed 12/30/93, effective 1/1/94)

WAC 458-40-670 Timber excise tax—Stumpage value adjustments. Harvest value adjustments relating to the various logging and harvest conditions shall be allowed against the stumpage values as set forth in WAC 458-40-660 for the designated stumpage value areas with the following limitations:

- (1) No harvest adjustment shall be allowed against special forest products.
- (2) Stumpage value rates for conifer and hardwoods shall be adjusted to a value no lower than one dollar per MBF.
- (3) Timber harvesters planning to remove timber from areas having damaged timber may apply to the department for adjustment in stumpage values. Such applications shall contain a map with the legal descriptions of the area, a description of the damage sustained by the timber with an evaluation of the extent to which the stumpage values have been materially reduced from the values shown in the applicable tables, and a list of estimated additional costs to be incurred resulting from the removal of the damaged timber. Such applications must be received by the department before the harvest commences. Upon receipt of such application, the department will determine the amount of adjustment allowed and notify the harvester. In the event the extent of the damage or additional costs is not known at the time the application is filed, the harvester may provide relevant information to the department for a period not exceeding ninety days following completion of the harvest unit.

The following harvest adjustment tables are hereby adopted for use during the period of ~~((January))~~ July 1 through ((June 30)) December 31, 1994:

The following harvest adjustment tables are hereby adopted for use during the period of ~~((January))~~ July 1 through ((June 30)) December 31, 1994:

TABLE 1—Harvest Adjustment Table Stumpage Value Areas 1, 2, 3, 4, 5, and 10

~~((January))~~ July 1 through ((June 30)) December 31, 1994

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 40 thousand board feet per acre.	\$0.00
Class 2	Harvest of 20 thousand board feet to 40 thousand board feet per acre.	- \$4.00
Class 3	Harvest of 10 thousand board feet to but not including 20 thousand board feet per acre.	- \$7.00

Class 4	Harvest of 5 thousand board feet to but not including 10 thousand board feet per acre.	- \$9.00
Class 5	Harvest of less than 5 thousand board feet per acre.	- \$10.00

II. Logging conditions

Class 1	Generally slopes less than 40%. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	Generally slopes between 40% and 60%. Some rock outcrops or swamp barriers.	- \$17.00
Class 3	Generally rough, broken ground with slopes in excess of 60%. Numerous rock outcrops and bluffs.	- \$25.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	- \$69.00

III. Remote island adjustment:

For timber harvested from a remote island - \$50.00

IV. Thinning (see WAC 458-40-610(20))

Class 1	Average log volume of 50 board feet or more.	- \$25.00
Class 2	Average log volume of less than 50 board feet.	- \$125.00

TABLE 2—Harvest Adjustment Table Stumpage Value Areas 6 and 7

~~((January))~~ July 1 through ((June 30)) December 31, 1994

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	- \$7.00
Class 3	Harvest of less than 3 thousand board feet per acre.	- \$10.00
II. Logging conditions		
Class 1	Generally slopes less than 40%. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	Generally slopes between 40% and 60%. Some rock outcrops or swamp barriers.	((-\$18.00)) - \$20.00
Class 3	Generally rough, broken ground with slopes in excess of 60%. Numerous rock outcrops and bluffs.	((-\$25.00)) - \$30.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	- \$69.00
III. Remote island adjustment:		
	For timber harvested from a remote island	- \$50.00

TABLE 3—Domestic Market Adjustment

Public Timber
 Harvest of timber not sold by a competitive bidding process which is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber which must be processed

domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska Yellow Cedar. (Stat. Ref. - 36 CFR 223.10)

State, and Other Nonfederal, Public Timber Sales: Western Red Cedar only. (Stat. Ref. - 50 USC appendix 2406.1)

Private timber

Harvest of private timber which is legally restricted from foreign export, under the authority of The Forest Resources Conservation and Shortage Relief Act (Public Law 101-382), (16 U.S.C. Sec. 620 et seq.); the Export Administration Act of 1979 (50 U.S.C. App. 2406(i); a Cooperative Sustained Yield Unit Agreement made pursuant to the Act of March 29, 1944, (16 U.S.C. Sec. 583-583i); or Washington Administrative Code (WAC 240-15-015(2)) is also eligible for the Domestic Market Adjustment.

The adjustment amounts shall be as follows:

Class 1:	SVA's 1 through 6, and 10	\$0.00 per MBF
Class 2:	SVA 7	\$0.00 per MBF

Note: The adjustment will not be allowed on special forest products.

for off-premises consumption. The notices will further provide warning to both men and women as to the possible dangers consumption of alcohol may have in terms of birth defects.

Proposal does not change existing rules.

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

Hearing Location: Washington State Liquor Control Board, Conference Room, Fifth Floor, Capital Plaza Building, 1025 East Union, Olympia, WA 98504, on June 8, 1994, at 9:30 a.m.

Submit Written Comments to: M. Carter Mitchell, Public Information, P.O. Box 43080, Olympia, WA 98504-3080, FAX (206) 664-9689, by June 7, 1994.

Date of Intended Adoption: June 8, 1994.

May 2, 1994
Joseph L. McGavick
Chairman

**WSR 94-10-066
PROPOSED RULES
LIQUOR CONTROL BOARD**

[Filed May 3, 1994, 1:08 p.m.]

Original Notice.

Title of Rule: New section WAC 314-12-190 Mandatory notification to be posted warning of the possible dangers of the consumption of alcohol during pregnancy.

Purpose: To require liquor licensees to post board provided notices warning patrons of the possible dangers of birth defects such as fetal alcohol syndrome and fetal alcohol effects at specific locations upon licensed premises.

Statutory Authority for Adoption: RCW 66.08.030.

Statute Being Implemented: RCW 66.08.010.

Summary: Liquor licensees would be required, as of August 1, 1994, to post notices provided by the liquor control board, at specific locations depending upon the type of license held.

Reasons Supporting Proposal: It has been shown that the consumption of alcohol by either men or women may have an effect upon the unborn. This regulation is intended to provide additional warning to parents of the potential dangers.

Name of Agency Personnel Responsible for Drafting: Jennifer McDougall, 1025 East Union, Olympia, WA, (206) 664-9657; Implementation: The Board, 1025 East Union, Olympia, WA, (206) 753-6262; Enforcement: Gary Gilbert, 1025 East Union, Olympia, WA, (206) 586-3052.

Name of Proponent: Washington State Liquor Control Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The regulation would require on-premises licensees to post board provided warning notices in rest rooms closest to those locations where alcohol is sold, served or consumed. Off-premises licensees would be required to post the same notices at each cash register where alcoholic beverages are sold. In-state liquor manufacturers would be required to post signs in rest rooms closest to their tasting rooms and at retail sales area cash registers where alcoholic beverages are sold

NEW SECTION

WAC 314-12-190 Mandatory notification to be posted warning of the possible dangers of the consumption of alcohol during pregnancy. No later than August 1, 1994, all liquor licensees shall display notices provided by the board warning of the possible dangers of birth defects as a result of the consumption of alcohol during pregnancy. These notices shall be displayed upon the licensed premises in the following manner:

(1) If a licensee holds a license providing for on-premises consumption, the notice shall be posted in plain view in public rest rooms closest to the portion of the licensed premises where the sales, service and consumption of alcohol occurs.

(a) Board provided material shall be posted in plain view in public rest rooms for both men and women.

(b) In those instances where there is more than one location of such service and consumption, such as a hotel, airport, convention center, sports facility or restaurant having multiple cocktail lounges, board provided notices shall be posted in plain view in those public rest rooms closest to each of the individual locations.

(2) If the licensee holds a license providing for off-premises consumption, the board provided notice shall be posted in plain view at every cash register which is used for the sale of beverage alcohol.

(3) If the licensee is a liquor manufacturer, the notices shall be posted in plain view in rest rooms closest to tasting rooms which allow for on-premises consumption and in plain view at the cash register(s) located in retail sales areas selling product for off-premises consumption.

(4) Replacements of the warning notices or additional copies shall be available from any liquor control board enforcement office or by contacting the board's alcohol awareness program office in Olympia.

WSR 94-10-067
PROPOSED RULES
LIQUOR CONTROL BOARD

[Filed May 3, 1994, 1:10 p.m.]

Original Notice.

Title of Rule: WAC 314-16-111 Split case handling fee for class H liquor purchases.

Purpose: To establish a handling charge for split case or part case liquor orders placed with the board by class H licensees in order to off-set the increased costs of doing business the board experiences when filling such orders versus filling full case orders.

Statutory Authority for Adoption: RCW 66.08.030.

Summary: As of September 1, 1994, all class H liquor licensees would be required to pay a handling charge of no more than 30 cents per bottle including tax involved in a split case or part case liquor order placed with the board.

Reasons Supporting Proposal: Through a reasonable handling charge, the additional cost of split case filling would be recouped by the board.

Name of Agency Personnel Responsible for Drafting: James Hoing, 1025 East Union, Olympia, WA, (206) 664-9657; Implementation and Enforcement: Stewart Kelly, 4401 East Marginal Way South, Seattle, (206) 464-7550.

Name of Proponent: Washington State Liquor Control Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The regulation would require class H licensees to pay a per bottle handling charge on any split case or part case orders for liquor placed with the board. The handling charge would be added to the cost of the product after any discounts have been taken. No handling charge would be in effect if the licensee places an order for a full (unopened) case of product.

Proposal does not change existing rules.

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

It is a customary business practice to charge an additional amount for products which are shipped to the retailers in quantities smaller than a case lot. Products shipped in unopened cases require less handling and thus cost less to provide. While the board has been absorbing this additional cost of doing business in the past, it has become necessary to implement a per bottle handling fee.

Hearing Location: Washington State Liquor Control Board, Conference Room, Fifth Floor, Capital Plaza Building, 1025 East Union, Olympia, WA 98504, on June 8, 1994, at 9:30 a.m.

Submit Written Comments to: M. Carter Mitchell, Washington State Liquor Control Board, Information Office, P.O. Box 43080, Olympia, WA 98504-3080, FAX (206) 664-9689, by June 7, 1994.

Date of Intended Adoption: June 8, 1994.

May 2, 1994
 Joseph L. McGavick
 Chairman

NEW SECTION

WAC 314-16-111 Split case handling fee for class H liquor purchases. Beginning September 1, 1994, there shall be a handling charge assessed to cover the costs incurred by the board in filling split case class H orders as described in WAC 314-16-110. That handling charge shall be:

(a) No more than \$.30 per bottle including the taxes as set forth in RCW 82.08.150 and shall be added to the cost of any purchase quantity less than a full manufacturer's case by a class H licensee.

(b) The handling charge shall not apply when a class H licensee places a full case order of identical product or for orders of 50 ml products to be used in hotel honor bars.

WSR 94-10-069
PROPOSED RULES
PARKS AND RECREATION
COMMISSION

[Filed May 3, 1994, 1:38 p.m.]

Original Notice.

Title of Rule: WAC 352-32-210 Consumption of alcohol in state park areas.

Purpose: Amend to provide the director of state parks the authority to close parks or park areas to alcohol possession or consumption on a temporary basis.

Statutory Authority for Adoption: RCW 43.51.040.

Statute Being Implemented: RCW 43.51.040.

Summary: This amendment provides for specific instances when state parks may be temporarily closed to the presence of alcohol, both with and without a public hearing.

Name of Agency Personnel Responsible for Drafting: Bill Gansberg, 7150 Cleanwater Lane, Olympia, 98504-2650, 753-4129; Implementation: Kathy Smith, 7150 Cleanwater Lane, Olympia, 98504-2650, 753-5761; and Enforcement: Commissioned park rangers, various state locations.

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: This amendment will provide the director authority to close a park or park area to possession or consumption of alcoholic beverages. Such closure will be for a specified period or periods of time and will be for the protection of the health, safety and welfare of the public, park visitors or staff or commission property. A public hearing is required prior to any such closure.

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: Red Lion Inn, 1507 North 1st Street, Yakima, WA 98901, on June 10, 1994, at 9:00 a.m.

Submit Written Comments to: Bill Gansberg, P.O. Box 42650, Olympia, WA 98504-2650, by May 27, 1994.

Date of Intended Adoption: June 10, 1994.

May 3, 1994
 Sharon Howdeshell
 Office Manager

AMENDATORY SECTION (Amending WSR 91-07-014, filed 3/12/91, effective 4/12/91)

WAC 352-32-210 Consumption of alcohol in state park areas. (1) Opening, possessing alcoholic beverage in an open container, or consuming any alcoholic beverages in any state park or state park area ~~((shall be))~~ is prohibited except in the following designated areas and under the following circumstances in those state parks or state park areas not posted by the director as closed to alcohol pursuant to subsection (4) of this section:

(a) In designated ~~((campgrounds))~~ campsites, by registered campers or their guests;

(b) In designated picnic areas, which shall include those sites within state park areas where picnic tables, benches, fireplaces, and/or outdoor kitchens are available, even though not signed as designated picnic areas; and

(c) In any building operated and maintained under a concession agreement, wherein the concessionaire has been licensed to sell alcoholic beverages by the Washington state liquor control board, and where the dispensation of such alcoholic beverages by such concessionaire has been approved by the commission.

(2) Opening, possessing alcoholic beverage in an open container, or consuming any alcoholic beverages ~~((shall be))~~ is prohibited at ~~((Dash Point State Park and Saltwater State Park except in))~~ the following ~~((designated areas and under the following circumstances))~~ locations:

(a) Dash Point State Park;

(b) Saltwater State Park;

Except in the following designated areas and under the following circumstances:

(i) In designated ~~((campgrounds))~~ campsites, by registered campers or their guests.

~~((b))~~ (ii) In any building operated and maintained under a concession agreement wherein the concessionaire has been licensed to sell alcoholic beverages by the Washington state liquor control board, and where the dispensation of such alcoholic beverages by such concessionaire has been approved by the commission.

~~((c))~~ (iii) In any reservable group day use facility by any authorized group which has paid the reservation fee and applicable damage deposit and which has obtained prior permit authorization to have alcohol by the park manager.

(3) The director may, for a specified period or periods of time, close any state park or state park area to alcohol if the director concludes that an alcohol closure is necessary for the protection of the health, safety and welfare of the public, park visitors or staff, or commission property. The director shall consider factors including but not limited to the effect or potential effect of alcohol on public and employee safety, park appearance, atmosphere, and noise levels, conflicts with other park uses or users, the demand for law enforcement, and the demand on agency staff. Prior to closing any park or park area to alcohol, the director or the director's designee shall hold a public hearing in the general area of the park or park area to be closed to alcohol. Prior notice of the meeting shall be published in a newspaper of general circulation in the area. In the event the director determines that an immediate alcohol closure is necessary to protect against an imminent and substantial threat to the health, safety and welfare of the public, park visitors or staff,

or commission property, the director may take emergency action to close a park or park area to alcohol without first complying with the publication and hearing requirements of this subsection. Such emergency closure may be effective for only so long as is necessary for the director to comply with the publication and hearing requirements of this subsection.

(4) The director shall ensure that any park or park area closed to alcohol pursuant to subsection (3) of this section is conspicuously posted as such at the entrance to said park or park area. Additionally, the director shall maintain for public distribution a current list of all parks and park areas closed to alcohol pursuant to subsection (3) of this section.

(5) Dispensing alcoholic beverages from ~~((kegs or))~~ containers larger than two gallons is prohibited in state park areas except when authorized in writing ~~((group use permit))~~ and in advance by the park manager.

~~((4))~~ (6) The provisions of this rule shall not apply to any part of the Seashore Conservation Area, as designated and established by RCW 43.51.655.

~~((5))~~ (7) Opening, consuming, or storing alcoholic beverages in Fort Simcoe State Park and Squaxin Island State Park ~~((shall be))~~ is prohibited.

(8) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

**WSR 94-10-070
PROPOSED RULES
PARKS AND RECREATION
COMMISSION**

[Filed May 3, 1994, 2:42 p.m.]

Original Notice.

Title of Rule: Clean vessel funding program.

Purpose: To enable commission to award federal or state funds to public and private entities for construction of boat sewage disposal facilities and public environmental education programs.

Statutory Authority for Adoption: RCW 88.12.325.

Statute Being Implemented: Clean Vessel Act of 1992, Pub. L. 102-587, Subtitle F.

Summary: Lists eligible applicants and activities. Gives discretionary authority to state parks director for funding distribution. States project selection criteria and selection process.

Reasons Supporting Proposal: This WAC provides public disclosure of the process and criteria which the commission will use to disperse public funds.

Name of Agency Personnel Responsible for Drafting and Enforcement: Jim French, 7150 Cleanwater Lane, Olympia, 98504-2650, 586-2165; and Implementation: Doug Strong, 7150 Cleanwater Lane, Olympia, 98504-2650, 586-2283.

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

Rule is necessary because of federal law, Clean Vessel Act of 1992. Pub. L. 102-587, Subtitle F and implementing Regulations 50 CFR Part 85.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule defines any public or private entity that

can apply for funding to build or renovate boat sewage pumpouts or to conduct public education projects. It establishes an application process and the criteria for selecting preferred projects. It specifies responsibilities of a boating environmental committee, agency staff, and a commission. It describes the limitations and conditions for receiving and spending program funds. This rule will be used to disperse federal and state funds averaging \$300,000 per year.

Proposal does not change existing rules.

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

Hearing Location: Red Lion Inn, 1507 North 1st Street, Yakima, WA 98901, on June 10, 1994, at 9:00 a.m.

Submit Written Comments to: Jim French, P.O. Box 42650, Olympia, WA 98504-2650, by May 27, 1994.

Date of Intended Adoption: June 10, 1994.

May 3, 1994

Sharon Howdeshell
Office Manager

Chapter 352-76 WAC CLEAN VESSEL FUNDING PROGRAM

NEW SECTION

WAC 352-76-010 Purpose. Sewage discharged by recreational boaters is a contributor to localized degradation of water quality in Washington state. The discharge of untreated sewage by boaters is prohibited under federal law in all areas within the navigable waters of the United States and under state law in all waters of the state. Many boaters have Type III marine sanitation devices (holding tanks), or portable toilets for sewage. However, there is currently an inadequate number of pumpout stations and dump stations for boaters to dispose of their sewage. The purpose of this chapter is to provide funds to public and private marinas for the purchase, construction, and renovation of pumpout and boater waste reception facilities and to provide funds to educational institutions, public agencies and boating organizations for boater environmental education activities.

Funding for this program will come from the federal "Clean Vessel Act of 1992," Pub.L. 102-587, Subtitle F, and state funds appropriated by the legislature for such purposes. This chapter establishes the procedures by which the commission will award funds for clean vessel projects and the conditions related to the use of funds.

NEW SECTION

WAC 352-76-020 Definitions. When used in this chapter, the following words and phrases shall have the meaning designated in this section unless a different meaning is expressly provided or unless the context clearly indicates otherwise.

"Boater" means any person on a recreational vessel on waters of the state of Washington.

"Boater sewage" or "boat sewage" means liquid and solid human waste material generated by boaters while using recreational vessels.

"Boating environmental committee" means a committee of the boating safety council, the volunteer advisory body created by the commission to advise on matters related to the

state boating program, and composed of representatives of Washington's boating community and other concerned interests.

"Clean Vessel Act" or "act" means the federal Clean Vessel Act, Pub.L. 102-587, Subtitle F.

"Commission" means the Washington state parks and recreation commission.

"Construction" means activities which produce new capital improvements and increase the value or usefulness of existing property.

"Director" means the director of the Washington state parks and recreation commission.

"Education/information" means the education/information program designed to make recreational boaters and others aware of the environmental pollution problem resulting from sewage discharges from vessels, to inform them of facility locations, and to encourage environmentally responsible behavior.

"Eligible cost" for sewage pumpout and sewage dump stations means that portion of the cost of the facility that can be financed under the provisions of this chapter and guidelines developed pursuant to this chapter.

"Facility" means a pumpout station, dump station or other device for the disposal, holding and/or transport of boater sewage.

"Funding recipient" is the entity which has been awarded a contract with state parks to receive funding for activities identified in WAC 352-76-040.

"Maintenance" means those activities necessary for upkeep of a facility. These are activities that allow the facility to function and include routine recurring custodial maintenance such as housekeeping and minor repairs as well as the supplies, materials, and tools necessary to carry out the work. Also included is nonroutine cyclical maintenance to keep facilities fully functional.

"Marina" means a facility providing boat moorage space, fuel, or commercial services. Commercial service includes, but is not limited to, overnight or live-aboard boating accommodations.

"Operation" means those activities necessary for the functioning of a facility to produce desired results. These are activities that make the facility work.

"Plan" is the plan identified in the technical guidelines as published in the *Federal Register*, for construction or renovation of pumpout and dump stations necessary to ensure that there are adequate and reasonably available stations to meet the needs of recreational vessels using the coastal waters of the state titled *Comprehensive Plan for Boat Sewage Disposal for Washington State*.

"Private entities" means any individual firm, corporation, association, partnership, consortium, joint venture, industry, or any other nonpublic entity which operates or has the potential to operate a facility or a boater education program.

"Project" means a facility or a boater environmental education program for which a public or private entity applies for and receives funding.

"Public entities" means all elected or appointed bodies and agencies of government, including tribal governments, responsible for collecting and spending public funds.

"Recreational vessel" means a watercraft manufactured for operation, or operated, primarily for pleasure. This term

includes any watercraft leased, rented, or chartered to another for the latter's pleasure.

"Renovation" means major rehabilitation of a facility to restore it to its original intended purpose.

"Sewage dump station" means a facility specifically designed to receive sewage from portable toilets carried on vessels. Sewage dump stations do not include lavatories or restrooms.

"Sewage pumpout station" means a mechanical device, fixed or portable, generally stationed on a dock, pier, float, barge, vessel or other location convenient to boaters, designed to remove sewage waste from Type III marine sanitation devices (holding tanks) installed onboard vessels.

"State parks" means the operating arm of the Washington state parks and recreation commission, which is responsible for implementation of commission programs established pursuant to statute or policy.

"Type III marine sanitation device" (holding tank) means any equipment for installation onboard a vessel which is specifically designed to receive, retain, and discharge sewage.

NEW SECTION

WAC 352-76-030 Eligible applicants. The commission may award funding to the owner(s) of public, tribal or private marinas, boat launches, boater destination sites, marine service enterprises, and to schools, public agencies, and boating and environmental organizations.

NEW SECTION

WAC 352-76-040 Eligible activities. (1) Subject to any limitations imposed by the director pursuant to WAC 352-76-050(2), eligible activities may include:

- (a) Construction/renovation of facilities including floating restrooms in the water, not connected to land or structures connected to the land used solely by boaters.
- (b) Any activity necessary to hold and transport sewage to sewage treatment plants, such as holding tanks, piping, and haulage costs.
- (c) Any activity necessary to get sewage treatment plants to accept sewage, such as installing bleed-in facilities.
- (d) Education/information program to educate/inform the following audiences about the environmental pollution problems resulting from sewage discharges from recreational vessels, to inform them of the location of pumpout and dump stations, and to encourage environmentally responsible behaviors:
 - (i) Boat owners and operators;
 - (ii) Marina owners and operators;
 - (iii) Sewage treatment plant owners and operators;
 - (iv) Federal, state and local governmental authorities and organizations;
 - (v) Boating supply and retailers; and
 - (vi) The general public.
- (2) The following activities are ineligible:
 - (a) Activities that do not provide public benefits.
 - (b) Enforcement activities.
 - (c) Construction/renovation of upland restroom facilities.
 - (d) Construction/renovation, operation and maintenance of on-site sewage treatment plants, such as package treat-

ment plants and septic systems, and of municipal sewage treatment plants for primary and secondary treatment.

NEW SECTION

WAC 352-76-050 Limitations on the availability and use of funds. (1) The director may establish limitations on the availability and use of clean vessel project funds for a funding application period when the director believes that doing so would assist the commission in providing for an efficient network of boater sewage disposal facilities and/or an effective boater education and information program. Any limitations shall be defined in the application package for each funding period. The director shall establish such limitations only after considering the following:

- (a) Consistency with the *Comprehensive Plan for Boat Sewage Disposal for Washington State*.
- (b) Availability of funds.
- (c) Advice from the commission's "boating environmental committee."
- (d) Information which identifies emerging technology, user trends, public education opportunities or other studies or data which can direct the proper disposal of boater sewage.

Limitations established by the director shall be confined to those set forth in subsections (2) through (5) of this section.

- (2) Eligible activities. For each funding period the director shall determine which activities specified in WAC 352-76-040 shall be eligible for project funding, and shall determine the amount of project funding to be allocated to each category of activity.
- (3) Cost sharing. The director may determine that applicants be required to make a matching contribution to be eligible for funding.
- (4) Allowable costs. The director may limit the amount of funding available for any element(s) of a project including but not limited to; design, engineering and consultant fees, construction, equipment, floats or other related appurtenances, and applicant staff costs.
- (5) Fees charged. A maximum of a five-dollar fee may be charged per use, with no justification, for use of pumpout facilities constructed with grant funds. If higher fees are charged, they must be justified to the director before the proposal can be approved. Such proceeds shall be retained, accounted for, and used by the operator to defray operation and maintenance costs as long as the facility is needed and it serves its intended purpose. The maximum fee shall be evaluated for inflation each year.

NEW SECTION

WAC 352-76-060 Application process. In order to be considered by the commission for receipt of clean vessel project funding an eligible applicant must:

- (1) Complete an application form prescribed by the director and file the application on or before the filing date set by the director in the application package.
- (2) Provide a statement of intent from the governing body of the requesting public entity or private entity that the necessary matching funds will be made available for the project as described in the application and that project funding will be accepted on a reimbursement basis.

(3) Agree to all the terms and conditions established in this chapter and as specified in the project contract.

NEW SECTION

WAC 352-76-070 Project selection. The selection criteria and the selection process which will be used by the commission in the review and disbursement of clean vessel project funds are as follows:

(1) Selection criteria. The director shall select any or all of the following criteria in evaluating applications for project funding. The appropriate criteria shall be identified in the application packet. Each proposal must be compatible with the comprehensive plan for boat sewage disposal for Washington state.

(a) Proposals that provide for public/private partnership efforts to develop and operate sewage pumpout and dump stations;

(b) Proposals for innovative ways to increase the availability and use of pumpout and dump stations, e.g., where private parties put in more than the minimum amount;

(c) Proposals that include an education/information component;

(d) Proposals that benefit the waters most likely to be affected by the discharge of sewage from vessels, including the waters as defined in the technical guidelines as published in the *Federal Register*, 59 *Federal Register* 11299;

(e) Proposals in areas with high vessel/pumpout or dump station ratios;

(f) Proposals which show consideration for the economics of installation or implementation to provide greatest cost benefit ratio;

(g) Proposals which can demonstrate their feasibility for construction or implementation;

(h) Proposals which contribute to the statewide network of facilities or programs in terms of proximity to existing facilities and geographic balance.

(2) Selection process.

(a) Applications will be reviewed by state parks staff to determine eligibility and consistency with the requirements of this chapter.

(b) The director will receive and consider the recommendations of the boating environmental committee and will present final recommendations to the commission.

(c) The commission retains the authority and the responsibility to make the final decision concerning the funding of a project.

NEW SECTION

WAC 352-76-080 Conditions on use of funds. The following conditions apply to the use of clean vessel project funds.

(1) Project contract. For every funded project a contract must be executed by the director or designee on behalf of the commission and by the funding recipient. The funding recipient may not proceed with the project until the contract has been executed by both parties.

(2) Design criteria. The funding recipient shall ensure that design and installation of the facilities are in accordance with the technical standards provided by state parks.

(3) Signage. A state or national symbol provided by state parks shall be installed to be clearly visible to direct

boaters entering the facility to sewage pumpout and dump stations. Appropriate information shall be installed at sewage pumpout and dump stations. Such information shall indicate fees, restrictions, hours of operation, operating instructions, and a contact name and telephone number if the facility is inoperable. State parks will identify required wording.

(4) Public access. All recreational vessels must have access to sewage pumpout and dump stations funded under this grant program. Facilities shall be operated, maintained, and continue to be reasonably accessible to all recreational vessels for the full period of their useful life.

(5) Operation and maintenance. All facilities funded under this program shall be operated and maintained by the funding recipient for the full period of their useful life. All structures and related assets are to be used for their stated purpose.

(6) Reporting requirements. The funding recipient shall submit the reports required by state parks as directed in the funding contract.

(7) Compliance with state and federal laws, regulations, and policies. In accepting project funding, the funding recipient must agree to and certify compliance with all applicable federal and state laws, regulations and policies.

(8) Accountability. Funding recipients shall maintain accurate accounting records on the expenditure of project funds, provide state parks with these records consistent with the agreement or upon request, and permit state parks to audit the use of funds in accordance with generally accepted audit practices and standards. State parks reserves the right to terminate its participation in any program which fails to perform according to the requirements of this chapter.

**WSR 94-10-071
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION**

[Filed May 3, 1994, 3:38 p.m.]

Original Notice.

Title of Rule: Amending WAC 480-35-040, 480-35-080, 480-35-090, 480-35-100, 480-35-110, and 480-35-120 relating to limousine charter party carriers: Applications; operation of motor vehicles; equipment; registered carrier requirements; registration of interstate authority; and identification decals. Docket No. TL-940124.

Purpose: These rule changes are designed to bring state regulation into conformity with the requirements of the federal base state registration process; to update references to regulations; and to clarify language.

Statutory Authority for Adoption: RCW 80.01.040.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Steve McLellan, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA, (206) 753-6451.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: No comments or recommendations are

submitted because the proposal is pursuant to legislative authorization in RCW 80.01.040.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposal would modify existing WAC 480-35-040 by deleting from subsection (1) the requirement that applications be notarized and from subsection (2) the fee for registrations. The fee will no longer be assessed due to the new federally-mandated base state registration process; this proposal would modify existing WAC 480-35-080 by amending subsection (2) to indicate the most current edition of Title 49, Code of Federal Regulations (CFR), adopted by reference, and by adding language to more clearly define those carriers who are to be considered exempt from certain portions of those CFRs. Additionally subsection (3) is also modified to indicate adoption of the most current edition of the CFRs. Subsection (4) gives the codified reference to a state statute; this proposal would modify existing WAC 480-35-090, by amending subsection (1) to delete exemptions from various subsections of Title 49 CFR, by adopting the most current edition of the CFRs, and by adding exemptions from various CFRs for those persons operating light weight vehicles. In addition subsection (3) was added to indicate where and how copies of the CFRs could be obtained by members of the public; this proposal would modify existing WAC 480-35-100 by deleting all prior provisions related to registration of interstate authority and adopting in its place language which implements the federally-mandated base state registration process. The changes are necessary to conform with federal registration requirements; this proposal would modify existing WAC 480-35-110 to conform with the requirements of the federally-mandated base state registration process; and this proposal would modify existing WAC 480-35-120 by amending the rule to clearly state that only carriers operating exclusively in intrastate commerce will be required to display identification decals.

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

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

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, on June 8, 1994, at 9:00 a.m.

Submit Written Comments to: Steve McLellan, Secretary, P.O. Box 47250, Olympia, WA 98504-7250, by May 25, 1994.

Date of Intended Adoption: June 8, 1994.

May 3, 1994
Steve McLellan
Secretary

AMENDATORY SECTION (Amending Order R-312, Docket No. TL-2294, filed 11/13/89, effective 12/14/89)

WAC 480-35-040 Applications. (1) All applications for certificates or registration shall be on forms to be furnished by the commission, giving all information therein requested, (~~sworn to before a notary~~) certified, and accompanied by a filing fee named in subsection (2) of this section.

(2) Miscellaneous fees:

Original application for certificate	\$150.00
Application for extension of certificate	150.00
Application to sell, lease, mortgage, or transfer a certificate	150.00
Application for issuance of duplicate certificate	5.00
(Application for registration	25.00)

(3) All applications for the issuance of a duplicate certificate must be accompanied by affidavit of the holder thereof setting forth that the original certificate has been lost or destroyed.

(4) Remittances shall be made by money order, bank draft, or check made payable to the Washington utilities and transportation commission.

AMENDATORY SECTION (Amending Order R-312, Docket No. TL-2294, filed 11/13/89, effective 12/14/89)

WAC 480-35-080 Operation of motor vehicles. (1)

All motor vehicles shall be operated in accordance with the requirements of existing state laws and no chauffeur or operator thereof shall operate the same in any other than a careful and prudent manner, nor at any greater speed than is reasonable or proper, having due regard to the traffic and use of the highway by others, or so as to endanger the life and limb of any person.

(2) Qualifications of chauffeurs—Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, Part 383, Part 391, excluding paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b) (~~as well as and including all appendices and amendments thereto~~), in effect on January 1, (~~1989~~) 1994, are adopted and prescribed by the commission to be observed by all limousine charter party carriers of passengers operating under chapter (~~283, Laws of 1989~~) 81.90 RCW, except for, to those limousine charter party carriers operating exclusively in intrastate commerce:

(a) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to the effective date of this rule.

(b) With respect to the limited exemptions prescribed in sections 391.65 and 391.71, the time periods identified in these sections shall have as a starting date the effective date of this rule.

(3) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States Department of Transportation in Title 49, code of Federal Regulations, Part 395, (~~as well as and including all appendices and amendments thereto~~) in effect on January 1, (~~1989~~) 1994, are adopted and prescribed by the commission to be observed by all limousine charter party carriers of passengers operating under chapter (~~283, Laws of 1989~~) 81.90 RCW.

(4) Accidents occurring in this state arising from or in connection with the operations of any limousine charter party carrier of passengers operating under chapter (~~283, Laws of 1989~~) 81.90 RCW, resulting in an injury to any person, or

the death of any person shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at the following numbers: 1-800-562-6150; or if the call is made from out of the state: 1-206-586-1119. Copies of written reports of all accidents, including those described in this subsection, shall be maintained in the main office of the carrier subject to inspection by the commission.

(5) Whenever the designations "director, office of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsections (2) and (3) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

AMENDATORY SECTION (Amending Order R-312, Docket No. TL-2294, filed 11/13/89, effective 12/14/89)

WAC 480-35-090 Equipment—Safety. In addition to other laws and regulations of this state, all motor vehicles operating under chapter ((283, Laws of 1989)) 81.90 RCW, shall comply with the following:

(1) Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing motor carrier safety prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, Part ((390.17, Part)) 392, ((excluding paragraph (e) of section 392.1;)) Part 393, ((excluding paragraph (b) of section 393.1, and sections 393.13, 393.14, 393.15, 393.16, 393.76, 393.100, 393.102, 393.104, 393.106;)) Part 396, ((except that with respect to section 396.11 no driver vehicle inspection report need be filed if no defects are found, and excluding paragraph (b) of section 396.1; Part 397, excluding section 397.21 and paragraph (e) of section 397.1;)) as well as and including all appendices and amendments thereto, in effect on January 1, ((1989)) 1994, are adopted and prescribed by the commission to be observed by all limousine charter party carriers of passengers operating under chapter ((283, Laws of 1989)) 81.90 RCW. Exception: Limousine charter party carriers operating exclusively in intrastate commerce shall not be subject to those provisions of Parts 392, 393 and 396 which are specifically applicable to heavy vehicles (over 10,000 gross vehicle weight) or to buses with seating capacity greater than sixteen passengers (excluding the driver).

(2) Whenever the designations "director, office of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (1) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

(3) The federal rules referenced in this chapter are available for inspection at the utilities and transportation branch of the Washington state library, located in conjunction with the commission's headquarters office. Copies may be obtained upon request from the secretary of the commis-

sion, subject to any pertinent charge. Copies may also be obtained from the United States government printing office, which operates a retail sales facility in Seattle, Washington.

AMENDATORY SECTION (Amending Order R-312, Docket No. TL-2294, filed 11/13/89, effective 12/14/89)

WAC 480-35-100 Registered carriers. (1) ~~((Carriers engaged exclusively in interstate or foreign commerce are declared to be registered carriers. Those operating under authority issued by the Interstate Commerce Commission shall have their registration number prefixed by "L." Registered carriers need only comply with such rules and regulations as specifically refer to them or to equipment operated exclusively in interstate commerce across or between points in the state and points outside of the state.~~

~~(2) By reference, the Washington utilities and transportation commission hereby adopts the rules promulgated by the National Association of Regulatory Utility Commissioners and adopted by the Interstate Commerce Commission under P.L. 89-170 and codified as Part 1023 of Title 49, Code of Federal Regulations.~~

~~(3) Registered carriers shall meet insurance requirements by filing with the Washington utilities and transportation commission a certificate of insurance or complying with the requirements of WAC 480-35-060.) It shall be unlawful for a carrier operating under authority issued by the Interstate Commerce Commission to operate a vehicle in interstate commerce on the public roads of this state without having first secured valid insurance as required by the Interstate Commerce Commission, registered with a base state as required in 49 CFR Part 1023, paid the required Washington state registration fee for that vehicle, and without having in the vehicle a legible receipt showing base state registration. The receipt shall be subject to inspection at all times by law enforcement agents and the commission's representatives.~~

~~(2) The registration fee for registered carriers in Washington state is ten dollars for each vehicle operated within the state.~~

~~(3) Washington based carriers. Washington is a participant in the base state insurance registration program established in 49 USC § 11506 and 49 CFR Part 1023. Any carrier whose base state as defined in federal regulation is Washington state shall register for interstate operations as follows:~~

~~(a) Between August 1 and November 30 of each year, each such Washington-based interstate carrier shall apply to the commission to register for the following year.~~

~~(b) The registering carrier shall state the number of vehicles to be operated in each participating state, provide other required information, and submit the registration fee established by that state for each such vehicle.~~

~~(c) The commission within thirty days will provide to the carrier a receipt or receipts showing, at a minimum, the carrier's name and address, its ICC permit number, and the names of the states for which it has registered.~~

~~(d) The carrier shall place a receipt or an authorized copy in each vehicle for which it has paid the required fee.~~

~~(e) Any Washington-based carrier that begins interstate operations in a state for which it has not registered may register for that state at any time, stating the number of vehicles to be operated in each state and submitting the~~

required information and registration fee for each vehicle. The commission will provide a new receipt, if the carrier has not previously registered, or a supplemental receipt, if it has registered, showing the states for which the carrier has registered.

AMENDATORY SECTION (Amending Order R-312, Docket No. TL-2294, filed 11/13/89, effective 12/14/89)

WAC 480-35-110 Registration of interstate authority. (1) It shall be unlawful for any limousine charter party carrier of passengers to perform ~~((a)) interstate transportation service for compensation upon the public ((highways)) roadways~~ of this state without first having secured appropriate authority from the Interstate Commerce Commission, if such authority is required, and without ~~((first having registered such authority, if any, with the commission))~~ possessing valid insurance and valid evidence that it has registered as specified in these rules.

(2) Such registration shall be granted upon application, without hearing, upon payment of the appropriate filing fee. ~~((Applications to register ICC operating authority with the commission shall be accompanied by the fee of twenty five dollars for limousine charter party carriers of passengers who have not previously filed currently effective applications for such registration.))~~

AMENDATORY SECTION (Amending Order R-326, Docket No. TL-900359, filed 8/10/90, effective 9/10/90)

WAC 480-35-120 Identification decals—Intrastate limousine charter party carrier operations. (1) For the purpose of identification and information of the public, all motor vehicles, except short-term substitute or emergency vehicles, while being operated in intrastate commerce under certificate, shall have displayed on the vertical surface of the left side of the rear bumper, in the proximity of the license plate, a reflectorized decal to be issued by the Washington utilities and transportation commission. In the event a certificate is revoked or canceled or the equipment sold, the carrier shall immediately remove the decal from its vehicle or vehicles.

(a) Where a vehicle is permanently substituted for one that has been destroyed or has been permanently withdrawn from ownership or possession of the permittee, a replacement decal must be purchased and displayed as shown above. Cost of the replacement decal shall be three dollars.

(b) Permittees shall be allowed to rent or lease vehicles to meet short-term or emergency situations of thirty days or less. In these cases, a copy of the rental or lease agreement must be carried within the vehicle. In addition, an unassigned cab card displaying proof of payment of regulatory fees and a temporary decal shall be obtained from the commission. The unassigned cab card must be carried in the vehicle and the temporary decal must be displayed in the lower right corner of the windshield. The regulatory fee for this purpose shall be twenty dollars and the cost of the decal shall be three dollars.

(2) An application for a sufficient number of decals shall be filed with the commission, accompanied by the necessary decal and regulatory fee. New decals shall be issued each year and the cost of the decal shall be three dollars.

(3) The annual regulatory fee shall be established by general order of the commission before November 1 of any year when circumstances so require, but the fee shall not exceed the cost of supervising and regulating such carrier.

(4) The annual decal and regulatory fee shall be collected from each limousine charter party carrier holding a certificate ~~((as well as each carrier registered with the commission and such)).~~ The fee shall be due and payable on or before December 31 of each year, to cover the ensuing year beginning February 1.

**WSR 94-10-072
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION**

[Filed May 3, 1994, 3:40 p.m.]

Original Notice.

Title of Rule: Amending WAC 480-40-070, 480-40-075, 480-40-110, 480-40-120, and 480-40-130 relating to passenger charter carriers: Operation of motor vehicles; equipment; registered carrier requirements; registration of interstate authority; and identification cards. Repealing WAC 480-40-140 relating to cab cards. Docket No. TC-940125.

Purpose: These rule changes are designed to bring state regulation into conformity with the requirements of the federal base state registration process; to adopt by reference a portion of the Code of Federal Regulations in WAC 480-40-070, as required by federal regulation; and to correct a typographical error in WAC 480-40-085.

Statutory Authority for Adoption: RCW 80.01.040.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Steve McLellan, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA, (206) 753-6451.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: No comments or recommendations are submitted because the proposal is pursuant to legislative authorization in RCW 80.01.040.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposal would modify existing WAC 480-40-070 by adopting by reference all of Title 49 Code of Federal Regulations (CFR) Part 382 and Part 391, including Subpart H. These parts relate to controlled substance use and alcohol use testing requirements established for drivers of commercial vehicles. Adoption of these parts is required to comply with federal regulations. In addition subsection (6) was added to indicate where and how copies of the CFRs could be obtained by members of the public; this proposal would modify existing WAC 480-40-075 by correcting a typographical error in subsection (1). The part adopted should be Part 396 (vehicle safety requirements) rather than Part 397 (hazardous materials regulations). Further amends subsection (1) by eliminating exemption from periodic inspection of vehicles and certification of inspectors. The

amendment is required to conform with federal standards; this proposal would modify existing WAC 480-40-110 by deleting previous language related to interstate registration and adopting in its place language to implement the federally-mandated base state registration process; this proposal would modify existing WAC 480-40-120 to implement the federally-mandated base state registration process. The amendment requires interstate carriers to provide evidence of valid insurance; this proposal would modify existing WAC 480-40-130 to establish a method for assessing regulatory fees to carriers operating exclusively in intrastate commerce; and this proposal would repeal existing WAC 480-40-140. Due to the base state registration program, the commission will no longer issue identification cab cards.

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

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

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, on June 8, 1994, at 9:00 a.m.

Submit Written Comments to: Steve McLellan, Secretary, P.O. Box 47250, Olympia, WA 98504-7250, by May 25, 1994.

Date of Intended Adoption: June 8, 1994.

May 3, 1994
Terrance Stapleton
for Steve McLellan
Secretary

AMENDATORY SECTION (Amending Order R-357, Docket No. TC-900481, filed 12/31/91, effective 1/31/92)

WAC 480-40-070 Operation of motor vehicles. (1) All motor vehicles shall be operated in accordance with the requirements of existing state laws and no driver or operator thereof shall operate the same in any other than a careful and prudent manner, nor at any greater speed than is reasonable or proper, having due regard to the traffic and use of the highway by others, or so as to endanger the life and limb of any person.

(2) Qualifications of drivers. Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, ~~((part)) parts 382, 383 and ((part 391.1 through part 391.71)) 391, excluding paragraphs (a) and (b) of section 391.2, are adopted and prescribed by the commission to be observed by all charter party carriers or excursion service carriers of passengers operating under chapter 81.70 RCW except relating to those carriers operating exclusively in intrastate commerce:~~

(a) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to the effective date of this rule.

(b) With respect to the limited exemptions prescribed in section ~~((s)) 391.65 ((and 391.71)),~~ the time periods identified in ~~((these))~~ this section ~~((s))~~ shall have as a starting date the effective date of this rule.

(3) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 395, are adopted and prescribed by the commission to be observed by all charter party carriers or excursion service carriers of passengers operating under chapter 81.70 RCW.

(4) Accidents occurring in this state arising from or in connection with the operations of any charter party carrier or excursion service carrier of passengers operating under chapter 81.70 RCW resulting in an injury to any person, or the death of any person shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at the following numbers: 1-800-562-6150; or if the call is made from out of the state: 1-206-586-1119. Copies of written reports of all accidents, including those described in this section, shall be maintained in the main office of the carrier subject to inspection by the commission.

(5) Whenever the designations "director, office of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsections (2) and (3) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

(6) The federal rules referenced in this chapter are available for inspection at the utilities and transportation branch of the Washington state library, located in conjunction with the commission's headquarters office. Copies may be obtained upon request from the secretary of the commission, subject to any pertinent charge. Copies may also be obtained from the United States government printing office, which operates a retail sales facility in Seattle, Washington.

AMENDATORY SECTION (Amending Order R-357, Docket No. TC-900481, filed 12/31/91, effective 1/31/92)

WAC 480-40-075 Equipment—Safety. In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.70 RCW shall comply with the following:

(1) Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing motor carrier safety prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 392, part 393, and part ~~((397)) 396 are adopted and prescribed by the commission to be observed by all charter party carriers or excursion service carriers of passengers operating under chapter 81.70 RCW. Exception: All passenger charter carriers or excursion service carriers of passengers operating exclusively in intrastate commerce shall be exempt from the provisions of sections 392.2((;)) and 393.76((,-396.17 through 396.23, and 397.24)). Further, with respect to section 396.11, no driver vehicle inspection report need be filed if no defects are found.~~

(2) Whenever the designations "director, office of motor carrier safety," "director, regional motor carrier safety

office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (1) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

AMENDATORY SECTION (Amending Order R-329, Docket No. T-900076, filed 10/31/90, effective 12/1/90)

WAC 480-40-110 Registered carriers. (1) ~~((Carriers engaged exclusively in interstate or foreign commerce are declared to be registered carriers. Those operating under authority issued by the Interstate Commerce Commission shall have their registration number prefixed by "CH" for charter or "ES" for excursion. Registered carriers need only comply with such rules and regulations as specifically refer to them or to equipment operated exclusively in interstate commerce across or between points in the state and points outside of the state.~~

~~(2) By reference, the Washington utilities and transportation commission hereby adopts the rules promulgated by the National Association of Regulatory Utility Commissioners and adopted by the Interstate Commerce Commission under PL 89-170 and codified as part 1023 of Title 49, Code of Federal Regulations.~~

~~(3) Registered carriers may meet insurance requirements by filing with the Washington utilities and transportation commission a certificate of insurance.)) It shall be unlawful for a carrier operating under authority issued by the Interstate Commerce Commission to operate a vehicle in interstate commerce on the public roads of this state without having first secured valid insurance as required by the Interstate Commerce Commission, registered with a base state as required in 49 CFR Part 1023, paid the required Washington state registration fee for that vehicle, and without having in the vehicle a legible receipt showing base state registration. The receipt shall be subject to inspection at all times by law enforcement agents and the commission's representatives. In the alternative, the carrier shall first purchase a valid trip permit as provided in WAC 480-40-130.~~

~~(2) The registration fee for registered carriers in Washington state is ten dollars for each vehicle operated within the state.~~

~~(3) Washington based carriers. Washington is a participant in the base state insurance registration program established in 49 USC § 11506 and 49 CFR Part 1023. Any carrier whose base state as defined in federal regulation is Washington state shall register for interstate operations as follows:~~

~~(a) Between August 1 and November 30 of each year, each such Washington-based interstate carrier shall apply to the commission to register for the following year.~~

~~(b) The registering carrier shall state the number of vehicles to be operated in each participating state, provide other required information, and submit the registration fee established by that state for each such vehicle.~~

~~(c) The commission within thirty days will provide to the carrier a receipt or receipts showing, at a minimum, the carrier's name and address, its ICC permit number, and the names of the states for which it has registered.~~

(d) The carrier shall place a receipt or an authorized copy in each vehicle for which it has paid the required fee.

(e) Any Washington-based carrier that begins interstate operations in a state for which it has not registered may register for that state at any time, stating the number of vehicles to be operated in each state and submitting the required information and registration fee for each vehicle. The commission will provide a new receipt, if the carrier has not previously registered, or a supplemental receipt, if it has registered, showing the states for which the carrier has registered.

AMENDATORY SECTION (Amending Order R-329, Docket No. T-900076, filed 10/31/90, effective 12/1/90)

WAC 480-40-120 Registration of interstate authority. (1) It shall be unlawful for any charter party carrier or excursion service carrier of passengers to perform ((a)) any interstate transportation service for compensation upon the public highways of this state without first having secured appropriate authority from the Interstate Commerce Commission, if ((such)) that authority is required, and without ((first having registered such authority, if any, with the commission)) possessing valid insurance and valid evidence that it has registered as specified in these rules.

~~(2) Such registration shall be granted upon application, without hearing, upon payment of the appropriate filing fee. ((Applications to register ICC operating authority with the commission shall be accompanied by the fee of twenty five dollars for charter party carriers or excursion service carriers of passengers who have not previously filed currently effective applications for such registration.))~~

AMENDATORY SECTION (Amending Order R-329, Docket No. T-900076, filed 10/31/90, effective 12/1/90)

WAC 480-40-130 ((Identification cards.)) Regulatory fees—Receipt—Intrastate passenger charter carriers and excursion service carriers. (1) ~~((No motor vehicle operated by a charter party carrier or excursion service carrier of passengers upon the highways of this state shall be so operated without having available within the vehicle a valid identification card properly signed and with appropriate stamp affixed or equivalent thereof. Such identification card shall be subject to inspection by the commission's representatives at all times.~~

~~(2) An application for sufficient number of identification stamps shall be filed with the commission, accompanied by the necessary stamp and regulatory fee. The cost of the stamp shall be three dollars.~~

~~(3) The annual regulatory fee shall be established by general order of the commission but not to exceed the cost of supervising and regulating such carriers. Such fee shall be collected annually from each charter party carrier and excursion service carrier holding a certificate and from each interstate or foreign carrier subject to chapter 81.70 RCW.~~

~~(4) In lieu of the payment of a full regulatory fee for each vehicle operated upon the public highways of the state of Washington, the regulatory fee may, at the request of the carrier, be paid on the basis of the following option:~~

~~Lump sum regulatory fee payment. Carriers who operate fleets in excess of fifty motor power vehicles upon the public highways of the state of Washington may elect to~~

~~pay a lump sum regulatory fee based on the number of vehicles operated during the previous year, at the regulatory fee established by general order of the commission.~~

~~(5)) Every passenger charter carrier or excursion service carrier operating in intrastate commerce shall pay an annual regulatory fee as established by general order of the commission, but not to exceed the cost of supervising and regulating such carriers. Such fee shall be collected annually from each passenger charter carrier and excursion service carrier holding a certificate.~~

~~(2) Passenger charter carriers and excursion service carriers operating in intrastate commerce shall state the number of vehicles operated in this state, provide other required information and submit appropriate fees.~~

~~(3) Upon payment of annual regulatory fees, a receipt will be issued to the passenger charter carrier or excursion service carrier. The receipt will authorize passenger charter carriers or excursion service carriers to operate over the public roadways of this state. The receipt shall be subject to inspection by the commission's representatives at the carrier's principal place of business.~~

~~(4) Charter party carriers or excursion service carriers of passengers engaged exclusively in casual or occasional interstate or foreign commerce across or between points in the state and points outside the state may, as an alternative to all other requirements of this chapter, obtain a single trip transit permit, valid for ten days authorizing one trip, entering or across the state. This permit will be issued upon payment of a fee of ten dollars. The carrier must provide the name and policy number or binder of the insurance company with whom the carrier has insurance which meets the provisions of WAC 480-40-040.~~

~~((6) No refund will be made on unused stamps.~~

~~(7) Any "lost stamps" will be replaced only at full stamp and regulatory fee: *Provided, however, That in unusual circumstances the commission may, by order, waive all or a portion of the replacement cost.*~~

~~(8) Each carrier shall obtain from the Washington utilities and transportation commission or from the National Association of Regulatory Utility Commissioners a sufficient number of blank identification cab cards to satisfy its requirements.~~

~~(9) All identification cab cards and stamps issued for a particular calendar year expire January 31 of each succeeding year. However, a stamp may be issued for the ensuing calendar year on or after the first day of October preceding, and may be used from the date of issue.~~

~~(10) An identification cab card may be reassigned to a substitute vehicle (power unit) only when the original vehicle has been destroyed or is being permanently withdrawn from the ownership or possession of the permittee.)~~ (5) All receipts issued for a particular calendar year expire December 31 of each succeeding year. However, a receipt may be issued for the ensuing calendar year on or after the first day of October preceding, and may be used from the date of issue.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 480-40-140 Cards—Return required—Loss of—Improper use of cards or stamps.

WSR 94-10-073
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed May 4, 1994, 8:08 a.m.]

Original Notice.

Title of Rule: Commercial fishing rules.

Purpose: Amend coastal bottomfish harvest rules.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: Sets bottomfish (groundfish) limits to reflect harvest rules set for offshore waters by the Pacific Fisheries Management Council.

Reasons Supporting Proposal: Bottomfish conservation and economic well being of the industry.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 600 Capitol Way, Olympia, 902-2930; Implementation: Mary Lou Mills, 600 Capitol Way, Olympia, 902-2834; and Enforcement: Dayna Matthews, 600 Capitol Way, Olympia, 902-2927.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposal involves harvest of bottomfish in coastal and offshore waters. It sets trip and cumulative limits and implements the coastal groundfish limited entry fishery enacted by the Secretary of Commerce.

Proposal Changes the Following Existing Rules: Sets new harvest limits and qualifications for participation.

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

The total number of licensed vessels participating in the coastal bottomfish fishery is approximately 350 (information provided by Marine Fish/Shellfish Division). The total number of licensees in 1993 for all commercial fisheries was approximately 6,300. This proposal does not affect 10% of the businesses in any one three-digit industrial classification nor 20% of all small businesses.

Hearing Location: Conference Room, Natural Resources Building, 1111 Washington Street, Olympia, on June 7, 1994, at 1:00 p.m.

Submit Written Comments to: Hearings Officer, Department of Fish and Wildlife, 600 Capitol Way, Olympia, 98501, by June 6, 1994.

Date of Intended Adoption: June 7, 1994.

April 29, 1994
 Robert Turner
 Director

AMENDATORY SECTION (Amending Order 93-16, filed 3/22/93, effective 4/22/93)

WAC 220-44-050 Coastal bottomfish catch limits.

It is unlawful to possess, transport through the waters of the state, or land in any Washington state port bottomfish taken from Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area 29 or Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the species indicated. All weights are in round pounds:

(1) The following definitions apply to this section:

(a) ~~((Fixed two week fishing period. Each of the following is defined as a fixed, two week fishing period (hours given are on a 24 hour basis):~~

- ~~0001 hours January 1 to 2400 hours January 12;~~
- ~~0001 hours January 13 to 2400 hours January 26;~~
- ~~0001 hours January 27 to 2400 hours February 9;~~
- ~~0001 hours February 10 to 2400 hours February 23;~~
- ~~0001 hours February 24 to 2400 hours March 9;~~
- ~~0001 hours March 10 to 2400 hours March 23;~~
- ~~0001 hours March 24 to 2400 hours April 6;~~
- ~~0001 hours April 7 to 2400 hours April 20;~~
- ~~0001 hours April 21 to 2400 hours May 4;~~
- ~~0001 hours May 5 to 2400 hours May 18;~~
- ~~0001 hours May 19 to 2400 hours June 1;~~
- ~~0001 hours June 2 to 2400 hours June 15;~~
- ~~0001 hours June 16 to 2400 hours June 29;~~
- ~~0001 hours June 30 to 2400 hours July 13;~~
- ~~0001 hours July 14 to 2400 hours July 27;~~
- ~~0001 hours July 28 to 2400 hours August 10;~~
- ~~0001 hours August 11 to 2400 hours August 24;~~
- ~~0001 hours August 25 to 2400 hours September 7;~~
- ~~0001 hours September 8 to 2400 hours September 21;~~
- ~~0001 hours September 22 to 2400 hours October 5;~~
- ~~0001 hours October 6 to 2400 hours October 19;~~
- ~~0001 hours October 20 to 2400 hours November 2;~~
- ~~0001 hours November 3 to 2400 hours November 16;~~
- ~~0001 hours November 17 to 2400 hours November 30;~~
- ~~0001 hours December 1 to 2400 hours December 14;~~
- ~~0001 hours December 15 to 2400 hours December 31;~~

(b) ~~Fixed four week periods. Each of the following is defined as a fixed, four week fishing period (hours given are on a 24 hour basis):~~

- ~~0001 hours January 1 to 2400 hours January 26;~~
- ~~0001 hours January 27 to 2400 hours February 23;~~
- ~~0001 hours February 24 to 2400 hours March 23;~~
- ~~0001 hours March 24 to 2400 hours April 20;~~
- ~~0001 hours April 21 to 2400 hours May 18;~~
- ~~0001 hours May 19 to 2400 hours June 15;~~
- ~~0001 hours June 16 to 2400 hours July 13;~~
- ~~0001 hours July 14 to 2400 hours August 10;~~
- ~~0001 hours August 11 to 2400 hours September 7;~~
- ~~0001 hours September 8 to 2400 hours October 5;~~
- ~~0001 hours October 6 to 2400 hours November 2;~~
- ~~0001 hours November 3 to 2400 hours November 30;~~
- ~~0001 hours December 1 to 2400 hours December 31;~~

(e)) ~~Cumulative limit. A cumulative limit is the maximum amount of fish that may be taken and retained,~~

possessed or landed in a specified period of time, without a limit on the number of landings or trips. The cumulative limit includes all fish harvested by a vessel during the month, whether taken in limited entry or open access fisheries. Once a cumulative limit has been achieved, an operator may begin fishing on the next cumulative limit so long as the fish are not landed until after the beginning of the next cumulative limit.

~~((d))~~ (b) Vessel trip. A vessel trip is defined as having occurred upon the initiation of transfer of catch from a fishing vessel.

~~((e))~~ (c) 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))~~ (d) 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)) (e) Groundfish limited entry fishery - Fishing activity by a trawl, setline or bottomfish pot equipped vessel that has received a federal limited entry permit issued by the National Marine Fisheries Service endorsed for the qualifying gear type.

(f) Groundfish open access fishery - Fishing activity by a vessel equipped with setline or bottomfish pot gear that has not received a federal limited entry permit, or a vessel using gear other than trawl, setline or bottomfish pot gear.

(2) ~~((Widow rockfish (*Sebastes entomelas*)—Cumulative limit of 30,000 pounds in a fixed four week period. No minimum size. Unless the fishery for widow rockfish is closed, a vessel which has landed its four week cumulative limit may begin to fish on the cumulative limit for the next four week period, provided that the fish are not landed until the next four week period has commenced. If a closure or reduction in cumulative limit for widow rockfish occurs while a vessel is fishing, the vessel must cease fishing for widow rockfish and discard any catch or overage. Such discard is not wastage pursuant to RCW 75.12.120.~~

(3) ~~Shortbelly rockfish (*Sebastes jordani*)—no cumulative or vessel trip limit; no minimum size.~~

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

(5) ~~All other species of rockfish (includes all *Sebastes* spp. except Pacific Ocean perch, widow rockfish, shortbelly rockfish and thornyhead or idiot rockfish)—cumulative limit of 50,000 pounds per fixed two week period, of which no more than 8,000 pounds may be yellowtail rockfish (*Sebastes flavidus*). No minimum size. Unless the fishery for the *Sebastes* complex or yellowtail rockfish is closed, a vessel which has landed its two week cumulative limit may begin to fish on the cumulative limit for the next two week period, provided that the fish are not landed until the next two week period has commenced. If a closure or reduction in cumulative limit for the *Sebastes* complex or yellowtail rockfish occurs while a vessel is fishing, the vessel must cease~~

fishing for the Sebastes complex or yellowtail rockfish, and discard any catch or overage. Such discard is not wastage pursuant to RCW 75.12.120. The following limits apply to black rockfish (*Sebastes melanops*) taken with hook and line gear under this subsection:

(a) A vessel trip limit of 100 pounds or 30 percent of the total weight of fish aboard, whichever is greater, (including salmon, if the black rockfish are taken incidental to salmon trolling in Pacific Ocean waters), is established for those waters of the Strait of Juan de Fuca west of the mouth of the Sekiu River and Pacific Ocean waters south to Cape Alava (48°09'30" N. latitude) and Pacific Ocean waters between Destruction Island (47°40'00" N. latitude) and Leadbetter Point (46°38'10" N. latitude).

(b) Any vessel fishing in the waters set out in (a) of this subsection during any portion of a vessel trip is prohibited from retaining, possessing, or landing black rockfish in excess of 100 pounds or 30 percent of the total weight of fish on board, whichever is greater.

(6) Deepwater complex: Sablefish, Dover sole and thornyhead or idiot rockfish (*Sebastolobus* spp.) cumulative limit of 45,000 pounds per fixed two week period, of which no more than 20,000 pounds can be thornyhead rockfish. No minimum size for Dover sole or thornyhead [thornyhead] rockfish. Unless the fishery for the deepwater complex is closed, a vessel which has landed its two week cumulative limit may begin to fish on the cumulative limit for the next two week period, provided that the fish are not landed until the next two week period has commenced. If a closure or reduction in cumulative limit for the deepwater complex occurs while a vessel is fishing, the vessel must cease fishing for the deepwater complex and discard any catch or overage. Such discard is not wastage pursuant to RCW 75.12.120.

The following limits apply to sablefish taken under this subsection:

(a) Trawl vessels—No restrictions on landing up to 1,000 pounds per vessel trip. Landings above 1,000 pounds allowed only if sablefish represent 25 percent or less of the total combined round weight of the deepwater complex on board. To convert sablefish to round weight from dressed weight multiply the dressed weight by 1.6. Sablefish minimum size 22 inches in length, unless dressed in which case minimum size 15.5 inches in length from the anterior insertion of the first dorsal fin to the tip of the tail. Trawl vessels are allowed an incidental sablefish catch less than the minimum size of 5,000 pounds. This undersize sablefish incidental allowance is inclusive in the trip limit for the deepwater complex.

(b) Nontrawl vessels—250 pound (round weight) daily trip limit.

To convert to round weight from dressed weight multiply the dressed weight by 1.6.

(7) Pacific Whiting—0001 hours January 1 through 2400 hours April 14, no landings of more than 10,000 pounds (round weight) per vessel trip. No limit on the number of vessel trips:

(8)) Groundfish limited entry fishery limits:

(a) 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.

(b) Widow rockfish - Cumulative limit of 30,000 pounds. No minimum size.

(c) Shortbelly rockfish - No maximum poundage. No minimum size.

(d) Black rockfish - The vessel trip limit for black rockfish for commercial fishing vessels using hook-and-line gear between the U.S. Canada border and Cape Alava (48°09'30" N. latitude) and between Destruction Island (47°40'00" N. latitude) and Leadbetter Point (46°38'10" N. latitude), is 100 pounds (round weight) or 30 percent by weight of all fish on board including salmon, whichever is greater, per vessel trip.

(e) Yellowtail rockfish -

(i) North of Cape Lookout (45°20'15" N.) - Cumulative limit of 14,000 pounds. No minimum size.

(ii) South of Cape Lookout - Cumulative limit of 30,000 pounds provided the licensee has made a declaration as follows:

(A) The declaration must be made at least 12 hours prior to departing from port by telephoning the department Montesano office at (206) 249-4628, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday. The declarer will receive a declaration number from the department.

(B) The declaration must include: Vessel name; federal limited entry permit number; operator's name, phone number and address; anticipated date and port of departure; anticipated date and port of return.

(C) Phone declarations must be followed by a written declaration, signed by the operator and mailed or delivered to the Montesano office at 48A Devonshire Road, Montesano, WA 98563, prior to the day of departure. Forms are available at that office or from coastal processors.

(D) No fishing north of Cape Lookout is allowed after declaring for fishing south of Cape Lookout until the vessel has landed at a Washington or Oregon port and notified the Montesano office during business hours.

(iii) There is a maximum cumulative limit for landings from both north and south of Cape Lookout of 30,000 pounds.

(iv) Wholesale fish dealers purchasing any yellowtail rockfish caught south of Cape Lookout must enter the declaration number on the fish receiving ticket.

(f) DTS Complex - (sablefish, dover sole and thornyhead rockfish) - Cumulative limit of 50,000 pounds, of which no more than 30,000 pounds may be thornyhead rockfish.

The following limits apply to sablefish taken under this subsection:

(i) Trawl vessels - Cumulative limit of 12,000 pounds. Vessel trip limit of 1,000 pounds or 25 percent of the DTS complex, whichever is greater (the sablefish allowance equals .33 x the combined weight of dover sole and thornyhead rockfish). In the trip limit, no more than 5,000 pounds may be sablefish less than 22 inches in length. To convert sablefish from dressed weight to round weight, multiply the dressed weight by 1.6.

(ii) Nontrawl vessels - Vessel trip limit of 250 pounds (round weight). To convert round weight from dressed weight, multiply the dressed weight by 1.6.

(g) *Sebastes complex* - All other species of rockfish except Pacific Ocean perch, widow, shortbelly, thornyhead (*Sebastolobus* spp.) - Cumulative limit of 80,000 pounds. No minimum size. Black rockfish and yellowtail rockfish taken under other provisions of this section count as part of the *Sebastes complex*.

(h) Pacific Whiting - No vessel trip limit. No minimum size.

(3) Groundfish open access fishery limits:

(a) Rockfish.

(i) Vessel trip limit of 10,000 pounds. The vessel trip limit for black rockfish for commercial fishing vessels using hook-and-line gear between the U.S. Canada border and Cape Alava (48°09'30" N. latitude) and between Destruction Island (47°40'00" N. latitude) and Leadbetter Point (46°38'10" N. latitude), is 100 pounds (round weight) or 30 percent by weight of all fish on board including salmon, whichever is greater, per vessel trip.

(ii) Cumulative trip limit of 40,000 pounds of which no rockfish may exceed the cumulative limits for the limited entry fisheries.

(b) Sablefish - Daily trip limit of 250 pounds.

(4) It is unlawful for the operator of any vessel, including shrimp trawl vessels, during unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species a species or category of bottomfish having a cumulative limit, vessel trip limit, or a daily trip limit.

((9)) (5) The fishers copy of all fish receiving tickets showing landings of species provided for in this section must be retained aboard the landing vessel for 90 days after landing.

(6) The following rules apply to all vessels fishing with trawl gear, or having bottom fish and trawl gear aboard the vessel, and licensed by the state of Washington, except for vessels in continuous transit from outside the fisheries management boundary to a Washington state port:

(a) It is unlawful for any vessel, except a shrimp trawl vessel, to fish or possess bottomfish without having a limited entry permit valid for that vessel affixed with a gear endorsement for trawl gear.

(b) A shrimp trawl vessel is not required to have a limited entry permit, provided that the total round pounds weight of bottomfish aboard the vessel may not exceed thirty percent of the cumulative weight of the bottomfish and shellfish aboard. It is unlawful to retain more than 1,500 pounds per fishing day of any bottomfish species taken incidental to a shrimp trawl fishery in which ocean pink shrimp comprise more than one-half of the volume of shrimp aboard. It is unlawful to retain more than 1,000 pounds per fishing day of any bottomfish species taken incidental to a shrimp trawl fishery in which spot prawns comprise more than one-half of the volume of shrimp aboard. It is unlawful for any shrimp trawl vessel to exceed a cumulative or trip limit established for the groundfish limited entry fishery as applied to trawl vessels.

WSR 94-10-074

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed May 4, 1994, 9:35 a.m.]

Original Notice.

Title of Rule: Chapter 16-604 WAC, Public livestock markets—Health, brands, and weights and measures.

Purpose: Sets livestock market license fees, brand inspection regulations, and facilities requirements.

Statutory Authority for Adoption: Chapter 46, Laws of 1994.

Statute Being Implemented: Chapter 16.65 RCW.

Summary: Public livestock market license fees are increased to \$150 for markets with gross sales up to \$10,000; \$350 for markets with gross sales over \$10,000 and up to and including \$50,000; \$450 for markets with gross sales over \$50,000; and minimum daily inspection fee set at \$90/day.

Reasons Supporting Proposal: The livestock identification program is totally supported by fees. Increases are necessary at this time due to loss of interest on agricultural local funds, the administrative fund shift from general fund to local funds, and higher operating costs.

Name of Agency Personnel Responsible for Drafting: Christie O'Loughlin, 1111 S.E. Washington, Olympia, WA, (206) 902-1975; Implementation and Enforcement: Julie Sandberg, 1111 S.E. Washington, Olympia, WA, (206) 902-1850.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rule changes will enable the program to more effectively recover the costs of operation. Current fees do not cover expenditures necessary for legally required livestock identification programs.

Proposal Changes the Following Existing Rules: The rule changes raise fees to a level authorized by the 1994 legislature. Public livestock market license fees are increased and the daily minimum fee is increased from \$60 to \$90 when the per head inspection fee does not cover the cost.

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

An evaluation of the Regulatory Fairness Act guidelines for determination of minor or negligible impacts, Appendix A, reflects a \$300/year threshold for SIC Code 029.

Currently there are 16 public livestock market licensees in this state. One is in the category of gross sales volume less than \$10,000 with a proposed fee increase of \$50 per year, and all others are in the category of greater than \$50,000 gross sales volume. This fee increase is \$150 per year. These markets are represented on the Livestock Identification Advisory Board established by the 1993 legislature. Their representative, Washington Livestock Marketing Association, supports fee increases to enable the department to conduct brand inspection at public markets as a theft deterrent program.

Hearing Location: In Olympia, 1111 S.E. Washington, Room 259 NRB, on June 8, 1994, at 9:00 a.m.; and in

Yakima, Washington Department of Agriculture, 2015 South First Street, on June 7, 1994, at 1:30 p.m.

Submit Written Comments to: Julie C. Sandberg, P.O. Box 42560, Olympia, WA 98504-2560, by June 8, 1994.

Date of Intended Adoption: June 9, 1994.

May 4, 1994

Julie C. Sandberg
Assistant Director

NEW SECTION

WAC 16-604-008 License fees. License fees for individuals wishing to operate public livestock markets shall be based upon audited average gross sales volume per official sales day of that market. The fee schedule shall be established as follows:

(1) For markets producing gross sales up to and including ten thousand dollars a license fee of one hundred fifty dollars;

(2) For markets producing gross sales over ten thousand dollars up to and including fifty thousand dollars, a license fee of three hundred fifty dollars;

(3) For markets producing gross sales over fifty thousand dollars, a license fee of four hundred fifty dollars.

AMENDATORY SECTION (Amending WSR 92-06-013, filed 2/24/92, effective 3/26/92)

WAC 16-604-010 Brand inspection regulations. (1) All cattle and horses shall be inspected for brands by the director prior to sale at any public livestock market.

(2) A minimum daily inspection fee of ninety dollars shall be paid by the licensee to the department.

(3) Whenever any cattle or horses are offered for sale at a market and not sold, the identical animals may be offered for sale at the same market within eight days of the original inspection date without being required to pay a second brand inspection fee, upon presentation of the prior brand inspection certificate. In any such instance the unsold cattle or horses must be presented for brand inspection without any animals having been taken from, or other animals having been added to, such lot or group of livestock and must be retained on the premises where first offered for sale within the time limit specified above.

~~((3))~~ (4) It shall be the responsibility of the licensee to identify each head of cattle and horses consigned to a market by placing a numbered tag or other method of identification as approved by the director on each animal before the animals are brand inspected. Certain lots of one brand cattle or no brand cattle may be exempted by the director. The licensee or any consignor shall, at the request of the director, make visible any brand on any animal. The licensee shall provide the director with a sale ticket or sale sheet immediately after the animal is sold which shall show the name of the new buyer and the number identifying the animals.

~~((4)) Brand inspection facilities shall be approved by the director and shall consist of:~~

~~(a) A chute which has a solid base on each side of sufficient strength to contain cattle and horses at least twenty-four inches in height, but no more than thirty-six inches in height. Above the base on each side, the chute shall have wire cables extended along its entire length separated by six-inch intervals to a height of at least six feet.~~

~~The cables shall be attached to a vertical post every sixteen feet, alternated with a pipe or stay every eight feet for support and to ensure that the cables are maintained in a tight condition;~~

~~(b) The brand chute shall be kept well lit with shop, spot, or flood lights on both sides of the chute at a height of five feet above the highest cable. The lighting shall extend for a distance of three-fourths of the length of the chute beginning at the head of the chute;~~

~~(c) Electrical outlets for clippers at chutes;~~

~~(d) The brand inspection area shall be kept free of any leaking or water build-up of any kind and well covered by adequate roofing;~~

~~(e) The work area for brand inspectors on each side of the chute shall be protected from cattle and horses being unloaded or moved by fencing or any other permanent structure allowing at least thirty inches of work space along the length of the chute;~~

~~(f) An office shall be provided in the brand inspection area with dimensions of at least eight feet by ten feet. The office shall contain adequate heating and a counter approximately eighteen inches in width at a standing work level.)~~

(5) No person shall remove any cattle or horses from the premises of any market without first obtaining a release from the licensee. The licensee or any agent or employee of the licensee shall not allow the removal of any cattle or horses from the premises of the market without first obtaining a brand inspection clearance issued by the director for the cattle or horses to be removed.

NEW SECTION

WAC 16-604-012 Brand inspection facilities. Brand inspection facilities shall be approved by the director and shall consist of:

(1) A chute which has a solid base on each side of sufficient strength to contain cattle and horses at least twenty-four inches in height, but no more than thirty-six inches in height. Above the base on each side, the chute shall have wire cables extended along its entire length separated by six-inch intervals to a height of at least six feet. The cables shall be attached to a vertical post every sixteen feet, alternated with a pipe or stay every eight feet for support and to ensure that the cables are maintained in a tight condition;

(2) The brand chute shall be kept well lit with shop, spot, or flood lights on both sides of the chute at a height of five feet above the highest cable. The lighting shall extend for a distance of three-fourths of the length of the chute beginning at the head of the chute;

(3) Electrical outlets for clippers at chutes;

(4) The brand inspection area shall be kept free of any leaking or water build-up of any kind and well covered by adequate roofing;

(5) The work area for brand inspectors on each side of the chute shall be protected from cattle and horses being unloaded or moved by fencing or any other permanent structure allowing at least thirty inches of work space along the length of the chute;

(6) An office shall be provided in the brand inspection area with dimensions of at least eight feet by ten feet. The

office shall contain adequate heating and a counter approximately eighteen inches in width at a standing work level.

WSR 94-10-075
PROPOSED RULES
DEPARTMENT OF AGRICULTURE

[Filed May 4, 1994, 9:38 a.m.]

Original Notice.

Title of Rule: Chapter 16-620 WAC, Relating to brand inspection.

Purpose: Sets livestock registration and inspection fees and criteria.

Statutory Authority for Adoption: Chapter 46, Laws of 1994.

Statute Being Implemented: Chapter 16.57 RCW.

Summary: Advisory board terms of office and replacement procedures are established; fees are increased for horse and cattle brand inspection.

Reasons Supporting Proposal: The livestock identification program is self-supporting. Fees are increased due to loss of interest on agricultural local funds, fund shift for administrative costs from general to local funds and higher operating costs.

Name of Agency Personnel Responsible for Drafting: Christie O'Loughlin, 1111 S.E. Washington, Olympia, WA, (206) 902-1975; Implementation and Enforcement: Julie Sandberg, 1111 S.E. Washington, Olympia, WA, (206) 902-1850.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of the rule is to clarify advisory board terms and filling of vacancies; raise fees for horse and cattle brand inspection. The effect will be to provide for cost recovery in a more efficient manner for legally mandated brand inspection.

Proposal Changes the Following Existing Rules: The change adds information on advisory board terms of office and vacancies/nominations. Fees are increased for horse/cattle annual and lifetime brand certificates, horse and cattle inspection at mandated inspection points.

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

An evaluation of the Regulatory Fairness Act guidelines for determination of minor or negligible impacts, Appendix A, reflects a \$50.00 threshold for this SIC Code (021). The 25¢ per head increase for cattle inspection is charged to the seller at change of ownership. The cattle industry reflects an average herd size of 20 in this state. Brand inspection records show over 3800 individuals requesting cattle or horse inspection. To exceed \$50, the livestock owner would need to request brand inspection for at least 200 cattle. The horse industry and Cattlemen's Association are represented on the Livestock Identification Advisory Board established by the 1993 legislature. The board supports fee increases as a means of continued funding for the legally mandated brand inspection program. Mitigation is offered through consolidation of annual/lifetime certificate categories from 4 to 2; and

increased management oversight on time/attendance to make efficient use of inspectors' time, thus reducing time/mileage charges to industry.

Hearing Location: In Yakima, Washington Department of Agriculture, 2015 South First Street, on June 7, 1994, at 2:30 p.m.; and in Olympia, 1111 S.E. Washington, Room 259 NRB, on June 8, 1994, at 10:00 a.m.

Submit Written Comments to: Julie C. Sandberg, P.O. Box 42560, Olympia, WA 98504-2560, by June 8, 1994.

Date of Intended Adoption: June 9, 1994.

May 4, 1994
Julie C. Sandberg
Assistant Director

AMENDATORY SECTION (Amending Order 2059, filed 11/21/90, effective 12/22/90)

WAC 16-620-010 Definitions. For the purpose of ~~((these regulations, the definitions provided in RCW 16.57.010 shall apply))~~ this chapter:

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department or a duly appointed representative.

(3) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be.

(4) "Livestock" includes, but is not limited to, horses, mules, cattle, sheep, swine, goats, poultry and rabbits.

(5) "Brand" means a permanent fire brand or any artificial mark, other than an individual identification symbol, approved by the director to be used in conjunction with a brand or by itself.

(6) "Production record brand" means a number brand which shall be used for production identification purposes only.

(7) "Brand inspection" means the examination of livestock or livestock hides for brands or any means of identifying livestock or livestock hides and/or the application of any artificial identification such as back tags or ear clips necessary to preserve the identity of the livestock or livestock hides examined.

(8) "Individual identification symbol" means a permanent mark placed on a horse for the purpose of individually identifying and registering the horse and which has been approved for use as such by the director.

(9) "Registering agency" means any person issuing an individual identification symbol for the purpose of individually identifying and registering a horse.

(10) "Poultry" means chickens, turkeys, ratites, and other domesticated fowl.

(11) "Ratite" means, but is not limited to, ostrich, emu, rhea, or other flightless bird used for human consumption, whether live or slaughtered.

(12) "Ratite farming" means breeding, raising, and rearing of an ostrich, emu, or rhea in captivity or an enclosure.

(13) "Microchipping" means the implantation of an identification microchip in the pipping muscle of a chick

ratite or the implantation of a microchip in the tail muscle of an otherwise unidentified adult ratite.

NEW SECTION

WAC 16-620-015 The livestock identification advisory board. (1) The livestock identification advisory board established in RCW 16.57.015 shall be composed of six members appointed by the director. The advisory board shall meet at least once annually with the director to perform its advisory functions. Additional meetings may be convened at the request of the director or a majority of the membership.

(2) Advisory board members must be residents of the state of Washington and actively engaged in the industry they represent. The director shall serve as an ex officio member of the livestock identification advisory board.

(3) Appointments shall be made for three-year terms, except that initial appointments shall be as follows:

- (a) Two members appointed for three-year terms;
- (b) Two members appointed for two-year terms; and
- (c) Two members appointed for one-year terms.

(4) Positions shall be numbered one through six as follows:

- (a) Position one - beef producers;
- (b) Position two - public livestock market operators;
- (c) Position three - horse owners;
- (d) Position four - dairy farmers;
- (e) Position five - cattle feeders; and
- (f) Position six - meat processors.

(5) Initially positions one and four will serve a one-year term; positions two and five will serve a two-year term; and positions three and six will serve a three-year term.

(6) Subsequent to the initial appointments, terms shall commence July 1 and expire June 30.

(7) Vacancies in membership may be filled by the director for the remainder of the unexpired term. Active members of the advisory board and presidents of affected state-wide industry groups may submit names to the director for consideration in filling vacancies.

(8) The director shall solicit nominations to fill vacancies from state-wide industry groups associated with a vacant position. Nominations from industry groups for full terms shall be submitted to the director for consideration prior to May 1 of the year the term is scheduled to expire.

AMENDATORY SECTION (Amending Order 2059, filed 11/21/90, effective 12/22/90)

WAC 16-620-280 Inspection—Annual and lifetime certificates. Pursuant to RCW 16.57.400, the owner of any horses or cattle may apply for an annual or lifetime identification certificate. The fee for an annual certificate shall be ~~((three dollars))~~ seven dollars and fifty cents for any ~~((horse bearing a brand readily visible and currently registered with the director under the provisions of chapter 16.57 RCW or five dollars for any other))~~ horses or cattle. The fee for a lifetime certificate shall be ~~((seven))~~ fifteen dollars ~~((and fifty cents))~~ for any ~~((horse bearing a brand readily visible and currently registered with the director under the provisions of chapter 16.57 RCW or twelve dollars and fifty cents for any other))~~ horses or cattle. In the event the fees collected do not cover the cost of the inspector in performing

any such inspection, an additional charge may be added at actual costs.

AMENDATORY SECTION (Amending Order 1944, filed 7/29/87)

WAC 16-620-290 Fees—Regular inspection points. The fee for the brand inspection of horses at public livestock markets and slaughterhouses shall be ~~((two))~~ three dollars per animal inspected. Such inspection fees shall be applicable only during the scheduled time which the director of agriculture has established as regular brand inspecting time at each such public livestock market or slaughterhouse. Inspection performed upon request during any other time at such public livestock markets or slaughterhouses may be actual costs.

AMENDATORY SECTION (Amending Order 2059, filed 11/21/90, effective 12/22/90)

WAC 16-620-340 Inspection, special sales. Inspection shall be mandatory at all special horse sales wherein horses of more than one owner are offered for sale either by private treaty or auction. Inspection charges at any such sale shall be collected and paid to the department of agriculture by the person or business entity conducting the sale. The department of agriculture may require the prepayment of said inspection charges. The charge for inspection at special horse sales shall be ~~((two))~~ three dollars per animal. If the inspection charges do not cover the total cost incurred by the department, the remainder shall be the responsibility of the person or business entity conducting the sale at actual cost.

AMENDATORY SECTION (Amending Order 2059, filed 11/21/90, effective 12/22/90)

WAC 16-620-380 Inspection fee. The fee for inspecting cattle for brands and proof of ownership shall be ~~((fifty))~~ seventy-five cents per head. In any case when the department determines that a request for inspection is unreasonable due to time or distance, the department shall charge its actual costs.

NEW SECTION

WAC 16-620-400 Recording fee. The director shall record any instrument affecting the title of a brand which is correctly executed and acknowledged upon presentation and payment of a fifteen dollar recording fee.

NEW SECTION

WAC 16-620-410 Fee for certified copy of brand record. The owner of a brand of record may procure from the director a certified copy of the record upon payment of a seven dollar and fifty cent fee.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-620-270 Actual costs established.

WSR 94-10-076
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed May 4, 1994, 9:40 a.m.]

Date of Intended Adoption: June 9, 1994.

May 4, 1994
Julie C. Sandberg
Assistant Director

Original Notice.

Title of Rule: Chapter 16-605A WAC, Certified feed lots.

Purpose: Sets license fees, late renewal fees, and expiration date.

Statutory Authority for Adoption: Chapter 46, Laws of 1994.

Statute Being Implemented: Chapter 16.58 RCW.

Summary: Certified feed lot license fees are increased from \$500 to \$750 per year and the handling fee is increased from 10¢ to 15¢ per head of cattle.

Reasons Supporting Proposal: The livestock identification program is self-supporting. Due to the loss of interest on agricultural local funds, the administrative fund shift from general fund to local funds, and higher operating costs, the revenues must be increased.

Name of Agency Personnel Responsible for Drafting: Christie O'Loughlin, 1111 S.E. Washington, Olympia, WA (206) 902-1975; Implementation and Enforcement: Julie Sandberg, 1111 S.E. Washington, Olympia, WA, (206) 902-1850.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of the rule is to increase revenues collected from certified feed lot license fees and handling fees. This will enable the program to continue legally mandated brand inspection and recover costs.

Proposal Changes the Following Existing Rules: The rule raises fees to a level authorized by the 1994 legislature. License fees are increased \$250 per year, and the cattle handling fee (in lieu of brand inspection) increases from 10¢ to 15¢ per head.

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

An evaluation of the Regulatory Fairness Act guidelines for determination of minor or negligible impacts, Appendix A, reflects a \$300/year threshold for SIC Code 029. In 1994 there are 8 certified feed lots licensed in this state. In lieu of the 50¢ per head brand inspection they only pay a 10¢ per head handling fee when cattle go to slaughter. This 10¢ will be raised to 15¢/head — again, lower than the proposed 75¢/head inspection fee. The proposed license fee will increase from \$500 to \$750 per year — \$250 total increase which is below the \$300 threshold. The Cattle Feeders Association has a representative on the Livestock Identification Advisory Board established by the 1993 legislature. This board approved fee increases at these levels in order to support the legal requirements of the livestock identification program.

Hearing Location: In Yakima, Washington Department of Agriculture, 2015 South First Street, on June 7, 1994, at 3:30 p.m., and in Olympia, 1111 S.E. Washington, Room 259 NRB, on June 8, 1994, at 11:00 a.m.

Submit Written Comments to: Julie C. Sandberg, P.O. Box 42560, Olympia, WA 98504-2560, by June 8, 1994.

NEW SECTION

WAC 16-605A-001 Certified feed lot license fee.
The fee license a certified feed lot shall be seven hundred fifty dollars.

NEW SECTION

WAC 16-605A-010 Certified feed lot handling fee.
The licensee shall pay to the director a fifteen cent fee for each head of cattle handled through the licensee's certified feed lot.

WSR 94-10-077
PROPOSED RULES
OFFICE OF THE
INSURANCE COMMISSIONER
[Filed May 4, 1994, 9:45 a.m.]

Original Notice.

Title of Rule: Certified health plans, review and approval of certified health plan provider selection, termination, and dispute resolution provisions.

Purpose: To establish an enforcement procedure for compliance by certified health plans with Washington Health Services Commission substantive rules governing health care provider selection and termination by certified health plans, and certified health plan resolution of disputes with health care providers.

Other Identifying Information: Insurance Commissioner Matter No. R 94-12.

Statutory Authority for Adoption: RCW 48.01.030, 48.02.060(3)(a), 48.43.140, 43.72.100(4), 43.72.100(6), and 43.72.090(1).

Statute Being Implemented: RCW 43.72.090, 43.72.100(4), 43.72.170, and 48.01.200.

Summary: This rule creates a process for enforcing rules adopted by the Health Services Commission governing certified health plan requirements concerning health care provider selection, termination, and dispute resolution. Chapter 245-04 WAC, Certified health plans must file criteria for selection of health care providers and provisions for resolution of disputes between certified health plans and health care providers with the Insurance Commissioner for the commissioner's review and approval. The Insurance Commissioner will review the standards adopted by the Health Services Commission.

Reasons Supporting Proposal: RCW 48.43.170 grants authority to and requires the Health Services Commission to adopt rules governing certified health plan selection and termination of health care providers and governing resolution of disputes between plans and providers. The Insurance Commissioner is required to enforce all statutes and rules governing the certification of certified health plans as well as rules necessary to implement the insurance code. This rule establishes a procedure to enforce Health Services Commission standards for certified health plan selection and

termination of health care providers and for plan resolution of disputes with providers.

Name of Agency Personnel Responsible for Drafting: John Conniff, Insurance Building, Olympia, Washington, (206) 664-3786; Implementation and Enforcement: Deborah Senn, Insurance Building, Olympia, Washington, (206) 753-7300.

Name of Proponent: Insurance Commissioner, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule creates a process for enforcing rules adopted by the Health Services Commission governing certified health plan requirements concerning health care provider selection, termination, and dispute resolution. Chapter 245-04 WAC, Certified health plans must file criteria for selection of health care providers and provisions for resolution of disputes between certified health plans and health care providers with the Insurance Commissioner for the commissioner's review and approval. The Insurance Commissioner will review such criteria and provisions in accordance with the standards adopted by the Health Services Commission.

Proposal does not change existing rules.

Small Business Economic Impact Statement: RCW 48.43.170 requires the Health Services Commission to adopt rules governing certified health plan selection and termination of health care providers and governing plan resolution of disputes with providers. This rule will enable the Insurance Commissioner to enforce the Health Services Commission rules (chapter 245-04 WAC). The Insurance Commissioner's rule governing enforcement of the commission rules will impact entities both large and small. The cost of compliance cannot readily be measured using cost per \$100 of sales, cost per hour of labor, or cost per employee. The rule establishes uniform enforcement standards. The cost is estimated to be equal whether the entity has 50 or more or fewer than 50 employees. Since all entities will be setting up new procedures and contracts, the cost of compliance with this rule will be the same for all regulated entities.

Hearing Location: City Council Chambers, Spokane City Hall, 808 West Spokane Falls Boulevard, Spokane, WA, on Friday, June 24, 1994, at 4:00-5:30 p.m.

Submit Written Comments to: Arlo Manley, P.O. Box 40257, Olympia, WA 98504-0257, by June 23, 1994.

Date of Intended Adoption: July 12, 1994.

May 2, 1994

Deborah Senn

Insurance Commissioner

CHAPTER 284-43 WAC

Certified Health Plans

NEW SECTION

WAC 284-43-040 Review and approval of certified health plan provider selection, termination, and dispute resolution provisions. (1) Each certified health plan shall submit to the insurance commissioner all criteria used by the plan to select and terminate health care providers and provisions for the resolution of disputes with providers. If

the criteria or provisions fail to meet the requirements of chapter 245-04 WAC, the commissioner may within thirty days of receipt reject the criteria or provisions, specifying in writing the manner in which they fail to meet the requirements. If the commissioner has not disapproved the criteria or provisions within thirty days, they are deemed approved. If at any time after the thirty day period the commissioner finds that the criteria or provisions do not meet requirements, the commissioner shall, after a hearing, issue an order specifying the manner in which the criteria or provisions fail to meet the requirements, and stating when, within a reasonable period thereafter, the criteria or provisions shall be deemed no longer effective. The order shall not affect any selection or termination of providers or resolution of disputes made prior to expiration of the period set forth in the order.

(2) The commissioner will not require the public disclosure of proprietary or competitive selection and termination criteria. The certified health plan may designate parts of its provider selection and termination criteria as proprietary or competitive in nature. The plan must demonstrate that disclosure of the criteria would hurt the plan's ability to compete or to manage health services. Disclosure of criteria is proprietary or anticompetitive if revealing them would have the tendency to cause providers to alter their practice patterns in a manner that would harm efforts to contain health care costs. Disclosure of criteria is proprietary if revealing the criteria would cause the plan's competitors to obtain valuable business information.

If the commissioner rejects a plan's designation of certain criteria as proprietary or competitive, the plan may contest the commissioner's decision in accordance with chapter 34.05 RCW. The proceedings shall be conducted in a manner that prevents disclosure of the criteria that are the subject of the proceedings until and unless the commissioner's determination of criteria as not proprietary or competitive is sustained.

(3) The insurance commissioner will not act to arbitrate or mediate disputes between a provider and a certified health plan regarding the plan's decision not to include a provider or regarding any other dispute between a provider and a plan arising under, or by reason of, a provider contract or its termination.

WSR 94-10-078

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Filed May 4, 1994, 11:33 a.m.]

Original Notice.

Title of Rule: Chapter 173-440 WAC, Sensitive areas and chapter 173-402 WAC, Civil sanctions under Washington Clean Air Act.

Purpose: To repeal both chapters.

Other Identifying Information: Chapter 173-440 WAC, Sensitive areas, is no longer in use by the agency. Chapter 173-402 WAC, Civil sanctions under Washington Clean Air Act, is no longer in use by the agency.

Summary: These regulations are being repealed because they are no longer used by the agency.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paige Boule', Department

of Ecology, P.O. Box 47600, Olympia, WA 98507, 407-6161.

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: This will repeal chapter 173-440 WAC, Sensitive areas and chapter 173-402 WAC, Civil sanctions under Washington Clean Air Act.

Proposal Changes the Following Existing Rules: Rules will be repealed.

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

Hearing Location: Department of Ecology, 300 Desmond Drive, Room 3A-07, Lacey, WA, on June 7, 1994, at 10:00 a.m.

Submit Written Comments to: Paige Boule', Department of Ecology, P.O. Box 47600, Olympia, WA, 98507-7600, by June 14, 1994.

Date of Intended Adoption: July 1, 1994.

April 15, 1994
Mary Riveland
Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 173-402-010 Prior regulations.
- WAC 173-402-020 Subsequent regulations.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 173-440-010 Purpose.
- WAC 173-440-020 Applicability.
- WAC 173-440-030 Definitions.
- WAC 173-440-040 Sensitive areas designated.
- WAC 173-440-100 Standards.
- WAC 173-440-900 Appendix A—Map.

**WSR 94-10-079
PROPOSED RULES
DEPARTMENT OF ECOLOGY**

[Filed May 4, 1994, 11:35 a.m.]

Continuance of WSR 94-08-072.

Title of Rule: Chapter 173-400 WAC, General regulations for air pollution sources.

Purpose: To change the adoption date from May 20, 1994, to June 15, 1994.

Date of Intended Adoption: June 15, 1994.

May 2, 1994
Mary Riveland
Director

WSR 94-10-085

PROPOSED RULES

HEALTH SERVICES COMMISSION

[Filed May 4, 1994, 11:49 a.m.]

Original Notice.

Title of Rule: Provider selection, termination, and dispute resolution.

Purpose: The purpose of these proposed rules is to establish requirements for selection and termination of providers by certified health plans (CHPs); standards for provider selection criteria; and requirements for the inclusion of a dispute resolution procedure in all provider contracts.

Statutory Authority for Adoption: RCW 48.43.170 (2)(4), 43.72.100 (6)(14), 43.72.040(20).

Statute Being Implemented: RCW 48.43.170 (2)(4), 43.72.100 (6)(14), 43.72.040(20).

Summary: Establishes requirements for CHP selection and termination of providers, sets standards for selection criteria, and specifies that a procedure for resolving disputes be included in all provider contracts.

Reasons Supporting Proposal: These rules are necessary to implement RCW 48.43.170, 43.72.100 and 43.72.040.

Name of Agency Personnel Responsible for Drafting: Nancy Long, 605 Woodland Square Loop S.E., Lacey, WA 98504-1185, (206) 407-0154; Implementation and Enforcement: George Schneider, 605 Woodland Square Loop S.E., Lacey, WA 98504-1185, (206) 407-0045.

Name of Proponent: Washington Health Services Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 245-04-100 sets forth rules governing procedures for selecting and terminating providers, including the requirement that they afford all types of licensed providers the opportunity to participate in certified health plans. WAC 245-04-110 establishes standards for CHP selection criteria. This rule will be included in the CHP standards being submitted by the commission to the legislature in December 1994. WAC 245-04-115 requires CHPs to include a procedure for the resolution of disputes in all provider contracts.

Proposal does not change existing rules.

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

The Health Services Act of 1993 was specifically designed to impact all CHPs regardless of their size, number of employees, cost per employee, cost per hundred dollars of sales, or cost per hour of labor. The statute requires that all CHPs meet the requirements of the act with respect to selection and termination of providers and inclusion of a procedure for resolution of disputes in provider contracts. The effects of the rules is to assure fairness in CHP treatment of providers.

Hearing Location: City Council Chambers, Spokane City Hall, 808 West Spokane Falls Boulevard, Spokane, WA 99219, on June 24, 1994, at 4:00 p.m.

Submit Written Comments to: Randy Revelle, Washington Health Services Commission, P.O. Box 41185, Olympia, WA 98504-1185, by June 10, 1994.

Date of Intended Adoption: July 28, 1994.

May 3, 1994
Bernadene Dochnahl
Commission Chair

WASHINGTON HEALTH SERVICES COMMISSION

Chapter 245-04 WAC CERTIFIED HEALTH PLANS

PROVIDER SELECTION, TERMINATION, AND DISPUTE RESOLUTION

NEW SECTION

WAC 245-04-100 Selection and termination of health care providers. (1) Each certified health plan shall develop and use criteria to select and terminate health care providers.

(2) Each certified health plan may designate parts of its provider selection and termination criteria as proprietary or competitive in nature. The plan must demonstrate that disclosure of the criteria would hurt the plan's ability to compete or to manage health services. Disclosure of criteria is proprietary or anticompetitive if revealing them would have the tendency to cause providers to alter their practice patterns in a manner that would harm efforts to contain health care costs. Disclosure of criteria is proprietary if revealing them would cause the plan's competitors to obtain valuable business information.

(3) Each certified health plan shall make available to anyone, upon written request, its general criteria for the selection and termination of providers.

(4) If a certified health plan uses unpublished criteria to judge the quality and cost-effectiveness of a provider's practice under any specific program within the plan, the plan may not reject or terminate the provider participating in that program, until the provider has been informed of the criteria that his or her practice fails to meet and is given a reasonable opportunity to conform to the criteria.

NEW SECTION

WAC 245-04-110 Standards for health care provider selection criteria. (1) Whenever a certified health plan uses economic criteria in its health care provider selection process, the plan shall:

(a) also use other criteria such as location, patient satisfaction, and quality of care; and

(b) include adjustments for case mix and severity in a manner that allows consideration of economic criteria in the context of a provider's overall practice. For example, if economic criteria were the only criteria used by a plan in isolation from other factors, a particular provider's practice pattern might appear inefficient and costly. Further review of other factors could reveal that the cost patterns are the result of treating patients with above average health care needs.

(2) The certified health plan must include an adequate number of each type of provider licensed by Washington state in its managed care delivery system. To meet statutory requirements that plans permit every category of provider to deliver health services for conditions included in the uniform benefits package, every plan must include in its selection criteria specific procedures for consideration of all types of

providers licensed by Washington state, in accordance with the following standards:

(a) the provisions of health services is within the provider's permitted scope of practice; and

(b) the provider agrees to abide by certified health plan standards related to:

(i) provision, utilization review, quality improvement, and cost management of health services;

(ii) management and administrative procedures; and

(iii) provision of cost-effective and clinically efficacious health services.

(3) The provisions of this chapter do not require a certified health plan to contract with or employ specific providers who may meet the plan's selection criteria, if the plan has adequate providers to meet the statutory requirement that all plans demonstrate their managed care delivery systems are adequate to deliver health services included in the uniform benefits package to their enrolled population.

(4) This chapter shall not be construed to require a federally qualified health maintenance organization to contract with or employ the services of providers or to follow procedures contained herein to the extent that 43 U.S.C. § 300e conflicts with this chapter.

NEW SECTION

WAC 245-04-115 Resolution of provider disputes.

(1) All participating provider contracts issued by certified health plans must contain specific provision for the resolution of disputes arising out of the contract, including but not limited to termination of the contract.

(2) A certified health plan must also have a process for the resolution of disputes regarding the plan's decision not to include a provider and shall notify the provider of this process.

(3) The dispute resolution process must provide a reasonable, impartial, timely and effective means of appealing decisions, including the option of using mediation, at the request of either party, to resolve a dispute.

(4) The commission will not act to arbitrate or mediate disputes between a provider and a certified health plan regarding the plan's decision not to include a provider or regarding any other dispute between a provider and plan arising under, or by reason of, a provider contract or its termination.

**WSR 94-10-086
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Filed May 4, 1994, 11:55 a.m.]

Original Notice.

Title of Rule: WAC 388-219-2000 Deeming of income of an alien's sponsor.

Purpose: Implements the supplemental budget (ESSB 6244) which requires the department to deem a portion of an alien sponsor's income to a GAU sponsored alien. This item brings GAU eligibility rules concerning a sponsored alien's

and sponsor's income into conformity with existing AFDC rule.

Statutory Authority for Adoption: ESSB 6244 Ch. 6 E 1 1994 53rd legislature.

Statute Being Implemented: ESSB 6244 Ch. 6 E 1 1994 53rd legislature.

Summary: Implements ESSB 6244 which directs DSHS to deem a portion of alien sponsor's income to a GAU sponsored alien, consistent with existing AFDC rule.

Reasons Supporting Proposal: The supplemental budget requires the department to deem a portion of an alien sponsor's income to a general assistance sponsored alien. Currently, an alien sponsor's income is only deemed available to AFDC sponsored aliens.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barbara Hargrave, Division of Income Assistance, 483-8317.

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

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

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

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on June 7, 1994, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Vendor Services by May 25, 1994. TDD 753-4595 or SCAN 234-4595.

Submit Written Comments to: Identify WAC number, Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, Olympia, 98504, TELEFAX 586-8487 or SCAN 321-8487, by June 1, 1994.

Date of Intended Adoption: June 8, 1994.

May 4, 1994

Dewey Brock, Chief

Office of Vendor Services

Administrative Services Division

AMENDATORY SECTION [(Amending WSR 94-10-065, filed 5/3/94)]

WAC 388-219-2000 Deeming of income of an alien's sponsor. The department shall (~~not~~) deem the income of an alien's sponsor as available to the alien as provided for the AFDC program in Chapter 388-218 WAC:

(1) At application, for applications filed on or after July 8, 1994. For the purposes of this rule, re-applications filed following a break in assistance of thirty days or more shall be considered an application; or

(2) At financial eligibility review, for general assistance recipients. Until the eligibility review has been completed, the department shall not deem the income of an alien's sponsor as available to the alien.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 94-10-002
PERMANENT RULES
DEPARTMENT OF AGRICULTURE
[Order 5040—Filed April 20, 1994, 3:32 p.m.]

Date of Adoption: April 20, 1994.

Purpose: To increase fees for services performed by the department by amounts within the fiscal growth factor for FY 1994.

Citation of Existing Rules Affected by this Order: Amending chapter 16-212 WAC.

Statutory Authority for Adoption: Chapter 22.09 RCW. Pursuant to notice filed as WSR 94-06-058 on March 2, 1994.

Effective Date of Rule: Thirty-one days after filing.
April 20, 1994
James M. Jesernig
Director

AMENDATORY SECTION (Amending WSR 92-15-046, filed 7/10/92, effective 8/10/92)

WAC 16-212-020 Grain and commodity inspection points. The following cities in the state of Washington are hereby designated as inspection points for the purpose of inspecting and weighing standardized grains, beans, peas, lentils and other commodities: Clarkston, Colfax, Kalama, Pasco, Seattle, Spokane, Tacoma and Vancouver.

AMENDATORY SECTION (Amending Order 1913, filed 12/12/86)

WAC 16-212-030 General provisions for hourly charges.

(1) Straight time, rate per hour ~~\$(23.00))~~
24.50

This hourly rate shall be applied on any job where the fee is not sufficient to provide revenue of ~~\$(23.00))~~ 24.50 per hour, per employee, and where no other hourly rate or fee is specified in the schedule of fees and charges. Whenever the lot size or workload is not of sufficient size to generate ~~\$(23.00))~~ 24.50 per hour, per employee, an additional fee shall be assessed so that total revenue generated is equal to the ~~\$(23.00))~~ 24.50 rate: *Provided*, That such revenue insufficiency may be established on the basis of the average hourly revenue generated at the worksite over the Monday through Sunday work week, upon written request of the applicant for service. In the absence of such request, fees shall be assessed on a daily basis.

(2) Overtime, and night shift rate per hour . ~~\$(6.00))~~
6.40

Whenever a service is requested before or after regularly scheduled working hours, Monday through Friday, or anytime on Saturdays, Sundays or holidays, a fee of ~~\$(6.00))~~ 6.40 per hour, per employee, shall be charged in addition to the regular inspection and weighing fees.

(a) Requests for service on Saturdays, Sundays, or holidays, or for work shifts other than 8:00 a.m. to 5:00 p.m., Monday through Friday, must be received by the inspection office no later than 4:00 p.m. of the last regularly scheduled working day prior to the requested service. When the request is not received by 4:00 p.m., service will be provided where personnel are available, but an additional fee

of ~~\$(4.00))~~ 4.25 per hour, per employee, will be assessed for that shift.

(b) Requests for service which is beyond the scope or volume normally provided at an inspection site must be received by the inspection office no later than 4:00 p.m. of the last regularly scheduled working day prior to the date of the requested service in order for the department to guarantee to have adequate staff available to perform the service.

(c) Whenever an employee is called from home after regular working hours, or on a Saturday, Sunday or holiday, a minimum of two additional hours shall be charged at the rate of ~~\$(10.00))~~ 10.70 per hour and added to other fees charged.

(d) Scheduled night shifts.

At all designated inspection points, for night shifts, Monday through Friday (usually from 6:00 p.m. to 3:00 a.m.) that are, or will be, continuous for a period of one month or longer, with only an occasional work stoppage, additional overtime fees per hour will not apply.

(i) The department shall be given at least seven calendar days notice, in writing, to establish a scheduled night shift. If notice is not given, a fee of ~~\$(6.00))~~ 6.40 per hour, per employee, shall be assessed until the seven day notice period has elapsed.

(ii) The department shall be given at least twenty-one calendar days' notice, in writing, of cancellation of any scheduled night shift operation. If such notice is not given, a fee of ~~\$(6.00))~~ 6.40 per hour, per employee, shall be assessed for each hour under the regular night shift schedule that would have been worked until the twenty-one day notice period has elapsed.

(3) Standby rate per hour ~~\$(25.00))~~
26.80

Whenever a service is requested before or after working hours, Monday through Friday or anytime on Saturdays, Sundays or holidays, and service cannot be performed through no fault of the department, a minimum of four hours at the standby rate of ~~\$(25.00))~~ 26.80 per hour, per employee, shall be charged. Whenever a service is requested before or after working hours or anytime on a Saturday, Sunday or holiday, and a cancellation of such request is not received by 4:00 p.m. of the last regularly scheduled working day prior to the requested service, the four hour standby charge shall be applied.

(4) Guarantee of expense. When a service is requested that requires assignment of personnel at a facility where the volume of work at the established fees may not be adequate to pay the cost of providing the service, a guarantee of the expense of providing the service may be required. These facilities may enter into agreement with the department at guaranteed staffing levels and negotiated minimum hours and unit fees.

AMENDATORY SECTION (Amending WSR 92-15-046, filed 7/10/92, effective 8/10/92)

WAC 16-212-060 Official inspection and/or weighing fees under the United States Grain Standards Act.

(1) Combination inspection and weighing fees. Ships, barges, unit trains and transfers of bulk grain.

(a) From vessel to elevator, per ton ~~\$(0.12))~~
0.128

PERMANENT

PERMANENT

- (b) Bin transfers, per ton \$ ~~((0.12))~~
0.128
- (c) From elevator to vessel, per ton \$ ~~((0.12))~~
0.128
- (d) From railcars of a unit train, sampled by diverter
samplers, batch weighed and inspected under the subplot
inspection plan in units of not less than five cars,
per ton \$ ~~((0.12))~~
0.128
- (2) Inspection only of railroad boxcars, open hopper-
type cars or covered hopper-type cars, original inspection.
 - (a) When sampled by United States Department of
Agriculture approved mechanical belt, spout or leg
samplers, per car (batch grades-up to a maximum of 5 car
units are charged at the
per car rate) \$ ~~((14.50))~~
15.50
 - (b) When sampled by United States Department of
Agriculture approved grain trier, original and subsequent
original inspections, per car \$ ~~((23.00))~~
24.00
- (3) Inspection only of trucks, per truck . . . \$ ~~((14.00))~~
15.00
- (4) Reinspections of railroad boxcars, open hopper-
type cars, covered hopper-type cars, ship subplot samples,
barge lots, truck lots, and submitted samples.
 - (a) When based on an official file sample, per
reinspection \$ ~~((8.50))~~
9.00
 - (b) When based on a new sample, for railcars only,
per reinspection \$ ~~((23.00))~~
24.00
 - (c) When based on a new sample, for trucks only, per
reinspection \$ ~~((14.00))~~
15.00
- (5) Submitted samples,
 - (a) Standardized grains, except canola per
inspection \$ ~~((7.00))~~
7.50
 - (b) Canola, per inspection \$ ~~((13.00))~~
13.75
- (6) Fees for laboratory determination of erucic acid,
and/or glucosinolate, and/or oil content of canola, identical
to the fees assessed by the Federal Grain Inspection
Service.
 - (7) Factor analysis and/or certification.
 - (a) Factors added to existing certificates, or
requested on ship subplot analyses, that do not affect the
grade: per factor \$ 2.50
Provided, That on submitted sample certificates of grade
for wheat and barley, dockage to the nearest one-tenth
percent will be shown in remarks section and, for wheat,
foreign material shown on the factor line, when it is not a
grading factor, without additional charge.
 - (b) Factor certification only (maximum of two
factors), per certificate \$ 3.00
 - (i) Additional factors added to a factor certificate,
per factor \$ 2.50
(A maximum of ~~\$(7.00))~~ 7.50 will be charged for grading
factors only.)
 - (ii) When submitted samples are not of sufficient size
to provide official grade analysis, obtainable factors will

- be provided, upon request of the applicant, at the factor
only rate.
 - (8) Official (NIRR or NIRT) protein analysis.
 - (a) Protein and/or oil analysis in conjunction with
official inspection for grade \$ 6.25
 - (b) Protein and/or oil only \$ 8.50
When based on official sample (including new sample
reinspection) add the applicable sampling charges.
 - (c) Protein and/or oil only: Submitted sample or
reinspection based on official file sample. \$ 8.50
 - (9) Inspection of sacked grain at inspection points,
per cwt \$ 0.06
 - (10) Checkloading sacked grain, per
~~((man))~~ employee-hour \$ ~~((23.00))~~
24.50
 - (11) Waxy corn determination, on request, per
determination \$ ~~((12.00))~~
12.75
 - (12) Aflatoxin testing fees
 - (a) Screening or quantitative testing determinations,
based on official sample, except thin layer
chromatography, per
test \$ ~~((35.00))~~
37.50
 - (b) Submitted samples, screening or quantitative
determinations, except thin layer chromatography,
per test \$ ~~((23.00))~~
24.50
 - (c) Reinspection, based on official file, screening or
quantitative, except thin layer chromatography, per
test \$ ~~((23.00))~~
24.50
 - (d) Reinspection, based on a new sample, screening or
quantitative, except thin layer chromatography,
per test \$ ~~((35.00))~~
37.50
 - (e) Thin layer chromatography determinations will be
assessed at a rate identical with the fees charged by the
Federal Grain Inspection Service.
 - (13) Stowage examinations - ships, barges or vessels.
 - (a) Per stowage space and/or tank, per
examination \$ ~~((22.50))~~
24.00
 - (b) Initial inspection, minimum charge . . \$ ~~((112.50))~~
120.00
 - (c) Subsequent inspections, minimum
charge \$ ~~((67.50))~~
72.00
 - (d) Stowage examinations will be made on ships or
vessels at anchor in midstream when requested.
 - (i) It is the responsibility of the applicant to provide safe
transportation by licensed tug or water taxi to and from the
vessel.
 - (ii) A minimum of two hours of regular time at
~~\$(23.00))~~ 24.50 per hour (one inspector) for general cargo
vessels and a minimum of four hours of regular time at
~~\$(23.00))~~ 24.50 per hour (two inspectors) shall be charged
for tankers in addition to the established inspection fee.
 - (iii) Inspections can only be made at the convenience of
the grain inspection office, during daylight hours, under safe
working conditions, when weather conditions permit.

(iv) Inspections can only be made within the area of the designated tidewater grain inspection office.

(v) A ship's or vessel's officer or company agent shall accompany the licensed shiphold inspector(s).

(e) A minimum of four hours per inspector at the applicable overtime rate shall also be assessed on Saturdays, Sundays, or holidays.

~~((13))~~ (14) Other stowage examinations.

(a) Sea van-type containers (when checkloading is not required) \$ ~~((7.60))~~
8.10

(b) Railroad cars, trucks and other containers, not in conjunction with loading, per container . . . \$ ~~((7.60))~~
8.10

(15) Checktesting of diverter and mechanical samplers, per ~~((man))~~ employee-hour \$ ~~((23.00))~~
24.50

(16) Ship samples.

(a) Ship composite samples.

(i) Initial set of samples to applicant (maximum of three samples) no charge

(ii) Additional samples or samples at the request of other interested parties, per sample (two sample minimum when not requested with initial set) . \$ ~~((5.00))~~
5.25

(b) Ship samples on a subplot basis, per sample \$ ~~((5.00))~~
5.25

(17) Weighing services.

(a) Class X weighing services.

(i) From railroad boxcars, open or covered hopper-type cars (without inspection required) or vessels to elevator (grain only), per ton \$ ~~((0.10))~~
0.107

(ii) From elevator to boxcars, open or covered hopper-type cars, barges (without inspection required) or vessels (without inspection, grain only), per ton \$ ~~((0.10))~~
0.107

(iii) Bin transfers (grain only), per ton . . . \$ ~~((0.10))~~
0.107

(iv) Trucks, per truck or weight lot \$ ~~((7.00))~~
7.50

(b) Class Y weighing services, per ~~((man))~~ employee-hour \$ ~~((23.00))~~
24.50

(c) Checkweighing of sacked grain, per ~~((man))~~ employee-hour \$ ~~((23.00))~~
24.50

(d) Scale certification/checktesting of official weighing scales.

(i) Weights and measures scale specialist, per ~~((man))~~ employee-hour \$ ~~((31.50))~~
33.75

(ii) Grain inspection personnel, per ~~((man))~~ employee-hour \$ ~~((23.00))~~
24.50

AMENDATORY SECTION (Amending WSR 92-15-046, filed 7/10/92, effective 8/10/92)

WAC 16-212-070 Official services under the Agricultural Marketing Act of 1946.

(1) Inspection or analysis of graded and nongraded commodities.

(a) Inspection of bagged commodities at inspection points, per cwt \$ 0.06

(b) Bulk commodity inspection at inspection points, per ton \$ ~~((0.28))~~
0.30

(c) Minimum charge for bulk or bagged commodities (one hour) \$ ~~((23.00))~~
24.50

(d) Submitted sample inspection, per sample \$ ~~((13.00))~~
13.75

(2) Weighing and combination inspection/weighing services for bulk commodities.

(a) Weighing only, other than grain, per ton \$ ~~((0.11))~~
0.117

(b) Combination inspection/weighing of bulk commodities under federal grade standards, state standards, or for factor determinations, per ton \$ ~~((0.12))~~
0.128

(c) Weigh grain by-products into portable containers including fitness examination of the container, weigh and sample the by-product (thirty ton maximum) \$ ~~((14.00))~~
15.00

(3) Factor analysis.

(a) Moisture only \$ ~~((5.00))~~
5.25

(b) Additional factors, the determination of which are not required to establish grade, or otherwise not required by regulation, added to an existing certificate, per factor \$ 2.50

(c) Certification, factor only (maximum two factors), per certificate \$ 3.00

(d) Additional factors added to a factor certificate, per factor \$ 2.50
(A maximum of \$~~((13.00))~~ 13.75 will be charged for grading factors only.)

(e) Analysis of rapeseed for official factors, per certificate \$ ~~((13.00))~~
13.75

(f) If official inspection is required for rapeseed, the applicable sampling only fee shall be assessed in addition to the factor analysis fee.

(4) Sampling only, bulk commodities.

(a) Trucks or containers, per carrier \$ ~~((14.00))~~
15.00

(b) Boxcars, open or covered hopper-type cars, per car \$ ~~((23.00))~~
24.00

(5) Processed commodity and defense personnel support center (DPSC) inspection fees.

(a) Per ~~((man))~~ employee-hour, two hour minimum, rate per hour \$ ~~((23.00))~~
24.50

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(b) In addition to the charges, if any, for sampling and other requested service, a fee will be assessed for each laboratory analysis or test identical with the amount charged by the federal grain inspection service for laboratory tests performed under authority of the Agricultural Marketing Act and for any postage or other costs of mailing not included in these fees.

(6) Sanitation inspections.

(a) Initial inspection no charge

(b) Reinspections, four hour minimum, per ~~((MAR))~~ employee-hour \$ ~~((23.00))~~ 24.50

(7) Stowage examinations under the Agricultural Marketing Act shall be subject to the rates, restrictions, and conditions cited in WAC 16-212-060 (13) and (14).

(8) Mycotoxin testing fees.

(a) Screening or quantitative testing determinations, except thin layer chromatography per test . . . \$ ~~((35.00))~~ 37.50

(b) Thin layer chromatography determinations will be assessed at a rate identical with the fees charged by the Federal Grain Inspection Service.

(9) Falling numbers determinations, per determination \$ ~~((12.00))~~ 12.75

Liquefaction number, per determination \$ 0.50

AMENDATORY SECTION (Amending WSR 92-15-046, filed 7/10/92, effective 8/10/92)

WAC 16-212-080 Miscellaneous fees.

(1) Mailing of samples shall be charged at actual mailing costs, minimum charge \$ 2.00

(2) Fee for pickup of samples on routes established by the department, per sample \$ 0.60

(3) Fees for services performed at places other than established grain and commodity inspection points.

(a) Travel time, per employee, will be charged at the applicable straight time or overtime rate from office to inspection point and return.

(b) Car mileage will be charged at the current published department of general administration rates (WAC 82-28-080), except where suitable transportation is provided by the applicant.

(c) If the travel is of sufficient duration to require payment of subsistence or per diem to the employee, an amount equal to the established subsistence and/or per diem rate (WAC 82-28-040 and 82-28-050) shall be assessed, except where applicable subsistence and lodging are furnished, or paid, by the applicant.

(d) Incidental costs of telephone, mailing, etc. shall be at actual cost.

(e) Facsimile transmissions, per page \$ 1.00

(4) Certificate charges for certificates under the United States Grain Standards Act or the Agricultural Marketing Act of 1946.

(a) Divided original certificates, per certificate \$ 1.50

(b) Extra copies of inspection, protein, weight, falling number, commodity or aflatoxin certificates, per copy \$ 3.00

(5) Phytosanitary certification

(a) When performed in conjunction with official inspection, per certificate \$ ~~((6.50))~~ 6.75

(b) When performed without official inspection, add sampling fee, per hour \$ ~~((23.00))~~ 24.50

(6) Timely payment. Payment of fees and charges is due within thirty days after the date of the statement.

(a) If payment is not received within thirty days, service may be withheld until the delinquent account is paid; or

(b) In the case of such delinquent accounts, cash payment for subsequent service may be required; and

(c) A penalty of twelve percent per annum shall be assessed on the delinquent account balance.

AMENDATORY SECTION (Amending WSR 92-15-046, filed 7/10/92, effective 8/10/92)

WAC 16-212-082 Fees for services performed under state regulation. (1) Inspection of cultivated buckwheat and safflower under Washington state standards shall be at the rate applicable for the same type of sample under the fees for services under the United States Grain Standards Act.

(2) Cracked corn, corn screenings, and mixed grain screenings shall be inspected and/or weighed under the tonnage rate applicable for standardized grains as per WAC 16-212-060.

(3) Unofficial (NIRR or NIRT) protein analysis, per unit \$ 6.25

(4) Rapeseed (except canola) inspection under state standards.

(a) Submitted sample for factors or grade, per sample \$ ~~((13.00))~~ 13.75

(b) When sampled by official personnel, add applicable sampling only fee.

(c) Export inspection and weighing in bulk, per ton \$ ~~((0.12))~~ 0.128

(d) Inspection of bagged rapeseed, per cwt . . \$ 0.06

(e) Fees for laboratory determination of erucic acid and/or glucosinolate and/or oil content will be identical to the fees assessed by the Federal Grain Inspection Service.

Note: This fee is applied in addition to the inspection fee for grading under state standards.

(5) For other laboratory analysis not identified herein, a fee will be assessed for each test or analysis identical with the amount charged by USDA or Washington state agency laboratories.

WSR 94-10-008

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Filed April 21, 1994, 4:08 p.m., effective May 31, 1994]

Date of Adoption: April 14, 1994.

Purpose: WAC 356-26-030 defines the composition, ranking, life, and special provisions of registers; and 356-26-070 defines the order in which eligibles will be certified.

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Citation of Existing Rules Affected by this Order:
Amending WAC 356-26-030 and 356-26-070.

Statutory Authority for Adoption: Chapter 41.06 RCW,
RCW 41.06.150.

Pursuant to notice filed as WSR 94-06-066 on March 2,
1994.

Effective Date of Rule: May 31, 1994.

April 19, 1994

Dennis Karras

Secretary

AMENDATORY SECTION (Amending WSR 93-12-088,
filed 5/28/93, effective 7/1/93)

WAC 356-26-030 Register designation. (1) Agency
reduction in force.

(a) Composition.

(i) The agency reduction in force register will consist of
classes and the names of all employees who hold or have
held permanent status in those classes and: (A) Have been
notified they are scheduled for reduction in force; or (B)
held permanent status prior to separation due to a reduction
in force; or (C) who have accepted a voluntary demotion in
a class in lieu of a reduction in force; or (D) were in a trial
service period with another department and separated due to
reduction in force; or (E) employees requesting to be placed
on this register for classes held immediately prior to the
position being reallocated downward; or (F) who were
separated due to disability within the last year as provided in
WAC 356-35-010 and who have submitted to the director of
personnel a current statement from a physician or licensed
mental health professional that they are physically and/or
mentally able to perform the duties of the class for which the
register is established.

(ii) The employee's name shall appear for all classifica-
tions for which he/she is not disabled in which he/she held
permanent status since the employee's last separation other
than a reduction in force, or in which he/she served more
than six months on a position which would have meant
permanent status had it been under the jurisdiction of the
state personnel board at the time.

(b) Method of ranking.

(i) This register will be ranked according to seniority.

(c) Life of register.

(i) An eligible's name will normally remain on this
register for three years.

(d) Special provisions.

(i) Employees appointed from this register will assume
the same status they held prior to the reduction in force.
Persons on this register will indicate the geographic areas in
which they are available. Appointment of persons from this
register to seasonal positions will be as provided in WAC
356-30-130.

(ii) An employee's name shall not appear for classes at
or below the range level of a class in which the employee is
serving on a permanent full-time basis, except:

(A) When the employee has accepted an option beyond
a reasonable commuting distance in lieu of separation due to
reduction in force. The employee's name may appear for
classes at the same or lower range levels when the availabili-
ty would return the employee back to his/her previous work
location.

(B) When the employee has accepted a position in lieu
of separation due to a reduction in force, in a different class
series.

(C) Any other exceptions shall be approved by the
director or designee.

(2) Service-wide reduction in force.

(a) Composition.

(i) This register will consist of the same names as the
agency reduction in force register, except for those request-
ing to be on the agency reduction in force register following
a reallocation downward.

(b) Method of ranking.

(i) This register will be ranked according to seniority.

(c) Life of register.

(i) An eligible's name will normally remain on this
register for two years.

(d) Special provisions.

(i) Employees appointed from this register will assume
the same status they held prior to the reduction in force.
Persons on this register will indicate the geographic areas
and departments for which they are available. Appointment
of persons from this register to seasonal positions will be as
provided in WAC 356-30-130.

(3) Dual-agency reversion.

(a) Composition.

(i) This register will contain the names of employees
who while serving a trial service period in another agency or
in a position under the jurisdiction of the higher education
personnel board were either voluntarily or involuntarily
reverted to their former class and status.

(b) Method of ranking.

(i) This register will be ranked according to total
unbroken classified service.

(c) Life of register.

(i) An eligible's name will normally remain on this
register for two years.

(d) Special provisions.

(i) This register refers to the agency from which
promoted and the agency from which reverted. Employees
appointed from this register will assume the status they held
prior to promotion. Persons on this register will indicate the
geographic area in which they are available.

(4) Agency promotional.

(a) Composition.

(i) This register will be established by appropriate
classes for each agency and shall include the names of those
current permanent employees of each agency who have
served six months of a probationary period, or past perma-
nent employees who have been separated due to reduction in
force within the last year and who have received a passing
final grade in the total promotional examination and are
eligible to be certified. The names of past permanent
employees who were separated due to disability within the
last year as provided in WAC 356-35-010 shall also be
included on this register provided that they submit to the
director of personnel a statement from a physician or
licensed mental health professional that they are physically
and/or mentally able to perform the duties of the class for
which the register is established and they have received a
passing final grade as required for other promotional
applicants.

(b) Method of ranking.

(i) This register shall be ranked according to final score from the highest to the lowest.

(c) Life of register.

(i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.

(d) Special provisions.

(i) An employee may convert any current open competitive rating to this register after six months.

(5) Higher education reduction in force.

(a) Composition.

(i) This register shall contain the names of permanent employees ranked in order of seniority from higher education institutions or related boards laid off or scheduled for layoff and who have requested placement on this register. The employee's name shall appear for all classifications or equivalent classifications for which the employee held permanent status.

(b) Method of ranking.

(i) This register will be ranked according to seniority.

(c) Life of the register.

(i) An eligible's name will normally remain on this register for two years from the date of placement on the register.

(d) Special provisions.

(i) The employee must request placement on this register within thirty calendar days of the effective date of layoff or previously have requested placement on the inter-system employment register due to layoff. The employee may request placement on lower classes in the same class series or equivalent classes and must demonstrate the ability to meet the minimum qualifications and pass the qualifying examination for classes in which the employee has held permanent status, or lower classes in the same class series, or equivalent classes. Employees appointed from this register shall be required to complete a trial service period of six months.

(6) Service-wide reversion.

(a) Composition.

(i) This register will contain the names of employees who while serving a trial service period in another agency or in a position under the jurisdiction of the higher education personnel board were either voluntarily or involuntarily reverted to their former class and status.

(b) Method of ranking.

(i) This register will be ranked according to total unbroken classified service.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) This register refers to all agencies, except the two which are involved with the dual-agency transaction. Persons on this register will indicate the geographic areas and agencies for which they are available.

~~((6))~~ (7) Transfer.

(a) Composition.

(i) This register shall contain the names of all permanent employees who have submitted a request to be considered for transfer.

(b) Method of ranking.

(i) This register will be unranked.

(c) Life of register.

(i) An eligible's name shall normally remain on this register for one year.

(d) Special provisions.

(i) To use this register, the employee must transfer either within the same class or the same pay range having the same salary range number.

~~((7))~~ (8) Voluntary demotion.

(a) Composition.

(i) This register shall contain the names of all permanent employees who have submitted a request for and are eligible under the rules to be considered for a voluntary demotion.

(b) Method of ranking.

(i) This register shall be unranked. However, employees subject to reduction in force shall have priority.

(c) Life of register.

(i) An eligible's name shall normally remain on this register for one year.

(d) Special provisions.

(i) Employees appointed from this register to a class not previously held will serve a trial service period. All examination ratings for the class from which demoted shall be nullified; however, the employee may be elevated to the class from which demoted with permanent status without benefit of certification provided permanent status was achieved at the higher level.

~~((8))~~ (9) Service-wide promotional.

(a) Composition.

(i) This register shall contain the names of those permanent employees who have served six months of a probationary period or past permanent employees who have been separated due to reduction in force within the last year who have obtained a passing final grade in the total promotional examination. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the director of personnel a statement from a physician or licensed mental health professional that they are physically and/or mentally able to perform the duties of the class for which the register is established and they have received a passing final score as required for other promotional applicants.

(b) Method of ranking.

(i) This register shall be ranked according to final score, from the highest to the lowest.

(c) Life of register.

(i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.

(d) Special provisions.

(i) An employee may convert any current open competitive rating to this register after six months. Persons on this register will indicate the geographic areas and agencies for which they are available.

~~((9))~~ (10) Reemployment.

(a) Composition.

(i) This register shall contain the names of all past permanent employees who have submitted a request and an application for reemployment within five years from the date of separation, provided that the names of employees separated for cause while performing similar duties shall not be placed on this register except with the approval of the

agency from which they were separated for cause. This register shall also contain the names of those employees who have been in reversion or reduction in force status and have been offered and declined employment. The director of personnel may extend the time during which an employee may apply for reemployment if the director of personnel has determined that a need for eligibles exists in a certain class and/or geographical area.

(b) Method of ranking.

(i) This register shall be unranked.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) Persons reemployed from this register will serve a probationary period. The former employee may limit or enlarge upon his/her area of availability either by department or geographic area.

~~((10))~~ (11) Inter-system employment.

(a) Composition. This register shall contain the names of permanent classified employees under the jurisdiction of the higher education personnel board who have submitted an application and who have passed the required examination.

(b) Method of ranking. This register shall be ranked according to final passing score from the highest to the lowest.

(c) Life of register. An eligible's name will normally remain on this register for one year.

(d) Special provisions. Employees appointed from this register will serve a six month trial service period.

~~((11))~~ (12) Open competitive.

(a) Composition.

(i) This register will contain the names of all persons who have passed the entrance examination.

(b) Method of ranking.

(i) This register shall be ranked by the final score.

(c) Life of register.

(i) An eligible's name will normally remain on this register for one year unless changed by the director of personnel.

(d) Special provisions.

(i) Persons on this register will indicate the geographic areas for which they are available.

AMENDATORY SECTION (Amending WSR 84-11-091, filed 5/23/84, effective 9/1/84)

WAC 356-26-070 Certification—Registers—Order of rank—Exception. The director of personnel will normally certify names from the registers in the following order:

- (1) Agency reduction in force register.
- (2) Service-wide reduction in force register.
- (3) Dual-agency reversion register.
- (4) Agency promotional register.
- (5) Higher education reduction in force register.
- (6) Service-wide reversion register.
- ~~((6))~~ (7) Transfer register.
- ~~((7))~~ (8) Voluntary demotion register.
- ~~((8))~~ (9) Service-wide promotional register.
- ~~((9))~~ (10) Reemployment unranked register.
- ~~((10))~~ (11) Inter-system employment register.

~~((11))~~ (12) Open competitive register.

However, if the director of personnel and appointing authority establish that it is in the best interest of the state to broaden the competition, agencies may request the director of personnel to certify names combined from registers (4), ~~((8))~~(9), ~~((10))~~(11), and ~~((11))~~ (12) provided:

(a) That the written request to the director shall be evidence of assurance that:

(i) Such a request will not harmfully affect utilization of protected group members who are applicants for this class.

(ii) If the position is within a collective bargaining unit, the exclusive representative will be provided copy of the request.

(iii) That the request is in the best interest of the state and not solely intended to circumvent the policy of promotion from within the state as provided in WAC 356-30-150.

(b) Request for combined registers must be made on a position-by position or a class basis and prior to recruitment.

WSR 94-10-012
PERMANENT RULES
PARKS AND RECREATION
COMMISSION

[Filed April 25, 1994, 1:23 p.m.]

Date of Adoption: April 22, 1994.

Purpose: To update and clarify language governing tree removal in state parks.

Citation of Existing Rules Affected by this Order: Amending chapter 352-28 WAC.

Statutory Authority for Adoption: RCW 43.51.040.

Pursuant to notice filed as WSR 94-06-049 on March 1, 1994.

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

April 22, 1994

Anne Cox Preecs

Chair

Chapter 352-28 WAC
~~((TIMBER))~~ TREE CUTTING
AND ~~((SALES))~~ DISPOSAL

AMENDATORY SECTION (Amending Resolution No. 76, filed 3/27/84)

WAC 352-28-005 Definitions. When used in this chapter the following words and phrases shall have the meanings designated in this section unless a different meaning is expressly provided or unless the context clearly indicates otherwise.

(1) "Catastrophic forest event" means a natural or accidental devastation of major ~~((park))~~ proportions that results in drastic alteration of the natural environment by, but not limited to, wind, fire, insect infestation, forest disease, flooding, or landslide.

(2) "Commission" means the Washington state parks and recreation commission.

(3) "Director" means the director of the Washington state parks and recreation commission.

(4) "Endangered species" means each ~~((vascular))~~ plant, fungus and lichen species identified as endangered on the list

of such species prepared by the department of natural resources Washington natural heritage program and each wildlife species identified as endangered by the Washington department of ~~((game))~~ fish and wildlife in WAC 232-12-014.

(5) "Environmental learning center" means resident camping facilities ~~((with buffers))~~ made available to interested groups to provide their members with the opportunity to live, work, study, and play in the outdoor environment.

(6) "Heritage area" means the parts of a park ~~((with buffers))~~ which are maintained for preservation and interpretation, and, which contain unique or unusual geological, paleontological, archaeological, historical, scientific, and cultural features of the state which transcend local interest and are of state-wide or national significance.

(7) "Launch area" means the parts of a park ~~((with buffers))~~ which are solely developed for boating ingress and egress.

(8) "Natural area" means the parts of a park ~~((with buffers))~~ which are maintained for the conservation of a natural environment in a nearly undeveloped state for passive low density outdoor recreation activities.

(9) "Natural area preserve" means the parts of a park ~~((with buffers))~~ which are considered important in preserving rare or vanishing flora, fauna, geological, natural historical or similar features of scientific or educational value and which are registered and committed as a natural area preserve through a cooperative agreement with the department of natural resources pursuant to chapter 79.70 RCW and chapter 332-60 WAC.

(10) "Natural forest area" means certain forest areas ~~((with buffers))~~ which are natural ecosystems designated for preservation and interpretation of natural forest processes pursuant to RCW 43.51.045, and, which contain:

(a) Old-growth forest communities that have developed for approximately one hundred fifty to two hundred fifty years or longer and have the following structural characteristics: Large old-growth trees, large snags, large logs on land, and large logs in streams; or

(b) Mature forest communities that have developed for approximately ninety to one hundred fifty years; or

(c) Unusual forest communities.

(11) "Ocean beach access area" means sites of limited acreage along the Washington coastline which provide public access to waters, shore, and recreational opportunities of the Pacific Ocean.

(12) "Recreation area" means the parts of a park ~~((with buffers))~~ which are land and/or water sites that are suited and/or developed for high density outdoor recreational use.

(13) "Sensitive species" means each ~~((vascular))~~ plant, fungus and lichen species identified as sensitive on the list of such species prepared by the department of natural resources Washington natural heritage program and each wildlife species identified as sensitive on the list of such species prepared by the Washington department of ~~((game))~~ fish and wildlife.

(14) "Threatened species" means each ~~((vascular))~~ plant, fungus and lichen species identified as threatened on the list of such species prepared by the department of natural resources Washington natural heritage program and each wildlife species identified as threatened on the list of such

species prepared by the Washington department of ~~((game))~~ fish and wildlife.

AMENDATORY SECTION (Amending Resolution No. 76, filed 3/27/84)

WAC 352-28-010 ~~((Timber))~~ Tree cutting criteria.

(1) Significant trees:

(a) Significant trees in any area under the jurisdiction and/or management of the commission shall, except in fire, weather, or other natural emergencies, be cut or removed only upon the written approval of the director or the assistant directors of the operations and resources development divisions when so designated by the director. Except in emergencies and when feasible, significant trees shall be removed only after they have been marked or appraised by a professional forester. Significant trees include all old-growth trees, mature trees, and all other younger trees of ten inches or greater in diameter at four and one-half feet in height. In case of fire, weather, or other natural emergencies, the director or the designee of the director may declare that an emergency exists and thereby authorize the cutting or removal of damaged or down significant trees that are an imminent threat to persons and/or property.

(b) The cutting or removal of any significant trees in a natural forest area shall, except in emergencies as defined in subsection (1)(a) of this section, be approved only by the director and only after consultation with the Washington department of ~~((game))~~ fish and wildlife and the department of natural resources Washington natural heritage program, and a public hearing on each such proposed cutting or removal conducted in ~~((Olympia and/or))~~ the county/counties in which the cutting or removal is to take place as determined by the director. Prior notice of a hearing shall be published in a newspaper of general circulation in the county/counties in which ~~((hearings are to be held))~~ the park is located. Any person who requests notification of such proposed cutting or removal shall be sent prior notice of a hearing by mail. A summary of the testimony presented at a hearing or received in writing shall be presented to the director.

(c) The cutting or removal of ~~((any))~~ trees, ((flora)) other plants, or dead organic matter in any area known to be inhabited by endangered, threatened, or sensitive species shall, except in emergencies as defined in subsection (1)(a) of this section, follow requirements of the department of fish and wildlife for animals and of the department of natural resources for plants and be approved only by the director ~~((and only))~~ after consultation with the Washington department of ~~((game))~~ fish and wildlife and the department of natural resources Washington natural heritage program, and the preparation of a mitigation plan for affected species.

(2) Cutting and removal criteria: Trees or other ~~((flora))~~ plants may be cut and/or removed from the areas listed below for the following reasons only:

(a) Natural area preserves:

(i) Maintenance or construction of ~~((fire lanes))~~ service roads, boundary fences, and interpretive trails, or modification of conditions only as may be required to maintain a native plant community, species population, or ecological process as specified in a natural area preserve management

plan prepared in consultation with the department of natural resources Washington natural heritage program.

(ii) Correction of conditions hazardous to persons, properties, and/or facilities ~~((from trees with a high degree of hazard))~~ on or adjacent to park land.

~~(iii) ((Modification of conditions only as may be required to maintain a plant community, species population, or ecological process as specified in a natural area preserve management plan prepared in consultation with the department of natural resources Washington natural heritage program.~~

~~(iv))~~ Control of forest diseases and insect infestations where adjacent forests are severely jeopardized or where a drastic alteration of the natural environment is expected to occur, after consultation with the natural heritage program and other agencies and groups with expertise in forest health as deemed appropriate by the director.

~~((v))~~ (iv) Prevent the deterioration or loss of ((historical remnants)) historical/cultural resources.

(b) Natural forest areas:

(i) Maintenance or construction of trails ~~((and)),~~ trail head facilities or service roads.

(ii) Correction of conditions hazardous to persons, properties, and/or facilities ~~((from trees with a high degree of hazard))~~ on or adjacent to park land.

~~(iii) ((Maintenance or construction of fire lanes for abatement of fires.~~

~~(iv))~~ Control of forest diseases and insect infestations where adjacent forests are severely jeopardized or where a drastic alteration of the natural environment is expected to occur.

~~((v))~~ (iv) Prevent the deterioration or loss of ((historical remnants)) historical/cultural resources.

(c) Natural areas:

(i) ~~((Area clearing necessary only for))~~ Construction and maintenance of passive low density outdoor recreation ((activities)) facilities such as, but not limited to, trails, trail head facilities, and interpretive sites, and ((, for road and utility easements authorized by the commission or mandated by condemnation)) or to achieve visual aspects appropriate to a natural or historical setting.

(ii) Construction and maintenance for road and utility easements authorized by the commission or mandated by condemnation.

~~(iii)~~ Correction of conditions hazardous to persons, properties, and/or facilities ((from trees with a high degree of hazard)) on or adjacent to park land.

~~((iii))~~ (iv) Maintenance or construction of ((fire lanes)) service roads for abatement of fires.

~~((iv))~~ (v) Control of forest diseases and insect infestations where adjacent forests are severely jeopardized or where a drastic alteration of the natural environment is expected to occur.

~~((v))~~ (vi) Prevent the deterioration or loss of ((historical remnants)) historical/cultural resources.

~~((vi))~~ Create diversity of tree size, age, and species only within immature forests to achieve visual aspects appropriate to a natural or historical setting, or that improve wildlife habitat.) (vii) Improve wildlife habitat after consulting with the department of fish and wildlife.

(d) Recreation areas, heritage areas, launch areas, ocean beach access areas, and environmental learning centers:

(i) Area clearing necessary for park maintenance, and/or park development projects, road and utility easements.

(ii) Correction of conditions hazardous to persons, properties, and/or facilities ~~((from trees with a moderate or high degree of hazard))~~ on or adjacent to park land.

(iii) Cleanup of trees fallen, tipped, or damaged by the weather, fire, or other natural causes.

(iv) Creation of diversity of tree size, age, and species to achieve visual aspects that resemble a formal landscape, natural ~~((r))~~ or historical setting, or to improve wildlife habitat.

(v) Daylighting as appropriate to the site.

(vi) Maintenance or creation of a regenerating natural environment that will sustain low ground cover, shrubs, and understory and overstory trees to provide screening, wind, and sun protection.

~~(vii) ((Forest and flora protection and interpretation such as, but not limited to, abatement of forest diseases, insect infestations, and fires.))~~ Control of forest diseases and insect infestations where adjacent forests are severely jeopardized or where a drastic alteration of the natural environment is expected to occur.

(viii) Prevent the deterioration or loss of historical/cultural resources.

(3) **Hazard tree review:** At least two persons, ~~((preferably))~~ one being a ~~((forest pathologist or ecologist))~~ qualified professional in forestry or arboriculture, shall examine potentially hazardous trees and rate such trees in accordance with department of natural resources, report number 42, detection and correction of hazard trees in Washington's recreation areas. The rating of each tree examined shall be recorded on a hazard tree form by each of the two persons who examine such trees. For trees identified as hazardous and when feasible, action such as, but not limited to, pruning, topping, crown reduction, and relocation of a target facility, shall be taken prior to tree cutting or removal.

(4) **Tree cutting and removal operations:** Tree cutting or removal shall be done by park personnel, unless the personnel lack necessary expertise. If tree cutting or removal work is done by a contractor, park personnel shall provide daily on-site supervision to ensure that work and safety standards are met to prevent harm or damage to persons, trees, shrubbery, soils, and other park resources. When feasible, trees shall be felled in sections with the tops and limbs lowered first by guy wires and ropes in order to protect adjacent old-growth trees and the integrity of the remaining stand. Only skid trails premarked by park personnel may be used and equipment shall be kept on existing roads and parking areas to the fullest extent possible. When feasible, all trees damaged during cutting or removal shall be repaired.

~~(5) ((Timber utilization: When feasible, felled timber))~~ Use of fallen trees: Except where they may create safety hazards and/or interfere with the normal operation of a park, fallen trees shall be left on the ground ((for natural purposes)) when deemed environmentally beneficial or used for park purposes such as, but not limited to, approved building projects, trail mulching, and firewood. In natural forest areas and natural areas first consideration shall be given to leaving ~~((timber))~~ trees on the ground for natural purposes.

**WSR 94-10-020
PERMANENT RULES
COUNTY ROAD
ADMINISTRATION BOARD**

[Filed April 27, 1994, 10:58 a.m.]

Date of Adoption: April 22, 1994.

Purpose: Revise rating point computations for stand-alone bridges in the southeast region.

Statutory Authority for Adoption: RCW 36.79.060.

Pursuant to notice filed as WSR 94-06-029 on February 23, 1994.

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

April 25, 1994

Vern E. Wagar

Executive Director

AMENDATORY SECTION (Amending Order 88, filed 6/10/92, effective 7/11/92)

WAC 136-130-060 Project prioritization in southeast region (SER). Each county in the SER may submit projects requesting RATA funds not to exceed twice the per county percent limit of the SER biennial apportionment which is listed as follows:

Asotin County	10%
Benton County	14%
Columbia County	11%
Franklin County	13%
Garfield County	10%
Kittitas County	13%
Klickitat County	14%
Walla Walla County	14%
Yakima County	20%

Each project shall be rated in accordance with the SER RAP rating procedures. 10% of the SER biennial apportionment shall be reserved for bridge projects. Federally funded bridges for which counties are seeking matching funds shall receive first consideration for these funds, ranked against each other according to the WSDOT priority array. Bridges receiving federal funding may be added to this list at any time during the biennium. ~~((Other))~~ Stand-alone bridges may compete for funds in this reserve that remain after all bridges seeking match for federal funds have been funded. These bridges will be rated against each other according to their ~~((State of Washington Inventory of Bridges and Structures (SWIBS) ratings))~~ total points assigned from the RAP Rating Worksheets for the southeast region. Whatever part of the bridge reserve that is not allocated to bridge projects shall be available for allocation to other RAP projects. SER RAP rating points shall be assigned on the basis of 45 points for structural condition, 30 points for geometrics, 20 points for traffic volume, 5 points for traffic accidents. A total of 10 points representing local significance may be added to one project in each county's biennial submittal. Prioritization of SER projects shall be on the basis of total SER RAP rating points shown on the project worksheet and the prospectus form of the project application.

**WSR 94-10-021
PERMANENT RULES
COUNTY ROAD
ADMINISTRATION BOARD**

[Filed April 27, 1994, 11:04 a.m.]

Date of Adoption: April 22, 1994.

Purpose: Remove the Department of Transportation from the processing of RATA vouchers and payments to counties.

Statutory Authority for Adoption: RCW 36.79.060.

Pursuant to notice filed as WSR 94-06-031 on February 23, 1994.

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

April 25, 1994

Vern E. Wagar

Executive Director

AMENDATORY SECTION (Amending Order 56, filed 7/30/84)

WAC 136-180-040 Payment of vouchers. Upon approval of each RAP project voucher by the chairman of the CRABoard or his designated agent(s), it shall be transmitted to the ~~((department of transportation for payment to the county submitting the voucher. RATA warrants shall be))~~ state treasurer for preparation of the RATA warrant. The RATA warrant will be returned to CRAB and transmitted directly to each county submitting a voucher.

**WSR 94-10-022
PERMANENT RULES
COUNTY ROAD
ADMINISTRATION BOARD**

[Filed April 27, 1994, 11:06 a.m.]

Date of Adoption: April 22, 1994.

Purpose: Increase both the maximum accumulated dollar amount of the projects that can be submitted for competition as well as the maximum accumulated dollar amount of projects that can be approved in the northwest region, both based on the estimated regional allocation for a biennium.

Citation of Existing Rules Affected by this Order: Amending WAC 136-130-040 and 136-160-050.

Statutory Authority for Adoption: RCW 36.79.060.

Pursuant to notice filed as WSR 94-06-028 on February 23, 1994.

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

April 25, 1994

Vern E. Wagar

Executive Director

AMENDATORY SECTION (Amending Order 82, filed 11/6/90, effective 12/7/90)

WAC 136-130-040 Project prioritization in northwest region (NWR). Each county in the NWR may submit projects requesting RATA funds not to exceed five hundred thousand dollars per project and ~~((forty))~~ fifty percent of the

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regional allocation total. No bridge replacement projects will be funded. Each project shall be rated in accordance with the NWR RAP rating procedures. NWR RAP rating points shall be assigned on the basis of forty points for structural condition, forty points for geometrics, ten points for traffic volume and ten points for traffic accidents and five points for any project on a major collector (07). Prioritization of NWR projects shall be on the basis of total NWR RAP rating points shown on the project worksheet and the prospectus form of the project application.

AMENDATORY SECTION (Amending Order 89, filed 6/10/92, effective 7/11/92)

WAC 136-160-050 Project approval and RATA fund allocation. The CRABoard will meet as soon as feasible after the passage of each biennial budget by the Legislature to approve RAP projects and allocate RATA funds. RAP projects shall be approved by region in order of their regional priority and RATA funds shall be allocated up to a cumulative dollar amount no greater than 90% of the RATA construction appropriation included in the biennial budget; provided, however, that no county shall receive a total RATA fund allocation greater than the following percentages of the regional apportionment in the respective regions; NWR, ((20)) 25%; NER, 12.5%; SER, as follows:

Asotin County	10%
Benton County	14%
Columbia County	11%
Franklin County	13%
Garfield County	10%
Kittitas County	13%
Klickitat County	14%
Walla Walla County	14%
Yakima County	20%;

and SWR, 15% of the regional apportionment. The remaining construction appropriation may be allocated to approved projects later in the biennium at a time deemed appropriate by the CRABoard.

WSR 94-10-023
PERMANENT RULES
COUNTY ROAD
ADMINISTRATION BOARD
[Filed April 27, 1994, 11:11 a.m.]

Date of Adoption: April 22, 1994.

Purpose: Extend RATA eligibility to include preliminary engineering in the southwest and northwest regions, and right of way in the northwest region.

Citation of Existing Rules Affected by this Order: Amending WAC 136-160-060.

Statutory Authority for Adoption: RCW 36.79.060.

Pursuant to notice filed as WSR 94-06-030 on February 23, 1994.

Effective Date of Rule: Thirty-one days after filing.
April 25, 1994
Vern E. Wagar
Executive Director

AMENDATORY SECTION (Amending Order 89, filed 6/10/92, effective 7/11/92)

WAC 136-160-060 Limitation on use of RATA funds. The RATA funds requested in the project application are intended to reimburse a county for 80% of its RAP construction costs up to the amount of the CRAB/county contract in the PSR and NWR and 90% in the SWR, NER and SER. RATA funds may be used to reimburse a county for 80% of its RAP project preliminary engineering costs in the PSR and NWR, and 90% in the NER, SWR and SER. RATA funds may be used to reimburse a county for 80% of its project right of way costs in the PSR, and 90% of project right of way costs in ((both)) the NER, NWR and the SER.

WSR 94-10-025
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 3730—Filed April 27, 1994, 4:48 p.m.]

Date of Adoption: April 27, 1994.

Purpose: This amendment will make NFLC clients who are discharged from a nursing facility, top priority for placement under the lidded chore program.

Citation of Existing Rules Affected by this Order: Amending WAC 388-15-214 Chore personal care services budget control.

Statutory Authority for Adoption: RCW 74.08.545.

Pursuant to notice filed as WSR 94-07-082 on March 16, 1994.

Effective Date of Rule: Thirty-one days after filing.
April 27, 1994
Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3041 [3500], filed 7/13/90 [1/27/93], effective 8/13/90 [2/27/93])

WAC 388-15-214 Chore personal care services budget control. (1) The department shall establish a monthly dollar lid on chore personal care service expenditures to maintain expenditures within the legislative appropriation.

(2) When expenditure projections reach the monthly dollar lid, the department shall place names of applicants for chore personal care services on a waiting list in the order of their risk of placement in a long-term care facility. Priorities shall be as follows:

(a) Level A. Applicant ((needs help with one of the following personal care tasks)):

(i) ((Eating)) Is client being relocated by the department from a nursing facility; or

(ii) ((Body care;

(iii) Transfer;

(iv) Positioning; or

(v) Toileting)) Needs help with one of the personal care tasks of eating, body care, transfer, positioning, or toileting.

(b) Level B. Applicant needs help with four or more other personal care tasks listed under WAC 388-15-208(12);

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(c) Level C. Applicant needs help with one to three other personal care tasks.

(3) If the monthly dollar lid is not sufficient to stay within the legislative appropriation, the department may implement a ratable reduction of hours or payment for some or all chore personal care service clients.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 94-10-027
PERMANENT RULES
DEPARTMENT OF ECOLOGY
 [Order 93-08—Filed April 28, 1994, 9:45 a.m.]

Date of Adoption: April 27, 1994.

Purpose: To fund the costs of operating the wastewater discharge permit program.

Content of Existing Rules Affected by this Order: Amending chapter 173-224 WAC, Wastewater discharge permit fees.

Statutory Authority for Adoption: Chapter 90.48 RCW. Pursuant to notice filed as WSR 94-05-082 on February 15, 1994.

Changes Other than Editing from Proposed to Adopted Version: Clarify some definitions, restructure some existing fee categories, explain fee computation for aggregate, crop preparation and stormwater permittees.

Effective Date of Rule: Thirty-one days after filing.
 April 27, 1994
 Mary Riveland
 Director

AMENDATORY SECTION (Amending Order 91-45, filed 1/21/92, effective 2/21/92)

WAC 173-224-020 Applicability. This chapter applies to all persons holding or applying for a state waste discharge or NPDES permit issued by the department pursuant to RCW 90.48.160, 90.48.162, 90.48.200 or 90.48.260, including persons holding permits that remain in effect under WAC 173-216-040, 173-220-180(5), or ~~((RCW 90.48.200))~~ 173-226-050. This chapter does not apply when a wastewater discharge permit is written for a state conducted remedial action under the Model Toxics Control Act. That is, ecology will not charge itself for wastewater discharge permits written for sites where the agency is conducting a cleanup.

AMENDATORY SECTION (Amending Order 91-45, filed 1/21/92, effective 2/21/92)

WAC 173-224-030 Definitions. "Administrative expenses" means those costs associated with issuing and administering permits under RCW 90.48.160, 90.48.162, and 90.48.260.

"Aggregate production" means the mining or quarrying of sand, gravel, or rock and/or the production of concrete and/or asphalt.

"Aluminum and magnesium reduction mills" means the electrolytic reduction of alumina or magnesium salts to produce aluminum or magnesium metal.

"Animal unit" means one slaughter or feeder steer, 0.7 mature dairy cow, 25 swine or as more fully defined in Appendix B of 40 CFR 122.

"Annual permit fee" means the fee charged by the department for annual expenses associated with activities specified in RCW 90.48.465. This annual fee is based on the state's fiscal year (July 1 - June 30).

"bbls/d" means barrels per day of feedstock for petroleum refineries.

"bins/yr" means total standard bins used during the last complete calendar year by a facility in the crop preparing industry. The bins measure approximately 47.5 inches x 47.4 inches x 29.5 inches and hold approximately 870 pounds of fruit.

"Combined food processing waste treatment facility" means a facility which treats wastewater from more than one separately permitted food processor and receives no domestic wastewater or waste from industrial sources other than food processing (~~and no domestic wastewater~~).

"Combined industrial waste treatment" means a facility which treats wastewater from more than one industry in any of the following categories: Inorganic chemicals, metal finishing, ore concentration, organic chemicals, or photofinishers.

"Combined sewer overflow (CSO)" means the event during which excess combined sewage flow caused by inflow is discharged from a combined sewer, rather than conveyed to the sewage treatment plant because either the capacity of the treatment plant or the combined sewer is exceeded.

"Concentrated animal feeding operation" means an "animal ~~((feed))~~ feeding operation" which meets the criteria in Appendix B of 40 CFR ~~((122.23-(b)(3)))~~ 122 as presently enacted and any subsequent modifications thereto.

"Contaminants of concern" means a chemical for which an effluent limit is established (this does not include pH flow, temperature, or other "nonchemical parameters"). Petroleum constituents will be considered as one contaminant of concern even if more than one effluent limit is established (e.g., Total Petroleum Hydrocarbons and BTEX).

"Crane" means a machine used for the hoisting and lifting of ship hulls.

"Crop preparing" means the preparation of fruit for wholesale or retail sale by washing and/or other processes in which the skin of the fruit is not broken and in which the interior part of the fruit does not come in ~~((director-direct))~~ direct contact with the wastewater.

"cu. yds/yr" means the total production from an aggregate production facility in cubic yards during the most recent completed calendar year.

"Department" means the department of ecology.

"Director" means the director of the department of ecology.

"Domestic wastewater" means water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments or other places, together with such groundwater infiltration or surface waters as may be present.

"Domestic wastewater facility" means all structures, equipment, or processes required to collect, carry away, treat, reclaim or dispose of domestic wastewater together with such industrial waste as may be present.

"Existing operations" means those industrial operations requiring a wastewater discharge permit before July 1, 1993.

"EPA" means the United States Environmental Protection Agency.

"Fin fish rearing and hatching" means the raising of fin fish for fisheries enhancement or sale, by means of hatcheries, net pens, or other confined fish facilities.

"Flavor extraction" means the recovery of flavors or essential oils from ~~((vegetable))~~ organic products by steam distillation.

"Food processing" means the preparation of food for human or animal consumption or the preparation of animal byproducts, but exclusive of crop preparing. This category includes, but is not limited to, fruit and vegetable processing, meat and poultry products processing, dairy products processing, ~~((seafood processing,))~~ beer ~~((and wine))~~ production, rendering and animal feed production. Food processing wastewater treatment plants which treat wastes from only one separately permitted food processor shall be treated as one facility for billing purposes.

~~("GPD" means maximum daily flow or maximum monthly average permitted flow in gallons per day as specified in the waste discharge permit.~~

~~"Gross revenue" means gross receipts from monthly, bimonthly, and/or quarterly user charges for sewer services received from all classes of customers;~~

~~Included in these user charges are user charges and fees based on wastewater constituents' strengths and characteristics including high strength surcharges and charges based on biochemical oxygen demand, suspended solids, oil and grease, toxicants, heavy metals, and flow, etc.~~

~~Gross revenue includes charges for receipt and treatment of septic tank wastes, holding tank wastes, chemical toilet wastes, etc.~~

~~Gross revenue includes all amounts received from other municipalities for sewage interception, treatment, collection, or disposal.~~

~~Gross revenue excludes:~~

~~Amounts derived by municipalities directly from taxes levied for the support or maintenance of sewer services.~~

~~Late charges, penalties for nontimely payment by customers, interest on late payments, and all other penalties and fines.~~

~~Permit fees and compliance monitoring fees for wastewater discharge permits issued by municipalities with local pretreatment programs. Permit fees which are charged to cover the cost of providing sewer service are not excluded from gross revenue.~~

~~Receipts by a municipality of special assessments or installments thereof and interests and penalties thereon, and charges in lieu of assessments.~~

~~Connection charges.~~

~~Revenues from sales of by-products such as sludge, processed wastewater, etc.-))~~

"Hazardous waste clean up sites" means any facility where there has been confirmation of a release or threatened release of a hazardous substance that requires remedial action other than RCRA corrective action sites.

"Inactive sites" means a location where previous mining or processing has occurred; that has not been fully reclaimed; that has no current mining or processing, and that may include stockpiles of raw materials or finished products.

The permittee may add or withdraw raw materials or finished products from the stockpiles for transportation offsite for processing, use, or sale and still be considered an inactive site. This definition can be found in ecology's *National Pollutant Discharge Elimination System and State Waste Discharge Permit for Process Water and Storm Water Discharges Associated with Sand and Gravel Operations, Rock Quarries and Similar Mining Facilities including Stockpiles of Mined Materials, Concrete Batch Operations and Asphalt Batch Operations.*

"Industrial facility" means any facility not included in definition of municipal/domestic facility.

"Industrial gross revenue" means the annual amount of the sales of goods and services produced using the processes regulated by the wastewater discharge permit.

"Industrial storm water" means an operation required to be covered under ecology's baseline industrial storm water general permit or modifications to that permit or having an individual wastewater permit for storm water only.

"MGD" means permitted flow expressed in million gallons per day.

"Manufacturing" means the making of goods and articles by hand or especially, by machinery into a manufactured product.

"Metal finishing" means the preparation of metal surfaces by means of electroplating, electroless plating, anodizing, coating (chromating, phosphating and coloring), chemical etching and milling, and printed circuit board manufacture.

"Municipal/domestic facility" means a publicly-owned facility treating domestic wastewater together with such industrial wastes as may be present, or a privately-owned facility treating solely domestic wastewater.

"Municipal gross revenue" means gross receipts from monthly, bimonthly, and/or quarterly user charges for sewer services received from all classes of customers;

Included in these user charges are user charges and fees based on wastewater constituents' strengths and characteristics including high-strength surcharges and charges based on biochemical oxygen demand, suspended solids, oil and grease, toxicants, heavy metals, and flow, etc.

Municipal gross revenue includes charges for receipt and treatment of septic tank wastes, holding tank wastes, chemical toilet wastes, etc.

Municipal gross revenue includes all amounts received from other municipalities for sewage interception, treatment, collection, or disposal.

Gross revenue excludes:

Amounts derived by municipalities directly from taxes levied for the support or maintenance of sewer services.

Late charges, penalties for nontimely payment by customers, interest on late payments, and all other penalties and fines.

Permit fees and compliance monitoring fees for wastewater discharge permits issued by municipalities with local pretreatment programs. Permit fees which are charged to cover the cost of providing sewer service are not excluded from municipal gross revenue.

Receipts by a municipality of special assessments or installments thereof and interests and penalties thereon, and charges in lieu of assessments.

Connection charges.

Revenues from sales of by-products such as sludge, processed wastewater, etc.

"Municipality" means a city, town, county, district, association, or other public body created by or pursuant to state law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under 33 U.S.C. Sec. 1288. State government agencies are not included in this definition.

"Noncontact cooling water with additives" means water used for cooling that comes into contact with corrosives.

"Noncontact cooling water without additives" means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product or finished product, and which does not contain chemicals added by the permittee. The noncontact cooling water fee without additives category applies to those facilities which discharge only noncontact cooling water and which have no other wastewater discharges required to be permitted under RCW 90.48.160, 90.48.162, and 90.48.260.

"Nonferrous metals forming" means the manufacturing of semifinished products from pure metal or metal alloys other than iron or steel or of metals not otherwise classified in WAC 173-224-040(~~((1))~~) (2).

"NPDES permit" means a National Pollutant Discharge Elimination System permit issued by the department pursuant to Section 402 of the federal Clean Water Act and RCW 90.48.260.

"Person" means any political subdivision, government agency, municipality, industry, public or private corporation, partnership, association, firm, individual, or any other entity whatever.

~~("Permitted flow" means the maximum daily flow for industrial dischargers identified within their wastewater discharge permit. If the daily maximum flow is not identified, the monthly average flow limitation will be used.~~

~~"Post FY 93 annual permit fee" means the annual permit fee assessed for FY 94 and beyond if the legislature does not amend the FY 92/93 biennium water quality program budget allocation.)~~ "RCRA" means Resource Conservation Recovery Act clean up sites required to have a wastewater discharge permit resulting from a corrective action under relevant federal authorities or under chapters 70.105 and 70.105D RCW including chapters 173-303 and 173-340 WAC, and are not subject to cost recovery.

"Residential equivalent" means a single-family residence or a unit of sewer service that yields an amount of gross revenue equal to the annual user charge for a single-family residence. In cases where the permit holder does not maintain data on gross revenue, user charges, and/or the number of single-family residences that it serves, "residential equivalent" means an influent flow of two hundred fifty gallons per day.

"Sewer service" means the activity of receiving sewage deposited into and carried off by a system of sewers, drains, and pipes to a common point, or points, for disposal or for transfer to treatment for disposal, and activities involving the interception, transfer, storage, treatment, and/or disposal of sewage, or any of these activities.

"State waste discharge permit" means a permit required under (~~chapter 173-216 WAC~~) RCW 98.48.260.

"Storm water" means an industrial operation discharging storm water runoff as defined in 40 CFR 122.26 (b)(14) or facilities who are permitted as a significant contributor of pollutants as allowed in the federal Clean Water Act at Section 402 (p)(2)(E).

"Tons/yr." means the total production from an asphalt production facility in tons during the most recent completed calendar year.

"Vegetable/bulb washing" means the washing, packing, and shipping of fresh vegetables and bulbs when there is no cooking or cutting of the product before packing.

AMENDATORY SECTION (Amending Order 91-45, filed 1/21/92, effective 2/21/92)

WAC 173-224-040 Permit fee schedule. (1) Application fee. In addition to the annual fee, first time applicants (except those applying for coverage under a general permit) will pay a one time application fee of twenty-five percent of the annual permit fee, or \$250.00, whichever is greater. An application fee will be assessed for RCRA sites regardless of whether a new permit is being issued or an existing permit for other than the discharge resulting from the RCRA corrective action, is being modified.

(2) Industrial facility categories.

INDUSTRIAL FACILITY CATEGORIES	((FY 92 ANNUAL PERMIT FEE	FY 93 ANNUAL PERMIT FEE	Post FY 93 ANNUAL PERMIT FEE
Aluminum Alloys	\$8,250.00	\$11,350.00	\$9,750.00
Aluminum and Magnesium Reduction Mills	49,500.00	68,100.00	57,500.00
Aluminum Forming	24,750.00	34,050.00	29,250.00
Aggregate Production			
a. Mineral Mining (Sand, Gravel and Rock)			
1. Mining only	825.00	1,135.00	975.00
2. Mining with classification (screening and/or crushing)	1,650.00	2,270.00	1,950.00
3. Mining with classification and washing	2,475.00	3,405.00	2,925.00
b. Concrete and/or Asphalt Production			
1. < 20,000 cu. yds/yr.	459.00	681.00	585.00
2. 20,000 < 60,000 cu. yds/yr.	825.00	1,135.00	975.00
3. 60,000 < 100,000 cu. yds/yr.	1,237.50	1,702.50	1,462.50
4. 100,000 < 150,000 cu. yds/yr.	1,650.00	2,270.00	1,950.00
5. 150,000 < 200,000 cu. yds/yr.	2,475.00	3,405.00	2,925.00
6. 200,000 < 250,000 cu. yds/yr.	3,300.00	4,540.00	3,900.00
7. 250,000 cu. yds/yr. and greater	4,125.00	5,675.00	4,875.00
The fee for a facility in the aggregate production category is the sum of the applicable fees in the mineral mining and the concrete and/or asphalt production subcategories.			
Aquaculture			
a. Finfish hatching and rearing	2,475.00	3,405.00	2,925.00
b. Shellfish hatching and oyster shucking operations	100.00	100.00	100.00
Boat Yards			
a. With storm water only discharge	250.00	250.00	250.00
b. All others	500.00	500.00	500.00
Coal Mining and Preparation			
a. < 200,000 tons per year	3,300.00	4,540.00	3,900.00
b. 200,000 < 500,000 tons per year	7,425.00	10,215.00	8,775.00
c. 500,000 < 1,000,000 tons per year	13,200.00	18,160.00	15,600.00
d. 1,000,000 tons per year and greater	24,750.00	34,050.00	29,250.00
Combined Industrial Waste Treatment			
a. < 10,000 gpd	1,650.00	2,270.00	1,950.00
b. 10,000 < 50,000 gpd	4,125.00	5,675.00	4,875.00
c. 50,000 < 100,000 gpd	8,250.00	11,350.00	9,750.00
d. 100,000 < 500,000 gpd	16,500.00	22,700.00	19,500.00
e. 500,000 gpd and greater	24,750.00	34,050.00	29,250.00
Combined Food Processing Waste Treatment Facilities			
	8,250.00	11,350.00	9,750.00
Combined Sewer Overflow System			
a. < 50 acres	1,650.00	2,270.00	1,950.00
b. 50 < 100 acres	4,125.00	5,675.00	4,875.00
c. 100 < 500 acres	4,950.00	6,810.00	5,850.00
d. 500 acres and greater	6,600.00	9,080.00	7,800.00
Commercial Laundry	250.00	250.00	250.00
Concentrated Animal Feeding Operation			
a. < 200 Animal Units	100.00	100.00	100.00
b. 200 < 400 Animal Units	250.00	250.00	250.00
c. 400 < 600 Animal Units	500.00	500.00	500.00
d. 600 < 800 Animal Units	750.00	750.00	750.00
e. 800 Animal Units and greater	1,000.00	1,000.00	1,000.00

PERMANENT

PERMANENT

Crop Preparing			
a. 0 < 1,000 bins/yr.	165.00	227.00	195.00
b. 1,000 < 5,000 bins/yr.	330.00	454.00	390.00
c. 5,000 < 10,000 bins/yr.	660.00	908.00	780.00
d. 10,000 < 15,000 bins/yr.	1,320.00	1,816.00	1,560.00
e. 15,000 < 20,000 bins/yr.	2,186.25	3,007.75	2,583.75
f. 20,000 < 25,000 bins/yr.	3,052.50	4,199.50	3,607.50
g. 25,000 < 50,000 bins/yr.	3,877.50	5,334.50	4,825.50
h. 50,000 < 75,000 bins/yr.	4,537.50	6,425.50	5,362.50
i. 75,000 < 100,000 bins/yr.	5,280.00	7,264.00	6,240.00
j. 100,000 < 125,000 bins/yr.	6,600.00	9,080.00	7,800.00
k. 125,000 < 150,000 bins/yr.	8,250.00	11,350.00	9,750.00
l. 150,000 bins/yr. and greater	9,900.00	13,620.00	11,700.00
Facilities Not Otherwise Classified			
a. < 1,000 gpd	825.00	1,135.00	975.00
b. 1,000 < 10,000 gpd	1,650.00	2,270.00	1,950.00
c. 10,000 < 50,000 gpd	4,125.00	5,675.00	4,875.00
d. 50,000 < 100,000 gpd	6,600.00	9,080.00	7,800.00
e. 100,000 < 500,000 gpd	13,200.00	18,160.00	15,600.00
f. 500,000 < 1,000,000 gpd	16,500.00	22,700.00	19,500.00
g. 1,000,000 gpd and greater	24,750.00	34,050.00	29,250.00
Flavor Extraction			
a. Steam Distillation	100.00	100.00	100.00
Food Processing			
a. < 1,000 gpd	825.00	1,135.00	975.00
b. 1,000 < 10,000 gpd	2,103.75	2,894.25	2,486.25
c. 10,000 < 50,000 gpd	3,753.75	5,164.25	4,436.25
d. 50,000 < 100,000 gpd	5,898.75	8,115.25	6,971.25
e. 100,000 < 250,000 gpd	8,250.00	11,350.00	9,750.00
f. 250,000 < 500,000 gpd	10,848.75	14,925.25	12,821.25
g. 500,000 < 750,000 gpd	13,612.50	18,722.50	16,087.50
h. 750,000 < 1,000,000 gpd	16,500.00	22,700.00	19,500.00
i. 1,000,000 < 2,500,000 gpd	20,212.50	27,807.50	23,887.50
j. 2,500,000 < 5,000,000 gpd	22,687.50	31,212.50	26,812.50
k. 5,000,000 gpd and greater	24,750.00	34,050.00	29,250.00
Fuel and Chemical Storage			
a. < 100,000 bbls	1,650.00	2,270.00	1,950.00
b. 100,000 < 500,000 bbls	4,125.00	5,675.00	4,875.00
c. 500,000 bbls and greater	8,250.00	11,350.00	9,750.00
Hazardous Waste Clean Up Sites			
a. Leaking Underground Storage Tanks (LUST)			
1. Those sites covered under a general/model permit	2,500.00	2,500.00	2,500.00
2. Those sites not covered under a general/model permit	5,000.00	5,000.00	5,000.00
b. Non-LUST Sites			
1. 1 or 2 Contaminants of concern	5,000.00	5,000.00	5,000.00
2. >2 Contaminants of concern	10,000.00	10,000.00	10,000.00
Ink Formulation and Printing			
a. Commercial Print Shops	1,500.00	1,500.00	1,500.00
b. Newspapers	2,500.00	2,500.00	2,500.00
c. Box Plants	4,000.00	4,000.00	4,000.00
d. Ink Formulation	5,000.00	5,000.00	5,000.00
Inorganic Chemicals Manufacturing			
a. Lime Products	4,125.00	5,675.00	4,875.00
b. Fertilizer	4,950.00	6,810.00	5,850.00
c. Peroxide	6,600.00	9,080.00	7,800.00
d. Alkaline Earth Salts	8,250.00	11,350.00	9,750.00
e. Metal Salts	11,550.00	15,890.00	13,650.00
f. Acid Manufacturing	16,500.00	22,700.00	19,500.00
g. Chlor-alkali	33,000.00	45,400.00	39,000.00
Iron and Steel			
a. Foundries	8,250.00	11,350.00	9,750.00
b. Mills	16,500.00	22,700.00	19,500.00
Metal Finishing			
a. < 1,000 gpd	990.00	1,362.00	1,170.00
b. 1,000 < 10,000 gpd	1,650.00	2,270.00	1,950.00
c. 10,000 < 50,000 gpd	4,125.00	5,675.00	4,875.00
d. 50,000 < 100,000 gpd	8,250.00	11,350.00	9,750.00

e. 100,000 < 500,000 gpd	16,500.00	22,700.00	19,500.00
f. 500,000 gpd and greater	24,750.00	34,050.00	29,250.00
Noncontact Cooling Water			
a. < 1,000 gpd	412.50	567.50	487.50
b. 1,000 < 10,000 gpd	825.00	1,135.00	975.00
c. 10,000 < 50,000 gpd	1,237.50	1,702.50	1,462.50
d. 50,000 < 100,000 gpd	2,887.50	3,972.50	3,412.50
e. 100,000 < 500,000 gpd	4,950.00	6,810.00	5,850.00
f. 500,000 < 1,000,000 gpd	7,012.50	9,647.50	8,287.50
g. 1,000,000 < 2,500,000 gpd	9,075.00	12,485.00	10,725.00
h. 2,500,000 < 5,000,000 gpd	11,137.50	15,332.50	13,162.50
i. 5,000,000 gpd and greater	13,200.00	18,160.00	15,600.00
Nonferrous Metals Forming			
	8,250.00	11,350.00	9,750.00
Ore Mining			
a. Ore mining	1,650.00	2,270.00	1,950.00
b. Ore mining with physical concentration processes	3,300.00	4,540.00	3,900.00
c. Ore mining with physical and chemical concentration processes	13,200.00	18,160.00	15,600.00
Organic Chemicals Manufacturing			
a. Fertilizer	8,250.00	11,350.00	9,750.00
b. Aliphatic	16,500.00	22,700.00	19,500.00
c. Aromatic	24,750.00	34,050.00	29,250.00
Petroleum Refining			
a. < 10,000 bbls/d	16,500.00	22,700.00	19,500.00
b. 10,000 < 50,000 bbls/d	33,000.00	45,400.00	39,000.00
c. 50,000 bbls/d and greater	66,000.00	90,800.00	78,000.00
Photofinishers			
a. < 1,000 gpd	660.00	908.00	780.00
b. 1,000 gpd and greater	1,650.00	2,270.00	1,950.00
Power and/or Steam Plants			
a. Steam Generation Nonelectric	3,300.00	4,540.00	3,900.00
b. Hydroelectric	3,300.00	4,540.00	3,900.00
c. Nonfossil Fuel	4,950.00	6,810.00	5,850.00
d. Fossil Fuel	13,200.00	18,160.00	15,600.00
Pulp, Paper and Paper Board			
a. Fiber Recyclers	8,250.00	11,350.00	9,750.00
b. Paper Mills	16,500.00	22,700.00	19,500.00
c. Groundwood Pulp Mills			
1. < 300 tons per day	24,750.00	34,050.00	29,250.00
2. 300 tons per day and greater	49,500.00	68,100.00	58,500.00
d. Chemical Pulp Mills w/o Chlorine Bleaching	66,000.00	90,800.00	78,000.00
e. Chemical Pulp Mills w/Chlorine Bleaching	74,250.00	102,150.00	87,750.00
Radioactive Effluents and Discharges (RED)			
a. < 3 waste streams	18,875.00	18,875.00	18,875.00
b. 3 < 8 waste streams	32,759.00	32,759.00	32,759.00
c. 8 waste streams and greater	53,956.00	53,956.00	53,956.00
Shipyards			
a. Per crane, travel lift, small boat lift	1,650.00	2,270.00	1,950.00
b. Per drydock under 250 ft in length	1,650.00	2,270.00	1,950.00
c. Per graving dock	1,650.00	2,270.00	1,950.00
d. Per marine way	2,475.00	3,405.00	2,925.00
e. Per scrofolift	2,475.00	3,405.00	2,925.00
f. Per drydock over 250 ft in length	3,300.00	4,540.00	3,900.00
The fee for a facility in the shipyard category is the sum of the fees for the applicable units in the facility.			
Solid Waste Sites			
a. Nonputrescible	3,300.00	4,540.00	3,900.00
b. < 50 acres	6,600.00	9,080.00	7,800.00
c. 50 < 100 acres	13,200.00	18,160.00	15,600.00

d. 100 < 250 acres	16,500.00	22,700.00	19,500.00
e. 250 acres and greater	24,750.00	34,050.00	29,250.00

Storm Water Only (Unless specifically categorized elsewhere.)

Individual Industrial Permits

a. < 50 acres	1,650.00	2,270.00	1,950.00
b. 50 < 100 acres	3,300.00	4,540.00	3,900.00
c. 100 < 500 acres	4,950.00	6,810.00	5,850.00
d. 500 acres and greater	6,600.00	9,080.00	7,800.00

Textile Mills	33,000.00	45,400.00	39,000.00
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Timber Products

a. Log Storage	1,650.00	2,270.00	1,950.00
b. Veneer	3,300.00	4,540.00	3,900.00
c. Sawmills	6,600.00	9,080.00	7,800.00
d. Hardwood, Plywood	11,550.00	15,890.00	13,650.00
e. Wood Preserving	16,500.00	22,700.00	19,500.00

Vehicle Maintenance and Freight Transfer

a. < 0.5 acre	1,650.00	2,270.00	1,950.00
b. 0.5 < 1.0 acre	3,300.00	4,540.00	3,900.00
c. 1.0 acre and greater	4,940.00	6,810.00	5,850.00

Water Plants

a. Potable water treatment	2,062.50	2,837.50	2,437.50
b. Irrigation water treatment	1,237.50	1,702.50	1,462.50

PERMANENT

<u>INDUSTRIAL FACILITY CATEGORIES</u>	<u>ANNUAL PERMIT FEE</u>		
<u>Aluminum Alloys</u>	<u>\$9,960.00</u>	<u>d. 100,000 - < 500,000 gpd</u>	<u>19,919.00</u>
<u>Aluminum and Magnesium Reduction Mills</u>		<u>e. 500,000 gpd and greater</u>	<u>29,879.00</u>
<u>a. NPDES Permit</u>	<u>58,736.00</u>	<u>Combined Food Processing Waste Treatment Facilities</u>	<u>9,960.00</u>
<u>b. State Permit</u>	<u>29,368.00</u>	<u>Combined Sewer Overflow System</u>	
<u>Aluminum Forming</u>	<u>29,879.00</u>	<u>a. < 50 acres</u>	<u>1,992.00</u>
<u>Aggregate Production</u>		<u>b. 50 - < 100 acres</u>	<u>4,980.00</u>
<u>a. Mining Activities</u>		<u>c. 100 - < 500 acres</u>	<u>5,976.00</u>
<u>1. Mining, screening, washing and/or crushing</u>	<u>1,714.00</u>	<u>d. 500 acres and greater</u>	<u>7,968.00</u>
<u>2. Inactive Sites</u>		<u>Commercial Laundry</u>	<u>255.00</u>
<u>A. Single site</u>	<u>379.00</u>	<u>Concentrated Animal Feeding Operation (Including dairies)</u>	
<u>B. Single Owner/multiple site</u>	<u>(fee per site)</u>	<u>a. < 200 Animal Units</u>	<u>102.00</u>
<u>i. 1 site will pay</u>	<u>379.00</u>	<u>b. 200 - < 400 Animal Units</u>	<u>255.00</u>
<u>ii. Additional sites 2 - < 6 will pay</u>	<u>14.00</u>	<u>c. 400 - < 600 Animal Units</u>	<u>511.00</u>
<u>iii. Additional sites 6 - < 11 will pay</u>	<u>143.00</u>	<u>d. 600 - < 800 Animal Units</u>	<u>766.00</u>
<u>iv. Additional sites 11 and greater will pay</u>	<u>71.00</u>	<u>e. 800 Animal Units and greater</u>	<u>1,022.00</u>
<u>The final fee for single owner/multiple inactive sites is the total sum of all the subcategories.</u>		<u>Crop Preparing</u>	
<u>b. Asphalt Production</u>		<u>a. 0 - < 1,000 bins/yr.</u>	<u>199.00</u>
<u>1. 0 - < 50,000 tons/yr.</u>	<u>714.00</u>	<u>b. 1,000 - < 5,000 bins/yr.</u>	<u>398.00</u>
<u>2. 50,000 - < 300,000 tons/yr.</u>	<u>1,714.00</u>	<u>c. 5,000 - < 10,000 bins/yr.</u>	<u>797.00</u>
<u>3. 300,000 tons/yr. and greater</u>	<u>2,143.00</u>	<u>d. 10,000 - < 15,000 bins/yr.</u>	<u>1,594.00</u>
<u>c. Concrete Production</u>		<u>e. 15,000 - < 20,000 bins/yr.</u>	<u>2,639.00</u>
<u>1. 0 - < 25,000 cu. yds/yr.</u>	<u>714.00</u>	<u>f. 20,000 - < 25,000 bins/yr.</u>	<u>3,685.00</u>
<u>2. 25,000 - < 200,000 cu. yds/yr.</u>	<u>1,714.00</u>	<u>g. 25,000 - < 50,000 bins/yr.</u>	<u>4,929.00</u>
<u>3. 200,000 cu. yds/yr. and greater</u>	<u>2,143.00</u>	<u>h. 50,000 - < 75,000 bins/yr.</u>	<u>5,478.00</u>
<u>The fee for a facility in the aggregate production category is the sum of the applicable fees in the mining activities and/or concrete and/or asphalt production categories.</u>		<u>i. 75,000 - < 100,000 bins/yr.</u>	<u>6,374.00</u>
<u>Aquaculture</u>		<u>j. 100,000 - < 125,000 bins/yr.</u>	<u>7,968.00</u>
<u>a. Finfish hatching and rearing</u>	<u>2,988.00</u>	<u>k. 125,000 - < 150,000 bins/yr.</u>	<u>9,960.00</u>
<u>b. Shellfish hatching</u>	<u>102.00</u>	<u>l. 150,000 bins/yr. and greater</u>	<u>11,952.00</u>
<u>Boat Yards</u>		<u>Facilities Not Otherwise Classified</u>	
<u>a. With storm water only discharge</u>	<u>255.00</u>	<u>a. < 1,000 gpd</u>	<u>996.00</u>
<u>b. All others</u>	<u>511.00</u>	<u>b. 1,000 - < 10,000 gpd</u>	<u>1,992.00</u>
<u>Coal Mining and Preparation</u>		<u>c. 10,000 - < 50,000 gpd</u>	<u>4,980.00</u>
<u>a. < 200,000 tons per year</u>	<u>3,984.00</u>	<u>d. 50,000 - < 100,000 gpd</u>	<u>7,968.00</u>
<u>b. 200,000 - < 500,000 tons per year</u>	<u>8,964.00</u>	<u>e. 100,000 - < 500,000 gpd</u>	<u>15,935.00</u>
<u>c. 500,000 - < 1,000,000 tons per year</u>	<u>15,935.00</u>	<u>f. 500,000 - < 1,000,000 gpd</u>	<u>19,919.00</u>
<u>d. 1,000,000 tons per year and greater</u>	<u>29,879.00</u>	<u>g. 1,000,000 gpd and greater</u>	<u>29,879.00</u>
<u>Combined Industrial Waste Treatment</u>		<u>Flavor Extraction</u>	
<u>a. < 10,000 gpd</u>	<u>1,992.00</u>	<u>a. Steam Distillation</u>	<u>102.00</u>
<u>b. 10,000 - < 50,000 gpd</u>	<u>4,980.00</u>	<u>Food Processing</u>	
<u>c. 50,000 - < 100,000 gpd</u>	<u>9,960.00</u>	<u>a. < 1,000 gpd</u>	<u>996.00</u>
		<u>b. 1,000 - < 10,000 gpd</u>	<u>2,540.00</u>
		<u>c. 10,000 - < 50,000 gpd</u>	<u>4,532.00</u>
		<u>d. 50,000 - < 100,000 gpd</u>	<u>7,121.00</u>

e. 100,000 - < 250,000 gpd	9,960.00	<u>Organic Chemicals Manufacturing</u>	
f. 250,000 - < 500,000 gpd	13,097.00	a. Fertilizer	9,960.00
g. 500,000 - < 750,000 gpd	16,433.00	b. Aliphatic	19,919.00
h. 750,000 - < 1,000,000 gpd	19,919.00	c. Aromatic	29,879.00
i. 1,000,000 - < 2,500,000 gpd	24,401.00	<u>Petroleum Refining</u>	
j. 2,500,000 - < 5,000,000 gpd	27,389.00	a. < 10,000 bbls/d	19,919.00
k. 5,000,000 gpd and greater	29,879.00	b. 10,000 - < 50,000 bbls/d	39,839.00
		c. 50,000 bbls/d and greater	79,677.00
<u>Fuel and Chemical Storage</u>		<u>Photofinishers</u>	
a. < 50,000 bbls	966.00	a. < 1,000 gpd	797.00
b. 50,000 - < 100,000 bbls	1,992.00	b. 1,000 gpd and greater	1,992.00
c. 100,000 - < 500,000 bbls	4,980.00	<u>Power and/or Steam Plants</u>	
d. 500,000 bbls and greater	9,960.00	a. Steam Generation - Nonelectric	3,984.00
<u>Hazardous Waste Clean Up Sites</u>		b. Hydroelectric	3,984.00
a. <u>Leaking Underground Storage Tanks (LUST)</u>		c. Nonfossil Fuel	5,976.00
1. State Permits	2,613.00	d. Fossil Fuel	15,935.00
2. NPDES Permits Issued pre 7/1/94	2,613.00	<u>Pulp, Paper and Paper Board</u>	
3. NPDES Permits Issued post 7/1/94	5,225.00	a. Fiber Recyclers	9,960.00
b. NonLUST Sites		b. Paper Mills	19,919.00
1. 1 or 2 Contaminants of concern	5,108.00	c. <u>Groundwood Pulp Mills</u>	
2. > 2 Contaminants of concern	10,215.00	1. < 300 tons per day	29,879.00
		2. > 300 tons per day	59,758.00
<u>Ink Formulation and Printing</u>		d. Chemical Pulp Mills w/o Chlorine Bleaching	79,677.00
a. Commercial Print Shops	1,532.00	e. Chemical Pulp Mills w/Chlorine Bleaching	89,637.00
b. Newspapers	2,554.00	<u>Radioactive Effluents and Discharges (RED)</u>	
c. Box Plants	4,086.00	a. < 3 waste streams	19,281.00
d. Ink Formulation	5,108.00	b. 3 - < 8 waste streams	33,463.00
<u>Inorganic Chemicals Manufacturing</u>		c. 8 waste streams and greater	55,116.00
a. Lime Products	4,980.00	<u>RCRA Corrective Action Sites</u>	14,000.00
b. Fertilizer	5,976.00	<u>Seafood Processing</u>	
c. Peroxide	7,968.00	a. < 1,000 gpd	996.00
d. Alkaline Earth Salts	9,960.00	b. 1,000 - < 10,000 gpd	2,540.00
e. Metal Salts	13,943.00	c. 10,000 - < 50,000 gpd	4,532.00
f. Acid Manufacturing	19,919.00	d. 50,000 - < 100,000 gpd	7,121.00
g. Chlor-alkali	39,839.00	e. 100,000 gpd and greater	9,960.00
<u>Iron and Steel</u>		<u>Shipyards</u>	
a. Foundries	9,960.00	a. Per crane, travel lift, small boat lift	1,992.00
b. Mills	19,919.00	b. Per drydock under 250 in length	1,992.00
<u>Metal Finishing</u>		c. Per graving dock	1,992.00
a. < 1,000 gpd	1,195.00	d. Per marine way	2,988.00
b. 1,000 - < 10,000 gpd	1,992.00	e. Per scrolift	2,988.00
c. 10,000 - < 50,000 gpd	4,980.00	f. Per drydock over 250 ft in length	3,984.00
d. 50,000 - < 100,000 gpd	9,960.00	<u>The fee for a facility in the shipyard category is the sum of the fees for the applicable units in the facility.</u>	
e. 100,000 - < 500,000 gpd	19,919.00	<u>Solid Waste Sites (nonstorm water)</u>	
f. 500,000 gpd and greater	29,879.00	a. Nonputrescible	3,984.00
<u>Noncontact Cooling Water with Additives</u>		b. < 50 acres	7,968.00
a. < 1,000 gpd	623.00	c. 50 - < 100 acres	15,935.00
b. 1,000 - < 10,000 gpd	1,245.00	d. 100 - < 250 acres	19,919.00
c. 10,000 - < 50,000 gpd	1,868.00	e. 250 acres and greater	29,879.00
d. 50,000 - < 100,000 gpd	4,358.00	<u>Storm Water (Unless specifically categorized elsewhere.)</u>	
e. 100,000 - < 500,000 gpd	7,470.00	a. <u>Individual Industrial Permits</u>	
f. 500,000 - < 1,000,000 gpd	10,583.00	1. < 50 acres	1,992.00
g. 1,000,000 - < 2,500,000 gpd	13,695.00	2. 50 - < 100 acres	3,984.00
h. 2,500,000 - < 5,000,000 gpd	16,806.00	3. 100 - < 500 acres	5,976.00
i. 5,000,000 gpd and greater	19,919.00	4. 500 acres and greater	7,968.00
<u>Noncontact Cooling Water Without Additives</u>		b. Facilities covered under the Baseline Industrial Storm Water General Permit	265.00
a. < 1,000 gpd	498.00	c. Construction activities covered under the Baseline Industrial Storm Water General Permit	265.00
b. 1,000 - < 10,000 gpd	996.00	<u>Textile Mills</u>	39,839.00
c. 10,000 - < 50,000 gpd	1,494.00	<u>Timber Products</u>	
d. 50,000 - < 100,000 gpd	3,486.00	a. Log Storage	1,992.00
e. 100,000 - < 500,000 gpd	5,976.00	b. Veneer	3,984.00
f. 500,000 - < 1,000,000 gpd	8,466.00	c. Sawmills	7,968.00
g. 1,000,000 - < 2,500,000 gpd	10,956.00	d. Hardwood, Plywood	13,943.00
h. 2,500,000 - < 5,000,000 gpd	13,445.00	e. Wood Preserving	19,919.00
i. 5,000,000 gpd and greater	15,935.00	<u>Nonferrous Metals Forming</u>	9,960.00
<u>Ore Mining</u>		<u>Ore Mining</u>	1,992.00
a. Ore Mining	1,992.00	b. Ore mining w/physical concentration processes	3,984.00
b. Ore mining w/physical concentration processes	3,984.00	c. Ore mining with physical and chemical concentration processes	15,935.00

Vegetable/Bulb Washing Facilities

a. < 1,000 gpd	66.00
b. 1,000 - < 5,000 gpd	132.00
c. 5,000 - < 10,000 gpd	263.00
d. 10,000 - < 20,000 gpd	527.00
e. 20,000 and greater	873.00

Vehicle Maintenance and Freight Transfer

a. < 0.5 acre	1,992.00
b. 0.5 - < 1.0 acre	3,984.00
c. 1.0 acre and greater	5,976.00

Water Plants

a. Potable water treatment	2,490.00
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Wineries

a. < 500 gpd	204.00
b. 500 - < 750 gpd	408.00
c. 750 - < 1,000 gpd	815.00
d. 1,000 - < 2,500 gpd	1,630.00
e. 2,500 - < 5,000 gpd	2,598.00
f. 5,000 gpd and greater	3,566.00

(a) Facilities other than those in the aggregate production, crop preparing, ~~((or))~~ shipyard, or RCRA categories which operate within several fee categories or subcategories shall be charged ~~((for))~~ from that category or subcategory ~~((which represents the most permitting complexity to the department))~~ with the highest fee.

(b) Facilities ~~((covered by))~~ with existing fee structures that obtain coverage under a general permit other than the industrial and municipal storm water general permits shall be charged a permit fee equaling 70% of the fee category in which they would otherwise belong.

(c) The total annual permit fee for a water treatment plant that primarily serves residential customers shall not exceed three dollars per residential equivalent. The number of residential equivalents is determined by dividing the facility's annual gross revenue in the previous calendar year by the annual user charge for a single family residence which uses nine hundred cubic feet of water per month.

(d) ~~((To verify information relevant to the determination of fees, the department may require industrial and commercial))~~ Crop preparation and aggregate production permittees are required to submit information to the department certifying annual production (calendar year) or unit processes. When required, the information form shall be completed and returned to the department within thirty days after it is mailed to the permittee by the department. Failure to provide this information could result in permit termination.

(i) Information submitted shall bear a certification of correctness and be signed:

(A) In the case of a corporation, by an authorized corporate officer;

(B) In the case of a limited partnership, by an authorized general partner;

(C) In the case of a general partnership, by an authorized partner; or

(D) In the case of a sole proprietorship, by the proprietor.

(ii) The department may verify information submitted and, if it determines that false or inaccurate statements have been made, it may, in addition to taking other actions provided by law, revise both current and previously granted fee determinations.

(e) Fees for crop preparers discharging only noncontact cooling water without additives shall pay the lesser of the

applicable fee in the crop preparing or noncontact cooling water without additives categories.

(f) Where no clear industrial facility category exists for placement of a permittee, the department may elect to place the permittee in a category with dischargers or permittees that contain or use similar properties or processes and/or a category which contains similar permitting complexities to the department.

~~((g) Hazardous waste clean up sites ((requiring a wastewater discharge permit only because of clean up activity shall have their permit fees incorporated into charges for cost recovery under chapter 70.105D RCW rather than paid under the terms of chapter 173-224 WAC. All facilities that are required to have a wastewater discharge permit regardless of a clean up activity occurring on site shall pay permit fees under chapter 173-224 WAC rather than through cost recovery under chapter 70.105D RCW)) and EPA authorized RCRA corrective action sites with whom the department is commencing cost recovery through chapter 70.105D RCW shall not pay a permit fee under chapter 173-224 WAC until such time as the cost recovery under chapter 70.105D RCW ceases.~~

(h) Any permit holder with the exception of inactive aggregate operations who has not been in continuous operation within a consecutive eighteen-month period or who commits to not being in operation for a consecutive eighteen-month period or longer can have their permit fee reduced to twenty-five percent of the fee which they would be otherwise assessed. This nonoperating mode must be verified by the appropriate ecology staff. Once operations resume, the permit fee shall be returned to the full amount.

Facilities who commit to the minimum eighteen-month nonoperating mode but go back into operation during the same eighteen-month period will be assessed permit fees as if they were active during the entire period.

(i) Fees for inactive aggregate sites that become active will be prorated to reflect the number of days the facility is active during the fiscal year. Facilities that become active more than once in a fiscal year shall pay the full annual fee.

(j) Facilities with subcategories based on gallons per day (gpd) shall have their annual permit fee determined by using the maximum daily flow or maximum monthly average permitted flow in gallons per day as specified in the waste discharge permit, whichever is greater.

(k) RCRA corrective action sites requiring a waste discharge permit will be assessed a separate permit fee regardless of whether the discharge is authorized by a separate permit or by a modification to an existing permit for a discharge other than that resulting from the corrective action.

(3) MUNICIPAL/DOMESTIC FACILITIES

(a) The annual permit fee for a permit held by a municipality for a domestic wastewater facility issued under RCW 90.48.162 or 90.48.260 is determined as follows:

((Residential	Equivalents	FY 92 Annual	FY 93 Annual	Post FY 93
(RE)	Permit Fee	Permit Fee	Annual Permit	Fee
< 250,000	\$.98 per RE	\$ 1.42 per RE	\$ 1.20 per RE	
> 250,000	\$.59 per RE	\$.85 per RE	\$.72 per RE	

PERMANENT

(i) Residential Equivalents (RE)

< 250,000	\$1.23 per RE
> 250,000	\$.74 per RE

(ii) In addition to the municipal annual permit fee, a biosolids surcharge amounting to five percent of the annual permit fee will also be assessed for municipalities who do not incinerate their sludge.

(iii) Municipal storm water permit annual fee for only the entities listed below will be:

<u>Name of Entity</u>	<u>Annual Fee</u>
<u>King County</u>	<u>\$ 22,688.00</u>
<u>Snohomish County</u>	<u>22,688.00</u>
<u>Pierce County</u>	<u>22,688.00</u>
<u>Tacoma, City of</u>	<u>22,688.00</u>
<u>Seattle, City of</u>	<u>22,688.00</u>
<u>Department of Transportation</u>	<u>22,688.00</u>

Facilities listed in (a)(iii) of this subsection shall pay an annual fee for fiscal year 1994 and fiscal year 1995 regardless of the permit issuance date or the number of municipal storm water permits under which they are covered.

(b) The annual permit fee for each permit issued under RCW 90.48.162 or 90.48.260 that is held by a municipality that holds more than one permit for domestic wastewater facilities and which treats each domestic wastewater facility as a separate accounting entity, (i.e., maintaining separate funds/accounts for each facility, into which revenue received from the users of that facility is deposited and out of which expenditures to pay for the costs of operating, etc., that facility are made) is determined as in (a) of this subsection.

(c) The sum of the annual permit fees for permits held by a municipality that holds more than one permit for domestic wastewater facilities issued under RCW 90.48.162 or 90.48.260 and which does not treat each domestic wastewater facility as a separate accounting entity, (i.e., maintaining separate funds/accounts for each facility, into which revenue received from the users of that facility is deposited and out of which expenditures to pay for the costs of operating, etc., that facility are made) is determined as in (a) of this subsection.

(d) The permit fee for a privately-owned domestic wastewater facility that primarily serves residential customers is determined as in (a) of this subsection. Residential customers are those whose lot, parcel or real estate, or building is primarily used for domestic dwelling purposes.

(e) Permit fees for privately-owned domestic wastewater facilities that do not serve primarily residential customers and for state-owned domestic wastewater facilities are the following:

<u>(Permitted Flows)</u>	<u>FY 92 Annual Permit Fee</u>	<u>FY 93 Annual Permit Fee</u>	<u>Post FY 93 Annual Permit Fee</u>
.1 MGD and Greater	\$4,125.00	5,675.00	4,875.50
.05 MGD to < .1 MGD	1,650.00	2,270.00	1,950.00
.0008 MGD to < .05 MGD	825.00	1,135.00	975.00
< .0008 MGD	247.50	340.50	292.50

<u>Permitted Flows</u>	<u>Annual Permit Fee</u>
.1 MGD and Greater	\$4,980.00
.05 MGD to < .1 MGD	1,992.00
.0008 MGD to < .05 MGD	996.00
< .0008 MGD	299.00

Privately-owned domestic wastewater facilities shall have their annual permit fee determined by using the maximum daily flow or maximum monthly average permitted flow in million gallons per day, whichever is greater, as specified in the waste discharge permit.

(f) The number of residential equivalents is calculated in the following manner:

(i) If the facility serves only single-family residences, the number of residential equivalents is the number of single-family residences that it served on January 1 of the previous calendar year.

(ii) If the facility serves both single-family residences and other classes of customers, the number of residential equivalents is calculated in the following manner:

(A) Calculation of the number of residential equivalents that the facility serves in its own service area. Subtract from the previous calendar year's gross revenue:

(I) Any amounts received from other municipalities for sewage interception, treatment, collection, or disposal; and

(II) Any user charges received from customers for whom the permit holder pays amounts to other municipalities for sewage treatment or disposal services. Divide the resulting figure by the annual user charge for a single-family residence.

(B) Calculation of the number of residential equivalents that the facility serves in other municipalities which pay amounts to the facility for sewage interception, treatment, collection, or disposal:

(I) Divide any such amounts received from other municipalities during the previous calendar year by the annual user charge for a single-family residence. In this case "annual user charge for a single-family residence" means the annual user charge that the facility charges other municipalities for sewage interception, treatment, collection, or disposal services for a single-family residence. If the facility charges different municipalities differing single-family residential user charges, then the charge used in these calculations must be that which applies to the largest number of single-family residential customers. Alternatively, if the facility charges different municipalities differing single-family residential user charges, the permit holder may divide the amount received from each municipality by the annual user charge that it charges that municipality for a single-family residence and sum the resulting figures.

(II) If the facility does not charge the other municipality on the basis of a charge per single-family residence, the number of residential equivalents in the other municipality is calculated by dividing its previous calendar year's gross

revenue by its annual user charge for a single-family residence. If the other municipality does not maintain data on its gross revenue, user charges, and/or the number of single-family residences that it serves, the number of residential equivalents is calculated as in (f)(iv) of this subsection.

(III) If the other municipality serves only single-family residences, the number of residential equivalents may be calculated as in (f)(i) of this subsection.

The sum of the resulting figures is the number of residential equivalents that the facility serves in other municipalities.

(C) The number of residential equivalents is the sum of the number of residential equivalents calculated in (f)(ii)(A) and (B) of this subsection.

(iii) The annual user charge for a single-family residence is calculated by either of the following methods, at the choice of the permit holder:

(A) The annual user charge for a single-family residence using nine hundred cubic feet of water per month. If users are billed monthly, this is calculated by multiplying by twelve the monthly user charge for a single-family residence using nine hundred cubic feet of water per month. If users are billed bimonthly, the annual user charge is calculated by multiplying by six the bimonthly user charge for a single-family residence using one thousand eight hundred cubic feet of water per two-month period. If the user charge for a single-family residence varies, depending on age, income, location, etc., then the charge used in these calculations must be that which applies to the largest number of single-family residential customers.

(B) The average annual user charge for a single-family residence. This average is calculated by dividing the previous calendar year's gross revenue from provision of sewer services to single-family residences by the number of single-family residences served on January 1 of the previous calendar year. If the user charge for a single-family residence varies, depending on age, income, location, etc., then the gross revenue and number of single-family residences used in making this calculation must be those for all the single-family residential customers.

In either case, (f)(iii)(A) or (B) of this subsection, the permit holder must provide the department with a copy of its complete sewer rate schedule for all classes of customers.

(iv) If a permit holder does not maintain data on its gross revenue, user charges, and/or the number of single-family residences that it serves, and therefore cannot use the methods described in (f)(i) or (ii) of this subsection to calculate the number of residential equivalents that it serves, then the number of residential equivalents that it serves is calculated by dividing the average daily influent flow to its facility for the previous calendar year by two hundred fifty gallons. This average is calculated by summing all the daily flow measurements taken during the previous calendar year and then dividing the resulting sum by the number of days on which flow was measured. Data for this calculation must be taken from the permit holder's discharge monitoring reports. Permit holders using this means of calculating the number of their residential equivalents must submit with their application a complete set of copies of their discharge monitoring reports for the previous calendar year.

~~((v) If the facility received a permit fee reduction in accordance with WAC 173-223-090(3) for its fiscal year 1989 permit fee, the facility may use the residential equivalent count that was made in determining that fee reduction as the number of residential equivalents for calculating its fiscal year 1990 and 1991 permit fees.))~~

(g) Fee calculation procedures for holders of permits for domestic wastewater facilities.

(i) Municipalities holding permits for domestic wastewater facilities issued under RCW 90.48.162 and 90.48.260, and holders of permits for privately-owned domestic wastewater facilities that primarily serve residential customers must complete a form certifying the number of residential equivalents served by their domestic wastewater system. The form must be completed and returned to the department within thirty days after it is mailed to the permit holder by the department. Failure to return the form could result in permit termination. Fees will be calculated in even-numbered fiscal years.

(ii) The form shall bear a certification of correctness and be signed:

(A) In the case of a corporation, by an authorized corporate officer;

(B) In the case of a limited partnership, by an authorized partner;

(C) In the case of a general partnership, by an authorized partner;

(D) In the case of a sole proprietorship, by the proprietor; or

(E) In the case of a municipal or other public facility, by either a ranking elected official or a principal executive officer.

(iii) The department may verify the information contained in the form and, if it determines that the permit holder has made false statements, may, in addition to taking other actions provided by law, revise both current and previously granted fee determinations.

AMENDATORY SECTION (Amending Order 91-45, filed 1/21/92, effective 2/21/92)

WAC 173-224-050 Permit fee computation and payments. (1) The department shall charge permit fees based on the permit fee schedule contained in WAC 173-224-040. The department may charge fees at the beginning of the year to which they apply. The department shall notify permit holders of fee charges by mailing billing statements. Permit fees must be received by the department within forty-five days after the department mails a billing statement. The department may elect to bill permit holders a prorated portion of the annual fee on a monthly, quarterly, or other periodic basis. In cases where a new permit is only in effect for a portion of the fiscal year upon which the annual fee is based, the department shall prorate the fee accordingly. In addition to other circumstances, this applies where the department terminates a permit upon its determination that an industry which discharges to a municipal sewer system is satisfactorily regulated by a local pretreatment program.

(2) Permit fee computation for individual permits. Computation of permit fees shall begin on the first day of each fiscal year, or in the case of facilities or activities not previously covered by permits, on the issuance date of the

permit. In the case of applicants for state waste discharge permits who are deemed to have a temporary permit under RCW 90.48.200, computation shall begin on the sixty-first day after the department (~~receives an application~~) accepts a completed application. In the case of NPDES permit holders who submit a new, updated permit application containing information which could change their assigned permit fee, computation and permit fee category reassignment begins upon acceptance of the application by the department.

(3) Permit fee computation for general permits. Computation of fees for permittees covered under a general permit (with the exception of permittees covered under the baseline industrial storm water general permit) begins at the end of the permit application coverage period, regardless of the date of submission of the notice of intent. Any facility that is an existing operation requiring general permit coverage but that does not apply for a permit during the permit application coverage period will, in addition to paying fees beginning at the end of the application coverage period, be assessed a late charge of up to twenty-five percent of the annual permit fee depending upon the degree of lateness. The late charge will be calculated as follows: The number of days late divided by three hundred sixty-five (number of days in the state fiscal year) multiplied by the annual fee assessed.

(4) Permit fees for sand and gravel (aggregate) general permittees will be assessed as in subsection (3) of this section and:

(a) A mining facility that is active for three months or more during the state fiscal year will be considered active for the full year for fee purposes. A mining facility that is active for less than three months shall have their fee prorated dependent upon the actual time the facility is active and inactive.

(b) Inactive sites that become active for only concrete and/or asphalt production will be assessed a prorated fee for the actual time inactive. For the actual time a concrete and/or asphalt facility is active, fees will be based on total production of concrete and/or asphalt.

(c) Fees for continuously active sites that produce concrete and/or asphalt will be based on the average of the three previous calendar years production totals. Existing facilities must provide the department with the production totals for concrete and/or asphalt produced during the previous three calendar years or for the number of full calendar years of operation if less than three. New facilities with no historical asphalt and/or concrete production data will have their first year fee based on the production levels reported on the notice of intent for coverage under the National Pollutant Discharge Elimination System and State Waste Discharge Permit for Process Water and Storm Water Discharges Associated with Sand and Gravel Operations, Rock Quarries and Similar Mining Facilities including Stockpiles of Mined Materials, Concrete Batch Operations and Asphalt Batch Operations general permit. The second year fee will be determined based on the actual production during the first year and estimated production for the second year. The third year fee will be determined based on the average of actual production for the first two years and estimated for the third year. Fee calculation for subsequent

years will be based on the average production values of previous years.

(5) Fees for crop preparation general permittees will be assessed as in subsection (3) of this section and will be computed on the three previous calendar years production totals. Existing facilities must provide the department with the production totals in the manner described in WAC 173-224-040 (2)(d). New facilities with no historical production data will have their first year fee based on the estimated production level for that year. The second year fee will be determined based on the actual production during the first year and estimated production for the second year. The third year fee will be determined based on the average of actual production for the first two years and estimated for the third year. Fee calculation for subsequent years will be based on the average production values of previous years.

(6) Permittees covered under the baseline industrial storm water general permit before July 1, 1993, will have their annual permit fees calculated beginning on July 1, 1993. Facilities that are existing operations prior to July 1, 1993, and apply for permit coverage after July 1, 1993, will be assessed the annual permit fee beginning on July 1, 1993. Facilities submitting their notice of intent after January 1, 1994, will also be assessed a late charge of up to twenty-five percent of the annual fee assessed depending upon the degree of lateness. The late charge will be calculated as described in subsection (2) of this section. Construction activities receiving coverage under the baseline industrial storm water general permit after July 1, 1993, will be assessed a permit fee beginning upon the permit issuance date. Construction storm water permits terminated during the fiscal year will have their fees prorated as follows:

(a) Permit coverage for up to three months will pay twenty-five percent of the annual permit fee;

(b) Permit coverage for three to six months will pay fifty percent of the annual permit fee;

(c) Permit coverage for six to nine months will pay seventy-five percent of the annual permit fee; and

(d) Permit coverage for nine months or greater will pay one hundred percent of the annual permit fee.

(7) Facilities with an existing NPDES and/or state wastewater discharge permit who also have obtained coverage under the baseline industrial storm water general permit shall not pay a permit fee for coverage under the baseline industrial storm water general permit.

(8) Computation of fees shall end on the last day of the state's fiscal year, or in the case of a terminated permit, on the date of termination. Computation shall end on the expiration date of a permit only if a permit holder has indicated to the department in writing that the permitted activity has been terminated.

~~((2) The department shall charge permit fees based on the permit fee schedule contained in WAC 173-224-040. The department may charge fees at the beginning of the year to which they apply. The department shall notify permit holders of fee charges by mailing billing statements. Permit fees must be received by the department thirty days after the department mails a billing statement. The department may elect to bill permit holders a prorated portion of the annual fee on a monthly, quarterly, or other periodic basis. In cases where a new permit is only in effect for a portion of the fiscal year upon which the annual fee is based, the depart-~~

~~ment shall prorate the fee accordingly. In addition to other circumstances, this applies where the department terminates a permit upon its determination that an industry which discharges to a municipal sewer system is satisfactorily regulated by a local pretreatment program.)~~

~~((3))~~ (9) The applicable permit fee shall be paid by check or money order payable to the "Department of Ecology" and mailed to the Wastewater Discharge Permit Fee Program, P.O. Box 5128, Lacey, Washington 98503-0210.

~~((4))~~ (10) In the event a check is returned due to insufficient funds, the permit fee shall be deemed to be unpaid.

~~((5))~~ (11) Penalty due on delinquent accounts. The department may charge permit holders a penalty on fee charges that have not been paid by the due date indicated on the billing statement at the rates of:

(a) Ten percent of the assessed fee for the first thirty days late;

(b) Fifteen percent of the assessed fee for between thirty-one days late and sixty days late; and

(c) Twenty-five percent of the assessed fee for between sixty-one days late and ninety days late.

Failure to pay fees and penalties after ninety days may result in termination of the permit or the exercise of such other legal or equitable remedies that ecology is authorized to carry out including, but not limited to, the assessment of additional penalties. Civil penalties issued by the department may be sufficiently large to offset the economic benefit gained from nonpayment of fees and to deter continued operation and/or nonpayment. Payment of civil penalties shall not be deemed as payment of fees, nor shall payment of fees after assessment of penalties be deemed as a cause for reducing the penalty. Nothing herein shall be interpreted as restricting the authority of the department to exercise its other enforcement remedies as authorized by law.

AMENDATORY SECTION (Amending Order 91-45, filed 1/21/92, effective 2/21/92)

WAC 173-224-090 Small business fee reduction. A small business required to pay a permit fee under an industrial facility category may receive a reduction of its permit fee.

(1) To qualify for the fee reduction, a business must:

(a) Be a corporation, partnership, sole proprietorship, or other legal entity formed for the purpose of making a profit;

(b) Be independently owned and operated from all other businesses (i.e., not a subsidiary of a parent company);

(c) ~~(Have fifty or fewer employees; and~~

~~(d))~~ Have annual sales of ~~((five hundred thousand))~~ one million dollars or less of the goods or services produced using the processes regulated by the waste discharge permit; and

(d) Pay an annual wastewater discharge permit fee greater than five hundred dollars.

(2) To receive a fee reduction, the permit holder must submit an application in a manner prescribed by the department demonstrating that the conditions of subsection (1) of this section have been met. The application shall bear a certification of correctness and be signed:

(a) In the case of a corporation, by an authorized corporate officer;

(b) In the case of a limited partnership, by an authorized general partner;

(c) In the case of a general partnership, by an authorized partner; or

(d) In the case of a sole proprietorship, by the proprietor.

(3) The department may verify the information contained in the application and, if it determines that the permit holder has made false statements, may deny the fee reduction request and revoke previously granted fee reductions.

(4) The permit fee for small businesses determined to be eligible under subsection (1) of this section shall be reduced to ~~((the greater of: (a)) fifty percent of the assessed annual permit fee((; or (b) two hundred fifty dollars))~~.

(5) If due to special economic circumstances ((a fee reduction allowed under subsection (4) of this section would nevertheless still impose an extreme economic hardship on a small business, the small business may so indicate in its application for fee reduction and request a further fee reduction. The small business must provide sufficient evidence to support its claim of extreme hardship. The factors which the department may consider in determining whether the applicant faces special economic circumstances and in setting the applicant's fee include: The applicant's annual sales, the size of its labor force, the conditions of the market which affect the applicant's ability to pass the cost of the permit fee through to its customers, and its average annual profits. In no case will a permit fee be reduced below one percent of the average annual gross sales of the goods or services produced using the process regulated by the waste discharge permit. The average annual gross sales is calculated using the previous three calendar years' gross sales)) the annual permit fee assessed a small business imposes an extreme hardship, the small business may request an extreme hardship fee reduction. The small business must provide sufficient evidence to support its claim of an extreme hardship. The factors which the department may consider in whether an applicant faces special economic circumstances and in setting the applicant's fee include: The applicant's annual sales; the size of its labor force; the conditions of the market which affect the applicant's ability to pass the cost of the permit fee through to its customers; and the average annual profits. In no case will a permit fee be reduced below one hundred dollars.

AMENDATORY SECTION (Amending Order 91-45, filed 1/21/92, effective 2/21/92)

WAC 173-224-100 Administrative appeals to the department. Any person aggrieved by a determination made under this chapter by the department may file a written appeal to the department no later than each fiscal year's first billing due date for payment of fees. Such appeal shall state the reasons that the aggrieved person believes that the department's determination is contrary to the requirements of RCW 90.48.465, and specific actions that he/she is requesting that are consistent with those requirements. The department shall either issue a revised determination or a statement upholding the original determination. A revised determination shall be consistent with the requirements of RCW

90.48.465. Any person feeling aggrieved by the administrative appeals decision made by the department regarding their permit fee may obtain review thereof by filing an appeal with the Pollution Control Hearings Board, ((~~Mailstop PY-21~~) PO Box 40903, Olympia, Washington 98504-((~~8921~~))0903, within thirty days of receipt of the department's decision. In addition, a copy of the appeal must be served on the Department of Ecology, Attention: Water Quality Program, ((~~Mailstop PV-11~~) PO Box 47696, Olympia, Washington 98504-((~~8711~~))7696, within thirty days of receipt. These procedures are consistent with the provisions of chapter 43.21B RCW and the rules and regulations adopted thereunder.

WSR 94-10-030
PERMANENT RULES
MULTIMODAL TRANSPORTATION
PROGRAMS AND PROJECTS
SELECTION COMMITTEE

[Filed April 28, 1994, 12:06 p.m., effective May 1, 1994]

Date of Adoption: May 1, 1994.

Purpose: To provide rules for the distribution of funds from four transportation accounts administered by the Multimodal Transportation Programs and Projects Selection Committee.

Statutory Authority for Adoption: Chapter 47.66 RCW.

Pursuant to notice filed as WSR 94-05-100 on February 16, 1994.

Changes Other than Editing from Proposed to Adopted Version: WAC 240-20-075 was deleted.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The Multimodal Programs and Projects Selection Committee is submitting a permanent administrative rule as chapter 240-20 WAC. The committee requests that the rule becomes effective May 1, 1994. The requested date is earlier than the standard thirty one days after the rule was filed. RCW 35.05.380(3) [34.05.380(3)] permits having rules become effective earlier than thirty one days from when they were filed. The committee cites RCW 34.05.380 (3)(c) for justification. Currently there are emergency rules in place that are due to expire by May 16, 1994. The committee will be meeting on May 20, 1994, to select projects for funding. The committee will not meet again until July 15, 1994. If the committee must wait the full thirty one days, it will be unable to take action in May and this will delay projects throughout the state for more than two months. Many of these projects are time sensitive. Therefore, the welfare of the state is imperiled.

Effective Date of Rule: May 1, 1994.

April 15, 1994
 Martha Choe
 Chair

Chapter 240-20 WAC
Multimodal Transportation Programs and Projects
Selection Committee

[NEW SECTION]

WAC 240-20-001 Legislative intent. There is significant state interest in assuring that viable multimodal transportation programs are available throughout the state. The legislature recognizes the need to create a mechanism to fund multimodal transportation programs and projects. The legislature further recognizes the complexities associated with current funding mechanisms and seeks to create a process that would allow for all transportation programs and projects to compete for limited resources.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 240-20-010 Purpose of multimodal transportation programs and projects selection committee. The multimodal transportation programs and projects selection committee is a twenty-one member committee, organized under the provisions of chapter 393, Laws of 1993 for the purpose of selecting programs and projects for the state central Puget sound transportation account; the state public transportation systems account; the state high capacity transportation account; and the federal Intermodal Surface Transportation and Efficiency Act of 1991, state-wide competitive program.

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

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 240-20-015 Definitions. For purposes of this chapter, the following definitions shall apply:

- (1) Committee - the multimodal transportation programs and projects selection committee.
- (2) Department - the Washington state department of transportation.
- (3) 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 fiscal form or characteristics.
- (4) Exceptions - include any circumstance, condition, issue, or situation wherein a program or project may be unable to be completed on schedule and/or within its budget.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 240-20-020 Organization of committee. (1) The committee shall elect a chair and a chair pro tem from its membership. The chair pro tem shall serve as chair when the chair is absent. The terms of these two positions shall be two years. (2) The committee shall develop a set of by-laws to guide its operation.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 240-20-025 Time and place of meetings. (1) Regular public meetings of the committee shall be held quarterly on the third Friday of the first month of the quarter, or the second Friday if the third Friday is a holiday. Each regular meeting will be held in a meeting room in the vicinity of the SeaTac International Airport and begin at the hour of 9:00 a.m. or at such other time and place as designated by the committee. Written notice of the time and location of regular meetings shall be provided to individuals on the general mailing list and members of the committee at least one week prior to each meeting.

(2) A special meeting of the committee may be called by the chair or by a majority of the members of the committee, by delivering personally, by facsimile or by mail, written notice to all other members of the committee at least seventy-two 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. All provisions of chapter 42.30 RCW shall apply to all meetings of the committee.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 240-20-030 Address of committee. Persons wishing to obtain information, be placed on the general mailing list, or to make submissions or requests of any kind shall address their correspondence to:

MTPPS Clerk of the Committee
Washington State Department of Transportation
P.O. Box 47370
Olympia, WA 98504-7370
(206) 705-7920
FAX (206) 705-6820

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 240-20-035 Staff support to the committee. The department shall be responsible for providing staff support to the committee. The chair shall appoint a clerk of the committee from the department who shall be responsible to the chair for arranging meeting locations and notices, maintaining records, and preparing minutes. The department responsibilities shall include, but not be limited to:

- (1) Assisting the committee in determining short-term and long-term funding needs;
- (2) Assisting the committee in developing a selection process that adheres to criteria set in statute and other criteria set by the committee;
- (3) Administering grants and ensuring that contracts are executed in a timely manner;
- (4) Distribution of funds and monitoring the status of accounts;

(5) Staff recommendations on policy and programs as appropriate; and

(6) Submission of an annual report to the legislative transportation committee that summarizes the activities of the committee, no later than January 1 of each year.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 240-20-040 Public access. The committee shall comply with the provisions of RCW 42.17.250 through 42.17.340 dealing with public records.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 240-20-042 Public records officer. The committee's public records shall be in the charge of the clerk of the committee, who shall be designated the public records officer for the committee. The person so designated shall be officed in the department of transportation office in Olympia, Washington. The public records officer shall be responsible for implementation of the committee's rules and regulations regarding public access to information and records.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 240-20-044 Public records available. (1) Notes and/or a tape recording shall be made of each meeting and minutes of each committee meeting shall be approved by motion and maintained by the department.

(2) At least every two years, the clerk of the committee shall solicit names and addresses from the public for the purpose of developing a general mailing list. This solicitation shall include the publication of a legal notice in at least five newspapers of general circulation in Washington state to assure geographic distribution throughout the state.

(3) All public records of the committee, as defined in WAC 240-20-015(3) are deemed available for public inspection and copying pursuant to these rules.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 240-20-046 Requests for public records. Subject to the provisions of subsection (3) of this section, public records are obtainable by members of the public when those members of the public comply with the following procedures.

(1) A request shall be addressed to the public records officer. Such request shall include the following:

- (a) The name of the person requesting the record.
- (b) The time of day and calendar date on which the request was made.

(c) If the matter requested is referenced within the current index maintained by the committee, a reference to the requested record as it is described in such index.

(d) If the requested matter is not identifiable by reference to the committee's current index, a statement that identifies the specific record requested.

(e) A verification that the records requested shall not be used to compile a commercial sales list.

(2) The public records officer shall inform the member of the public making the request whether the requested record is available for inspection or copying at the department's office in Olympia, Washington.

(3) When it appears that a request for a record is made by or on behalf of a party to a lawsuit or a controversy to which the committee is also a party (or when such a request is made by or on behalf of an attorney for such party) the request shall be referred to the assistant attorney general assigned by the department for appropriate response.

(4) Responses to public records requests shall be made within five business days of receipt of the request. The committee must respond by either (1) providing the record, (2) acknowledging that the committee has received the request and providing a reasonable estimate of the time the agency will require to respond to the request, or (3) denying the public record request, subject to the provisions of RCW 42.17.320.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 240-20-048 Availability for public inspection and copying of public records. (1) Public records shall be available for inspection and copying during the normal business hours of the department. For the purposes of this chapter, the normal office hours shall be from 8 a.m. to 5 p.m., Monday through Friday, excluding legal holidays.

(2) No fee shall be charged for inspection of public records.

(3) The committee shall impose a reasonable charge for providing copies of public records and for the use by any person of department equipment to copy records; such charges shall not exceed the amount necessary to reimburse the department for its actual costs incident to such copying. Actual costs shall include the labor costs of staff, machine cost and paper cost necessary to provide copies of requested records.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 240-20-050 Protection of public records. In order to implement the provisions of RCW 42.17 requiring agencies to enact reasonable rules to protect public records from damage or disorganization, the following rules have been adopted.

(1) Copying of public documents shall be done by department personnel and under the supervision of said personnel, upon the request of members of the public under

the procedures set down in WAC 240-20-046, and with the approval of the clerk of the committee.

(2) No document shall be physically removed by a member of the public from the area designated by the department for the public inspection of documents for any reason whatever.

(3) When a member of the public requests to examine an entire file or group of documents, as distinguished from a request to examine certain individual documents which can be identified and supplied by themselves, the committee shall be allowed a reasonable time to inspect the file to determine whether information protected from disclosure by RCW 42.17.310 is contained therein, and the committee shall not be deemed in violation of its obligation to reply promptly to requests for public documents by reason of causing such an inspection to be performed.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 240-20-052 Denial of request for public records. Each denial of a request for a public record shall be accompanied by a written statement to the person requesting the record clearly specifying the reasons 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. Such statement shall be sufficiently clear and complete to permit the chair of the committee to review the denial in accordance with WAC 240-20-054.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 240-20-054 Review of denials of public records requests. Any person who objects to the denial of a request for a public record may request the attorney general to review the matter subject to RCW 42.17.325.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 240-20-056 Records index. (1) The committee has available to all persons at the department's offices in Olympia a current index which provides identifying information as to the following records issued, adopted, or promulgated by the committee:

(a) Minutes of committee meetings, state legislation, and proposed rules and regulations pertaining to committee standards.

(b) Those statements of policy and interpretations of policy, statute, and the constitution which have been adopted by the committee;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, interim and final planning decisions, and application guidelines;

(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.

(2) A system of indexing shall be as follows:

(a) The indexing system will be administered by the public records officer and located in the department's office in Olympia, Washington.

(b) Copies of all indexes shall be available for public inspection and copying in the manner provided for the inspection and copying of public records.

(c) The public records officer shall update all indexes at least once a year and shall revise such indexes when deemed necessary by the committee.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 240-20-058 Availability of index. The current index promulgated by the committee shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 240-20-060 Application guidelines. The committee shall prepare application guidelines for all fund accounts. At a minimum, such guidelines shall include all application forms needed and instructions on how to apply, sufficient information as to the scoring process to enable applicants to fairly compete, and a complete time schedule identifying key milestones from the opening of the application period to final project selection. Such guidelines shall be available upon request to the public records officer at least thirty days prior to the date applications are due to the committee.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 240-20-065 Notification of funding availability. The committee shall ensure that notification of the availability of funds from the accounts identified in WAC 240-20-010 will be done no less than thirty calendar days prior to the date by which applications must be received. Minimum notification shall mean publishing a notice in at least five newspapers with general circulation and maximum geographic distribution within Washington state. Such notice shall include the name of the account or accounts, a short description of the account identifying its purpose, and an address and telephone number by which means an interested party can obtain further information and all application materials.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 240-20-070 Program and project selection process. The program and project selection process shall consist of the following steps for each account.

(1) The committee shall create a technical review team. Membership on such team shall be at the discretion of the committee, but shall represent diversified interests and geographical distribution. Such team shall be responsible for screening applications for completeness. Those applications failing to meet the requirements set forth in the application guidelines identified in WAC 240-20-060 shall be recommended for rejection. The team shall then score each application deemed complete and prepare a preliminary ranked list of applications to present to the committee. All applicants shall be notified in writing as to their preliminary score and ranking.

(2) The committee shall review the applications and the recommended ranking of programs and projects received from the technical review team. The committee shall make the final selection of programs and projects.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 240-20-080 Over-programming of funds. The committee shall select projects based on its estimate of revenues and expenditures. The committee may utilize the principle of over-programming when selecting projects, the degree of such over-programming to be at the discretion of the committee for each account and application period.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 240-20-090 Reporting. The clerk of the committee shall be responsible for the preparation of all reports to and on behalf of the committee. Such reports shall minimally include the following:

(1) Exception reports. The clerk of the committee shall report to the chair any exceptions that occur concerning projects and programs by account. Such report shall be submitted at such time as the exception becomes known.

(2) Quarterly reports. The clerk of the committee shall provide to the committee a report of the progress of programs and projects for each account. Such report shall be submitted prior to each regularly scheduled committee meeting at a time that permits it to be part of the information packets that include the meeting agenda and past meeting minutes. The format of such report shall be determined by the committee and communicated to the clerk of the committee.

(3) Annual report. The clerk of the committee shall prepare for the committee an annual report. Such report shall be presented to the committee at the regular scheduled meeting in the last quarter of the year for approval, and then presented to the legislative transportation committees by no later than January 1 of each year.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 240-20-110 Central Puget Sound public transportation account—Eligibility. (1) Eligibility to apply shall be limited to public agencies with offices in King, Kitsap, Pierce, and Snohomish counties.

(2) Projects eligible for funding from the central Puget Sound public transportation account shall be limited to public transportation projects for:

- (a) Planning;
- (b) Development of capital projects;
- (c) Development of high capacity transportation systems as defined in RCW 81.104.015;
- (d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020; and
- (e) Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board.

(3) Projects eligible for funding under the central Puget Sound public transportation account shall be limited to those located in King, Kitsap, Pierce, and Snohomish counties.

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

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 240-20-120 Central Puget Sound public transportation account—Criteria. (1) Projects selected for funding from the central Puget Sound public transportation account shall be consistent with the following criteria:

- (a) Local, regional, and state transportation plans;
 - (b) Local transit development plans; and
 - (c) Local comprehensive land use plans.
- (2) The following criteria shall be considered by the committee in selecting programs and projects:

(a) Objectives of the growth management act, the high capacity transportation act, the commute trip reduction act, transportation demand management programs, federal and state air quality requirements, and federal Americans with disabilities act and related state accessibility requirements; and

(b) Energy efficiency issues, freight and goods movement as related to economic development, regional significance, rural isolation, the leveraging of other funds including funds administered by the committee, and safety and security issues.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 240-20-130 Central Puget Sound public transportation account—Timing.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 240-20-210 Public transportation systems account—Eligibility. (1) Participation in the public transportation systems account shall be limited to those public transportation systems that contribute funds to the account.

(2) Projects eligible for funding from the public transportation systems account shall be limited to public transportation projects for:

- (a) Planning;
- (b) Development of capital projects;
- (c) Development of high capacity transportation systems as defined in RCW 81.104.015;
- (d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020;
- (e) Other public transportation system-related roadway projects on state highways, county roads, or city streets; and
- (f) Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board.

(3) Projects eligible for funding under the public transportation systems account shall be limited to areas in Washington state outside of the central Puget Sound region identified in WAC 240-20-110(3).

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(3) Projects eligible for funding under the public transportation systems account shall be limited to areas in Washington state outside of the central Puget Sound region identified in WAC 240-20-110(3).

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 240-20-220 Public transportation systems account—Criteria. (1) Projects selected for funding from the public transportation systems account shall be consistent with the following criteria:

- (a) Local, regional, and state transportation plans;
 - (b) Local transit development plans; and
 - (c) Local comprehensive land use plans.
- (2) The following criteria shall be considered by the committee in selecting programs and projects:

(a) Objectives of the growth management act, the high capacity transportation act, the commute trip reduction act, transportation demand management programs, federal and state air quality requirements, and federal Americans with disabilities act and related state accessibility requirements; and

(b) Energy efficiency issues, freight and goods movement as related to economic development, regional significance, rural isolation, the leveraging of other funds including funds administered by the committee, and safety and security issues.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 240-20-230 Public transportation systems account—Timing.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 240-20-310 High capacity transportation account—Eligibility. (1) Participation in the high capacity transportation account shall be limited to transit agencies and regional transportation authorities.

(2) Projects eligible for funding from the account shall be limited to planning for high capacity transportation systems.

(3) Projects eligible for funding under the account shall be limited to applications that directly benefit Washington state, and subject to the conditions identified in RCW 81.104.030 and RCW 81.104.040.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 240-20-320 High capacity transportation account—Criteria. (1) Projects selected for funding from the high capacity transportation account shall be consistent with the following criteria:

- (a) Local, regional, and state transportation plans;
- (b) Local transit development plans; and
- (c) Local comprehensive land use plans.

(2) The following criteria shall be considered by the committee in selecting programs and projects:

(a) Objectives of the growth management act, the high capacity transportation act, the commute trip reduction act, transportation demand management programs, federal and state air quality requirements, and federal Americans with disabilities act and related state accessibility requirements; and

(b) Energy efficiency issues, freight and goods movement as related to economic development, regional significance, rural isolation, the leveraging of other funds including funds administered by the committee, and safety and security issues.

(3) Authorizations for state funding for high capacity transportation planning projects shall be subject to the additional following criteria:

(a) Conformance with the designated regional transportation planning organization's regional transportation plan;

(b) Local matching funds;

(c) Demonstration of projected improvement in regional mobility;

(d) Conformance with planning requirements prescribed in RCW 81.104.100, and if five hundred thousand dollars or more in state funding is requested, conformance with the requirements of RCW 81.104.110; and

(e) Establishment, through interlocal agreements, of a joint regional policy committee as defined in RCW 81.104.030 or RCW 81.104.040.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 240-20-330 High capacity transportation account—Timing.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 240-20-410 Intermodal Surface Transportation Efficiency Act, surface transportation program, statewide competitive program account—Eligibility. (1) Eligibility to apply shall be limited to public agencies.

(2) Programs and projects eligible for funding shall be limited to the following purposes:

- (a) Planning;
- (b) Preliminary engineering;
- (c) Right-of-way acquisition;
- (d) Construction; and
- (e) Capital equipment acquisition.

(3) Projects eligible for funding under the account shall be limited to applications that directly benefit Washington state.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 240-20-420 Intermodal Surface Transportation Efficiency Act, surface transportation program, statewide competitive program account—Criteria. (1) Projects selected for funding from the statewide competitive program account shall be consistent with the following criteria:

- (a) Local, regional, and state transportation plans;
- (b) Local transit development plans; and
- (c) Local comprehensive land use plans.

(2) The following criteria shall be considered:

(a) Objectives of the growth management act, the high capacity transportation act, the commute trip reduction act, transportation demand management programs, federal and state air quality requirements, and federal Americans with disabilities act and related state accessibility requirements; and

(b) Energy efficiency issues, freight and goods movement as related to economic development, regional significance, rural isolation, the leveraging of other funds including funds administered by the committee, and safety and security issues.

(3) In addition to the criteria identified in subsections (1) and (2) above, the committee may choose to identify additional criteria for program and project selection for the statewide competitive program. Such criteria shall be subject to public hearings as required by federal law, and shall be identified in the application guidelines.

(4) The committee shall prepare application forms and guidelines to assist eligible applicants and ensure their distribution to all eligible applicants no later than thirty days prior to the date on which the applications must be submitted.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]**WAC 240-20-430 Intermodal Surface Transportation Efficiency Act, surface transportation program, statewide competitive program account—Timing.**

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

**WSR 94-10-033
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 3731—Filed April 28, 1994, 3:36 p.m.]

Date of Adoption: April 28, 1994.

Purpose: New WAC 388-11-067 Equitable estoppel, allows the defense of equitable estoppel in support enforcement division (SED) adjudicative proceedings. Explains when equitable estoppel is available in SED hearings. Establishes the burden and standard of proof. Requires presiding officers to ensure that parties have adequate time to prepare and argue the issues involved in estoppel.

Citation of Existing Rules Affected by this Order: Amending WAC 388-11-065 Defenses to liability.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 94-07-081 on March 16, 1994.

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

April 28, 1994

Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3403, filed 6/9/92, effective 7/10/92)

WAC 388-11-065 Defenses to liability. (1) A responsible parent who objects to a notice and finding of parental or financial responsibility shall have the burden of establishing defenses to liability. Defenses include, but are not limited to:

- (a) Payment;
- (b) Superior court order;
- (c) He or she is not a responsible parent;
- (d) The amount requested in the notice is inconsistent with the amount assessed under WAC 388-11-205; ((or))
- (e) Equitable estoppel, subject to WAC 388-11-067; or
- (f) Any other matter constituting an avoidance or affirmative defense.

(2) A dependent child's or a residential parent's ineligibility to receive public assistance is not a defense to the assessment of a support obligation.

(3) A responsible parent may be excused from providing support for a dependent child receiving public assistance if the responsible parent is the legal custodian of the child and has been wrongfully deprived of physical custody of the child. The responsible parent may only be excused for any period during which such parent was wrongfully deprived of custody. The responsible parent shall establish that:

(a) A court of competent jurisdiction of any state has entered an order giving legal and physical custody of the child to the responsible parent;

(b) The custody order has not been modified, superseded, or dismissed;

(c) The child was taken or enticed from the responsible parent's physical custody and such parent has not subsequently assented to deprivation. Proof of enticement shall require more than a showing that the child is allowed to live without certain restrictions the responsible parent would impose; and

(d) Within a reasonable time after deprivation, the responsible parent exerted and continues to exert reasonable efforts to regain physical custody of the child.

NEW SECTION

WAC 388-11-067 Equitable estoppel. (1) Equitable estoppel is available in adjudicative proceedings conducted under chapters 388-11, 388-13 and 388-14 WAC.

(2) When a party raises, or the facts indicate, a claim that equitable estoppel applies to a party to the proceeding, the presiding officer shall:

(a) Consider equitable estoppel according to the precedents set by reported Washington state appellate case law, where not contrary to public policy; and

(b) Enter findings of fact and conclusions of law sufficient to determine if the elements of equitable estoppel are met and apply.

(3) The party asserting, or benefiting from, equitable estoppel must prove each element of that defense by clear, cogent and convincing evidence.

(4) The presiding officer shall consider in the record whether a continuance is necessary to allow the parties to prepare to argue equitable estoppel when:

- (a) A party raises equitable estoppel; or
- (b) The facts presented require consideration of equitable estoppel.

(5) When the presiding officer orders a continuance under subsection (4) of this section, the presiding officer shall enter an initial decision and order for current support if:

- (a) Current support is an issue in the proceeding; and
- (b) The claim for current support is unaffected by the equitable estoppel defense.

(6) The defense of equitable estoppel is not available to a party to the extent that the:

- (a) Party raises the defense against the department's claim for reimbursement of public assistance; and
- (b) Act or representation forming the basis for an estoppel claim:

(i) Was made by a current or former public assistance recipient;

(ii) Was made on or after the effective date of the assignment of support rights; and

(iii) Purported to waive, satisfy, or discharge a support obligation assigned to the department.

WSR 94-10-034
PERMANENT RULES
LIQUOR CONTROL BOARD

[Filed April 29, 1994, 9:57 a.m.]

Date of Adoption: April 27, 1994.

Purpose: To amend language to remove the \$25 license fee for the W8 wine shipper's license.

Citation of Existing Rules Affected by this Order: Amending WAC 314-24-230.

Statutory Authority for Adoption: RCW 66.08.030.

Pursuant to notice filed as WSR 94-07-124 on March 23, 1994.

Effective Date of Rule: Thirty-one days after filing.
 April 28, 1994

Joseph L. McGavick
 Chairman

AMENDATORY SECTION (Amending WSR 91-21-132, filed 10/23/91, effective 11/23/91)

WAC 314-24-230 Class W8—Private wine shipper's license. There shall be a license, designated as a class W8 license, to authorize the licensee to ship up to two cases of wine of its own manufacture annually to any resident of the state of Washington who is over the age of twenty-one years without payment of Washington's state liquor taxes and markup. ~~((The fee for such license shall be \$25 annually.))~~

(1) Wine received as authorized by this rule shall be free of markup and state taxes as otherwise required by RCW 66.12.120 if the state from which the wine is received allows its residents to receive wine from the state of Washington without imposition of state tax, markup, or charges.

(2) All holders of a winery certificate of approval designated as a W7 license as authorized by RCW 66.24.206 and WAC 314-22-010, shall be deemed to hold class W8 license privileges without further application ~~((or payment of fee))~~, provided, the holder meets all legal requirements for private wine shipments.

(3) A wine manufacturer located outside the state of Washington which is licensed by its resident state to manufacture wine therein may apply for a class W8 license from the board, if the manufacturer's resident state allows Washington wineries licensed under RCW 66.24.170 an equal reciprocal shipping privilege.

WSR 94-10-035
PERMANENT RULES
LIQUOR CONTROL BOARD

[Filed April 29, 1994, 10:00 a.m.]

Date of Adoption: April 27, 1994.

Purpose: To repeal WAC 314-16-010 in its entirety.

Citation of Existing Rules Affected by this Order: Repealing WAC 314-16-010.

Statutory Authority for Adoption: RCW 66.08.030.

Pursuant to notice filed as WSR 94-07-125 on March 23, 1994.

Effective Date of Rule: Thirty-one days after filing.
 April 28, 1994

Joseph L. McGavick
 Chairman

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 314-16-010 Booths.

WSR 94-10-039
PERMANENT RULES
BOARD OF ACCOUNTANCY

[Filed April 29, 1994, 3:46 p.m.]

Date of Adoption: April 28, 1994.

Purpose: To prescribe rules of procedure to govern the issuance of CPA certificates/licenses to accountants from foreign countries.

Citation of Existing Rules Affected by this Order: New section WAC 4-25-780 Reciprocity for accountants from foreign countries.

Statutory Authority for Adoption: RCW 18.04.055, 18.04.183.

Pursuant to notice filed as WSR 93-22-077 on November 1, 1993.

Effective Date of Rule: Thirty-one days after filing.
 April 29, 1994

Carey L. Rader
 Executive Director

NEW SECTION

WAC 4-25-780 Reciprocity for accountants from foreign countries. RCW 18.04.183 allows the board to designate a professional accounting credential issued in a foreign country as substantially equivalent to a CPA certificate issued under provisions of RCW 18.04.105.

(1) **Initial CPA certification.**

(a) The board may rely on the National Association of State Boards of Accountancy (NASBA), the American Institute of Certified Public Accountants, or other professional bodies for evaluation of foreign accounting credential equivalency.

(b) The board may accept a foreign accounting credential in partial satisfaction of CPA certification requirements if:

(i) The holder of the foreign accounting credential met the issuing body's education requirement and passed the issuing body's examination used to qualify its own domestic candidates; and

(ii) The foreign accounting credential is valid and in good standing at the time of application for a CPA certificate; and

(iii) The body granting the foreign accounting credential permits this state's CPAs equivalent opportunity to receive the foreign accounting credential by reciprocity. The board will, by resolution, specify acceptable foreign accounting credentials and acknowledge reciprocal agreements with bodies granting foreign accounting credentials.

(c) The board may satisfy itself through qualifying examinations that the holder of a foreign credential deemed by the board to be substantially equivalent to a CPA certificate possesses adequate knowledge of U.S. practice standards and the board's regulations. The board will, by resolution,

specify the form of qualifying examination(s) and passing grade(s).

(d) The board shall require the foreign reciprocity applicant to demonstrate completion of eighty hours of continuing professional education that meet the standards contained in the board's continuing professional education rules for CPA certificate renewal.

(2) **License to practice public accountancy.** In addition to the certification requirements contained in subsection (1)(a) through (d) of this section, the board may require a foreign reciprocity applicant for a license to practice public accounting to demonstrate satisfactory experience in a foreign or domestic professional accounting firm. The board will, by resolution, specify experience standards for each foreign accounting credential accepted by the board as basis for certification and licensure by foreign reciprocity.

(3) **Renewal of CPA certificate or license granted through foreign reciprocity.** An applicant for renewal of a CPA certificate originally issued in reliance on a foreign professional accounting credential shall:

(a) Make application for renewal of the CPA certificate (and license) at the time and in the same manner prescribed by the board for all other CPAs certified (and licensed) by the board.

(b) Pay such fees as are prescribed for all other CPA certificate (and license) renewals.

(c) If still credentialed in the foreign country, present documentation from the body that issued the applicant's foreign accounting credential stating that the credential is in good standing and valid for the practice of public accountancy in the foreign jurisdiction and stating that the applicant is free of a current disciplinary investigation or action or, if the applicant is the subject of such investigation or action, the particulars thereof. If no longer credentialed in the foreign country, present proof from the foreign credentialing body that the applicant was not the subject of any investigations or disciplinary proceedings at the time the foreign credential lapsed.

(d) Show completion of eighty hours of continuing professional education within the two-year period preceding renewal application in accordance with rules applicable to all CPAs.

(4) **Investigations and discipline of CPAs certified (and licensed) based in part on a foreign accounting credential.**

(a) The holder of a Washington CPA certificate issued in reliance on a foreign accounting credential shall report any investigations undertaken, or sanctions imposed, by a foreign credentialing body against the CPA's foreign credential. Such report shall be made to the Washington state board of accountancy within thirty days of notice to the CPA that an investigation has been started or a sanction imposed.

(b) RCW 18.04.295 authorizes the board to impose discipline for, among other things, violation of state or federal laws. For purposes of enforcement and discipline against CPAs whose CPA certificate (and license) was issued based in part on a foreign accounting credential, the board interprets "state" to include "state, province, or territory" and "federal" to apply to equivalent governmental units of the

country in which the foreign accounting credential was issued.

(c) Suspension or revocation of, or refusal to renew, a CPA's foreign accounting credential by the foreign credentialing body is evidence of conduct reflecting adversely upon the CPA's fitness to retain the CPA certificate and is basis for board disciplinary action.

(d) The board may notify foreign credentialing bodies of any sanctions imposed against a CPA whose certificate was issued through foreign reciprocity.

(e) The board may participate in joint investigations with foreign accounting credentialing bodies and may receive evidence supplied by such bodies or their authorized agents or contractors in investigations and disciplinary proceedings.

WSR 94-10-042
PERMANENT RULES
DEPARTMENT OF ECOLOGY
 [Order 93-39—Filed April 29, 1994, 4:06 p.m.]

Date of Adoption: April 29, 1994.

Purpose: To establish an interim fee for funding a portion of the air registration program.

Citation of Existing Rules Affected by this Order: Amending chapter 173-400 WAC.

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

Pursuant to notice filed as WSR 94-04-105 on February 1, 1994.

Changes Other than Editing from Proposed to Adopted Version: The distinction between country grain elevators and barge-loading elevators was deleted. All grain handling facilities will be assessed an interim fee of \$300.

Effective Date of Rule: May 30, 1994.

April 29, 1994
 Mary Riveland
 Director

NEW SECTION

WAC 173-400-101 Registration interim fee. (1) The department shall assess and collect from registered sources within its jurisdiction an interim assessment to fund a portion of the department's registration program development. Registered sources include:

(a) Facilities and emission units currently registered with the department; and

(b) Other facilities and emission units subject to WAC 173-400-100 that the department determines by April 1, 1994, to be within its jurisdiction.

(2) The amount collected from the interim fee shall not exceed one hundred sixty thousand dollars. The interim fee will be assessed to sources in the following categories according to the schedule listed in Table A.

TABLE A

(a)	Agricultural drying	\$600
(b)	Asphalt plants	\$600
(c)	Beverage can surface coating	\$600
(d)	Bulk gasoline terminals	\$600
(e)	Cattle feedlots >1000	\$600

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(f)	Chemical plants	\$600
(g)	Ferrous foundries	\$600
(h)	Fertilizer plants	\$600
(i)	Flexible vinyl & urethane coating & printing operations	\$600
(j)	Grain handling, seed processing, etc.	\$300
(k)	Metallic mineral processing plants	\$600
(l)	Mineralogical processing plants	\$600
(m)	Nonferrous foundries	\$600
(n)	Other metallurgical processing plants	\$600
(o)	Petroleum refineries	\$600
(p)	Power boilers using coal, hog fuel, oil, or other solid or liquid fuel	\$600
(q)	Pressure sensitive tape & label surface coating operations	\$600
(r)	Rendering plants	\$600
(s)	Scrap metal operations	\$600
(t)	Synthetic organic chemical manufacturing industries	\$600
(u)	Sulfuric acid plants	\$600
(v)	Synthetic fiber production facilities	\$600
(w)	Veneer dryers	\$600
(x)	Wood waste incinerators including wigwam burners	\$600
(y)	Other incinerators designed for a capacity of one hundred lbs. per hour or more	\$600
(z)	Stationary internal combustion engines rated at five hundred horse power or more	\$600
(aa)	Sawmills, including processing for lumber, plywood, shake, shingle, pulpwood insulating board, or any combination	\$600
(bb)	Except for country grain elevators, any category of stationary sources subject to a federal standard of performance (NSPS) under 40 CFR Part 60, other than Subpart AAA (Standards of Performance for New Residential Wood Heaters)	\$600
(cc)	Except for country grain elevators, any source which emits a contaminant subject to a National Emission Standard for Hazardous Air Pollutants (NESHAPS)	\$600

(3) The fee schedule in subsection (2) of this section is based upon sources within each source category paying the same fee. Ecology may approve alternate methods of allocating the fees among two or more sources within the same source category. Groups of sources requesting an alternate schedule must submit a written request signed by all sources subject to the alternate method prior to May 1,

1994. The written request must specify fee amounts for each source and demonstrate that the aggregate fee amount to be collected from those sources is equal to the aggregate amount that would be collected under subsection (2) of this section. Sources within a source category who elect not to participate in such an agreement shall pay the applicable amount specified in subsection (2) of this section.

(4) Sources subject to the interim operating permit fee established pursuant to RCW 70.94.161 shall not be required to pay an interim registration fee.

(5) The department shall determine the persons subject to the interim registration fee and will provide a billing notice by June 1, 1994, with collection due thirty days later.

WSR 94-10-044

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed May 2, 1994, 9:47 a.m., effective May 2, 1994]

Date of Adoption: May 2, 1994.

Purpose: To amend WAC 192-28-145 as a result of the amendment made to RCW 50.20.190(6) in the 1993 legislative session requiring interest charges on certain overpayments.

Citation of Existing Rules Affected by this Order: Amending WAC 192-28-145.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Pursuant to notice filed as WSR 94-04-124 on February 2, 1994.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: An immediate effective date is required for the preservation of the public health, safety, and general welfare. The rule is required by RCW 50.20.190(6) and replaces an emergency rule currently in effect.

Effective Date of Rule: May 2, 1994.

May 2, 1994

K. Wendy Holden

Deputy Commissioner

AMENDATORY SECTION [(Amending WSR 90-17-105, filed 8/21/90)]

WAC 192-28-145 Overpayment subject to interest charges. (1) Overpayments assessed by another state, but collected by this department, will not be charged interest.

(2) No interest will be charged in months when the minimum monthly payment is received on or before the due date except on overpayments assessed pursuant to RCW 50.20.070. If a claimant appeals a charge of misrepresentation, interest continues to accrue during the period of the appeal. Interest is assessed if the overpayment is upheld.

(3) Overpayments based on misrepresentation (RCW 50.20.070) will be charged interest at the rate of one percent per month ~~((if one or more minimum monthly payments are delinquent))~~.

(4) Overpayments not based on misrepresentation will be charged interest at the rate of one percent per month if two or more minimum monthly payments are delinquent.

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(5) Overpayments containing both misrepresentation and nonmisrepresentation will be charged interest in accordance with (3) and (4) above.

(6) If unusual circumstances exist, the commissioner or authorized delegate may suspend the assessment or collection of interest charges.

(7) A month, with respect to the charging of interest, begins on the day following the last Saturday of one month and ends on the last Saturday of the next month.

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 94-10-049

PERMANENT RULES

CENTRAL WASHINGTON UNIVERSITY

[Order CWU AO 72—Filed May 2, 1994, 2:30 p.m.]

Date of Adoption: April 26, 1994.

Purpose: WAC 106-116-011, to make editorial changes and specify that parking permits are required in designated parking lots; WAC 106-116-040, to change campus safety to campus police; WAC 106-116-042, to make editorial changes including changing campus safety to campus police; WAC 106-116-103, to change procedure for registration of additional or replacement vehicles; WAC 106-116-10401, to make editorial changes; WAC 106-116-201, to make editorial changes and redefine parking areas; WAC 106-116-202, to make editorial changes; WAC 106-116-203, to make editorial changes regarding parking prohibitions; WAC 106-116-204, to make editorial changes; WAC 106-116-205, to make editorial changes; WAC 106-116-207, to make editorial changes; WAC 106-116-208, to make editorial changes and clarification of service drive use; WAC 106-116-212, to make editorial change; WAC 106-116-213, to make editorial changes; WAC 106-116-301, to make editorial change; WAC 106-116-303, to make editorial changes; WAC 106-116-304, to make editorial changes and to change name of handicapped student services office to ADA affairs and student assistance; WAC 106-116-305, to make editorial changes, specify requirements for load/unload permits, and remove special permit availability; WAC 106-116-306, to make editorial changes and clearly define how and where per-day permit may be purchased; WAC 106-116-307, to make editorial changes; WAC 106-116-308, to make editorial changes; WAC 106-116-310, to make editorial changes; WAC 106-116-311, to make editorial changes; WAC 106-116-403, to delete no-cost visitor permit availability; WAC 106-116-410, to make editorial changes; WAC 106-116-501, to make editorial change; WAC 106-116-513, to make editorial change; WAC 106-116-514, to make editorial changes; WAC 106-116-515, to make editorial changes including adjustment of sexist language; WAC 106-116-521, to make editorial changes; WAC 106-116-601, to make editorial changes; WAC 106-116-603, to make editorial changes; WAC 106-116-701, to make editorial changes; WAC 106-116-702, to make editorial changes; WAC 106-

116-853, to make editorial changes; and WAC 106-116-901, to make editorial changes.

Citation of Existing Rules Affected by this Order: Amending WAC 106-116-011 Preamble, 106-116-040 Authority of campus police officers, 106-116-042 Infractions, 106-116-103 Additional or replacement vehicles, 106-116-10401 Animal traffic, 106-116-201 Permitted parking areas, 106-116-202 No parking areas, 106-116-203 Specific parking prohibitions, 106-116-204 Commuter students, 106-116-205 Apartment residents, 106-116-207 Faculty-staff parking, 106-116-208 Fire lanes and service drives, 106-116-212 Liability, 106-116-213 Parking of trailers, campers, and similar purpose vehicles on campus, 106-116-301 Purchasing parking permits, 106-116-303 Display of permits, 106-116-304 Disability parking permit, 106-116-305 Daily parking permits, 106-116-306 Temporary parking permits, 106-116-307 Parking fees, 106-116-308 Replacement of parking permit, 106-116-310 Contractor parking permits, 106-116-311 Parking fee refunds, 106-116-403 Visitor parking permits, 106-116-410 Continuous parking, 106-116-501 Basic speed limit, 106-116-513 Procedure—Infractions and service thereof, 106-116-514 Election to forfeit or contest, 106-116-515 Procedure—Complaint and information, 106-116-521 Monetary penalties, 106-116-601 Traffic regulation signs, markings, barricades, etc., 106-116-603 Monetary penalty schedule, 106-116-701 Impounding procedures, 106-116-702 Inoperative vehicles, 106-116-853 Definitions, and 106-116-901 Bicycle parking and traffic regulations.

Statutory Authority for Adoption: RCW 28B.10.528, 28B.10.560, 28B.35.120.

Pursuant to notice filed as WSR 94-07-091 [94-07-090] on March 17, 1994.

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

April 26, 1994

Ivory V. Nelson
President

AMENDATORY SECTION (Amending Order 37, filed 1/13/78)

WAC 106-116-011 Preamble. Drivers (~~of vehicles~~) on the property of Central Washington University are responsible for their vehicle's safe and lawful operation. A CWU parking permit or daily permit is required in designated parking lots. Individuals operating or parking vehicles on university-owned property must do so in compliance with these regulations, and ordinances and laws of the city of Ellensburg, county of Kittitas, and state of Washington.

AMENDATORY SECTION (Amending Order 47, filed 11/3/81)

WAC 106-116-040 Authority of campus (~~safety~~) police officers. Campus (~~safety~~) police officers, duly appointed and sworn pursuant to RCW 28B.10.555 are peace officers of the state and have police powers as are vested in sheriffs and peace officers generally under the laws of Washington state.

AMENDATORY SECTION (Amending Order 53, filed 6/9/83, effective 7/24/83)

WAC 106-116-042 Infractions. (1) The entire campus, including parking and traffic areas, is patrolled by the ~~((campus))~~ public safety and police services department with authority to issue infractions for on-campus violations. This authority is further shown in WAC 106-116-040 of this policy.

(2) The ~~((campus))~~ public safety and police services department and its duly sworn officers have authority to issue infractions for violations of Washington Administrative Codes and ordinances and laws of the city of Ellensburg, county of Kittitas, and state of Washington, ~~((which))~~ when violations occur on university-owned property.

AMENDATORY SECTION (Amending Order 53, filed 6/9/83, effective 7/24/83)

WAC 106-116-103 Additional or replacement vehicles. ~~((When a new or different motor vehicle is acquired, it shall be necessary to obtain a new permit for that vehicle. When such a change of vehicles has been accomplished, the old permit will be surrendered to the campus safety department and a new permit with the same expiration date assigned will be issued at no charge by the cashier's office.))~~ If you have a current CWU parking permit and obtain an additional or different motor vehicle, you must register that vehicle with the auxiliary services parking office, Barge Hall.

AMENDATORY SECTION (Amending Order 45, filed 8/14/80)

WAC 106-116-10401 Animal traffic. It shall be unlawful for any person to drive, lead, walk, or ride any cattle, horse, or beast of burden upon any of the lawns, beds, sidewalks, malls, service drives, or parking lots of Central Washington University except as authorized by permit by the chief of ~~((campus))~~ public safety and police services for parades and university-sponsored activities.

AMENDATORY SECTION (Amending WSR 90-01-006, filed 12/7/89, effective 1/7/90)

WAC 106-116-201 Permitted parking areas. ~~((+))~~ University-owned parking areas are marked with signs reading, "Parking by university permit only." Vehicles parked without valid parking permits will be ticketed from 7:30 a.m. to 4:30 p.m. Monday through Friday, except:

~~((2))~~ (1) No parking permitted daily in J-8, Q-14, ~~((and))~~ S-10 and O-5 lots from 4:00 a.m. to 6:00 a.m. except as posted in designated areas of those lots ~~((as posted)).~~

~~((3))~~ (2) Enforcement shall be in effect twenty-four hours a day in ~~((the following parking areas:~~

~~(a) Buttons Apartments;~~

~~(b) Limited time zones;~~

~~(c) I-15 and N-19 lot;~~

~~(d) Handicapped))~~ "limited time zones" and "disabled persons areas."

AMENDATORY SECTION (Amending Order 47, filed 11/3/81)

WAC 106-116-202 No parking areas. Parking is permitted only in areas designated and marked for parking in accordance with all signs posted in the designated parking area.

For example, prohibited areas include fire hydrants, fire lanes, yellow curb zones, crosswalks, driveways, service drives, or any area not expressly permitted by sign or these regulations. Vehicles are not permitted to be parked on any undeveloped university property without the approval of the chief of the ~~((campus))~~ public safety ~~((department))~~ and police services. This section will be enforced twenty-four hours a day.

AMENDATORY SECTION (Amending WSR 90-01-006, filed 12/7/89, effective 1/7/90)

WAC 106-116-203 Specific parking prohibitions. (1) Parking in areas and places normally used for moving traffic is a specific violation of these regulations.

(2) Parking in such a position with relation to other parked cars or marked parking spaces as to impede, restrict, or prevent free ingress or egress by other automobiles violates these regulations.

(3) Parking in areas marked for a special permit or clearly designated by signing for special use not available to the general public or regular permit holders is prohibited. Examples: Parking in a space marked "~~((handicapped))~~ disability permit ~~((s))~~ only," or "health center permit only," or "psychology permit only."

(4) Parking and/or driving on sidewalks is prohibited.

(5) Parking or driving on lawns or flower beds is prohibited.

AMENDATORY SECTION (Amending Order 46, filed 3/23/81)

WAC 106-116-204 Commuter students. Students who commute and park in university-owned parking areas must purchase and display a valid parking permit. They may not park in staff and faculty parking zones ~~((or areas, nor in student reserved lots or zones)).~~

AMENDATORY SECTION (Amending WSR 90-01-006, filed 12/7/89, effective 1/7/90)

WAC 106-116-205 Apartment residents. (1) Residents of Brooklane Village, Roy P. Wahle ~~((University))~~ Complex, Student Village Apartments, and Getz Short Apartments ~~((and Buttons Apartments))~~ do not need parking permits to park in the parking area adjacent to their respective apartments but must register their vehicles with the housing office.

(2) Apartment residents may purchase a commuter parking permit.

(3) Residents of Student Village may park in lots T-22, U-22, V-22, and X-22 without a permit.

AMENDATORY SECTION (Amending WSR 90-01-006, filed 12/7/89, effective 1/7/90)

WAC 106-116-207 Faculty-staff parking. Faculty and staff parking (~~(areas)~~) zones are posted with signs reading, "faculty and staff parking only." Student parking is not permitted in any designated faculty and staff parking (~~(area)~~) zone Monday through Friday from 7:30 a.m. to 4:30 p.m.

AMENDATORY SECTION (Amending WSR 90-01-006, filed 12/7/89, effective 1/7/90)

WAC 106-116-208 Fire lanes and service drives. Parking is not allowed at any time in the service drives or fire lanes of ~~((all))~~ any campus building~~((s))~~. Fire lanes and service drives may be used by service and emergency vehicles~~((Load/unload permits are required for unloading personal items))~~. After the required load/unload permit has been obtained, vendor and student-owned vehicles may use the service drives to load or unload items. These permits are available at the public safety and police services department.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-116-212 Liability. Neither the university nor its employees shall be liable for damages to or theft from a vehicle while parked in university-owned parking lots.

AMENDATORY SECTION (Amending Order 53, filed 6/9/83, effective 7/24/83)

WAC 106-116-213 Parking of trailers, campers, and similar purpose vehicles on campus. It shall be unlawful for any individual, firm, or corporation to park any type of vehicle on the grounds of Central Washington University for the purpose of using such vehicle as a living unit.

Any exception must be approved, in writing, by the chief of ~~((campus))~~ public safety~~((, in writing))~~ and police services.

AMENDATORY SECTION (Amending WSR 90-01-006, filed 12/7/89, effective 1/7/90)

WAC 106-116-301 Purchasing parking permits. Parking permits may be purchased from the cashier's office, ~~((Mitchell))~~ Barge Hall.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-116-303 Display of permits. (1) Parking permits shall be ~~((displayed))~~ conspicuously ~~((by hanging over))~~ hung from the inside ~~((rear view))~~ rearview mirror.

(2) Special permits must be displayed in the manner described at time of issuance.

(3) Motorcycle parking permits are to be placed in a conspicuous location on the front fork, handlebar, or fender of the motorcycle.

AMENDATORY SECTION (Amending Order 47, filed 11/3/81)

WAC 106-116-304 Disability parking permit. Any university employee, student, or visitor who can show physical disability may apply to the ~~((handicapped student services))~~ ADA affairs and student assistance office for a ~~((handicapped))~~ disability parking permit. Certification by a physician may be required. Disability permits issued by the state of Washington in all forms and disability permits issued by other state agencies or institutions shall be honored. Additionally, a CWU parking permit or daily permit is necessary in parking lots normally requiring permits.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-116-305 ((Special)) Daily parking permits. ~~((Special))~~ (1) Daily parking permits are available from the ~~((campus safety department or))~~ automatic ticket dispensers. These permits must be displayed in clear view on the dash of the vehicle, ((numbered side up)) as instructed on the permit, readable from outside the vehicle.

~~((1) A special permit is available when permitted vehicle is inoperative and replacement vehicle is being used. (2) Permits are available for loading or unloading. The time limit is thirty minutes.~~

~~((3) Vendor permits are available for vendors conducting business on campus.))~~ (2) Thirty-minute "load/unload permits" are available for loading and unloading. Load/unload permits are available to vendors conducting business on campus, service vehicles, and student vehicles. Load/unload permits are available at the public safety and police services department.

(3) No permits are available for inoperative or disabled vehicles. Public safety and police services should be contacted if your vehicle becomes disabled in a university-owned parking lot.

AMENDATORY SECTION (Amending Order 47, filed 11/3/81)

WAC 106-116-306 Temporary parking permits. Temporary parking permits are valid only in areas not falling within prohibitions of WAC 106-116-202 and 106-116-203 and may be:

(1) Purchased on a ((daily)) per-day basis from coin-operated dispensers in lots where available.

(2) Purchased on a per-week basis from the cashier's office in ((Mitchell)) Barge Hall~~((, on a weekly basis))~~.

(3) Obtained ~~((through the scheduling center in the Samuelson Union Building or at the conference center, Courson Hall, for attendees of conferences, workshops, and meetings scheduled through those offices.~~

(4) Valid only in areas not falling within prohibitions of WAC 106-116-202 and 106-116-203), for attendees of conferences, workshops and meetings, at Courson Conference Center or through the auxiliary services parking office, Barge Hall.

AMENDATORY SECTION (Amending Order 37, filed 1/13/78)

WAC 106-116-307 Parking fees. Parking fees for university-owned parking lots will be charged through the sale of permits according to a schedule of charges maintained in the cashier's office (~~(in Mitchell)~~), Barge Hall. Governmental vehicles are fee exempt.

AMENDATORY SECTION (Amending Order 45, filed 8/14/80)

WAC 106-116-308 Replacement of parking permit. ~~((1) Parking permits will be issued at no cost for a newly acquired vehicle if that vehicle replaces one which had a permit.~~

~~(2) Remains of the original parking permit must be presented to the campus safety department.~~

~~(3) Lost or stolen parking permits will be replaced without cost upon presentation of satisfactory proof of loss.)~~ Lost or stolen parking permits must be reported to the public safety and police services department. Upon verification, the permit will be replaced at no cost.

AMENDATORY SECTION (Amending Order 53, filed 6/9/83, effective 7/24/83)

WAC 106-116-310 Contractor parking permits. All contractors responsible for construction projects on the campus or for repair and maintenance contracts and those who make continuous deliveries of supplies must contact the ~~((campus))~~ public safety and police services department, prior to starting work, to obtain permits for the parking of those vehicles necessary to carry on the work.

AMENDATORY SECTION (Amending WSR 90-01-006, filed 12/7/89, effective 1/7/90)

WAC 106-116-311 Parking fee refunds. (1) Application for parking permit fee refunds are to be made at the auxiliary services parking office, Barge Hall. The parking permit must be surrendered upon application for a refund.

(2) A full parking fee refund is obtainable only within the first seven calendar days of any academic quarter in which the permit is issued.

(3) Refunds are permitted only under the following conditions:

- (a) Student teaching, or other off-campus program;
- (b) Withdrawal from the university;
- (c) Termination of employment.
- (4) Refunds will not be made for daily permits.

AMENDATORY SECTION (Amending Order 53, filed 6/9/83, effective 7/24/83)

WAC 106-116-403 Visitor parking permits. Visitors may obtain parking permits from the automatic permit dispensers.

~~((Visitors on official business may obtain a courtesy permit from the campus safety office, located 1/2 block west of D Street on 11th Avenue.))~~

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-116-410 Continuous parking. Vehicles ~~((which have received))~~ receiving an infraction notice for violating parking and traffic regulations and which have not been moved ~~((for))~~ within twenty-four hours ~~((since))~~ following the issuance of the original infraction notice ~~((was issued))~~, shall be in violation of this section.

AMENDATORY SECTION (Amending Order CWU AO 67, filed 10/31/91, effective 12/1/91)

WAC 106-116-501 Basic speed limit. The speed limit on the university-owned streets shall be as posted, except:

(1) The speed limit in the parking areas is 15 m.p.h.

(2) No person shall operate a motor vehicle on the campus at a speed greater than is reasonable and prudent for existing conditions.

(3) The speed limit on malls and service drives is 10 m.p.h.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-116-513 Procedure—Infractions and service thereof. Upon probable cause to believe that a violation of these regulations has occurred, an appropriate notice of infraction may be issued setting forth the date, the approximate time, the locality, and the nature of the violation. Such notice may be served by delivering or attaching a copy thereof to the alleged violator, or by placing a copy thereof in some prominent place within or upon the vehicle. Service by mail shall be accomplished by placing a copy of the notice in the mail addressed to the alleged violator at the address shown on the records of the office of the registrar or the personnel ~~((and benefits))~~ services office for that person or any other last known address of that person.

AMENDATORY SECTION (Amending WSR 90-01-006, filed 12/7/89, effective 1/7/90)

WAC 106-116-514 Election to forfeit or contest. The notice of infraction issued pursuant to WAC 106-116-513 of these regulations shall inform the alleged violator that he/she may elect either to forfeit the monetary penalty to the infraction(s) charged or to contest the matter(s).

(1) If the alleged violator chooses to forfeit the penalty, he/she may do so by paying the appropriate amount to the cashier's office, Barge Hall. Payment will be in cash, check, certified check, or by money order. Such payment may also be made by mail. Such forfeiture shall constitute a waiver of a right to a hearing.

(2) If the alleged violator chooses to contest, he/she may do so by contacting the auxiliary services parking office, Barge Hall, ~~((CWU))~~ where parking infraction appeal forms are available upon request. The completed form stating the reasons for challenging the validity of the assessed obligation must be filed in the auxiliary services parking office within fifteen days of the date of the infraction notice. The appeal must be reviewed by the university parking appeal board, consisting of three student members, one faculty member, one staff member, the chief of ~~((campus))~~ public safety and police services (ex officio) and the director of student

activities (ex officio). The parking appeal board will render a decision in good faith.

(3) A person charged with a parking infraction who deems himself or herself aggrieved by the final decision of the university parking appeal board may, within ten days after written notice of the final decision, appeal by filing a written notice thereof with the ((campus)) public safety ((office)) and police services department or the auxiliary services parking office. Documents relating to the appeal shall immediately be forwarded to the lower Kittitas County district court which shall have jurisdiction over such offense and such appeal shall be heard de novo.

AMENDATORY SECTION (Amending Order 47, filed 11/3/81)

WAC 106-116-515 Procedure—Complaint and information. (1) An infraction notice served in accordance with the provisions of WAC 106-116-513 of these regulations shall constitute the complaint or information against the person to whom delivered or mailed. The person to whom the vehicle permit was issued shall be held liable, or if no permit has been issued, the owner of the vehicle shall be held liable.

(2) The complaint or information may be amended at any time, either in writing (delivered or mailed to the alleged violator) or upon motion at trial in his or her presence, to include new charges of violations of these regulations.

AMENDATORY SECTION (Amending Order 46, filed 3/23/81)

WAC 106-116-521 Monetary penalties. (1) The monetary penalties to be assessed for violations of these regulations shall be those detailed in WAC 106-116-603.

(2) The chief of ((campus)) public safety and police services will cause:

(a) These regulations or a reasonable condensation thereof to be prominently displayed in the ((campus)) public safety and police services department.

(b) The amount of the monetary penalty to be written on the parking-violation notices served on alleged violators.

AMENDATORY SECTION (Amending WSR 90-01-006, filed 12/7/89, effective 1/7/90)

WAC 106-116-601 Traffic regulation signs, markings, barricades, etc. (1) The ((campus)) public safety ((office)) and police services department and the auxiliary services office are authorized to erect signs, barricades, and other structures and to paint marks and other directions upon the streets and roadways for the regulation of traffic and parking upon state lands devoted mainly to the educational or research activities of Central Washington University. Such signs, barricades, structures, markings, and directions shall be so made and placed as to, in the opinion of the chief of ((campus)) public safety and police services and the director of auxiliary services, best effectuate the objectives stated in WAC 106-116-020 of these regulations.

(2) No sign, barricade, structure, marking, or direction for the purpose of regulating traffic or parking shall be moved, defaced, or in any way changed by any person

without authorization from the chief of ((campus)) public safety and police services.

AMENDATORY SECTION (Amending WSR 90-01-006, filed 12/7/89, effective 1/7/90)

WAC 106-116-603 Monetary penalty schedule.

Offense	Penalty
(1) Improper display of permit	\$ 5.00
(2) Parking faculty-staff area	12.00
(3) Parking yellow stripe or curb	7.00
(4) Parking outside designated parking area	7.00
(5) Obstructing traffic	25.00
(6) Parking at improper angle or using more than one stall, or backing into parking stall	7.00
(7) Violation of the bicycle parking rules in WAC 106-116-901	7.00
(8) Reserved parking area	12.00
(9) No parking area	10.00
(10) Overtime parking	7.00
(11) Using counterfeit, falsely made, or altered permit	100.00
(12) Illegal use of permit	((25.00)) 100.00
(13) No current permit	7.00
(14) Parking service drive	12.00
(15) Parking/driving sidewalks, malls	15.00
(16) Parking/driving lawns	20.00
(17) Parking fire lane	25.00
(18) Parking fire hydrant	25.00
(19) Driving, walking, leading, etc., certain animals on campus without permit (WAC 106-116-10401)	12.00
(20) Other violations of the objectives of the CWU parking and traffic regulations	7.00 to 12.00
(21) Parking in a space marked "((handicapped)) disabled person permit((s)) only"	30.00
(22) Continuous parking	20.00

The first \$5.00 to \$7.00 infraction notice between September 1 and August 31 each year shall be considered a written warning and no monetary penalty will be imposed if brought to the ((campus)) public safety ((police-office)) and police services department within seven calendar days from the date of the infraction. Parking-warning transactions will be ((handled)) processed by that ((office)) department between the hours of 7:00 a.m. and 4:00 p.m., Monday through Friday.

Failure to respond within fifteen days will result in the issuance of an overdue notice and an administrative charge of \$2.00 will be added. If payment has not been received within ten days after issuance of the overdue notice, the original monetary penalty will be doubled except that, in accordance with RCW 46.63.110(3), the penalty for failure to respond shall not exceed ((twenty-five dollars)) \$25.00 for any single infraction. Further failure to respond may result in one or more of the following sanctions:

- (a) Withholding of transcripts;
- (b) Deduction from payroll checks; and/or

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(c) Withholding of parking permits.

AMENDATORY SECTION (Amending Order 45, filed 8/14/80)

WAC 106-116-701 Impounding procedures. (1) Any vehicle parked upon the Central Washington University campus lands in violation of these regulations, including the motor vehicle and other traffic laws of the state of Washington and the traffic code of the city of Ellensburg, may be impounded and taken to such place for storage as the chief of ~~((campus))~~ public safety and police services selects.

(2) The expense of such impounding and storage shall be charged to the owner or operator of the vehicle and paid prior to the release of the vehicle.

(3) CWU and its employees shall not be liable for loss or damage of any kind resulting from such immobilization, impounding and storage.

AMENDATORY SECTION (Amending Order 19, filed 8/22/74)

WAC 106-116-702 Inoperative vehicles. Disabled or inoperative vehicles shall be removed from the campus within ~~((72))~~ seventy-two hours ~~((3))~~ three days. Vehicles which have been parked in excess of ~~((72))~~ seventy-two hours ~~((3))~~ three days and which appear to be inoperative or unmovable may be impounded and stored at the expense of the owner and/or operator.

AMENDATORY SECTION (Amending Order 63, filed 5/18/88)

WAC 106-116-853 Definitions. As used in WAC 106-116-850 through 106-116-859 "skateboard" means a device made of wood, plastic, metal, or components thereof, with wheels, ridden, as down ~~((and))~~ an incline, usually in a standing position. It may or may not be motorized.

AMENDATORY SECTION (Amending Order CWU AO 67, filed 10/31/91, effective 12/1/91)

WAC 106-116-901 Bicycle parking and traffic regulations. (1) The primary aim of the bicycle control program is safety, and this aim will be achieved by keeping bicycles out of buildings, away from building exits, and parking them off paths and sidewalks. Bicycles must never be parked in stairwells, hallways, or any place which will be a safety hazard or hinder exit from buildings.

(2) Bicycles must be parked in racks. At times, rack space may not be available and parking near the racks is permitted provided the parked bicycles do not interfere with pedestrian traffic.

(3) The following specific regulations must be observed while operating bicycles on campus:

(a) Do not ride bicycles inside buildings at any time.

(b) Do not lean or park bicycles near or against windows.

(c) Pedestrians have the right of way on all malls and sidewalk areas of the university. At all times and places of congested pedestrian traffic, the bicycle rider must go slowly and yield to pedestrians. A violation of this provision shall constitute a moving violation and shall be referred directly

to the court of the judge of the Lower Kittitas County district court.

(d) Bicyclists must observe the 10 m.p.h. speed limits on malls and service drives.

(e) Bicyclists must ride in designated lanes where they exist.

(4) Impoundment policy:

(a) Bicycles parked on paths, sidewalks, in buildings, or near building exits may be impounded, except in areas adjacent to residence halls, or as otherwise permitted and designated by the director of housing as bike storage rooms. Bicycles left over 72 hours may be impounded.

(b) Impounded bicycles will be stored in a location determined by the chief of ~~((campus))~~ public safety and police services. Bicycles will be released at specific times and upon presentation of proof of ownership. Owners of impounded bicycles, if identifiable, will be notified immediately upon impoundment and must reclaim the bicycle within seven days.

(c) Abandoned, lost, or found bicycles that have been impounded shall be subject to sale in accordance with the laws of the state of Washington.

WSR 94-10-061

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed May 3, 1994, 11:32 a.m.]

Date of Adoption: May 3, 1994.

Purpose: This rule provides tax reporting information to persons selling tobacco products. It is being amended because of a change in tax rates.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-185.

Statutory Authority for Adoption: RCW 82.32.300.

Pursuant to notice filed as WSR 94-07-025 on March 8, 1994.

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

May 3, 1994

Russell W. Brubaker
Assistant Director

AMENDATORY SECTION (Amending WSR 90-04-038, filed 1/31/90, effective 3/3/90)

WAC 458-20-185 Tax on tobacco products. (1) Introduction. This section explains the tax liabilities of persons engaged in business as a distributor or subjobber of tobacco products. It addresses only those taxes which apply exclusively to tobacco products. See WAC 458-20-186 for tax liabilities associated with taxes which apply exclusively to cigarettes.

(2) Definitions.

(a) "Tobacco products" means all tobacco products except cigarettes ~~((see WAC 458-20-186 for cigarette excise taxes))~~. The term includes cigars, cheroots, stogies, periques; granulated, plug cut, crimp cut, ready rubbed or other smoking tobacco; snuff, snuff flour, cavendish, plug, twist, fine cut, or other chewing tobacco; shorts, refuse scraps, clippings, cuttings, sweepings, or other kinds or forms of tobacco.

(b) "Distributor" means

(i) Any person engaged in the business of selling tobacco products in this state who brings or causes to be brought into this state from without the state any tobacco products for sale, or

(ii) Any person who makes, manufactures, or fabricates tobacco products in state for sale in this state, or

(iii) Any person engaged in the business of selling tobacco products without this state who ships or transports tobacco products to retailers in this state.

(c) "Subjobber" means any person, other than a tobacco manufacturer or distributor, who buys tobacco products from a distributor and sells them to persons other than the ultimate consumers.

(d) "Sale" means any transfer, exchange, or barter, in any manner or by any means whatsoever by any person for a consideration. It includes all gifts by persons selling tobacco products.

(e) "Wholesale sales price" means the established manufacturer's price to the distributor, exclusive of any discount or other reduction.

(f) "Business" means any trade, occupation, activity, or enterprise engaged in for the purpose of selling or distributing tobacco products in this state.

~~((2))~~ (3) **Nature of tax.** The Washington state tobacco products tax is an excise tax ((is) levied ((at the combined rate of 64.90%)) on the value of the wholesale sales price on all tobacco products sold, used, consumed, handled, or distributed within the state((, pursuant to the following statutes: RCW 82.26.020(1) which levies a general fund tax at the rate of 48.15% and RCW 82.26.025 which levies an additional tax of 16.75% payable into the water quality fund)) The rate of tax is a combination of statutory percentage rates found in RCW 82.26.020 and 82.26.025. Charts with current rates are available from the special programs division at the department of revenue. The tax is to be paid by the distributor at the time the distributor brings or causes to be brought into this state from without the state tobacco products for sale.

~~((3))~~ (4) **Books and records.** Since the tobacco products tax is paid on returns as computed by the taxpayer rather than by affixing of stamps or decals, the law contains stringent provisions requiring that accurate and complete records be maintained and preserved for ~~((5))~~ five years for examination by the department of revenue.

(a) The records to be kept by distributors include itemized invoices of tobacco products held, purchased, manufactured, brought in or caused to be brought in from without the state or shipped or transported to retailers in this state, and of all sales (including customers' names and addresses) of tobacco products except retail sales. All other pertinent papers and documents relating to purchase, sale, or disposition of tobacco products must ~~((likewise))~~ be ((se)) retained.

(b) Retailers and subjobbers must secure and retain legible and itemized invoices of all tobacco products purchased, showing name and address of the seller and the date of purchase.

(c) Records of all deliveries or shipments (including ownership, quantities) of tobacco products from any public warehouse of first destination in this state must be kept by the warehouse.

~~((4))~~ (5) **Reports and returns.** The tax is reported on the combined excise tax return, Form REV 40 2406, to be filed according to the reporting frequency assigned by the department. Detailed instructions for preparation of these returns may be secured from the department.

~~((a))~~ Out-of-state wholesalers or distributors selling directly to retailers in Washington should apply for a certificate of registration, and the department will furnish returns for reporting the tax.

~~((5))~~ (6) **Interstate and sales to U.S.** The tax does not apply to tobacco products sold to federal government agencies, nor to deliveries to retailers or wholesalers outside the state for resale by such retailers or wholesalers, and a credit may be taken for the amount of tobacco products tax previously paid on such products.

~~((6))~~ (7) **Returned or destroyed goods.** A credit may also be taken for tobacco products destroyed or returned to the manufacturer on which tax was previously paid, but returns on which such credits are claimed must be accompanied by appropriate affidavits or certificates conforming to those illustrated below:

(a) Certificate of Taxpayer.

Claim for Credit on Tobacco Products Tax Merchandise Destroyed

The undersigned certifies under penalty of perjury under the laws of the state of Washington that the following is true and correct to the best of his/her knowledge:

That he/she is (Title) of the (Business Name), a dealer in tobacco products; that ~~((said))~~ the dealer has destroyed merchandise unfit for sale, said tobacco products having a wholesale sales price of \$; that tobacco tax had been paid on such tobacco products; that ~~((said))~~ the tobacco products were destroyed in the following manner and in the presence of an authorized agent of the department of revenue:

.....
(State date and manner of destruction)
.....
.....

Attested to:
Date By
Signature of Taxpayer or
Authorized Representative.
.....
Position with Dealer
.....
Dealer
.....
Address of Dealer

APPROVED:
.....
Authorized ~~((Agency))~~ Agent of
Department of Revenue of the
State of Washington.

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those mentioned in ~~((3) above)~~ (4)(a) of this section. The stamp must be applied to the smallest container or package, unless the department determines that it is impractical to do so.

~~((6))~~ (c) Every licensed stamping wholesaler shall stamp those cigarettes that require stamping within 72 hours after receipt, but in any event, on or before sale or transfer to another party. Stamps shall be of the type authorized by the department which at present is ~~((only))~~ the heat applied "fuson" type. The use of meter stamping machines for use in imprinting packages, in lieu of attaching stamps, is not authorized by the department. The use of water "decalcomania" type stamps by such vendors is not authorized.

~~((7))~~ (d) Persons other than licensed stamping wholesalers must file with the department of revenue, prior to receipt, a notice of intent to possess unstamped cigarettes in the state of Washington. A copy of this notice, validated by an agent of the department of revenue, must be in the possession of any such person who is in possession of unstamped cigarettes in this state.

~~((8))~~ (e) Persons who have filed the ~~((aforementioned))~~ notice must bring the cigarettes to a department office for payment of the tax within 72 hours of receipt, but in any event, on or before sale or transfer to another party. ~~((Persons who have failed to file the notice of intent, as provided above, must bring the cigarettes to a department office for payment of the tax before the end of business on the day of receipt, if such is a department business day, but if not, then on or before the close of the next department business day following receipt. In any event such persons shall bring the cigarettes in and pay the tax on or before the sale or transfer thereof to another party.))~~ Failure ~~((so to act))~~ to file this notice will subject the person in possession of such cigarettes to criminal sanctions as set forth in ~~((subparagraphs (17) and (18) below))~~ subsections (9) and (10) of this section.

~~((9))~~ (f) Any unstamped or untaxed cigarettes in the possession of persons (other than licensed stamping wholesalers) who have failed to file a notice of intent to possess unstamped cigarettes in the state of Washington or who have failed to affix stamps and/or who have failed to pay the tax as required herein, will be deemed contraband and subject to seizure and forfeiture under the provisions of RCW 82.24.130.

~~((10))~~ (g) State approved cigarette stamps are available from authorized banks. Payment for stamps may be made either at the time of ~~((sale))~~ purchase of the stamps from the banks, or deferred until later, although the latter form of payment is available only to vendors who meet the requirements of the department and who have furnished a surety bond equal to the proposed total monthly credit limit. In addition, purchases on a deferred payment plan may be made only by the cigarette seller ~~((himself))~~ or by an agent authorized by ~~((him))~~ the cigarette seller to do so. This authorization may be in the form of a signature card, filed with the bank, from which stamps are usually obtained, and kept current by the vendor. Payments under a deferred plan are due within 30 days following the purchase, and are to be paid at the outlet from which the stamps were obtained, and may be paid by check payable to the department of revenue. Cigarette wholesalers who purchase stamps under either plan are allowed ~~((as compensation for their services in affixing~~

~~stamps, an amount equal to))~~ a discount of \$4.00 per thousand stamps affixed, which is offset against the purchase price.

~~((11))~~ (h) When the rate of tax increases, the first person who sells, uses, consumes, handles, possesses, or distributes previously taxed cigarettes after the rate increase is liable for the additional tax. Failure by the first person to pay the additional tax arising from the first taxable event does not relieve subsequent individuals of tax liability arising from a subsequent taxable event.

(6) Books and records. An accurate set of records showing all transactions had with reference to the purchase, sale or distribution of cigarettes must be retained.

(a) These records may be combined with those required in connection with the tobacco products tax, by WAC 458-20-185, provided there is a segregation therein of the amount involved. All such records must be preserved for ~~((5))~~ five years from the date of the transaction.

~~((12) In particular,))~~ (b) Persons shipping or delivering any cigarettes to a point outside of this state shall transmit to the ~~((miscellaneous tax and unclaimed property))~~ special programs division, not later than the 15th of the following calendar month, a true duplicate invoice showing full and complete details of the interstate sale or delivery.

~~((13))~~ (7) Reports and returns. The department of revenue may require any person dealing with cigarettes, in this state, to complete and return forms, as furnished, setting forth sales, inventory and other data required by the department to maintain control over trade in cigarettes.

~~((14))~~ Manufacturers and wholesalers selling stamped, unstamped or untaxed cigarettes shall, before the 15th day of each month, transmit to the ~~((miscellaneous tax and unclaimed property))~~ special programs division a complete record of sales of cigarettes in this state during the preceding month.

~~((15))~~ (8) Refunds. Any person may request a refund of the face value of the stamps when the tax is not applicable and the stamps are returned to the department. Documentation supporting the claim must be provided at the time the claim for refund is made.

(a) Refunds for stamped untaxed cigarettes sold to ~~((Indians or Indian))~~ Native American individuals or tribes (see subsection (4)(c) of this section) will include the stamping allowance and will be approved by an agent of the department.

(b) Refunds for stamped cigarettes will not include the stamping allowance if the stamps are:

~~((a))~~ (i) Damaged, or unfit for sale, and as a result are destroyed or returned to the manufacturer or distributor.

~~((b))~~ (ii) Improperly or partially affixed through burns, jams, double stamps, stamped on carton flaps, or improper removal from the stamp roll.

~~((16))~~ (c) The claim for refund must be filed on a form which is provided by the department, Form REV 37-2063. An affidavit or a certificate from the manufacturer claiming refund, or by the agent of the department verifying the voiding of stamps and authorizing the refund, shall accompany the form.

~~((17))~~ (9) Criminal provisions. RCW 82.24.110(1) prohibits certain specified criminal activities with respect to cigarettes and makes such activities gross misdemeanors. Also, RCW 82.24.100 and 82.24.110(2) prohibit alteration or

fabrication of stamps and transportation and/or possession of 300 or more cartons of unstamped cigarettes and makes those activities felonies. Persons commercially handling cigarettes in this state must refer to these statutes.

~~((18))~~ **(10) Search, seizure and forfeiture.** The department of revenue may search for, seize and subsequently dispose of unstamped cigarette packages and containers, vehicles of all kinds utilized for the transportation thereof, and vending machines utilized for the sale thereof. Persons handling unstamped cigarettes in this state must refer to RCW 82.24.130 and subsequent sections for provisions relating to search, seizure and forfeiture of such property, for possible redemption thereof, and for treatment of such property in the absence of redemption.

~~((19))~~ **(11) Penalties.** RCW 82.24.120 provides a penalty for failure to affix the cigarette stamps or to cause such stamps to be affixed as required, or to pay any tax due under chapter 82.24 RCW. In addition to the tax found to be due, a penalty equal to the greater of ten dollars per package of unstamped cigarettes or two hundred fifty dollars shall be assessed. Interest shall also be added at the rate of one percent for each thirty days or portions thereof from the date the tax became due. The department may cancel all or part of the penalty for good reason.

WSR 94-10-064
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3733—Filed May 3, 1994, 11:44 a.m.]

Date of Adoption: May 3, 1994.

Purpose: Brings support enforcement division (SED) into compliance with United States District Court Judge Bryans injunction dated February 4, 1994. Treats the Washington state child support schedule minimum monthly order amount as a presumption. WAC 388-11-205 clarifies that the presiding officer can deviate from the support order of \$25 per month per child upon a proper showing by the parties.

Citation of Existing Rules Affected by this Order: Amending WAC 388-11-205 Assessing support.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: N.R. vs. Soliz, United States District Court Docket #C93-5338B.

Pursuant to notice filed as WSR 94-07-041 on March 10, 1994.

Changes Other than Editing from Proposed to Adopted Version: Reinserted a reference to statutory authority for deviating from the basic support amount. This does not change either the process of setting support, or the substantive law involved with deviations. This will provide a direct reference to the standards for deviation found in the statute and add clarity to the provision. Does not change any substantive provision of the rule.

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

May 3, 1994

Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3344, filed 3/24/92, effective 4/24/92)

WAC 388-11-205 Assessing support. (1) In any adjudicative proceeding, agreed settlement or consent order involving the administrative establishment of a support obligation, the responsible parent and any residential parent shall complete worksheets approved by the administrator for the courts under RCW 26.19.050. The ~~((office of))~~ support enforcement division (SED) may complete a worksheet on behalf of a residential parent receiving public assistance, or residing in another state.

(2) ~~((OSE))~~ SED and the presiding or review officer shall determine the basic support obligation according to the Washington state child support schedule, chapter 26.19 RCW.

(3) ~~((OSE))~~ SED and the presiding or review officer may impute income based on the standards for ~~((imputing))~~ imputing income stated at chapter 26.19 RCW. A recipient's eligibility for and receipt of AFDC ~~((or FIP))~~ benefits shall raise a rebuttable presumption that the recipient is:

(a) Complying with all assistance program eligibility requirements including job search requirements; and ~~((is))~~

(b) Not voluntarily under-employed or unemployed.

(4) ~~((OSE))~~ SED and the presiding or review officer shall adjust a responsible parent's share of the basic support obligation to reflect circumstances in the parent's household and the household of any residential parent. ~~((OSE))~~ SED and the presiding or review officer:

(a) May ~~((, at their discretion, and))~~ in compliance with RCW 26.19.075, deviate from the amount of child support calculated using the standard calculation ~~((—A deviation))~~ when the amount is unjust or inappropriate in the particular case; and

(b) Shall not enter an order or agreed settlement deviating from the standard ~~((may not be made))~~ calculation without specific reasons for ~~((these deviations))~~ the deviation set forth in the order and supported by the evidence.

(5) If requested, ~~((OSE))~~ SED and the presiding or review officer shall:

(a) Assess responsibility for known health care, day care, and special child-rearing expenses under the Washington state child support schedule;

(b) Apportion responsibility for unknown and or future health care, day care, and special child-rearing expenses between the parents in the same proportion as the basic support obligation; and

(c) Assess responsibility for birth costs under WAC 388-11-220.

(6) A responsible parent's total support obligation shall consist of:

(a) The amount determined according to the Washington state child support schedule, including the effect of any deviations from the basic child support obligation;

(b) Amounts the responsible parent is obligated to pay for health insurance; and

(c) Amounts the responsible parent is obligated to pay for day care and special child-rearing expenses.

(7) A responsible parent shall pay:

(a) Health insurance premiums directly to the responsible parent's insurance provider ~~((—The responsible parent shall pay))~~;

(b) All other amounts, including amounts currently paid to third parties for special child-rearing expenses, to the Washington state support registry.

(8) A responsible parent's total administrative current support obligation shall not exceed forty-five percent of the responsible parent's net income unless the presiding officer finds good cause for exceeding the forty-five percent limitation. Good cause includes but is not limited to:

(a) The responsible parent has substantial wealth;
 (b) A child on whose behalf support is sought has special medical or educational needs;

(c) Large families;

(d) Psychological need; or

(e) Children with daycare expenses.

(9) ~~((When))~~ The parties' combined monthly net income of ((the parties is)) less than six hundred dollars((, OSE)) shall raise a rebuttable presumption that the support obligation should be not less than twenty-five dollars per month per child. SED, the presiding officer or the review judge ((shall enter a support order of not less than twenty-five dollars per month per child)) may deviate from the presumptive amount in compliance with RCW 26.19.075, and subsection (4) of this section.

(10) Neither the presiding officer nor ~~((OSE))~~ SED shall set a current support obligation that reduces the responsible parent's income below the needs standard for one person adopted under RCW 74.04.770, except:

(a) ~~((For the minimum required support order of))~~ That SED, the presiding officer, and the review judge shall not enter or agree to an order for less than twenty-five dollars per month per child, unless there are grounds for a deviation from that amount; or

(b) If the presiding officer finds reasons for deviation under chapter 26.19 RCW.

(11) ~~((In cases where))~~ When the department is assessing a child support debt for a dependent child placed in foster care or living with a ~~non-needy~~) nonneedy relative, ((OSE)) SED, the presiding officer or the review judge shall calculate the support obligation using the child support schedule as follows:

(a) Combine the net income of both parents in the "father" column on the worksheet and not attribute income in the "mother" column when the responsible parents reside together;

(b) Calculate each parent's support obligation independently and attribute no income to the other parent when the responsible parents do not reside together; and

(c) Assess support only for the child named in the notice.

(12) ~~((OSE))~~ SED, presiding officers, and department review judges shall:

(a) Apply any legislative changes to the Washington state child support schedule prospectively only from the effective date of the legislation unless the legislative change is specifically retroactive in effect((, OSE, presiding officers, and department review judges shall));

(b) Assess support debts for past periods of time according to the Washington state child support schedule in effect at the time the support debt accrued((, except that)); and

(c) Assess child support debts accrued before July 1, 1988((, shall be assessed)) according to the Washington state child support schedule that became effective July 1, 1988.

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 94-10-065
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Order 3732—Filed May 3, 1994, 12:01 p.m.]

Date of Adoption: May 3, 1994.

Purpose: Title 388 WAC, rewriting, reorganizing, and recodifying the rule policies relating to financial and medical assistance programs. Facilitates on-line (computer) access by eligibility staff in our field offices and makes these policies easier to understand.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 94-07-114 on March 21, 1994.

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

May 3, 1994

Dewey Brock, Chief
Office of Vendor Services

Chapter 388-200 WAC
FINANCIAL AND MEDICAL ASSISTANCE—
GENERAL PROVISIONS

NEW SECTION

WAC 388-200-1050 Department and client responsibilities. (1) The department and the client have a dual responsibility to determine and maintain eligibility for public assistance in the initial or redetermination of eligibility for assistance.

(2) The department has the responsibility to:

(a) Treat a client with dignity and courtesy;

(b) Give a client sufficient opportunity to make pertinent needs known to the department;

(c) Inform a client what the department can, or cannot, do for the client;

(d) Respect the rights of a client under the U.S. Constitution, the Social Security Act, Title VI of the Civil Rights Act of 1964, and all other relevant provisions of federal and state law when:

(i) Taking an application;

(ii) Determining eligibility; and

(iii) Administering financial and medical assistance programs;

(e) Avoid practices which violate the client's privacy or subject the client to harassment;

(f) Inform a client of:

(i) The client's rights and responsibilities concerning eligibility for, and receipt of, assistance;

(ii) All factors which may affect the client's continuing eligibility for assistance; and

(iii) Changes of law or rule which affect the client's eligibility;

(g) Act promptly and correctly on all known changes which affect the client's eligibility for assistance.

(3) The client has the responsibility to:

(a) Report all changes in the client's circumstances which affect eligibility for assistance. The client must report changes in writing promptly and accurately; and

(b) Take any reasonable action to develop resources which will reduce or eliminate the client's need for public assistance.

NEW SECTION

WAC 388-200-1100 Grievance procedure. (1) If a client is aggrieved by a department decision, the client has the right to present a written grievance to the supervisor. The supervisor shall:

(a) Make a decision on the client's grievance; and

(b) Send the client written notification of the supervisor's decision within ten days of receipt of the grievance.

(2) If a client is not satisfied with the decision of the supervisor, the client has the right to present a written grievance to the supervisor's administrator. The administrator shall:

(a) Make a decision on the client's grievance within ten days of receipt of the grievance; and

(b) Send the client written notification of the administrator's decision.

(3) The written notice from the administrator terminates the grievance procedure.

(4) The client's right to pursue a grievance shall not in any way prevent the client from requesting a fair hearing under chapter 388-08 WAC.

(5) The department may respond to the client's grievance by informing the client that the department prefers that the fair hearing or judicial review process resolve the matter, if the client has a fair hearing or judicial review pending on the same issue.

NEW SECTION

WAC 388-200-1150 Exception to rule. (1) Rules for determining eligibility and amount of payment are based on federal and state law and are designed to permit the department to grant necessary assistance considering the client's requirements and resources.

(2) State rules are based on living conditions which the department considers to apply to the majority of client situations. Individual circumstances may exist where application of a particular rule works in opposition to the desired objective stated in subsection (1) of this section.

(3) The department cannot make an exception to a specific provision of federal or state law. However, the secretary, or designee, can authorize an individual case exception to a rule when:

(a) The rule is not specifically enunciated in federal or state law; and

(b) Granting an exception appears to be in the best interest of overall economy and the client's welfare.

(4) The department may grant an exception when:

(a) The client's situation differs from that of the majority; or, the client's circumstances are peculiar;

(b) It would ease the conditions the client would face without the assistance; and

(c) It would increase opportunities for the client to function effectively.

(5) The client does not have a right to a fair hearing as specified under chapter 388-08 WAC for an exception decision.

NEW SECTION

WAC 388-200-1160 Notification of exception to rule request and decision. The department shall notify a client in writing within ten days of:

(1) A decision as to whether the department will initiate an exception to rule request when requested by the client; and

(2) Of the approval or denial of an exception to rule which was requested by the department.

NEW SECTION

WAC 388-200-1200 Translation of written communications with a limited English proficient client. The department shall fully translate the following written communications into the primary language of the limited English proficient client:

(1) A notice requesting information or action which requires a response from the client to determine:

(a) Initial eligibility; or

(b) Continuing eligibility for assistance;

(2) A notice of approval, denial, or withdrawal of an application for assistance;

(3) A notice of termination, suspension or reduction of assistance;

(4) A notice describing client rights and responsibilities;

(5) A notice requiring a client's signature or informed consent; and

(6) A notice of an overpayment of public assistance benefits.

NEW SECTION

WAC 388-200-1250 Gifts, bequests by will, and contributions. (1) The department may accept a gift, bequest, or contributions in cash, or otherwise, from an association or corporation.

(2) The department shall not accept a gift or contribution from a person applying for, or receiving, public assistance.

(3) The department shall not advise any person desiring information or assistance regarding the preparation of a will. The department shall advise the person to contact an attorney, or the local legal aid society.

Chapter 388-210 WAC APPLICATIONS FOR ASSISTANCE

NEW SECTION

WAC 388-210-1000 Who may apply. The department shall accept and promptly act upon an application from any person wishing to apply for assistance. An application may be made by:

- (1) A person making the request in the person's own behalf or for the person's dependent;
- (2) A legal guardian or a person legally eligible to make application on behalf of a minor or incompetent person;
- (3) Any other person acting in behalf of the applicant when the applicant cannot make application under one of the preceding methods. Such person shall indicate the reason for initiating the application.

NEW SECTION

WAC 388-210-1010 Application form. (1) An applicant shall make a written request for assistance on a department designated form.

- (2) The department shall make the form as brief as administratively feasible and request only information ordinarily known to the applicant.
- (3) The department may designate different forms for reapplication.
- (4) The department shall inform an applicant at the time of signing that the application contains:
 - (a) A written declaration made under penalty of perjury; and
 - (b) That such declaration is made in lieu of any oath otherwise required.
- (5) The department shall give each applicant a written acknowledgement of receipt of an application at the time of making application.

NEW SECTION

WAC 388-210-1020 Completion of application form. (1) Each applicant shall complete and submit application forms as provided for under WAC 388-210-1010.

- (2) The department shall assist an applicant in the completion of application forms when necessary.
- (3) The applicant's written statement of application for AFDC must include all children under nineteen years of age, whether or not financial assistance is being requested for such children, who are:
 - (a) Living in the household; and
 - (b) Full brothers or full sisters; or
 - (c) Half brothers or half sisters; or
 - (d) Stepbrothers or stepsisters.
- (4) The parent or stepparent applying on behalf of their dependent children must declare the total resources and income available for all siblings living in the home.
- (5) Both parents shall sign all application forms for AFDC, if living together.
- (6) The applicant and spouse must sign all application forms for general assistance or medical assistance irrespective of whether the spouse is included in the application as a dependent.
- (7) An applicant's signature by mark requires two witnesses. The signatures of witnesses shall appear on the form and be identified by the department as witnesses.

(8) The applicant may change a signed application for assistance only when the incorrect entry is stricken and the corrected entry is initialed and dated by the applicant. The applicant shall also initial any addition to the application.

NEW SECTION

WAC 388-210-1050 Interview. (1) The department shall include at least one face-to-face interview at each application for financial assistance with:

- (a) An applicant; or
 - (b) Someone representing an applicant, if direct contact with an applicant is impractical.
- (2) An applicant shall complete a written application before the department undertakes an investigation.
- (3) An applicant shall apply and interview for assistance at a site specified by the department, unless the department determines an interview in the applicant's home is necessary.
- (4) The department shall fully inform each applicant of the applicant's legal rights and responsibilities in connection with public assistance.
- (5) The department shall provide an applicant written information about the applicant's right to a fair hearing and a brief explanation of the procedures pertaining to fair hearings.
- (6) The department shall record pertinent facts about each application so that the department can audit the records to determine whether:
- (a) Department policies are followed;
 - (b) Continuity of service can be carried out;
 - (c) Case planning can be achieved; and
 - (d) The department can ascertain what services are needed and given.

NEW SECTION

WAC 388-210-1100 Applicant to provide information. (1) The department shall allow an applicant a reasonable time of not less than ten calendar days to provide information necessary to determine eligibility. This includes additional application forms, documents and statements needed for the department to verify eligibility.

- (2) The department shall extend the allowed time when:
 - (a) The applicant has provided some, but not all, of the available information. In such a case, the department shall:
 - (i) Provide the applicant with written notification of the specified information required; and
 - (ii) Allow an additional ten calendar days, or a longer time, depending upon the specific circumstances.
 - (b) The department has previously completed the initial interview, or requested specific information, and subsequently determines the need for different or additional information. In such a case, the department shall:
 - (i) Provide the applicant with written notification of the specific additional information required; and
 - (ii) Allow an additional ten calendar days, or a longer time, depending upon the specific circumstances.
 - (c) The applicant has requested, orally or in writing, additional time to provide statements in support of the application.

NEW SECTION

WAC 388-210-1200 Time limit on disposition of application. (1) The time limit from the date of application to the date of disposal action as specified in subsection (2) of this section is thirty days for Aid to Families with Dependent Children (AFDC) and forty-five days for General Assistance (GA). The department shall count as day one, the date following the date of application in applying this rule.

(2) The date of application shall be the date a written request as specified in WAC 388-210-1010(1) is received by the department.

(3) The department shall consider the date an application is disposed of as:

(a) For approvals, the date the department correctly processes a document authorizing assistance; and

(b) For denials and withdrawals, the date written notice of the decision is given or mailed to the client.

NEW SECTION

WAC 388-210-1220 Good cause for disposition delay. (1) The department shall act on each application as quickly as possible, and within applicable time limits as specified under WAC 388-210-1200, unless exceptional circumstances require a longer period of time.

(2) Exceptional circumstances, subject to WAC 388-210-1230, considered good cause for delay in disposing of an application may include, but are not limited to:

(a) An applicant not providing requested verification within ten days of a written request;

(b) An eligibility decision depends on medical reports and there is delay in obtaining the reports or in securing medical information;

(c) An eligibility determination depends on correspondence with out-of-state or intercity contacts and no other verification is available for the eligibility factor; or

(d) An eligibility decision depends on extensive property appraisals.

NEW SECTION

WAC 388-210-1230 Good cause for disposition delay—Department responsibility for an AFDC application. Good cause for delay in processing an application for AFDC exists only when an exceptional circumstance exists. Good causes exists only if the department:

(1) Notifies the applicant in writing of specific information needed to determine eligibility within twenty days of the date of application; and

(2) Notifies the applicant in writing of the need for additional information or action within five calendar days; and

(3) Determines eligibility and disposes of the application within five working days of receiving all information necessary to determine eligibility; and

(4) Determines if good cause exists and documents the decision in the case record on, or before, the time limit for processing the application for AFDC has expired.

NEW SECTION

WAC 388-210-1250 Evaluation of available information. When the applicant fails to provide requested statements within the initially specified, or extended period, as provided under WAC 388-210-1100, the department shall:

(1) Evaluate all available information; and

(2) Dispose of the application for assistance according to WAC 388-210-1300.

NEW SECTION

WAC 388-210-1300 Disposition action. The department shall dispose of an application for assistance by:

(1) Approval;

(2) Denial; or

(3) Withdrawal.

NEW SECTION

WAC 388-210-1310 Basis of withdrawal. (1) The department shall dispose of an application by withdrawal if the applicant:

(a) Voluntarily requests, orally or in writing, that the department give no further consideration to the application;

(b) Fails to report for a scheduled interview and has not contacted the department to reschedule an interview within thirty days from the date of application; or

(c) Died before the department completed a determination of eligibility.

(2) The department shall note in the case record for all withdrawal requests that:

(a) The application has been withdrawn at the applicant's request; and

(b) Notice has been sent to the applicant as specified in WAC 388-210-1420.

NEW SECTION

WAC 388-210-1320 Basis of denial. (1) The department shall deny an application for benefits only when the department has not been able to establish the applicant's eligibility. See WAC 388-212-1200.

(2) The department shall not deny an application solely on the basis that an applicant failed to provide requested statements:

(a) In support of the application; or

(b) Within a reasonably allowed period.

(3) When the department cannot determine eligibility based on the information provided by the applicant, the denial notice must include the information specified under WAC 388-210-1420.

(4) If an applicant requests a fair hearing to contest the department's denial for inability to establish eligibility, the issue in the de novo hearing shall be whether the applicant can provide evidence to establish eligibility.

NEW SECTION

WAC 388-210-1330 Limitations on denial. (1) The department shall not deny assistance based on a delay in obtaining medical information essential to a determination of eligibility, if obtaining the information is beyond the control of both the applicant and the department.

(2) The department shall not deny assistance to the entire assistance unit under WAC 388-210-1320(2) unless information required to establish eligibility of the entire assistance unit is lacking.

(3) The department shall deny assistance only to an applicant, or applicants, affected when information is not provided, and the requested information affects only the eligibility of that applicant, or applicants, in the assistance unit.

NEW SECTION

WAC 388-210-1340 Reconsideration of denied applications. (1) The department shall allow the applicant thirty days from the date of the denial notice to provide all specified information that was not provided when assistance is denied according to WAC 388-210-1320(2).

(2) The department shall determine eligibility based on the specified information if the applicant, within such thirty-day period:

- (a) Provides the specified information; and
- (b) The applicant's circumstances have not changed to the extent additional information is needed to determine eligibility.

(3) The department shall rescind the denial and approve assistance based on the denied application if eligibility is established.

NEW SECTION

WAC 388-210-1350 Effective date of eligibility for approved applications. (1) The effective date of eligibility for federally matched assistance is the date of authorization, or the thirtieth day after application, if the department requires more than thirty days to determine eligibility.

(2) The effective date for state funded assistance is the date of authorization, or the forty-fifth day after application, if the department requires more than forty-five days to determine eligibility.

(3) The department shall not count the day application was made in determining the thirtieth or forty-fifth day.

(4) The effective date of eligibility for an applicant, except as provided under WAC 388-245-1210, who applies prior to the occurrence of an event which makes the applicant eligible, shall be the date the event occurs, if eligibility otherwise exists on that date.

(5) The department shall complete the authorization the first working day following the day the special event occurred when such event occurs on a nonworking day. The effective date of eligibility is the day the event occurred. The department shall apply this rule when:

- (a) The effective date of a reinstated grant occurs on a nonworking day as described under WAC 388-245-1410; or
- (b) The thirtieth day after date of application if the event occurs on a nonworking day.

NEW SECTION

WAC 388-210-1400 Notification of application disposition. The department's decision on an application is definite and conclusive and the department shall make this known to the applicant, together with the reasons for the decision, see WAC 388-210-1410 and 388-210-1420.

NEW SECTION

WAC 388-210-1410 Approval notice. (1) The department shall notify an applicant in writing when the department authorizes payment.

(2) The department shall notify an applicant residing in an institution of grant approval according to chapter 388-95 WAC.

NEW SECTION

WAC 388-210-1420 Denial or withdrawal notice. (1) The department shall give written notice to an applicant when the department denies or withdraws an application, except for a withdrawal due to an applicant's death.

(2) The department shall include in the notice the following information:

- (a) The reason or reasons for denial and the rules to support the denial action;
- (b) The date of the decision; and
- (c) The right to a fair hearing. The letter need not include notice of right to a fair hearing when the applicant gives written notice of withdrawal including a statement to that effect on the application form.

(3) When the application is denied due to insufficient information to determine eligibility, the notice shall also include:

- (a) What information was requested and not provided, including the date of the request;
- (b) That eligibility for financial assistance has not been established based upon information which was provided by the applicant;
- (c) That the department shall redetermine eligibility and, if eligibility is established, rescind the denial and approve assistance if, within thirty days from the date of the denial notice, the applicant:
 - (i) Provides all specified information previously requested but not provided; and
 - (ii) The applicant's circumstances have not changed.

Chapter 388-212 WAC VERIFICATION OF ELIGIBILITY

NEW SECTION

WAC 388-212-1000 Eligibility determined on a factual and objective basis. (1) The department shall determine a client's eligibility for assistance on a factual and objective basis in accordance with department rules and procedures.

(2) The department shall support each eligibility decision for assistance based on information in the case record showing:

- (a) The client met each eligibility requirement; or
- (b) The client did not meet one or more eligibility requirements.

(3) The information in the case record shall include, but is not limited to:

- (a) Documents supporting a client's eligibility; and
- (b) A statement of the reason or reasons for the department's eligibility decision.

NEW SECTION

WAC 388-212-1050 Verification of eligibility. (1) The department shall consider the client's statement of circumstances as the first source of information in determining the client's eligibility for financial assistance.

(2) The department shall require verification of all factors of eligibility, unless the department determines eligibility can be accurately determined without verifying one or more of the factors.

NEW SECTION

WAC 388-212-1100 Client responsibility to provide verification. (1) The department shall fully inform the client of:

(a) The corroborating documentation needed to establish eligibility; and

(b) The client's obligation to:

(i) Secure the corroborating documentation whenever reasonably possible; or

(ii) Assist the department in obtaining sufficient information to establish the client's eligibility; and

(iii) The availability of the department to assist the client to secure the corroborating documentation if necessary.

(2) The department shall state the time frame and notice requirement when requesting verification for:

(a) Applicants, in chapter 388-210 WAC; and

(b) Recipients, in chapter 388-245 WAC.

(3) The department shall request the client to provide verification documents based on the availability of the documents.

(4) The department shall request documents which can be obtained within three full working days first, if the department anticipates that the documents would be sufficient to determine the client's eligibility.

(5) The department shall not require a client to provide a verification document for which a fee is charged unless the department authorizes payment for such fees.

NEW SECTION

WAC 388-212-1140 Verification of age by affidavit.

(1) Any person is permitted by law to make an affidavit before a judge of the superior court or the supreme court of the state of Washington to verify the person's birth date.

(2) The department shall accept such an affidavit as verification of age.

NEW SECTION

WAC 388-212-1150 Obtaining verification from collateral sources. (1) When the client is unable to provide verification necessary to establish eligibility, the department shall obtain substantiating evidence from other sources.

(2) The client's signature on the application, eligibility review form, or change of circumstance form attests to the client's consent for the department to obtain substantiating evidence from collateral sources.

NEW SECTION

WAC 388-212-1200 Determination of eligibility using available verification. (1) The department shall not deny, delay, or terminate financial assistance because of a client's failure to provide a specific type or form of verification.

(2) The department shall accept and consider all alternative verification for an eligibility factor when determining a client's eligibility.

(3) The department shall determine eligibility for assistance based on all available evidence when verification for one or more factors is not obtained.

(4) The department shall deny or terminate assistance if the department cannot reasonably establish eligibility with the information provided by the client.

NEW SECTION

WAC 388-212-1250 Verification of eligibility after initial eligibility determination. (1) The department shall not reverify previously verified factors which are not subject to change at a:

(a) Subsequent application;

(b) Reinstatement; or

(c) Redetermination of eligibility.

(2) The department may request a higher form of verification, subsequent to approval and authorization of assistance, if eligibility was established on available verification. A client has a right to a fair hearing if aggrieved by the department's request.

**Chapter 388-215 WAC
AID TO FAMILIES WITH DEPENDENT
CHILDREN—CATEGORICAL ELIGIBILITY**

NEW SECTION

WAC 388-215-1000 Summary of eligibility conditions. (1) The department shall grant AFDC on behalf of a child who:

(a) Meets the age requirements under WAC 388-215-1025; and

(b) Is living in the home of a relative of specified degree including a parent or another relative as defined under WAC 388-215-1050 through 388-215-1080. For temporary absences, see WAC 388-215-1100 through 388-215-1110; and

(c) Is a citizen or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States (see WAC 388-215-1200); and

(d) Is a resident of the state of Washington, or resides with a parent or other relative who is a resident of the state of Washington (see WAC 388-215-1225); and

(e) Is in financial need (see chapters 388-216 through 388-219 WAC); and

(f) Is deprived of parental support or care because of the death (see WAC 388-215-1300), continued absence (see WAC 388-215-1320 through 388-215-1335), incapacity (see WAC 388-215-1340 through 388-215-1360), or unemployment (see WAC 388-215-1370 through 388-215-1385) of a parent. A parent is a person meeting the criteria in WAC 388-215-1060.

(2) Each client of AFDC shall assign to the office of support enforcement any rights to support in his or her own behalf or in behalf of the other assistance unit members as required under WAC 388-215-1400 and shall cooperate with the office of support enforcement as required under WAC 388-215-1400 through 388-215-1490.

(3) The department shall require each applicant for, or recipient of assistance to furnish a Social Security number as specified in WAC 388-215-1500.

(4) All AFDC applicants and recipients shall be subject to job opportunities and basic skills program (JOBS) participation requirements as specified under WAC 388-215-1520.

(5) All AFDC clients are subject to the rules regarding participation in strikes as provided under WAC 388-215-1540.

(6) Certain AFDC recipients shall return a completed monthly report to the department as required under WAC 388-215-1560.

(7) The department shall establish assistance units of children and caretaker relatives eligible for AFDC as specified under WAC 388-215-1600 through 388-215-1620.

(8) The department shall determine eligibility for a minor child applying for herself or himself as required under WAC 388-215-1650.

NEW SECTION

WAC 388-215-1025 Age requirement. (1) The department shall grant AFDC on behalf of an otherwise eligible needy child who meets the following age requirements:

(a) Is under age eighteen; or

(b) Is under age nineteen and a full-time student reasonably expected to complete a program of secondary school, or the equivalent level of vocational or technical training, before the end of the month in which the child reaches age nineteen; or

(c) Is unborn and there are no other eligible children in the household. In this case, the department shall grant AFDC only to the unborn's mother, provided:

(i) There is medical confirmation the woman is in the third trimester of pregnancy (the three calendar months preceding the expected month of birth); and

(ii) If the child were born and living in the same household as the woman, in the month of payment, they would otherwise be eligible for AFDC.

(2) Prior to authorizing AFDC, the department shall determine the birthdate of a minor child in whose behalf aid is requested, except:

(a) An otherwise eligible child may receive AFDC temporarily when it is obvious that the child's age is within the AFDC limits. The department shall determine the birthdate as soon as possible for continuing eligibility.

(b) When only the year of birth is determined, the department shall assign the arbitrary birthdate of July 1.

NEW SECTION

WAC 388-215-1050 Living in the home of a relative of specified degree—Determination. (1) The department shall determine a child is living with a relative of specified degree if the child's home is with a parent as specified under

WAC 388-215-1060 or other relative as specified under WAC 388-215-1080.

(2) A home is the family setting maintained or in the process of being established, as evidenced by assumption and continuation of responsibility for day to day care of the child by the relative with whom the child is living. A family setting shall include households in temporary shelter and households without shelter.

(3) A home exists so long as the relative exercises responsibility for the care and control of the child, even though either the child or the relative is temporally absent from the customary family setting as specified under WAC 388-215-1100 through 388-215-1120.

NEW SECTION

WAC 388-215-1060 Living in the home of a relative of specified degree—Child's parent defined. The department defines a child's parent as:

(1) A natural parent, including:

(a) The natural mother; and

(b) The natural father as:

(i) Established under a judgment or order determining parent and child relationship entered pursuant to RCW 26.26.130; or

(ii) Presumed pursuant under the Uniform Parentage Act (see WAC 388-215-1070);

(c) A natural parent is no longer considered to be a parent for the purposes of determining eligibility for AFDC when parental responsibility has been terminated by the entry of decree of adoption. A natural parent whose rights are so terminated remains a nonparental relative of specified degree (see WAC 388-215-1080);

(2) A person who legally adopts a child; or

(3) A stepfather or stepmother. A stepfather or stepmother is no longer considered to be a parent for the purposes of determining eligibility for AFDC when parental responsibility has been terminated by death or the entry of decree of divorce or dissolution, but remains a nonparental relative of specified degree (see WAC 388-215-1080).

NEW SECTION

WAC 388-215-1070 Living in the home of a relative of specified degree—Presumption of paternity. A man is presumed to be the natural father of a child if:

(1) While the child is under the age of majority, he receives the child into his home and openly holds out the child as his child; or

(2) He acknowledges his paternity of the child:

(a) By an affidavit which he and the child's mother complete at the time of the child's birth and which is filed with the local registrar pursuant to RCW 70.58.080; or

(b) In a writing filed with the state office of vital statistics, which shall promptly inform the mother of the filing of the acknowledgement, if she does not dispute the acknowledgement within a reasonable time after being informed thereof, in a writing filed with the registrar of vital statistics; or

(3) The United States Immigration and Naturalization Service made or accepted a determination that he was the father of the child at the time of the child's entry into the United States and he had the opportunity at the time of the

child's entry into the United States to admit or deny the paternal relationship; or

(4) He and the child's natural mother are or have been married to each other and the child is born during the marriage, or within three hundred days after the marriage is terminated by death, annulment, declaration of invalidity, divorce, or dissolution, or after a decree of separation is entered by a court; or

(5) Before the child's birth, he and the child's natural mother have attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and the child is born within three hundred days after the termination of cohabitation; or

(6) After the child's birth, he and the child's natural mother have married, or attempted to marry, each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and:

(a) He has acknowledged his paternity of the child in writing filed with the registrar of vital statistics; and

(b) With his consent, he is named as the child's father on the child's birth certificate; or

(c) He is obligated to support the child under a written voluntary promise or by court order.

NEW SECTION

WAC 388-215-1080 Living in the home of a relative of specified degree—Nonparental relative defined. Nonparental relatives of specified degree include:

(1) Blood relatives (including those of half-blood); brother, sister, uncle, aunt, grandparent, great-grandparent, first cousin, first cousin once removed, nephew, niece, great-great-grandparent, great-uncle, great-aunt, great-great-uncle, great-great-aunt, or great-great-great-grandparent;

(2) A stepbrother or stepsister even though the marriage of the parent of the stepbrother or stepsister to the child's natural parent is terminated by death, divorce or dissolution;

(3) A natural parent when the parental relationship was terminated by the entry of a decree of adoption;

(4) A stepparent when the marriage to the child's natural or adoptive parent is terminated by death, divorce or dissolution; and

(5) A person identified in a court judgment or order as the child's relative as specified in subsections (1) through (4) of this section.

NEW SECTION

WAC 388-215-1100 Living in the home of a relative of specified degree—Temporary absence of child or caretaker relative. The department shall determine a child is living with a relative of specified degree even though circumstances may require the temporary absence of either the child or the caretaker relative from the customary family setting, as long as the requirements in WAC 388-215-1050 are met. Such temporary separations include:

(1) The child or caretaker relative receive temporary care in a hospital or public or private institution when the illness is such that the department expects a return to the family within ninety days. If the temporary care exceeds

ninety days, the monthly grant standard is as specified under WAC 388-250-1550.

(2) The child or caretaker relative receive temporary care in an alcohol or drug treatment facility when the department expects a return to the family within ninety days. If the care exceeds ninety days, the monthly grant standard shall be as specified under WAC 388-250-1600.

(3) Visits in which the child or caretaker relative plan to be away for ninety days or less, including visits of a child to a parent residing away from the child's customary family setting. If the responsible relative or child leaves for more than ninety days, eligibility is redetermined in accordance with the new circumstances.

(4) The child is placed in foster care while the parent is temporarily receiving care in a residential treatment facility, when such absences do not exceed thirty days.

(5) The child is a ward of the juvenile court, or other agency to whom the court has delegated authority.

(6) The child or caretaker relative attend school or vocational training as specified under WAC 388-215-1110.

(7) The caretaker relative is applying for AFDC on behalf of the child and the child is temporarily in foster care or with another relative as specified in WAC 388-215-1120.

NEW SECTION

WAC 388-215-1110 Living in the home of a relative of specified degree—Temporary absence—Attendance in school or training. As long as the requirements in WAC 388-215-1050 are met the department shall determine a child is living with a relative of specified degree even though the child or caretaker relative is temporarily absent to attend school or vocational training under the following circumstances:

(1) The caretaker relative attends a department-approved vocational training program, as described under WAC 388-47-120, for the period of time required to complete the training program; or

(2) The child attends school when:

(a) The caretaker relative retains full responsibility for the child and the child returns during a year's period, at least for summer vacation; and

(b) The child needs specialized education or training which is not available in the child's home community, and the education is recommended by local school authorities; or

(c) Isolation of the child's residence makes it necessary for him or her to be away from the relative to attend school; or

(d) The child is enrolled in an Indian boarding school administered through the Bureau of Indian Affairs.

NEW SECTION

WAC 388-215-1120 Living in the home of a relative of specified degree—Application for AFDC when child is in foster care or another relative's home. As long as the requirements in WAC 388-215-1050 are met the department shall determine a child is living with a relative of specified degree who applies for AFDC on behalf of the child even though the child is temporarily in foster care or with another relative, provided:

(1) The child is returned to the applying relative's care within thirty days subsequent to the authorization of AFDC; and

(2) No AFDC payments are being made for the child, either in another relative's home or through AFDC-FC in the same thirty-day period.

NEW SECTION

WAC 388-215-1200 Citizenship and alienage. The department shall grant AFDC to a person otherwise eligible under this chapter who is:

(1) A United States citizen; or

(2) A Canadian Indian (a North American Indian born in Canada) considered the same as a United States citizen because he or she:

(a) Has at least fifty percent Indian blood; or

(b) Has less than fifty percent Indian blood and entered the United States prior to December 24, 1952; and

(c) Has maintained residence since entry; or

(3) An alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law, including any alien who is lawfully present in the United States as a result of the application of the provisions of Section 203 (a)(7), Section 207(c), Section 208, or Section 212 (d)(5) of the Immigration and Nationality Act; or

(4) An alien attaining temporary resident status (TRS) or permanent resident status (PRS) under the Immigration Reform and Control Act of 1986 (IRCA); and

(a) A Cuban or Haitian entrant as defined in paragraph (1) or (2)(a) of Section 501(e) of Public Law 96-422; or

(b) Not a Cuban or Haitian entrant as defined under this section and adjusted to lawful temporary status more than five years prior to the application for AFDC.

NEW SECTION

WAC 388-215-1225 Washington residence—Establishing. (1) A resident is a person who:

(a) Voluntarily lives in the state of Washington; and

(b) Intends to maintain his or her home in the state; or

(c) Is not receiving assistance from another state; and

(d) Entered the state with a job commitment or seeking employment in the state whether or not currently employed.

(2) Children reside in the state of Washington if they make their home in the state.

(3) The department is not required to find that an applicant is a resident of Washington if the department determines the applicant is a resident of another state and is only temporarily absent from that state.

NEW SECTION

WAC 388-215-1230 Washington residence—Maintaining. (1) A person has maintained his or her residence in Washington if, since establishing it, the person has not left the state except as specified in subsection (2) of this section.

(2) Absences from the state prior to application do not interrupt residence when:

(a) The absences were enforced or beyond the control of the person; or

(b) The absences were for temporary periods and occurred for specific purposes not involving an intent to change residence and including a plan for return at a future date.

(3) Applicants meeting the residence requirements and otherwise eligible may not be disqualified from receiving assistance solely because they have received assistance from another state or political subdivision. The department may not use the fact that persons received assistance from another state as the basis to determine they are not residents of Washington.

(4) Persons who move out of the state of Washington for more than a temporary visit are assumed to no longer reside in the state of Washington unless they can present positive evidence to the contrary.

(a) The department shall not grant assistance to persons not residing in the state of Washington according to this assumption. See WAC 388-245-1000 pertaining to "visit."

(b) Recipients remaining out of the state for more than one month must supply adequate information to overcome the assumption they no longer intend to reside in the state of Washington.

(5) Assistance can only be continued to recipients temporarily absent from the state who:

(a) Remain in need; and

(b) Fulfill all eligibility requirements.

NEW SECTION

WAC 388-215-1245 Washington residence—Authorizing return of Washington resident. When an inquiry is received regarding whether or not a person is a resident of the state of Washington, or should move to the state of Washington, the department shall:

(1) Investigate the pertinent facts relative to the inquiry;

(2) Furnish the other state with pertinent information;

(3) When appropriate, give social facts indicating whether residence in the state of Washington is or is not in the interest of the person's welfare; and

(4) Inform the inquiring state that the department has no legal authority to authorize the return of a person to the state or to pay costs of such return.

NEW SECTION

WAC 388-215-1300 Deprivation—Death. If either or both parents are deceased, a child is considered as deprived of parental support or care except that: Deprivation of parental support or care due to death is overcome by marriage or remarriage of the remaining parent. A stepparent is legally responsible for providing support and care to a stepchild except as specified in WAC 388-215-1060(3).

NEW SECTION

WAC 388-215-1320 Deprivation—Absence—Requirement. (1) The department shall determine whether a child is deprived of parental support or care due to the absence of a child's parent.

(2) The department shall determine that deprivation due to the continued absence of a parent exists, regardless of legal marital status, when:

(a) The parent is living out of the home in which the child resides; and

(b) The absence interrupts or terminates the parent's functioning as a provider of:

(i) Maintenance at least equal to the child's prorated share of the monthly need standard for the number of persons in the child's assistance unit as specified under WAC 388-250-1250; or

(ii) Physical care; or

(iii) Guidance for the child; and

(c) The known or indefinite duration of the absence precludes counting on the parent's performance of the function of planning for the present support or care of the child.

(3) When the parent is living out of the home in which the child resides, the department shall assume that one or more of the elements of parental functioning as specified in subsection (2)(b) of this section are interrupted sufficiently to establish deprivation. The assumption that parental functioning is interrupted can be rebutted only if the absent parent routinely visits the child, and continuously provides all elements of parental functioning as specified in subsection (2)(b) of this section. If the department determines that one or more of the elements of parental functioning is reduced due to the parent's absence, it shall establish that deprivation due to continued absence exists.

(4) A child who lives with a natural or adoptive parent and that person's spouse is not considered deprived of parental care and support due to absence.

NEW SECTION

WAC 388-215-1325 Deprivation—Absence—Maintenance, physical care and guidance defined. The following definitions shall apply:

(1) "**Maintenance**" means the financial support and in-kind contributions paid directly to the child's household, including:

(a) Child support;

(b) Food;

(c) Clothing; and

(d) Other necessities.

(2) "**Physical care**" means continuous care of the child on a day-to-day basis by performing tasks, depending on the age of the child, required in the child's daily life including, but not limited to:

(a) Providing clean clothing and dressing the child;

(b) Preparing meals and feeding;

(c) Supervising bedtime; and

(d) Assisting with other personal care needs.

(3) "**Guidance**" means day-to-day parental participation in, and responsibility for, the child's physical, emotional, and intellectual development including, but not limited to:

(a) Accompanying the child to doctor visits;

(b) Attending school conferences;

(c) Disciplining; and

(d) Participating in decisions concerning the child's well-being and extracurricular activities.

NEW SECTION

WAC 388-215-1330 Deprivation—Absence—Exceptions. The department shall not establish deprivation due to absence if:

(1) The reason for the parent's absence is due solely to serving on active duty in the uniformed military services of the United States; or

(2) For applicants, the department's best estimate based on available evidence is that an absent parent will return to live in the home at any time within the month of initial grant authorization. However, if the department's best estimate is that the absent parent will return to the home within the month following the month of initial grant authorization, deprivation may exist for the initial month of grant authorization, but not for the month following; or

(3) For recipients, after the first two months of eligibility, the department determines an absent parent will return to the home. Deprivation due to absence ceases the end of the month in which the parent returns to the home.

NEW SECTION

WAC 388-215-1335 Deprivation—Absence—Parent serving jail sentence at home. Deprivation due to continued absence exists when a parent convicted of an offense is permitted to live in the family home, but is required by the court to perform unpaid work or unpaid community service. In this situation, the department shall:

(1) Not include the needs of the convicted parent in the determination of eligibility or the payment of financial assistance; and

(2) Allocate income earned by the convicted parent outside of the hours of sentenced unpaid work or community service as required under WAC 388-218-1640.

NEW SECTION

WAC 388-215-1340 Deprivation—Incapacity—Requirement. The department shall consider a child deprived of parental support and care due to parental incapacity when:

(1) The child lives with two parents as defined under WAC 388-215-1050 and 388-215-1060; and

(2) One or both parents are substantially incapacitated as defined under WAC 388-215-1345.

NEW SECTION

WAC 388-215-1345 Deprivation—Incapacity—Definition of incapacity. To establish deprivation due to incapacity, the physical or mental incapacity of a parent shall be:

(1) Supported by competent medical evidence; and

(2) Expected to last at least thirty days; and

(3) Of such a debilitating nature as to substantially reduce or eliminate the parent's ability to support or care for the child. In making the determination of ability to support, the department shall consider:

(a) The limited employment opportunities of the handicapped parent;

(b) The reason employers refuse to employ the parent for work the parent could do. Reasons may include behavioral disorders or impairments that interfere with securing and maintaining employment;

(c) Limitations that prevent the parent from working full time at a job he or she has been customarily engaged in or is equipped for by education, training, or experience, or can be learned by on-the-job training;

(d) If the parent, even though working full time, is paid on a reduced basis for accomplishing less on a job as a regular employee;

(e) If the parent qualifies for, and is placed in, a noncompetitive full-time job that is rehabilitative, therapeutic, or in a sheltered workshop; and

(f) A parent's ability to engage in activities necessary to carry on full-time specified responsibilities, such as employment, home management, and/or adequate care of children. Inability to understand, remember, follow instructions, or communicate appropriately with others may be sufficient to establish incapacity.

NEW SECTION

WAC 388-215-1350 Deprivation—Incapacity—Medical evidence. The department shall consider medical evidence as follows:

(1) The primary source for a physical incapacity shall be a written report from:

(a) A physician;

(b) A certified registered nurse (CRN) within the area of certification; or

(c) The chief of medical administration, or designee, of the Veterans' Administration.

(2) The primary source for mental incapacity shall be a report from:

(a) A psychiatrist;

(b) A clinical psychologist;

(c) A mental health professional designated by the local community mental health agency as defined in RCW 71.05.020; or

(d) A physician at the department's discretion.

(3) The primary source for incapacity due to alcoholism or drug addiction shall be any of those listed in subsections (1) and (2) of this section;

(4) Supplemental sources of evidence include:

(a) A chiropractor;

(b) Nurse;

(c) Physician's assistant; or

(d) DSHS institution or agency from which the parent has received services.

(5) Evidence shall include:

(a) A diagnosis and prognosis for the incapacitating condition; and

(b) The effect of the condition on the individual's ability to function; and

(c) Relevant medical history and documentation to support a conclusion of incapacity.

(6) The department shall review medical evidence and complete an objective appraisal of all factors relevant to the parent's situation. These include age, emotional health, aptitudes, adjustment to the incapacity, family circumstances, employment history, education, and ability to carry out responsibilities of employment or homemaking. Social or educational deficiencies do not establish incapacity but may impact the parent's ability to overcome an incapacity.

NEW SECTION

WAC 388-215-1355 Deprivation—Incapacity—Review process. To determine deprivation based on incapacity, the department shall:

(1) Confirm or deny the existence of incapacity within thirty days of the date of application, except in circumstances beyond the control of the agency;

(2) Request additional information when necessary;

(3) Consult with the medical consultant as necessary for evaluation of medical data;

(4) Determine how long the incapacity may be expected to last, based on the prognosis and supported by medical evidence. Duration shall not exceed twelve months without a redetermination of incapacity;

(5) Deny eligibility if the parent fails to cooperate in obtaining medical evidence for incapacity;

(6) Pay the cost of necessary medical reports, provided payment for such reports shall not be made to DSHS agencies; and

(7) Establish incapacity without further medical documentation if the parent is eligible for veteran's benefits based on disability of at least fifty percent or for any Social Security Administration disability benefit.

NEW SECTION

WAC 388-215-1360 Deprivation—Incapacity—Medical treatment. The department shall require the incapacitated parent to accept referrals for evaluation and available medical treatment, which include medical, surgical, psychiatric therapy, treatment in an alcoholism or drug treatment center, or any combination thereof.

(1) If a parent, whose incapacity deprives a child of parental support or care, refuses without good cause to accept available medical treatment which would reasonably be expected to render the parent employable, the department shall remove that parent's needs from the grant.

(2) The department shall determine if the recommended treatment can be expected to restore or substantially improve the parents' to carry out the responsibilities of employment or homemaking.

(3) The department shall determine that the parent is justified in refusing recommended medical treatment if the refusal is based on one or more of the following conditions:

(a) The parent is genuinely fearful of undergoing the treatment even if the fear seems to be unrealistic or irrational;

(b) The parent could lose a faculty, or use of a faculty, and refuses to accept the risk;

(c) The parent will not accept treatment because of religious beliefs;

(d) The parent is unable to participate in treatment due to another incapacity.

NEW SECTION

WAC 388-215-1365 Deprivation—Unemployment—Requirement. The department shall determine a child to be deprived of parental care or support due to the unemployment of a parent when the child lives with two parents, one of whom being a qualifying parent as determined under WAC 388-215-1370, if that qualifying parent:

(1) Is unemployed, as defined under WAC 388-215-1375; and

(2) Has been unemployed for at least thirty days or meets the exceptions under WAC 388-215-1380, and during the same thirty-day period the qualifying parent has not:

- (a) Refused a bona fide offer of employment; or
- (b) Refused training for employment; or
- (c) Voluntarily left a job without good cause; and

(3) Meets the work history requirements under WAC 388-215-1385; and

(4) Participates, as required, in the JOBS program as required under WAC 388-215-1520 or, if exempt due to remoteness as provided under WAC 388-47-100 and not participating in JOBS, registered with the employment agency of the state; and

(5) Has not refused to apply for or accept unemployment compensation.

NEW SECTION

WAC 388-215-1370 Deprivation—Unemployment—Qualifying parent. If either parent may be deemed the qualifying parent under WAC 388-215-1365, the department shall designate the qualifying parent as that parent earning the greater amount of income in the twenty-four calendar month period immediately preceding the month the application for assistance is filed. In so designating, the department shall:

- (1) Use the best evidence available for computing income;
- (2) Calculate income over the full twenty-four month period, regardless of when the relationship began;
- (3) Continue the designation for each consecutive month the family remains on assistance based on the current application; and
- (4) Designate either parent as the qualifying parent if both parents earned an identical amount of income.

NEW SECTION

WAC 388-215-1375 Deprivation—Unemployment—Defined. The department shall consider the qualifying parent to be unemployed when the qualifying parent:

- (1) Is employed less than one hundred hours a month; or
- (2) Is employed one hundred hours or more for a particular month if:
 - (a) The qualifying parent was employed less than one hundred hours for each of the two previous months; and
 - (b) Is expected to be employed less than one hundred hours during the next month; or
- (3) Participates in institutional and work experience training under the JOBS program and is not otherwise employed over one hundred hours.

NEW SECTION

WAC 388-215-1380 Deprivation—Unemployment—Exception to thirty-day rule. The requirement that the qualifying parent be unemployed for a minimum of thirty days prior to grant authorization shall be waived when:

- (1) A prior AFDC-E grant is terminated due to employment of the qualifying parent;

(2) That employment ends within thirty days of the date the grant is terminated; and

(3) The qualifying parent reapplies and is found otherwise eligible for AFDC-E.

NEW SECTION

WAC 388-215-1385 Deprivation—Unemployment—Work quarters. The qualifying parent shall have one of the following:

(1) Six or more quarters of work within any thirteen calendar quarter period ending within one year before the application for assistance.

(a) A "quarter of work" means a calendar quarter in which the parent earned or received earned income of fifty dollars or more, or participated in the OPPORTUNITIES program; FIP related education, training, or employment services; or JOBS program.

(b) A "calendar quarter" means three consecutive months ending March 31, June 30, September 30, or December 31.

(2) Receipt of or eligibility for unemployment compensation within one year of application for assistance.

NEW SECTION

WAC 388-215-1390 Deprivation—Redetermination of eligibility when deprivation ceases. When deprivation due to death, absence, incapacity, or unemployment ceases and the child remains in need, the department shall determine if another basis for deprivation exists.

(1) If it appears that another basis for deprivation may exist, but additional information or verification is needed to establish eligibility, the department shall:

(a) Request the necessary information or verification from the client following rules in chapter 388-212 WAC; and

(b) Continue assistance during the eligibility redetermination process.

(2) If no other basis for deprivation exists, the department shall:

(a) Determine the child ineligible for AFDC according to WAC 388-245-1510; and

(b) Terminate assistance following rules in chapter 388-245 WAC.

NEW SECTION

WAC 388-215-1400 Support enforcement—Assignment of support rights—Cooperation with office of support enforcement. (1) As a condition of eligibility, each client of AFDC shall assign to the office of support enforcement any rights to support in his or her own behalf or in behalf of the other assistance unit members, and any rights to support which has accrued prior to the time assignment is made.

(a) The department shall require the client to promptly remit to the office of support enforcement any support received directly after assignment is made.

(b) The department shall consider the client's signed application as an assignment of support rights. The client's acceptance of an AFDC payment shall constitute an agreement to the assignment of support rights.

PERMANENT

(2) As a condition of eligibility, the department shall require each AFDC client to cooperate with the office of support enforcement as specified under WAC 388-14-200 unless the department has established good cause as specified under WAC 388-215-1440. Department IV-A staff shall base the determination of client cooperation on all evidence in its possession.

(3) If the relative with whom the child lives fails to comply with the requirements in this section, the department shall deny eligibility to that relative and provide any assistance payment the child is eligible for by protective payment as described under WAC 388-265-1350.

NEW SECTION

WAC 388-215-1410 Good cause not to cooperate with support enforcement—Good cause claims. When a client claims good cause for noncooperation due to one of the circumstances listed under WAC 388-215-1440, the department shall:

- (1) Determine:
 - (a) If evidence supplied by the client corroborates that cooperation would be against the best interest of the child; or
 - (b) Whether an investigation of the claimed circumstances can or should be conducted to confirm that cooperation would be against the best interest of the child.
- (2) Not deny or delay assistance for a pending good cause determination if the client has provided corroborative evidence and information;
- (3) Waive the requirement for client cooperation under WAC 388-215-1400 if the department determines cooperation would not be in the best interest of the child for whom support is sought; and
- (4) When the department determines that good cause does not exist:
 - (a) Notify the client and afford the client an opportunity to cooperate, withdraw the application, or request a fair hearing; and
 - (b) If the client continues to refuse to cooperate, the client shall lose AFDC eligibility as specified under WAC 388-215-1400.

NEW SECTION

WAC 388-215-1420 Good cause not to cooperate with support enforcement—Department responsibilities. The department shall:

- (1) Inform all clients of:
 - (a) How establishing paternity, collecting support, and collecting third-party medical coverage may benefit the child; and
 - (b) The client's right to claim good cause not to cooperate.
- (2) Determine good cause as quickly as possible within thirty days from the day the good cause claim is made. The department may have additional time when the information required to verify the claim cannot be obtained within thirty days or when the client needs more than twenty days to provide corroborative evidence;
- (3) Notify the client, in writing, of the department findings and basis of determination;

(4) Document the determination, department findings, and the basis for the determination in the client's record; and

(5) Review, at least every six months, all active good cause cases. If good cause no longer exists, the department shall require the client to cooperate.

NEW SECTION

WAC 388-215-1430 Good cause not to cooperate with support enforcement—Client responsibilities. The burden to substantiate the good cause claim shall be upon the client. The department shall deny a client's good cause claim when the client fails to take the following required actions:

- (1) Specify the circumstances which may constitute a valid basis for a good cause claim;
- (2) Provide at least some corroborative evidence supporting the existence of these circumstances within twenty days from the date the good cause claim was made, except the department shall:
 - (a) Give the client a reasonable additional period of time, when the department determines the client will have exceptional difficulty in obtaining corroborative evidence;
 - (b) Waive the requirement to provide corroborative evidence if the client meets the conditions in WAC 388-215-1470; and
- (3) If requested by the department, provide enough information to permit the department to investigate the circumstance involved in the client's good cause claim.

NEW SECTION

WAC 388-215-1440 Good cause not to cooperate with support enforcement—Good cause circumstances. The department shall only determine cooperation is against the best interest of the child for whom support is sought if one of the following circumstances exists:

- (1) The client's cooperation can reasonably be anticipated to result in serious physical or emotional harm which is detrimental to the:
 - (a) Child; or
 - (b) Caretaker relative to the extent the impairment reduces the caretaker relative's capacity to adequately care for the child; or
- (2) Establishing paternity or securing support would be detrimental to the child for whom support is sought and:
 - (a) The child was conceived as a result of incest or forcible rape;
 - (b) Legal adoption proceedings of the child are pending before a superior court; or
 - (c) The parent is working with a public or licensed child placement agency to decide whether to keep or relinquish the child for adoption and the discussions have not gone on for more than three months.

NEW SECTION

WAC 388-215-1450 Good cause not to cooperate with support enforcement—Evidence of good cause. (1) The client may corroborate a good cause claim with the following types of evidence:

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

(b) Court or other records which show proceedings for adoption are pending before a superior court;

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

(d) Medical records or written statements from a mental health professional, with a diagnosis or prognosis concerning the emotional health of the caretaker relative or the child for whom support is sought;

(e) Child placement agency verification, including the dates of counseling, regarding the issue of whether to keep or relinquish the child for adoption; or

(f) Sworn statements from persons other than the client, who have knowledge of the circumstances which provide the basis of the good cause claim.

(2) The department shall not approve good cause based on a claim of emotional harm until the department:

(a) Considers and documents whether the client's cooperation is reasonably anticipated to result in emotional harm that substantially affects the functioning of a child or the caretaker relative; and

(b) Obtains the following information:

(i) Past and present emotional state of the person subject to emotional harm;

(ii) Degree and probable duration of the emotional upset;

(iii) Degree of cooperation required; and

(iv) Extent of the child's involvement in the paternity establishment or support enforcement activity.

(3) When the client requests, the department shall assist the client in obtaining any required evidence which the client cannot reasonably be expected to obtain without assistance.

(4) The department shall only approve good cause for noncooperation, based on the evidence supplied by the client, after such evidence has been examined and found to actually verify the client's good cause claim.

NEW SECTION

WAC 388-215-1460 Good cause not to cooperate with support enforcement—Inconclusive evidence of good cause. When the client provides evidence, but the client's claim and the evidence the client provides do not give the department sufficient basis for making a good cause determination, the department may:

(1) Request additional evidence from the client. The department shall notify the client of the specific type of document which is needed; or

(2) Conduct an investigation, if necessary.

NEW SECTION

WAC 388-215-1470 Good cause not to cooperate with support enforcement—No evidence of good cause. When a good cause claim is based on the anticipation of physical harm to the child or to the caretaker relative and corroborative evidence of the claim is not provided by the client, the department shall:

(1) Investigate the claim when the department believes:

(a) The claim is credible without evidence; and

(b) No evidence is available.

(2) Find good cause if the client's statement and the conducted investigation satisfies the department that the client has good cause for refusing to cooperate; and

(3) Subject good cause approved under these circumstances to supervisory approval.

NEW SECTION

WAC 388-215-1480 Good cause not to cooperate with support enforcement—Investigating good cause claims. When the department conducts an investigation of a client's good cause claim, the department shall:

(1) Contact the absent parent if such contact is necessary to establish the good cause claim; and

(2) Before such contact, notify the client and give the client the opportunity to:

(a) Present additional evidence or information that makes contact unnecessary;

(b) Have the application for assistance withdrawn or assistance terminated; or

(c) Have the good cause claim denied.

(3) Allow the client to request a fair hearing if the client chooses to have the good cause claim denied.

NEW SECTION

WAC 388-215-1490 Good cause not to cooperate with support enforcement—Coordination with support enforcement. (1) The department shall promptly report to the office of support enforcement staff those cases in which:

(a) A client claims good cause and a determination is pending;

(b) A determination of good cause exists;

(c) A determination that good cause does not exist; and

(d) A client requests a fair hearing to contest a good cause determination.

(2) Before a final determination of good cause, the department shall:

(a) Give the office of support enforcement staff the opportunity to review and comment on the finding and basis for the proposed determination;

(b) Consider the office of support enforcement staff comments or recommendations; and

(c) Provide the office of support enforcement staff the opportunity to participate in any fair hearing based on a good cause claim.

(3) The department shall determine if the office of support enforcement can proceed to collect support without involving the child or caretaker relative and without posing a risk or a detriment to the child or caretaker relative. If so, the department shall:

(a) Document this decision in the case file;

(b) Notify the client of this decision so the client may withdraw the application; and

(c) If the application is not withdrawn, provide available information about the absent parent to the office of support enforcement staff.

(4) If the department determines that any collection activity is reasonably anticipated to place the child or caretaker relative at risk, the office of support enforcement

staff shall not attempt to establish paternity or secure support.

NEW SECTION

WAC 388-215-1500 Enumeration. (1) As a condition of eligibility, the department shall require each applicant for, or recipient of assistance to:

- (a) Furnish a Social Security number; or
- (b) Apply for a Social Security number if the number is unknown or has not been issued; and
- (c) Report any new or previously unknown Social Security number following its receipt.

(2) The department shall not deny, delay, or terminate assistance pending issuance of Social Security numbers.

(3) If any person in the assistance unit fails to furnish or apply for a Social Security number, the department shall determine such person to be ineligible.

(4) If a client needs help in obtaining a Social Security number, the department shall:

- (a) Refer the client to the nearest Social Security office; and
- (b) Furnish requested verification from department records.

NEW SECTION

WAC 388-215-1520 Employment or training. (1) All AFDC applicants and recipients shall be subject to job opportunities and basic skills program (JOBS) participation as provided in WAC 388-47-100.

(2) A mandatory JOBS participant failing to cooperate in appraisal shall be subject to provisions of chapter 388-47 WAC, unless the participant:

- (a) Is exempt from JOBS participation;
- (b) Has not been notified of nonexempt status for JOBS participation; or

(c) Is a JOBS program volunteer participant.

(3) A child's eligibility shall not be affected by the JOBS program participation requirement for the parent or needy caretaker relative.

(4) The eligibility of a nonqualifying parent not participating in JOBS shall be affected by the program participation requirements of the qualifying parent in the AFDC-E program.

(5) An individual determined exempt from participation in JOBS on the basis of documented incapacity shall be referred to DVR as described under WAC 388-52-150 through 388-52-155.

NEW SECTION

WAC 388-215-1540 Strikers—Requirement. (1) The department shall determine:

(a) As ineligible, any AFDC or refugee assistance unit in which the parent(s) or only eligible child participates in a strike on the last day of the month; or

(b) As eligible, only the otherwise eligible parent and sibling(s) of a child in the home who participates in a strike on the last day of the month.

(2) Strike shall mean any concerted stoppage, slow-down, or other interruption of work by employees, including

a stoppage by reason of the expiration of a collective-bargaining agreement.

NEW SECTION

WAC 388-215-1560 Mandatory monthly reporting—Requirement. As a condition of continuing eligibility for AFDC, certain recipients must return a completed monthly report to the department by the fifth day of the month following the month for which the report describes the household circumstances, as required in WAC 388-245-2010 through 388-245-2040.

NEW SECTION

WAC 388-215-1600 Assistance units. Except as specified under WAC 388-215-1620, the department shall include, in a single assistance unit, the following persons living together:

(1) A woman in her third trimester of pregnancy who has no other child; or

(2) The child; including all full, half, or adopted brothers and sisters of such child; and

(3) The parent(s), adoptive parent(s), or stepparent(s) with whom the child lives; and

(4) A minor parent's parent who claims to be the needy caretaker relative of:

(a) The minor parent;

(b) The minor parent's child; or

(c) The minor parent's full or half brother or half sister.

NEW SECTION

WAC 388-215-1610 Assistance units—Optional members. Except as specified under WAC 388-215-1620, the department may include in the assistance unit at the option of the family:

(1) One needy relative caretaker of specified degree whose eligibility depends solely on caring for the child(ren), if a parent does not reside in the family home;

(2) The stepbrothers or stepsisters of a child included in the assistance unit, except as required in WAC 388-215-1600;

(3) At the option of the family, the department shall exclude the sibling(s) of an SSI child.

NEW SECTION

WAC 388-215-1620 Assistance unit—Persons excluded due to factors not related to need. The department shall exclude from the assistance unit those persons ineligible due to factors not related to need. Exclusions include, but are not limited to:

(1) A recipient of SSI benefits;

(2) A child who is not deprived of parental support or care as defined under WAC 388-215-1300 through 388-215-1390;

(3) An alien not meeting the citizenship and alienage requirements (see WAC 388-215-1200);

(4) Adopted children receiving Title IV-E, state or local adoption assistance if inclusion of such children and their income will result in a decrease in benefits to the assistance unit;

(5) Children who receive Title IV-E, state and local foster care maintenance payments except as provided for under WAC 388-215-1120;

(6) A person under sanction for noncooperation with:

(a) The job opportunities and basic skills training (JOBS) program (see WAC 388-215-1520); or

(b) The department's office of support enforcement (see WAC 388-215-1400)

NEW SECTION

WAC 388-215-1650 Assistance to a minor child. (1) A minor is a person seventeen years of age and younger.

(2) Under state law, (chapter 74.13 RCW, Child welfare services), the department shall protect and care for homeless, dependent, or neglected children or children in danger of becoming delinquent.

(3) If a minor applies for assistance for himself or herself, the department shall determine eligibility for AFDC as required under this chapter. If an unmarried pregnant minor is requesting an abortion, parental consent is not required. The decision to proceed with an abortion rests solely with the minor. Involvement and/or consultation with parents in reaching this decision should be a matter of individual case judgment.

(4) Prior to authorizing assistance for a minor, the department shall determine the parent's ability to financially support and willingness to contribute. See WAC 388-506-0610 (1) and (2) for responsibility for medical care. Parental contact is not required when the minor applicant:

(a) Is married;

(b) Is in the military service;

(c) Has been declared emancipated by a court of competent jurisdiction prior to the application for assistance; or

(d) Is applying for medical assistance related to pregnancy.

(5) The minor's emancipation status is not an eligibility factor. The identification of emancipation status is necessary to determine if there is parental responsibility for support.

(6) The department shall inform the minor applicant that there will be communication with the minor's parents during the eligibility determination process in order to determine the parents' willingness to contribute to the support of the minor.

(7) If a minor parent and his or her child live with such minor's parent or parents, the department shall establish the assistance unit of the minor according to WAC 388-215-1600 through 388-215-1610. If the minor parent's parent is not included in the assistance unit of the minor parent, the department shall consider the income of such parent available to meet the needs of the minor parent as specified under WAC 388-218-1660 and 388-218-1680.

(8) If a minor parent's legal guardian has a court-ordered responsibility for the support of such minor parent, the department shall treat such legal guardian's income, with respect to determining the availability of such income to meet the needs of the minor parent, the same as the income of a minor parent's parent as specified in subsection (7) of this section.

Chapter 388-216 WAC RESOURCE ELIGIBILITY

NEW SECTION

WAC 388-216-2000 Resources—Eligibility. (1) To be eligible for financial benefits, a client must be in financial need. When determining financial need, the department shall consider resources which are:

(a) Owned by the client; and

(b) Available to the client.

(2) A client may own and keep exempt resources, or the exempt portion of a resource, and be eligible for assistance. However, financial need is affected by any income produced by the use of the exempt resource.

(a) The resources listed in WAC 388-216-2450 and 388-216-2500 are totally exempt, regardless of the value of that resource.

(b) The resources listed in WAC 388-216-2650 are partially exempt, within a ceiling value.

(c) All other resources are nonexempt.

(3) The possession of available nonexempt resources affect eligibility, to the extent those resources decrease the need for public assistance.

(a) When determining financial need, the department shall:

(i) Treat any proceeds from the lease or rental of a nonexempt resource as income;

(ii) Treat excess real property as specified in WAC 388-216-2600; and

(iii) For nonexempt resources, other than excess real property, use the value of the client's nonexempt resources. The value of a nonexempt resource includes any proceeds from the sale or pledge of that nonexempt resource.

(b) A household may own available nonexempt resources up to the resource standard of one thousand dollars and remain eligible for assistance; and

(c) If the value of a client's nonexempt resources are in excess of the one thousand dollar standard, the client shall be ineligible.

(4) The department shall phase in any change to the one thousand dollar resource standard at the first opportunity, when the department first:

(a) Takes a case action;

(b) Determines eligibility; or

(c) Redetermines eligibility.

NEW SECTION

WAC 388-216-2050 Resources—Ownership. (1) The department shall consider a client to be the owner of a resource when the client:

(a) Holds record title to real or personal property; or

(b) Is in possession of real or personal property which has no record title.

(2) The department shall presume the owner or title holder has the right and ability to use, dispose of, and control real or personal property.

NEW SECTION

WAC 388-216-2075 Resources—Clarifying ownership or value. (1) Unless a client can provide definite evidence to the contrary, the department shall presume the following types of evidence establishes the ownership of a resource:

- (a) Legally executed bills of sale;
- (b) Purchasing contracts;
- (c) Official tax records; or
- (d) Documents which specify an individual either as owner or as carrying the obligation attendant upon ownership.

(2) The client shall have the opportunity to rebut the presumption that he or she is the owner of a resource by producing additional evidence to clarify ownership.

(3) If there is evidence a client owns a resource but there is also some doubt about the ownership or value of that resource:

(a) Upon request by the department, a client shall, to the extent of his or her ability, clarify ownership or value of a resource;

(b) If a client is incapable of clarifying ownership or value, the department shall help the client do so;

(c) If the client cannot clarify the ownership or value of a resource within a reasonable period of time, as set by the department, continuing eligibility cannot be established; and

(d) If the client produces unreliable or inconclusive evidence regarding the ownership or value of a resource, the department shall attempt to directly obtain conclusive evidence.

NEW SECTION

WAC 388-216-2100 Resources—Community and separate property—Effect on ownership of a resource.

(1) The department shall presume real or personal property to be community property when the real or personal property is:

(a) Held in the name of either the husband or wife or both; or

(b) Subject to the disposition of either the client or his or her spouse.

(2) Resources which are community property constitute a resource owned by both or either spouse and the family unit for the purpose of determining eligibility. Both spouses shall have his or her eligibility determined on the basis of a family unit and on the basis of the total community property resource holdings, regardless of whether one or both are clients.

(3) The presumption that community property is owned by and an available resource to the family unit and both spouses shall stand until overcome by positive evidence to the contrary.

(4) The department shall consider real or personal property to be separate property, rather than community property, when the department establishes that the real or personal property:

(a) Was acquired and paid for by either spouse before marriage;

(b) Was acquired by one of the spouses as a result of a gift or inheritance; or

(c) Was acquired and paid for entirely out of income from separate property.

(5) The department shall presume that the status of separate property is destroyed when a commingling of community and separate property occurs in the purchase or improvement of real or personal property.

NEW SECTION

WAC 388-216-2150 Resources—Jointly owned resources. When a client and another person jointly own a resource, the department shall determine the client's ownership interest as described below. The department shall use any portion of a resource which is owned by and available to a client to determine eligibility.

(1) When a client has less than full ownership or full title to real or personal property, the department shall use the client's equity in his or her fractional interest in the value of the resource to determine eligibility.

(2) A client has less than full title to real or personal property when the title is shared with some person other than a spouse, contract vendor, mortgage, or lien holder.

(3) The department shall determine whether a client owns part or all of any cash funds which are held by the client or held jointly by the client and any other person.

(a) Since the entire amount of the cash fund is at the client's disposal, the department shall presume a client owns all funds in:

(i) A joint account;

(ii) An account held by the client in the behalf of another person; or

(iii) Funds held by the client in the behalf of another person.

(b) The client shall have the opportunity to rebut the presumption of full ownership when the client can show that all or a portion of the cash fund is:

(i) Derived from funds belonging exclusively to the other holder; and

(ii) Held and/or utilized solely for the benefit of that holder.

(c) The department shall not consider any cash fund as actually owned by or available to the client if the client can verify that the funds belong to and are held for the use of another person.

NEW SECTION

WAC 388-216-2200 Resources—Availability. (1) The department shall determine whether any resource owned, in whole or in part, by a client is available to meet the needs of the assistance unit. The department shall consider a resource available when the client has:

(a) A legal interest in the resource; and

(b) The legal ability to make the resource available for support and maintenance.

(2) Only resources which are actually available to meet the needs of the assistance unit shall affect current eligibility for public assistance.

(3) The department shall consider a resource available when any of the following criteria are met:

(a) The resource is actually at hand for current use by the client;

(b) The client is actually able to dispose of the resource by:

- (i) Direct transfer to a buyer;
- (ii) Conversion into cash; or
- (iii) A pledge of the resource;
- (c) The client has actual title to the resource; or
- (d) The client has actual control over and can legally dispose of the resource.

NEW SECTION

WAC 388-216-2250 Resources—Making resources available. (1) To be eligible for assistance, a client must proceed to make available any resource potential which will reduce need.

(2) The department shall consider the factors involved in individual situations in deciding whether a client is proceeding with reasonable diligence to make a resource potential available to meet need.

(3) When a client has taken reasonable action to make a resource potential available, but without success:

- (a) The client's current eligibility is not affected; and
- (b) If there is reason to believe the resource potential will be available later, the client's continued eligibility is conditional and subject to review.

(4) The client is responsible for submitting evidence that the resource potential is unavailable, in the form of statements or letters. These statements or letters shall indicate:

- (a) The factors involved; and
- (b) The approximate time a final decision regarding the release of the potential resource could be expected.

(5) Based on the evidence provided by the client, the department shall:

- (a) Establish and record a definite date to review whether the resource continues to be unavailable; and
- (b) Make this review date known to the client.

NEW SECTION

WAC 388-216-2300 Resources—Trusts as unavailable resources. (1) If a lump sum is placed in trust for a client and is not under the client's control, the following rules apply:

(a) Funds kept in trust are not considered an available resource. However, the client must take reasonable action to make this resource potential available.

(b) For general assistance only, the department shall treat as a resource the first disbursement, if made within thirty days of the date the lump sum was received by the client. This may be done once for each lump sum placed in trust.

(2) Real property held in trust for an individual Native American is not an available resource.

(a) The department shall not require a Native American applying for or receiving public assistance to sell or attempt to sell allotted trust property as a condition of eligibility.

(b) Property which has lost its trust status is an available resource.

(3) The superintendent of a Native American agency may be authorized, under Title 25, Code of Federal Regulations, Part 115 to control disbursement of a Native American client's trust funds.

(a) Funds held in trust by the superintendent and not disbursed to the client are not available to meet need.

(b) The department shall determine whether any of the trust fund will be disbursed by the superintendent to meet the client's public assistance needs.

(i) When the trust is set up under 25 CFR 115(b), the trust funds cannot be disbursed by the superintendent until the client's eighteenth birthday.

(ii) When the trust is set up under 25 CFR 115(a), the trust funds may be disbursed, at the discretion of the superintendent.

(c) Disbursed 25 CFR 115 trust funds affects eligibility in the following manner:

(i) Any trust funds disbursed directly to the client are treated as newly acquired income.

(ii) Funds disbursed by the superintendent to third parties in payment for goods or services are not under the client's control, but may be available to meet need, depending on whether the disbursement duplicates basic requirements.

(A) Disbursements to third parties for items duplicating "basic requirements," as defined in WAC 388-22-030, are available to meet need as newly acquired income.

(B) Disbursements to third parties for items not duplicating basic requirements are available to meet need as a newly acquired resource.

NEW SECTION

WAC 388-216-2350 Resources—Availability of alien sponsor's resources. (1) The department shall apply the rules of this section to a sponsored alien who is applying for AFDC or GA and to the sponsor of that alien, unless the alien:

(a) Meets the definition of an asylee, Amerasian, or refugee in WAC 388-55-010;

(b) Is a Cuban or Haitian entrant, as defined in section 501(3) of the Refugee Education Assistance Act of 1980; or

(c) Is the dependent child of the sponsor or sponsor's spouse.

(2) A sponsor is defined as any person or public or private organization executing an affidavit or affidavits of support or similar agreement on behalf of an alien (who is not the child of the sponsor or the sponsor's spouse) as a condition of the alien's entry into the United States.

(3) Sponsorship shall affect the eligibility of an alien for a period of three years from the date of entry into the United States. When the sponsor of an alien is:

(a) A public or private agency or organization, the sponsored alien shall be ineligible for assistance throughout the sponsorship period, unless the agency or organization is either no longer in existence or has become unable to meet the alien's needs; or

(b) A private individual, the department shall deem the resources of the sponsor (and the sponsor's spouse if living with the sponsor) to be the resources of the sponsored alien throughout the sponsorship period.

(4) The alien who is sponsored by an individual shall:

(a) Provide the department with any information and documentation necessary to determine the resources of the sponsor that can be deemed available to the alien; and

(b) Obtain any cooperation necessary from the sponsor.

(5) The department shall calculate the monthly resources deemed available to the sponsored alien, as follows:

(a) Use the total amount of the resources of the sponsor, determined as if the sponsor was applying for AFDC in the alien's state of residence; minus

(b) One thousand five hundred dollars.

(6) In any case where a person is the sponsor of two or more aliens who are subject to the provisions in this section, the deable resources of the sponsor shall be divided equally among the aliens.

(7) Resources which are deemed to a sponsored alien shall not be considered in determining the need of other un-sponsored members of the alien's family except to the extent the resources are actually available.

(8) Any sponsor of an alien and the alien shall be jointly and individually liable for any overpayment of assistance made to the alien during the three years after the alien's entry into the United States due to the sponsor's failure to provide correct information, except where such sponsors were without fault or where good cause existed.

(a) When the department finds a sponsor has good cause or is without fault for not providing information to the agency, the sponsor shall not be held liable for the overpayment and recovery will not be made from the sponsor.

(b) Good cause and no fault shall be defined as any circumstance beyond the control of the sponsor.

NEW SECTION

WAC 388-216-2450 Resources—Exempt or disregarded income which is also exempt as a resource. The department exempts or disregards as income all the funds listed in this section. The department shall also consider these funds as an exempt resource.

(1) The resources of a supplemental security income (SSI) recipient. The department shall not consider nonrecurring lump sum SSI retroactive payments made to an AFDC client as income or as a resource in the month paid nor in the next following month;

(2) The monthly child support incentive payment from the office of support enforcement (OSE);

(3) AFDC benefits resulting from a court order modifying a department policy;

(4) Title IV-E, state and/or local foster care maintenance payments; and

(5) Adoption support payments if the adopted child is excluded from the assistance unit;

(6) Bona fide loans as specified in WAC 388-216-6230 and 388-216-7100. The department shall consider loans bona fide when the loan is a debt the borrower has an obligation to repay;

(7) Educational assistance, in the form of grants, loans, or work study, issued to a student from the following sources:

(a) Title IV-A of the Higher Education Amendments; or

(b) Bureau of Indian Affairs student assistance programs;

(8) Grants or loans made or insured under any programs administered by the department of education to an undergraduate student for educational purposes;

(9) Educational assistance in the form of grants, loans, or work study, issued under the Carl D. Perkins Vocational

and Applied Technology Education Act (P.L. 100-391), for attendance costs as identified by the institution. For a student attending school:

(a) At least half-time, attendance costs include tuition, fees, costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study, books, supplies, transportation, dependent care, and miscellaneous personal expenses; or

(b) Less than half-time, attendance costs include tuition, fees, and costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study;

(10) Educational assistance in the form of grants, work study, scholarships, or fellowships, from sources other than those identified in subsections (7), (8), and (9) of this section for attendance costs as identified by the institution. Attendance costs include tuition, fees, costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study, books, supplies, transportation, dependent care, and miscellaneous personal expenses;

(11) Any remaining educational assistance, in the form of grants, work study, scholarships, or fellowships, not disregarded in subsections (7), (8), (9), or (10) of this section, as allowed under WAC 388-218-1540;

(12) The earned income disregards in WAC 388-218-1430 through 388-218-1480 for AFDC and WAC 388-219-1500 for GA-U to any work study earnings received and not disregarded in subsections (7), (8), (9), (10), and (11) of this section;

(13) Payment under Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646, section 216);

(14) The food coupon allotment under Food Stamp Act of 1977;

(15) Compensation to volunteers under the Domestic Volunteer Act of 1973 (P.L. 93-113, Titles I, II, and III);

(16) Benefits under Women, Infants and Children program (WIC);

(17) Food service program for children under the National School Lunch Act of 1966 (P.L. 92-433 and 93-150);

(18) Energy assistance payments;

(19) Indian trust funds or lands held in trust (including interest and investment income accrued while such funds are held in trust) by the Secretary of the Interior for an Indian Tribe, including but not limited to funds issued under the Maine Indian Claims Settlement Act of 1980 (P.L. 96-420);

(20) Per capita judgment funds under P.L. 97-408 to members of the:

(a) Blackfeet Tribe of the Blackfeet Indian Community, Montana;

(b) Gros Ventre Tribe of the Fort Belknap Reservation, Montana; and

(c) Assiniboine Tribe of the Fort Belknap Indian Community;

(21) Indian judgment funds or funds held in trust by the Secretary of the Interior distributed per capita under P.L. 93-134, as amended by P.L. 103-66, 94-114, 97-458, or 98-64. In addition:

(a) Real or personal property purchased directly with funds from the per capita payments, up to the amount of the

funds from the per capita payment, are referred to as initial investments. These initial investments are exempt;

(b) Income derived either from the per capita payment or the initial investments shall be treated as newly acquired income;

(c) Appreciation in value of the initial investment shall be treated as a nonexempt resource at the time of eligibility review, unless the initial investment is a type of resource which is listed as exempt under WAC 388-216-2500 or 388-216-2650;

(d) The disregard does not apply to per capita payments or initial investments from per capita payments which are transferred or inherited;

(e) The department shall not consider up to two thousand dollars per year of income received by individual Indians, derived from leases or other uses of individually owned trust or restricted lands;

(22) Two thousand dollars per person per calendar year received under the Alaska Native Claims Settlement Act (P.L. 92-203 and 100-241);

(23) Veterans' Administration educational assistance for the student's educational expenses and child care necessary for school attendance;

(24) Housing and Urban Development (HUD) community development block grant funds that preclude use for current living costs;

(25) Restitution payments made under the Wartime Relocation of Civilians Act, P.L. 100-383. The department shall also disregard resources derived from restitution payments;

(26) A previous underpayment of assistance under WAC 388-260-1550 in the month paid nor in the next following month;

(27) Payment from the annuity fund established by the Puyallup Tribe of Indians Settlement Act of 1989 (P.L. 101-41), made to a Puyallup Tribe member upon reaching twenty-one years of age. In addition:

(a) Real or personal property purchased directly with funds from the annuity fund payment, up to the amount of the funds from the annuity fund payment, are referred to as initial investments. These initial investments are exempt;

(b) Income derived either from the annuity fund payment or the initial investments shall be treated as newly acquired income;

(c) Appreciation in value of the initial investment shall be treated as a nonexempt resource at the time of eligibility review, unless the initial investment is a type of resource which is listed as exempt under WAC 388-216-2500 or 388-216-2650;

(d) Proceeds from the transfer of the initial investments are treated as a transfer of exempt property, as specified in WAC 388-217-3350;

(28) Payments from the trust fund established by the P.L. 101-41 made to a Puyallup Tribe member;

(29) Payments made from the Agent Orange Settlement Fund or any other funds established to settle Agent Orange liability claims (P.L. 101-201). The effective date of the disregard is retroactive to January 1, 1989;

(30) Payments made under the Disaster Relief Act of 1974 (P.L. 93-288), as amended by disaster Relief and Emergency Assistance amendments of 1988 (P.L. 100-707).

This applies to assistance issued by federal, state, or local governments or by a disaster assistance organization;

(31) Payments from the Radiation Exposure Compensation Act (P.L. 101-426) made to an injured person, surviving spouse, children, grandchildren, or grandparents; and

(32) Income specifically excluded by any other federal statute from consideration as income and a resource.

NEW SECTION

WAC 388-216-2500 Resources—Exempt as a resource with no ceiling value. "Goodwill" means the reputation and patronage of a company. Goodwill can generally be valued as the amount a company would sell for over the value of its physical property, money owed it, and other assets.

(1) Irrespective of value, the department shall exempt the following resources:

(a) The client's home, subject to the conditions specified in sections WAC 388-216-2550 through 388-216-2590.

(b) Household furnishings and personal clothing essential for daily living. The department shall not exempt household furnishings and personal clothing in storage without evidence that these items are essential for daily living.

(c) One cemetery plot for each member of the assistance household.

(2) The department may declare real and personal property which will be used in a self-employment enterprise as an exempt resource:

(a) On the basis of an agreed plan; and

(b) When the department determines that the real or personal property:

(i) Is necessary to restore the client's independence; or

(ii) Will aid in rehabilitating the client or the client's dependents by providing self-employment experience which can reasonably be expected to lead to full or partial self-support.

(3) The department shall consider any increase in value to exempted stock, raw materials, or inventory as:

(a) Exempt, when the increase is necessary to the health of the enterprise; or

(b) Income, when such increase might reasonably be used towards the client's self-support.

(4) In the absence of an agreed plan, the department shall consider the business assets of a self-employment enterprise, if available and nonexempt, as available to the owner in the amount of the sale value minus encumbrances.

(5) Under an agreed plan, the department shall consider accounts receivable as:

(a) An exempt resource when:

(i) The client makes a diligent effort to collect; or

(ii) If efforts to collect are unsuccessful, the client turns the accounts over to a collection agency;

(b) A nonexempt resource when the client does not meet the requirements in (a) of this subsection; and

(c) Earned income from self-employment, when payment is received.

(6) The department shall consider goodwill as an unavailable resource until the business is sold.

NEW SECTION

WAC 388-216-2550 Resources—Home. (1) A home is defined as real property owned and used by a client as a place of residence, together with a reasonable amount of land surrounding and contiguous to the residence, including land normally considered and used as part of a home, such as:

- (a) Yard and home garden space;
- (b) Road to get to the home;
- (c) Right of way to and land holding a water supply;
- (d) Outbuildings and the land on which they are located,

if they serve a normal and useful function of the home. Examples of these outbuildings include a garage, woodshed, chicken house, barn, or a pasture for a cow. In this connection, the use of necessary land and buildings to produce self-consumed products is considered as a reasonable part of the land surrounding the home.

(2) The department shall apply WAC 388-216-2000 or 388-216-2600 to any additional real or personal property which is not covered in subsection (1) of this section.

(3) The home is an exempt resource when used as a place of residence by the client or by his or her dependents.

(a) **"Dependents"** as used in this section means the client's spouse, the client's minor children and/or the client's disabled sons or daughters.

(b) **"Disabled sons or daughters"** means sons or daughters of the client who are:

- (i) Unmarried;
- (ii) Either natural, step, or adopted children;
- (iii) Either minor or adult children;
- (iv) Dependent on the client for their livelihood; and
- (v) Disabled with a medically verified disability which significantly handicaps them in performing employment or homemaking activities.

(4) The department shall consider a home as a nonexempt resource when the home is not being used for residential purposes by either the client or by his or her dependents, subject to the exceptions in WAC 388-216-2560 through 388-216-2590.

NEW SECTION

WAC 388-216-2560 Resources—Temporary absence from home. (1) The department shall consider a client who is absent from his or her home for temporary periods, as continuing to reside in his or her home, unless he or she expresses his or her intent to abandon the home as a residence.

(2) A temporary absence is defined as an absence that lasts ninety days or less.

NEW SECTION

WAC 388-216-2570 Resources—Absence from home over ninety days. (1) The department shall presume that a client absent from his or her home for more than ninety days without good cause has abandoned the home for residential purposes, except when the absence is due to:

- (a) Natural disaster; or
- (b) Hospitalization; or
- (c) Other health reasons.

(2) When the client is absent from his or her home for more than ninety days due to the exceptions listed in subsection (1) of this section, the department shall make a rebuttable assumption that the home is a nonexempt resource when:

(a) There is reason to believe that the client will be unable to return to his or her home; and

(b) The home is not occupied by the client's dependents; and

(c) The following conditions are met:

(i) The client provides a written statement that he or she does not intend to return to the home, to use the home as his or her place of residence, or to use the home as a residence for his or her dependents; or

(ii) The client does not meet the conditions listed in WAC 388-216-2580 for medical absences or in WAC 388-216-2590 for absences in response to a natural disaster.

NEW SECTION

WAC 388-216-2580 Resources—Medical absence from home. For medical absences, the department shall:

(1) Obtain an evaluation from three doctors, one of which may be the attending doctor to:

(a) Review the existing medical findings and history; and

(b) Provide the department with a signed statement indicating if, in their professional belief and opinion, the client's health will make the client unable to return to his or her home.

(2) The department shall continue to consider the home as an exempt resource if any of the three doctors indicates it is their medical opinion the client will be able to return to his or her home during his or her lifetime.

(3) The department shall consider the home as a nonexempt resource which can be made available to meet need if:

(a) The home is not occupied by the client's dependents; and

(b) The doctors unanimously indicate in their evaluations it is their medical opinion the individual will be unable to return to his or her home during the remainder of his or her lifetime.

NEW SECTION

WAC 388-216-2590 Resources—Absence from home due to natural disaster. (1) For absences resulting from natural disaster, the department shall determine whether the residence is accessible and inhabitable.

(2) When a home that is determined inaccessible or uninhabitable could, in the judgment of the department, become accessible and inhabitable with reasonable effort and expense to the client, the home is presumed to be a nonexempt resource.

NEW SECTION

WAC 388-216-2600 Resources—Excess real property. "Excess real property" means real property which:

Is not exempt as the client's home or under a self-employment plan; and

Has a net equity value in excess of the resource standard.

"Good-faith effort" means:

Listing real property with a multiple listing realtor; or
Using other reasonable means to sell real property, when a multiple listing is unavailable or the realtor refuses to list the real property.

"Net sale proceeds" means sale price less encumbrances and costs incurred in selling the real property.

(1) A client who owns excess real property may receive public assistance for a period not to exceed nine months provided the client:

(a) Is making a good-faith effort to sell the excess real property; and

(b) Signs a repayment agreement to repay the lesser of the amount of assistance received or the net proceeds of such sale.

(2) If public assistance is approved and the owner of excess real property ceases to make good-faith efforts to sell the excess real property:

(a) The entire amount of public assistance may become an overpayment; and

(b) The department shall advise clients of their right to a fair hearing and afford them the opportunity to challenge a decision that good-faith efforts to sell have ceased, prior to assessment of an overpayment under this section.

(3) At the time public assistance is authorized, the department shall file a lien without a sum certain on the specific excess real property.

NEW SECTION

WAC 388-216-2650 Resources—Exempt within a ceiling value. (1) The department shall exempt the equity value of the resources listed below up to the specified ceiling value. The department shall consider any equity value in excess of the ceiling value as a nonexempt resource.

(a) Term or burial insurance, up to a ceiling value of one thousand five hundred dollars per household member.

(b) One vehicle up to a ceiling value of one thousand five hundred dollars per household.

(2) The department shall phase in changes to the ceiling values at the first opportunity, when the department first:

(a) Takes a case action;

(b) Determines eligibility; or

(c) Redetermines eligibility.

NEW SECTION

WAC 388-216-2800 Resources—Value. "Equity value" means fair market value minus encumbrances (legal debts).

(1) The department shall determine the value of all nonexempt resources according to the resource's equity value.

(2) The department shall reassess the fair market value if the client provides acceptable evidence that:

(a) A good-faith effort has been made to sell the resource at the fair market value determined by the department; and

(b) The current worth of the resource is less than the resource standard.

(3) The department shall:

(a) Use the *National Automobile Dealers Association Official Used Car Guide* to determine the resource value of automobiles. For automobiles listed in this guide, the department shall presume the "average loan" value in the current edition represents the resource value.

(b) Use the *Kelley Bluebook R.V. Guide* to determine the resource value of recreational vehicles. For vehicles listed in this guide, the department shall presume the "wholesale" value in the current edition represents the resource value.

(c) Document the method used to determine the resource value in the case record for vehicles not listed in these guides.

(d) Document evidence in the case record when the values listed in these guides can be overcome by positive evidence to the contrary.

(4) The equity value in the cash discount value of a chattel mortgage or sales contract represents the value of the resource.

NEW SECTION

WAC 388-216-2850 Resources—Accumulation and depletion of allowable cash resource reserves. (1) Clients may spend their cash reserves and rebuild these reserves with succeeding public assistance grants, with funds from other exempt sources, or other income which has been considered in computing financial need.

(2) Clients may place grants in accounts along with cash reserves and then spend out of those accounts during the month.

(3) A recipient's cash on hand may exceed the specified limits for a maximum of thirty days if the cash on hand has already been considered in computing financial need.

(4) For general assistance clients, see WAC 388-219-2500 for treatment of allowable cash reserves from nonrecurrent cash lump sum sources.

NEW SECTION

WAC 388-216-2900 Resources—Newly acquired resources. When a client obtains a newly acquired resource, the department shall:

(1) Apply the resource exemptions to newly acquired resources.

(2) Treat income tax refunds as follows:

(a) The department shall consider an income tax refund as a nonexempt resource in the month of receipt; and

(b) The department shall consider the Earned Income Tax Credit (EITC) portion of an income tax refund as an exempt resource in the month of receipt and in the month following the month of receipt. The department shall consider the EITC as a nonexempt resource in the second month following the month of receipt.

(3) Add the value of the client's newly acquired resources to the client's existing nonexempt resources. If the recipient's total nonexempt resources are in excess of the resource standard, the recipient is ineligible.

(4) Any increase in the value of a resource (such as interest on a savings account, stock dividends, or livestock births) affects eligibility only to the extent the increased value causes the total value of the client's nonexempt

resources to exceed the resource standard. The excess is considered income.

Chapter 388-218 WAC
AID TO FAMILIES WITH DEPENDENT
CHILDREN—INCOME POLICIES

NEW SECTION

WAC 388-218-1010 Financial need—Rules and procedures. (1) To be eligible for public assistance a client must be in financial need.

(2) Financial need exists when:

(a) The client's payment level as adjusted for the maximum grant limitations plus authorized additional requirements exceeds the amount of the client's nonexempt recurrent and nonrecurrent income. The difference thus computed represents the extent of need which exists; and

(b) The client's total nonexempt resources are within applicable program ceiling values.

(3) The rules in chapter 388-218 WAC governing determination of an applicant's financial need for assistance also govern the determination of the continuing need of a recipient unless specifically stated otherwise.

(4) Need is subject to change whenever the client's financial circumstances change in such a way that the appropriate payment level or the client's income is increased or decreased in relation to the standards for assistance.

(5) The department shall take into account the net recurrent or nonrecurrent nonexempt income in cash or in-kind known at the time of application in computing eligibility for payment for an applicant and when determining the continuing grant amount of the recipient.

NEW SECTION

WAC 388-218-1050 Definitions. "**Allocation**" means the process of determining the amount of income possessed by someone outside the AFDC assistance unit considered available to meet the needs of legal dependents in the assistance unit, or the process of determining the amount of income possessed by the assistance unit considered available to meet the needs of legal dependents outside the assistance unit.

"**Available income**" means any income which the client possesses and can currently use to supply all or part of his/her requirements.

"**Budget month**" means the second calendar month preceding the payment month.

"**Deeming**" means the process of determining the amount of an alien sponsor's income available to the alien.

"**Earned income**" means income in cash or in-kind earned as wages, salary, commissions, or profit from activities in which the client is engaged as a self-employed person or as an employee. Earned income may be derived from self-employment (such as business enterprise or farming), or derived from wages or salary received as an employee. Earned income also includes earnings over a period of time for which settlement is made at one time, for example, sale of farm crops, livestock, or poultry. Income from rentals is earned income, provided the client has managerial responsibility for the rental property.

The definition of "**earned income**" includes:

- * Earnings under Title I of the Elementary and Secondary Education Act;
- * All earnings received under the Economic Opportunity Act;
- * Wages from on-the-job training and work experience; and
- * Wages paid under the Job Training Partnership Act (JTPA).

The definition of "**earned income**" excludes:

* Returns from capital investment with respect to which the client is not actively engaged, as in a business. For example, under most circumstances, dividends and interest are excluded from "earned income."

* Benefits accruing as compensation or reward for service, or as compensation for lack of employment, for example, pensions and benefits from labor organizations, veterans' benefits, unemployment compensation, Social Security, etc.

* Income from incentive payments and training-related expenses derived from institutional or work experience training.

* Income received under the Job Training Partnership Act for training allowances, payments for support services, etc.

"**Earned income in-kind**" means the in-kind item is earned by work performed for another person by the client such as earning rent from a landlord, etc.

"**Entitlement**" means any claim or interest, payable in cash or in-kind, a client may have in the following:

- * Benefit;
- * Compensation;
- * Insurance;
- * Pension (retirement, military, etc.);
- * Bonus;
- * Allotment; and
- * Allowance, etc.

"**Gross income**" means all income not specifically exempted by rule or regulation before applicable program disregards are applied.

"**Income**" shall include, but is not limited to, all types of:

- * Income from the lease or rental of real or personal property;
- * Support from parent, stepparent, or other nonrelated adult;
- * Interest or dividends from stocks and bonds as specified in WAC 388-218-1920 (3)(a);
- * Wages, including garnished wages;
- * Interest in an estate;
- * Income from farming;
- * Benefits and entitlements from private and public agencies, such as OASDI, veterans' agencies, and U.C.;
- * Gifts and prizes in the form of cash or marketable securities; and
- * Lump sum payments.

"**Initial investments**" means real or personal property purchased directly with funds from an annuity fund or per capita payment up to the amount of the funds from the annuity fund or per capita payment.

"**Lump sum payment**" means a nonrecurring unearned income. Lump sum payments may include, but are not limited to:

- * Lottery, bingo, or gambling winnings;
- * An inheritance;
- * Personal injury award;
- * Workers compensation awards; or
- * Social Security back payments.

"Minor parent" means a person who:

- * Is seventeen years of age or younger; and
- * Resides in the same household with an adult responsible for the minor parent's support.

"Net income" means gross income less applicable disregards and deductions for which the client is eligible.

"Newly acquired income" means any previously unreported or undiscovered income a client possesses or controls in whole or in part.

"Payment month" means the calendar month for which payment is made.

"Process month" means the calendar month between the budget month and the payment month.

"Self-produced" means an item made by a client for personal use.

"Student" means a client attending a school, college or university, or a course of vocational or technical training designed to fit the client for gainful employment. A full-time student must have a school schedule equal to a full-time curriculum. A part-time student must have a school schedule equal to at least one-half of a full-time curriculum. A student enrolled during the school term just completed and planning to return to school when school reopens shall retain status as a student during the summer vacation.

"Supplied" means the in-kind item is furnished to the client without work or cost.

"Unearned income" means income not directly resulting from a client's employment or self-employment.

NEW SECTION

WAC 388-218-1100 Income—Ownership and use of income and income potentials. (1) The department shall consider all income owned or possessed by the client as available to meet current need, including amounts garnished to pay debts. See also WAC 388-218-1130 Community income, and WAC 388-218-1140 Separate income.

(2) WAC 388-218-1010 through 388-218-1940 cover policies and procedures used in computing income to determine financial need.

(3) The department shall compare the total nonexempt net income values with the appropriate payment level plus authorized additional requirements to determine financial need and, if it exists, the amount of the grant for which the client is eligible.

NEW SECTION

WAC 388-218-1110 Income availability—Reduction of need. (1) Income shall be considered available only when the income is actually at hand for current use and/or disposition by the client.

(2) A client must proceed to make available any income potential which will reduce need.

(3) In determining whether a client is proceeding with reasonable diligence to make an income potential available to meet need, the department is governed by the factors involved in individual situations.

(4) The client is responsible for submitting evidence in the form of statements or letters indicating the factors involved and the approximate time a final decision could be expected. A definite period of time is determined by the department, made known to the client, and recorded.

(5) When a client has taken reasonably required action to make an income potential available but without success, current eligibility is not affected.

(6) When there is reason to believe the income potential will be available later:

(a) Continued eligibility is conditional; and

(b) Subject to review at such later period at which time the appropriate policy herein is utilized.

NEW SECTION

WAC 388-218-1120 Entitlements. The department shall:

(1) Determine the interest a client may have in any entitlement;

(2) Refer the client to the proper agency to apply for such benefits;

(3) Assist the client, when requested to do so, in obtaining such benefits; and

(4) Deny or terminate the assistance unit when a member refuses to:

(a) Establish the existence of an entitlement and its value; or

(b) Receive an existing entitlement.

NEW SECTION

WAC 388-218-1130 Community income. (1) The department shall consider the following to be community income:

(a) All income held in the name of either the husband or wife or both;

(b) Any income received by either the husband or wife; or

(c) The earnings of the husband, or wife, or both, if not legally separated.

(2) The department shall consider income subject to the disposition of either the client or the client's spouse, to be community income for the purpose of determining eligibility. This consideration stands until overcome by positive evidence to the contrary.

(3) Community income is considered to constitute a benefit available to the family unit and hence to both or either spouse.

(4) Each member of the marital community shall have eligibility determined on the basis of a family unit and on the basis of the total community income, regardless of whether one or both are clients.

NEW SECTION

WAC 388-218-1140 Separate income. (1) The department shall consider income to be separate when the department establishes the income:

(a) Was received by either spouse before marriage;

(b) Was received as a result of a gift or inheritance; or

(c) Was received from separate property.

(2) A commingling of community income and separate income destroys the status of separate income.

NEW SECTION

WAC 388-218-1200 Exempt income types. The department shall exempt the following from consideration as income when determining need:

- (1) The income of a supplemental security income recipient. The department shall not count nonrecurring lump sum SSI retroactive payments made to an AFDC client as income in the month paid nor in the next following month;
- (2) AFDC benefits resulting from a court order modifying a department policy;
- (3) Title IV-E, state and/or local foster care maintenance payments;
- (4) Adoption support payments if the adopted child is excluded from the assistance unit;
- (5) Payment under Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, P.L. 91-646, section 218;
- (6) The food coupon allotment under Food Stamp Act of 1977;
- (7) Compensation to volunteers under the Domestic Volunteer Act of 1973, P.L. 93-113, Titles I, II, and III;
- (8) Benefits under women, infants and children program (WIC);
- (9) Food service program for children under the National School Lunch Act of 1966, P.L. 92-433 and 93-150;
- (10) Energy assistance payments;
- (11) Housing and Urban Development (HUD) community development block grant funds that preclude use for current living costs;
- (12) Restitution payments made under the Wartime Relocation of Civilians Act, P.L. 100-383. The department shall disregard income and resources derived from restitution payments;
- (13) A previous underpayment of assistance under WAC 388-33-195. The department shall not consider such retroactive corrective AFDC payments as income in the month paid nor in the next following month;
- (14) Payments made from the Agent Orange Settlement Fund or any other funds established to settle Agent Orange liability claims, P.L. 101-201. The effective date of the disregard is retroactive to January 1, 1989;
- (15) Payments made under the Disaster Relief Act of 1974, P.L. 93-288, as amended by Disaster and Relief and Emergency Assistance Amendments of 1988, P.L. 100-707. This applies to assistance issued by federal, state, or local governments or by a disaster assistance organization;
- (16) Payments from the Radiation Exposure Compensation Act, P.L. 101-426, made to an injured person, surviving spouse, children, grandchildren, or grandparents; and
- (17) Income specifically excluded by any other federal statute from consideration as income.

NEW SECTION

WAC 388-218-1210 Exempt and disregarded income—Educational assistance. (1) The department shall exempt from consideration as income when determining need educational assistance, in the form of grants, loans, or work study, issued to a student from the following sources:

- (a) Title IV of the Higher Education Amendments; or
- (b) Bureau of Indian Affairs student assistance programs.

(2) The department shall take the following into consideration as income and disregard as specified when determining need:

(a) Grants or loans made or insured under any programs administered by the department of education to an undergraduate student for educational purposes.

(b) Educational assistance in the form of grants, loans, or work study, issued under the Carl D. Perkins Vocational and Applied Technology Education Act, P.L. 101-391, for attendance costs as identified by the institution. For a student attending school:

(i) At least half-time, attendance costs include tuition, fees, costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study, books, supplies, transportation, dependent care, and miscellaneous personal expenses; or

(ii) Less than half-time, attendance costs include tuition, fees, and costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study.

(c) Educational assistance in the form of grants, work study, scholarships, or fellowships, from sources other than those identified in subsections (1), (2)(a) and (b) of this section for attendance costs as identified by the institution. Attendance costs include tuition, fees, costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study, books, supplies, transportation, dependent care, and miscellaneous personal expenses.

(d) Any remaining educational assistance, in the form of grants, work study, scholarships, or fellowships, not disregarded in subsections (1), (2)(a), (b), and (c) of this section, as allowed under WAC 388-218-1540 Assistance from other agencies and organizations.

(e) Apply any applicable earned income disregards to any work study earnings received and not disregarded in subsections (1), (2)(a), (b), (c), and (d) of this section.

(f) Veterans' Administration educational assistance for the student's educational expenses and child care necessary for school attendance. Attendance costs include tuition, fees, costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study, books, supplies, transportation, dependent care, and miscellaneous personal expenses.

NEW SECTION

WAC 388-218-1220 Disregarded income—Native American benefits. The department shall take the following into consideration as income and disregard as specified when determining need:

(1) Two thousand dollars per individual per calendar year received under the Alaska Native Claims Settlement Act, P.L. 92-203 and 100-241;

(2) Indian trust funds or lands held in trust (including interest and investment income accrued while such funds are held in trust) by the Secretary of the Interior for an Indian tribe or individual tribal member;

(3) Indian judgment funds or funds held in trust by the Secretary of the Interior distributed per capita under P.L. 93-134 as amended by P.L. 97-458 and 98-64. In addition:

(a) Income derived either from the per capita payment or the initial investments shall be treated as newly acquired income.

(b) When the initial investments are nonexempt resources see WAC 388-216-2000.

(c) The disregard does not apply to per capita payments or initial investments from per capita payments which are transferred or inherited.

(4) Income received by Native Americans which is derived from leases or other uses of individually owned trust or restricted lands up to two thousand dollars per person per year (P.L. 103-66).

(5) Payment from the annuity fund established by the Puyallup Tribe of Indians Settlement Act of 1989, P.L. 101-41, made to a Puyallup Tribe member upon reaching twenty-one years of age.

(a) The department shall treat the income derived either from the annuity fund payment or the initial investments as newly acquired income.

(b) When the initial investments are nonexempt resources see WAC 388-216-2000.

(6) Payments from the trust fund established by the P.L. 101-41 made to a Puyallup Tribe member.

NEW SECTION

WAC 388-218-1230 Disregarded income types. The department shall take the following into consideration as income and disregard as specified when determining need:

(1) Child's earned income. Earned income of a child when student eligibility conditions in WAC 388-218-1410 Earned income of a child, have been met.

(2) Earned income tax credit (EITC).

(3) Foster care payments. Disregard as income a foster care payment made for the care of a child. See WAC 388-218-1400 Earned income types, for the treatment of foster care retainer fees.

(4) Gifts:

(a) Cash gifts. Nonrecurring cash gifts up to thirty cumulative dollars received by each member of the AFDC assistance unit per calendar quarter. The department, unless otherwise specified by the donor, shall determine an individual's share in a gift to more than one person by dividing the amount of the gift by the number of persons receiving the gift.

(b) Noncash gifts. Gifts other than cash as defined under chapter 388-22 WAC provided such gifts are within the allowable program resource limits.

(5) Household cost funds. Funds representing another person's or family's share of household costs.

(6) Loans.

(a) Bona fide loans. The department shall consider a loan bona fide when the loan is a debt the borrower has an obligation to repay.

(b) Loan repayments. The department shall not consider as income to a client money received from loan repayment; however, the department shall consider any interest paid in the loan as newly acquired income.

(7) Office of support enforcement pass-through payments. The monthly child support incentive payment from the office of support enforcement (OSE);

(8) Overpayments recovered by source agency. Any overpayment amount withheld from a client's benefit in order to recover an overpayment by the source agency.

(9) Per diem and transportation. Per diem and transportation funds paid to AFDC advisory committee members.

(10) Settlements. Settlements for destroyed, stolen exempt property, or back medical bills when conditions in, WAC 388-218-1530 Determining net income—Other income, have been met.

(11) Self-produced or supplied items. The value of self-produced or supplied items except as specified in, WAC 388-218-1340 Self-produced or supplied items, when:

(a) Self-produced items are sold for cash; or

(b) The household's requirement for shelter is supplied.

NEW SECTION

WAC 388-218-1300 Self-employment income. (1) Earned income from self-employment is the amount left after deducting allowable business expenses from gross business income.

(2) Applicable earned income disregards are further deducted from self-employment earned income to determine the net amount available to meet need.

(3) In order to establish eligibility for public assistance, a self-employed client must maintain and make available to the department a record clearly documenting all business expenses and income.

NEW SECTION

WAC 388-218-1310 Adult family home income. The department shall consider adult family home payments as self-employment income when a public assistance client operates an adult family home.

NEW SECTION

WAC 388-218-1320 Board, room rental, board and room income. (1) The department shall determine the adjusted gross self-employment income from the operation of a rooming, boarding, or boarding and rooming home as follows:

(a) Boarder income. Consider the board payment received minus the current thrifty food plan for an assistance unit size equal to the number of boarders;

(b) Roomer income. Consider the room rental received minus expenses of maintaining the room;

(c) Boarder and roomer income. Consider the board and room payment received minus the current thrifty food plan for an assistance unit size equal to the number of boarders and expenses of maintaining the room.

(2) The department shall treat the adjusted gross income as computed in accordance with subsection (1) of this section as earned income.

NEW SECTION**WAC 388-218-1330 Lease or rental of property.**

The department shall treat income from lease or rental of property as self-employment income when the client performs regularly scheduled ongoing managerial labor in obtaining the income.

NEW SECTION**WAC 388-218-1340 Self-produced or supplied items.**

The department shall disregard the value of self-produced or supplied items except when:

- (1) Self-produced items are sold for cash. When such a sale is made, the department shall treat the cash sale value as self-employment income; or
- (2) The assistance unit's requirement for shelter is supplied. When the assistance unit's shelter is supplied, the department shall establish the payment level for the assistance unit as indicated in chapter 388-250 WAC.

NEW SECTION

WAC 388-218-1350 Deductible self-employment expenses. The department shall consider the following items as deductible business expenses in a self-employment enterprise:

- (1) Rental of business equipment or property.
- (2) Utilities.
- (3) Postage.
- (4) Telephone.
- (5) Office supplies.
- (6) Advertising.
- (7) Insurance.
- (8) Legal, accounting, and other professional fees.
- (9) The cost of goods sold, including wages paid to employees producing salable goods, raw materials, stock, and replacement or reasonable accumulation of inventory, provided inventory has been declared exempt on the basis of an agreed plan pursuant to WAC 388-216-2500.
- (10) Interest on business indebtedness.
- (11) Wages and salaries paid to employees not producing salable goods.
- (12) Commissions paid to agents and independent contractors.
- (13) Transportation essential to the business may be computed according to the actual documented work-related cost of operating the vehicle.
 - (a) The total operating cost of a vehicle shall be limited to gas, oil, and fluids; necessary services and repairs; replacement of worn items such as tires; registration and licensing fees; and interest on automobile loans.
 - (b) When the client chooses, eight cents per mile shall be allowed to cover the work-related costs of gas, oil, and fluids.
 - (c) The cost of tolls and parking related to the business shall be deducted as a business expense.
 - (d) If a vehicle is needed for both business and private purposes, the mileage and expenses attributable to the business must be documented in a daily log and is subject to verification by the department.

(e) Transportation to and from the place of business is not a business expense, but is a personal work expense and is covered by the work expense deduction.

(14) Nonpersonal taxes on the business and business property, including the employer's share of federal Social Security taxes on business employees and state and federal unemployment insurance contributions, if any. The self-employed person's personal income taxes and self-employment taxes are not business deductions, but are work expenses covered by the work expense deduction.

(15) Repairs to business equipment and property, excluding vehicles. An expenditure to maintain property in its usual working condition is deductible as a repair.

(16) Other expenditures reasonable and necessary to the efficient and profitable operation of the self-employment enterprise.

NEW SECTION

WAC 388-218-1360 Nondeductible self-employment expenses. The department shall not consider the following items as deductible business expenses in a self-employment enterprise:

- (1) Capital expenditures. Capital expenditures are those made to acquire or increase the value of fixed assets. Fixed assets are items normally in use for one year or longer, such as land, buildings, vehicles, boats, machinery, tools, office equipment, furniture, and fixtures.
 - (2) Payments on the principal of loans to the business.
 - (3) Amounts claimed as depreciation.
 - (4) Any amount claimed as a net loss sustained in any prior period.
 - (5) Entertainment expenses.

NEW SECTION

WAC 388-218-1400 Earned income types. The department shall consider the following income types as earned income and treat accordingly:

- (1) Employment partnership program wages.
- (2) Foster care retainer fees received to reserve beds for foster children when a public assistance client operates a foster home for children.
- (3) Earned income in-kind items shall be evaluated in terms of their cash equivalent.
- (4) Self-employment income from the management and operation of a rooming, boarding, or boarding and rooming home. See WAC 388-218-1320 Board, room rental, board and room income, to determine net income.
- (5) Wages, salary, commissions, or profit from activities in which a client is engaged as a self-employed person or as an employee earned in cash or in-kind.

NEW SECTION

WAC 388-218-1410 Earned income of a child. The department shall apply the following rules when determining the amount of a child's earned income available to meet the current need of the assistance unit of which the child is a member:

- (1) The department shall disregard all of the child's monthly earned income when the following circumstances apply:

(a) When determining whether total family income exceeds one hundred and eighty-five percent of the need standard for a child who is a full-time student. This disregard is limited to six months per calendar year;

(b) When determining whether total family income exceeds one hundred percent of the need standard for:

(i) An applicant child, who is a full-time student, provided that such income is also disregarded under (a) of this subsection; or

(ii) A recipient child, who is a full-time student or a part-time student who is not a full-time employee;

(c) When determining the payment amount for an applicant or recipient child who is a full-time student or a part-time student who is not a full-time employee.

(2) A child earning income by working in a sheltered workshop or other training facility for handicapped children shall be considered, for purposes of income exemption, as being at least a part-time student working less than full time.

(3) To be employed full time, a child must be working thirty-five hours a week or the number of hours considered full time by the industry for which he or she works, whichever is less.

(4) Summer employment of students shall not be considered as full-time employment due to the temporary nature of such employment, even though the hours worked may exceed thirty-five hours a week.

(5) In determining the amount of a nonstudent child's earned income available to meet the current needs of the assistance unit, net income shall be computed without application of the disregards specified in this section.

NEW SECTION

WAC 388-218-1420 Earned income disregards—General. (1) For rules on treatment of the earned income of a full-time or part-time student, see WAC 388-218-1410 Earned income of a child. For rules on the treatment of income from training, see WAC 388-218-1520 Income from employment or training programs. For rules on the treatment of other income, see WAC 388-218-1530 Determining net income—Other income.

(2) When payment of income earned over a period of more than one month is delayed, the earned income disregards apply to the period during which the income was earned.

(3) Earned income disregards shall be deducted from the monthly gross earned income of each individual member of the AFDC assistance unit except as provided in WAC 388-218-1480 Circumstances where earned income disregards are not allowed.

NEW SECTION

WAC 388-218-1430 Earned income disregards—Deduction sequence. Earned income disregards shall be applied in the following sequence:

- (1) Work expense disregard;
- (2) Thirty dollars and one-third disregard; or
- (3) Thirty-dollar disregard; and
- (4) Dependent care disregard.

NEW SECTION

WAC 388-218-1440 Work expense disregard. Disregard the first ninety dollars of gross earned income for work expenses, regardless of the number of hours worked per month.

NEW SECTION

WAC 388-218-1450 Thirty dollars and one-third disregard. (1) For each nonstudent dependent child and adult found otherwise eligible to receive assistance or having received assistance in one of the four prior months, disregard thirty dollars and one-third of the remainder not already disregarded.

(2) The thirty dollars and one-third disregard shall be applied for a maximum of four consecutive months and cannot be applied again until the client has been a nonrecipient for twelve consecutive months.

(3) Months in which the client received the thirty dollars and one-third exemption in another state shall not apply toward the applicable time limits.

NEW SECTION

WAC 388-218-1460 Thirty-dollar disregard. (1) After expiration of the disregard in WAC 388-218-1450 Thirty dollars and one-third disregard, disregard thirty dollars for a maximum of eight consecutive months, whether or not the client has earnings or is receiving assistance.

(2) The thirty-dollar disregard cannot be applied again until the client has been a nonrecipient for twelve consecutive months.

NEW SECTION

WAC 388-218-1470 Dependent care disregard. Disregard the actual cost for care of each dependent child or incapacitated adult living in the same home and receiving AFDC provided:

- (1) Conditions under WAC 388-51-110 (1)(c) are met for each dependent child;
- (2) No disregard will be allowed for care provided by a parent or stepparent;
- (3) The provider verifies the cost incurred;
- (4) The cost is incurred for the month of employment being reported; and
- (5) The cost for each dependent child or incapacitated adult, depending on the number of hours worked per month does not exceed the following:

Hours Worked per month	Dependent Care Maximum Deductions Dependent Two Years of Age or Older	Dependent Care Maximum Deductions Dependent Under Two Years of Age
0 - 40	\$ 43.75	\$ 50.00
41 - 80	87.50	100.00
81 -120	131.25	150.00
121 or More	175.00	200.00

PERMANENT

NEW SECTION

WAC 388-218-1480 Circumstances where earned income disregards are not allowed. (1) Earned income disregards shall not be applied for any month if the client within a period of thirty days preceding the month in which the income was received:

(a) Terminated the client's employment or reduced the client's earned income without good cause; or

(b) Refused without good cause to accept employment in which the client is able to engage which is offered through an employment security department, or is otherwise offered by an employer if the offer of such employment is determined by the department to be a bona fide offer of employment.

(2) Earned income disregards shall not be applied for any month the client failed without good cause to make a timely report of income. When a timely report is made under these circumstances, the thirty dollars and one-third exemption shall be counted in the applicable time limits. Good cause shall be determined by the department. Any circumstance beyond the control of the client shall constitute good cause.

(3) To be considered timely, a report must be received by the department:

(a) On or before the eighteenth day of the month following the month in which the income was received; or

(b) By the first following work day if the eighteenth day of the month falls on a weekend or holiday.

(4) If a client requests termination in order to break the consecutiveness of the applicable time limits for the thirty dollars plus one-third exemption, and would have been eligible, the months of voluntary nonreceipt of assistance shall be counted toward the applicable time limits.

(5) If a client quits work without good cause, the thirty dollars and one-third exemption shall be deemed to have been received and shall be counted toward the applicable time limits.

(6) The following conditions when verified shall constitute good cause for refusal of an offer of employment or refusal to continue employment:

(a) Physical, mental, or emotional inability of the client to satisfactorily perform the work required;

(b) Inability of the client to get to and from the job without undue cost or hardship to the client;

(c) The nature of the work would be hazardous to the client;

(d) The wages do not meet any applicable minimum wage requirements and are not customary for such work in the community;

(e) The job is available because of a labor dispute; or

(f) Adequate child care is not available to the AFDC household.

NEW SECTION

WAC 388-218-1500 Unearned income types. (1) Unearned income shall include but is not limited to the following types:

(a) Child support when not a pass-through payment or OSE assignment has not been completed;

(b) Gate money from adult corrections;

(c) Labor and industries benefits;

(d) Railroad retirement;

(e) Social Security disability and retirement;

(f) Unemployment compensation; and

(g) Veteran administration benefits.

(2) Unless specifically exempt or disregarded from consideration when determining need, unearned income shall be deducted in its entirety from the payment standard plus authorized additional requirements.

NEW SECTION

WAC 388-218-1510 Time-loss compensation—Lien.

(1) The department shall file a lien and notice to withhold and deliver, with labor and industries or the self-insurer, to recover time-loss compensation payable to a public assistance client, for injury or illness.

(2) The department shall mail a copy of the notice to the client no later than the following work day.

(3) By accepting public assistance, adult and minor clients subrogate to the department the clients' right to recover time-loss compensation.

(4) The department shall compute payments for time-loss compensation and public assistance paid for less than a full month on the actual number of days paid.

(5) The department shall not make a further claim under this lien when:

(a) Duplicated benefits terminate; or

(b) Continued assistance is required to supplement time-loss compensation to bring the assistance unit up to the grant standard.

(6) When the client or client's attorney claims allowable attorney fees and costs, incidental to an increased award, the office of financial recovery, department of social and health services shall:

(a) Request an itemized billing from the attorney;

(b) Determine what portion of the award, if any, resulted directly from the attorney's involvement;

(c) Determine the department's proportionate share of attorney fees and costs applicable to the duplicate coverage period; and

(d) Deduct the department's share of cost in (c) of this subsection from the lien for duplicated assistance; or

(e) Issue the proportionate share refund to the attorney with a copy of the account summary to the client.

(7) The department shall advise a client of the provisions in this section and in WAC 388-218-1515 Time-loss compensation—Unmarried parents, when the client may be eligible for time-loss compensation.

(8) The department shall advise a client of the client's right to a fair hearing as provided in chapter 388-08 WAC.

NEW SECTION

WAC 388-218-1515 Time-loss compensation—Unmarried parents. (1) When an assistance unit consists of unmarried parents, the department shall determine financial need and recover time-loss benefits as though the injured worker and the injured worker's dependents comprise a separate assistance unit.

(2) The department shall:

(a) Consider any common children to be part of the injured worker's assistance unit; and

(b) Consider financial need of the children in common to exist when the time-loss benefits do not exceed the appropriate payment standard of the injured worker's separate assistance unit; or

(c) Consider financial need of the children in common not to exist when the time-loss benefits exceed the appropriate payment standard of the injured worker's separate assistance unit.

(d) Budget any income received by the injured worker's separate assistance unit against the related grant when financial need of the children in common exists; or

(e) Deny application or terminate assistance for the injured worker's separate assistance unit when financial need of the children in common does not exist.

NEW SECTION

WAC 388-218-1520 Income from employment or training programs. (1) Payments issued under the Job Training Partnership Act (JTPA) shall be treated as follows:

(a) Wages paid under the Job Training Partnership Act (JTPA) shall be considered earned income and treated accordingly. See WAC 388-218-1690 Allocation of the income of an ineligible child, for the treatment of the income of a child excluded from the grant. See WAC 388-218-1410 Earned income of a child, for the treatment of the income of a student.

(b) Needs based payments issued under the JTPA shall be evaluated as follows:

(i) Payments which cover special needs not covered in the department need standard shall be disregarded as duplication of need does not exist.

(ii) Payments which duplicate items contained in the department need standard shall be treated in accordance with the policies contained in WAC 388-218-1540 Assistance from other agencies and organizations.

(2) Wages paid from on-the-job training or work experience are considered earned income and treated accordingly.

NEW SECTION

WAC 388-218-1530 Determining net income—Other income. (1) Net income from any other nonexempt source shall be the gross amount less any cost of securing or maintaining the income.

(2) The department shall consider any payments on mortgages or contracts as income less any cost of securing or maintaining the income.

(3) The department shall consider a settlement covering destroyed or stolen exempt property as newly acquired nonexempt income unless the client, within sixty days of receipt:

(a) Expends the funds to repair or replace the destroyed or stolen exempt property for which the settlement was intended; or

(b) Pays medical bills for which the settlement was intended.

(4) The department shall consider funds deposited into a joint account or into an account held for another, or funds held for others as the income of the client since the entire amount is at the client's disposal, except when the client can show that all or a portion of the funds are:

(a) Derived from funds belonging exclusively to the other holder; and

(b) Held and/or utilized solely for the benefit of that holder. The department shall not consider all funds so verified as actually available to the client.

(5) When appointment of a legal guardian is required by the Social Security Administration or the Veterans Administration as a condition for receipt of a benefit from either agency, the necessary costs of securing a guardian shall be deducted from the benefit received to determine the client's net income.

NEW SECTION

WAC 388-218-1540 Assistance from other agencies and organizations. (1) Assistance from other agencies and organizations shall not be deducted when determining the amount of assistance to be paid provided that no duplication shall exist between such other assistance and that provided by the department.

(2) To assure nonduplication, aid from other agencies will be considered in relation to:

(a) The different purposes for which such aid is granted;

(b) The provision of goods and services not included in the department's standards; and

(c) Conditions that preclude its use for current living costs.

(3) If the assistance is available to meet need, the assistance shall be exempted up to the difference between the need standard and the payment standard.

NEW SECTION

WAC 388-218-1600 Allocation of income—General. The department shall allocate nonexempt net income to the assistance unit of which a person is a member. See:

(1) WAC 388-218-1605 for allocation of income to multiple assistance units.

(2) WAC 388-218-1610 for allocation of parental income and support.

(3) WAC 388-218-1620 for allocation of stepparent income for support.

(4) WAC 388-218-1630 for allocation of assistance unit income for support of legal dependents.

(5) WAC 388-218-1640 for allocation of nonassistance unit income for support of legal dependents.

(6) WAC 388-218-1650 for allocation of support for stepchildren.

(7) WAC 388-218-1660 for allocation of support for children by a nonresponsible adult.

(8) WAC 388-218-1670 for allocation of parental income to a minor parent.

(9) WAC 388-218-1680 for allocation of income to women in the third trimester of pregnancy.

(10) WAC 388-218-1690 for allocation of the income of an ineligible child.

(11) WAC 388-218-1695 for deeming the income of an alien's sponsor.

NEW SECTION

WAC 388-218-1605 Allocation of income—Multiple assistance units. (1) The department shall allocate all nonexempt net possessed by an assistance unit member to meet the needs of the assistance unit, except when families are comprised of two or more assistance units.

(2) The department shall allocate an equal portion of the total nonexempt net community income, including income in-kind, to meet the needs of each assistance unit unless:

- (a) The family prefers some other division; and
- (b) The preferred division does not increase the total amount of assistance, excluding medical care.

NEW SECTION

WAC 388-218-1610 Allocation of parental income and support. (1) Support payments made by or in behalf of an absent parent are income to the child(ren) and are to be treated in accordance with WAC 388-14-210 Support payments to office of support enforcement.

(2) When the custodial parent is not included in the assistance unit because of noncompliance with WAC 388-215-1400 Support enforcement—Assignment of support rights—Cooperation with office of support enforcement or WAC 388-47-210, JOBS program—Sanctions for refusal or failure to participate:

- (a) The income of such parents is allocated according to WAC 388-218-1630 Allocation of income for support of legal dependents;
- (b) Support payments paid directly to the parent and not forwarded to the office of support enforcement are income to the child(ren) and are to be taken into account in determining the need of the assistance unit.

NEW SECTION

WAC 388-218-1620 Allocation of stepparent income and support. (1) The income of a stepparent is allocated to meet the requirements of the stepchild and its parent in the same manner as the income of the natural or adoptive parent. See WAC 388-218-1610 Allocation of parental income and support.

(2) The stepparent's responsibility for support ceases when the marriage is terminated by death or divorce.

(3) The natural parent of the dependent child is not relieved of a legal obligation to support the child by this provision.

NEW SECTION

WAC 388-218-1630 Allocation of assistance unit income for support of legal dependents. (1) The department shall allocate the income of a parent or stepparent included in the assistance unit to meet the needs of the assistance unit after deducting an amount for:

- (a) Applicable work expense disregards to meet the cost of employment;
- (b) Support of other dependents not eligible for inclusion in the assistance unit for factors other than sanction or noncooperation, not to exceed the appropriate payment standard for an assistance unit of the same composition;
- (c) Court or administratively ordered support for a legal dependent not living in the parent or stepparent's home, not

to exceed the lesser of the amount actually paid or the appropriate need standard for each dependent;

(2) The department shall consider a dependent to be one who:

- (a) Is or could be claimed for federal income tax purposes by the parent or stepparent; or
- (b) The parent or stepparent is legally obligated to support.

NEW SECTION

WAC 388-218-1640 Allocation of nonassistance unit income for support of legal dependents. The department shall allocate the income of an excluded assistance unit member to meet the needs of the assistance unit after deducting:

(1) Ninety dollars per month for each employed excluded person to meet the cost of employment.

(2) An amount for the support of the parent or stepparent and other dependents, ineligible for inclusion in the assistance unit for factors other than sanction or noncooperation, not to exceed the appropriate payment standard for an assistance unit of the same composition; and

(3) An amount for court or administratively ordered support for a legal dependent not living in the parent's or stepparent's home, not to exceed the lesser of the amount actually paid or the appropriate need standard for each dependent. The department shall consider a dependent to be one who:

- (a) Is or could be claimed for federal income tax purposes by the parent or stepparent; or
- (b) The parent or stepparent is legally obligated to support.

NEW SECTION

WAC 388-218-1650 Allocation of support for stepchildren. (1) A stepchild may receive income as specified in WAC 388-218-1690 Allocation of the income of an ineligible child.

(2) According to WAC 388-215-1620 Assistance units—Persons excluded due to factors not related to need, when the assistance unit does not include a stepchild's sibling or half-sibling, the family shall have the option to:

- (a) Include the stepchild as a member of the assistance unit with all of the stepchild's income considered as available to the assistance unit; or
- (b) Exclude the stepchild from the assistance unit, with none of the stepchild's income considered as available to the assistance unit.

NEW SECTION

WAC 388-218-1660 Allocation of support for child by nonresponsible adult. (1) When a dependent child lives with one parent and another person who is not legally responsible to support the child:

(a) The parent must declare those portions of the income of the nonresponsible adult provided voluntarily for the support of the child or children and the parent.

(b) Only such income which has been stipulated by the parent to be actually available on a regular basis to meet the needs of the parent and child or children shall be considered

in determining the income available to the parent and child or children.

(2) Unwillingness of the nonresponsible adult to contribute does not affect the child's eligibility for assistance.

(3) The needs of the nonresponsible adult may not be included in the assistance unit. See chapter 388-215 WAC Aid to Families with Dependent Children Categorical Eligibility.

(4) The natural parent is not relieved of a legal obligation to support his/her child by contributions from the nonresponsible adult toward the child's support.

NEW SECTION

WAC 388-218-1670 Allocation of parental income to a minor parent. The department shall allocate the income of a nonapplying parent or stepparent to meet the needs of the minor parent's assistance unit after deducting:

(1) Ninety dollars per month for each employed parent or stepparent to meet the costs of employment;

(2) An amount equal to the need standard under WAC 388-250-1200 of an assistance unit comprised of the nonapplying parent or stepparent and any other individuals who:

(a) Are living in the home but whose needs are not taken into consideration when determining eligibility for AFDC, excluding sanctioned individuals or individuals who refuse to cooperate; and

(b) Are or could be claimed by the nonapplying parent or stepparent for federal income tax purposes;

(3) Amounts actually paid by the nonapplying parent or stepparent to meet the needs of individuals not living in the home who are or could be claimed as dependents for federal income tax purposes; and

(4) Payments of alimony or child support to meet the needs of individuals not living in the home.

NEW SECTION

WAC 388-218-1680 Allocation of income to women in third trimester of pregnancy. (1) The department shall use the need standard that reflects the number of people in the family as though the child were born when applying the WAC 388-218-1720 One hundred eighty-five percent of need test. Include the father when residing in the client's home.

(2) The department shall use the payment standard that reflects the number of people in the family as though the child were born when applying the WAC 388-218-1740 Payment standard test. Include the father when residing in the client's home.

(3) The department shall follow the rules specified in WAC 388-218-1640 Allocation of nonassistance unit income for support of legal dependents, for the allocation of income to a woman in the third trimester of pregnancy when the parents are married and the father resides in the client's home.

NEW SECTION

WAC 388-218-1690 Allocation of the income of an ineligible child. (1) A child may receive income paid to the parent or parents or other needy caretaker relative. Such income includes:

(a) Earned income;

(b) Allotments;

(c) Retirement benefits;

(d) Survivors and disability insurance;

(e) Veterans' benefits;

(f) Court-ordered support payments;

(g) Trust fund payments; or

(h) Other income legally designated for the benefit of an individual child.

(2) Such income of a child ineligible to be included as a member of the assistance unit shall be considered as follows:

(a) If the child is ineligible due to noncooperation with the Washington state employment opportunities programs, or with child support enforcement if the child is a minor parent, such child's income shall be considered available to meet the need of the assistance unit;

(b) If the child is ineligible due to any other factor of eligibility, none of the child's income shall be considered available to meet the need of the assistance unit.

(3) If the income of an ineligible child or stepchild, including a stepchild excluded from the assistance unit as specified in WAC 388-218-1650 Allocation of support for stepchildren, contains a portion for such child's caretaker relative, that portion shall be considered as available to the assistance unit.

NEW SECTION

WAC 388-218-1695 Deeming of income—Alien sponsorship. (1) For a period of three years following entry into the United States, an individually sponsored alien shall provide the state agency with any information and documentation necessary to determine the income of the sponsor that can be deemed available to the alien, and obtain any cooperation necessary from the sponsor.

(2) For all subsections in this section, the department shall deem the income of an individual sponsor (and the sponsor's spouse if living with the sponsor) to be the unearned income of an alien for three years following the alien's entry into the United States.

(3) Monthly income deemed available to the alien from the individual sponsor or the sponsor's spouse not receiving AFDC or SSI shall be:

(a) The sponsor's total monthly unearned income, added to the sponsor's total monthly earned income reduced by twenty percent (not to exceed one hundred seventy-five dollars) of the total of any amounts received by the sponsor in the month as wages or salary or as net earnings from self-employment, plus the full amount of any costs incurred in producing self-employment income in the month.

(b) The amount described in (a) of this subsection reduced by:

(i) The basic requirements standard for a family of the same size and composition as the sponsor and those other persons living in the same household as the sponsor claimed by the sponsor as dependents to determine the sponsor's

federal personal income tax liability but who are not AFDC recipients;

(ii) Any amounts actually paid by the sponsor to persons not living in the household claimed by the sponsor as dependents to determine the sponsor's federal personal income tax liability; and

(iii) Actual payments of alimony or child support, with respect to persons not living in the sponsor's household.

(4) In any case where a person is the sponsor of two or more aliens, the department shall divide the income of the sponsor, to the extent they would be deemed the income of any one of the aliens under provisions of this section, equally among the aliens.

(5) The department shall not consider the income which is deemed to a sponsored alien in determining the need of other unsponsored members of the alien's family except to the extent the income is actually available.

NEW SECTION

WAC 388-218-1700 Prospective eligibility. The department shall determine eligibility based on the best estimate of income and circumstances existing in the payment month.

NEW SECTION

WAC 388-218-1710 Income tests. To be eligible for AFDC, a client shall meet the following income tests:

(1) One hundred eighty-five percent of need test, as specified in WAC 388-218-1720 One hundred eighty-five percent of need test;

(2) One hundred percent of need test, as specified in WAC 388-218-1730 One hundred percent of need test; and

(3) Payment standard test, as specified in WAC 388-218-1740 Payment standard test.

NEW SECTION

WAC 388-218-1720 One hundred eighty-five percent of need test. A client whose nonexempt gross income exceeds one hundred eighty-five percent of the standard of need for the appropriate household size plus additional requirements authorized for that assistance unit, shall not be eligible for AFDC from the date specified in WAC 388-218-1830 Treatment of income—Suspension of a grant.

(1) The department shall consider the income of all members of the assistance unit and the income of natural, adoptive, or stepparents of children in the assistance unit, residing in the same household, in this test except for income specifically exempted or disregarded and in subsection (2) of this section.

(2) In determining the total income of the family, the department shall exclude:

(a) The earned income of a child who is a full-time student is excluded for six months per calendar year; and

(b) The first fifty dollars per month of the current monthly support obligation of any child support collected on the family's behalf or received by the family.

NEW SECTION

WAC 388-218-1730 One hundred percent of need test. (1) The assistance unit's monthly nonexempt unearned income plus monthly earned income, less allowable disregards, shall be below the appropriate state need standard plus additional requirements.

(2) This test does not apply if the assistance unit received assistance in one of the four months before the month of application.

NEW SECTION

WAC 388-218-1740 Payment standard test. The assistance unit's monthly nonexempt unearned income plus monthly nonexempt earned income shall be below the appropriate state payment standard plus additional requirements.

NEW SECTION

WAC 388-218-1800 Treatment of newly acquired nonexempt income. (1) Income affects the grant amount according to the provisions of:

(a) WAC 388-218-1700 Prospective eligibility;

(b) WAC 388-218-1710 Income tests;

(c) WAC 388-218-1810 Treatment of recurring income;

(d) WAC 388-218-1820 Treatment of nonrecurring income—Lump sums;

(e) WAC 388-218-1830 Treatment of income—Suspension of a grant;

(f) WAC 388-218-1900 Prospective budgeting; and

(g) WAC 388-218-1910 Retrospective budgeting.

(2) When the value of the income is taken into account when determining the assistance payment, as specified in subsection (1) of this section, assistance is continued in the amount of the difference between the income value plus any other income amounts and the payment standard plus authorized additional requirements.

(3) If income is not taken into account when determining assistance payments but is subsequently discovered, an overpayment shall be established according to chapter 388-270 WAC.

(4) Rules and procedures in chapter 388-270 WAC are followed in respect to overpayments.

NEW SECTION

WAC 388-218-1810 Treatment of recurring income. If income is recurrent and equal to or in excess of one month's payment level plus authorized additional requirements minus other income, the client is ineligible from the effective date specified in WAC 388-218-1830 Treatment of income—Suspension of a grant, and the grant is terminated, except for clients in institutions other than nursing homes.

NEW SECTION

WAC 388-218-1820 Treatment of nonrecurring income—Lump sums. (1) The department shall consider nonrecurring lump sum payments as income in the month received.

(2) When the assistance unit's nonrecurrent lump sum income, plus other income, after applicable disregards

exceeds the payment standard, plus authorized additional requirements, the assistance unit shall be ineligible for assistance.

(3) The department shall also apply these requirements to the income of persons required to be included in the assistance unit but are excluded for reasons of sanction or noncooperation.

(4) Ineligibility shall exist for the number of full months derived by dividing this total income by the need standard plus authorized additional requirements.

(5) A minimum period of ineligibility shall be one month.

(6) The department shall treat any income remaining after this calculation is treated as income received in the first month following the period of ineligibility.

(7) The department may shorten the period of ineligibility when the following conditions are met:

(a) An event occurs which, had the assistance unit been receiving assistance, would result in an increase in the need standard; or

(b) The income received, or any part thereof, has become unavailable to the members of the assistance unit for reasons beyond their control; or

(c) Members of the assistance unit incur, become responsible for, and pay medical expenses.

(8) Assistance is authorized only after the events in subsection (7)(a), (b), or (c) of this section have been verified and current eligibility has been established.

NEW SECTION

WAC 388-218-1830 Treatment of income—Suspension of a grant. (1) See chapter 388-245 WAC for effective dates of ineligibility.

(2) The department shall suspend rather than terminate if:

(a) The department has knowledge of or reason to believe ineligibility would be only for one payment month; and

(b) Ineligibility for that one payment month was caused by income or other circumstances in the corresponding budget month.

(3) The department shall treat a person acquiring income during suspended status as a recipient in terms of eligibility, not as an applicant.

NEW SECTION

WAC 388-218-1900 Prospective budgeting. (1) Except as specified under subsection (5) of this section and WAC 388-218-1910 Retrospective budgeting, the department shall budget all income prospectively for the first two months of initial eligibility, including income of an individual added to an existing assistance unit.

(2) The department shall budget income prospectively for:

(a) Assistance units in which all adult members are elderly or disabled, as defined in WAC 388-245-2020 Monthly reporting—Definitions, and do not have:

(i) Earned income; or

(ii) Recent work history as defined in WAC 388-245-2020 Monthly reporting—Definitions.

(b) Homeless assistance units as defined in WAC 388-245-2020 Monthly reporting—Definitions;

(c) Migrant assistance units as defined in WAC 388-245-2020 Monthly reporting—Definitions;

(3) The department shall compute the amount of the assistance payment based on the expected income and circumstances existing in the payment month.

(4) The department shall:

(a) Establish an overpayment if the income is underestimated; and

(b) Issue a corrective payment if the income is overestimated.

(5) The department shall budget income prospectively for one month if:

(a) The case has been closed less than one month; and

(b) The case was closed in the first prospective month.

NEW SECTION

WAC 388-218-1910 Retrospective budgeting. (1) The department shall retrospectively budget all income for the first two months of initial eligibility if one of the following exists:

(a) A case is reopened as terminated in error;

(b) An individual having had income allocated to an assistance unit is added to that assistance unit;

(c) Assistance had been suspended as specified under WAC 388-218-1830 Treatment of income—Suspension of a grant, and:

(i) The initial month follows the month of suspension; and

(ii) The family's circumstances for the initial authorization month have not changed significantly from the circumstances reported in the budget month.

(d) A case is reopened that has been closed less than one month and was closed in the second prospective month; and

(e) A case is reopened that has been closed less than one month and was closed in a retrospective month.

(2) After the first two months of initial eligibility, the department shall budget all income retrospectively for all assistance units, except as specified under WAC 388-218-1900(2) Prospective budgeting, and subsection (5) of this section.

(3) The department shall compute the amount of assistance based on the income or circumstances existing in the budget month.

(4) The department shall consider all income received during the calendar month of application approval for retrospective budgeting purposes, except as specified under subsection (5) of this section.

(5) Noncontinuous income budgeted prospectively during the first two months of eligibility shall not be budgeted for the first and second payment month for which retrospective budgeting is used.

NEW SECTION

WAC 388-218-1920 Determining grant amount—General. (1) To determine the grant amount, the department shall deduct all newly acquired nonexempt income from the payment level plus authorized additional requirements.

(2) The amount deducted shall equal the following:

- (a) The net amount of newly acquired income if the income is in the form of cash or its equivalent; and
 (b) At least the client's equity in the quick sale value of property other than cash.

(3) The department shall treat income derived from the increase in the value of a resource (such as interest on savings or an increase in the cash surrender value of a life insurance policy) as follows:

- (a) In the month of increase, the increased value of the resource shall affect eligibility only to the extent the increased value causes the total value of the client's resources to exceed the one thousand dollar resource standard; and
 (b) The department shall consider the excess as newly acquired income.

(4) Exempt funds representing another person's share of household costs are exempt provided such payments are not legally obligated child support, as specified in WAC 388-218-1720 (2)(b), One hundred eighty-five percent of need test.

(5) The department shall apply the income availability rules in WAC 388-218-1110, Income availability—Reduction of need, when income is only potentially available to meet the client's requirements.

NEW SECTION

WAC 388-218-1930 Determining grant amount—Applicants. (1) The department shall determine the grant amount for the month of application by:

- (a) Subtracting all nonexempt income, received or reasonably expected to be received during the calendar month, from the payment level plus authorized additional requirements; and
 (b) Prorating the remainder for the number of days after grant authorization. This prorated figure is the grant amount for the first month of eligibility.

(2) The department shall determine the grant amount for the month following the month of initial eligibility by subtracting all nonexempt income, received or reasonably expected to be received during the calendar month, from the payment level plus authorized additional requirements. The remainder is the grant amount for the second month of eligibility.

NEW SECTION

WAC 388-218-1940 Determining grant amount—Recipients. (1) The department shall base the grant amount for the third month of assistance and subsequent months upon income received in the budget and/or report month. WAC 388-218-1900 Prospective budgeting, is an exception to this rule.

(2) The department shall treat newly acquired income as specified under:

- (a) WAC 388-218-1700 Prospective eligibility;
 (b) WAC 388-218-1710 Income tests;
 (c) WAC 388-218-1800 Treatment of newly acquired nonexempt income;
 (d) WAC 388-218-1810 Treatment of recurring income;
 (e) WAC 388-218-1820 Treatment of nonrecurring income—Lump sums;
 (f) WAC 388-218-1830 Treatment of income—Suspension of a grant; and

(g) WAC 388-218-1920 Determining grant amount—General.

Chapter 388-219 WAC GENERAL ASSISTANCE—INCOME POLICIES

NEW SECTION

WAC 388-219-0100 General assistance for pregnant women. The department shall use the income rules for the AFDC program in chapter 388-218 WAC to determine financial eligibility and payment amounts for general assistance for pregnant women (GA-S).

NEW SECTION

WAC 388-219-0200 General assistance for children. The department shall use the income rules for the AFDC program in chapter 388-218 WAC to determine financial eligibility and payment amounts for general assistance for children (GA-H) except, the department shall consider only the income of the eligible child.

NEW SECTION

WAC 388-219-1000 General assistance-unemployable. Except as specified in this chapter, the department shall use income rules for the AFDC program in chapter 388-218 WAC to determine financial eligibility and payment amounts for the general assistance-unemployable program (GA-U). The following areas are different for GAU:

- (1) Exempt income;
- (2) Earned income disregards;
- (3) Work expense disregards;
- (4) Training expense disregards;
- (5) Deeming of income of an alien's sponsor;
- (6) Allocation of income;
- (7) Exemption of lump sum payments;
- (8) Treatment of nonrecurring income; and
- (9) The income test.

NEW SECTION

WAC 388-219-1100 GAU exempt income. The department shall exempt income the same as in the AFDC program except:

- (1) Irregular income up to five dollars per month shall be exempted;
- (2) The income of an SSI recipient shall not be exempted;
- (3) The AFDC exemption for nonrecurring cash gifts up to thirty cumulative dollars received by each member of the assistance unit per calendar quarter shall not be allowed.

NEW SECTION

WAC 388-219-1500 GAU earned income disregards. (1) The department shall disregard the first eighty-five dollars plus one-half the remainder of total gross monthly earned income in determining eligibility for and the amount of assistance.

(2) The department shall not allow the thirty-dollar and one-third disregard in WAC 388-218-1450 nor the thirty-dollar disregard in WAC 388-218-1460.

(3) The department shall not apply WAC 388-218-1480, circumstances where earned income disregards are not allowed, to GAU income.

NEW SECTION

WAC 388-219-1600 GAU work expense disregards.

(1) As chosen by the client, the department shall deduct work expenses from earnings using the "percentage method" or the "actual method."

(2) If the client chooses the "percentage method," the department shall deduct twenty percent of gross earnings or net self-employment income.

(3) If the client chooses the "actual method," the department shall deduct the actual cost of the following work-related expenses when verified in writing:

(a) Personal work expenses in the form of self-employment taxes (FICA) and income taxes are deductible when paid;

(b) Payroll deductions required by law or as a condition of employment in the amounts actually withheld;

(c) The cost for transportation as provided under subsection (4) of this section;

(d) Expenses which are necessary for continued employment.

(4) For transportation, the department shall allow:

(a) The cost of public transportation if it is available and practical for the client's use:

(i) The cost includes only the charges from the recipient's home to the stop nearest the client's employment or training;

(ii) The amount allowed is the actual cost of the common carrier based upon any reduced quantity rates which may be available;

(iii) Public transportation includes scheduled intracity and intercity busses, trains, boats, etc. It does not include "for hire" vehicles, such as taxis and rental cars, unless no other means of public transportation is available; or

(b) The cost of a private vehicle only when public transportation is not available or practical:

(i) Shared rides shall be prorated on an equitable basis, depending on the travel plan;

(ii) The cost of a vehicle shall be limited to gas, oil, and fluids; necessary service and repairs; replacement of worn items such as tires; registration and licensing fees; and depreciation and interest on automobile loans;

(iii) The amount allowed shall be the total operating cost of the vehicle times the percentage of work-related miles driven during the month;

(iv) If the client chooses, eight cents per mile shall be allowed to cover the work-related expense;

(v) The cost of tolls and parking required for employment.

(5) The client shall have the option to change between the "percentage method" and the "actual method" whenever the client reports income to the department. If the client elects to change methods, the department shall effect the change the first day of:

(a) The month of receipt of the income, if the change causes ineligibility; or

(b) The payment month, if the change causes an increase or decrease in the grant amount.

(6) The department shall not allow the ninety-dollar work expense disregard in WAC 388-218-1440 nor the dependent care disregard in WAC 388-218-1470.

NEW SECTION

WAC 388-219-1700 GAU training expense disregard. (1) In determining net income from a training allowance, the department shall deduct applicable GAU earned income and work expense disregards from the gross training allowance received.

(2) For clients enrolled in a remedial education or vocational training course, the department shall deduct the actual cost of uniforms and/or special clothing as priced by the department.

NEW SECTION

WAC 388-219-2000 Deeming of income of an alien's sponsor. The department shall not deem the income of an alien's sponsor as available to the alien.

NEW SECTION

WAC 388-219-2500 Exemption of nonrecurring income—Lump sum payments. (1) The department shall exempt a nonrecurring lump sum payment received by the client and used to accumulate cash reserves:

(a) The department shall exempt the difference between the resource ceiling and the client's existing resources when the lump sum was received. Any excess shall be considered newly acquired income.

(b) In determining the client's existing resources, the department shall deduct any unexpended grant moneys received within thirty days of the date the lump sum was received.

(c) Such exemption shall apply once for each nonrecurring lump sum received.

(2) The department shall exempt a nonrecurring lump sum payment placed in trust for a recipient, if the lump sum is not under the recipient's control:

(a) The department shall exempt a disbursement made to the recipient from the trust if the disbursement is:

(i) Made within thirty days of the date the lump sum was received; and

(ii) Used by the client to accumulate allowable reserves;

(b) In exempting a disbursement from a trust, the department shall exempt the difference between the resource ceiling and the client's existing resources on hand when the lump sum was received. Any excess shall be considered newly acquired income.

(c) In determining the client's existing resources, the department shall deduct any unexpended grant moneys received within thirty days of the date the lump sum was received.

(d) Such exemption shall apply once for each lump sum placed in trust.

NEW SECTION

WAC 388-219-2600 GAU treatment of nonrecurring income. (1) The department shall consider nonexempt, nonrecurring lump-payments as newly acquired income in the month received.

(2) If the client's newly acquired income plus any other income, after applicable disregards is less than the payment standard plus authorized additional requirements, the department shall continue assistance in the amount of the difference.

(3) If the client's nonrecurrent newly acquired income, plus other income, after applicable disregards exceeds the payment standard plus authorized additional requirements, the department shall discontinue assistance:

(a) If such income is equal to or in excess of one month's payment level, but less than two months' payment level plus authorized additional requirements, the department shall suspend assistance:

(i) Effective the first day of the payment month; and
(ii) Shall deduct the income in excess of one month's payment standard plus authorized additional requirements from the grant for the month following the month of suspension.

(b) If the income, plus other income, is in excess of two months' payment level plus authorized additional requirements, the department shall terminate assistance effective the first day of the month of receipt of the income:

(i) Ineligibility shall continue for two months;
(ii) Upon completion of the two-month period of ineligibility, the department shall determine eligibility for those that reapply on the same basis as other new applicants.

(4) The department may shorten the period of ineligibility specified in subsection (3)(b) of this section, if the client has verifiable expenses such as medical care, unforeseen disaster or other changes in circumstances making it impossible for the applicant to live on the resource for the two-month period of ineligibility.

(5) The department shall treat a person acquiring income during suspended status as a recipient in terms of eligibility.

NEW SECTION

WAC 388-219-3000 GAU allocation of income. The department shall allocate nonexempt net income to the assistance unit of which the person is a member, except when:

(1) The family contains two or more assistance units. In such case, the department shall equally divide the total nonexempt net community income between the assistance units unless:

(a) The family prefers some other division; and
(b) The preferred division does not increase the total amount of assistance, excluding medical care.

(2) The person lives with a nonapplying spouse. In such case, the department shall consider the following available to the client:

(a) The nonapplying spouse's net income from wages, retirement benefits, or separate property to the extent that such income exceeds a one-person payment level. In computing the nonapplying spouse's net income, the department shall allow:

(i) GAU earned income and work expense disregards; and

(ii) Verified court or administratively ordered support payments made by the nonapplying spouse for legal dependents not living in the parent's home. The amount exempted shall be the amount paid up to the one person need standard for each such dependent.

(b) All the client's net income from wages, retirement benefits, or separate property; and

(c) Half of all other community income.

(3) The person is in a medical institution, alcohol/drug treatment center, congregate care facility, or adult family home. When a person in a medical institution, alcohol/drug treatment center, congregate care facility, or adult family home applies for or receives a general assistance grant, the department shall allocate income as follows:

(a) First to the appropriate payment level of the legal dependents in the family home as stated in chapter 388-250 WAC; and

(b) Then to the needs of the person according to the standards of assistance for each living arrangement.

(4) The person pays court or administratively ordered support for a legal dependent not living in the parent's home. In such case, the department shall allocate income to the assistance unit after deducting:

(a) Applicable earned income and work expense disregards; and

(b) Verified court or administratively ordered support payments made for a legal dependent not living in the parent's home. The amount exempted shall be the amount paid up to the one-person need standard for each legal dependent.

NEW SECTION

WAC 388-219-3500 GAU income test. (1) To be eligible for GAU, a client's total monthly nonexempt net income shall be below the appropriate monthly payment standard plus authorized additional requirements.

(2) The department shall not apply the AFDC one hundred and eighty-five percent of need test in WAC 388-218-1720 nor the one hundred percent of need test in WAC 388-218-1730.

Chapter 388-245 WAC MAINTENANCE OF GRANT PROGRAMS

NEW SECTION

WAC 388-245-1000 Definitions. "Adequate notice" means a written statement of the action the department intends to take; reasons for the intended action; the specific rule or regulation supporting the action; and client's rights to request a fair hearing, including the circumstances under which assistance is continued if a hearing is requested.

"Advance notice" means the department mails adequate notice at least ten days before the date of action.

"Change in circumstances" is any change affecting eligibility or continued payment of the grant previously authorized.

"Reside permanently" means the recipient remains in a new area for more than ninety days.

"Visit" means the absence of a recipient from his or her area of residence for not more than ninety days.

NEW SECTION

WAC 388-245-1150 Periodic and special review of eligibility. (1) The department shall redetermine the eligibility of financial assistance recipients at least once in every six months of continuous receipt of assistance. The redetermination shall include:

(a) A review of each eligibility factor and an evaluation of any change occurring since eligibility was previously established or reviewed; and

(b) For AFDC recipients, a face-to-face interview at least once every twelve months.

(2) At each periodic review of eligibility the department shall provide the recipient information regarding:

(a) Significant changes in public assistance laws or department rules not previously discussed which may affect the recipient; and

(b) The recipient's legal rights and responsibilities in connection with public assistance.

(3) The department shall complete a full review if a sufficient number of factors have changed to require a redetermination of eligibility.

NEW SECTION

WAC 388-245-1160 Eligibility review forms. The department shall designate the forms that the recipient shall complete and submit during the periodic eligibility review.

(1) The forms shall:

(a) Be the recipient's statement in support of continuing eligibility; and

(b) Contain the recipient's written declaration that the answers are made under the penalty of perjury.

(2) The recipient shall complete and submit the designated form to the department to continue receiving assistance.

(3) The department shall only require one completed form from a family consisting of two or more assistance units.

NEW SECTION

WAC 388-245-1170 Department action on review of eligibility. As a result of the review of eligibility, the department shall:

(1) Take action so that all matters pertaining to incorrect past, current or future grants are brought into conformity with the rules of the department; and

(2) Notify the recipient according to the rules and procedures in this chapter when the review results in a change in amount of grant, suspension, termination, or the discovery of an overpayment.

NEW SECTION

WAC 388-245-1210 Program changes. The department shall authorize assistance for a person receiving continuing assistance and applying for a grant in another program effective the first regular warrant roll for which the client:

(1) Is eligible for payment from the new program; and

(2) The grant under the old program is terminated.

NEW SECTION

WAC 388-245-1300 Change of grant amount. (1) The department shall adjust the grant of a continuing assistance recipient when a change of circumstances reduces or increases the recipient's need.

(2) The department shall notify the recipient in writing when the department authorizes a change in grant amount.

NEW SECTION

WAC 388-245-1310 Effective date of change in grant amount. (1) The effective date of change shall be:

(a) The date a person entered the household or the date a person is determined eligible, whichever is later, when a person is added to the grant.

(b) The date a sanction is removed when a person's needs are added to a grant because he or she is being removed from a sanction status.

(c) The date a person moves from a supplied shelter to a renting or owning situation.

(d) The date a person moves from an institution or congregate care facility and is otherwise eligible for a grant.

(e) The first of the month following the month in which a change occurred, when a change in circumstances other than income, results in an increase or reduction of the assistance grant.

(2) The effective date of change shall never precede the date the circumstances actually changed.

(3) See chapter 388-218 WAC for effective dates used when budgeting income.

(4) See WAC 388-245-1510 for effective dates when a change causes ineligibility.

NEW SECTION

WAC 388-245-1315 Effective date of grant amount—Monthly deduction of overpayment. (1) The department shall start a deduction from the monthly grant when required by WAC 388-270-1400 effective the first regular warrant following the advance notice period provided in WAC 388-245-1700.

(2) The department shall not begin a deduction if the recipient requests a fair hearing regarding the assessment of the overpayment or the monthly deduction of overpayment during the advance notice period. The department shall not make a monthly deduction until after the decision on the fair hearing has been made or the hearing request is withdrawn in writing or abandoned by the recipient.

(3) The department shall discontinue the monthly deduction upon timely receipt of a hearing request.

(4) The department shall discontinue the monthly deduction when restitution is completed.

(5) The department shall authorize payment expeditiously to compensate the recipient for an underpayment due to an erroneous monthly deduction.

NEW SECTION

WAC 388-245-1320 Address changes to another local office area. (1) The eligibility of a recipient who moves from one area to another within the state is affected only insofar as his or her need may change. A change in residence usually involves a change in living arrangements, requirements and/or income, and reauthorization of grant. See WAC 388-245-1310 for effective date.

(2) The department shall presume a client intends to reside permanently in another area when the client is absent from his or her former residence for more than ninety days. The department shall establish intent taking into account the plan, wishes and actions of the client.

(3) The client's declaration of intent to return to his or her former residence within ninety days after the date he or she left shall be prima facie evidence that he or she is on a visit.

NEW SECTION

WAC 388-245-1350 Redirection of warrant. (1) A recipient eligible for continuing assistance is entitled to regular and correct payment without undue interruption or delay. The department shall redirect a warrant only when:

- (a) An overpayment will occur; or
 - (b) The warrant will not be received by the recipient.
- (2) Factors which justify redirection of a warrant are limited to:

(a) The address of a recipient is unknown by the department or the recipient has reported that he or she has changed, or will change, his or her address prior to scheduled receipt of the warrant.

(b) A change in payee is required for correct receipt of the warrant.

(c) A proposed reduction, suspension, or termination of a grant as provided in WAC 388-245-1730.

(d) A recipient has entered an institution and the department has been notified by someone acting on his or her behalf.

(3) The department may redirect a warrant when an authorization has been submitted which cannot be processed before delivery date due to error in the authorization. The warrant is redirected so that necessary action can be immediately taken to continue payment in the correct amount.

(4) The department shall notify the recipient before action is taken to redirect a warrant for any reason other than death. Such notification shall include:

- (a) The reason for the redirect action; and
- (b) Assurance of correct payment, when appropriate, at the earliest possible date.

(5) The department shall determine the recipient's eligibility or ineligibility for the warrant at the earliest possible date, but not later than thirty days after the date of its issuance.

(6) The department shall:

(a) Cancel the warrant if ineligibility is determined and notify the recipient in writing of the reason for cancellation.

(b) Release the warrant, or promptly reauthorize payment in the correct amount if it is not in the correct amount, according to WAC 388-245-1310.

NEW SECTION

WAC 388-245-1400 Suspension of grant. The department shall suspend a grant when:

(1) The amount of the monthly grant following the budgeting of income is less than ten dollars per month;

(2) The recipient is in a congregate care facility, adult residential rehabilitation center, adult residential treatment facility, adult family home, or division of developmental disabilities group home and has income that exceeds the payment standard but is less than the eligibility standard;

(3) The department has reason to believe ineligibility caused by income or other change of circumstance in the report month would be for one month only;

(4) A general assistance recipient enters a state mental hospital; or

(5) A general assistance recipient's income exceeds the payment standard for more than one month, but less than two months.

NEW SECTION

WAC 388-245-1410 Reinstatement or termination of a suspended grant. (1) The department shall determine eligibility for the month following the month of suspense according to WAC 388-218-1910.

(2) The department shall reinstate a suspended grant when:

(a) The conditions in WAC 388-245-1400 cease to exist;

(b) The recipient completes a department initiated review of eligibility;

(c) The recipient is otherwise eligible.

(3) When reinstating a grant, the department shall not issue benefits for a time period prior to the date the recipient becomes eligible for payment.

(4) The department shall terminate a suspended grant when:

(a) The recipient does not request reinstatement of a grant within:

(i) Fifteen days after leaving an institution; or

(ii) Fifteen days of completing restitution of an overpayment by monthly grant deduction; or

(iii) The end of the suspense month for all other suspense reasons;

(b) The individual dies while the grant is suspended; or

(c) The individual becomes ineligible for some other reason.

NEW SECTION

WAC 388-245-1500 Termination of grant. The department shall terminate the grant when the recipient does not meet the conditions required for continued eligibility.

NEW SECTION

WAC 388-245-1510 Effective date of ineligibility for terminated grants. (1) When a change in income, including the receipt of a lump-sum payment, causes ineligibility for more than one month, the recipient shall be ineligible effective the first day of the month of receipt.

(2) When the change causes ineligibility for one month only the department shall follow WAC 388-245-1400 and 388-245-1410.

(3) When a change of circumstances other than increased income renders the assistance unit or any member of the assistance unit ineligible, the effective date of the recipient's ineligibility shall be the first day of the month following the month in which the change occurred, except for:

- (a) Striking workers, see WAC 388-215-1540.
- (b) Clients who receive general assistance based on the relinquishment of a child for adoption.

NEW SECTION

WAC 388-245-1520 Reinstatement of grant terminated in error. (1) When the department changes its decision to reduce, terminate or suspend the grant, the department shall authorize assistance expeditiously.

(2) The department shall reauthorize a grant terminated in error effective the first of the month in which payment was erroneously discontinued.

NEW SECTION

WAC 388-245-1600 Effective date adjusted by fair hearing or court decision. (1) The fair hearing or court decision will specify the effective date of eligibility or change in the grant. Any regular grant change is made on the first possible regular warrant roll date. See WAC 388-255-1400 for payment of any adjusting grant due.

(2) When the initial or final hearing decision is favorable to the appellant, or when the department decides in favor of the appellant prior to the hearing, the department shall make corrective payments retroactively to the date an incorrect action was taken or such earlier date as is provided under department rules.

NEW SECTION

WAC 388-245-1610 Effective date of law or rule change. The department shall specify the effective date of eligibility when a change in law or departmental rules creates a change in eligibility date or the amount of a grant.

NEW SECTION

WAC 388-245-1700 Written notice—Adverse actions for recipients. (1) The department shall mail written advance notice to recipients, at least ten days before the date of action to terminate, suspend, or reduce benefits to recipients of AFDC, Refugee, GA, or all medical assistance programs. The notice shall contain the:

- (a) Action the department intends to take;
- (b) Reasons for the intended action;
- (c) The specific rule or regulation supporting the action;
- (d) Recipient's right to request a fair hearing, including the circumstances under which assistance is continued if a hearing is requested; and
- (e) Full translation into the primary language of the limited English proficient recipient.

(2) The department shall provide written adequate notice, as specified in subsection (1) of this section, when the ten-day notice is not required per WAC 388-245-1710.

NEW SECTION

WAC 388-245-1710 Dispensation of advance notice. The department shall not be required to provide advance notice of action to terminate, suspend, or reduce assistance when:

(1) The department has factual information of the death of the client or of the assistance payee when there is no other person available to serve as payee.

(2) A recipient has been admitted or committed to an institution making the recipient ineligible.

(3) A client has been placed in skilled nursing or intermediate care or long-term hospitalization.

(4) The client's whereabouts are unknown and departmental mail directed to him or her has been returned by the post office indicating no known forwarding address.

(5) A client is receiving assistance in another state.

(6) An AFDC child is removed from the home as a result of a judicial determination or voluntarily placed in foster care by his or her legal guardian.

(7) Eligibility for emergent need or for an additional requirement is authorized for specific items for a one-month period only and the client has been so advised.

(8) The department received a statement from the recipient that he or she no longer wishes assistance. The department shall immediately send adequate notice to confirm the verbal or written request for termination.

(9) The department receives a clear statement from the recipient giving information requiring termination, suspension, or reduction of assistance. The recipient must indicate in writing that he or she understands the consequence of supplying such information. The department shall provide adequate notice stating the adverse action.

(10) The department takes action because of information the recipient reported on the monthly report by the AFDC recipient.

NEW SECTION

WAC 388-245-1715 Recipient to provide information or take action to maintain continued eligibility for financial assistance. The department shall allow a recipient of financial assistance not less than ten calendar days to provide information or take a specific action that affects continuing financial eligibility. Information necessary to determine the recipient's eligibility may include documents and statements verifying eligibility.

(1) The department shall request such information or action in writing. The written request may be given to the recipient in person or sent to the recipient's last known address. The request shall include a statement of:

(a) The information or specific action necessary to determine continuing eligibility;

(b) The date by which such information must be provided or action taken; and

(c) That failure to provide such information or take such action may result in termination or reduction of financial assistance.

(2) The department shall take appropriate action to reduce, suspend or terminate financial assistance, including providing the recipient with advance and adequate notice of adverse action as provided in WAC 388-245-1700 if, during the ten calendar day period of time, the recipient:

- (a) Does not take the action or provide the information during the specified time period;
- (b) Provides information or verification during the time period which is inadequate; or
- (c) Provides adequate information or verification which results in reduction, suspension, or termination of financial assistance.

NEW SECTION

WAC 388-245-1720 Recipient provides information or takes action during advance notice period. (1) The department shall take appropriate action to continue financial assistance if, during the advance notice period, the recipient:

- (a) Takes the requested action; or
- (b) Provides adequate information which does not result in reduction, suspension or termination of financial assistance.

(2) The department shall provide an additional adequate notice to the recipient if, during the advance notice period, the recipient provides:

- (a) Inadequate information; or
- (b) Adequate information which results in termination, reduction, or suspension of financial assistance.

(3) Advance notice is not required under subsection (2) of this section.

NEW SECTION

WAC 388-245-1730 Assistance during the advance notice period. (1) Rules for advance and adequate notice, as provided under WAC 388-245-1000 and 388-245-1700 do not alter rules for effective dates of eligibility, and grant changes resulting from changes in circumstances.

(2) The department shall continue assistance unchanged at least until the end of a required advance notice period, regardless of the effective dates specified in rules for eligibility and grant changes.

(3) The department shall establish an overpayment for assistance continued beyond the effective dates specified in rules for eligibility and grant changes.

NEW SECTION

WAC 388-245-1740 Grant continuation pending fair hearing. (1) The department shall not suspend, reduce, or terminate assistance when a recipient of medical benefits, AFDC, refugee assistance, general assistance and/or services files a request for fair hearing according to chapter 388-08 WAC and the request:

- (a) Is made within the advance notice period;
- (b) The action is not solely the result of an automatic grant adjustment for classes of recipients required by state or federal law; and
- (c) The action is a result of an automatic grant adjustment as stated in (b) of this subsection, but the reason for an individual appeal is incorrect grant, benefit, or service computation.

(2) The administrative law judge shall determine at the fair hearing whether the issue is one of policy, fact, or judgment when a recipient:

(a) Requests a fair hearing within the advance notice period to appeal the department's planned action to reduce, suspend, or terminate assistance; and

(b) The planned action is not solely a result of an automatic grant adjustment required by either state or federal law.

(3) Assistance shall continue through the month in which an initial fair hearing decision is rendered if there is an issue of fact or judgment, including the correctness of application of the department's rules and policy unless:

(a) The appellant requests in writing that assistance not be continued;

(b) The request is withdrawn in writing by the client; or

(c) The request is abandoned.

(4) The department shall promptly inform the client in writing if assistance will not be continued.

(5) Any assistance received pending a fair hearing or hearing decision is considered to be an overpayment when the fair hearing decision subsequently finds against the recipient.

NEW SECTION

WAC 388-245-2010 Monthly reporting—General.

As a condition of continuing eligibility for AFDC, certain assistance units shall report their income and circumstances monthly.

NEW SECTION

WAC 388-245-2020 Monthly reporting—Definitions.

"Disabled" means a person who meets one of the following criteria:

* Receives disability or blindness payments under Titles I, II, XIV, or XVI of the Social Security Act;

* Is a veteran:

* With service-connected or nonservice-connected disability rated or paid as total under Title 38 of the United States Code (USC); or

* Considered in need of regular aid and attendance, or permanently housebound under Title 38 of the USC.

* Is a surviving spouse of a veteran and considered in need of aid and attendance, or permanently housebound; or a surviving child of a veteran and considered permanently incapable of self-support under Title 38 of the USC;

* A surviving spouse or child of a veteran and entitled to compensation for service-connected death or pension benefits for a nonservice-connected death under Title 38 of the USC and has a disability considered permanent under section 221(i) of the Social Security Act;

* Receives disability retirement benefits from a federal, state, or local government agency, because of a disability considered permanent under section 221(i) of the Social Security Act;

* Receives an annuity payment as part of the Railroad Retirement Act of 1974 under:

* Section 2 (a)(1)(iv) and is determined eligible to receive Medicare by the Railroad Retirement Board; or

* Section 2 (a)(1)(v) and is determined disabled based on the criteria under Title XVI of the Social Security Act.

* Is a recipient of disability-related medical assistance under Title XIX of the Social Security Act.

"Elderly" means a person sixty years of age or older.

"Homeless assistance unit" means an assistance unit lacking a fixed and regular night-time residence of whose primary night-time residence is a:

* Supervised shelter designed to provide temporary accommodations;

* Halfway house or similar institution providing temporary residence for persons needing institutionalization;

* Temporary accommodation in the residence of another person; or

* Place not designed for, or ordinarily used as, a regular sleeping accommodation for humans.

"Migrant assistance unit" means an assistance unit that works in seasonal agricultural employment which requires the assistance unit to be absent from its permanent place of residence overnight.

"Recent work history" means having received earnings in one of the two months prior to the payment month.

NEW SECTION

WAC 388-245-2030 Monthly reporting—Requirements. (1) Assistance units with earned income or with a recent work history are required to report monthly except:

(a) Migrant assistance units;

(b) Homeless assistance units;

(c) Assistance units with a recent work history in which all adult members are elderly or disabled; or

(d) Assistance units with earned income or recent work history received exclusively from college work study issued from the following sources:

(i) Title IV of the Higher Education Amendments; or

(ii) Bureau of Indian Affairs student assistance programs.

(2) Assistance units, for purposes of mandatory monthly reporting, include assistance units having earned income allocated to them from individuals living with them who have earned income or recent work history.

NEW SECTION

WAC 388-245-2040 Monthly reporting—Time frames. (1) Monthly reporting assistance units shall return to the department a completed monthly report by the fifth day of the month following the month for which the report describes the household circumstances.

(2) Assistance units with recent work history shall report for three months, including the last month of earnings.

(3) Newly approved assistance units with recent work history shall be required to report for two months beginning the month following the month of opening.

(4) The first report month for assistance units reporting new employment shall be the month following the month the department becomes aware of the earnings.

NEW SECTION

WAC 388-245-2050 Monthly reporting—Adverse actions. (1) The department shall terminate assistance when an assistance unit fails to return a completed report by the fifth day of the month except as provided in subsection (3) of this section.

(2) The department shall give advance and adequate notice to the assistance unit which does not submit a

completed monthly report timely as defined in subsection (1) of this section.

(3) If the assistance unit furnishes a completed report to the department within ten days from the date of a termination notice pursuant to subsection (1) of this section and WAC 388-245-2040(1), Monthly reporting—Time frames, the department shall:

(a) Accept the replacement form; and

(b) Reinstate assistance if the information on the replacement form indicates the assistance unit is still eligible.

(4) If the information on the replacement form indicates the assistance unit is ineligible or eligible for an amount less than the prior month's payment, the department shall give adequate notice to the assistance unit.

Chapter 388-265 WAC PAYMENT OF GRANTS

NEW SECTION

WAC 388-265-1010 Grant payment—General provisions. (1) The department shall require that:

(a) Each grant shall encompass only one assistance unit, even though there may be two or more assistance units in the same family group or household; and

(b) State-funded grant assistance programs which include general assistance - unemployable (GA-U), general assistance for pregnant women (GA-X), and Alcoholism and Drug Addiction Treatment and Support Act (ADATSA) (GA-W) or any combination thereof, shall encompass one assistance unit, but may be paid in separate, prorated amounts to each person in the assistance unit.

(2) The department shall:

(a) Determine the payment amount of continuing grants using the monthly standards of assistance; and

(b) Make continuing grant payments in compliance with advance notification requirements, except as provided under WAC 388-245-1710.

(3) A client may request payment of less than the amount for which the client qualifies. The department shall limit the grant to the amount of the client's written stipulation.

(4) The department shall round down a grant to the next whole dollar amount except for a client:

(a) Receiving a clothing and personal incidental allowance; or

(b) Subject to a mandatory deduction for recoupment of an overpayment.

(5) The department shall not pay a grant of less than ten dollars, except for a:

(a) Grant which is subject to a mandatory deduction for recoupment of an overpayment;

(b) Clothing and personal incidental allowance with budgeted income; or

(c) Reimbursement grant authorized under a supplemental Social Security interim assistance agreement.

NEW SECTION

WAC 388-265-1050 Grant authorization. (1) The department shall authorize all grant payments and changes for public assistance grants.

(2) The department shall issue payment of the new, reopened, reinstated, or changed grant for the correct circumstances of the client.

(3) The department shall continue payment of a grant, in the amount authorized, until a change in the client's circumstances causes:

- (a) A change in the amount of the grant;
 - (b) Suspension of the grant; or
 - (c) Termination of the grant.
- (4) The department may reauthorize, recompute, or terminate a grant when:
- (a) Income, resource, or eligibility rules are amended; or
 - (b) Income amounts for a client are verified by the agency providing the income.

NEW SECTION

WAC 388-265-1100 Grant payee. The department shall make a grant payment directly to a client on the basis of "need" as defined under WAC 388-22-030, except when the payee is:

- (1) Another person or agency acting as protective payee for a client;
- (2) An ineligible parent, or other relative of specified degree, acting on behalf of a child eligible for AFDC;
- (3) A guardian or agent;
- (4) A vendor of goods and services supplied to the eligible client; or
- (5) A facility acting as the protective payee for an Alcoholism and Drug Addiction Treatment and Support Act (ADATSA) client, as specified under WAC 388-240-6100.

NEW SECTION

WAC 388-265-1150 Protective payee—General. (1) The person chosen as the protective payee may be:

- (a) A relative, friend, neighbor, clergy, or member of a church or community service group;
 - (b) A person who serves with a voluntary social agency;
 - (c) A home economist with a public or private organization;
 - (d) A member of a practical nurse association, or other agency;
 - (e) For AFDC, a staff member of a public agency administering child welfare, health, rehabilitation, and housing programs;
 - (f) A department staff member of homemaker services, housekeeping aide program; or
 - (g) An employee of the department when another suitable person is not available.
- (2) An employee of the department shall not serve as payee for a client in the employee's regular caseload.
- (3) For a GAU client who is determined by the department to be actively addicted, the department shall select a:
- (a) Department approved alcohol/drug treatment or assessment agency;
 - (b) Designated staff of a community mental health agency;
 - (c) Social service agency, individual, or corporation who has a written agreement with the department to provide protective payee services;

(d) Judicially appointed guardian or other legal representative when such appointment appears to serve the best interests of the client; or

(e) Department employee.

(4) The department shall give preference to a specialist in home and money management over other department staff.

(5) To avoid conflict of interest, the protective payee may not be:

- (a) The office administrator;
- (b) The employee determining the financial eligibility of the client;
- (c) The employee recommending the protective payee plan;
- (d) A vendor of goods and services dealing directly with the client;
- (e) A special investigative or resource employee;
- (f) The employee authorizing payment for the client; or
- (g) For AFDC, any department employee, when the department has legal custody or the responsibility for placement and care of the child.

(6) Standards for selecting a protective payee include, but are not limited to:

- (a) Interest and concern in the client's welfare;
- (b) Ability to help the client make proper use of the assistance payment;
- (c) Accessibility to the client or client's family;
- (d) Ability to establish and maintain a positive relationship with the client and client's family; and
- (e) Good character and reliability.

(7) To the extent possible, the client shall choose the protective payee, or participate in the selection of the protective payee.

NEW SECTION

WAC 388-265-1200 Emergency AFDC protective payee. (1) The department shall make AFDC payment on behalf of a child, in most circumstances, to the parent as the caretaker relative.

(2) The department may make payment to another person on behalf of a child, when the caretaker relative is not available, or does not have legal custody of the child.

(3) The department may pay AFDC to a person, other than a relative of specified degree, acting for the caretaker relative when the:

- (a) Emergency situation is temporary;
- (b) Person other than the caretaker relative, lives with, and assumes care and supervision of a child;
- (c) Emergent situation deprives a child of the care and supervision of the caretaker relative with whom the child lives;
- (d) Emergent situation requires the department to make and carry out new plans for the:
 - (i) Child's continuing care and support; and
 - (ii) Transfer of responsibility for the child to a more permanent arrangement.

(4) The emergency payee is not included in the AFDC assistance unit.

(5) The department shall provide the client with written notice of the protective payment as described under WAC 388-265-1550.

NEW SECTION

WAC 388-265-1250 Protective or vendor payment due to mismanagement of grant. (1) The rules in this section do not apply to protective payment for the caretaker relative sanctioned by the department due to the refusal or failure of the caretaker relative to cooperate with:

(a) The job and opportunities and basic skills training program (JOBS); or

(b) The office of support enforcement.

(2) The department may use protective or vendor payment for cases in which the client:

(a) Has demonstrated severe difficulty in managing money; and

(b) For AFDC, has the capacity to learn, in a relatively short time, to manage assistance funds to assure the proper care of the child.

(3) The department may authorize protective payment to help improve management and use of money for the best interest of the client.

(4) The department shall base a decision to establish a protective payment plan due to the mismanagement of funds on the evidence contained in the case record. The evidence must be specific and clearly establish the fact that the way in which the funds are used by the client threatens the well-being of the child for AFDC or the GAU/SSI client.

(5) Evidence of mismanagement includes, but is not limited to:

(a) Continued inability to plan and spread necessary expenditures over the usual payment period;

(b) Continued evidence that the child or GAU/SSI client is not properly fed and clothed;

(c) For AFDC, that expenditures are made in such a way as to threaten the chances for healthy growth and development of the child;

(d) Medical or psychological evaluations;

(e) An alcohol/drug assessment which establishes incapacity due to alcoholism or drug addiction;

(f) Observation of gross physical conditions such as extensive paralysis, serious mental retardation, continued disorientation, or severe memory loss;

(g) Persistent and deliberate failure to meet obligations for rent, food, and other essentials; and

(h) Repeated evictions or compiling of debts against current income.

(6) The department shall provide social services assistance to accomplish the educational and constructive purposes of the protective payment plan.

(7) The department shall not use protective or vendor payment when:

(a) The basic problem is insufficient funds rather than management of money; or

(b) A mental or physical limitation prevents the client from learning how to manage the client's affairs; or

(c) A financial problem is due only to an emergent situation.

(8) The department shall provide the client with written notice of the protective payment as described under WAC 388-265-1550.

(9) The department may request the attorney general file a petition in the superior court for the appointment of a guardian for a child eligible for AFDC when the caretaker

relative is not using the grant adequately for the needs of the child. Such guardianship, as provided under RCW 74.12.250, shall be:

(a) Special and limited solely for the purpose of safeguarding the assistance grant made for the needs of a child; and

(b) Terminated by the department on termination of the assistance grant, or sooner, upon order of the court.

NEW SECTION

WAC 388-265-1300 Protective payment—AFDC clients sanctioned for failure, or refusal to cooperate with the job opportunities and basic skills training program (JOBS). (1) The department shall determine if a client certified to the JOBS program has refused, or failed to participate in the JOBS program without good cause.

(2) The department shall require protective payment for a client determined by the department to not have good cause for refusing, or failing to cooperate with the JOBS program.

(3) The department shall make direct payment to the sanctioned client if the department, after making a reasonable effort, is unable to locate a protective payee.

(4) The department shall select a protective payee following the criteria under WAC 388-265-1500.

(5) The department shall notify the client in writing of protective payment as described under WAC 388-265-1550.

(6) The department shall resume direct payment to the caretaker relative when the department determines that the caretaker relative:

(a) Is participating in JOBS as required by the department; or

(b) Has good cause for refusal to participate in JOBS.

NEW SECTION

WAC 388-265-1350 Protective payment—AFDC clients sanctioned for failure or refusal to cooperate with the office of support enforcement. (1) The department shall determine if an AFDC client failed, or refused to cooperate with the office of support enforcement, to obtain child support, without good cause, as required in WAC 388-215-1440.

(2) The department shall authorize assistance to the other eligible assistance unit members:

(a) By protective payment; or

(b) Directly to the sanctioned client, if the department, after making reasonable efforts, is unable to locate a protective payee.

(3) The department shall:

(a) Notify the client in writing of the establishment of a protective payment as described in WAC 388-265-1550;

(b) Select a protective payee in accordance with WAC 388-265-1150;

(c) Review, at least every three months, the manner in which the protective payee performs;

(d) Review the sanctioned client's circumstances as frequently as required, but at least every six months; and

(e) Notify the client of any change in cooperation status.

(4) The department shall promptly resume payment to the client when the department determines that the client:

(a) Is cooperating with support collection efforts; or

(b) Has good cause not to cooperate with support collection efforts.

(5) The client sanctioned for noncooperation with the office of support enforcement does not have a right to a fair hearing regarding:

- (a) The person selected as protective payee; or
- (b) The manner of disbursement.

NEW SECTION

WAC 388-265-1400 Vendor payee. (1) The department may pay assistance in whole, or in part, as a vendor payment directly to a person furnishing food, living accommodations or other goods or services to, or for, a client in the absence of a protective payee.

(2) The client shall select the vendor, or participate in the selection, to the extent possible.

(3) The vendor should be easily accessible to the client.

(4) The department may authorize a vendor payment for an additional requirement when the client is in emergent need and the client:

(a) Has been served a written notice of eviction, and the department verifies that the landlord:

(i) Will not forestall eviction unless a vendor payment is received; and

(ii) Will not evict the client after receiving the vendor payment;

(b) Has been served a utility shut-off notice, and the department verifies that the vendor:

(i) Will not forestall shut-off unless a vendor payment is received; and

(ii) Will not shut-off the utility after receiving the vendor payment;

(c) Does not have cash savings available to meet the emergent need.

(5) The department may authorize vendor payment from the grant when:

(a) A client requests in writing that a vendor payment be made;

(b) A client dies before receiving or endorsing a warrant and the client owes for personal and household service, housekeeping service, or board and room. The department shall authorize vendor payment for the amount equal the portion of the canceled warrant actually owed to the vendor;

(c) The department determines that an AFDC client requires protective payment due to mismanagement of the grant under WAC 388-265-1250 and no protective payee is available;

(d) The department determines that a client certified to the JOBS program refused, or failed to participate, in the JOBS program without good cause and no protective payee is available;

(e) The department determines that a client refused, or failed to cooperate with the office of support enforcement without good cause and no protective payee is available.

(6) The department shall deduct the vendor payment for items in subsection (5) of this section from the initial or regular grant, unless issuing payment in place of a one-time grant as specified in WAC 388-255-1400.

NEW SECTION

WAC 388-265-1450 Protective payee responsibility.

(1) The department shall define the protective payee's responsibilities in writing. The department will provide a copy of the protective payee's responsibilities to:

- (a) The protective payee;
- (b) The client; and
- (c) The case record.

(2) The payee and the department share the responsibility for developing a plan to improve the client's capacity to handle money and to evaluate the client's progress.

(3) The protective payee shall have the authority and responsibility to make decisions about the expenditures of the assistance payment.

(4) The teaching component for AFDC protective payment requires that the caretaker relative participate in the decision making to the extent of the caretaker relative's ability to do so.

(5) The protective payee shall provide an accounting record to the department to verify that they are spending the assistance money on behalf of the client.

(6) The department shall review the protective payee's accounting record and determine the appropriateness of the expenditures.

(7) The protective payee shall return any remaining funds to the department when the protective payee relationship is terminated for any reason.

NEW SECTION

WAC 388-265-1500 Protective payee or vendor payee plan.

(1) The department shall review the need for protective payment and the protective payee's performance of duties as frequently as indicated by the client's circumstances, but no less than every six months.

(2) The department shall approve a protective or vendor payment plan for AFDC which initially does not exceed a three-month period.

(3) The department may, after the initial review of the AFDC plan, authorize protective payment up to a maximum of twenty-four consecutive months. This plan must be reviewed no less than every six months.

(4) The review shall include an evaluation whether:

(a) Conditions justify continuation, or a modification of the plan;

(b) The protective payee's responsibilities are being carried out appropriately;

(c) The client can be expected to resume the payee function; or

(d) A court appointed guardian or foster care is needed because:

(i) The client cannot learn the payee functions; and

(ii) It appears the plan will continue beyond two years.

NEW SECTION

WAC 388-265-1550 Client notification of protective payee or vendor payee.

(1) The department shall notify the client in writing when a protective or vendor payment plan is approved. The written notice shall include:

(a) That a decision has been made to authorize protective payment;

- (b) The basis for decision;
 - (c) The name of the protective payee or the use of vendor payment;
 - (d) The effective date; and
 - (e) With the exception of noncooperation with the office of support enforcement, the client's right to appeal the decision.
- (2) The department shall notify the client in writing of any changes in the protective payment plan. The notice shall include:
- (a) The decision to change the protective payment plan;
 - (b) What the change is;
 - (c) The name of the new payee, if the change is a different payee;
 - (d) The effective date of the change; and
 - (e) With the exception of AFDC noncooperation with office of support enforcement, the right to a fair hearing.
- (3) The department shall notify the principals in writing of the decision to terminate the plan. The notice shall include:
- (a) That a decision was made to terminate the plan;
 - (b) The reason for the decision;
 - (c) The effective date of termination; and
 - (d) With the exception of noncooperation with the office of support enforcement, the client's right to appeal the decision.

NEW SECTION

WAC 388-265-1600 Termination of protective payee or vendor payee payment. (1) The department may remove a protective payee:

- (a) Upon the payee's request;
 - (b) When a different payee is designated by the department;
 - (c) When the client is ready to resume the payee function; or
 - (d) When a judge has appointed a guardian or other legal representative.
- (2) Vendor payment is discontinued when:
- (a) The department locates a person to serve as protective payee; or
 - (b) When the client is ready to resume the payee function.
- (3) If a guardian is appointed for the client the department shall change the protective payee plan and designate the guardian as the protective payee.

NEW SECTION

WAC 388-265-1650 Protective payment—Fair hearing rights. With the exception of noncooperation with the office of support enforcement, a client has the right to a fair hearing if the client is:

- (1) Dissatisfied with the department's decision that a protective payment shall be made, continued, or changed; or
- (2) Dissatisfied with the protective payee selected.

NEW SECTION

WAC 388-265-1700 Confidential information—Protective payee or vendor payee. (1) The department shall confine the release of information from the public assistance record to the protective payee to only those facts pertinent to the fulfillment of the payee's responsibility.

(2) The department shall explain to a prospective protective payee the need to respect the client's right to confidentiality.

NEW SECTION

WAC 388-265-1750 Protective payee fees. (1) The department may authorize an additional fee, not to exceed the five percent of the monthly one-person payment standard, to cover administrative costs of the protective payee under the following conditions:

- (a) The person serving as protective payee is not a friend, relative, or department employee; and
- (b) The person is:
 - (i) A GA-U client; or
 - (ii) An AFDC recipient the department has determined unable to manage assistance funds as specified in WAC 388-265-1250.

(2) The department shall not allow the protective payee to withhold money from the client's grant for payment of the protective payee's costs or services.

NEW SECTION

WAC 388-265-1800 Warrant endorsement. (1) The department shall write assistance warrants to show the payee's surname first, followed by given name and initial.

(2) Each warrant must bear the personal endorsement of the client, unless there is a power of attorney, who is authorized to endorse and cash the client's warrant. If the client is unable to sign, the warrant must be endorsed by the client's mark or thumb print. The mark shall be witnessed by two persons who give their name and address.

(3) The department cannot stop payment if someone other than the payee cashes the warrant when the warrant has been endorsed by the payee.

(4) A person having power of attorney may legally endorse a warrant only when:

- (a) The client has granted power of attorney on a properly prepared, legal document;
- (b) The document is recorded in the office of the county auditor; and
- (c) Two copies of the recorded document, certified by the county auditor, are on file with the department.

NEW SECTION

WAC 388-265-1850 Warrant delivery. (1) The client shall receive the warrant promptly, without interruption after the department has established eligibility and authorized a grant.

(2) The department shall mail the warrant to the client's address except as provided in this section.

(3) When the department authorizes a warrant for a client whose address is unknown, the department shall mail a letter to the last known address of the client, requesting the client to provide the current address.

(4) A client may request in writing that the warrant be mailed in care of the local office.

(5) The department shall redirect delivery of a warrant to the local office as provided under WAC 388-245-1350.

NEW SECTION

WAC 388-265-1900 Warrant cancellation. (1) A warrant not endorsed by the payee before death shall not be endorsed by, or to, another person.

(2) A warrant payable to a deceased payee must be returned to the department for cancellation.

(3) When a payee with dependents in the assistance unit leaves home without endorsing a warrant, the warrant shall be:

(a) Returned to the department for cancellation, unless it is feasible for the dependents to hold the warrant until the payee returns; or

(b) Returned to the department for cancellation and reissuance to another eligible payee.

NEW SECTION

WAC 388-265-1950 Loss, theft, or destruction of a client's warrant. (1) When the client requests issuance of a duplicate warrant the client shall:

(a) Complete an affidavit attesting to the reported facts; and

(b) File a report of a lost or stolen warrant with the police.

(2) The client may report a loss or nonreceipt of a warrant to the department prior to the filing of a police report.

(3) The client shall promptly report loss, theft, destruction, or nondelivery of a warrant by submittal of appropriate written report forms to the department within sixty days of the date the warrant was due the client.

(4) The department shall:

(a) Secure all facts surrounding the report;

(b) Determine an appropriate course of action; and

(c) Inform the recipient of the action the department will take.

(5) The department shall promptly replace the warrant after receiving a report of loss, theft, destruction, or nonreceipt of an unendorsed warrant.

(6) The department shall replace an unendorsed, lost, stolen, nonreceived, or destroyed warrant:

(a) On or before the tenth of the month in which the warrant was due; or

(b) Within five working days of the report of loss, theft, nonreceipt, or destruction, whichever is later.

(7) The department shall replace an unendorsed warrant which is lost, stolen, or destroyed in full. Restrictively or specially endorsed warrants shall be deemed to be unendorsed warrants.

(8) When the client reports loss or nonreceipt sixty days or more after the mailing date, the department may:

(a) Inquire into the circumstances of the loss or nonreceipt prior to authorization of a replacement warrant; and

(b) Notify the recipient in writing if the inquiry resulted in a determination by the department not to replace the reported warrant. Written notice shall include:

(i) A statement of the determination;

(ii) The reason for the determination; and

(iii) A statement of the client's right to request a fair hearing to appeal the decision.

(9) When the client reports nonreceipt of a public assistance warrant within six months of a prior report of nonreceipt, the department shall:

(a) Secure all facts surrounding the report;

(b) Promptly replace the warrant;

(c) Verify the address;

(d) Send warrants to the client's new address, if there has been a change of address which better ensures receipt of the public assistance warrant;

(e) Redirect future warrants to the local office for a period of six months if there is no change of address, or assurance of receipt of the public assistance warrants at the current address.

(f) The department may waive redirection if there is hardship or other good cause not to redirect the warrant.

(10) If the client has accepted a warrant at the local office and then promptly reports the same warrant as lost, stolen, or destroyed the department shall:

(a) Secure all facts surrounding the report; and

(b) Evaluate the ability of the client to manage public assistance funds.

(11) The department shall take appropriate action to protect the state from loss if the original warrant is redeemed by the state treasurer as an endorsed warrant.

NEW SECTION

WAC 388-265-2000 Loss, theft, or destruction of a vendor warrant. (1) When a vendor payee reports to the department that a warrant was not received, or that an unendorsed warrant has been lost, stolen or destroyed, the vendor payee shall complete an affidavit attesting to the reported facts. The department shall:

(a) Secure all facts surrounding the report;

(b) Assess the reported facts and make a judgment as to the validity of the report; and

(c) Determine a course of action appropriate to the facts of the case.

(2) The department shall replace an unendorsed warrant in accordance with the requirements in WAC 388-265-1950.

(3) The department shall not replace an endorsed warrant, or cash proceeds of a warrant, lost by the vendor.

Chapter 388-500 WAC MEDICAL DEFINITIONS

NEW SECTION

WAC 388-500-0005 Medical definitions. Unless defined in this chapter or specifically defined in other chapters of the *Washington Administrative Code*, the department shall use definitions found in the *Webster's New World Dictionary*. This section contains definitions of words and phrases the department uses in rules for medical programs. Definitions of words used for both medical and financial programs are defined under WAC 388-22-030.

"**Application**" for eligibility for medical programs means a written request to the department of social and health services (DSHS) on a department form, from the applicant, an authorized representative, or if the applicant is

incompetent or incapacitated, someone acting responsibly for the applicant.

"Assignment Medicare" means the method by which the provider receives payment for services under Part B of Medicare.

"Assignment of rights" means the client gives the state the right to payment and support for medical care from a third party.

"Assistance unit" means a person or members of a family unit who are eligible for medical care.

"Authorization" means official approval for department action.

"Base period" means the time period used in the limited casualty program which corresponds with the months considered for eligibility.

"Beneficiary" means an eligible person who receives:

- * A federal cash Title XVI benefit; and/or
- * State supplement under Title XVI; or
- * Benefits under Title XVIII of the Social Security Act.

"Benefit period" means the time period used in determining whether Medicare can pay for covered Part A services. A benefit period begins the first day a beneficiary is furnished inpatient hospital or extended care services by a qualified provider. The benefit period ends when the beneficiary has not been an inpatient of a hospital or other facility primarily providing skilled nursing or rehabilitation services for sixty consecutive days. There is no limit to the number of benefit periods a beneficiary may receive. Benefit period also means a "spell of illness" for Medicare payments.

"Cabulance" means a for-hire vehicle designed and used to transport a person confined to a wheelchair or persons otherwise physically restricted.

"Carrier" means an organization contracting with the federal government to process claims under Part B of Medicare.

"Categorical assistance unit (CAU)" means one or more family members whose eligibility for medical care is determined separately or together based on categorical relatedness.

"Categorically needy" means the status of a person who is eligible for medical care under Title XIX of the Social Security Act and is:

- * A client receiving or eligible to receive cash assistance under:
 - * Aid to families with dependent children (AFDC);
 - * Supplemental security income (SSI), including a grandfathered person and a person with an essential spouse:
 - * State supplement;
 - * Continuing state-funded cash assistance who is blind or disabled under SSI criteria, as described under WAC 388-511-1105; or
 - * Special categories.
 - * A financially eligible person under twenty-one years of age who would be eligible for AFDC but does not qualify as a dependent child and who is in:
 - * Foster care;
 - * Subsidized adoption;
 - * A nursing facility or intermediate care facility for mentally retarded; or
 - * An approved inpatient psychiatric facility.

* A person who would be eligible for cash assistance except for the person's institutional status.

* A person who is SSI categorically related and would not be eligible for cash assistance if the person was not institutionalized and whose gross income does not exceed the three hundred percent SSI benefit cap.

* A qualified severely impaired disabled person under sixty-five years of age who works.

* A person during a temporary period who lost AFDC because of increased earnings, increased hours, loss of earned income disregards, or by receiving child or spousal support payments.

* A pregnant woman:

* Who meets AFDC financial eligibility standards;

* Who would qualify for AFDC if the baby was already born;

* Whose family income does not exceed one hundred eighty-five percent of the federal poverty level; or

* Who was eligible for and receiving Medicaid while pregnant continues to be eligible through a sixty-day postpartum period that extends through the month that contains the sixtieth day after birth.

* An infant until the infant's first birthday when the infant lives with the mother and the mother was Medicaid eligible at the time the infant was born;

* An infant under one year of age whose family income does not exceed one hundred eighty-five percent of the federal poverty level;

* A child under six years of age or until the child is no longer an inpatient if the inpatient stay began before six years of age and whose family income does not exceed one hundred thirty-three percent of the federal poverty level.

* A child born after September 30, 1983, who has attained six years of age or until the child is no longer an inpatient if the inpatient stay began before eighteen years of age, but not attained eighteen years of age whose family income does not exceed one hundred percent of the federal poverty level.

* A child up to eighteen years of age or until the child is no longer an inpatient if the inpatient stay began before eighteen years of age, born before September 30, 1983, with income allowed by AFDC.

* A certain widow, widower, and other qualified person who fails to meet SSI standards because of Social Security coverage or increase in Social Security coverage.

* A Medicare-eligible person whose income does not exceed one hundred percent of the federal poverty level and whose resources do not exceed twice the SSI resource eligibility level.

* A disabled working person entitled to enroll in Medicare Part A, whose income does not exceed two hundred percent of the federal poverty level and whose resources do not exceed twice the SSI resource eligibility level.

* An alien as defined under WAC 388-510-1020; or

* A person whose categorical eligibility is protected by statute.

"Children's health program" means a state-funded medical program for children under eighteen years of age:

* Whose family income does not exceed one hundred percent of the federal poverty level; and

* Who are not otherwise eligible under Title XIX of the Social Security Act.

"**Client**" means an applicant for or recipient of DSHS medical care programs.

"**Coinsurance-Medicare**" means the portion of reimbursable hospital and medical expenses, after subtraction of any deductible, which Medicare does not pay. Under Part A, coinsurance is a per day dollar amount. Under Part B, coinsurance is twenty percent of reasonable charges.

"**Community services office (CSO)**" means an office of the department which administers social and health services at the community level.

"**Copayment**" means a fixed dollar amount that is the responsibility of the client.

"**Couple**" means, for the purposes of an SSI-related client, an SSI-related client living with a person of the opposite sex and both presenting themselves to the community as husband and wife. The department shall consider the income and resources of such couple as if the couple were married.

"**Deductible-Medicare**" means an initial specified amount that is the responsibility of the client.

* "**Part A of Medicare-inpatient hospital deductible**" means an initial amount of the medical care cost in each benefit period which Medicare does not pay.

* "**Part B of Medicare-physician deductible**" means an initial amount of Medicare Part B covered expenses in each calendar year which Medicare does not pay.

"**Delayed certification**" means a department approval of a person's eligibility for medicaid made after the established application processing time limits.

"**Department**" means the state department of social and health services.

"**Early and periodic screening, diagnosis and treatment (EPSDT)**" also known as the "healthy kids" program, means a program providing early and periodic screening, diagnosis and treatment to persons under twenty-one years of age who are eligible for Medicaid or the children's health program.

"**Electronic fund transfers**" means automatic bank deposits to a client's account.

"**Emergency medical condition**" means a medical condition (including labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in:

- * Placing the patient's health in serious jeopardy;
- * Serious impairment to bodily functions; or
- * Serious dysfunction of any bodily organ or part.

"**Emergency medical expense requirement**" means a specified amount of expenses for emergency medical conditions that a client must incur prior to certification for the medically indigent program.

"**Essential spouse**" see "**spouse**."

"**Extended care patient**" means a recently hospitalized Medicare patient needing relatively short-term skilled nursing and rehabilitative care in a skilled nursing facility.

"**Garnishment**" means withholding an amount from earned or unearned income to satisfy a debt or legal obligation.

"**Grandfathered client**" means:

* A noninstitutionalized person who meets all current requirements for Medicaid eligibility except the criteria for blindness or disability; and

* Was eligible for Medicaid in December 1973 as blind or disabled whether or not the person was receiving cash assistance in December 1973; and

* Continues to meet the criteria for blindness or disability and other conditions of eligibility used under the Medicaid plan in December 1973; and

* An institutionalized person who was eligible for Medicaid in December 1973 or any part of that month, as an inpatient of a medical institution or resident of an intermediate care facility that was participating in the Medicare program and for each consecutive month after December 1973 who:

* Continues to meet the requirements for Medicaid eligibility that were in effect under the state's plan in December 1973 for institutionalized persons; and

* Remains institutionalized.

"**Health insuring organization (HIO)**" means an entity that arranges and pays for medical services provided to an eligible enrolled client in exchange for a premium or subscription charge paid by the department on a prepaid capitation risk basis.

"**Health maintenance organization (HMO)**" means an entity that provides comprehensive medical services directly to an eligible enrolled client in exchange for a premium paid by the department on a prepaid capitation risk basis.

"**Healthy kids**," see "**EPSDT**."

"**Home health agency**" means an agency or organization certified under Medicare to provide comprehensive health care on a part-time or intermittent basis to a patient in the patient's place of residence.

"**Hospital**" means an institution licensed as a hospital by the official state licensing authority.

"**Income**" means, for an SSI-related client, the receipt by an individual of any property or service which the client can apply either directly, by sale, or conversion to meet the client's basic needs for food, clothing, and shelter.

* "**Earned income**" means gross wages for services rendered and/or net earnings from self-employment. Earned income received at predictable intervals other than monthly or in unequal amounts will be converted to a monthly basis. If income is weekly, the amount is multiplied by 4.3 to arrive at a monthly figure.

* "**Unearned income**" means all other income.

"**Institution**" means an establishment which furnishes food, shelter, medically-related services, and medical care to four or more persons unrelated to the proprietor. This includes medical facilities, nursing facilities, and institutions for the mentally retarded, but does not include correctional institutions.

* "**Institution-public**" means an institution that is the responsibility of a governmental unit or over which a governmental unit exercises administrative control.

* "**Institution for mental diseases**" means an institution primarily engaged in providing diagnosis, treatment, or care of persons with mental diseases including medical attention, nursing care, and related services.

* "**Institution for the mentally retarded or a person with related conditions**" means an institution that:

* Is primarily for the diagnosis, treatment or rehabilitation of the mentally retarded or a person with related conditions; and

* Provides, in a protected residential setting, on-going care, twenty-four hour supervision, evaluation, and planning to help each person function at the greatest ability.

* **"Institution for tuberculosis"** means an institution for the diagnosis, treatment, and care of a person with tuberculosis.

* **"Medical institution"** means an institution:

* Organized to provide medical care, including nursing and convalescent care;

* With the necessary professional personnel, equipment and facilities to manage the health needs of the patient on a continuing basis in accordance with acceptable standards;

* Authorized under state law to provide medical care; and

* Staffed by professional personnel. Services include adequate physician and nursing care.

"Intermediary" means an organization having an agreement with the federal government to process Medicare claims under Part A.

"Legal dependent" means a person whom another person is required by law to support.

"Limited casualty program (LCP)" means a medical care program for medically needy as defined under WAC 388-503-0320 and for medically indigent as defined under WAC 388-503-0370.

"Medicaid" means the federal aid Title XIX program under which medical care is provided to:

* Categorically needy as defined in WAC 388-503-0310 and 388-503-1105; or

* Medically needy as defined in WAC 388-503-0320.

"Medical assistance" means the federal aid Title XIX program under which medical care is provided to the categorically needy as defined in WAC 388-503-0310 and 388-503-1105.

"Medical assistance administration (MAA)" means the unit within the department of social and health services authorized to administer the Title XIX Medicaid and the state-funded medical care programs.

"Medical assistance unit (MAU)" means one or more family members whose eligibility for medical care is determined separately or together based on financial responsibility.

"Medical care services" means the limited scope of care financed by state funds and provided to general assistance (GAU) and ADATSA clients.

"Medical consultant" means a physician employed by the department.

"Medical facility" see **"Institution."**

"Medically indigent (MI)" means a state-funded medical program, part of the limited casualty program, for a person with limited income and resources who has an emergency medical condition.

"Medically necessary" is a term for describing requested service which is reasonably calculated to prevent, diagnose, correct, cure, alleviate or prevent worsening of conditions in the client that endanger life, or cause suffering or pain, or result in an illness or infirmity, or threaten to cause or aggravate a handicap, or cause physical deformity or malfunction, and there is no other equally effective, more

conservative or substantially less costly course of treatment available or suitable for the client requesting the service. For the purpose of this section, "course of treatment" may include mere observation or, where appropriate, no treatment at all.

"Medically needy (MN)" is the status of a person who is eligible for a federally matched medical program under Title XIX of the Social Security Act, who, but for income and/or resources above the categorically needy level, would be eligible as categorically needy.

"Medicare" means the federal government health insurance program for certain aged or disabled clients under Titles II and XVIII of the Social Security Act. Medicare has two parts:

* **"Part A"** covers the Medicare inpatient hospital, post-hospital skilled nursing facility care, home health services, and hospice care.

* **"Part B"** is the supplementary medical insurance benefit (SMIB) covering the Medicare doctor's services, outpatient hospital care, outpatient physical therapy and speech pathology services, home health care, and other health services and supplies not covered under Part A of Medicare.

"Month of application" means the calendar month a person files the application for medical care unless the application is for the medically needy program, then, at the person's request and if the application is filed in the last ten days of that month, the month of application may be the following month.

"Nursing facility" means any institution or facility the department of health licenses as a nursing facility, or a nursing facility unit of a licensed hospital, that the:

* Department certifies; and

* Facility and the department agree the facility may provide skilled nursing facility care.

"Outpatient" means a nonhospitalized patient receiving care in a hospital outpatient or hospital emergency department, or away from a hospital such as in a physician's office, the patient's own home, or a nursing facility.

"Patient transportation" means client transportation to and from covered medical services under the federal Medicaid and state medical care programs.

"Physician" means a doctor of medicine, osteopathy, or podiatry who is legally authorized to perform the functions of the profession by the state in which the services are performed.

"Professional activity study (PAS)" means a compilation of inpatient hospital data by diagnosis and age, conducted by the commission of professional and hospital activities, to determine the average length of hospital stay for patients. These data were published in a book entitled, *Length of Stay in PAS Hospitals, Western*. The department has adopted this book as the basis for authorizing payment for the maximum number of inpatient hospital days for clients of state-funded programs, or where no memorandum of understanding with a professional review organization (PRO) exists.

"Professional review organization for Washington (PRO-W)" means the state level organization responsible for determining whether health care activities:

* Are medically necessary;

* Meet professionally acceptable standards of health care; and

* Are appropriately provided in an outpatient or institutional setting for beneficiaries of Medicare and clients of Medicaid and maternal and child health.

"Prosthetic devices" mean replacement, corrective, or supportive devices prescribed by a physician or other licensed practitioner of the healing arts within the scope of his or her practice as defined by state law to:

- * Artificially replace a missing portion of the body;
- * Prevent or correct physical deformity or malfunction;

or

- * Support a weak or deformed portion of the body.

"Provider" or **"provider of service"** means an institution, agency, or person:

* Having a signed agreement with the department to furnish medical care and goods and/or services to clients; and

- * Eligible to receive payment from the department.

"Resources" mean, for an SSI-related client, cash or other liquid assets or any real or personal property that an individual or spouse, if any, owns and could convert to cash to be used for support or maintenance.

* If an individual can reduce a liquid asset to cash, it is a resource.

* If an individual cannot reduce an asset to cash, it is not considered an available resource.

* **Liquid** - Properties that are in cash or are financial instruments which are convertible to cash such as, but not limited to, cash in hand, stocks, savings, checking accounts, mutual fund shares, mortgage, promissory notes.

* **Nonliquid** - All other property both real and personal shall be evaluated according to the price the item can reasonably be expected to sell for on the open market in the particular geographical area involved.

"Retroactivity" means the period of no more than three calendar months before the application month of an otherwise eligible person under the Federal aid Title XIX program.

"Spell of illness" see **"benefit period."**

"Spendedown" means the process by which a person uses incurred medical expenses to offset income and/or resources to meet the financial standards established by the department.

"Spouse" means:

* **"Community spouse"** means a person living in the community and married to an institutionalized person or to a person receiving services from a home and community-based waived program.

* **"Eligible spouse"** means an aged, blind or disabled husband or wife of an SSI-eligible person with whom such spouse lives.

* **"Essential spouse"** means, for the purposes of SSI, a spouse whose needs were taken into account in determining the need of an old age assistance (OAA), aid to the blind (AB), or disability assistance (DA) client for December 1973, who continues to live in the home and to be the spouse of such client.

* **"Ineligible spouse"** means the husband or wife of an SSI-eligible person, who lives with the SSI-eligible person and who has not applied or is not eligible to receive SSI.

* **"Institutionalized spouse"** means a married person in an institution or receiving services from a home or community-based waived program.

* **"Nonapplying spouse"** means the husband or wife, who has not applied for assistance, of an SSI-eligible person.

"SSI-related" means an aged, blind or disabled person.

"State office or SO" means the medical assistance administration of the department of social and health services.

"Supplemental security income (SSI) program, Title XVI" means the federal grant program for aged, blind, and disabled established by section 301 of the Social Security amendments of 1972, and subsequent amendments, and administered by the Social Security Administration (SSA).

"Supplementary payment (SSP)" means the state money payment to persons receiving benefits under Title XVI, or who would, but for the person's income, be eligible for such benefits, as assistance based on need in supplementation of SSI benefits. This payment includes:

* **"Mandatory state supplement"** means the state money payment to a person who, for December 1973, was a client receiving cash assistance under the department's former programs of old age assistance, aid to the blind and disability assistance; and

* **"Optional state supplement"** means the elective state money payment to a person eligible for SSI benefits or who, except for the level of the person's income, would be eligible for SSI benefits.

"Third party" means any entity that is or may be liable to pay all or part of the medical cost of care of a federal Medicaid or state medical care client.

"Title XIX" is the portion of the federal Social Security Act that authorizes grants to states for medical assistance programs. Title XIX is also called Medicaid.

"Transfer" means any act or omission to act when title to or any interest in property is assigned, set over, or otherwise vested or allowed to vest in another person; including delivery of personal property, bills of sale, deeds, mortgages, pledges, or any other instrument conveying or relinquishing an interest in property. Transfer of title to a resource occurs by:

- * An intentional act or transfer; or

- * Failure to act to preserve title to the resource.

"Value-fair market" means, for SSI-related medical eligibility, the current value of a resource at the going price for which the resource can reasonably be expected to sell on the open market in the particular geographic area involved.

"Value of compensation received" means, for SSI-related medical eligibility, the gross amount paid or agreed to be paid by the purchaser.

"Value-uncompensated" means, for SSI-related medical eligibility, the fair market value of a resource minus the amount of compensation received in exchange for the resource.

Chapter 388-501 WAC ADMINISTRATION OF MEDICAL PROGRAMS—GENERAL

NEW SECTION

WAC 388-501-0105 Applicability. These rules are applicable to determination of eligibility under medical care programs authorized through chapter 74.09 RCW.

PERMANENT

NEW SECTION

WAC 388-501-0110 Purpose of the medical care program. The department of social and health services through the medical assistance administration (MAA) provides medical care programs to meet the health care needs of:

- (1) Categorically needy eligible persons as defined in WAC 388-503-0310.
- (2) Medically needy eligible persons as defined in WAC 388-503-0320.
- (3) Medically indigent eligible persons as defined in WAC 388-503-0370.
- (4) General assistance-unemployable (GAU) cash assistance clients as defined in WAC 388-503-0350.
- (5) ADATSA cash assistance clients and ADATSA medical eligible persons as defined in WAC 388-503-0350.
- (6) Children's health eligible persons as defined in WAC 388-509-0920.

NEW SECTION

WAC 388-501-0125 Requirements for advance directives. (1) Each hospital, nursing facility, provider of home health care or personal care services, hospice program, or health maintenance organization receiving Medicaid funds shall as providers under this section:

- (a) Maintain written policies and procedures concerning a person's right to make medical decisions including advance directives;
- (b) Provide written information to all adults as defined in RCW 26.28.010 and 26.28.015 receiving medical care by or through the provider or organization to include the person's right to:
 - (i) Make decisions concerning the person's medical care;
 - (ii) Accept or refuse surgical or medical treatment; and
 - (iii) Formulate advance directives.
- (c) Provide written information to all adults on policies concerning implementation of these rights;
- (d) Document in the person's medical record whether or not the person has executed an advance directive;
- (e) Not condition the provision of care or otherwise discriminate against a person based on whether or not the person has executed an advance directive;
- (f) Ensure compliance with the requirements of chapters 11.94, 68.50, and 70.122 RCW concerning advance directives.
- (g) Provide for educating staff and the community on the requirements for advance directives.

(2) For the purpose of this section, the term "advance directive" means a voluntarily written instruction, such as a living will, durable power of attorney for health care, or anatomical gift recognized under state law (whether statutory or as recognized by the courts of the state) and relating to the provision of such care when the person is incapacitated.

(3) The written material distributed by the providers as defined concerning medical decision making shall summarize state law found in statute and case law and may include the actual law, copies of the statute, case law, or forms.

(4) The provider as defined shall give information concerning these rights to adults as follows:

(a) Hospitals at the time of the person's admission as an inpatient;

(b) Nursing facility at the time of the person's admission as a resident;

(c) Provider of home health care or personal care services before the person comes under the care of the provider;

(d) Hospice program at the time of the initial receipt of hospice care by the person in the program; and

(e) Health maintenance organization at the time of enrollment of the person with the organization.

(5) This section shall not be construed to require any physician to implement an advance directive, when the physician objects on the basis of conscience. When the physician refuses to implement the directive, the physician shall make a good faith effort to transfer the person to another physician who will implement the person's directive.

(6) When a person in a comatose or otherwise incapacitated state, unable to receive information or to say whether an advance directive has been executed, comes under the care of a provider, the provider shall include information concerning advance directives with materials about the provider's policies and procedures to the families or to the surrogates or other concerned persons of the incapacitated person as specified under RCW 7.70.065. The provider shall be obligated to provide this information to the person once the person is no longer incapacitated.

(7) When a person is incapacitated or otherwise unable to receive information or articulate whether such person has executed an advance directive and no one comes forward with a previously executed advance directive, the provider shall document in a person's file that the person was unable to receive information and was unable to communicate whether an advance directive exists.

(8) When the patient or a relative, surrogate, or other interested person presents the provider with a copy of the person's advance directive, the provider shall comply, except as specified under subsection (5) of this section, with the advance directive.

NEW SECTION

WAC 388-501-0130 Administrative controls. The department shall establish and enforce such administrative controls as may be necessary to prevent abuses by vendors or clients including, but not limited to, determination of need for and duration of services, assurance of justification of services, reasonableness of costs, and operation of the program within limits of the legislative appropriation.

(1) The department shall conduct audits and investigations of providers of medical and other services provided as authorized by chapter 74.09 RCW to determine compliance with the rules and regulations of the program.

(a) In the conduct of such audits or investigations, the secretary or authorized representative may examine only those records or portion thereof, including patient records, pertaining to services rendered by a health care provider and reimbursed by the department. Copies of, but not original, records shall be removed from the premises of the health care provider. The secretary shall destroy all copies of client medical records made during an audit or investigation. This destruction will take place not later than ninety days after the

date when no further actions, concerning a particular audit, can be taken or are going to be taken by the department, the provider, or the courts. The department shall notify the provider in writing that such destruction has taken place.

(b) The department shall give twenty days advance notice to a provider that the patient medical records are to be audited for compliance with program rules and standards. This notice shall not:

(i) Apply to provider investigations for fraudulent or abusive practices; and

(ii) Include names of patient files to be reviewed. For the purposes of this section, prescriptions or records of drugs dispensed are not to be defined as patient medical records.

(c) The department shall work with the provider to minimize inconvenience and disruption of health care delivery.

(2) Based upon the findings of an audit, investigation, or other proceeding, the secretary or authorized representative may order repayment of excess benefits or payments received by the provider, plus interest on the amount of excess benefits and assess civil penalties as provided for in chapter 74.09 RCW. The department shall assess civil penalties in an amount not to exceed three times the amount of excess benefits or payments received by the provider.

(3) When the department imposes a civil penalty or suspends or terminates a provider from the program, the department shall give written notice of the action taken to the appropriate licensing agency and/or disciplinary board. The department may refer to the appropriate disciplinary board providers who have demonstrated a significant noncompliance with the provisions of the medical care program through the results of an audit, investigation, or utilization review function. The Washington state medical disciplinary board shall generally serve in an advisory capacity to the secretary in the conduct of audits or investigations of physicians.

(4) The secretary or authorized representative shall refer all cases to the appropriate prosecuting authority for possible criminal action where the department finds substantial evidence supporting a finding of fraud. Prima facie evidence does not, in itself, provide a substantial basis for criminal prosecution.

NEW SECTION

WAC 388-501-0135 Patient requiring regulation. (1)

The department shall operate a patient requiring regulation (PRR) program to identify a client overutilizing, unnecessarily, or inappropriately obtaining medical care under the federally funded and state-funded medical programs. The department may restrict such a client to a single primary care provider and pharmacy for medical care.

(2) The purpose of the PRR program shall be to:

- (a) Protect the client's health and safety;
- (b) Provide continuity of medical care;
- (c) Avoid duplication of services by providers;
- (d) Avoid excessive, contraindicated, or potentially harmful use of prescription medications.

(3) For the purposes of this section, "primary care provider (PCP)" means a:

(a) Physician specializing in internal or general medicine; or

(b) Physician or advanced registered nurse practitioner specializing in adult health care or family practice who agrees to provide, manage, and coordinate an eligible client's medical care.

(4) The department shall designate staff to determine the client's overuse, inappropriate, or unnecessary usage of medical care by reviewing medical assistance administration (MAA) payment records and other medical information.

(5) Nurse advisors, physicians and pharmacy consultants, and the drug utilization and education (DUE) council shall establish the medical review guidelines and reference sources that the department uses for such determinations.

(6) The department established the following levels of utilization during a three-month period as medical review guidelines for the PRR program:

- (a) Services from four different physicians;
- (b) Prescriptions from four different pharmacies;
- (c) Ten prescriptions received;
- (d) Two emergency room visits;
- (e) Four prescribers.

(7) Medical assistance administration shall notify the client in writing that the client is assigned to PRR, when the information indicates the client overuses medical services, or uses medical services inappropriately or unnecessarily as determined by the department's review of the:

(a) Records which indicate a client's use of medical services exceed the guidelines under subsection (6) of this section; and

(b) Client's diagnoses, the history of services provided or other medical information supplied by the health care provider.

(8) The department shall notify the client of the right to:

(a) A fair hearing as required under chapter 388-08 WAC; and

(b) Continue not restricted when a fair hearing is timely requested.

(9) A client shall respond to the department's notice within twenty calendar days by:

- (a) Selecting a PCP and pharmacy;
- (b) Requesting assistance in selecting a PCP and pharmacy; or
- (c) Submitting additional medical information.

(10) The department shall assign a PCP and pharmacy for any client who fails to select a PCP and pharmacy within twenty calendar days, unless the client requests a fair hearing. The selected or assigned PCP and pharmacy shall be located in the client's local geographic area or be reasonably accessible to the client.

(11) The client shall not change a selected PCP or pharmacy for six months except when the:

- (a) Client moves to a new residence outside the designated geographic area of the providers;
- (b) PCP or pharmacy moves from the client's geographical area;
- (c) PCP or pharmacy refuses to continue as the designated provider; or
- (d) Client selects a PCP or pharmacy other than the department-assigned PCP or pharmacy under subsection (9) of this section.

(12) The department shall assign a client to the program for a period of twenty-four months and shall review the client's utilization at the end of the twenty-four-month

period. The client shall remain restricted if the client continues to meet the overutilization criteria in subsection (6) of this section and shall be reviewed at least twenty-four months thereafter.

(13) When the department designates a PCP and pharmacy for the client, the department shall issue a medical identification card identifying the client as a patient requiring regulation.

(14) When an emergency occurs as defined under WAC 388-500-0005, a provider other than the selected PCP may see the client.

(15) The PCP may refer the client to a specialist.

(16) The department shall only pay for MAA-covered services authorized by the PCP, referred specialist, or selected pharmacy. The department shall apply billing limitations as described under WAC 388-87-010 and 388-87-015.

(17) The client shall be responsible for payment of covered services not authorized by the PCP, referred specialists or selected pharmacist.

NEW SECTION

WAC 388-501-0140 Fraud. Any person who by means of willfully false statement or representation or by impersonation or other fraudulent device or failure to reveal resources as required obtains or attempts to obtain medical care to which the person is not entitled shall be guilty of larceny. See WAC 388-22-030 for the meaning of "intentional overpayments."

NEW SECTION

WAC 388-501-0150 Confidential records. The department shall consider medical and administrative records pertaining to applications and services rendered to clients confidential. The department shall prohibit disclosure of information contained in such records, files, papers and communications except for purposes directly connected with the administration of the public assistance and medical care programs.

NEW SECTION

WAC 388-501-0160 Exception to policy. A client request for an exception to policy for medical care services denied by strict application of a rule or regulation shall require approval by medical assistance administration. See WAC 388-200-1150 for exception to policy procedures.

NEW SECTION

WAC 388-501-0165 Medical services request. (1) The department shall evaluate the request for medical services as described under chapter 388-86 WAC.

(2) The department shall base a decision to approve or deny a service on obtainable evidence that establishes whether the service is "medically necessary" as defined under WAC 388-500-0005.

(a) In each case, the department shall:

(i) Make an individualized decision whether a requested service is "medically necessary"; and

(ii) Base such decision only on information contained in the client's file.

(b) The evidence must be sufficient to determine that the requested service is or is not "medically necessary," and may include:

(i) A physiological description of the disease, injury, impairment, or other ailment;

(ii) Pertinent laboratory findings;

(iii) X-ray reports;

(iv) Patient profiles; and

(v) Other objective medical information, including but not limited to medically acceptable clinical findings and diagnoses resulting from physical or mental examinations.

(3) In deciding to approve or deny a durable medical equipment or prosthetic device request, the department shall give substantial weight to objective medical information, and conclusions based thereon, from an examining physician responsible for the client's diagnosis or treatment or both when:

(a) There is an uncontradicted and adequately substantiated conclusion of an examining physician that the requested service is "medically necessary." The department shall accept the examining physician's conclusion unless the department presents specific detailed reasons for rejecting that conclusion that are consistent with sound medical practice and supported by objective medical information in the client's file.

(b) Two or more examining physicians provide conflicting medical information on conclusions about whether the requested durable medical equipment or a prosthetic device is "medically necessary," the department may conclude the durable medical equipment or a prosthetic device is not "medically necessary" only if the department enumerates specific reasons for its conclusion that are supported by objective medical information in the client's file.

(4) The department shall deny a requested service when the service is:

(a) Not medically necessary as defined under WAC 388-500-0005;

(b) Generally regarded by the medical profession as experimental in nature or as unacceptable treatment; or

(c) Unless the client demonstrates through sufficient objective clinical evidence the existence of particular circumstances rendering the requested service medically necessary; or

(d) Not a covered service.

(5) The department shall:

(a) Approve or deny all requests for medical services within fifteen days of the receipt of the request; or

(b) Return a request to the requesting provider when the information submitted is insufficient for a determination of medical necessity and the requested service is a covered service. The department shall make a request for justifying additional information from the requesting provider within fifteen calendar days of the original receipt. If additional information is:

(i) Not received by the department within thirty days of the date requested, the department shall deny the original request within five days after the thirty-day period on the basis of insufficient justification of medical necessity;

(ii) Received by the department, the department shall make a final determination on the request within five working days of the receipt of the additional information.

(c) Send to the client a copy of the request for additional information justifying medical necessity for durable medical equipment or a prosthetic device.

(6) When the department denies a request for medical services, including all or part of a requested service, the department shall, within five working days of the decision, give the client and the provider written notice of the denial. The department shall ensure the notice states:

(a) The WAC references used as a basis for the decision;

(b) A summary statement of the specific facts the department relied upon for the decision;

(c) An explanation of the reasons for the denial, including the reasons why the specific facts relied on did not meet the requirements for approval;

(d) When required under subsection (3) of this section, a specific statement of the reasons and supporting facts for rejecting any medical information or conclusions of an examining physician;

(e) The client's right to a fair hearing if the request is made within ninety days of the receipt of the denial;

(f) The instructions on how to request the hearing;

(g) The client may be represented at the hearing by legal counsel or other representative;

(h) Upon the client's request, the name and address of the nearest legal services office; and

(i) If a fair hearing is requested, a medical assessment from other than the person involved in making the original decision may be obtained at the department's expense.

NEW SECTION

WAC 388-501-0170 Third party resources. (1) A client shall use all third party resources available to the client for the payment of medical care to the fullest possible extent before the department pays for medical care.

(2) Supplemental services:

(a) Are services beyond those covered by the medical care programs;

(b) Are not to be required, implied, or otherwise by the provider for the client to receive services covered by the medical care program.

(c) Funds for payment of the supplemental services from a source other than the client are not considered as income available to the client for the purposes of eligibility if the funds:

(i) Are paid directly to the provider; and

(ii) Do not at any time come under the control of the client.

NEW SECTION

WAC 388-501-0175 Medical care provided in bordering cities. (1) The department shall provide medical care to eligible Washington state residents in a bordering city on the same basis as in-state care.

(2) The only recognized bordering cities are:

(a) Coeur d'Alene, Moscow, Sandpoint, Priest River and Lewiston, Idaho; and

(b) Portland, The Dalles, Hermiston, Hood River, Rainier, Milton-Freewater, and Astoria, Oregon.

NEW SECTION

WAC 388-501-0180 Out-of-state medical care. (1) A Washington state Medicaid client temporarily out of the state may be provided medical care within the scope of the Medicaid program.

(a) Residency requirements in WAC 388-505-0510 must be met.

(b) Medical assistance may be provided only in areas of Canada that border on the United States when no other resource is available.

(2) Persons eligible for the medically needy program may be provided medical care within the scope of that program.

(3) When an eligible person goes to another state, excluding bordering cities, expressly to obtain medical care that is available within the state of Washington, medical assistance will only be provided on an emergency basis.

(4) Medicaid will be provided to persons who enter the state and are determined to be financially eligible, provided the residency requirements in WAC 388-505-0510 are met.

(5) The department shall not provide medical care services out-of-state except in designated bordering cities under WAC 388-501-0175.

NEW SECTION

WAC 388-501-0190 Maternity care distressed area.

(1) "A maternity care distressed area" means a county where women eligible for medical assistance are not able to obtain adequate maternity care.

(2) The department shall conduct a review of each county in the state to determine if the county is a maternity care distressed area. The department shall include the following factors in the department's determination:

(a) Higher than average percentage of eligible women receive late or no prenatal care;

(b) Higher than average percentage of eligible women go out of the area to receive maternity care;

(c) Higher than average ratio of medical assistance births to obstetrical care providers;

(d) Higher than average percentage of infants are born to eligible persons per obstetrical care provider; and

(e) Higher than average percentage of infants are of low birth weight born to eligible women. Low birth weight means less than five and one-half pounds, or less than two thousand five hundred grams.

(3) The department shall notify the relevant county authority, for example, board of county commissioners, county council, or county executive, when the department determines a maternity care distressed area exists.

(4) The county authority shall, within one hundred twenty days from the date notified, submit a brief report to the department recommending remedial action.

(a) The county authority shall prepare the report in consultation with:

(i) The department and the department's local community service office;

(ii) The local public health officer;

(iii) Community health clinics;

(iv) Health care providers;

(v) Hospitals;

(vi) The business community;

- (vii) Labor representatives;
- (viii) Low-income advocates in the distressed area.

(b) The county authority may contact with a local nonprofit agency to develop the report.

(c) The county authority shall notify the department within thirty days if the county authority is unable or unwilling to develop the report.

(5) The department shall develop the report for the distressed area if the department is notified that the county authority is unable or unwilling to develop the report.

(6) The department shall review the report and use the report in developing strategies to improve maternity care access in the distressed area.

Chapter 388-502 WAC ADMINISTRATION OF MEDICAL PROGRAMS—PROVIDERS

NEW SECTION

WAC 388-502-0205 Civil rights. (1) The department shall ensure all participating providers will not discriminate against any client because of race, creed, color, handicap or national origin in providing approved services.

(2) A provider shall not discriminate against any employee or applicant for employment because of race, creed, color, handicap, or national origin, except to the extent permitted by a bona fide occupational qualification.

NEW SECTION

WAC 388-502-0210 Statistical data-vendor reports.

(1) When requested by the department, all vendors under the program shall submit full reports of goods furnished and services rendered to the department in the manner specified. The department shall provide the vendor with standardized forms to report these data.

(2) The department shall tabulate and analyze the data collected to secure statistics on costs of and the services rendered in the various phases of the program. The department shall make available such tabulations and analyses to the department's advisory committee, state welfare medical care committee, official organizations of vendor groups participating in the program, and other appropriate persons or groups.

NEW SECTION

WAC 388-502-0220 Administrative appeal—Rate—Contractor/provider. (1) Right to an administrative appeal. Any enrolled contractor/provider of medical services, except nursing facilities governed by WAC 388-96-904, shall have a right to an administrative appeal any time the contractor/provider disagrees with the reimbursement rate.

(2) First level of appeal. A contractor/provider wishing to contest an action described in subsection (1) of this section files an appeal with the medical assistance administration (MAA).

(a) Unless a written rate notification specifies otherwise, the department shall make retroactive rate adjustments only when a contractor/provider files a rate appeal. The rate appeal requesting retroactive rate adjustment shall be made within sixty calendar days after being notified of an action

or determination the contractor/provider wishes to challenge. The notification date of an action or determination shall be the date of the written rate notification letter. The department shall not consider for retroactive adjustments, a contractor/provider rate adjustment appeal filed after the sixty-day period described in this subsection.

(b) The appeal shall include a statement of the specific issue being appealed, supporting documentation, and a request for recalculation of the rate. MAA may request additional documentation to complete the review. MAA may conduct an audit of the documentation provided in order to complete the review.

(c) When a portion of a rate is appealed, MAA may review all components of the reimbursement rate.

(d) MAA shall issue a decision or request additional information within sixty calendar days of the receipt of the rate appeal request. When additional information is necessary, the contractor/provider shall have forty-five calendar days to submit the information. MAA shall issue a decision within thirty calendar days of receipt of complete information.

(e) Unless the written rate notification specifies otherwise, increases in rates resulting from an appeal shall be effective retroactively to the effective date of the rate change. The appeal shall be filed within sixty calendar days after the written rate notification letter that the contractor/provider is challenging. Increases in rates, resulting from a rate appeal filed after the sixty-day period described under (a) of this subsection, shall be effective the date the appeal is filed with MAA. Appeals resulting in rate decreases shall be effective on the date specified in the appeal decision notification. The effective date shall not be before the date of the appeal decision notification. Rate changes subject to the provisions of fraudulent practices as described under RCW 74.09.210 are exempt from these provisions.

(f) MAA may grant extensions of time at MAA's discretion if requested within the sixty-day period referenced under (a) of this subsection.

(3) Second level of appeal. When the contractor/provider disagrees with an adverse rate review decision, the contractor/provider may file a request for a dispute conference with the MAA. "Dispute conference" for this section means an informal administrative hearing for the purpose of resolving contractor/provider disagreements with any of the department actions, described under subsection (1) of this section, not resolved at the first level of appeal. The dispute conference is not governed by the Administrative Procedure Act, chapter 34.05 RCW.

(a) A contractor/provider shall file a request for a dispute conference within thirty calendar days following receipt of the adverse review decision. The department shall not consider dispute conference requests submitted after the thirty-day period of the first level decision date.

(b) MAA shall conduct the dispute conference within ninety calendar days of the receipt of request.

(c) The conference chairperson shall issue the final decision within thirty calendar days of the conference.

(d) MAA may grant extensions of time for extenuating circumstances.

(e) The effective date of dispute conference decisions regarding rate changes shall be the same as specified under subsection (2)(e) of this section.

(f) The dispute conference shall be the final level of administrative appeal within the department and precede judicial action.

(4) MAA shall construe failure on the part of the contractor/provider to attempt to resolve disputed rates as provided in this section as an abandonment of the dispute.

NEW SECTION

WAC 388-502-0230 Fair hearing—Providers. A certified provider of medical care services who is assessed a civil penalty under RCW 74.09.210 or otherwise served with notice that repayment of excess benefits is due under RCW 74.09.210, shall have the right to a fair hearing as provided by chapter 388-08 WAC.

NEW SECTION

WAC 388-502-0250 Interest penalties—Providers. (1) The department shall assess interest on amounts of excess benefits or payments a certified provider of medical services receives:

(a) Who is found liable for receipt of excess payments under RCW 74.09.220;

(b) Otherwise served with notice that repayment of excess benefits is due under RCW 74.09.220; or

(c) Except for nursing homes which are governed by WAC 388-96-310.

(2) Under RCW 74.09.220, the department shall assess interest on excess benefits or payments at the rate of one percent each month from the date upon which payment was made to the date upon which repayment is made to the state. Interest does not apply when the excess benefits or payments were obtained as a result of errors made by the department.

(3) The department shall ensure:

(a) Interest amounts will be clearly identified in all overpayment communications; and

(b) A daily interest accrual amount will be identified and accrued until the day immediately preceding the day the full repayment check is mailed to the state.

(4) When repayment is made through the recoupment process (payments are withheld from current bills until the overpayment amount is met), the department shall ensure interest accrues to the date recoupment is finalized.

Chapter 388-503 WAC PERSONS ELIGIBLE FOR MEDICAL ASSISTANCE

NEW SECTION

WAC 388-503-0305 Program priorities. The department shall consider eligibility for all federal medical programs before determining eligibility for state-funded medical programs.

NEW SECTION

WAC 388-503-0310 Categorically needy eligible persons. The department shall determine eligible for categorically needy medical assistance a client who is:

(1) Receiving or eligible to receive a cash assistance payment under:

(a) Aid to families with dependent children (AFDC); or

(b) Supplemental security income (SSI) including a grandfathered person and a person with an essential spouse; or

(c) State supplemental payment (SSP) to a person as assistance based on need in supplementation of SSI benefits. This payment includes mandatory state supplement or optional state supplement as defined under WAC 388-500-0005. The ineligible spouse of an SSI beneficiary receiving a state supplement payment for the ineligible spouse is not eligible for categorically needy medical assistance.

(2) A person twenty years of age or younger who meets the:

(a) One-person AFDC financial requirements and is in:

(i) Foster care; or

(ii) Subsidized adoption; or

(iii) A nursing facility or intermediate care facility for mentally retarded (ICF/MR); or

(iv) An approved inpatient psychiatric facility.

(b) Eligibility requirements under chapter 388-509 WAC.

(3) A current client of Title II, Social Security Administration (SSA) benefits who:

(a) Was a concurrent client of Title II and SSI benefits;

(b) Is ineligible for SSI benefits and/or state supplementary payments; and

(c) Would be eligible for SSI benefits if the department deducts the following from the current Title II benefit amount:

(i) All Title II cost-of-living benefit increases under P.L. 94-566, Section 503 received by the client since termination from SSI/SSP; and

(ii) All Title II cost-of-living benefit increases received during the time period in (c)(i) of this subsection by the client's spouse and/or other financially responsible family member living in the same household.

(4) An SSI client, after January 1, 1981, who continues to be eligible for medical assistance under P.L. 96-265 and 99-643;

(5) A currently disabled client receiving widow's or widower's benefits under Section 202 (e) or (f) of the Social Security Act if the disabled client:

(a) Was entitled to a monthly insurance benefit under Title II of the Social Security Act for December 1983; and

(b) Was entitled to and received a widow's or widower's benefit based on a disability under Section 202 (e) or (f) of the Social Security Act for January 1984;

(c) Became ineligible for SSI/SSP in the first month in which the increase provided under Section 134 of P.L. 98-21 was paid to the client;

(d) Has been continuously entitled to a widow's or widower's benefit under Section 202 (e) or (f) of the act;

(e) Would be eligible for SSI/SSP benefits if the amount of that increase, and any subsequent cost-of-living increases provided under Section 215 (i) of the act, were disregarded;

(f) Is fifty through fifty-nine years of age; and

(g) Filed an application for Medicaid coverage before July 1, 1988.

(6) Effective January 1, 1991, any person receiving Title II disabled widow/widower benefits (DWB) under Section 202 (e) or (f) of the SSA, if the person:

(a) Is not eligible for the hospital insurance benefits under Medicare Part A of Title XVIII;

(b) Received SSI/SSP payments in the month before receiving such Title II benefits;

(c) Became ineligible for SSI/SSP due to receipt of or increase in such Title II benefits; and

(d) Would be eligible for SSI/SSP if the amount of such Title II benefits or increase in such Title II benefits under Section 202 (e) or (f) of the SSA, and any subsequent cost-of-living increases provided under Section 215 (i) of the act were disregarded.

(7) A disabled or blind client receiving Title II Disabled Adult Childhood (DAC) benefits under Section 202 (d) of the SSA if the client:

(a) Has attained eighteen years of age;

(b) Lost SSI/SSP on or after July 1, 1988, due to receipt of or increase in DAC benefits; and

(c) Would be eligible for SSI/SSP if the amount of the DAC benefits or increase under Section 202 (d) of the SSA and any subsequent cost-of-living increases provided under Section 215 (i) of the SSA Act were disregarded.

(8) A client who:

(a) In August 1972, received:

(i) Old age assistance (OAA);

(ii) Aid to blind (AB);

(iii) Aid to families with dependent children (AFDC); or

(iv) Aid to the Permanently and totally disabled (APTD); and

(b) Was entitled to or received retirement, survivors, and disability insurance (RSDI) benefits; or

(c) Is ineligible for OAA, AB, AFDC, SSI or APTD solely because of the twenty percent increase in Social Security benefits under P.L. 92-336.

(9) A pregnant woman whose family income is at or below one hundred eighty-five percent of the Federal Poverty Level (FPL), or postpartum woman as described under WAC 388-508-0830;

(10) A child, born to a woman eligible for and receiving medical assistance on the date of the child's birth, from the date of birth for a period of one year when the child remains a member of the mother's household;

(11) A child meeting residence, citizenship, and Social Security number requirements whose family income is:

(a) Under one hundred eighty-five percent of the Federal Poverty Level (FPL) for a child under one year of age; or

(b) Under one hundred thirty-three percent of the FPL for a child five years of age or younger; or

(c) Under one hundred percent of the FPL for a child eighteen years of age or younger.

(12) In a family unit ineligible for AFDC financial assistance as a result (wholly or in part) of the collection or increased collection of child or spousal support shall be eligible for medical assistance for four months beginning with the month of ineligibility, if the family unit received AFDC financial assistance in at least three of the six months immediately preceding the month of ineligibility;

(13) In a family unit which becomes ineligible for AFDC before April 1, 1990, solely because of increased hours or increased income from employment shall remain categorically eligible for medical assistance for four calendar months beginning with the month of ineligibility, provided:

(a) The family received AFDC in at least three of the six months immediately preceding the month of ineligibility; and

(b) A member of such family continues to be employed; and

(c) The department considers earned income tax credits (EITC) as income for the purposes of this subsection.

(14) Denied AFDC cash payments solely because of a departmental recovery of an overpayment;

(15) In a medical facility and:

(a) Who would be eligible for cash assistance if the person was not institutionalized; or

(b) Is SSI categorically related and would not be eligible for cash assistance if the person was not institutionalized, and the person's gross income does not exceed the three hundred percent SSI benefit cap.

(16) Sixty-five years of age or older, a patient in an institution for mental diseases (IMD), and is resource and income eligible as described under subsection (15)(a) or (b) of this section;

(17) A person eligible for and accepting hospice services as described under WAC 388-86-047 and who shall be:

(a) SSI categorically related with gross income less than three hundred percent of the SSI Federal Benefit Rate; or

(b) AFDC categorically related.

(18) Blind or presumptively disabled under SSI criteria, as described under WAC 388-511-1105, and the person receives continuing general assistance (GA-X) cash assistance;

(19) An alien ineligible for AFDC or SSI cash assistance because of deeming of income of the alien's sponsors;

(20) Not an inmate of a public institution;

(21) Not receiving cash assistance because of special situations as defined under WAC 388-507-0740; or

(22) A client who:

(a) Was entitled to RSDI benefits in August 1972; and

(b) Is ineligible for AFDC or SSI solely because of the twenty percent increase in Social Security benefits under PL 92-336.

NEW SECTION

WAC 388-503-0320 Medically needy eligible persons.

The department shall determine as medically needy a resident of the state of Washington who meets or exceeds the medically needy income level in WAC 388-507-0710 and meets resource standards in WAC 388-507-0720 and who:

(1) Would be categorically needy as defined under WAC 388-503-0310 but has excess income and/or resources; or

(2) Is the aged, blind, or disabled ineligible spouse of an SSI beneficiary; or

(3) Is a child eighteen years of age or younger as defined under WAC 388-509-0910 who has excess income; or

(4) Is a pregnant woman the department would consider categorically needy but who has excess income. For the purposes of this subsection, the department shall increase the number in the household by the number of unborn children before comparing the pregnant woman's income to the medically needy income level in WAC 388-507-0710; and

(5) Is not an inmate of a public institution.

NEW SECTION

WAC 388-503-0350 Medical care services—GAU/ADATSA. (1) The department shall provide state-funded medical care services within the limitations set forth under these rules and regulations to any person who has been certified to receive:

(a) Continuing general assistance - unemployable (GA-U) and who has not been determined to be blind or presumptively disabled under SSI criteria; or

(b) Alcohol and drug addiction services provided under the Alcoholism and Drug Addiction Treatment and Support Act, chapter 74.50 RCW.

(2) The department shall provide medical care services to continuing general assistance clients in nursing facilities or intermediate care facilities for mentally retarded to the same extent as a client of medical assistance.

NEW SECTION

WAC 388-503-0370 Medically indigent eligible persons. For applications filed on or after July 1, 1991, the department shall determine a person eligible for the medical-indigent program when the person:

(1) Has an emergency medical condition.

(a) "Emergency medical condition" means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in serious:

(i) Jeopardy to the patient's health;

(ii) Impairment to bodily functions; or

(iii) Dysfunction of any bodily organ or part.

(b) For the purposes of this section, the department shall consider pregnancy and treatment under the Involuntary Treatment Act (ITA) as emergency medical conditions.

(2) Meets the financial eligibility, emergency medical expense and spenddown requirements under chapter 388-518 WAC; and

(3) Is not an inmate of a federal or state prison.

**Chapter 388-504 WAC
FILING A MEDICAL APPLICATION**

NEW SECTION

WAC 388-504-0405 Filing a medical application. (1) The department shall accept and process applications for medical programs as described under chapter 388-210 WAC except as specified under this section.

(2) A Washington state resident temporarily out of the state may make application to the CSO in the resident's area of the state through a person or agency acting in the client's behalf.

(3) An aged, blind, or disabled client ineligible for SSI benefits solely because of the spouse's income level shall apply for a medical program.

(4) The department shall find clients who receive continuing cash assistance eligible for a medical program without a separate application.

(5) The department shall accept applications for medical care programs without delay.

(6) The department shall provide clients with:

(a) A Civil Rights Act explanation;

(b) Fair hearing information;

(c) Early and periodic screening, diagnosis, and treatment (EPSDT) information also known as the healthy kids program, when appropriate;

(d) Family planning information, when appropriate;

(e) Special supplemental food program for women, infants and children (WIC) information, when appropriate;

(f) Managed care information, when appropriate.

NEW SECTION

WAC 388-504-0410 Authorized representative. A relative or representative may complete an application for medical programs on a client's behalf, when the client is unable to complete the application or if the client dies.

NEW SECTION

WAC 388-504-0420 Interview process. (1) The department shall complete the application process by conducting a face-to-face interview in the local community services office (CSO), unless the client:

(a) Or the client's representative requests the face-to-face interview be waived and the:

(i) Client is unable to come to the CSO; and

(ii) Client does not have a representative to complete the interview; or

(iii) Client is unable to name a representative to complete the interview; and

(iv) Department has adequate information to determine eligibility for medical programs without a face-to-face interview.

(b) Is a pregnant woman and the application is for a pregnancy-related medical program.

(c) Is a child eighteen years of age or younger and the application is for a medical program for children.

(2) When the client meets the requirements of subsection (1)(a), (b), or (c) of this section, the department may complete the application process through:

(a) A face-to-face interview in the client's home;

(b) A telephone interview; or

(c) The mail.

NEW SECTION

WAC 388-504-0430 Client's rights. A person applying for or receiving medical assistance, limited casualty programs, medical care services, or children's health services shall have the same rights as for cash assistance clients.

NEW SECTION

WAC 388-504-0440 Client's responsibilities. (1) A client shall furnish the medical care provider with a medical identification card or other adequate notification of eligibility from the department.

(2) The client shall report to the department, within twenty calendar days, any change of circumstances relating to eligibility.

NEW SECTION**WAC 388-504-0450 Department's responsibilities.**

The department shall provide a client medical care within the limitations set forth under chapters 388-529 and 388-86 WAC to any client certified eligible to receive medical care.

NEW SECTION

WAC 388-504-0460 Verification. The department shall, when determining or redetermining a client's eligibility for a medical care program, follow the same rules of verification as used for cash assistance clients as defined under chapter 388-210 WAC unless medical rules and regulations provide for an exception or exemption from cash assistance verification rules.

NEW SECTION

WAC 388-504-0470 Application disposition. (1) The department shall act on a request for medical care within:

(a) Sixty calendar days for a client requiring a disability decision;

(b) Forty-five calendar days for all other categories except a pregnant woman as described under (c) of this subsection; and

(c) Fifteen working days for a pregnant woman, including an interview within five working days if an interview is requested by the client;

(d) When applying (a), (b), or (c) of this subsection, the department shall count as day one the date following the date of application.

(2) The department shall:

(a) Act on each application as quickly as possible; and

(b) Not use the standards for timely processing of applications as a waiting period for determining eligibility.

NEW SECTION**WAC 388-504-0480 Delayed and pended application.**

When the department has acted promptly at all stages of the application process, the department may extend the time standard if the department cannot reach a timely eligibility decision because the:

(1) Client or an examining physician delays or fails to provide information or fails to take a required action; or

(2) Eligibility determination depends on out-of-state or intercity correspondence and no other verification is available to establish the eligibility factor at issue; or

(3) Eligibility determination depends on receipt of medical expense documentation as described under WAC 388-519-1930 and 388-521-2140.

NEW SECTION

WAC 388-504-0485 Approval of previously denied application. The department shall rescind a denial and approve a client's eligibility for medical care based on a previously denied application when:

(1) The client, within thirty days from the date of denial, provides additional information needed to establish eligibility; or

(2) Following this thirty day period, the client:

(a) Timely requests a fair hearing to appeal the denial; and

(b) Provides the additional information needed to establish eligibility.

(3) Following a spenddown denial, the department shall reopen and process the case when a client, more than thirty days after the denial:

(a) Presents bills sufficient to meet spenddown and shows reasonable cause for the delay in providing the bills; and

(b) Timely requests a fair hearing to appeal the denial.

(4) The department shall not deny eligibility for a medically needy program based on failure to meet spenddown until at least thirty days after the end of the base period.

**Chapter 388-505 WAC
ELIGIBILITY FACTORS
COMMON TO MEDICAL PROGRAMS**

NEW SECTION

WAC 388-505-0501 Eligibility—General. Applicants for the medical care programs administered by the department of social and health services pursuant to chapter 74.09 RCW are required to meet the eligibility criteria of chapter 388-505 WAC appropriate to the program for which the client is applying.

NEW SECTION

WAC 388-505-0505 Age. The department shall consider the age of a client to determine the appropriate category of medical program or services.

NEW SECTION

WAC 388-505-0510 Residence. (1) A client receiving medical care program benefits other than medically indigent shall be a resident of the state of Washington. A client need not be a resident of the county in which medical care is obtained.

(2) The department shall consider a client a resident if the client:

(a) Intends to remain permanently or for an indefinite period in the state; or

(b) Enters the state with a job commitment or seeks employment, whether the client is or is not currently employed.

(3) The department shall not consider a person temporarily entering the state, for the sole purpose of obtaining medical care, as a resident.

(4) The department shall consider a client's residence the state:

(a) Making a state supplemental security income (SSI) supplementary payment; or

(b) Making federal payments for foster or adoption assistance under Title IV-E of the Social Security Act; or

(c) Of residence of the parent or legal guardian, if one has been appointed, for an institutionalized minor child; or

(d) Of residence of the parent or legal guardian, if one has been appointed, for an institutionalized client twenty-one

years of age or older who became incapable of determining residential intent before twenty-one years of age; or

(e) Where a client is residing if the person becomes incapable before twenty-one years of age; or

(f) Making a placement in an out-of-state institution.

(5) The department shall determine the state of residence of a noninstitutionalized child, unless married or emancipated, following the rules under chapter 388-215 WAC.

(6) The department shall ensure married or emancipated minor children follow the rules of subsections (1), (2), (3) and (4) of this section.

(7) When two or more states cannot agree which state is the client's state of residence, the department shall require the state in which the client is physically located to be the state of residence.

NEW SECTION

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

(a) A citizen of the United States; or

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

(i) Indian blood; or

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

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

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

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

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

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

(a) Aged, blind, or disabled; or

(b) Seventeen years of age or under; or

(c) Pregnant; or

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

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

(4) For all other aliens, when such alien meets the eligibility requirements of a Medicaid program other than

citizenship or alien status requirements, the department shall provide Medicaid as follows:

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

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

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

NEW SECTION

WAC 388-505-0530 Social Security number. (1) As a condition of eligibility, each medical program client shall:

(a) Furnish the client's Social Security number; or

(b) Apply for a Social Security number if the number is unknown or has not been issued.

(2) The department shall provide Medicaid for a period of one year for a child born to a woman eligible for and receiving medical assistance on the date of the child's birth, before the department shall require an application for the child's Social Security number, if:

(a) The child remains a member of the mother's household; and

(b) The mother continues to live in Washington state.

(3) The client shall report a new Social Security number to the department within twenty days of its receipt.

(4) The department shall not deny, delay, or terminate medical care pending issuance of a Social Security number when the client meets the requirement in subsection (1)(b) of this section.

(5) When the client fails or refuses to comply with the requirement in subsection (1) of this section for each person included in the assistance unit, the department shall not determine eligibility for such person. The department shall exclude such person from the assistance unit and deny medical care for that person. See WAC 388-509-0920 for a child not eligible for a Medicaid program because the child does not have a Social Security number.

(6) The department shall assist a client in obtaining a Social Security number by:

(a) Referring the client to the nearest Social Security office; and

(b) Furnishing to the client from department records any verification requested by the Social Security Administration.

(7) A Social Security number is not a condition of eligibility for children's health program or medically indigent program.

NEW SECTION

WAC 388-505-0540 Assignment of medical support rights. (1) As a condition of eligibility for any medical program, a client shall assign to the state of Washington all right, title, and interest to any medical care support available as a result of:

(a) A court order; or

(b) An administrative agency order; or

(c) Any third-party payments for medical care.

(2) The client shall assign rights of payment to any medical care support the client may have in the client's own behalf or on the behalf of any other client for whom the client can legally assign such rights.

(3) As assignee of the eligible client's right to receive medical support payments, the department may sign coordination of benefit forms or other forms, as necessary, to ensure the efficient and proper payment of medical care support.

NEW SECTION

WAC 388-505-0560 Cooperation in securing medical support. (1) As a condition of eligibility for Medicaid, the department shall require a client, unless pregnant, or a child under one year of age and automatically eligible for medical assistance, or a client for whom there is a finding of good cause, to cooperate with the department in:

(a) Obtaining medical support, as defined under WAC 388-11-011, for the client or for any other client other than an unborn for whom the client can legally assign rights; and

(b) Identifying and providing information to assist the department in pursuing any liable third party; and

(c) Establishing paternity of the client's child.

(2) The department shall require a Medicaid client to cooperate as described under WAC 388-14-200 (2)(a), (b), (c), (3), (4), (5), (6), (7), (8), (9), and (16) unless:

(a) The client is pregnant; or

(b) Good cause is found as described under WAC 388-215-1410 through 388-215-1490.

(3) The department shall waive such client's cooperation requirements if the department finds the client has good cause for noncooperation under WAC 388-505-0570.

(4) Unless the department finds good cause for noncooperation under WAC 388-215-1410 through 388-215-1490 or WAC 388-505-0570, the department shall find the client, who refuses to cooperate under subsection (1) of this section, ineligible to receive Medicaid.

(5) The department shall provide Medicaid to an otherwise eligible client when the person having the legal authority to cooperate on behalf of the client refuses such cooperation.

(6) Effective March 1, 1991, the department shall not establish an obligation to collect a client's birth costs that are:

(a) Paid or expected to be paid by the department; and

(b) Defined under WAC 388-11-011.

(7) The department may seek reimbursement of a client's birth costs covered by available insurance or other liable third party.

NEW SECTION

WAC 388-505-0570 Good cause for noncooperation—Medical care support. (1) The department shall waive the cooperation requirement under WAC 388-505-0560(1), if the client claims and the department determines cooperation is not in the best interest of the:

(a) Medical care client for whom assignment is made; or

(b) Person responsible for cooperating.

(2) The department shall inform a client of the right to claim good cause for not cooperating.

(3) The department shall make a final determination of the existence of good cause using the time limits and exceptions described under WAC 388-504-0470.

(4) The department shall find good cause if the cooperation is not in the best interest of the client or the person responsible for cooperating. Circumstances constituting good cause for noncooperation include, but are not limited to:

(a) Anticipated or actual physical harm or an emotional impairment substantially affecting the ability to function of the:

(i) Medical care client for whom assignment is made; or

(ii) Person responsible for cooperating;

(b) Rape or incest resulting in the conception of a person for whom support is sought;

(c) Legal proceedings for adoption are pending;

(d) Active consideration of placement of the child for adoption; or

(e) A department finding of good cause for an AFDC client, for not cooperating under WAC 388-215-1440 in establishing paternity for a child or a medical care support resource.

(5) The department shall not deny, delay, or discontinue medical assistance pending a determination of good cause for a client refusing to cooperate.

(6) At each reapplication or eligibility evaluation, the department shall review all cases in which the department found good cause for refusing to cooperate. If good cause no longer exists, the department shall rescind the decision and require cooperation by the client.

(7) When the department determines good cause does not exist, the department shall:

(a) Notify the client, in writing, and provide the client the opportunity to:

(i) Cooperate;

(ii) Have the case closed; or

(iii) Request a fair hearing; and

(b) Terminate medical assistance if the client refuses to cooperate under WAC 388-505-0560.

NEW SECTION

WAC 388-505-0580 Resources. (1) To be eligible for a medical care program, a person's resources shall not exceed the specified limits of the appropriate eligibility standards for the appropriate medical care programs.

(2) The department shall consider resources available when the client or spouse:

(a) Owns the resource; and

(b) Has the authority to convert the resource to cash; and

(c) Is not legally restricted from using the resource for the person's support and maintenance.

(3) The department shall exempt noncash resources when the client:

(a) Applies for categorically needy or medically needy medical assistance; and

(b) Cannot convert the noncash resource to cash within twenty work days; and

(c) Makes an ongoing attempt to convert the noncash resources to cash.

(4) The department shall consider the availability of a sales contract under WAC 388-511-1160(2) for an SSI-related client.

NEW SECTION

WAC 388-505-0590 Income. (1) For continuing cash assistance clients the department shall find a person eligible for medical care programs without a separate eligibility determination.

(2) For a noncash assistance medical client, the department shall determine countable income according to AFDC or SSI methodology; except, the department shall:

(a) Consider the financial responsibility of relatives as described under WAC 388-506-0610 and 388-506-0620, and the financial responsibility of an alien sponsor under WAC 388-510-1030;

(b) Require a client to take all necessary steps to obtain any annuities, pensions, retirement, and disability benefits to which a client is entitled, unless the client can show good cause for not doing so. The client's annuities, pension, retirement, and disability benefits include, but are not limited to, veteran's compensation and pensions, OASDI benefits, railroad retirement benefits, and unemployment compensation;

(c) Allow child care expenses the client pays as an income deduction;

(d) Exempt earned income tax credit refunds and payments, received on or after January 1, 1991, during the month of receipt and the following month; and

(e) Consider trusts as described under WAC 388-505-0595.

(3) For an SSI-related client, the department shall determine countable income using SSI methodology except:

(a) Exclude lump sum payments as described under WAC 388-511-1160;

(b) Consider the principal and interest payment from a sales or real estate contract as described under WAC 388-511-1160 (2)(a) as unearned income;

(c) Consider the interest payment from a sales or real estate contract as described under WAC 388-511-1160 (2)(b) as unearned income.

(4) For a noncash AFDC assistance medical client, the department shall determine countable income according to AFDC methodology; except, the department shall:

(a) Budget income prospectively as defined under WAC 388-218-1900;

(b) Not use mandatory monthly income reporting;

(c) Consider the AFDC earned income exemption except as limited under WAC 388-507-0740.

NEW SECTION

WAC 388-505-0595 Trusts. (1) For the purposes of this section, the department shall ensure a trust includes any legal instrument similar to a trust.

(2) The department shall ensure this section shall not apply to any trust or initial trust decree established:

(a) On or before April 6, 1986; and

(b) Solely for the benefit of a client who lives in an intermediate care facility for the mentally retarded (ICFMR).

(3) For trusts established on or before August 10, 1993, the department shall:

(a) Determine if the trust is established by the client, client's spouse, or the legal guardian for a client under which:

(i) The client may be the beneficiary of all or part of the payments from the trust;

(ii) The distribution of such payments is determined by one or more of the trustees; and

(iii) The trustees are permitted to use discretion with respect to the distribution of payments to the client;

(b) Consider available to the client the greatest amount of payments permitted to be distributed under the terms of the trust when the conditions defined under (a) of this subsection exist;

(c) Apply (b) of this subsection whether or not:

(i) The trust:

(A) Is irrevocable; or

(B) Is established for purposes other than to establish eligibility for medical assistance;

(ii) The trustees actually use the discretion permitted by the trust.

(d) For an irrevocable trust not meeting the description under (a) of this subsection, consider:

(i) The trust as an unavailable resource when the client establishes the trust for a beneficiary other than the client or the client's spouse;

(ii) As an available resource the amount of the trust's assets:

(A) The client may access; or

(B) The trustee of the trust distributes as actual payments to the client.

(iii) Referencing WAC 388-513-1365 for regulations concerning the transfer of assets;

(e) For a revocable trust, consider:

(i) The full amount of the trust as an available resource of the client when the trust is established by:

(A) The client;

(B) The client's spouse and the client lives with the spouse;

(C) A person other than the client or the client's spouse only to the extent the client has access to the assets of the trust.

(ii) Only the amounts paid to the client from the trust as an available resource when the trust is established by:

(A) The client's spouse and the client does not live with the spouse; or

(B) A person other than the client or the client's spouse and payments are distributed by a trustee of the trust.

(f) Not consider client withdrawal of funds from a trust as described under (e) of this subsection as income;

(g) Waive the requirements of this subsection (3) if undue hardship exists. Undue hardship includes but is not limited to situations in which:

(i) The trustee refused to disburse the funds from the trust and the client has filed and is actively pursuing litigation to require the trustee to disburse said funds; or

(ii) The client would be forced to go without life sustaining services because trust funds are not made available to pay for the services.

(4) For trusts established on or after August 11, 1993, the department shall follow subsection (3) of this section to determine eligibility for medical services received on or before September 30, 1993.

(5) For trusts established on or after August 11, 1993, the department shall follow subsections (6) through (14) of

this section to determine eligibility for medical services received on or after October 1, 1993.

(6) The department shall consider a trust established by the client when:

(a) All or part of the assets, as defined under WAC 388-513-1365, of the trust were from the client; and

(b) The trust was established, other than by will, by:

(i) The client or the client's spouse;

(ii) A person, including a court or administrative body, with legal authority to act in place of, or on behalf of, the client or the client's spouse; or

(iii) A person, including a court or administrative body, acting at the direction of or upon the request of the client or the client's spouse.

(7) The department shall consider available to the client only the assets contributed to the trust by the client when part of the trust assets were contributed by any other person.

(8) The department shall not consider:

(a) The purposes for which a trust is established;

(b) Whether the trustees have or exercise any discretion under the terms of the trust;

(c) Restrictions on when or whether distributions may be made from the trust; or

(d) Restrictions on the use of distributions from the trust.

(9) For a revocable trust established as described under subsection (6) of this section, the department shall consider:

(a) The full amount of a revocable trust as an available resource of the client;

(b) Payments from the trust to or for the benefit of the client as income of the client; and

(c) Any payments from the trust other than payments described under (b) of this subsection as a transfer of client assets.

(10) For an irrevocable trust established as described under subsection (6) of this section, the department shall consider:

(a) As an available resource to the client, the portions of a trust or the income from the trust from which payment can be made to or for the benefit of the client. When payment is made from such irrevocable trust, the department shall consider such payments as:

(i) Income to the client when payment is to or for the client's benefit; or

(ii) The transfer of an asset when payment is made to any person for any purpose other than the client's benefit;

(b) As a transfer of assets, a trust from which a payment cannot be made to or for the client's benefit. For such trust the department shall find:

(i) The transfer of assets is effective the date:

(A) Of the establishment of the trust; or

(B) On which payment to the client is precluded, if later;

(ii) The value of the trust includes any payments made from the trust after the effective date of the transfer.

(11) For a revocable or irrevocable trust established by persons or with funds other than as described under subsection (6) of this section, the department shall consider such trust under subsection (3)(e) of this section.

(12) The department shall not follow subsections (6) through (11) of this section for a trust containing the assets of a person:

(a) Sixty-four years of age and younger who is disabled as defined by SSI criterion and the trust:

(i) Is established for the benefit of such person by such person's parent, grandparent, legal guardian, or a court; and

(ii) Stipulates that the state will receive all amounts remaining in the trust upon the death of the client up to the amount of Medicaid expended on the client's behalf.

(b) Regardless of age, who is disabled as defined by SSI criteria and the trust:

(i) Is managed by a nonprofit association which:

(A) Maintains separate accounts for each trust beneficiary; and

(B) May pool such separate accounts only for investment and fund management purposes.

(ii) Stipulates that the state will receive all amounts remaining in the client's trust account upon the death of the client up to the amount of Medicaid expended on the client's behalf.

(13) The department shall waive the application of this section if the client establishes undue hardship exists. Undue hardship includes, but is not limited to, situations where the client would be forced to go without life sustaining services.

(14) See WAC 388-513-1365 for trusts the department determines is a transfer of assets under this section.

Chapter 388-506 WAC

MEDICAL FINANCIAL RESPONSIBILITY

NEW SECTION

WAC 388-506-0610 AFDC related medical programs. (1) When determining eligibility for medical programs, the department shall consider:

(a) The family unit living in the same household as including all family members when determining program relationship;

(b) A relative financially responsible only as follows:

(i) The natural or adoptive parent or stepparent to a child eighteen years of age or younger living in the same household; and

(ii) Spouse to spouse living in the same household.

(c) As a separate medical assistance unit (MAU) the following family member living in the same household, when all family members are not eligible for a categorically needy medical care program:

(i) A child with countable income or resources;

(ii) A child in common of unmarried parents;

(iii) Each unmarried parent of a child in common with such parent's separate children, if any; or

(iv) A nonresponsible caretaker relative.

(d) Categorically related family members, other than those described under (c) of this subsection, in the same MAU; and

(e) A pregnant minor as not living in the same household as her parent regardless of whether she lives with her parent. See subsections (4)(b) and (5)(b) of this section.

(2) The department shall consider income and resources jointly for spouses and spouses' children living in the same household unless the exceptions in subsection (1)(c) of this section are met. See WAC 388-506-0620 for the financial responsibility requirements for SSI-related clients.

(3) When determining eligibility for medical care, the department shall not consider the countable income or resources of a child available to any person other than the child.

(4) The department shall consider the income of a parent of a child eighteen years of age or younger:

(a) Living in the same household, available to the child whether or not actually contributed. The department shall:

(i) Allow a parent one hundred percent of the Federal Poverty Level (FPL) for the parent and other members of the parent's MAU; and

(ii) Allocate income in excess of one hundred percent of the FPL on a prorated basis to all children eighteen years of age or younger in separate MAUs for whom the parent is financially responsible.

(b) Not living in the same household, only to the extent the parent's income is actually contributed to the child.

(5) The department shall consider the resources of a parent of a child eighteen years of age or younger:

(a) Living in the same household, available to the child whether or not actually contributed. The department shall ensure a parent's countable resources are:

(i) Prorated; and

(ii) Allocated in equal shares to:

(A) The parent; and

(B) Each person for whom the parent is financially responsible.

(b) Not living in the same household, only to the extent the parent's resources are actually contributed to the child.

(6) When determining medical care eligibility, the department shall not consider available, unless actually contributed to the client, the income and resources of a:

(a) Stepparent not legally liable for support of the stepchildren;

(b) Legal guardian other than the parent of the client;

(c) Caretaker other than the parent of the client;

(d) Alien sponsor;

(e) Sibling or child of the client; or

(f) Spouse not living in the same household as the client.

(7) The department shall determine each MAU's medical care eligibility using:

(a) The MAU's countable income and resources;

(b) Household size for the number of persons in the MAU; and

(c) The income and resource standards that apply to the household size equal to the number of persons in the MAU.

(8) For each separate MAU, the department shall exempt one vehicle as described under WAC 388-216-2650.

(9) When the household contains an SSI-related family member who is ineligible for AFDC-related categorically needy Medicaid because of income or resources, that member shall be removed from the MAU and placed in a separate CAU. The department shall determine eligibility for the remaining members of the MAU without consideration of the income or resources of the SSI-related client. The department shall determine eligibility of the SSI-related member using SSI-related income and resource rules.

NEW SECTION

WAC 388-506-0620 SSI-related medical clients. (1) When determining program eligibility for medical care, the department shall limit relative financial responsibility from:

(a) The natural or adoptive parent or stepparent to a child seventeen years of age or younger living in the same household; and

(b) Spouse to spouse living in the same household.

(2) The department shall consider income and resources jointly for spouses when both spouses are SSI-related and live in the same household.

(3) The department shall consider income and resources for an institutionalized:

(a) Child as described under WAC 388-513-1315(6); or

(b) Spouse as described under WAC 388-513-1330 and 388-513-1350.

(4) The department shall consider the income and resources of spouses as available to each other through the month in which the spouses stopped living together. See WAC 388-513-1330 and 388-513-1350 when a spouse is institutionalized.

(5) The department shall follow WAC 388-515-1505, 388-515-1510, or 388-515-1530 when one or both spouses are receiving community options program entry system (COPEs), community alternatives program (CAP), outward bound residential alternatives (OBRA), or coordinated community aids service alternatives (CASA) waived service program.

(6) The department shall allow a community spouse applying for medically needy a spousal deduction equal to the one-person medically needy income level (MNIL) less the spouse's income when:

(a) The community spouse is living in the same household as the spouse; and

(b) The spouse is receiving home-based and community-based services.

(7) The department shall consider income and resources separately as of the first day of the month following the month of separation when spouses stop living together because of placement into a congregate care facility (CCF), adult family home (AFH), adult residential rehabilitation center/adult residential treatment facility (ARRC/ARTF), or division of developmental disability-group home (DDD-GH) facility when:

(a) Only one spouse enters the facility;

(b) Both spouses enter the same facility but have separate rooms; or

(c) Both spouses enter separate facilities.

(8) The department shall consider income and resources jointly when spouses are placed in a CCF, AFH, ARRC/ARTF, or DDD-GH facility and share a room.

NEW SECTION

WAC 388-506-0630 SSI-related income deeming. (1) At the client's option, the department shall consider an SSI-related person, living with a spouse or parent who is ineligible for SSI, as a separate MAU. The department shall deem income from a financially responsible spouse or parent to the SSI-related person as follows when determining:

(a) Categorically needy or medically needy eligibility for an SSI-related child. The department shall consider the

income of the parents available to the SSI-related child except for:

(i) Income exemptions under WAC 388-511-1140, including the twenty dollar deduction and the sixty-five dollars plus one-half of the balance earned income deduction; and

(ii) A child's allowance for each SSI-ineligible child equal to one-half of the Federal Benefit Rate (FBR) minus any income of that child; and

(iii) A parent's allowance equal to:

(A) One-person FBR for a single parent; or

(B) Two-person FBR for two parents.

(b) Categorically needy Medicaid for an SSI-related spouse. The department shall:

(i) Allow the financially responsible spouse the income exemptions under WAC 388-511-1140 except the:

(A) Twenty dollars deduction; and

(B) Sixty-five dollars plus one-half earned income deduction.

(ii) Deduct from the financially responsible spouse's income, a child's allowance for each SSI ineligible child equal to one-half of the FBR minus any income of that child;

(iii) Deem from the financially responsible spouse:

(A) Zero income when the financially responsible spouse's income equals or is less than one-half of the FBR after allowing the income deductions in (b)(i) and (ii) of this subsection; or

(B) All the financially responsible spouse's income when the income exceeds one-half of the FBR after allowing the income deductions in (b)(i) and (ii) of this subsection.

(c) Medically needy Medicaid for an SSI-related spouse. The department shall:

(i) Allow the financially responsible spouse the income deductions in (b)(i) and (ii) of this subsection;

(ii) Deem from the financially responsible spouse:

(A) Zero income when the financially responsible spouse's income equals or is less than the one-person medically needy income level (MNIL) after allowing the income deductions in (b)(i) and (ii) of this subsection;

(B) The financially responsible spouse's income above the MNIL after allowing the income deductions in (b)(i) and (ii) of this subsection;

(iii) From the SSI-related spouse's income, allow an amount needed to bring the financially responsible spouse's income up to the MNIL.

(2) The department shall consider a person eligible for Medicaid when the person is ineligible for SSI cash assistance because of income or resources deemed available from an alien sponsor.

Chapter 388-507 WAC AFDC-RELATED MEDICAL ELIGIBILITY

NEW SECTION

WAC 388-507-0710 AFDC-related medical income standards. (1) The department shall determine income standards for AFDC-related clients as described under WAC 388-505-0590 (2) and (4).

(2) Effective January 1, 1993, the department shall set the medically needy income level (MNIL) at:

(a) One person	\$ 467
(b) Two persons	\$ 592
(c) Three persons	\$ 667
(d) Four persons	\$ 742
(e) Five persons	\$ 858
(f) Six persons	\$ 975
(g) Seven persons	\$1,125
(h) Eight persons	\$1,242
(i) Nine persons	\$1,358
(j) Ten persons and above	\$1,483

NEW SECTION

WAC 388-507-0720 Resource standards. (1) The department shall ensure the total value of nonexempt resources will not exceed:

- (a) Two thousand dollars for a single person; or
- (b) Three thousand dollars for a married couple;
- (c) Fifty dollars for each additional family member.

(2) For regulations on transfer of resources:

(a) For a client who is not institutionalized, see WAC 388-507-0740; or

(b) For an institutionalized client, see WAC 388-513-1365.

(3) The department shall deny or terminate eligibility for the categorically needy or medically needy programs when a family unit's nonexempt resources are in excess of subsection (1) of this section. See WAC 388-522-2205(1) regarding redetermination of medical program eligibility.

NEW SECTION

WAC 388-507-0730 Resource availability. (1) The department shall consider resources:

(a) Available as described under WAC 388-505-0580;

(b) For SSI-related medically needy, according to chapter 388-511 WAC;

(c) For AFDC-related medically needy as in determining AFDC financial eligibility except for sales contracts which are considered exempt resources, unless transferred and resources under WAC 388-216-2600.

(2) For households with more than one assistance unit, the department shall consider resources for each assistance unit according to the related program.

(3) The department shall consider only resources available during the period for which income is computed.

NEW SECTION

WAC 388-507-0740 Special situations. (1) The department shall not allow the AFDC thirty dollars plus one-third earned income exemption for clients applying solely for medical assistance, unless the conditions under subsection (2) of this section apply.

(2) The department shall allow the exemption in subsection (1) of this section when the family has:

(a) Received AFDC cash assistance in one of the four preceding months; and

(b) Not already received the exemption for a maximum of four consecutive months; or

(c) Already received the exemption for the maximum period, but has subsequently not received AFDC cash assistance for at least twelve consecutive months.

(3) The department shall consider an AFDC client terminated from cash assistance as eligible for Medicaid when termination was solely due to an AFDC client:

(a) Ceasing to attend school; or

(b) Refusing to participate in the job opportunities and basic skills (JOBS) training program.

(4) The department shall not consider the transfer of a resource when determining Medicaid eligibility for a person who is not institutionalized. For an institutionalized client, refer to WAC 388-513-1365.

Chapter 388-508 WAC PREGNANT WOMEN MEDICAL ELIGIBILITY

NEW SECTION

WAC 388-508-0805 Pregnant woman—Income standards. (1) The department shall find a pregnant woman eligible for Medicaid as categorically needy when the pregnant woman meets the income requirements of this section.

(2) The department shall ensure total family income will not exceed one hundred eighty-five percent of the Federal Poverty Level (FPL). One hundred eighty-five percent of the current FPL is:

Family Size	Monthly Income
(a) One	\$1,135
(b) Two	\$1,517
(c) Three	\$1,900
(d) Four	\$2,282
(e) Five	\$2,664
(f) Six	\$3,047
(g) Seven	\$3,429
(h) Eight	\$3,811

(i) For family units with nine members or more, add \$383 to the monthly income for each additional member.

NEW SECTION

WAC 388-508-0810 Pregnant woman—Resource standards. The department shall not consider resources in determining a pregnant woman's eligibility.

NEW SECTION

WAC 388-508-0820 Pregnant woman—Eligibility.

(1) The department shall find a verifiably pregnant woman eligible for Medicaid as categorically needy when the pregnant woman meets:

(a) The income requirements under WAC 388-508-0805; and

(b) Social Security number and residence requirements under chapter 388-505 WAC.

(2) The department shall determine family income according to AFDC methodology, except the department shall:

(a) Exclude the income of the unmarried father of the unborn unless the income is actually contributed; and

(b) Determine eligibility as if the unborn is born.

(3) The department shall consider the provisions of WAC 388-506-0610 (1)(e) in determining countable income for a pregnant minor.

(4) The department shall exempt a pregnant, undocumented alien woman from citizenship, alien status and Social Security number requirements.

NEW SECTION

WAC 388-508-0830 Pregnant woman—Postpregnancy continuation of eligibility. The department shall continue Medicaid eligibility for a woman who was eligible for and received Medicaid on the last day of pregnancy through the end of the month which includes the sixtieth day from the day the pregnancy ends.

NEW SECTION

WAC 388-508-0835 Postpregnancy family planning extension. A woman eligible for medical care from the department during her pregnancy shall continue to be eligible for family planning services until the end of the twelfth month following the date the pregnancy ends.

NEW SECTION

WAC 388-508-0840 Pregnant woman—Change of circumstances. The department shall require changes in family income not affect medical eligibility for the pregnant woman:

(1) Once the department determines a pregnant woman eligible for Medicaid; or

(2) If, at any time while eligible for and receiving medical assistance, a pregnant woman meets the eligibility requirements for Medicaid.

Chapter 388-509 WAC CHILDREN'S MEDICAL ELIGIBILITY

NEW SECTION

WAC 388-509-0905 Medicaid for infants and newborns. The department shall:

(1) Determine an infant under one year of age eligible as categorically needy when the infant:

(a) Is born to a woman eligible for and receiving medical assistance on the date of the infant's birth; and

(b) Remains a member of the mother's household.

(2) Not consider citizenship, Social Security number requirements, income, or resource requirements for infants under this chapter.

NEW SECTION

WAC 388-509-0910 Medicaid for children—Eligible to nineteen years of age. The department shall find a child eighteen years of age or younger eligible for Medicaid when the child meets:

(1) Citizenship, residence, and Social Security number requirements under chapter 388-505 WAC; and

(2) Income requirements corresponding to the age level of the child under WAC 388-509-0960 (1), (2), and (3).

NEW SECTION

WAC 388-509-0920 Children's health program. (1)

The department shall consider a child seventeen years of age or younger, eligible for state-funded medical services with the same coverage as categorically needy, when:

(a) The child is not eligible for a federally-funded Medicaid program; and

(b) The child's nonexempt family income does not exceed one hundred percent of the current FPL. See income guidelines as described under WAC 388-509-0960(3).

(2) The department shall determine nonexempt family income by:

(a) Following AFDC methodology; and

(b) Applying the medical income rules as described under WAC 388-506-0610.

(3) The department shall not require a child to meet the following eligibility factors:

(a) Citizenship;

(b) Social Security number; or

(c) Resources limits.

NEW SECTION

WAC 388-509-0940 Children's resource standards.

The department shall not consider resources when determining eligibility of a child eighteen years of age or younger.

NEW SECTION

WAC 388-509-0960 Children's income standards.

The department shall determine:

(1) An infant under one year of age eligible as categorically needy when the infant is a member of a family whose total family countable income does not exceed one hundred eighty-five percent of the current federal poverty level (FPL). See income guidelines as described under WAC 388-508-0805.

(2) A child one year of age, but under six years of age, eligible as categorically needy when the total family countable income does not exceed one hundred thirty-three percent of the FPL. One hundred thirty-three percent of the current FPL is:

Family Size	Monthly Income
(a) One	\$ 816
(b) Two	\$1,091
(c) Three	\$1,366
(d) Four	\$1,641
(e) Five	\$1,916
(f) Six	\$2,191
(g) Seven	\$2,465
(h) Eight	\$2,740

(i) For family units with more than eight members, add \$275 to the monthly income for each additional member.

(3) A child eighteen years of age or younger eligible as categorically needy when the total family countable income does not exceed one hundred percent of FPL. One hundred percent of the current FPL is:

Family Size	Monthly Income
(a) One	\$ 614

(b) Two	\$ 820
(c) Three	\$1,027
(d) Four	\$1,234
(e) Five	\$1,440
(f) Six	\$1,647
(g) Seven	\$1,854
(h) Eight	\$2,060

(i) For family units with more than eight members, add \$207 to the monthly income for each additional member.

NEW SECTION

WAC 388-509-0970 Closing dates. (1) A child shall remain eligible under this section until the later of the end of the month:

(a) Of the child's birthday that exceeds the age requirement; or

(b) In which the child receives inpatient services if:

(i) The child is receiving inpatient services on the last day of the month of the child's birthday that exceeds the age requirement; and

(ii) The stay for inpatient services continues into the following month or months; and

(iii) Except for the age requirement, the child would be eligible for medical care under this section.

(2) A child eligible for the children's health program under WAC 388-509-0920 if pregnant, shall remain eligible:

(a) Regardless of changes in family income; and

(b) Through the end of the month including the sixtieth day from the day the pregnancy ends.

**Chapter 388-510 WAC
ALIEN MEDICAL ELIGIBILITY**

NEW SECTION

WAC 388-510-1020 Alien—Eligibility. The department shall provide Medicaid to an otherwise eligible person who meets the criteria as described under WAC 388-505-0520.

NEW SECTION

WAC 388-510-1030 Alien—Deeming. The department shall not consider income and resources from an alien sponsor who is not a member of the assistance unit unless actually contributed by the alien sponsor available to the alien assistance unit.

**Chapter 388-511 WAC
SSI RELATED MEDICAL ELIGIBILITY**

NEW SECTION

WAC 388-511-1105 SSI-related eligibility requirements. (1) For the purposes of SSI-related medical assistance, the client shall be:

(a) Sixty-five years of age or over; or

(b) Blind with:

(i) Central visual acuity of 20.200 degrees or less in the better eye with the use of a correcting lens; or

(ii) A limitation in the fields of vision so the widest diameter of the visual field subtends an angle no greater than twenty degrees; or

(c) Disabled.

(i) Decisions on SSI-related disability are the responsibility of the medical assistance administration (MAA) and shall be subject to the authority of:

(A) Federal statutes and regulations codified at 42 U.S.C. Sec 1382c and 20 C.F.R. Parts 404 and 416, as amended; or

(B) Controlling federal court decisions which define the OASDI and SSI disability standard and determination process.

(ii) For MAA's purposes, disabled means unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which:

(A) Can be expected to result in death; or

(B) Has lasted or can be expected to last for a continuous period of not less than twelve months.

(iii) In the case of a child seventeen years of age or younger, if the child suffers from any medically determinable physical or mental impairment of comparable severity.

(2) When a person has applied for Title II or Title XVI benefits and the SSA has denied the person's application solely because of a failure to meet Title II and Title XVI blindness or disability criteria, the SSA denial shall be binding on the department, unless the applicant's:

(a) SSA denial is under appeals in the reconsideration stage, the SSA's administrative hearing process, or the SSA's appeals council; or

(b) Medical condition has changed since the SSA denial was issued.

(3) The ineligible spouse of an SSI beneficiary receiving a state supplement payment for the ineligible spouse shall not be eligible for Medicaid as categorically needy. Such ineligible spouse may be eligible for medically needy.

(4) The client shall be resource eligible under WAC 388-511-1110 on the first day of the month to be eligible for any day or days of that month. The department shall make a resource determination of the first moment of the first day of the month. The department shall determine changes in the amount of a client's countable resources during a month do not affect eligibility or ineligibility for that month.

(5) The department shall consider a client under 1619(b) of the Social Security Act as eligible for SSI.

(6) The department shall provide a resident of Washington requiring medical assistance outside the United States care according to WAC 388-501-0180.

NEW SECTION

WAC 388-511-1110 SSI-related resource standards.

The department shall establish the resource limit for a:

- (1) Single person shall be two thousand dollars; and
- (2) Couple shall be three thousand dollars.

NEW SECTION

WAC 388-511-1115 SSI-related income standards.

The department shall use:

(1) The state supplement standard for a single person as the monthly standard for an SSI-related person under WAC 388-250-1700;

(2) The state supplement standard for a couple as the monthly standard for SSI-related couples who are both applying as described under WAC 388-250-1700. See WAC 388-506-0630 when one spouse of a couple is applying;

(3) The monthly standard in WAC 388-507-0710(2) for an SSI-related client eligible for medically needy; and

(4) See WAC 388-513-1300 for an institutionalized client.

NEW SECTION

WAC 388-511-1130 SSI-related income availability.

The department shall:

(1) Consider client checks received in advance of the month the checks are normally received as income in the month of normal receipt;

(2) Consider electronically transferred client funds available as income in the month of normal receipt, regardless of whether the banking institution posted the funds to the client's bank account before or after the month the funds are payable;

(3) Include as earned income the earned income amounts withheld due to garnishment. See WAC 388-511-1140(4) for garnishment of unearned income; and

(4) As a condition of eligibility, require a client to take all necessary steps to obtain any annuities, pensions, retirement, and disability benefits to which the client is entitled, unless the client can show good cause for not doing so. Annuities, pensions, retirement, and disability benefits include, but are not limited to, veteran's compensation and pensions, OASDI benefits, railroad retirement benefits, and unemployment compensation.

NEW SECTION

WAC 388-511-1140 SSI-related income exemptions.

(1) The department shall exempt:

(a) Any public agency's refund of taxes paid on real property or on food;

(b) State public assistance and supplemental security income (SSI) based on financial need;

(c) Any portion of a grant, scholarship, or fellowship used to pay tuition, fees, or other necessary educational expense at an educational institution;

(d) Income that a client does not reasonably anticipate, or receives infrequently or irregularly, when such income does not exceed twenty dollars per month if unearned, or ten dollars per month if earned;

(e) Any amount a client receives for the foster care of a child who lives in the same household, if the child is not SSI-eligible and was placed in such home by a public or nonprofit child placement or child care agency;

(f) One-third of any payment for child support a parent receives from an absent parent for a minor child who is not institutionalized;

(g) The first twenty dollars per month of earned or unearned income, not otherwise excluded in subsection (1)(a) through (f) of this section, for a client at home. The department shall consider the exemption only once for a husband and wife. The department shall not apply such

exemption on income paid on the basis of an eligible person's needs, which is totally or partially funded by the federal government or a private agency;

(h) Tax exempt payments Alaska natives receive under the Alaska Native Claims Settlement Act;

(i) Tax rebates or special payments exempted under other statutes;

(j) Compensation provided to volunteers in ACTION programs established by P.L. 93-113, the Domestic Volunteer Service Act of 1973;

(k) From the income of a single SSI-related parent or a married SSI-related parent whose spouse does not have income, an amount to meet the needs of an ineligible minor child living in the household of SSI-related parent. See WAC 388-506-0630 when the SSI-related client has a spouse with income. The exemption is one-half of the one-person Federal Benefit Rate (FBR) less any income of the child;

(l) Veteran's benefits designated for the veteran's:

(i) Dependent; or

(ii) Aid and attendance/housebound allowance and unusual medical expense allowance (UME). For an institutionalized client, see WAC 388-513-1345;

(m) Title II Social Security Administration benefits. The department shall:

(i) Determine current client eligibility for categorically needy medical assistance under WAC 388-503-0310(4), including all Title II cost-of-living adjustment (COLA) benefit increases received by the:

(A) Client since termination from SSI/SSP; or

(B) Client's spouse and/or other financially responsible family member living in the same household during the time period under (m)(i) of this subsection; and

(ii) Consider the total of the COLA benefit increases and the Title II Social Security Administration benefits in computing the client's participation in the cost of the institutionalized client's care;

(n) A fee a guardian charges as reimbursement for providing services, when such guardianship services are a requirement for the client to receive payment of the income;

(o) Income an ineligible or nonapplying spouse receives from a governmental agency for services provided to an eligible client such as chore services;

(p) Certain cash payments a client receives from a governmental or nongovernmental medical or social service agency to pay for medical or social services;

(q) Restitution payment to a civilian of Japanese or Aleut ancestry under P.L. 100-383 and any interest earned from such payment;

(r) The amount of the expenses directly related to a client's impairment that allows the permanently and totally disabled client to continue to work;

(s) The amount of the blindness-related work expenses of a blind client;

(t) Interest earned on excluded burial funds and any appreciation in the value of an excluded burial arrangement which are left to accumulate and become part of the separately identified burial funds set aside on or after November 1, 1982;

(u) Earned income tax credit (EITC);

(v) Crime victim's compensation funds;

(w) Agent Orange Settlement Fund or any other funds established to settle Agent Orange liability claims under P.L. 101-201;

(x) Payments to certain survivors of the Holocaust under the Federal Republic of Germany's Law for Compensation of National Socialist Persecution or German Restitution Act. Interest earned on this income is not exempt;

(y) Payments to the injured person, the surviving spouse, children, grandchildren, or grandparents under the Radiation Exposure Compensation Act; and

(z) Payments under section 500 through 506 of the Austrian General Social Insurance Act. The department shall consider the earned interest from such payments as countable income.

(2) Unless income is contributed to the client, the department shall exempt all earned income of an ineligible or nonapplying person twenty years of age and under who is a student regularly attending a school, college, university, or pursuing a vocational or technical training designed to prepare the student for gainful employment.

(3) For the SSI-related client, the department shall exempt the first sixty-five dollars per month of earned income not excluded according to subsection (1) of this section, plus one-half of the remainder.

(4) The department shall exempt as income the unearned income amounts withheld due to garnishment under a court, administrative, or agency order.

NEW SECTION

WAC 388-511-1150 SSI-related resource availability. In establishing eligibility for medical assistance, the department shall consider resources as described under WAC 388-505-0580.

NEW SECTION

WAC 388-511-1160 SSI-related resource exemptions. (1) The department shall exempt the following resources in determining eligibility for medical care programs:

(a) Home;

(i) "Home" means any shelter:

(A) In which a client has ownership interest; and

(B) The client uses as the principal place of residence.

The department shall only consider one home as the client's principal place of residence.

(ii) The client's absence from the home shall not affect the home exemption. The client's home shall remain the principal place of residence as long as:

(A) The client intends to return home. The department shall accept the client's statement of intent without challenge; or

(B) A client's spouse or dependent relative uses the home during the client's absence. The department shall:

(I) Consider a person a dependent relative when such a person is either financially or medically dependent on the client; and

(II) Accept the client's or dependent relative's written statement of dependency or relationship unless the department has reason to question such statement.

(iii) The department shall exempt the proceeds from the sale of the home providing the client uses the proceeds to purchase another home within three months of the receipt of

the proceeds. Proceeds include real estate contracts, or any similar home financing arrangements, and the income produced.

(iv) The department shall evaluate transfers of the home by an institutional client or client's spouse under WAC 388-513-1365;

(b) Household goods and personal effects;

(c) Vehicle; the department shall:

(i) Exempt one vehicle regardless of its value if, for the client or a member of the client's household, the vehicle is:

(A) Necessary for employment; or

(B) Necessary for the treatment of a specific or regular medical problem; or

(C) Modified for operation by, or transportation of, a handicapped person; or

(D) Necessary due to climate, terrain, distance, or similar factors to provide the client transportation to perform essential daily activities;

(ii) Exempt one of the client's vehicles to the extent its current market value does not exceed four thousand five hundred dollars;

(iii) Count any excess against the resource limit;

(iv) Exempt a vehicle under this subsection only if a vehicle is not exempt under (c)(i) of this subsection;

(v) Treat the client's ownership of other vehicles as nonexempt resources and count the equity value toward the resource limit;

(d) Property essential to self-support. The department shall exempt:

(i) Property regardless of value, when the client uses the property:

(A) In a trade or business;

(B) As an employee for work; or

(C) As authorized by the government for income-producing activity;

(ii) Nonbusiness property up to six thousand dollars equity, when the client uses the property for producing goods or services essential to daily activities, solely for the client's household;

(iii) Nonbusiness property up to six thousand dollars equity, when the client uses the property to produce an annual income return of six percent or more of the exempt equity or is expected to produce at least a six percent return within a twenty-month period as long as the client:

(A) Currently uses the property in the activities described in (d) of this subsection; or

(B) Is expected to resume using the property in the activities described in (d) of this subsection within twelve months;

(e) Resources necessary to fulfill an approved plan for a blind or disabled client to achieve self-support as long as such plan remains in effect;

(f) Alaska Native Claims Settlement Act:

(i) Shares of stock held in a regional or village corporation;

(ii) Cash received from a native corporation, including cash dividends on stock received from a native corporation to the extent the cash does not exceed two thousand dollars per person per year;

(iii) Stock issued or distributed by a native corporation as a dividend or distribution on the stock;

(iv) A partnership interest;

(v) Land or an interest in land, including land or an interest in land received from a native corporation, as a dividend or distribution on stock;

(vi) An interest in a settlement trust;

(g) Life insurance:

(i) The department shall exempt the total cash surrender value when the total face value of all policies held by each person is one thousand five hundred dollars or less.

(ii) The cash surrender value applies to the resource limit if the face value of all policies held by each person is over one thousand five hundred dollars.

(iii) When determining total face value in (g)(i) of this subsection, the department shall not include term or burial insurance with no cash surrender value;

(h) Restricted allotted land owned by an enrolled tribal member and spouse, if married, if such land cannot be sold, transferred, or otherwise disposed of without the permission of other persons, the tribe, or an agency of the federal government;

(i) Insurance settlements the client receives from an insurance company for purposes of repairing or replacing a resource providing the client uses the total amount of the cash to repair or replace the exempt resource within nine months. The department may extend the nine-month period based on circumstances beyond the control of the client to a maximum of nine additional months. The department shall consider any cash not used within the time period as an available resource;

(j) Burial spaces for the client, the client's spouse, or any member of the client's immediate family.

(i) Burial spaces shall include conventional grave sites, crypts, mausoleums, urns, and other repositories customarily and traditionally used for the remains of deceased persons.

(ii) Burial spaces include a burial space purchase agreement as well as any interest accrued on and left to accumulate as part of the value of the burial space purchase agreement.

(iii) For purposes of (j) and (k) of this subsection, "immediate family" means a client's minor and adult children, including adopted children and stepchildren; a client's brothers, sisters, parents, adoptive parents, and the spouses of those persons. The department shall not consider dependency or living-in-the-same-household as factors in determining whether a person is an immediate family member;

(k) Burial funds:

(i) The department shall ensure funds specifically set aside for the burial arrangements of a client or the client's spouse not exceed one thousand five hundred dollars for each spouse. The department shall count burial funds in excess of this limit toward the resource limit in WAC 388-511-1110.

(ii) The department shall require funds set aside for burial expenses to be kept separate from all other resources and separately identified and designated as set aside for burial. If the exempt burial funds are mixed with other resources, the department shall not apply this exemption to any portion of the funds. The department may exempt designated burial funds retroactively back to the first day of the month in which the person intended the funds to be set aside for burial.

(iii) Funds set aside for burial include revocable burial contracts, burial trusts, other burial arrangements, cash, accounts, or other financial instruments with a definite cash value the person clearly designates as set aside for the person's or spouse's burial expenses.

(iv) The department shall reduce the one thousand five hundred dollar exemption by:

(A) The face value of the client's insurance policies owned by the person or spouse on the life of the person if the policies have been exempted as provided in (g) of this subsection; and

(B) Amounts in an irrevocable burial trust.

(v) The department shall exempt the interest earned on exempt burial funds and appreciation in the value of exempt burial arrangements if the exempt interest and appreciation are left to accumulate and become part of the separately identified burial fund.

(vi) When used for other purposes, the department shall consider as available income any exempt burial funds, interest, or appreciated values set aside for burial expenses if, at the first of the month of use, when added to other nonexempt resources, the total exceeds the resource limit;

(l) Other resources considered exempt by federal statute;

(m) Retroactive SSI payments, including benefits a client receives under the interim assistance reimbursement agreement with the Social Security Administration, or OASDI payments for six months following the month of receipt. This exemption applies to:

(i) Payments received by the client, spouse, or any other person received that the department considers available to meet the client's needs;

(ii) SSI payments made to the client for benefits due for a month before the month of payment;

(iii) OASDI payments made to the client for benefits due for a month that is two or more months before the month of payment; and

(iv) Payments that remain in the form of cash, checking accounts, or saving accounts. The department shall not apply this exemption once the retroactive payment has been converted to any other form;

(n) Payments for medical or social services, for one-calendar month following the month of receipt, certain cash payments an SSI person receives from a governmental or nongovernmental medical or social service agency to pay for medical or social services;

(o) Payments to persons of Japanese or Aleut ancestry for restitution to civilians relocated and interned during war time, under P.L. 100-383;

(p) The annuity payment of trust funds to Puyallup Tribal Indians received under P.L. 101-41;

(q) Funds received from the Agent Orange Settlement Fund or any other funds established to settle Agent Orange liability claims under P.L. 101-201;

(r) Payments to certain survivors of the Holocaust under the Federal Republic of Germany's Law for Compensation of National Socialist Persecution or German Restitution Act. Interest earned on conserved payment is not exempt;

(s) Unspent assistance payments the client receives because of a presidential declaration of a major disaster, under P.L. 93-288, are exempt for nine months from the date of receipt.

(i) The exemption may extend an additional nine months, if circumstances beyond the client's control:

(A) Prevents the client from repairing or replacing the damaged or destroyed property; or

(B) Keeps the client from contracting for such repair or replacement.

(ii) Interest earned on the exempt resource is exempt for the period the exemption applies;

(t) Earned income tax credit refunds and payments are exempt during the month of receipt and the following month;

(u) Payments from a state administered victim's compensation program for a period of nine calendar months after the month of receipt;

(v) Payments, or interest accrued on payments received under the Radiation Exposure Compensation Act received by the injured person, the surviving spouse, children, grandchildren, or grandparents;

(w) Payments under section 500 through 506 of the Austrian General Social Insurance Act. The department shall:

(i) Not consider such payments as income or resources for determining eligibility or post-eligibility.

(ii) Count the earned interest from such payments as income for the client.

(2) The department shall consider a sales contract:

(a) An exempt resource when the current market value of the contract:

(i) Is zero or the contract is unsalable; or

(ii) When combined with other resources, exceeds the resource limit; and

(A) The sales contract was executed on or before November 30, 1993; or

(B) The sales contract was executed on or after December 1, 1993; and

(I) Was received as compensation for the sale of the client's principal place of residence. For an institutionalized client, this rule shall apply only to the client's principal place of residence before institutionalization of the client; and

(II) Provides for an interest rate within prevailing rates at the time of the sale; and

(III) Requires the repayment of a principal amount equal to the fair market value of the property; and

(IV) Payment on the amount owed does not exceed thirty years;

(iii) The department shall consider payment of principal and interest on a sales contract meeting the criteria of (a)(i) or (ii) of this subsection under WAC 388-505-0590 (3)(b);

(b) An available resource when the current market value of a sales contract does not meet the requirements in (a)(i) or (ii) of this subsection. For a sales contract the department determines to be an available resource, the department shall consider the payment that represents:

(i) Principal, an available resource.

(ii) Interest, under WAC 388-505-0590 (3)(c);

(c) An available resource when transferred by the client to a person other than the client's spouse. See WAC 388-513-1365.

(d) An exempt resource to the extent the proceeds from the sale of a home are used to purchase another home. Payments received under such sales contract shall not be considered as income as described under subsection (1)(a)(iii) of this section.

(3) The department shall consider cash received from the sale of an exempt resource as a nonexempt resource to the extent that the cash is not:

- (a) Used to replace an exempt resource; or
- (b) Invested in an exempt resource within the same month, unless specified differently under this section.

NEW SECTION

WAC 388-511-1170 SSI—State data exchange. (1) "SSI—State data exchange (SDX)" means a computer system for exchanging information between SSA and the department regarding SSI clients.

(2) The department shall authorize a medical identification card and Medicare buy-in for a person eligible for SSI using SDX information.

Chapter 388-512 WAC

SSI-RELATED GRANDFATHERED RECIPIENTS

NEW SECTION

WAC 388-512-1210 Program description. The department shall provide medical assistance within limitations set forth in these rules and regulations to a person who is a grandfathered client.

NEW SECTION

WAC 388-512-1215 General eligibility. (1) There is no requirement of citizenship as a condition of eligibility for benefits under the medical care program.

- (2) Residence; see WAC 388-504-0470.
- (3) Medical need. The grandfathered client must have a medical need to remain eligible for medical assistance under Title XIX of the Social Security Act. Disability shall not constitute a medical need; treatment of disability does.
- (4) The grandfathered client shall be:
 - (a) Age sixty-five or older; or
 - (b) Disabled as defined in WAC 388-512-1225; or
 - (c) Blind as defined in WAC 388-512-1220 and not publicly soliciting alms by wearing, carrying or exhibiting signs denoting blindness, carrying receptacles for the reception of alms or doing the same by proxy or by begging. It shall be assumed that a person is not soliciting alms unless there is evidence to the contrary.

NEW SECTION

WAC 388-512-1220 Eligibility—Blindness. "Blindness" is defined in terms of ophthalmic measurements as:

- (1) Central visual acuity of 20/200 or less in the better eye with the best possible corrective glasses; or
- (2) Contraction of the peripheral field of vision to within twenty degrees of the fixation point in all quadrants as determined by standard parametric testing; or
- (3) Muscle function, measured in all parts of the motor field and charted upon 20 rectangles, 4 x 5 degrees in size, equal to 18/20 binocular or monocular.

NEW SECTION

WAC 388-512-1225 Permanently and totally disabled. (1) In general, "permanently and totally disabled" means that a person has some permanent physical or mental impairment, disease or loss that substantially precludes a person from engaging in a useful occupation within a person's competence, such as holding a substantially gainful job or homemaking. The impairment may be physical or mental, organic or functional, and of such degree as to interfere with the person's faculties, such as senses, reasoning, or mobility. It may exist from birth, be acquired during the lifetime of the person, or result from an accident. It may be obvious, such as the loss of a limb, or it may be such that it can be revealed only by medical examination. It may exist singly or in combination.

(2) The term "permanently disabled" refers to the existence of a physiological, anatomical, emotional and/or mental impairment verified by medical findings, which is of major importance, and is a condition not likely to improve, but will continue throughout the lifetime of the person. Any condition which is considered by the medical reviewer as not likely to respond to any known therapeutic procedure shall be deemed to be a permanent impairment. Any condition which is considered as likely to remain static or to become worse unless certain therapeutic measures are carried out shall be deemed to be permanent so long as treatment is unavailable, inadvisable, or the person refuses treatment and his decision is reasonable. See WAC 388-512-1230.

(a) A decision that an impairment is permanent can be made even though recovery from the impairment is possible. The discovery of new drugs or other advances in medical treatment is always a potential which may change a permanent situation; pending the actual physical improvement, the classification is proper. Therefore, the term "permanent" need not be everlasting or unchangeable, but is used in the sense of continuing indefinitely as distinct from temporary or transient.

(b) A physician's medical report must be used to establish the existence of an impairment and its permanency.

(3) The term "totally disabled" refers to a person's ability to perform those activities necessary to carry out specified responsibilities such as those necessary to employment or homemaking. Totality involves considerations in addition to those verified through the medical findings such as age, training, skills, and work experience, and the person's functioning in a person's particular situation involving the impairment. Such social data will describe the person's education and work history, the activities required of the person at home or at work, living conditions, interests, capacity and limitations, and the extent to which the person has adjusted to the impairment.

(a) Job training may enable a permanently and totally disabled person to acquire a new skill in spite of the impairment. The person continues to be totally disabled during a reasonable period of training and until job competence is acquired.

(b) The social summary must show how the person reacts in social situations in order to illustrate that the disability substantially precludes the person from engaging in employment or homemaking in the foreseeable future. The social worker carries the major responsibility for

providing the state office review team with the recorded objective social information bearing on the totality factor.

(4) The term "**substantially precludes**" relates to the extent to which a person's permanent impairment has left a person unable to engage in those activities necessary to carry on specified responsibilities such as employment and homemaking. If a person is able to perform such activities well enough and with sufficient regularity to receive substantial payment for such effort or to carry on homemaking responsibilities on a continuing basis, the person is not considered as precluded from engaging in "useful occupations" and cannot be found to be permanently and totally disabled.

(5) The term "**useful occupations**" means productive activities which add to the economic wealth, or produce goods or services to which the public attaches a monetary value. The person whose impairment is so severe that it results in being unable to leave bed, leave home, or maintain body hygiene without the help of another person, and for whom the assumption would commonly be made that the person could not engage in any useful occupation, but in fact, through supreme effort the person does some work shall have ability to work evaluated in light of:

(a) The extent to which sympathy or compassion enters into the opportunity to engage in remunerative work. In other words, is the person able to do something because family, friends, or neighbors help more than is usual; for example, running errands, bringing materials, "engineering" the job, helping devise and create special tools, creating a market based more on sympathy than intrinsic value received, selling through church or other organization without charging the usual commission, etc.; and

(b) The extent to which the energy which must be discharged by the person is far beyond that which is ordinarily required for that activity. For example, does it take six or seven hours to do what most workers could do in an hour.

(c) If through careful consideration of such facts, in addition to the medical and social reports, it can be reasonably concluded that this person is doing more than can ordinarily be expected from persons with the impairments of similar severity, but activity is not substantially gainful, a finding of permanent and total disability may be reached.

(6) The term "**homemaking**" involves the ability to carry the home management and decision-making responsibilities and provide essential services within the home for at least one person in addition to oneself. This may be either a man or a woman. If homemaking is such that children are neglected or the other person receives practically no benefit from the homemaking efforts, these facts should be clearly shown in the social summary. If the homemaker must have the help of other persons to complete the essential household tasks, it may be shown that the person is not actually able to perform as a homemaker. The following activities are important to successful performance of the occupation of homemaking: Shopping for food and supplies; planning and preparing meals; washing dishes; cleaning house; making beds; washing and ironing clothes and, if the care of young children is within the homemaking responsibility, lifting and carrying infants; bathing and dressing young children; training and supervising children; accompanying children to community activities and to sources of medical care. A

finding that a person is unable to perform the occupation of homemaking would require that the person is unable to perform a significant combination or grouping of these activities because of permanent impairment. When homemaking is the responsibility of the applicant, determination shall be made as to whether a permanent impairment prevents the client from totally meeting such responsibility.

(7) Special emotional problems.

(a) Alcoholism. For alcoholism to be considered permanently and totally disabling, at least one of the following criteria are required for approval of permanent and total disability.

(i) Evidence that a pathological or demonstrable organic damage has resulted from chronic alcoholism, such as neuritis or cirrhosis of the liver; or

(ii) Evidence that the alcoholism has reached the addiction state as shown by marked ethical deterioration, the obsessive character of the drinking, the approaching loss of alcohol tolerance, prolonged bouts, and a breakdown of the rationalization pattern; or

(iii) A history of several years of excessive drinking to the extent that it has adversely affected interpersonal relationships and social and economic functioning—loss of employment and inability to sustain employment because of excessive drinking.

(b) Personality inadequacy. Even though the medical report does not show a physical ailment which of itself is permanently disabling, a person may be found to be permanently and totally disabled if the medical or psychiatric report together with the social report supplemented with a psychological report, if indicated, shows an extended history of a combination of personality problems, character disorders or social inadequacies including unusual behavior, which prevents the person from making the adjustment required for an employable person or homemaker.

(i) This would include the person whose responses to the environment are habitually inadequate and who seems to have limited or no voluntary control over reactions. The symptoms of this emotionally unstable personality usually are demonstrated in antisocial or unconventional behavior; for example, drug addiction or alcoholism. The person does not get along with other people and may break many of society's rules. Most of these persons have had one difficulty after another since childhood with the typical lack of awareness and lack of remorse that is associated with this kind of behavior. The repetitive nature of their problems coupled with lack of motivation for change produces a person whose pattern provides a serious permanent impairment that can be totally disabling. Examples of this kind of personality might be:

(A) A patient returning from a mental hospital who is no longer psychotic but whose behavior would be unacceptable to a prospective employer or to family;

(B) The person who has never been able to hold a job due to a pattern of emotional instability, or other unusual behavior which shows that the person is unable, for an extended period, to substantially engage in any gainful occupation or homemaking;

(C) Drug addiction over an extended period of time.

(ii) In all cases of personality inadequacy, the reports specified in (b) of this subsection are required.

PERMANENT

NEW SECTION

WAC 388-512-1230 Refusal to accept medical treatment. (1) A disabled client who refuses without good cause to accept available medical treatment which can reasonably be expected to render the client able to work or do homemaking shall become ineligible.

(2) "Available medical treatment" shall mean medical, surgical or psychiatric therapy, or any combination of these treatments.

(3) "Reasonably be expected to render the client able to work or do homemaking" shall mean that, in the opinion of the state review team, the recommended medical, surgical, or psychiatric therapy is of such a nature and prognosis that, in the specific instance of the person involved, medical experience indicates that the recommended treatment will restore or substantially improve the person's ability to work for pay in a regular and predictable manner or to engage in homemaking.

(4) A client has good cause to refuse recommended medical treatment when, according to the best objective judgment of the state office review team, such refusal is based upon one or more of the following conditions:

(a) The person is genuinely fearful of undergoing recommended treatment. Such fear may appear to be unrealistic, or entirely emotional in origin, or irrational; however, fear exists in such a degree that treatment would be adversely affected and the doctor may therefore be dubious about undertaking to treat the person;

(b) The person could lose a faculty, or the remaining use of faculty the client now has, and refuses to accept the risk; or

(c) The person will not accept recommended medical treatment because of definitely stated religious scruples.

(5) The controlling principle in determining whether refusal was for or without good cause rests with the state office review team which will be guided by whether a reasonable, prudent person under similar circumstances would accept the recommended treatment. The determination will be made only after considering all social and medical evidence, including that furnished by the person, who will be provided with an opportunity to set forth in writing objective reasons for declining recommended treatment. A determination that a refusal to accept treatment without good cause is a decision which the client may appeal according to chapter 388-08 WAC.

NEW SECTION

WAC 388-512-1235 Review for disability or blindness. (1) The grandfathered client's blindness or permanent and total disability shall be reviewed when a significant change has occurred.

(2) When a change in blindness occurs, an eye examination shall be secured from an ophthalmologist or optometrist and evaluated by the department's ophthalmological consultant. The ophthalmological consultant shall determine and certify whether legal blindness continues to exist.

(3) When a change in disability has occurred, a medical examination shall be secured. The medical reports shall be evaluated by the office of disability insurance to determine whether permanent and total disability continues to exist.

NEW SECTION

WAC 388-512-1240 Computation of available income. (1) Income and net income shall be as defined in WAC 388-22-030. Total income of a beneficiary of supplementary security income is not considered an available resource except for institutionalized clients.

(2) To determine available income, deduct the following items from net income:

(a) Support payments being paid by the client under court order;

(b) Special nonmedical needs, such as payment to a wage earner's plan (specified by the court in a bankruptcy proceeding), or previously contracted major household repairs if failure to make payments would result in garnishment of wages or loss of employment;

(c) Tax rebates or special payments exempted by federal regulations and publicized by numbered memoranda from the state office.

(3) The exempt earned income shall be:

(a) For a former recipient of old age assistance or of disability assistance—the first twenty dollars plus one-half of the next sixty dollars;

(b) For a former recipient of aid to the blind—the first eighty-five dollars plus one-half of the amount over eighty-five dollars.

(4) Personal and nonpersonal work expense shall be deducted from earned income as follows:

(a) Mandatory deductions as required by law or as a condition of employment;

(b) Necessary cost of public transportation or eight cents a mile for private car to and from place of employment;

(c) Expenses of employment which are necessary to that employment such as tools, materials, union dues;

(d) Additional clothing costs. For a person doing clerical work, five dollars and seventy cents; for a person doing manual work, three dollars and sixty cents; for persons enrolled in remedial education or vocational training course, the actual cost of uniforms and/or special clothing;

(e) The cost of child care necessary to employment if not provided without cost or as departmental service. The actual expense shall be deducted but not to exceed standard in WAC 388-16-215.

NEW SECTION

WAC 388-512-1245 Monthly maintenance standard—Own home. (1) The following monthly standards of available income for maintenance shall apply when determining financial eligibility:

FAMILY SIZE	STANDARD	FAMILY SIZE	STANDARD
1	\$195	10	\$591
2	\$237	11	\$635
3	\$282	12	\$679
4	\$327	13	\$723
5	\$371	14	\$768
6	\$415	15	\$812

PERMANENT

7	\$459	16	\$856
8	\$503	17	\$900
9	\$547	18	\$944

(2) Forty-four dollars shall be added for each additional member.

NEW SECTION

WAC 388-512-1250 Monthly maintenance standard—Person in institution. (1) The monthly standard for clothing and personal maintenance for a person in a skilled nursing facility or general hospital shall be twenty-five dollars.

(2) The monthly standards for clothing and personal maintenance for a person in an intermediate care facility shall be twenty-seven dollars and thirty cents.

NEW SECTION

WAC 388-512-1255 Available income and nonexempt resources. (1) The person's available income determined according to WAC 388-512-1240 and nonexempt resources determined according to WAC 388-512-1260 and 388-512-1265 shall be allocated for the purposes and in the order specified in this section.

(2) Maintenance needs of the person living in his own home, or of legal dependents living in the family home if the individual is in an institution:

(a) Apply maintenance standards in WAC 388-512-1245; unless

(b) The legal dependents are applying for or receive public assistance, when the appropriate grant standards apply.

(3) Maintenance needs according to WAC 388-512-1250 for a person in an institution.

(4) Supplementary medical insurance premiums for an individual not in a nursing home who is eligible for medicare during the month of authorization and the month following if not withheld from the RSDI or RR benefit. See WAC 388-529-2960.

(5) Health and accident insurance premiums for policies continued in force from time of application.

(6) Costs not covered under this program for medical or remedial care as determined necessary by eligible providers according to WAC 388-87-005 (2)(a) and (h) initiated during a period of certification. See WAC 388-91-016 (1)(a).

(7) Participation in cost of care provided under this program except as provided in subsection (8) of this section; however, participation may not exceed:

(a) The excess regular income multiplied by six or the anticipated excess income that will be available within a six-month period, whichever is greater;

(b) The resources in excess of those listed in chapter 388-216 WAC. See WAC 388-512-1260;

(c) Additional cash resources that come into possession of the person during a period of certification.

(8) The twenty percent increase in Social Security benefits shall be considered exempt income when determining eligibility and participation for persons who in August 1972 received OAA, AFDC, AB or DA and also received RSDI benefits and who became ineligible for OAA, AFDC,

AB or DA solely because of the twenty percent increase in Social Security benefits under Public Law 92-366.

NEW SECTION

WAC 388-512-1260 Exempt resources. When determining the eligibility of the grandfathered client, the rules for exempt resources in chapter 388-216 WAC shall apply. When separate property is a consideration, see WAC 388-216-2100.

NEW SECTION

WAC 388-512-1265 Nonexempt resources. (1) All resources not specifically exempted in WAC 388-512-1260 shall be considered available for medical and nonmedical needs following priorities set forth in WAC 388-512-1245 through 388-512-1255. Value shall be assigned resources according to WAC 388-216-2800.

(2) The possession of a nonexempt resource affects eligibility for medical care. Except for nonexempt real property, the value assigned to such resources shall be the "fair market value." The "fair market value" of the resource is considered available toward the cost of medical care. Such amount is considered at the time of each review for as long as the resource is possessed by the client.

(3) When assigning value to nonexempt real property, follow this sequence:

(a) First consideration shall be given to the sale of nonexempt real property based on the "quick sale value."

(b) When sale is not possible, rental or lease must be considered with the income derived from such rental or lease being considered available to meet the cost of medical care.

(c) If the property cannot be sold, rented, or leased and if the client has used reasonable diligence in seeking a purchaser, renter, or lessee, then no resource value for this property shall be considered to exist for the purpose of determining eligibility. The property shall remain on the market for as long as the client is certified for medical care.

(4) An application for medical assistance from a person who refuses to dispose of his property or refuses to attempt to dispose of his property shall be denied.

NEW SECTION

WAC 388-512-1275 Continuing certification. (1) A grandfathered client who continues to meet requirements of WAC 388-512-1215, 388-512-1245, 388-512-1260, 388-512-1265 and 388-512-1270 may be recertified for medical assistance.

(2) A grandfathered client who does not continue to meet requirements in subsection (1) of this section shall be terminated. See WAC 388-512-1280.

NEW SECTION

WAC 388-512-1280 Application following termination. The eligibility of a person applying for medical care after termination of his eligibility as a grandfathered client shall be determined according to chapter 388-511 WAC.

PERMANENT

**Chapter 388-513 WAC
CLIENT NOT IN OWN
HOME—INSTITUTIONAL MEDICAL**

NEW SECTION

WAC 388-513-1305 Maintenance standard—Alternate living. (1) The department shall ensure the categorically needy monthly standard for an SSI, SSI-related, or GAU client living in an adult family home (AFH), adult residential treatment facility (ARTF), adult residential rehabilitation center (ARRC), congregate care facility (CCF), or division of developmental disabilities (DDD) group home is the department cost standard of the facility plus a specified CPI.

(2) The department shall determine the medically needy monthly standard for an SSI-related client living in an AFH, ARTF, ARRC, CCF, or DDD group home to be the private facility rate based on a thirty-one-day month plus a specified CPI.

(3) See WAC 388-15-555, 388-15-568, 388-250-1600, and 388-250-1650 for the definition of "**department cost standard.**" The department shall ensure the monthly standard shall not exceed three hundred percent of the current SSI Federal Benefit Level.

(4) See chapter 388-511 WAC for computation of available income and resources for an SSI-related person.

(5) See chapter 388-219 WAC for computation of available income and resources for a GAU client.

NEW SECTION

WAC 388-513-1310 Resource standard—Institutional. The department shall ensure the total value of resources allowed and not otherwise excluded not exceed the dollar amount in:

(1) Subsection (2)(a) of this section for a single person; or

(2) Subsection (2)(b) of this section for a couple. The resource limitation for a:

- (a) Single person shall be two thousand dollars; or
- (b) Couple shall be three thousand dollars.

NEW SECTION

WAC 388-513-1315 Eligibility determination—Institutional. (1) The department shall find a person residing in or expected to reside in a Medicaid-approved medical facility for at least thirty consecutive days eligible for institutional care, if the person:

(a) Is Title XVI-related with gross income:

(i) Equal to or less than three hundred percent of SSI Federal Benefit Amount. The department shall determine a person's eligibility under the categorically needy program; and

(ii) Greater than three hundred percent of SSI federal benefit amount. The department shall determine a person's eligibility under the limited casualty program—medically needy program as determined under WAC 388-513-1395.

(b) Does not have nonexcluded resources, under WAC 388-513-1360 and 388-513-1365, greater than limitations under WAC 388-513-1310 and 388-513-1395(2).

(c) Is not subject to a period of ineligibility for transferring of resources under WAC 388-513-1365.

(2) The department shall determine institutional facility residents eligible for institutional care when the amount of the resources in excess of the amount in WAC 388-513-1310 plus countable income are less than the nursing facility private rate plus verifiable recurring medical expenses.

(3) The department shall allocate a client's income and resources as described under WAC 388-513-1380.

(4) When both spouses are institutionalized, the department shall determine the eligibility of each spouse individually.

(5) The department shall determine eligibility for a person residing or expected to reside in a Medicaid-approved medical facility less than thirty consecutive days as for a noninstitutionalized person.

(6) Effective January 1, 1991, for an institutionalized person twenty years of age or under, the department shall not consider the income and resources of the parents available unless the income and resources are actually contributed.

(7) The department shall not consider a person's transfer between medical institutions as a change in institutionalized status.

(8) For the effect of a social absence from an institutional living arrangement, see WAC 388-88-115.

NEW SECTION

WAC 388-513-1320 Institutional status. The department shall make medical assistance available to an otherwise eligible person who is in a Medicaid-certified medical facility.

NEW SECTION

WAC 388-513-1330 Institutional—Available income.

(1) Income is defined under chapter 388-511 WAC for a SSI-related client and under WAC 388-22-030 for an AFDC-related client.

(2) The methodology and standards for determining and evaluating income are defined under WAC 388-513-1315 and 388-513-1375.

(3) The department shall consider the following income, less veteran's aid and attendance allowance, available to an institutionalized person when determining income eligibility unless the criteria in subsection (4) of this section is met:

(a) Income the institutionalized spouse receives in the institutionalized spouse's name;

(b) Income paid on the behalf of the institutionalized spouse, but received in the name of the institutionalized spouse's representative;

(c) One-half of the income the community and institutionalized spouses receive in both names; and

(d) Income from a trust as provided by the trust.

(4) The department shall consider income, less veteran's aid and attendance allowance, as available to an institutionalized person when:

(a) Both spouses are institutionalized; or

(b) An institutionalized person has a community spouse and income in excess of three hundred percent of the SSI federal benefit rate (FBR). For the determination of eligibility only:

(i) Use community property law in determining ownership of income for purposes of Medicaid eligibility;

(ii) Presume all income received after marriage by husband or wife to be community income;

(iii) Divide the total of the community income, by two assigning one-half of the total to each person; and

(iv) Consider if the community income received in the name of the nonapplying spouse exceeds the community income received in the name of the applying spouse, the applicant's interest in that excess shall be unavailable to the applicant.

(5) The department shall consider income the community spouse receives in the community spouse's name as unavailable to the institutionalized spouse.

(6) The department shall consider an agreement between spouses transferring or assigning rights to future income from one spouse to the other as invalid in determining eligibility for medical assistance or the limited casualty program for the medically needy.

(7) The department shall consider income produced by transferred or assigned resources as separate income.

(8) When an institutionalized spouse establishes the unavailability of income by a preponderance of evidence through a fair hearing, subsection (3) of this section shall not apply.

(9) See WAC 388-511-1130 for treatment of advance dated checks, electronically transferred funds, and garnished income.

NEW SECTION

WAC 388-513-1340 Institutional—Exempt income.

The department shall consider a client's income exemptions as unavailable income when determining initial institutional eligibility or post-eligibility. The department shall exempt sequentially from income:

(1) Any public agency's refund of taxes paid on real property or on food;

(2) Supplemental security income (SSI) and state public assistance based on financial need;

(3) Any portion of a grant, scholarship, or fellowship used to pay tuition, fees, or other necessary educational expenses at any educational institution;

(4) Child support received by a parent from an absent parent, for a minor child who is not institutionalized;

(5) Tax exempt payments received by Alaska natives under the Alaska Native Claims Act;

(6) Tax rebates or special payments excluded by other statutes;

(7) Compensation provided to volunteers in ACTION programs established by P.L. 93-113, The Domestic Volunteer Service Act of 1973;

(8) Veteran's benefits designated for the veteran's:

(a) Dependent; or

(b) Unusual medical expense allowance;

(9) Income received by an ineligible or nonapplying spouse from a governmental agency for services provided to an eligible client, for example, chore services;

(10) Funds received from the Agent Orange Settlement Fund or any other funds established to settle Agent Orange liability claims under P.L. 101-201;

(11) Payments to certain survivors of the Holocaust under the Federal Republic of Germany's Law for Compensation of National Socialist Persecution or German Restitu-

tion Act. Interest earned on conserved payment is not exempt;

(12) Payments under the Radiation Exposure Compensation Act received by the injured person, the surviving spouse, children, grandchildren, or grandparents;

(13) Payments under sections 500 through 506 of the Austrian General Social Insurance Act. The department shall consider the earned interest from such payments as countable income;

(14) Certain cash payments a client receives from a governmental or nongovernmental medical or social service agency to pay for medical or social services;

(15) Restitution payment, and interest earned on such payment to a civilian of Japanese or Aleut ancestry under P.L. 100-383;

(16) The amount of expenses directly related to a client's impairment that allows the permanently and totally disabled client to continue to work;

(17) The amount of blindness-related work expenses of a blind client;

(18) Interest earned on excluded burial funds and any appreciation in the value of an exempt burial arrangement which are left to accumulate and become part of the separately identified burial funds set aside on or after November 1, 1982;

(19) Earned income tax credit (EITC); and

(20) Victim's compensation.

NEW SECTION

WAC 388-513-1345 Institutional—Disregarded income. The department shall consider disregarded income as unavailable income when determining initial eligibility but shall consider the income available during post-eligibility. See WAC 388-513-1380 for post-eligibility treatment of income. The department shall disregard sequentially from income:

(1) Income that is not reasonably anticipated, or is received infrequently or irregularly, when such income does not exceed:

(a) Twenty dollars per month if unearned; or

(b) Ten dollars per month if earned.

(2) The first twenty dollars per month of earned or unearned income. The department may not exclude income paid to a client on the basis of need and is totally or partially funded by the federal government or by a private agency.

(3) The veteran's aid and attendance/house bound allowance.

(4) For an SSI-related person, the first sixty-five dollars per month of earned income not exempted under WAC 388-513-1340, plus one-half of the remainder.

(5) For an AFDC-related person, the first ninety dollars of earned income.

(6) Money voluntarily withheld from SSA Title II benefits by the Social Security Administration for the recovery of an SSI overpayment; and

(7) A fee charged by a guardian as reimbursement for provided services, when such guardianship services are a requirement for the client to receive payment of the income.

NEW SECTION

WAC 388-513-1350 Institutional—Available resources. (1) Resources are defined under chapter 388-511 WAC for an SSI-related client and under WAC 388-22-030 for an AFDC-related client.

(2) The methodology and standards for determining and evaluating resources are under WAC 388-513-1310, 388-513-1330, 388-513-1340, and 388-513-1360. Transfers of resources are evaluated under WAC 388-513-1365.

(3) The department shall determine ownership of resources following Washington state community property principles for a person:

(a) Whose most recent period of institutionalization began on or before September 30, 1989; and

(b) Who remains continuously institutionalized.

(4) For purposes of Medicaid eligibility, the department shall consider resources are:

(a) Community resources when jointly held in the:

(i) Names of both the institutionalized and community spouse; or

(ii) Name of the institutionalized spouse only;

(b) The separate property of the community spouse when:

(i) Held in the separate name of the community spouse; or

(ii) Transferred between spouses as described under WAC 388-513-1370(6).

(5) The department shall:

(a) Divide by two, the total value of the community resources the spouses own; and

(b) Assign one-half of the total value of the community resources to each spouse.

(6) The department shall not consider a person continuously institutionalized if, for thirty consecutive days, the person:

(a) Is absent from an institution; or

(b) Does not receive home-based or community-based waived services.

(7) For the purpose of determining Medicaid eligibility of a person, whose most recent continuous period of institutionalization starts on or after October 1, 1989, the department shall:

(a) Exclude resources as described under WAC 388-511-1160;

(b) Consider available to the community spouse, resources in the name of either the community spouse or the institutionalized spouse, except resources exceeding the greater of:

(i) Seventy-two thousand six hundred sixty dollars effective January 1, 1994;

(ii) An amount established by a fair hearing under chapter 388-08 WAC when the community spouse's resource allowance is inadequate to provide a minimum monthly maintenance needs allowance; or

(iii) An amount ordered transferred to the community spouse by the court.

(c) Ensure resources available to the community spouse are in the name of the community spouse or transferred to the community spouse or to another person for the sole benefit of the community spouse:

(i) Before the first regularly scheduled eligibility review; or

(ii) As soon as practicable thereafter, taking into account such time as may be necessary to obtain a court order for the support of the community spouse.

(d) Consider resources greater than such resources in (b) of this subsection available to the institutional spouse.

(8) The department shall consider resources of the community spouse:

(a) Unavailable to the institutionalized spouse:

(i) The month after the institutionalized spouse is determined eligible for institutional benefits; and

(ii) While the institutionalized spouse remains in a continuous period of institutionalization;

(b) Available to the institutionalized spouse when the:

(i) Institutionalized spouse acquires resources which, when added to resources held by the institutionalized spouse, exceed the one-person resource maximum, if the most recent period of institutionalization began on or after October 1, 1989; or

(ii) Institutionalized spouse has a break of thirty days or more in a period of institutionalization.

NEW SECTION

WAC 388-513-1360 Resource exemptions. (1) In determining eligibility, the department shall exempt resources specified under WAC 388-511-1160.

(2) The department shall apply WAC 388-513-1365 for transfers of resources.

NEW SECTION

WAC 388-513-1365 Transfer of assets. (1) The terms in this section shall have the following definitions:

(a) "**Assets**" means all income and resources of a client and the client's spouse, including such income or resources the person is entitled to but does not receive because of action by:

(i) The client or the client's spouse;

(ii) A person, court or administrative body, with legal authority to act in place of or on behalf of the client or the client's spouse; or

(iii) A person, court or administrative body, acting at the direction or upon the request of the client or the client's spouse.

(b) "**Community spouse**" means the person married to an institutionalized client.

(c) "**Fair market value (FMV)**" means the price the asset may reasonably sell for on the open market at the time of transfer or assignment.

(d) "**Institutional services**" means a level of care provided in a nursing facility, equivalent nursing facility in a medical institution, or in a home-based or community-based program under WAC 388-515-1505 or 388-515-1510.

(e) "**Institutional spouse**" means a client who meets the requirements of subsection (1) of this section and is married to a spouse who is not:

(i) In a medical institution;

(ii) In a nursing facility; or

(iii) Receiving home-based or community-based services under WAC 388-515-1505 or 388-515-1510.

(f) "**Institutionalized client**" means a person who is:

(i) An inpatient in a nursing facility;
 (ii) An inpatient in a medical institution where the payment is made for a level of care provided in a nursing facility; or

(iii) In need of the level of care provided in a nursing facility or medical institution, but receiving home-based or community-based services under WAC 388-515-1505 or 388-515-1510; and

(iv) Expected to be in the nursing facility, medical institution or receiving home-based or community-based services under WAC 388-515-1505 or 388-515-1510 for thirty consecutive days or more.

(g) "**Transfer**" means any act or omission to act, by a client or a nonapplying joint tenant, whereby title to or any interest in property is assigned, set over, or otherwise vested or allowed to vest in another person, including but not limited to:

(i) Delivery of personal property;
 (ii) Bills of sale, deeds, mortgages, pledges; or
 (iii) Any other instrument conveying or relinquishing an interest in property.

(h) "**Uncompensated value**" means the FMV of an asset at the time of transfer minus the value of compensation the person receives in exchange for the resource.

(i) "**Undue hardship**" means the client's inability to meet shelter, food, clothing, and health needs.

(j) "**Value of compensation received**" means the consideration the purchaser pays or agrees to pay. Compensation includes:

(i) All money, real or personal property, food, shelter, or services the person receives under a legally enforceable agreement whereby the eligible client shall transfer the resource; and

(ii) The payment or assumption of a legal debt the client owes in exchange for the resource.

(2) The department shall not impose any penalty for the transfer of any exempt asset for less than FMV except as specified under subsection (7) of this section when the client transfers the client's home.

(3) The department shall determine whether the client or the client's spouse transferred an asset within the following look-back period:

(a) Thirty months when determining eligibility for services received:

(i) On or before September 30, 1993; or
 (ii) On or after October 1, 1993, and the transfer of assets was on or before August 10, 1993;

(b) Thirty-six months when determining eligibility for services on or after October 1, 1993, and the transfer of assets was on or after August 11, 1993; or

(c) Sixty months when determining eligibility for services received on or after October 1, 1993, and all or part of the transferred assets are placed in a trust established on or after August 11, 1993, and all or part of the assets are deemed transferred as described under WAC 388-505-0595.

(4) The department shall consider the look-back period is the number of months described under subsection (3) of this section, before the first day of the month the client:

(a) Becomes an institutionalized person, if the client is eligible for medical assistance on that date; or

(b) Applies for institutional care when the client is not eligible for medical assistance as of the date the client initially became institutionalized.

(5) The department shall calculate a period of ineligibility for nursing facility services, equivalent nursing facility services in a medical institution, and services described under WAC 388-515-1505 and 388-515-1510, for the institutionalized client when the client or the client's spouse transfers an asset for less than FMV during or after the look-back periods as described under subsections (3) and (4) of this section.

(6) The department shall establish a period of ineligibility for a client when the client or the client's spouse has transferred an asset:

(a) On or before August 10, 1993. Such period of ineligibility shall:

(i) Begin the first day of the month in which the resource was transferred;

(ii) Be the lesser of:

(A) Thirty months; or

(B) The number of whole months found by dividing the total uncompensated value of the transferred assets by the state-wide average monthly cost of nursing facility services to a private patient at the time of the application; and

(iii) Run concurrently when multiple transfers of assets have been made during the look-back period.

(b) On or after August 11, 1993. Such period of ineligibility shall:

(i) For a transfer of assets during the look-back period, except for a transfer made during a period of ineligibility established under this section:

(A) Begin on the first day of the month in the look-back period in which an asset was transferred; and

(B) Equal the number of whole months found by dividing the total, cumulative uncompensated value of all assets transferred during the look-back period by the state-wide average monthly cost of nursing facility services to a private patient at the time of application.

(ii) For a transfer of assets made while receiving medical assistance as an institutionalized client, or for transfers made during a period of ineligibility established under this section:

(A) Begin on the first day of the month in which an asset was transferred, or after the expiration of all other periods of ineligibility established under this section, whichever is later; and

(B) Equal the number of whole months found by dividing the total, uncompensated value of the transferred asset by the state-wide average monthly cost of nursing facility services to a private patient at the time of application.

(7) The department shall not find the institutionalized client ineligible for institutionalized services when the transferred asset was a home and the home was transferred to the client's:

(a) Spouse; or

(b) Child who is:

(i) Aged, blind or permanently and totally disabled; or

(ii) Twenty years of age or under.

(c) Sibling who has:

(i) Equity in the home; and

(ii) Lived in the home for at least one year immediately before the client became institutionalized.

(d) Child, other than described under (b) of this subsection, who:

(i) Lived in the home for two years or more immediately before the client became institutionalized; and

(ii) Provided care to the client to permit the client to remain at home.

(8) The department shall not find the institutionalized client ineligible for institutionalized services if the asset other than the home was transferred:

(a) To the client's spouse or to another person for the sole benefit of the client's spouse;

(b) From the client's spouse to another person for the sole benefit of the client's spouse;

(c) To the client's blind or permanently and totally disabled child, or to a trust established solely for the benefit of such child; or

(d) To a trust established solely for the benefit of a person sixty-four years of age or younger who is disabled according to SSI criteria.

(9) The department shall not find a person ineligible under this section when the client can satisfactorily show the department that:

(a) The client intended to transfer the asset at FMV or other valuable consideration; or

(b) The client transferred the asset exclusively for a purpose other than to qualify for medical assistance;

(c) All assets transferred by the client for less than FMV have been returned to the client; or

(d) The denial of eligibility would cause an undue hardship.

(10) A client or the spouse of such a client, the department determines ineligible under this section, may request a hearing to appeal the determination of ineligibility. The procedure for the hearing is under chapter 388-08 WAC.

(11) The department shall:

(a) Exempt cash received from the sale, transfer, or exchange of an asset to the extent that the cash is used for an exempt asset within the same month, except as specified under WAC 388-511-1160; and

(b) Consider any cash remaining as an available asset.

(12) When the transfer of an asset has resulted in a period of ineligibility for one spouse, the department shall not impose a period of ineligibility for the other spouse for the transfer of the same asset.

NEW SECTION

WAC 388-513-1380 Institutional—Participation. (1) In reducing payment to the institution, the department shall consider the institutionalized client's:

(a) Income under WAC 388-513-1330 (3)(a), (b), (c), and (d); and

(b) Resources under WAC 388-513-1350, 388-513-1360, and 388-513-1365.

(2) In reducing payment to the institution, the department shall consider the eligible institutionalized client's excess resources available to meet the cost of care after the following allocations:

(a) Health insurance and Medicare premiums, deductions, and co-insurance not paid by a third party; and

(b) Noncovered medical bills which are the liability of the client and not paid by a third party.

(3) The department shall not use allocations used to reduce excess resources under subsection (2) of this section to reduce income under subsection (4) of this section.

(4) The department shall deduct the following amounts, in the following order, from the institutionalized client's total income, including amounts disregarded in determining eligibility:

(a) Specified personal needs allowance as follows:

(i) One hundred sixty dollars for a veteran living in a Medicaid-certified state veteran's home nursing facility;

(ii) Ninety dollars for a single veteran receiving an improved veteran's pension; or

(iii) Forty-one dollars and sixty-two cents for all other clients in medical institutions.

(b) Unearned income which:

(i) Is mandatorily withheld for income tax purposes before receipt by the client; and

(ii) Does not exceed the one-person medically needy income level less the client's personal needs allowance.

(c) Wages not to exceed the one-person medically needy income level less the client's personal needs allowance for a client who:

(i) Is SSI-related; and

(ii) Receives the wages as part of a department-approved training or rehabilitative program designed to prepare the client for a less restrictive placement. When determining this deduction, the department shall:

(A) Not allow a deduction for employment expenses; and

(B) Apply the client's wages not deducted under this subsection to the client's cost of care.

(d) An amount an SSI or AFDC client in a medical facility receives as a cash assistance payment sufficient to bring the client's income up to the personal needs allowance.

(e) A monthly needs allowance for the community spouse not to exceed one thousand eight hundred seventeen dollars, unless specified in subsection (6) of this section. The department shall ensure the monthly needs allowance is:

(i) An amount added to the community spouse's gross income to provide a total community spouse's income of one thousand two hundred fifty-eight dollars; and

(ii) Excess shelter expenses as specified under subsection (5) of this section.

(f) An amount for the maintenance needs of each dependant family member residing with the community spouse:

(i) Equal to one-third of the amount one thousand two hundred thirty dollars exceeds the family member's income. Child support received from an absent parent is the child's income.

(ii) "Family member" means a:

(A) Dependent or minor child;

(B) Dependent parent; or

(C) Dependent sibling of the institutionalized or community spouse.

(g) When an institutional client does not have a community spouse, an amount for the maintenance needs of family members residing in the client's home equal to the medically needy income level for the number of legal dependents in the home less the income of the dependents.

(h) Amounts for incurred medical expenses not subject to third-party payment including, but not limited to:

(i) Health insurance premiums, coinsurance, or deductible charges; and

(ii) Necessary medical care recognized under state law, but not covered under Medicaid.

(i) Maintenance of the home of a single person or couple:

(i) Up to one hundred eighty dollars per month;

(ii) Limited to a six-month period; and

(iii) When a physician has certified that the client is likely to return to the home within the six-month period; and

(iv) Social service staff shall document initial need for the income exemption and review the person's circumstances after ninety days.

(5) For the purposes of this section, the department shall ensure excess shelter expenses:

(a) Means the actual required maintenance expenses for the community spouse's principal residence for:

(i) Rent;

(ii) Mortgage;

(iii) Taxes and insurance;

(iv) Any maintenance care for a condominium or cooperative; and

(v) The food stamp standard allowance for utilities, provided the utilities are not included in the maintenance charges for a condominium or cooperative.

(b) Do not exceed three hundred sixty-nine dollars, effective April 1, 1994.

(6) The department shall determine the amount the institutional spouse allocates to the community spouse may only be greater than the amount in subsection (4)(d)(i) of this section when:

(a) A court enters an order against the institutionalized client for the community spouse support; or

(b) A hearings officer determines a greater amount is needed because of exceptional circumstances resulting in extreme financial duress.

(7) The client shall use the income remaining after allocations specified in subsection (4) of this section toward payment of the client's cost of care at the department rate.

(8) SSI-related clients:

(a) SSI-related clients shall continue to receive total payment under 1611 (b)(1) of the Social Security Act for the first three full calendar months of institutionalization in a public or Medicaid-approved medical institution or facility when the:

(i) Stay in the institution or facility is not expected to exceed three months; and

(ii) SSI-related clients plan to return to former living arrangements.

(b) The department shall not consider the SSI payment when computing the client's participation amount.

(9) The department shall not consider income from reparation payments made by the Federal Republic of Germany when computing the client's participation amount.

NEW SECTION

WAC 388-513-1395 Institutional—Medically needy.

(1) The department shall consider a person institutionalized when the person resides in or is expected to reside in a medical facility for thirty consecutive days or more.

(a) The department shall determine:

(i) An SSI/SSP-related person in a medical facility as medically needy when the person's gross income exceeds three hundred percent of the SSI benefit amount; and

(ii) An AFDC-related client in a medical facility as medically needy if countable income exceeds the one-person AFDC grant standard.

(b) The department shall determine a client ineligible for the medically needy program when the countable income is more than the private nursing facility rate plus verifiable recurring medical expenses.

(c) The department shall determine countable income of a medically needy client residing in a nursing facility by deducting the following amounts from gross income:

(i) Amounts that would be deducted in determining eligibility for AFDC or SSI/SSP; and

(ii) Previously incurred medical expenses not subject to third-party payment and which are the current liability of the client.

(d) The department shall determine a client eligible for nursing facility care when the client's countable income and the amount of resources in excess of the amount in WAC 388-513-1310 are less than the department's contracted rate plus verifiable recurring medical expenses. These clients shall:

(i) Participate in the cost of nursing facility care per WAC 388-513-1380 for post-eligibility allocation of income and post-eligibility allocation of resources; and

(ii) Be certified for three or six months at the client's option.

(e) The department shall determine a client eligible for nursing facility care when the client's countable income and the amount of resources in excess of the amount in WAC 388-513-1310 are:

(i) Less than the private nursing facility rate plus recurring medical expenses; but

(ii) More than the department's contracted rate.

(f) The client shall:

(i) Participate in the cost of nursing facility care. See WAC 388-513-1380 for post-eligibility allocation of income;

(ii) Spenddown all income remaining after allocating income to the department's contracted rate to be eligible for nonnursing facility medical care. The department shall only certify medical assistance for noninstitutional eligibility after spenddown has been met; and

(iii) Choose a certification period of three or six months for nursing facility care. The department shall determine spenddown of a person's nonnursing facility medical expenses be on a three-month or six-month basis.

(g) For the effect of a social absence from an institutional living arrangement, see WAC 388-88-115.

(h) The department shall not change a client's institutional status when the client is transferred between institutions.

(2) The department shall use other SSI financial criteria for consideration of resources as defined in WAC 388-513-1310 and 388-513-1360.

NEW SECTION

WAC 388-513-1396 Fraternal, religious, or benevolent nursing facility. (1) The department shall find an otherwise eligible client, residing in a nursing facility operated by a fraternal, religious, or benevolent organization:

- (a) Eligible for medical care when the:
 - (i) Facility is licensed as a nursing facility; and
 - (ii) Contract between the client and the nursing facility excludes free or prepaid institutional and/or medical care for life; or
 - (iii) Nursing facility is unable to fulfill the terms of the contract and has:
 - (A) Voided the contract; and
 - (B) Refunded to the client any existing assets of the client;
- (b) Ineligible for institutional and/or medical care when a contract between the client and the facility includes free or prepaid institutional and/or medical care for life.

(2) The department shall consider available to the client all assets of a fraternal, religious, or benevolent organization when the client:

- (a) Signs a contract with the organization that includes free or prepaid institutional and/or medical care for the life of the client; and
- (b) Surrenders income and/or resources to the organization in exchange for such care.

Chapter 388-515 WAC

ALTERNATE LIVING—INSTITUTIONAL MEDICAL

NEW SECTION

WAC 388-515-1505 Community options program entry system (COPEs). (1) The department shall determine a person eligible for COPEs when a person is eighteen years of age or over and:

- (a) Meets the categorically needy eligibility requirements for an SSI-related institutionalized person. For the purposes of COPEs, a person is considered institutionalized as of the date all eligibility criteria, except institutionalized status, is met;
- (b) Requires the level of care provided in a nursing facility;
- (c) Has a department-approved plan of care that meets the eligibility requirements for COPEs personal care as described under WAC 388-15-610 (1)(f); and
- (d) Is able and chooses to reside at home with community support services, in a congregate care facility (CCF), or a licensed adult family home (AFH); and
- (e) Is institutionalized, or the department determines is likely to be institutionalized within the next thirty days in the absence of waived services under WAC 388-15-615.

(2) The department shall not require participation in the cost of COPEs care by a person:

- (a) Receiving SSI; or
- (b) Remaining eligible for SSI under 1619(b) of the Social Security Act, but not receiving a cash grant.

(3) The department shall allocate available income of the SSI-related COPEs client as described under WAC 388-513-1380 (1), (2), (3), (4)(b), (c), (d), (e), (f), (g), and (h), (5), and (6). The client shall retain an amount equal to the medically needy income level (MNIL) for one person for maintenance needs.

(4) The SSI-related client residing in an adult family home or CCF shall:

- (a) Retain from a maintenance needs amount, a specified personal needs allowance as described under WAC 388-250-1600 and 388-250-1650; and
- (b) Pay the remaining maintenance needs amount to the facility for the cost of board and room.

(5) The department shall include the remaining income after allocations as the participation amount for COPEs services as described under WAC 388-15-620.

NEW SECTION

WAC 388-515-1510 Community alternatives program (CAP) and outward bound residential alternatives (OBRA). (1) The department shall determine an eligible person for CAP is a person:

- (a) Meeting the requirements and eligible for division of developmental disabilities (DDD) services and disabled according to SSI rules;
- (b) Meeting the categorically needy eligibility requirements for an SSI-related institutionalized person. For the purposes of CAP and OBRA, a person is considered institutionalized as of the date all eligibility criteria, except institutionalized status is met;
- (c) The department assesses as requiring the level of care provided in an intermediate care facility for the mentally retarded (IMR);
- (d) For whom the department approves an individual plan of care describing the provided community support services; and
- (e) Able and choosing to reside in the community with community support services according to the plan of care.

(2) The department shall determine an eligible person for the OBRA home-based and community-based services program is a person:

- (a) Meeting the CAP eligibility standards in WAC 388-515-1510(1); and
- (b) Residing in a Medicaid nursing facility at the time of application for OBRA services.

(3) The department shall not require participation in the cost of CAP or OBRA services by a person:

- (a) Receiving SSI; or
- (b) Remaining eligible for SSI under 1619(b) of the Social Security Act, but not receiving a cash grant.

(4) The department shall allocate available total income, including amounts disregarded in determining eligibility, of a SSI-related CAP or OBRA client as follows:

- (a) For a client living in the client's residence, including a client receiving intensive tenant support services, the department shall use an amount equal to a maximum of three hundred percent of the SSI Federal Benefit Rate for one person for the client's maintenance needs;
- (b) For a client residing in a state-contracted or state-operated group home, adult family home, or congregate care

(5) For a client living in the client's residence, including a client receiving intensive tenant support services, the department shall use an amount equal to a maximum of three hundred percent of the SSI Federal Benefit Rate for one person for the client's maintenance needs;

(6) For a client residing in a state-contracted or state-operated group home, adult family home, or congregate care

(7) For a client residing in a state-contracted or state-operated group home, adult family home, or congregate care

(8) For a client residing in a state-contracted or state-operated group home, adult family home, or congregate care

(9) For a client residing in a state-contracted or state-operated group home, adult family home, or congregate care

(10) For a client residing in a state-contracted or state-operated group home, adult family home, or congregate care

(11) For a client residing in a state-contracted or state-operated group home, adult family home, or congregate care

(12) For a client residing in a state-contracted or state-operated group home, adult family home, or congregate care

(13) For a client residing in a state-contracted or state-operated group home, adult family home, or congregate care

(14) For a client residing in a state-contracted or state-operated group home, adult family home, or congregate care

facility, the department shall use the following amounts for the client's maintenance needs:

(i) A specified personal needs allowance, as described under WAC 388-250-1600 and 388-250-1650;

(ii) An amount equal to the monthly room and board cost for the facility where the client resides;

(iii) The first twenty dollars per month of earned or unearned income; and

(iv) The first sixty-five dollars plus one-half of the remaining earned income not previously excluded.

(c) For a client described in (b) of this subsection, the maximum amount allowed for any client's individual maintenance needs shall not exceed three hundred percent of the SSI Federal Benefit Rate. The department shall not allow a client an individual maintenance needs deduction of less than the SSI payment standard;

(d) For a client with a spouse at home who is not receiving CAP or OBRA services, the department shall allocate an amount for the spouse's maintenance needs as computed under WAC 388-513-1380 (4)(e);

(e) For a client with a dependent relative living with the spouse not receiving CAP or OBRA services, the department shall designate an amount for the relative's maintenance needs as computed in WAC 388-513-1380 (4)(f);

(f) The department shall use amounts for incurred medical expenses not subject to third-party payment, including:

(i) Medicare and other health insurance premiums, deductibles, or coinsurance charges; and

(ii) Necessary medical care recognized under state law but not covered under Medicaid.

(g) The department shall ensure income remaining after deductions in (a), (b), (c), (d), (e), and (f) of this subsection will be the participation amount for CAP or OBRA services.

NEW SECTION

WAC 388-515-1530 Coordinated community aids services alternatives (CASA) program. (1) The department shall determine an eligible person for CASA is a person:

(a) Meeting the categorically needy eligibility requirements for an SSI-related institutionalized person. For the purposes of CASA, the department shall consider a person institutionalized the date the person meets eligibility criteria, except institutionalized status;

(b) Having a diagnosis of:

(i) Acquired immune deficiency syndrome or disabling Class IV human immunodeficiency virus disease; or

(ii) P2 HIV/AIDS diagnosis, if fourteen years of age or under;

(c) Determined medically at risk of need for the level of hospital-provided care;

(d) Certified by the person's physician or nurse practitioner as in the terminal state of life;

(e) Agreeing to receive services in the person's own home, a licensed congregate care facility, or adult family home; and

(f) Having a plan of care approved by the department and the department of health.

(2) The department shall not require participation in the cost of CASA services by a person:

(a) Receiving SSI; or

(b) Remaining eligible for SSI under 1619(b) of the Social Security Act, but not receiving a cash grant.

(3) The department shall allocate available total income, including amounts disregarded in determining eligibility of a SSI-related CASA client residing at home, as follows:

(a) The client retains as maintenance needs an amount equal to the medically needy income level (MNIL) for one person; and

(b) As described under WAC 388-513-1380 (1), (2), (3), (4)(b), (c), (d), (e), (f), (g), and (h), (5), and (6).

(4) The department shall allocate available total income, including amounts disregarded in determining eligibility of a CASA client residing in an adult family home or congregate care facility, as follows:

(a) The client shall retain a specified personal needs allowance as described under WAC 388-250-1600 or 388-250-1650;

(b) As described under WAC 388-513-1380 (1), (2), (3), (4)(c), (d), (e), (f), and (g), (5), and (6); and

(c) Pay remaining income up to the MNIL to the facility for the cost of board and room.

(5) The SSI-related CASA client's income remaining after deductions in subsection (3) or (4) of this section shall be the participation amount for CASA services.

(6) When the department has determined that the client has financial participation under subsection (5) of this section, the department shall require the client to meet the participation obligation to remain eligible.

Chapter 388-517 WAC MEDICARE-RELATED MEDICAL ELIGIBILITY

NEW SECTION

WAC 388-517-1710 Medicare "buy-in" program.

(1) Subject to limitations under chapter 388-87 WAC, the department shall pay for an otherwise eligible person:

(a) Supplementary medical insurance Part B, under Title XVIII of the Social Security Act;

(b) Coinsurance; and

(c) Deductibles.

(2) In addition to subsection (1) of this section, the department shall pay Part A, under Title XVIII of the Social Security Act, for a person eligible under WAC 388-517-1715 and 388-517-1720.

(3) The department shall only pay the Part B premium, under Title XVIII of the Social Security Act, for a person eligible under WAC 388-517-1730 and 388-517-1740.

(4) The department shall only pay Part A premium, under Title XVIII of the Social Security Act, for a person eligible under WAC 388-517-1750 and 388-517-1760.

NEW SECTION

WAC 388-517-1715 Qualified Medicare beneficiary (QMB) eligible for Medicare cost sharing. The department shall provide Medicare cost sharing under WAC 388-517-1710(2) for a person:

(1) Meeting the general nonfinancial requirements under chapter 388-505 WAC; and

(2) Entitled to Medicare hospital insurance benefits, Part A, under Title XVIII of the Social Security Act.

NEW SECTION

WAC 388-517-1720 Qualified Medicare beneficiaries—Income and resources. (1) The department shall provide Medicare cost sharing for a qualified medical beneficiary (QMB) client having:

(a) A total countable income, as determined under chapter 388-511 WAC, except as specified in subsection (2) of this section, not exceeding one hundred percent of the current federal poverty level (FPL). One hundred percent of the current FPL is:

Family Size	Monthly
(i) One	\$614
(ii) Two	\$820

(b) Resources, as determined under WAC 388-511-1110, not exceeding twice the maximum supplemental security income (SSI) resource limits.

(2) The department shall not consider a person's Social Security cost-of-living increase until April 1 of each year.

NEW SECTION

WAC 388-517-1730 Special low-income Medicare beneficiaries (SLMB) eligible for Medicare cost sharing. The department shall provide Medicare cost sharing under WAC 388-517-1710(3) for a person:

(1) Meeting the general nonfinancial requirements under WAC 388-504-0400;

(2) Entitled to Medicare hospital insurance benefits, Part A, under Title XVIII of the Social Security Act.

NEW SECTION

WAC 388-517-1740 Special low-income Medicare beneficiaries (SLMB)—Income and resources. (1) The department shall provide Medicare cost sharing for a SLMB client having:

(a) A total countable income, as determined under chapter 388-511 WAC, over one hundred percent of the current federal poverty level (FPL), but not exceeding one hundred ten percent of the FPL. One hundred ten percent of the current FPL is:

Family Size	Monthly
(i) One	\$675
(ii) Two	\$902

(b) Resources, as determined under WAC 388-511-1110, not exceeding twice the maximum supplemental security income (SSI) resource limits.

(2) Effective January 1, 1995, the department shall find a person eligible under subsection (1)(a) of this section whose total countable income does not exceed one hundred twenty percent of the FPL.

NEW SECTION

WAC 388-517-1750 Hospital premium insurance enrollment for the qualified disabled working individuals (QDWI). The department shall pay premiums for Medicare Part A under WAC 388-517-1710(4) for a person:

(1) Who is not otherwise entitled to medical assistance; and

(2) Entitled to enroll for Medicare hospital insurance benefits, Part A, under section 1818A of the Social Security Act.

NEW SECTION

WAC 388-517-1760 Qualified disabled working individuals (QDWI) income and resources. The department shall pay premiums for Medicare Part A for a person having:

(1) A total countable family income, as determined under chapter 388-511 WAC, not exceeding two hundred percent of the current FPL. Two hundred percent of the current FPL is:

Family Size	Monthly
(a) One	\$1,227
(b) Two	\$1,640

(2) Resources, as determined under WAC 388-511-1110, not exceeding twice the maximum supplemental security income (SSI) resource limits.

**Chapter 388-518 WAC
LIMITED CASUALTY PROGRAM—MEDICALLY
INDIGENT (LCP-MI)**

NEW SECTION

WAC 388-518-1805 LCP-MI eligibility. (1) The department shall determine a person's citizenship, Social Security number, and residency are not requirements for eligibility.

(2) A person shall not be eligible for LCP-MI when the person:

- (a) Is eligible for medical care from another state; or
- (b) Enters Washington state specifically for the purpose of obtaining medical care.

(3) A person receiving LCP-MI shall meet the following eligibility criteria:

(a) The person is not receiving continuing cash assistance or eligible for any other medical program;

(b) The client who transferred resources within two years before the date of application but after July 1, 1981, shall spenddown the uncompensated value of the resource as described in WAC 388-518-1840. See WAC 388-513-1370 for determining the uncompensated value of the transferred resource; and

(c) For a pregnant woman, the department shall increase the number in the household by the number of unborn before comparing the pregnant woman's income to the:

- (i) Income requirements of WAC 388-518-1850(1); and
- (ii) Resource requirements of WAC 388-518-1850(2).

NEW SECTION

WAC 388-518-1810 LCP-MI emergency medical expense requirement (EMER). (1) The client shall satisfy the EMER as described in this section.

(2) The department shall require documentation of emergency medical expenses of one thousand five hundred dollars per family over a twelve-month period.

(3) Only family members meeting the eligibility requirements in WAC 388-518-1805, 388-518-1820, 388-

PERMANENT

518-1830 and 388-518-1850 can accumulate expenses against the EMER.

(4) The department shall allow the accumulation of emergency medical expenses to begin up to seven working days before the application date. The department may waive the seven-day rule if a person fails to apply for medical reasons or other good cause.

(5) The department shall ensure only emergency medical services, including the usual and customary amounts charged for inpatient and outpatient hospital services, count toward the EMER.

(6) Other than expenses qualifying as hospital charity care under RCW 70.170.060, the emergency medical expense requirement and spenddown are the liability of the client.

(7) If the client does not satisfy the EMER during the three-month base period beginning with the month of application, the department shall apply the amount to any subsequent applications within twelve months of the initial application.

NEW SECTION

WAC 388-518-1820 LCP-MI resource availability. The department shall use AFDC resource guidelines in chapter 388-216 WAC to determine availability of resources, except for provisions under WAC 388-216-2600.

NEW SECTION

WAC 388-518-1830 LCP-MI income availability. The department shall use aid to families with dependent children (AFDC) income guidelines in chapter 388-218 WAC to determine treatment of income, except:

(1) The AFDC earned income exemption of thirty dollars plus one-third of the remainder does not apply to applicants for LCP-MI; and

(2) Deduct health insurance premiums expected to be paid during the base period.

NEW SECTION

WAC 388-518-1840 LCP-MI spenddown. (1) The department shall ensure all countable income and nonexempted resources above the MNIL and resource levels described in WAC 388-507-0710 and 388-507-0720 shall apply toward spenddown.

(2) On initial or subsequent applications, the department shall deduct previously incurred medical expenses from excess countable income as described in WAC 388-519-1930. These expenses cannot have been used toward a previous spenddown, deductible, or emergency medical expense requirement.

NEW SECTION

WAC 388-518-1850 LCP-MI standard. The department shall ensure a person eligible for LCP-MI meets the following income and resource standards:

(1) Nonexempt income shall:

(a) Not exceed the medically needy income level (MNIL) in WAC 388-507-0710; or

(b) Be spent down to that level according to WAC 388-519-1930.

(2) Nonexempt resources shall:

(a) Not exceed the resource standard for supplemental security income (SSI); or

(b) Be spent down to that level according to WAC 388-518-1840.

Chapter 388-519 WAC SPENDDOWN

NEW SECTION

WAC 388-519-1905 Base period. (1) Clients in their own homes shall have a choice of a three-month or a six-month base period which shall begin with the month of application. The department shall use a complete base period unless:

(a) A previous certification period overlaps; or

(b) The client is not resource eligible for the full base period; or

(c) The client is not categorically related for the full base period; or

(d) The client becomes eligible for categorically needy Medicaid.

(2) The department shall not certify a client for more than six months.

(3) The department shall certify a client who is required to spenddown from the day the client meets the spenddown requirement through the last day of the chosen base period when the client has not incurred hospital expenses equal to the spenddown liability.

(4) The department shall certify a client who is required to spenddown from the first day of the base period when the client has incurred hospital expenses equal to the spenddown liability.

(5) When the client requests retroactive medical coverage at the time of application, the retroactive period shall begin three months before the application month unless exceptions in subsection (1)(a), (b), (c), or (d) of this section exist. The department shall certify a client with spenddown in retroactive period effective:

(a) The day the spenddown requirement was met through the last day of the retroactive period when the client has not incurred hospital expenses equal to the spenddown liability; or

(b) The first day of the retroactive period when the client has incurred hospital expenses equal to the spenddown liability.

(6) The department shall require an application for any subsequent period of eligibility for the medically needy program.

NEW SECTION

WAC 388-519-1910 Allowable income deductions and exemptions. (1) The department shall compute countable income by deducting, from gross income, amounts that would be deducted in determining eligibility for:

(a) AFDC, for families and children. The department shall not apply the earned income exemption of thirty dollars plus one-third of the remainder for persons applying solely for medical assistance except as described under WAC 388-507-0740(1); or

(b) SSI/SSP for aged, blind or disabled clients.

(2) When more than one assistance unit exists, the department shall determine income for the:

- (a) AFDC-related assistance unit according to subsections (1)(a) and (3) of this section; and
- (b) SSI-related assistance unit according to subsections (1)(b) and (3) of this section.

(3) The department shall allow the following income exemptions:

- (a) Health insurance premiums, except Medicare, the person expects to pay during the base period;
- (b) An amount equal to the maintenance needs of an ineligible or nonapplying spouse of an SSI-related client not to exceed the one-person medically needy income level (MNIL);
- (c) A child's allowance up to one-half of the Federal Benefit Rate (FBR) for each SSI-ineligible child of an SSI-related client;
- (d) Child care payment amounts allowed as if the person was an AFDC client; and
- (e) When the spouse of a client applying for medically needy receives a home-based and community-based waived service program, the department shall allow the medically needy client an income exemption equal to the one-person MNIL minus the income of the institutionalized spouse.

NEW SECTION

WAC 388-519-1930 Computing spenddown; allowable spenddown expenses. (1) When countable income is equal to or less than the appropriate MNIL, the department shall certify the client eligible.

(2) When countable income for any month of the base period is less than the appropriate medically needy income level (MNIL) but above the categorically needy income level (CNIL), the department shall deduct the difference between the countable income and the MNIL from the total excess countable income for the base period.

(3) When countable income is greater than the appropriate MNIL, the department shall require the client to spenddown the excess countable income for the base period.

(4) On initial or subsequent applications, the department shall deduct previously incurred medical expenses from the client's excess countable income subject to the following restrictions:

- (a) The medical expense shall be a current liability:
 - (i) Of the client or other family member who is legally or blood-related and living in the same household; or
 - (ii) Subject to payment during or after the base period, by a public program as defined under subsection (2) of this section.
- (b) The medical expense shall not have been used at any other time to reduce excess countable income on a medical application which resulted in eligibility;
- (c) The department shall not consider the portion of the medical expense paid or covered by a third-party resource toward spenddown.

(i) The department shall disregard the possible payment by a third party as a resource and allow the entire expense for spenddown when a third party fails to send either payment or notice of the portion of a medical services bill covered within forty-five calendar days of the date of service

or thirty calendar days from the last day of the base period, whichever is sooner.

(ii) When Medicare is the only insurance available, the department shall allow the Medicare deductible toward the spenddown when the client:

- (A) Still owes the bill; and
- (B) Is hospitalized for the first time in a sixty-day period.

(d) The department shall consider toward spenddown a medical expense incurred and paid during the base period:

- (i) By the client; or
- (ii) Subject to payment by a public program as defined under subsection (2) of this section.

(e) The department shall consider only medical services provided by practitioners recognized by state law.

(5) For the purposes of this section, a public program is one administered and funded, except for deductibles and coinsurance amounts, by a state, county, city, or territory. The department shall ensure funding for a public program is:

- (a) From a source other than federally matched or funded; and
- (b) Appropriated by a state, county, city, or territory; or
- (c) Transferred from state, county, city, or territory to the administering agency.

(6) When the incurred medical bills equal or exceed the excess countable income at the time of application, the department shall certify the client's eligibility.

(7) When the incurred medical bills are less than the excess countable income, the department shall not approve the application and shall require the client to spenddown the remaining excess countable income. The department shall only certify the client eligible when excess countable income has been completely spent down. The department shall deduct medical expenses incurred during the spenddown period in the following order:

- (a) Medicare and other health insurance premiums, deductibles coinsurance charges, enrollment fees, or copayments;
- (b) Expenses for necessary medical and remedial care not covered by the medically needy program and provided by a practitioner recognized under state law;
- (c) Expenses for necessary medical and remedial care covered by the medically needy program which a public program as defined under subsection (2) of this section has paid;
- (d) Inpatient or outpatient hospital expenses for necessary medical and remedial care covered by the medically needy program, but remaining a client's liability; and
- (e) Expenses for necessary medical or remedial care other than inpatient or outpatient hospital expenses covered by the medically needy program.

(8) The client shall provide the department with documentation of incurred medical expenses within thirty calendar days of the end of the base period. Once the client's medical eligibility is approved, the department shall not consider expenses the client omits or does not list. The client may use such expenses to reduce excess countable income on a subsequent application provided:

- (a) The expenses incurred before the certification date meet the conditions in subsection (1) of this section; and
- (b) Medical care or supplies received and paid for, on or after the certification date and before receiving medical

coupons, meet the conditions in subsection (1)(b), (c), (d), and (e) of this section.

(9) The client shall be liable for any expenses incurred before the first day of eligibility.

NEW SECTION

WAC 388-519-1950 Institutional spenddown. Refer to WAC 388-513-1395.

Chapter 388-521 WAC MEDICAL EFFECTIVE DATES

NEW SECTION

WAC 388-521-2105 Effective eligibility date for Medicaid. The department shall ensure the effective date of eligibility for:

(1) Categorically needy medical assistance shall be the first day of the month when the client is eligible at any time during that month.

(2) Categorically needy or medically needy medical care is not earlier than the third month before the month of application provided the:

- (a) Medical services the client received were covered;
- (b) Client would have been eligible had the client applied; and
- (c) Client meets all categorical eligibility factors.

NEW SECTION

WAC 388-521-2110 Effective date for SSI medical. The department shall determine the effective date of eligibility for medical assistance for an SSI beneficiary shall be the first day of the month in which SSI eligibility was effective. For eligibility before the SSI effective date, reference WAC 388-521-2105.

NEW SECTION

WAC 388-521-2120 Effective date for medical care services. (1) The department shall ensure eligibility for medical care services begins with the date of certification for:

- (a) General assistance; or
- (b) Alcohol and drug addiction services provided under sections 1 through 8 of the Alcoholism and Drug Addiction Treatment and Support Act of 1987 (chapter 406, Laws of 1987).

(2) The department shall not retroactively certify for medical care received before the initial date of eligibility under subsection (1) of this section.

NEW SECTION

WAC 388-521-2130 Effective date for the medically needy program. (1) The department shall ensure the effective date for the limited casualty program—medically needy for a client in the client's own home is the date the client meets spenddown, if any.

(2) The department shall not deny eligibility based on failure to meet spenddown until at least thirty days after the end of the base period.

(3) See WAC 388-521-2105 for a client requesting retroactive medical coverage.

NEW SECTION

WAC 388-521-2140 Effective date for the medically indigent program. (1) The department shall ensure the effective date of eligibility is the date the client meets spenddown, if any, and the emergency medical expense requirement.

(2) The department shall pay for medical care the client received in the seven working days before the application date when:

(a) The condition was an emergency medical condition; and

(b) The person was otherwise eligible.

(3) The department shall determine the certification date does not exceed three calendar months beginning with the month of application.

(4) A verified pregnant client may apply and be certified for separate three-month periods through the duration of the pregnancy. The three-month limitation in subsection (3) of this section may extend up to six weeks after delivery to cover the postpartum care, which includes routine care for the newborn. Beyond this period of time, the department shall determine eligibility for the mother or newborn separately.

(5) The department may waive the seven-day rule in subsection (2) of this section if a person fails to apply for medical reasons or other good cause.

NEW SECTION

WAC 388-521-2150 Effective date for the qualified Medicare beneficiary (QMB) program. The department shall ensure the effective date of eligibility for the QMB program shall be the first day of the month after the department determines the client is eligible for the QMB client.

NEW SECTION

WAC 388-521-2155 Effective date for the qualified disabled working individual (QDWI) program. The department shall ensure the effective date of eligibility for the QDWI program shall be the later of the:

(1) First day of the month in which the client is enrolled in Part A; or

(2) Retroactive period described under WAC 388-521-2105(2).

NEW SECTION

WAC 388-521-2160 Effective date for the special low-income Medicare beneficiary (SLMB) program. The department shall ensure the effective date of eligibility for the SLMB program shall be the later of the:

(1) First day of the month in which the client is enrolled in Part B; or

(2) Retroactive period described under WAC 388-521-2105(2).

NEW SECTION

WAC 388-521-2170 Effective date—Reapplication. Refer to WAC 388-504-0485(3).

**Chapter 388-522 WAC
MEDICAL ELIGIBILITY CHANGES**

NEW SECTION

WAC 388-522-2205 Redetermination of medical assistance. (1) Before termination of a client's medical assistance, the department shall redetermine the client's eligibility for other medical assistance programs or the medically indigent program.

(a) When additional information is necessary to redetermine eligibility, the department shall give the client ten days notice and an opportunity to provide such information.

(b) The department shall give the client advance and adequate notice of the redetermination decision before termination of medical assistance as described under WAC 388-245-1700.

(c) Until the department redetermines a client's eligibility in conformity with the requirements of this section, the client shall remain eligible for categorically needy medical benefits.

(2) The department shall redetermine the client's eligibility for other financial and medical programs within thirty calendar days when SSA terminates the client's SSI/SSP financial benefits.

NEW SECTION

WAC 388-522-2210 Effect of grant termination. (1) The department shall continue eligibility for medical assistance until the client is determined ineligible for cash assistance.

(2) When eligibility for AFDC cash assistance is terminated:

(a) Due to increased income from or increased hours of employment, the department shall continue medical assistance for the extension periods as described under WAC 388-523-2305;

(b) Due to a child becoming eighteen years of age, the department shall redetermine eligibility for medical assistance under another program;

(c) For lack of cooperation with JOBS, work registration, or lack of school attendance, which are not eligibility factors for medical assistance, the department shall ensure eligibility for medical assistance will continue;

(d) Due solely to the loss of the thirty dollars plus one-third or the thirty-dollar income exemption, the department shall continue medical assistance for the appropriate extension periods as described under WAC 388-523-2305.

(e) Due to the termination of pregnancy, the department shall continue medical assistance to the end of the month containing the sixtieth day from the day the pregnancy ends.

NEW SECTION

WAC 388-522-2230 Eligibility reviews. The department shall redetermine eligibility for medical assistance the same as for the related cash assistance program for clients:

(1) Under eighteen years of age and not related to SSI, eligibility shall be redetermined every six months using AFDC financial criteria; or

(2) In medical institutions, eligibility shall be redetermined every twelve months.

**Chapter 388-523 WAC
MEDICAL EXTENSIONS**

NEW SECTION

WAC 388-523-2305 Medical extensions. (1) Refer to:
(a) WAC 388-508-0830 for extensions for a pregnant woman; and

(b) WAC 388-508-0835 for the family planning extension.

(2) A family unit ineligible for AFDC cash assistance because of the collection or increased collection of child or spousal support shall be eligible for medical assistance for four months beginning with the month of ineligibility provided the family unit:

(a) Is eligible for and received AFDC cash assistance in three or more of the six months immediately preceding the month of ineligibility; and

(b) Continues to meet all AFDC eligibility criteria except income.

(3) The department shall find eligible for medical assistance, an AFDC family unit which becomes ineligible for cash assistance because of:

(a) Income from, or hours of, employment of the caretaker relative; or

(b) The loss of the thirty dollars plus one-third earned income deduction; or

(c) The loss of the thirty-dollar earned income deduction. Such AFDC family unit as described under (a), (b), or (c) of this subsection shall remain eligible for medical assistance for six calendar months when the family unit:

(i) Received AFDC in three or more of the six months immediately preceding the month of ineligibility; and

(ii) Includes a child.

(4) The AFDC family unit, under subsection (3) of this section, shall be:

(a) Eligible for six additional calendar months of medical assistance provided the family unit:

(i) Continues to include a child; and

(ii) Received medical assistance for the entire six-month extension under subsection (3) of this section; and

(iii) Reports any family earnings and child care costs related to the employment of the caretaker relative for the preceding three-month period. The client shall report by the twenty-first day of the fourth month of the initial extension, unless good cause is established.

(b) Terminated from the six additional calendar months of medical assistance when the:

(i) Family's average gross monthly earned income, less the cost of child care related to employment of the caretaker relative, exceeds one hundred eighty-five percent of the Federal Poverty Level when averaged over the immediately preceding three-month period; or

(ii) Caretaker relative has no earnings in one or more of the three previous months, unless lack of earnings is due to good cause.

(5) An AFDC family member shall not be eligible for the extensions in subsections (3) and (4) of this section when the department finds the person ineligible for AFDC in any of the last six months before the extension because of fraud.

NEW SECTION

WAC 388-523-2320 Medicaid quarterly reporting.

(1) The department shall determine the AFDC family unit under WAC 388-523-2305(4) eligible for six additional calendar months of medical assistance provided the family unit reports:

- (a) Family earnings; and
- (b) Child care costs related to the employment of the caretaker relative;
- (c) For the immediately preceding three-month period by the twenty-first day of the fourth month of the initial extension.

(2) The department shall determine the AFDC family unit under WAC 388-523-2305(4) as terminated, unless good cause is established, from the six additional calendar months of medical assistance when the family fails to report:

- (a) Family earned income; and
- (b) Child care costs related to the employment of the caretaker relative;
- (c) For the immediately preceding three-month period by the twenty-first day of the first and fourth months of the additional extension period.

Chapter 388-524 WAC MEDICAL TERMINATIONS

NEW SECTION

WAC 388-524-2405 SSI/state supplement termination. When SSA terminates an SSI/state supplemental client because of failure to meet blindness and disability criteria under Title XVI, the department shall terminate medical assistance at the end of the second month following the month in which eligibility based on disability or blindness criteria ceases.

(1) If the client has filed a timely request for a hearing under SSA jurisdiction and SSA continues benefits, the department shall continue medical assistance concurrently.

(2) The department shall not authorize the CSO to resubmit a request for a redetermination of blindness or disability for consideration of the categorically needy or medically needy program.

(3) If the client presents new medical evidence to the CSO or the client's condition worsens, the department shall require a referral to SSA.

NEW SECTION

WAC 388-524-2420 Medical care services termination. Eligibility for medical care services shall cease when the department terminates:

- (1) The general assistance grant; or
- (2) Alcohol and drug addiction services provided under sections 1 through 8 of the Alcoholism and Drug Addiction Treatment and Support Act of 1987 (chapter 406, Laws of 1987).

Chapter 388-525 WAC MEDICAL NOTICES

NEW SECTION

WAC 388-525-2505 Notification of medical approval. The department shall provide the client written notification when eligibility for medical care has been determined.

NEW SECTION

WAC 388-525-2520 Notification of medical termination. The department shall provide the client advance and adequate written notification when eligibility for medical care is terminated.

NEW SECTION

WAC 388-525-2570 Notification of medical changes. For any change of medical eligibility, the department shall use the same notification procedures as for cash assistance.

Chapter 388-526 WAC MEDICAL FAIR HEARINGS

NEW SECTION

WAC 388-526-2610 Fair hearings. (1) A client aggrieved by a department decision shall have a right to a fair hearing as provided under chapter 388-08 WAC.

(2) Medical assistance administration shall be responsible for a prehearing review when the fair hearing request questions a decision:

- (a) Of a medical consultant; or
- (b) Concerning an eligibility determination in the Medicaid category or state-funded medical program.

(3) Medical assistance administration shall review all fair hearing requests referred by the fair hearing coordinator to determine whether or not the:

- (a) Appellant's request for service was filed according to the applicable rules and regulations;
- (b) Decision has been made upon complete and accurate evaluation of the facts, existing standards, regulations, and policies.

(4) All records and information necessary to determine the validity of the appellant's fair hearing request on request to the reviewing authority and forwarded not later than ten days from such request.

(5) The examiner or the appellant may obtain a medical assessment by a professionally qualified person not a party to the action being appealed, at the request of the examiner or the appellant.

(6) On receipt of the necessary material, evidence, or reports, the designated reviewing authority shall evaluate the appellant's request in accord with existing rules, regulations, and policies of the department. The reviewing authority may:

- (a) Reverse the decision when such adverse decision has been made contrary to the rules, regulations and policies of medical assistance administration;
- (b) Resolve a situation resulting in the fair hearing request by adjustment.

(7) In providing a system for fair hearings for medical care clients, the department shall follow the rules in chapter

PERMANENT

388-08 WAC and, where appropriate, other portions of the rules which are applicable to the particular circumstances of the appellant.

only if a court judgment determines that benefits were incorrectly paid on behalf of the client.

**Chapter 388-527 WAC
MEDICAL OVERPAYMENT/REPAYMENT**

**Chapter 388-528 WAC
RECEIPT OF RESOURCES WITHOUT GIVING
ADEQUATE CONSIDERATION**

NEW SECTION

NEW SECTION

WAC 388-527-2710 Recovery from estates. (1) The department shall recover the cost of public assistance benefits provided under chapter 74.09 RCW provided to a client, who was sixty-five years of age or older, upon the client's death, except:

WAC 388-528-2810 Receipt of resources—Penalties. (1) The department shall find any person liable for a civil penalty and subject to referral for criminal prosecution for commission of a gross misdemeanor if the:

- (a) When there is a surviving spouse; or
- (b) When there is a surviving child:
 - (i) Twenty years of age and under; or
 - (ii) Blind or disabled as defined under chapter 388-511 WAC; or
- (c) For family heirlooms, collectibles, antiques, papers, jewelry, photos, or other personal effects that have been held in the possession of the deceased client to which a surviving child may otherwise be entitled not to exceed a total fair market value of two thousand dollars.

- (a) Person knowingly and willingly receives nonexempt resources for less than fair market value;
- (b) Nonexempt resources were transferred or assigned after December 1, 1981, and before July 1, 1989; and
- (c) Transfer enables a client to qualify or continue to qualify for Title XVI related medical assistance or the limited casualty program for the medically needy.

(2) The department shall assert and enforce a claim against the estate of the deceased client for the debt in subsection (1) of this section, in accordance with chapter 11.40 RCW.

(2) The department shall find no liability for resources transferred for less than fair market value after June 30, 1989.

(3) The department shall file a lien against any real property which was in the name of the client just before the client's death.

(3) WAC 388-217-3100 and 388-217-3150 are incorporated by reference and apply to this section, with the exception to the reference therein to WAC 388-216-3050.

(a) The department shall file the lien with the county auditor of the county in which the property is located; and

(4) The voluntary transfer or assignment of resources between spouses is permitted without affecting eligibility or continued eligibility of the spouse transferring or assigning the resources.

(b) The department shall deem the lien effective as of the date of the client's death; and

(5) The amount of the civil penalty shall be equal to the uncompensated value of the cash or resources transferred or assigned at less than fair market value.

(c) The department's recovery of property shall be upon the next sale or transfer of the property.

(6) The civil penalty shall not exceed the cost of assistance rendered by the department to the client.

(4) When a surviving spouse or child, as defined under subsection (1)(b) of this section, is discovered or contacts the department before recovery, the department shall release the lien.

(7) Written notice of imposition of the civil penalty shall be provided by personal service or certified mail to the person or entity subject to the civil penalty.

(5) The term "child" shall include both natural and adopted children.

(8) The person or entity alleged to be subject to the civil penalty under this section has the right to request a hearing to appeal the determination, and said hearing shall be in accordance with the administrative procedures in chapter 388-08 WAC except as modified by this section.

(6) The value of the estate shall be the total estate value less any liabilities on any real property outstanding at the time of the client's death.

(a) There is a rebuttable presumption that a person who received cash or other nonexempt resources from a client for less than fair market value within two years preceding the date of application for medical care, did so willingly and knowingly for the purpose of enabling the client to qualify or continue to qualify for assistance.

NEW SECTION

(b) The person has the right to offer evidence to rebut the presumption that the transfer or assignment was made for purposes of enabling the client to qualify or continue to qualify for assistance and that the person knowingly and willfully received the resource for such purpose.

WAC 388-527-2720 Restitution. (1) If a medical care client was not eligible for medical care or takes possession of nonexempt resources which the client fails to disclose to the department, the amount of such medical care payment the department pays on the client's behalf shall be an overpayment and a debt due the department.

(c) The prevailing party in such an action shall be awarded reasonable attorney fees.

(2) The department shall not collect reimbursement from a grant for vendor payments incorrectly paid for medical care.

**Chapter 388-529 WAC
SCOPE OF MEDICAL SERVICES**

(3) If the department does not obtain repayment from a client, the office of financial recovery shall take action as described under chapter 388-270 WAC.

(4) The department may place a lien against the client's property, both personal and real, before the client's death

NEW SECTION

WAC 388-529-2910 Scope of care—Categorically needy. The department shall provide medical services to categorically needy clients according to chapter 388-86 WAC.

NEW SECTION

WAC 388-529-2920 Scope of care—Medically needy.

(1) The department shall provide the following medical services to the limited casualty-medically needy program clients:

- (a) Blood administration and processing;
- (b) Case management services;
- (c) Dental services;
- (d) Dentures;
- (e) Early and periodic screening, diagnosis and treatment (EPSDT) services;
- (f) Enteral/parenteral nutrition;
- (g) Eyeglasses;
- (h) Family planning clinic services;
- (i) Home health services;
- (j) Hospice services;
- (k) Inpatient hospital services;
- (l) Intermediate care facility services for the mentally retarded;
- (m) Laboratory and x-ray services;
- (n) Nursing facility services;
- (o) Outpatient hospital;
- (p) Oxygen and respiratory therapy;
- (q) Physical medicine and rehabilitation services;
- (r) Physician, ARNP, and clinic services;
- (s) Podiatric services;
- (t) Prescribed drugs;
- (u) Prosthetic devices;
- (v) Rural health services;
- (w) School medical services for special education students; and
- (x) Medically necessary transportation.

(2) The department shall apply conditions and limitations in chapter 388-86 WAC to the limited casualty-medically needy program.

(3) A request for an exception to policy shall require a review by the medical assistance administration.

NEW SECTION

WAC 388-529-2930 Scope of care—GAU/ADATSA—Medical care services. The department shall provide medical care services as described under chapter 388-86 WAC.

NEW SECTION

WAC 388-529-2940 Scope of care—Children's health. The department shall provide a child eligible for the children's health program categorically needy medical services. Refer to WAC 388-529-2910 for scope of care.

NEW SECTION

WAC 388-529-2950 Scope of care—Medically indigent. (1) The department shall provide coverage under the limited casualty program-medically indigent to an eligible person for treatment of emergency medical conditions only. Services available are limited to:

- (a) Rural health clinic services;
- (b) Physical medicine and rehabilitation services;
- (c) Physician and clinic services;
- (d) Prescribed drugs;
- (e) Dentures;
- (f) Prosthetic devices;
- (g) Eyeglasses;
- (h) Nursing facilities, and intermediate care facilities for the mentally retarded;
- (i) Home health services;
- (j) Laboratory and x-ray services;
- (k) Podiatric services; and
- (l) Medically necessary transportation.

(2) The department shall not pay until the client has medical expenses equal to the total of the emergency medical expense requirement of one thousand five hundred dollars and the spenddown, if any.

(3) The emergency medical expense requirement in WAC 388-518-1850 does not apply for treatment under the Involuntary Treatment Act (ITA). When any other medical need is identified for clients undergoing treatment under the ITA, the department shall apply the emergency medical expense requirement to the services other than ITA.

(4) When a client indicates that an urgent undefined medical illness exists, the department shall:

- (a) Regard the condition as an emergency medical condition;
- (b) Allow one office visit for diagnosis, provided all financial eligibility criteria are met; and
- (c) Allow treatment only when the condition meets the criteria for an emergency medical condition.

(5) For other conditions and limitations under which the department may provide these services, refer to appropriate service in chapter 388-86 WAC.

(6) The department shall not provide a client out-of-state care except in the designated bordering cities.

NEW SECTION

WAC 388-529-2960 Scope of care—Qualified Medicare beneficiary (QMB), special low-income Medicare beneficiary and qualified disabled working individual (QDWI). Refer to WAC 388-517-1700 for scope of care concerning QMB, SLMB, and QDWI clients.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 388-20-010 Rules—Applicability.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 388-24-040	Aid to families with dependent children—Summary of eligibility conditions.
WAC 388-24-042	Aid to families with dependent children—Eligibility of strikers.
WAC 388-24-044	Mandatory monthly reporting.
WAC 388-24-050	Aid to families with dependent children—Assistance unit.
WAC 388-24-052	Provision of Social Security numbers.
WAC 388-24-055	Aid to families with dependent children—regular—Deprivation of parental support or care.
WAC 388-24-060	Aid to families with dependent children—regular—Deprivation due to death.
WAC 388-24-065	Aid to families with dependent children—Deprivation due to incapacity.
WAC 388-24-070	Aid to families with dependent children—regular—Deprivation due to continued absence from home.
WAC 388-24-074	Aid to families with dependent children—employable—Deprivation due to unemployment of a parent.
WAC 388-24-090	Eligibility conditions applicable to AFDC—Employment or training.
WAC 388-24-108	Eligibility conditions applicable to AFDC—Assignment of rights to support.
WAC 388-24-109	Eligibility conditions applicable to AFDC—Support enforcement cooperation.
WAC 388-24-111	Good cause not to cooperate with support enforcement.
WAC 388-24-125	Eligibility conditions applicable to AFDC—Living with a relative of specified degree.
WAC 388-24-200	Reporting child neglect or abuse—Coordination of department services.
WAC 388-24-207	Aid to families with dependent children—foster care—Summary of eligibility conditions.
WAC 388-24-210	Aid to families with dependent children—foster care—Assistance unit.
WAC 388-24-215	Aid to families with dependent children—foster care—Requirements.
WAC 388-24-220	Aid to families with dependent children—foster care—Standards and requirements.

WAC 388-24-225	Aid to families with dependent children—foster care—Income and nonexempt resources.
WAC 388-24-235	Aid to families with dependent children—foster care—Medical care.
WAC 388-24-243	Aid to families with dependent children—foster care—Nonprofit agency placement.
WAC 388-24-550	Assistance to minor child.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 388-26-025	Age determination—Specific considerations.
WAC 388-26-040	Age determination—Affidavit.
WAC 388-26-050	Residence.
WAC 388-26-055	Residence—Establishing.
WAC 388-26-060	Residence—Maintaining.
WAC 388-26-065	Residence—Applicant living in another state.
WAC 388-26-070	Residence—Applicant receiving assistance from another state.
WAC 388-26-080	Residence—Of children.
WAC 388-26-105	Residence—Authorizing return of Washington resident.
WAC 388-26-120	Citizenship and alienage.
WAC 388-26-145	Citizenship and alienage—Program preferences.
WAC 388-26-149	Property transfer.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 388-28-005	Financial need—Rules and procedures.
WAC 388-28-300	Property rights and entitlements.
WAC 388-28-350	Confidentiality—Stepparent responsibility.
WAC 388-28-355	Nonrelated adult in household.
WAC 388-28-360	Community, separate and jointly owned property—Community property.
WAC 388-28-365	Community, separate and jointly owned property—Separate property.
WAC 388-28-370	Community, separate and jointly owned property—Further considerations for determining property of husband and wife.
WAC 388-28-380	Community, separate and jointly owned property—Property jointly owned (not community).
WAC 388-28-385	Community, separate and jointly owned property—Property ownership—Verification.

WAC 388-28-390	Community, separate and jointly owned property—Entitlements.	WAC 388-28-530	Net cash income—Board, room rental, board and room.
WAC 388-28-392	Community, separate, and jointly owned property—Time-loss compensation—Lien.	WAC 388-28-532	Income—Foster homes for children and adult family homes.
WAC 388-28-400	Effect of resources on financial need—Summary of basic policies.	WAC 388-28-535	Net cash income—Determination—Deductions from gross income—Income of child.
WAC 388-28-410	Effect of resources on financial need—Exempt and nonexempt resources.	WAC 388-28-555	Net cash income—Guardianship costs—Retired, disabled and survivors insurance benefits—Veterans benefits.
WAC 388-28-415	Effect of resources on financial need—Exempt resources.	WAC 388-28-560	Allocating income to an assistance unit.
WAC 388-28-420	Effect of resources on financial need—Real property—Home.	WAC 388-28-570	Net cash income—Exempt earned income.
WAC 388-28-425	Effect of resources on financial need—Real property other than home—All programs.	WAC 388-28-575	Disregard of income and resources.
WAC 388-28-435	Effect of resources on financial need—Personal property exemptions—Ceiling values.	WAC 388-28-578	Assistance from other agencies and organizations.
WAC 388-28-438	Effect of resources on financial need—Personal property exemptions.	WAC 388-28-580	Other income.
WAC 388-28-439	Effect of resources on need—Property used in self-employment.	WAC 388-28-590	Alien sponsorship—Deeming of income and resources—Overpayments.
WAC 388-28-440	Accumulation and depletion of allowable cash resource reserves.	WAC 388-28-600	Determination of net income in-kind.
WAC 388-28-450	Nonexempt resources—Effect on financial need.	WAC 388-28-650	Guardianships and trusts—Indians.
WAC 388-28-474	Replacement of exempt property.		
WAC 388-28-475	Use of income and income potentials.		
WAC 388-28-480	Use of income and income potentials—Types of income—Effect on need.		
WAC 388-28-481	Nonexempt resources and income known at time of application.		
WAC 388-28-482	Effect of newly acquired income and property on continuing need.		
WAC 388-28-483	Prospective eligibility, prospective budgeting, and retrospective budgeting.		
WAC 388-28-484	Treatment of newly acquired nonexempt income and resources.		
WAC 388-28-485	Use of income and income potentials—Parental income and support.		
WAC 388-28-500	Allocating income from an assistance unit.		
WAC 388-28-515	Net cash income—Determination—Employment or training expenses—Deductions from gross income.		
WAC 388-28-520	Income from self-employment.		

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 388-33-015	Payment of grant—Persons included.
WAC 388-33-020	Payment of grant—Monthly basis.
WAC 388-33-025	Payment of grant—Amount.
WAC 388-33-045	Payment of grant—Deduction of overpayment.
WAC 388-33-050	Payment of grant—Self-imposed maximum amount.
WAC 388-33-051	Payment of grant—Rounding down.
WAC 388-33-055	Payment of grant—Minimum amount.
WAC 388-33-080	Grant authorization, reauthorization, and computation—Authorizing documents.
WAC 388-33-085	Grant authorization, reauthorization, and computation—Local office function.
WAC 388-33-090	Grant authorization, reauthorization and computation—State office function.
WAC 388-33-095	Grant authorization, reauthorization and computation—State office reauthorization and recomputation of grant.

WAC 388-33-115	Effective date of eligibility—Applicant, reapplicant and reinstated recipient.		children—Special and limited nature.
WAC 388-33-120	Effective date of eligibility—Exceptions.	WAC 388-33-440	Protective or vendor payment due to mismanagement of AFDC grant.
WAC 388-33-125	Notification of grant approval.	WAC 388-33-442	Protective or vendor payment due to mismanagement of AFDC grant—Plan approval—Duration.
WAC 388-33-135	Effective date of change in eligibility.		
WAC 388-33-140	Effective date of increase or decrease in grant.	WAC 388-33-444	Protective or vendor payment due to mismanagement of AFDC grant—Notice to AFDC recipient, protective payee or vendor.
WAC 388-33-165	Effective date of grant—Fair hearing or court decision involved.	WAC 388-33-446	Protective or vendor payment due to mismanagement of AFDC grant—Discharge of protective payee—Reinstatement of relative payee.
WAC 388-33-170	Effective date of grant—Law or rule change involved.		
WAC 388-33-190	Effective date of grant—Monthly deduction of overpayment.	WAC 388-33-447	Protective or vendor payment due to mismanagement of AFDC grant—Fair hearing.
WAC 388-33-195	Underpayments.	WAC 388-33-448	Protective or vendor payment due to mismanagement of AFDC grant—Periodic review of plan.
WAC 388-33-230	Address change to another local office area.	WAC 388-33-449	Protective or vendor payment due to mismanagement of AFDC grant—Information confidential.
WAC 388-33-235	Address change to another local office area—Reside permanently.	WAC 388-33-450	Protective payment—Employment or work incentive program refused without good cause.
WAC 388-33-240	Address change to another local office area—Visit.	WAC 388-33-453	Protective payment—Failure or refusal to cooperate with support enforcement.
WAC 388-33-335	Reduction of grant amount.	WAC 388-33-455	Protective payment—Special needs of SSI beneficiary, general assistance recipient or recipient of the Alcoholism and Drug Addiction Treatment and Support Act (ADATSA) program.
WAC 388-33-355	Suspension of grant.		
WAC 388-33-365	Termination of grant.	WAC 388-33-457	Protective payment—Modification or termination of plan.
WAC 388-33-375	Termination of suspended grant—Authorization of assistance resulting from change of decision on eligibility and grant.	WAC 388-33-458	Protective payment—Periodic review.
WAC 388-33-376	Advance and adequate notice—Suspension—Termination—Reduction of benefits.	WAC 388-33-459	Protective payment—Fair hearing.
WAC 388-33-377	Grant continuation pending fair hearing.	WAC 388-33-460	Payment to vendor of goods and services.
WAC 388-33-382	Notification of suspension or termination or reduction of grant—Effect on eligibility and grant.	WAC 388-33-525	Warrant endorsement.
WAC 388-33-385	Notification of suspension or termination or reduction of grant—Dispensation of advance notice.	WAC 388-33-535	Delivery of warrant.
WAC 388-33-387	Notification of exception to policy request and decision.	WAC 388-33-545	Delivery of warrant—Address unknown.
WAC 388-33-389	Grievance procedure—Applicants and recipients of public assistance, medical assistance, and social services administered by Title 388 WAC.	WAC 388-33-550	Delivery in care of local office.
WAC 388-33-400	Payee of grant.	WAC 388-33-576	Loss, theft, or destruction of warrant payable to recipient.
WAC 388-33-420	Payment of grant to other person in behalf of recipient.	WAC 388-33-579	Loss, theft or destruction of warrant payable to vendor.
WAC 388-33-425	Payment of grant to guardian—Continuing general assistance.		
WAC 388-33-430	Payment of grant to guardian—Aid to families with dependent		

- WAC 388-33-585 Cancellation of warrant.
- WAC 388-33-595 One-time grant—
Authorization—Disbursement.
- WAC 388-33-605 One-time grant—Notification to recipient.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 388-38-010 Definitions.
- WAC 388-38-030 Application—Department responsibility.
- WAC 388-38-040 Application—Recording and documenting.
- WAC 388-38-045 Applicant responsibility for providing information.
- WAC 388-38-050 Alteration or addition to forms.
- WAC 388-38-0501 Trial visit.
- WAC 388-38-110 Time limit for disposal.
- WAC 388-38-120 Disposal actions.
- WAC 388-38-150 Application approved—Notice.
- WAC 388-38-172 Application denied or withdrawn—Notice.
- WAC 388-38-200 Verifying eligibility and re-eligibility.
- WAC 388-38-220 Verification of citizenship.
- WAC 388-38-225 Verification of lawful admission for permanent residence in United States.
- WAC 388-38-230 Verification of permanent residence in United States under color of law.
- WAC 388-38-250 Responsibility for eligibility maintenance.
- WAC 388-38-255 Responsibility for eligibility maintenance—Recipient.
- WAC 388-38-260 Responsibility for eligibility maintenance—Local office.
- WAC 388-38-265 Recipient's whereabouts unknown or failure to provide eligibility data.
- WAC 388-38-270 Redirection of warrant.
- WAC 388-38-280 Periodic review and redetermination of eligibility.
- WAC 388-38-285 Content of review.
- WAC 388-38-290 Action on review.
- WAC 388-38-295 Changing and terminating grant.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 388-80-002 Applicability.
- WAC 388-80-005 Definitions.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 388-81-005 Medical care program.
- WAC 388-81-010 Civil rights.
- WAC 388-81-015 Institution of control.
- WAC 388-81-017 Requirements for advance directives.
- WAC 388-81-020 Vendor reports—Collection and analysis of statistical data.
- WAC 388-81-025 Eligibility—General.
- WAC 388-81-030 Case exception.
- WAC 388-81-035 Confidential records.
- WAC 388-81-038 Medical services request.
- WAC 388-81-040 Fair hearing.
- WAC 388-81-042 Fair hearing—Provider.
- WAC 388-81-043 Administrative appeal—Rate—Contractor/provider.
- WAC 388-81-044 Interest penalties—Providers.
- WAC 388-81-047 Recovery from estates.
- WAC 388-81-050 Restitution.
- WAC 388-81-052 Receipt of resources without giving adequate consideration.
- WAC 388-81-055 Fraud.
- WAC 388-81-060 Medicare cost sharing.
- WAC 388-81-065 Medical care client co-payment.
- WAC 388-81-070 Determination of maternity care distressed areas.
- WAC 388-81-100 Patient requiring regulation (PRR).

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 388-82-006 Medical assistance.
- WAC 388-82-008 Family independence program (FIP).
- WAC 388-82-010 Persons eligible for medical assistance.
- WAC 388-82-115 Categorically needy medical assistance eligibility.
- WAC 388-82-126 Medical care services (GAU).
- WAC 388-82-130 Medical care provided in bordering cities.
- WAC 388-82-135 Out-of-state medical care.
- WAC 388-82-140 Qualified Medicare beneficiaries eligible for Medicare cost sharing.
- WAC 388-82-150 Special low-income Medicare beneficiaries (SLMB) eligible for Medicare cost sharing.
- WAC 388-82-160 Hospital premium insurance enrollment for the working disabled.

PERMANENT

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 388-83-005	Medical assistance eligibility.
WAC 388-83-006	Medical care services.
WAC 388-83-010	Alternative sources for medical care.
WAC 388-83-012	Assignment of rights.
WAC 388-83-013	Cooperation in securing medical support.
WAC 388-83-014	Good cause not to cooperate in securing medical care support.
WAC 388-83-015	Citizenship and alien status.
WAC 388-83-017	Social Security number.
WAC 388-83-020	Age.
WAC 388-83-025	Residence.
WAC 388-83-026	Availability of resources—General.
WAC 388-83-029	Medical extensions.
WAC 388-83-031	Continuation of eligibility for pregnant women.
WAC 388-83-03101	Postpregnancy family planning extension.
WAC 388-83-032	Pregnant women.
WAC 388-83-033	Children—Eligible to nineteen years of age.
WAC 388-83-036	Monthly maintenance standard—Client not in own home.
WAC 388-83-041	Income—Eligibility.
WAC 388-83-046	Relative financial responsibility for AFDC-related programs.
WAC 388-83-130	Eligibility—Special situations.
WAC 388-83-200	Community options program entry system (COPES).
WAC 388-83-210	Community alternatives program (CAP) and outward bound residential alternatives (OBRA) program.
WAC 388-83-220	Coordinated community AIDS service alternatives (CASA) program.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 388-84-105	Medical application.
WAC 388-84-110	Application—Disposition.
WAC 388-84-115	Effective date of eligibility.
WAC 388-84-120	Effective date of eligibility for medical care services.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 388-85-105	Certification of eligibility.
WAC 388-85-110	SSI/state supplement termination.

WAC 388-85-115

Denied Title II and Title XVI applicants.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 388-92-005	Definitions.
WAC 388-92-015	Eligibility determination—SSI.
WAC 388-92-025	Relative financial responsibility for SSI-related clients.
WAC 388-92-027	SSI-related income deeming.
WAC 388-92-030	Monthly standard.
WAC 388-92-034	Availability of income.
WAC 388-92-036	SSI-related income exemptions.
WAC 388-92-040	Availability of resources.
WAC 388-92-041	Trusts.
WAC 388-92-045	Exempt resources.
WAC 388-92-050	Limitation of resources.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 388-93-005	Definitions.
WAC 388-93-010	Description of program.
WAC 388-93-015	Eligibility—General.
WAC 388-93-020	Eligibility—Blindness defined.
WAC 388-93-025	Eligibility—Permanently and totally disabled defined.
WAC 388-93-030	Refusal of disabled recipient to accept available and recommended medical treatment—Effect on eligibility.
WAC 388-93-035	Refusal of disabled recipient to accept available and recommended medical treatment—Review for disability or blindness.
WAC 388-93-040	Computation of available income.
WAC 388-93-045	Monthly maintenance standard—Individual living in own home.
WAC 388-93-050	Monthly maintenance standard—Individual in institution.
WAC 388-93-055	Allocation of available income and nonexempt resources.
WAC 388-93-060	Exempt resources.
WAC 388-93-065	Nonexempt resources.
WAC 388-93-075	Continuing certification.
WAC 388-93-080	Application following termination of eligibility.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 388-95-300	Recipients in medical institutions eligible under Title XIX.
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- WAC 388-95-310 Fraternal, religious, or benevolent nursing facility.
- WAC 388-95-320 Eligibility determination—Institutional.
- WAC 388-95-335 Availability of income.
- WAC 388-95-337 Availability of resources.
- WAC 388-95-340 Computation of available income and resources.
- WAC 388-95-360 Allocation of income and resources—Institutionalized client.
- WAC 388-95-380 Excluded resources.
- WAC 388-95-390 Limitation of resources.
- WAC 388-95-395 Transfer of assets.
- WAC 388-95-400 Medically needy—Eligibility determination—Institutional.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 388-99-005 Limited casualty program—Medically needy.
- WAC 388-99-010 Persons eligible for medically needy assistance.
- WAC 388-99-011 Continuation of eligibility for pregnant women.
- WAC 388-99-015 Eligibility—General.
- WAC 388-99-020 Eligibility determination—Medically needy in own home.
- WAC 388-99-030 Allocation of excess income—Spendedown.
- WAC 388-99-035 Resource standards.
- WAC 388-99-036 Monthly maintenance standard—Client not in own home.
- WAC 388-99-040 Availability of resources.
- WAC 388-99-050 Limited casualty program—Medically needy—Application process.
- WAC 388-99-055 Base period.
- WAC 388-99-060 Scope of care for medically needy.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 388-100-001 Effective dates.
- WAC 388-100-005 Limited casualty program—Medically indigent.
- WAC 388-100-010 Limited casualty program—Medically indigent—Eligibility determination.
- WAC 388-100-015 Allocation of excess income and nonexempted resource.
- WAC 388-100-020 Limited casualty program—Medically indigent—Application process.
- WAC 388-100-025 Certification.

- WAC 388-100-030 Emergency medical expense requirement.
- WAC 388-100-035 Scope of care for medically indigent.

WSR 94-10-080**PERMANENT RULES****DEPARTMENT OF ECOLOGY**

[Order 94-01—Filed May 4, 1994, 11:37 a.m.]

Date of Adoption: May 3, 1994.

Purpose: Adoption of revised shoreline master program for the city of Tumwater into the state master program, chapter 173-19 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 173-19-4205 City of Tumwater shoreline master program.

Statutory Authority for Adoption: RCW 90.58.200 Shoreline Act of 1971.

Pursuant to notice filed as WSR 94-03-094 on January 19, 1994.

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

May 3, 1994

Mary Riveland

Director

AMENDATORY SECTION (Amending Orders 93-21 and 93-21A, filed 10/29/93 and 11/3/93, effective 11/29/93 and 12/4/93)

WAC 173-19-4205 Tumwater, city of. City of Tumwater master program approved May 21, 1976. Revision approved August 30, 1984. Revision approved September 29, 1987. Revision approved May 15, 1990. Revision approved October 2, 1990. Revision approved April 17, 1991. Revision approved April 21, 1991. Revision approved November 2, 1993. Revision approved May 3, 1994.

WSR 94-10-081**PERMANENT RULES****DEPARTMENT OF ECOLOGY**

[Order 94-04—Filed May 4, 1994, 11:39 a.m.]

Date of Adoption: May 3, 1994.

Purpose: Adoption of revised shoreline master program for Chelan County into the state master program, chapter 173-19 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 173-19-120 Chelan County shoreline master program.

Statutory Authority for Adoption: RCW 90.58.200 Shoreline Act of 1971.

Pursuant to notice filed as WSR 94-03-092 on January 19, 1994.

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

May 3, 1994

Mary Riveland

Director

AMENDATORY SECTION (Amending Order DE 83-27, filed 10/19/83)

WAC 173-19-120 Chelan County. Chelan County master program approved April 22, 1975. Revision approved June 26, 1980. Revision approved July 15, 1981. Revision approved October 1, 1981. Revision approved October 13, 1983. Revision approved May 3, 1994.

WSR 94-10-082
PERMANENT RULES
DEPARTMENT OF ECOLOGY
 [Order 94-08—Filed May 4, 1994, 11:40 a.m.]

Date of Adoption: May 3, 1994.

Purpose: Adoption of revised shoreline master program for the city of Port Orchard into the state master program, chapter 173-19 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 173-19-2602 City of Port Orchard shoreline master program.

Statutory Authority for Adoption: RCW 90.58.200 Shoreline Act of 1971.

Pursuant to notice filed as WSR 94-04-107 on February 1, 1994.

Changes Other than Editing from Proposed to Adopted Version: A definition for "boat house" has been added.

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

May 3, 1994
 Mary Riveland
 Director

AMENDATORY SECTION (Amending Order 92-02, filed 6/16/92, effective 7/17/92)

WAC 173-19-2602 Port Orchard, city of. City of Port Orchard master program approved March 10, 1977. Revision approved June 16, 1992. Revision approved May 3, 1994.

WSR 94-10-083
PERMANENT RULES
DEPARTMENT OF ECOLOGY
 [Filed May 4, 1994, 11:44 a.m.]

Date of Adoption: May 2, 1994.

Purpose: To carry out the provisions of RCW 90.56.230, to establish facility operations manual requirements. To minimize the likelihood that a facility oil spill will occur, minimize the size and impact of spills which do occur and provide improved protection of Washington waters.

Statutory Authority for Adoption: RCW 90.56.230.

Pursuant to notice filed as WSR 94-01-172 on December 21, 1993.

Changes Other than Editing from Proposed to Adopted Version: In accordance with RCW 34.05.355, what follows is a concise explanatory statement which itemizes changes made to chapter 173-180B WAC: WAC 173-180B-030, definition of "transfer pipeline" was added as defined in chapter 173-180A WAC; WAC 173-180B-070, in subsection

(4)(w) and (5)(u), language was added to allow facilities to maintain pumps and valves in accordance with an industrial standard approved by the department; and WAC 173-180B-090, a subsection (5) was added to clarify that facilities are not liable for the time operation manuals are in ecology's possession for review.

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

May 2, 1994
 Mary Riveland
 Director

Chapter 173-180B WAC
FACILITY OIL HANDLING OPERATIONS MANU-
AL STANDARDS

NEW SECTION

WAC 173-180B-010 Purpose. The purpose of this chapter is to establish operations manual requirements which, when followed, will:

- (1) Help to prevent oil and petroleum spills from occurring;
- (2) Ensure that facilities are operated in a manner which will provide the best achievable protection of public health and the environment;
- (3) Provide improved protection of Washington waters and natural resources from the impacts of oil spills caused by operational errors.

NEW SECTION

WAC 173-180B-020 Authority. RCW 90.56.230 provides statutory authority for operations manual preparation and review requirements established by this chapter.

NEW SECTION

WAC 173-180B-030 Definitions. "Best achievable protection" means the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of protection achievable. The director's determination of best achievable protection shall be guided by the critical need to protect the state's natural resources and waters, while considering: The additional protection provided by the measures; the technological achievability of the measures; and the cost of the measures.

"Best achievable technology" means the technology that provides the greatest degree of protection, taking into consideration processes that are being developed, or could feasibly be developed, given overall reasonable expenditures on research and development, and processes that are currently in use. In determining what is best achievable technology, the director shall consider the effectiveness, engineering feasibility, and commercial availability of the technology.

"Board" means the pollution control hearings board.

"Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

"Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, greater

than three hundred or more gross tons, including but not limited to, commercial fish processing vessels and freighters.

"Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

"Department" means the department of ecology.

"Director" means the director of the department of ecology.

"Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying or dumping.

Facility:

"Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from a tank vessel or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

A facility does not include any: Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state; underground storage tank regulated by the department or a local government under chapter 90.76 RCW; a motor vehicle motor fuel outlet; a facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; or a marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

"Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

"Oil" or "oils" means naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline, and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 101 (14) of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by P.L. 99-499.

"Offshore facility" means any facility, as defined in this section, located in, on, or under any of the navigable waters of the state, but does not include any land of the state, other than submerged land.

"Onshore facility" means any facility, as defined in this section, any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

Owner or operator:

"Owner" or "operator" means: In the case of a vessel, any person owning, operating, or chartering by demise, the vessel; in the case of an onshore or offshore facility, any person owning or operating the facility; and in the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.

Operator does not include any person who owns the land underlying a facility immediately before its abandonment.

"Passenger vessel" means a ship of greater than three hundred or more gross tons or five hundred or more international gross tons carrying passengers for compensation.

"Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

"Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

"Spill" means an unauthorized discharge of oil which enters the waters of the state.

"Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

Operates on the waters of the state; and

Transfers oil in a port or place subject to the jurisdiction of this state.

"Transmission pipeline" means a pipeline whether interstate or intrastate, subject to regulation by the United States Department of Transportation under 49 C.F.R. 195, as amended through December 5, 1991, through which oil moves in transportation, including line pipes, valves, and other appurtenances connected to line pipe, pumping units, and fabricated assemblies associated with pumping units.

"Transfer" means any movement of oil between a tank vessel or transmission pipeline and the facility.

"Transfer pipeline" is a buried or aboveground pipeline used to carry oil between a tank vessel or transmission pipeline and the first valve inside secondary containment at the facility provided that any discharge on the facility side of that first valve will not directly impact waters of the state. A transfer pipeline includes valves, and other appurtenances connected to the pipeline, pumping units, and fabricated assemblies associated with pumping units. A transfer pipeline does not include process pipelines, pipelines carrying ballast or bilge water, transmission pipelines, tank vessel or storage tanks. Instances where the transfer pipeline is not well defined will be determined on a case-by-case basis.

"Waters of the state" include lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and land adjoining the seacoast of the state, sewers, and all other surface waters and water-courses within the jurisdiction of the state of Washington.

NEW SECTION

WAC 173-180B-040 Applicability. Operations manuals for onshore and offshore facilities must be prepared, submitted, and implemented, pursuant to the requirements in this chapter.

NEW SECTION

WAC 173-180B-050 Manual preparation. (1) Each facility shall prepare an operation and maintenance manual describing equipment and procedures involving the transfer, storage, and handling of oil that the operator employs or will employ to achieve best achievable protection for public health and the environment, and to prevent oil spills. The

manual shall also describe equipment and procedures required for all vessels which transfer oil to or from a facility. At a minimum, manuals shall meet the requirements of this chapter.

(2) The manual shall be thorough and contain enough information, analyses, supporting data, and documentation to demonstrate the manual holder's ability to meet the requirements of this chapter and the requirements of chapter 173-180A WAC.

(3) Coast Guard operations manuals required under 33 C.F.R. 154.300 may be submitted to satisfy manual requirements under this chapter if the department deems that such federal requirements equal or exceed those of the department, or if the manuals are modified or appended to satisfy manual requirements under this chapter.

NEW SECTION

WAC 173-180B-060 Manual format requirements.

(1) Manuals shall be divided into a system of chapters and sections and shall be organized in a format which provides easy access to information.

(2) The manual shall allow replacement of chapter and appendix pages with revisions, without requiring replacement of the entire manual.

NEW SECTION

WAC 173-180B-070 Manual content requirements.

(1) Each operations manual submitted to the department shall contain a submittal agreement which:

(a) Includes the name, address, and phone number of the submitting party.

(b) Verifies acceptance of the manual by the owner or operator of the facility by either signature of the owner or operator or signature by a person with the authority to bind the corporation which owns such facility;

(c) Commits execution of the manual by the owner or operator of the facility, and verifies authority for the plan holder to make appropriate expenditures in order to execute plan provisions.

(d) Includes the name, location, and address of the facility, type of facility, and starting date of operations.

(e) Each manual shall include a log sheet to record amendments to the manual. The log sheet shall be placed at the front of the manual. The log sheet shall provide for a record of the section amended, the date that the old section was replaced with the amended section, and the initials of the individual making the change. A description of the amendment and its purpose shall also be included in the log sheet, or filed in the form of an amendment letter immediately following the log sheet.

(2) Each manual shall include a detailed table of contents based on chapter, section, and appendix numbers and titles, as well as tables and figures.

(3) Where applicable, topics identified in the table of contents may be cross referenced with other submissions required by chapter 90.56 RCW including contingency and prevention plans, or 33 C.F.R. 156 provided that a copy of the *Coast Guard Operations Manual* has been submitted to ecology.

(4) Operations manuals shall address at a minimum the following topics for marine transfers to or from facilities:

(a) The geographic location of the facility shown on a topographic map;

(b) A physical description of the facility including a plan of the facility showing mooring areas, transfer locations, control stations, oil flow patterns, and locations of safety equipment;

(c) A statement identifying facility operation hours;

(d) A discussion of the sizes, types, and number of vessels that the facility can transfer oil to or from, including simultaneous transfers;

(e) A description of all oil types transferred to or from the facility including:

(i) Generic and chemical name; and

(ii) The following oil information:

(A) The name of the oil;

(B) A description of the appearance of the oil;

(C) The hazards involved in handling the oil;

(D) Instructions for safe handling of oil;

(E) The procedures to be followed if the oil spills or leaks, or if a person is exposed to the oil; and

(F) A list of fire fighting procedures and extinguishing agents effective with fires involving the oil.

(f) A discussion of the minimum number of persons or equipment required to perform transfer operations and their duties;

(g) The names and telephone numbers of facility, federal, state, local and other personnel who may be called by the employees of the facility in case of an emergency;

(h) The duties of the transfer watchmen;

(i) Instructions in the use of each communication system;

(j) The location and facilities of each personnel shelter, if any;

(k) A description and instructions for the use of drip and discharge collection and vessel slop reception facilities, if any;

(l) Emergency plans and procedures including a description of and the location of each emergency shutdown system;

(m) Quantity, types, locations, and instructions for use of monitoring devices;

(n) Quantity, type, location, instructions for use, and time limits for gaining access to containment equipment;

(o) Quantity, type, location, and instructions for use of fire extinguishing equipment;

(p) Maximum relief valve settings (or maximum system pressures when relief valves are not provided) for each transfer system;

(q) Detailed procedures for:

(i) Operating each loading arm including the limitations of each loading arm;

(ii) Transferring oil;

(iii) Completion of pumping; and

(iv) Emergencies.

(r) Procedures for reporting and initial containment of oil discharges;

(s) A brief summary of applicable federal, state, and local oil pollution laws and regulations;

(t) If applicable, procedures for shielding portable lighting;

(u) A discussion of facility operation procedures for conducting oil transfers including transfer startups and shutdowns;

(v) Recordkeeping procedures and sample forms which are associated with the requirements in chapters 173-180A and 173-180B WAC;

(w) Example maintenance schedules incorporating manufacturers recommendations or an industrial standard approved by the department, preventative maintenance, replacement criteria for transfer pipelines, pumps and valves;

(x) A discussion of equipment and procedures required for all vessels which transfer oil to the facility. Procedures for verifying that vessels meet facility requirements and operations manual procedures;

(y) A section in accordance with the National Fire Protection Association (NFPA), Flammable and Combustible Code, No. 30-1993, Chapter 2, Section 2-10 which requires that written procedures be developed to describe overflow prevention procedures. Overflow prevention procedures shall be described for transfers to storage tanks and tank vessels;

(z) A discussion of the leak detection system and/or procedures implemented by the facility.

(5) Operations manuals shall address at a minimum the following topics for transfers to or from transmission pipelines:

(a) The geographic location of the facility shown on a topographic map;

(b) A physical description of the facility including a plan of the facility showing transfer locations, control stations, oil flow patterns, and locations of safety equipment;

(c) A statement identifying facility operation hours;

(d) A description of all oil types transferred to or from the facility including:

(i) Generic and chemical name; and

(ii) The following oil information:

(A) The name of the oil;

(B) A description of the appearance of the oil;

(C) A description of the odor of the oil;

(D) The hazards involved in handling the oil;

(E) Instructions for safe handling of oil;

(F) The procedures to be followed if the oil spills or leaks, or if a person is exposed to the oil; and

(G) A list of fire fighting procedures and extinguishing agents effective with fires involving the oil.

(e) A discussion of the minimum number of persons required to perform transfer operations and their duties;

(f) The names and telephone numbers of facility, federal, state, local and other personnel who may be called by the employees of the facility in case of an emergency;

(g) The duties of the facility operator;

(h) A description of each communication system;

(i) The location and facilities of each personnel shelter, if any;

(j) Emergency plans and procedures including a description of and the location of each emergency shutdown system;

(k) Quantity, types, locations, and instructions for use of monitoring devices;

(l) Quantity, type, location, instructions for use, and time limits for gaining access to containment equipment;

(m) Quantity, type, location, and instructions for use of fire extinguishing equipment;

(n) Maximum relief valve settings (or maximum system pressures when relief valves are not provided) for each transfer system;

(o) Detailed procedures for:

(i) Transferring oil;

(ii) Completion of transfer; and

(iii) Emergencies.

(p) Procedures for reporting and initial containment of oil discharges;

(q) A brief summary of applicable federal, state, and local oil pollution laws and regulations;

(r) A description of the training and qualification program for persons in charge;

(s) A discussion of facility operation procedures for conducting oil transfers including transfer startups and shutdowns;

(t) Recordkeeping procedures and sample forms to be used;

(u) Example maintenance schedules incorporating manufacturers recommendations or an industrial standard approved by the department, preventative maintenance replacement criteria for transfer pipelines, pumps and valves;

(v) A section in accordance with the National Fire Protection Association (NFPA), Flammable and Combustible Code, No. 30-1993, Chapter 2, Section 2-10 which requires that written procedures be developed to describe overflow prevention procedures. Overflow prevention procedures shall be described for transfers to storage tanks and tank vessels.

NEW SECTION

WAC 173-180B-080 Manual submittal. (1) Manuals for onshore and offshore facilities shall be submitted to ecology within eighteen months after the adoption date of this rule.

(2) Any onshore or offshore facility that first begins operating after the above deadline shall submit a manual to the department at least sixty-five calendar days prior to the beginning of operations.

(3) Three copies of the manual and appendices shall be delivered to:

Spill Management Section,
Operations Manual Review
Washington Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

(4) The plan submitter may request that proprietary information be kept confidential under RCW 43.21A.160.

NEW SECTION

WAC 173-180B-090 Manual review. (1) Upon receipt of a manual, ecology shall determine promptly whether the manual is complete. If the department determines that a manual is incomplete, the submitter shall be notified of deficiencies.

(2) A manual shall be approved if, in addition to meeting criteria in this section, that when implemented, it can provide best achievable protection from damages cause by the discharge of oil into waters of the state.

(3) When reviewing manuals, ecology shall, in addition to the above criteria, consider the following:

(a) The volume and type of oil(s) addressed by the facility prevention plan;

(b) The history and circumstances of prior spills by similar types of facilities, including spills reported to the state and federal government in Washington state;

(c) Inspection reports;

(d) The presence of operating hazards;

(e) The sensitivity and value of natural resources within the geographic area covered by the plan; and

(f) Any pertinent local, state, federal agency, or public comments received on the manual.

(4) Ecology shall endeavor to notify the facility owner or operator within five working days after the review is completed whether the manual has been approved.

(a) If the plan receives approval, the facility owner or operator shall receive an approval letter describing the terms of approval, including expiration dates pursuant to WAC 173-180-085(4).

(b)(i) Ecology may approve a manual conditionally by requiring a facility owner or operator to operate with specific precautionary measures until acceptable components of the plan are resubmitted and approved.

(ii) Precautionary measures may include, but are not limited to, reducing oil transfer rates, increasing personnel levels, or restricting operations to daylight hours. Precautionary measures may also include additional requirements to ensure availability to response equipment.

(iii) A manual holder shall have thirty days after the department gives notification of conditional status to submit and implement required changes to ecology, with the option for an extension at ecology's discretion. Manual holders who fail to meet conditional requirements or provide required changes in the time allowed shall lose conditional approval status.

(c) If manual approval is denied, the facility owner or operator shall receive an explanation of the factors for disapproval and a list of deficiencies. The owner or operator of the facility must resubmit the manual within ninety days of notification of reasons for noncompliance, responding to the reasons and incorporating any suggested modifications. The facility shall not continue oil storage, transfer, production, or other operations until a manual for that facility has been approved.

(d) A manual holder may appeal ecology's decision under WAC 173-04-010.

(e) Approval of a manual by ecology does not constitute an express assurance regarding the adequacy of the manual nor constitute a defense to liability imposed under state law.

(5) It shall be legal to operate a facility if a proposed operations manual has been submitted to the department and the department has not provided the facility with a formal response.

NEW SECTION

WAC 173-180B-100 Manual maintenance and use.

(1) All equipment and operations of the facility shall be completed and maintained in accordance with the facility's operation manual. The owner or operator shall ensure that all covered vessels docked at an onshore or offshore facility comply with the terms of the operations manual for the facility.

(2) Each facility covered by the manual shall possess a copy of the manual and keep it in an immediately accessible location.

(3) Facilities shall ensure that all employees involved in oil transfer, or storage operations, are familiar with the manual provisions through regular training. Orientation materials for new employees involved in oil transfer or storage operations shall contain a copy of the manual.

NEW SECTION

WAC 173-180B-110 Inspections. Ecology may verify compliance with this chapter by announced and unannounced inspections in accordance with RCW 90.56.410. During an inspection ecology may require the facility to provide proof of compliance by producing all required records, documents as well as demonstrating spill prevention equipment and procedures.

NEW SECTION

WAC 173-180B-120 Manual update timeline. (1) Ecology shall be notified in writing prior to any significant changes which could affect implementation of the manual.

(a) A significant change includes, but is not limited to:

(i) A change in the owner or operator of the facility;

(ii) A change in the types of oil handled at the facility;

(iii) A substantial change in the facility's oil handling capacity;

(iv) Noncompliance with the federal Oil Pollution Act of 1990;

(v) A substantial change in oil spill prevention technology installed at the facility, or other substantial changes to facility technology, operations, or personnel procedures based on requirements of amended or new rules adopted by ecology; and

(vi) A change which would require that the operations manual be modified.

(b) If the change will reduce the facility's ability to implement the manual, the manual holder shall also provide a schedule for the return of the manual to full implementation capability.

(c) A facsimile will be considered written notice for the purposes of this section.

(d) Failure to notify ecology of significant changes shall be considered noncompliance with this chapter and subject to the provisions of WAC 173-180B-070.

(2) If ecology finds that, as a result of the change, the manual no longer meets approval criteria, the department may, at its discretion, place conditions on approval, or revoke approval. The department may also require the manual holder to amend its manual to incorporate the change.

(3) Within thirty calendar days of making a change to the operations manual, the facility owner or operator shall distribute the amended page(s) of the plan to ecology and other manual holders.

(4) Manuals shall be reviewed by ecology every five years. Manuals shall be submitted for reapproval unless the manual holder submits a letter requesting that ecology review the manual already in the department's possession. The manual holder shall submit the manual or such letter at

least one hundred eighty calendar days in advance of the manual expiration date.

(5) Ecology may review a manual and require changes following any spill for which the manual holder is responsible.

NEW SECTION

WAC 173-180B-130 Noncompliance with manual requirements. Any violation of this chapter may be subject to the enforcement sanctions of chapter 90.48 RCW.

NEW SECTION

WAC 173-180B-140 Severability. If any provision of this chapter is held invalid, the remainder of this rule is not affected.

WSR 94-10-084

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Filed May 4, 1994, 11:46 a.m.]

Date of Adoption: May 2, 1994.

Purpose: Carry out the provision of RCW 90.56.220 [90.56.220], to establish onshore and offshore facilities operation and design standards to minimize the size and impact of spills which do occur and provide improved protection of Washington waters.

Statutory Authority for Adoption: RCW 90.56.220.

Pursuant to notice filed as WSR 94-01-171 on December 21, 1993.

Changes Other than Editing from Proposed to Adopted Version: In accordance with RCW 34.05.355, what follows is a concise explanatory statement which itemizes changes made to chapter 173-180A WAC: A number of editorial, citation dates and renumbering changes that do not change intent or meaning were made throughout the rule for clarification purposes. Additional changes follow: WAC 173-180A-030, definition of "oil" was changed to be consistent with the statute. The phrase "including oil contaminated ballast or bilge water" was deleted since this phrase is not in the statutory definition of "oil" and the definition of "transfer pipeline" was modified for clarification purposes. A condition clarifying that ballast and bilge water pipelines are exempt was added to promote proper disposal of these wastewaters; WAC 173-180A-050, subsection (1) was eliminated to relieve facilities which intend to comply with the three year compliance date from having to provide a written notification to the department. This will reduce the paperwork burden on the state and regulated facilities; WAC 173-180A-080, subsection (1)(c) was separated into two sections. Subsection (2) was moved to subsection (1)(d). Subsection (1)(d) was moved to subsection (2). The wording "or lined" from subsection (1)(c) and other clarification language was added to subsection (2). The intent of these changes was to clarify that the department was not requiring that secondary containment systems be lined. Subsection (1)(d) was moved because this is a maintenance requirement and it had been grouped with the construction requirements; subsection (1)(h) was clarified to

identify what type of secondary containment inspection records will require documentation; and subsection (9)(b) was modified to require 100% secondary containment capacity rather than 110% capacity. This change is consistent with the National Fire Protection Association Code and it is felt that this change will not affect the level of protection; WAC 173-180A-100, in subsection (2)(d) the words "regular surveillance" was changed to "easement inspection" to clarify the requirement; subsection (4)(a) was clarified to state that coatings applied on pipelines shall meet the definition of best achievable protection; subsection (4)(b) was modified to allow facilities to discontinue the maintenance of out of service pipelines provided that the facility prove that the integrity of the pipeline is maintained prior to commencement of service; subsection (6) has been modified to allow facilities to maintain pumps and valves in accordance with an industrial standard approved by the department; and subsection (8)(f) includes a language addition to require facilities to document the operator response in operating leak detection strategies. This documentation is to be provided in the facility operations manual; and WAC 173-180A-130, a reference to chapter 90.56 RCW was added to clarify potential enforcement actions associated with this rule. This is authorized by the statute.

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

May 2, 1994

Mary Riveland
Director

Chapter 173-180A WAC FACILITY OIL HANDLING OPERATIONS AND DESIGN STANDARDS

NEW SECTION

WAC 173-180A-010 Purpose. The purpose of this rule is to establish facility operations and design standards which, when followed, will:

- (1) Prevent oil and petroleum spills from occurring;
- (2) Ensure that facilities are designed and operated in a manner which will provide the best achievable protection of the public health and the environment;
- (3) Provide improved protection of Washington waters and natural resources from the impacts of oil spills caused by improper oil handling equipment design and operations.

NEW SECTION

WAC 173-180A-020 Authority. RCW 90.56.220 provides statutory authority for developing operations and design standards and implementing a compliance program established by this chapter.

NEW SECTION

WAC 173-180A-030 Definitions. "Appropriate person" means a person designated by the facility as being competent and trained to implement a designated function.

"Best achievable protection" means the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of protection available. The director's determination

of best achievable protection shall be guided by the critical need to protect the state's natural resources and waters, while considering: The additional protection provided by the measures; the technological achievability of the measures; and the cost of the measures.

"Best achievable technology" means the technology that provides the greatest degree of protection taking into consideration: Processes that are being developed, or could feasibly be developed, given overall reasonable expenditures on research and development; and processes that are currently in use. In determining what is best achievable technology, the director shall consider the effectiveness, engineering feasibility, and commercial availability of the technology.

"Board" means the pollution control hearings board.

"Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

"Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, greater than three hundred or more gross tons, including but not limited to, commercial fish processing vessels and freighters.

"Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

"Department" means the department of ecology.

"Directly impact" means without treatment.

"Director" means the director of the department of ecology.

"Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

"Emergency shutdown" means a deliberate stoppage of equipment or facility operation under circumstances requiring immediate action to prevent or reduce loss of life, injury, oil spills or significant damage to or loss of property or environmental values.

Facility:

"Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in the bulk to or from a tank vessel or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

A facility does not include any: Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state; underground storage tank regulated by the department or a local government under chapter 90.76 RCW; a motor vehicle motor fuel outlet; a facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; or a marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

"Facility person in charge" means the person designated under the provisions of 33 C.F.R. 154.710.

"Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

"Immediate threat" means threat which could cause loss of life, reduce safety or adversely impact waters of the state or environment.

"Oil" or "oils" means naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline, and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 101(14) of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by P.L. 99-499.

"Offshore facility" means any facility, as defined in this section, located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land.

"Onshore facility" means any facility, as defined in this section, any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

Owner or operator:

"Owner or operator" means: In the case of a vessel, any person owning, operating, or chartering by demise, the vessel; in the case of an onshore or offshore facility, any person owning or operating the facility; and in the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.

"Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

"Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

"Pipeline operator" means the operator of a transmission pipeline.

"Process pipelines" means a pipeline used to carry oil within the oil refining/processing units of a facility, process unit to tankage piping and tankage interconnecting piping. Process pipelines do not include pipelines used to transport oil to or from a tank vessel or transmission pipeline.

"Secondary containment" means containment systems which prevent any materials discharged from reaching the waters of the state.

"Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

"Spill" means an unauthorized discharge of oil which enters waters of the state.

"State" means the state of Washington.

"Storage tank" means all aboveground containers connected to transfer pipelines or any aboveground containers greater than ten thousand gallons (two hundred thirty-eight barrels), including storage and surge tanks, used to store bulk quantities of oil. Storage tanks do not include those tanks regulated by chapter 90.76 RCW, rolling stock, wastewater treatment equipment, process pressurized vessels or other tanks used in the process flow through portions of the facility.

"Tankage interconnecting piping" means buried or aboveground piping used to carry oil between storage tanks.

"Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

Operates on the waters of the state; or

Transfers oil in a port or place subject to the jurisdiction of this state.

"Transmission pipeline" means a pipeline whether interstate or intrastate, subject to regulation by the United States Department of Transportation under 49 C.F.R. 195, as amended through December 5, 1991, through which oil moves in transportation, including line pipes, valves, and other appurtenances connected to line pipe, pumping units, and fabricated assemblies associated with pumping units.

"Transfer" means any movement of oil between a tank vessel or transmission pipeline and the facility.

"Transfer pipeline" is a buried or aboveground pipeline used to carry oil between a tank vessel or transmission pipeline and the first valve inside secondary containment at the facility provided that any discharge on the facility side of that first valve will not directly impact waters of the state. A transfer pipeline includes valves, and other appurtenances connected to the pipeline, pumping units, and fabricated assemblies associated with pumping units. A transfer pipeline does not include process pipelines, pipelines carrying ballast or bilge water, transmission pipelines, tank vessel or storage tanks. Instances where the transfer pipeline is not well defined will be determined on a case-by-case basis.

"Vessel person in charge" means the person designated under the provisions of 33 C.F.R. 155.700.

"Waters of the state" include lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and land adjoining the seacoast of the state, sewers, and all other surface waters and water-courses within the jurisdiction of the state of Washington.

NEW SECTION

WAC 173-180A-040 Applicability. Onshore and offshore facilities shall meet the requirements of this section. This rule does not apply to portions of a facility regulated by 49 C.F.R. 195.

NEW SECTION

WAC 173-180A-050 Compliance schedule. (1) Facilities must comply with this rule thirty-six months after its effective date. Facilities needing additional time to comply with this rule must obtain written approval from the department extending this date and must submit a proposed compliance schedule to the department within eighteen months of the effective date of this rule subject to the following provisions:

(a) Compliance schedules must include a justification of need for additional time. Facilities shall cite the specific requirements of this rule which will be addressed by the proposed compliance schedule.

(b) Compliance schedules shall contain target dates for the commencement and completion of projects leading to the ultimate compliance with all provisions of this rule.

(c) Only requirements which cannot be met within thirty-six months of the effective date of this rule need to be identified in the compliance schedule.

(d) Compliance schedules which do not meet the definition of best achievable protection will not be approved by the department.

(e) It shall be legal to operate a facility if a proposed compliance schedule has been submitted to the department and the department has not provided the facility with a formal response.

(2) Facilities with approved compliance schedules must:

(a) Meet all requirements of this rule not specifically addressed in the compliance schedule.

(b) Submit a progress report to the department every six months following the compliance schedule approval date.

(c) Meet all compliance schedule dates unless written approval is received from the department.

(3) Facilities commencing construction thirty-six months or later after the adoption date of this rule shall meet the provisions of this rule at the time they commence operation. Facilities under design or construction at the time of the adoption of this rule shall comply with this rule thirty-six months after the adoption date of this rule.

NEW SECTION

WAC 173-180A-060 Vessel transfer requirements.

(1) General requirements.

(a) No person shall conduct an oil transfer operation to or from a tank vessel unless the facility person in charge (FPIC) and the vessel person in charge (VPIC) have:

(i) Conducted a pretransfer conference as described in 33 C.F.R. 156.120(w) as amended on September 4, 1990;

(ii) Ensured that transfer connections have been made as specified in 33 C.F.R. 156.130 as amended on September 4, 1990;

(iii) Completely filled out and signed the declaration of Inspection as required by 33 C.F.R. 156.150 as amended on September 4, 1990.

(iv) Established adequate communication in English between the vessel and the facility and in accordance with 33 C.F.R. 154.560 as amended on September 4, 1990.

(v) Ensured that the available capacity in the receiving tank(s) is (are) greater than the volume of oil to be transferred and all other tank fill valves which could influence the routing of the transferred oil are properly aligned.

(b) The operator shall verify that the designated storage tanks are receiving oil at the expected rate.

(c) For the purpose of scheduling inspections, the department may require a facility operator to provide a twenty-four hour advance notification with updates to the department of any anticipated transfer of bulk oil by a facility operator. The department shall notify the facility in writing when this procedure will be required.

(d) Transfer operations shall be supervised by the appropriate person in charge in accordance with 33 C.F.R. 156.160 as amended on September 4, 1990.

(e) Each FPIC shall ensure that the means of operating the emergency shutdown is immediately available while oil is being transferred between the facility and the vessel.

(f) Transfer equipment requirements shall meet the conditions of 33 C.F.R. 154.500 through 33 C.F.R. 154.545 as amended on September 4, 1990.

(g) Transfer equipment shall be tested in accordance with procedures identified in 33 C.F.R. 156.170 as amended on September 4, 1990. Transfer hoses shall be tested at intervals not exceeding twelve months in accordance with the procedures identified by the RMA/IP-11-4, *Rubber Manufacturers Association Manual for Maintenance, Testing and Inspection of Hose* dated 1987 or the manufacturer's recommendations for testing.

(h) All transfer operations shall be in accordance with operations manuals approved under chapter 173-180B WAC.

(i) The FPIC shall refuse to initiate or shall cease transfer operations with any vessel which has not provided complete information as required by the declaration of inspection, has refused to correct deficiencies identified by the FPIC during the pretransfer conference, or does not comply with the facility operations manual or facility requirements.

(2) Oil spills.

(a) Any person conducting an oil transfer shall stop the transfer operation whenever oil from any source associated with the transfer is spilled into the water, or discharged onto the facility deck or dock outside secondary containment, or upon the shoreline adjoining the transfer area.

(b) Transfer operations may not resume after a spill until:

(i) Notification has been made in accordance with RCW 90.56.280; and

(ii) The FPIC and the VPIC have determined that there is no longer an immediate threat to waters of the state or public health.

(c) The department may require that transfer operations stopped under subsection (2)(a) of this section may not resume unless authorized by the department.

(3) Suspension of transfer operations for immediate threat.

(a) The director may order a facility to suspend transfer operations if there is a condition requiring immediate action to prevent the discharge or threat of discharge of oil or to protect the public health and safety, and the environment.

(b) An order of suspension may be made effective immediately.

(c) An order of suspension shall specify each condition requiring immediate action.

(d) The transfer operation shall remain suspended until the director has determined that the need for immediate action is no longer necessary and has notified the facility operator of that determination.

(e) The director shall notify the facility operator as soon as possible of the determination that the need for immediate action is no longer necessary.

(f) The facility operator may petition the pollution control board, in writing or in any other manner, to reconsider an order of suspension.

NEW SECTION

WAC 173-180A-070 Transmission pipeline transfer requirements. (1) General requirements.

(a) No person shall conduct an oil transfer operation to or from a transmission pipeline unless the appropriate person and the pipeline operator have:

(i) Conducted pretransfer communications which identify:

(A) Type of oil;

(B) Transfer volume;

(C) Flow rates;

(D) Transfer startup or arrival time;

(ii) Facilities which receive oil from a transmission pipeline must:

(A) Confirm that the proper manifold and valves are open and ready to receive product;

(B) Notify the transmission pipeline operator when a storage tank has less than one foot of oil above the inlet nozzle;

(C) Coordinate arrival time of oil with the pipeline operator;

(D) Confirm the available storage capacity for transfers to a facility;

(E) Ensure that only the designated tank(s) is (are) receiving oil.

(iii) Ensure that proper transfer alignment of the pipeline, valves, manifolds and storage tanks have been made.

(iv) Established adequate communication in English between the facility and pipeline operator.

(b) For the purpose of scheduling inspections, the department may require a twenty-four hour notification to the department in advance of any transfer of bulk oil by a facility operator. The department shall request notification in writing when this procedure is required.

(c) Transfer operations shall be supervised by an appropriate person.

(d) Each facility operator shall ensure that the means of operating or requesting emergency shutdown is immediately available while oil is being transferred between the facility and the pipeline.

(e) If startup, shutdown, and/or emergency shutdown are controlled by the pipeline operator directly using instrumentation and control devices, the accuracy of these devices shall be checked at least annually.

(f) All transfer operations shall be conducted in accordance with operations manuals approved under chapter 173-180B WAC.

(2) Oil spills.

(a) Any person conducting an oil transfer shall stop the transfer operation whenever oil from any source associated with the transfer is spilled into the water or upon the adjoining shoreline in the transfer area.

(b) Transfer operations may not resume after a spill until:

(i) The proper notification has been made in accordance with RCW 90.56.280; and

(ii) All threats to waters of the state and public health no longer exist as determined by the appropriate person.

(c) The department may require that transfer operations stopped under subsection (2)(a) of this section may not resume unless authorized by the department.

(3) Suspension of transfer operations for immediate threat.

(a) The director may order a facility to suspend transfer operations if there is a condition requiring immediate action to prevent the discharge or threat of discharge of oil or to protect the public health and safety, and the environment.

(b) An order of suspension may be made effective immediately.

(c) An order of suspension shall specify each condition requiring immediate action in writing.

(d) The transfer operation shall remain suspended until the director has determined that the need for immediate action is no longer necessary and has notified the facility operator of that determination.

(e) The director shall notify the facility operator as soon as possible of the determination that the need for immediate action is no longer necessary.

(f) The facility operator may petition the pollution control board, in writing or in any other manner, to reconsider an order of suspension.

NEW SECTION

WAC 173-180A-080 Secondary containment requirements for aboveground storage tanks. (1) Aboveground oil storage tanks must be located within secondary containment areas. Secondary containment systems must be:

(a) Designed, constructed, maintained and operated to prevent discharged oil from entering waters of the state at any time during use of the tank system;

(b) Capable of containing one hundred percent of the capacity of the largest storage tank within the secondary containment area;

(c) Constructed with materials that are compatible with stored material to be placed in the tank system.

(d) Soil may be used for the secondary containment system, provided that any spill onto the soil will be sufficiently contained, readily recoverable and will be managed in accordance with the provisions under WAC 173-303-145 as amended in December 1993, spills and discharges and any other applicable regulation.

(e) Constructed with sufficient strength and thickness to prevent failure owing to pressure gradients (including static head and external hydrological forces), physical contact with the fluid stored in the storage tank, climatic conditions, and the stresses of daily operations (including stresses from nearby vehicular traffic);

(f) Placed on a base or foundation capable of providing support to the secondary containment system, resistance to pressure gradients above and below the system, and capable of preventing failure due to settlement, compression or uplift;

(g) Sloped or otherwise designed or operated to drain and remove liquids resulting from leaks, spills, or precipitation. Spilled or leaked oil and accumulated precipitation must be removed from the secondary containment system in a manner which will provide the best achievable protection of public health and the environment; and

(h) Visually inspected monthly to confirm secondary containment integrity. Items requiring attention as determined by the visual inspection must be documented. Records must be kept on site for a minimum of three years.

(2) The secondary containment system must be maintained to prevent a breach of the dike by controlling burrowing animals and weeds;

(3) The secondary containment system must be maintained free of debris and other materials which may interfere with the effectiveness of the system, including excessive accumulated precipitation.

(4) The facility shall maintain at least one hundred percent of the working capacity of the largest storage tank within the secondary containment area at all times.

(5) All secondary containment pumps, siphons and valves must be properly maintained and kept in good working order.

(6) Drainage of water accumulations from secondary containment areas that discharge directly to the land or waters of the state must be controlled by locally operated, positive shutoff valves or other positive means to prevent a discharge. Valves must be kept closed except when the discharge from the containment system is in compliance with chapter 90.48 RCW, Water pollution control. Valves must be locked closed when the facility is unattended. Necessary measures shall be taken to ensure secondary containment valves are protected from inadvertent opening or vandalism. There shall be some means of readily determining valve status by facility personnel such as a rising stem valve or position indicator.

(7) The owner or operator shall inspect or monitor accumulated water before discharging from secondary containment to ensure that no oil will be discharged to the waters of the state. All water discharges shall comply with state water quality program regulations as described in chapter 90.48 RCW.

(8) The department may require oil containers less than ten thousand gallons (two hundred thirty-eight barrels) capacity to have secondary containment when the container is located less than six hundred feet from navigable waters of the state or a storm water or surface drains which may directly impact navigable waters of the state.

(9) A secondary containment system constructed after the adoption date of this rule shall be installed as follows:

(a) In accordance with the 1993 version of the National Fire Protection Association (NFPA), Flammable and Combustible Code, No. 30, section 2-3.4.3;

(b) Secondary containment systems must be capable of containing one hundred percent of the capacity of the largest storage tank within the secondary containment area;

(c) Secondary containment systems shall be designed to withstand seismic forces;

(d) Drains and other penetrations through secondary containment areas must be minimized consistent with facility operational requirements; and

(e) Secondary containment systems shall be designed and constructed in accordance with sound engineering practice and in conformance with the provisions of this section.

PERMANENT

NEW SECTION**WAC 173-180A-090 Storage tank requirements.**

(1) Storage tanks constructed after the adoption date of this rule shall meet or exceed the 1993 version of the National Fire Protection Association (NFPA 30) requirements and one of the following design and manufacturing standards:

- (a) UL No. 142, Steel Aboveground Tanks for Flammable and Combustible Liquids dated April 1993;
- (b) API Standard 650, Welded Steel Tanks for Oil Storage dated November 1988;
- (c) API Standard 620, Design and Construction of Large Welded, Low-Pressure Tanks dated June 1990; or
- (d) Another standard approved by the department.

(2) The owner or operator shall ensure that the means of preventing storage tank overflow comply with the 1993 version of the National Fire Protection Association (NFPA), Flammable and Combustible Code, No. 30, Chapter 2, Section 2-10.

(3) Storage tanks shall be maintained, repaired and inspected in accordance with the requirements of API 653 dated January 1991 unless the operator proposes an equivalent inspection strategy which is approved by the department.

(4) A record of all inspection results and corrective actions taken must be kept for the service life of the tank and must be available to the department for inspection and copying upon request.

NEW SECTION**WAC 173-180A-100 Transfer pipeline requirements.**

(1) Pipelines replaced, relocated or constructed after the adoption date of this rule which are located in areas not controlled by the facility shall be installed in accordance with 49 C.F.R. 195.246 through 49 C.F.R. 195.254 as amended on October 8, 1991, where feasible. Facility control is established by fencing, barriers or other method accepted by the department which protects the pipe right-of-way and limits access to personnel authorized by the facility.

(2) All pipelines shall be protected from third party damage in a reasonable manner and be able to withstand external forces exerted upon them. This shall be done by:

(a) Registering all underground pipelines located in public right-of-way areas in the local one call system if available;

(b) Maintaining accurate maps for all underground piping located outside the facility. The maps shall identify pipe size and location. The approximate depths of pipelines shall be identified for pipelines which do not comply with 49 C.F.R. 195.248 as amended on October 8, 1991;

(c) Marking all piping located in areas not controlled by the facility in accordance with 49 C.F.R. 195.410 as amended on October 8, 1991;

(d) Providing easement inspections of areas identified by subsection (2)(b) of this section on a weekly basis to determine if there is any uncommon activity occurring which may affect the integrity of the pipeline;

(e) Ensuring that pipelines at each railroad, highway or road crossing are designed and installed to adequately withstand the dynamic forces exerted by anticipated traffic loads.

(3) Pipelines constructed after the adoption date of this rule shall be designed and constructed in accordance with the

American Society of Mechanical Engineers (ASME) Standard for pressure piping ASME B31.3 or B31.4 issued March 15, 1993, in effect during the time of construction or any other standard accepted by the Department.

(4) Pipelines must be inspected in accordance with API 570, 1993, Piping Inspection Code. As an alternative to complying with API 570, the facility must comply with the following requirements:

(a) Buried pipelines constructed after the adoption date of this rule must be coated. Coatings shall be designed and inspected to meet the following conditions consistent with the definition of best achievable protection:

(i) Coatings shall effectively electrically isolate the external surfaces of the pipeline system from the environment.

(ii) Coatings shall have sufficient adhesion to effectively resist underfilm migration of moisture.

(iii) Coatings must be sufficiently ductile to resist cracking.

(iv) The coating shall have sufficient impact and abrasion resistance or otherwise be protected to resist damage due to soil stress and normal handling (including concrete coating application, installation of river weights and anode bracelet installation, where applicable).

(v) The coating must be compatible with cathodic protection.

(vi) The coating must be compatible with the operating temperature of the pipeline.

(vii) Coatings shall be inspected immediately before, during, or after pipe installation to detect coating faults. Faults in the coating shall be repaired and reinspected.

(b) All buried coated pipelines shall have properly operated cathodic protection which is maintained during the operational life of the pipeline system. Cathodic protection shall be maintained on pipeline systems which are out of service but not abandoned unless the operator can show that the pipeline integrity has been properly monitored and secured as approved by the department prior to operation of the abandoned pipeline. Pipeline owners or operators may perform a corrosion study to demonstrate that cathodic protection is not required as an option to installing cathodic protection. Corrosion studies shall follow the following guidelines as a minimum:

(i) Corrosion studies shall be completed by a professional engineer with experience in corrosion control of buried pipelines, a NACE certified corrosion specialist or by a person knowledgeable and qualified to perform the required testing and inspection who is approved by the department.

(ii) Corrosion studies for pipelines shall include at a minimum, the following:

(A) Pipeline thickness and corrosion rate for existing pipelines;

(B) Presence of stray DC currents;

(C) Soil resistivity/conductivity;

(D) Soil moisture content;

(E) Soil pH;

(F) Chloride ion concentration; and

(G) Sulfide ion concentration.

(c) All pipelines with cathodic protection are subject to the following requirements where applicable:

(i) Cathodic protection systems must be tested to determine system adequacy on an annual basis.

PERMANENT

Note: The National Association of Corrosion Standard RP-02-85, "Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems," may be used to comply with this section.

(ii) Impressed current cathodic protection rectifiers must be inspected every two months.

(iii) Where insulating devices are installed to provide electrical isolation of pipeline systems to facilitate the application of corrosion control, they shall be properly rated for temperature, pressure and electrical properties, and shall be resistant to the commodity carried in the pipeline system.

(iv) Buried pipeline systems shall be installed so that they are not in electrical contact with any metallic structures. This requirement shall not preclude the use of electrical bonding to facilitate the application of cathodic protection.

(v) Tests shall be carried out to determine the presence of stray currents. Where stray currents are present, measures shall be taken to mitigate detrimental effects.

(d) Buried bare pipelines shall be inspected in accordance with section 7 of API 570 dated June 1993. Pipeline thickness and corrosion rates shall be determined at an interval of no more than half of the remaining life of the pipeline as determined from corrosion rates or every five years whichever is more frequent. Pipeline thickness and corrosion rate shall be initially established within thirty-six months after the adoption date of this rule. The pipeline shall be operated in accordance with American Society of Mechanical Engineers (ASME) supplement to ASME B31G-1991 entitled "*Manual for Determining the Remaining Strength of Corroded Pipe*" for transmission pipelines issued June 27, 1991, API 570 dated June 1993 or a standard approved by the department.

(5) Whenever any buried pipe is exposed for any reason, the operator shall provide a nondestructive examination of the pipe for evidence of external corrosion. If the operator finds that there is active corrosion, the extent of that corrosion must be determined and if necessary repaired.

(6) Each facility shall maintain all pumps and valves that could affect waters of the state in the event of a failure. Transfer pipeline pumps and valves and storage tank valves shall be inspected annually and maintained in accordance with the manufacturers recommendations or an industrial standard approved by the department to ensure that they are functioning properly. Valves shall be locked when the facility is not attended. Necessary measures shall be taken to ensure that valves are protected from inadvertent opening or vandalism if located outside the facility or at an unattended facility.

(7) A written record must be kept of all inspections and tests covered by this section.

(8) Facilities shall have the capability of detecting a transfer pipeline leak equal to eight percent of the maximum design flow rate within fifteen minutes for transfer pipelines connected to tank vessels. Leak detection capability shall be determined by the facility using best engineering judgment. Deficiencies with leak detection systems such as false alarms must be addressed and accounted for by the facility. Facilities may meet these requirements by:

(a) Visual inspection provided the entire pipeline is visible and inspected every fifteen minutes; or

(b) Instrumentation; or

(c) Completely containing the entire circumference of the pipeline provided that a leak can be detected within fifteen minutes; or

(d) Conducting an acceptable hydrotest of the pipeline immediately before the oil transfer with visual surveillance of the exposed pipeline every fifteen minutes; or

(e) A combination of the above strategies; or

(f) A method approved by the department which meets the standard identified in this section.

Leak detection system operation and operator response must be described in the facility operations manual.

NEW SECTION

WAC 173-180A-110 Inspections. The department may verify compliance with this chapter by announced and unannounced inspections in accordance with RCW 90.56.410. During an inspection the department may require the facility to provide proof of compliance by producing all required records, documents as well as demonstrating spill prevention equipment and procedures required by this rule.

NEW SECTION

WAC 173-180A-120 Recordkeeping. Records required by this rule shall be maintained and available for a minimum of three years. Storage tank and pipeline records shall be maintained for the life of the equipment. Records shall be available to the department for inspection or photocopying upon request.

NEW SECTION

WAC 173-180A-130 Noncompliance. Any violation of this chapter may be subject to the enforcement sanctions of chapters 90.48 and 90.56 RCW.

NEW SECTION

WAC 173-180A-140 Rule review. The department shall review the requirements of this section every five years to ensure that best achievable protection of public health and environment is being achieved. This review shall include a review of current and updated industry standards, federal and state regulations, equipment and operational procedures.

NEW SECTION

WAC 173-180A-150 Severability. If any provision of this chapter is held invalid, the remainder of this rule is not affected.

WSR 94-10-031
EMERGENCY RULES
MULTIMODAL TRANSPORTATION
PROGRAMS AND PROJECTS
SELECTION COMMITTEE

[Filed April 28, 1994, 12:08 p.m.]

Date of Adoption: April 25, 1994.

Purpose: Amending chapter 240-20 WAC to permit the committee to create a supplemental application by taking administrative actions or utilizing unobligated accumulative funds.

Citation of Existing Rules Affected by this Order: Amending chapter 240-20 WAC.

Statutory Authority for Adoption: Chapter 393, Laws of 1993.

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

Reasons for this Finding: This change gives greater flexibility and discretion to the multimodal committee thereby enabling the committee to more effectively administer the account funds.

Effective Date of Rule: Immediately.

April 15, 1994
 Martha Choe
 Chair

NEW SECTION

WAC 240-20-075 Supplemental applications. After program and project selection, circumstances may develop wherein unobligated funds may accumulate in one or more of the accounts. Such accumulation may occur as a result of a program or project costing less than budgeted, a program or project being unable to go forward or to complete its objectives, or more funds being available in the account than projected. Should such accumulations occur, the committee may institute a supplemental application period to program those funds. Should the committee elect to do so, the application and project selection process will be subject to the conditions identified in this chapter. Furthermore, the application guidelines identified by WAC 240-20-060 and currently in use shall be used for the supplemental process. In the judgment of the committee, project(s) may be reduced or terminated in order to fund supplemental applications.

WSR 94-10-036
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 94-24—Filed April 29, 1994, 1:37 p.m., effective May 1, 1994]

Date of Adoption: April 27, 1994.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-10500C, 220-57-50500V, 220-57-

51500K, and 220-57-31500Y; and amending WAC 220-57-160, 220-57-315, and 220-57-505.

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: In-season estimates of run size indicate that harvestable numbers of spring chinook are not available in the Wind River, Little White Salmon River, Klickitat River, the Ringold Area and the mouth of the White Salmon River.

Effective Date of Rule: May 1, 1994.

April 27, 1994
 Patricia McLain
 for Robert Turner
 Director

NEW SECTION

WAC 220-57-16000U Columbia River. Notwithstanding the provisions of WAC 220-57-160(5), in those waters of the Columbia River from the marker located approximately 1/2 mile upstream of Spring Creek (Ringold Hatchery rearing pond outlet) downstream to a boundary marker approximately 1/4 mile downstream of Ringold waterway outlet:

- (1) closed to salmon angling May 1 through May 31, 1994;
- (2) Bag limit D June 1 through August 15, 1994.

NEW SECTION

WAC 220-57-31500Z Klickitat River. Notwithstanding the provisions of WAC 220-57-315, effective May 1 through July 31, 1994, closed to salmon angling in all waters of the Klickitat River.

NEW SECTION

WAC 220-57-50500W White Salmon River. Notwithstanding the provisions of WAC 220-57-505(2), effective May 1 through July 31, 1994, open to salmon angling only in those waters of the White Salmon River downstream of a line 400 feet below Condit Dam to a set of markers approximately 1/2 mile north of the Highway 14 Bridge.

REPEALER

The following sections of the Washington Administrative Code are repealed effective 11:59 p.m. April 30, 1994:

WAC 220-56-10500C	River mouth definitions. (94-17)
WAC 220-57-50500V	Little White Salmon River (Drano Lake). (94-17)
WAC 220-57-51500K	Wind River. (94-17)
WAC 220-57-31500Y	Klickitat River. (94-17)

**WSR 94-10-037
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 94-26—Filed April 29, 1994, 1:39 p.m.]

Date of Adoption: April 28, 1994.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-52-071.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: Harvestable amounts of sea cucumbers are available for harvest in all four districts. Eagle Harbor and Sinclair Inlet are closed due to contamination and for the economic well-being of the industry. Hale Passage and Area 28D are closed for potential allocation in tribal shellfish negotiations.

Effective Date of Rule: Immediately.

April 28, 1994
Patricia McLain
for Robert Turner
Director

NEW SECTION

WAC 220-52-07100P Sea cucumbers Notwithstanding the provisions of WAC 220-52-071, effective immediately until further notice it is unlawful to fish for or possess sea cucumbers taken for commercial use from all state waters except during the times and in the areas as provided for in this section:

(1) Sea cucumber harvest using the shellfish diver gear is allowed in Sea Cucumber Districts 1, 2, 3, and 4, Monday, Tuesday, and Wednesday of each week from 6:00 a.m. to one-half hour before official sunset of each day, except for closures as provided for in this section.

(2) The following waters are closed to the harvest of sea cucumbers at all times:

(a) Those waters in the San Juan Islands permanently closed under WAC 220-52-071 (1)(a).

(b) Eagle Harbor - All waters westerly of a line projected northerly from Wing Point to Eagle Harbor Cresote Light number one and then due west to the shoreline of Bainbridge island.

(c) Hale Passage - Those waters within a line projected northerly from Point Migley to Sandy Point and a line projected from Point Francis through the marker north of Inati Bay to landfall on Lummi Island.

(d) Olympia - Shelton - All waters of Marine Fish-Shellfish Management and Catch Reporting Area 28D.

(e) Sinclair Inlet - Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26C west of a line projected southerly from the easternmost point of Point Turner to landfall below the Vererans Home in Annapolis. The remainder of Area 26C is open to harvest.

**WSR 94-10-038
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 94-25—Filed April 29, 1994, 1:42 p.m.]

Date of Adoption: April 27, 1994.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-56-36000J; and amending WAC 220-56-360.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: Test results show that adequate clams are available for harvest in Razor Clam Areas 1, 2 and 3. Department of Health has issued a human health advisory for clams dug north of the Moclips River, except for that portion of beaches at Kalaloch described above. Digging clams determined to be unsafe for human consumption would lead to wastage.

Effective Date of Rule: Immediately.

April 27, 1994
Patricia McLain
for Robert Turner
Director

NEW SECTION

WAC 220-56-36000K Razor clams. Notwithstanding the provisions of WAC 220-56-360, effective immediately it is unlawful to dig for or possess razor clams taken for personal use from any beach in Razor Clam Areas 1, 2, 3 except as provided in this section:

(1) Razor Clam Areas 1, 2 and that portion of Razor Clam Area 3 that is south of the Moclips River and in that portion of Razor Clam Area 3 from Olympic National Park Beach Trail 2 (Kalaloch area, Jefferson County) to Olympic National Park Beach Trail 3 (Kalaloch area, Jefferson County) are open 12:01 a.m. May 1 through 12:00 noon, May 17, 1994 on odd days only.

(4) It is unlawful to dig for razor clams at anytime in in Long Beach, Twin Harbors Beach or Copalis Beach Clam sanctuaries defined in WAC 220-56-372.

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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-3600J Razor clams. (94-22)

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 94-10-043
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 94-27—Filed April 29, 1994, 4:48 p.m.]

Date of Adoption: April 29, 1994.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-56-115, 220-16-460, 220-56-190, 220-56-191, 220-56-235, 220-56-285, 220-56-315, 220-56-382, 220-56-400, 220-56-128, 220-56-307, 220-57-473, 220-57-495, 220-56-100, 220-56-245, 220-56-255, 220-56-305, 220-57A-012, and 220-57A-152.

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: These rules are necessary to put in place the 1994 adopted sport rules that will not take effect until after May 1, 1994, rule implementation date.

Effective Date of Rule: Immediately.

April 29, 1994
 Patricia McLain
 for Robert Turner
 Director

NEW SECTION

WAC 220-16-46000A Titlow Beach Marine Preserve Area. The "Titlow Beach Marine Preserve Area" is defined as all waters and tidal and submerged lands within a line beginning at the mean high water line at the southernmost point of the Tacoma Outboard Association leasehold, then projected due west to the intersection with the outer harbor line, then following the outer harbor line to a line projected due west from the old ferry dock at the foot of the Sixth Avenue extension, then east on said line to the mean high water line, then following the mean high water line to the pint of origin.

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.

NEW SECTION

WAC 220-56-10000A Definitions—Personal use. Notwithstanding the provisions of WAC 220-56-100, effective May 1, 1994, until further notice the term "Bonilla-Tatoosh Line" is defined as a line projected from the most westerly point on Cape Flattery to the buoy adjacent Duntz Rock then to Bonilla Point on Vancouver Island.

NEW SECTION

WAC 220-56-11500A Angling, lawful and unlawful acts. Notwithstanding the provisions of WAC 220-56-115, effective May 1, 1994, until further notice it is unlawful to use more than one rod with one line to fish for food fish in Catch Record Card Areas 10, 11, or 13, except that it is

lawful to use a second line with baitfish jigger gear in these areas.

NEW SECTION

WAC 220-56-12800I Food fish fishing—Closed areas. Notwithstanding the provisions of WAC 220-56-128, effective May 1, 1994, until further notice:

(1) Those waters of Hood Canal inshore from yellow marker buoys to the mouth of Finch Creek are closed to all fishing.

(2) The waters of the Titlow Beach Marine Preserve Area are closed to the taking of food fish at all times, except that it is lawful to fish for salmon with artificial lures only from shore or non-motorized craft.

NEW SECTION

WAC 220-56-19000X Coastal salmon—Saltwater seasons and bag limits. Notwithstanding the provisions of WAC 220-56-190, effective immediately until further notice it is unlawful to fish for salmon in waters of the Pacific Ocean, Columbia River waters west of the Buoy 10 line, Willapa Bay, Grays Harbor, or waters of the Strait of Juan de Fuca west of the mouth of the Sekiu River.

NEW SECTION

WAC 220-56-19100E Puget Sound salmon—Saltwater seasons and bag limits. Notwithstanding the provisions of WAC 220-56-191, effective May 1, 1994 until further notice it is unlawful to fish for salmon in Catch Record Card Areas 5 through 13 except as provided for in this section:

Area 5: Closed.

Area 6: Closed.

Area 7: 2 salmon daily bag limit, 22-inch minimum size for chinook, no minimum size for other salmon. Through June 15th, maximum 30-inch size for chinook salmon.

Area 8-1: Closed, except effective May 1 until further notice special daily bag limit of 2 salmon in those waters of Oak Harbor north and west of a line from Blowers Bluff to Forbes Point.

Area 8-2: Closed.

Area 9: 2 salmon daily bag limit, 22-inch minimum size for chinook, no minimum size for other salmon.

Area 10: 2 salmon daily bag limit, 22-inch minimum size for chinook, no minimum size for other salmon.

Area 11: 2 salmon daily bag limit, 22-inch minimum size for chinook, no minimum size for other salmon. Titlow Beach Marine Preserve Area closed to salmon fishing except from shore or non-motorized craft.

Area 12: Closed.

Area 13: 2 salmon daily bag limit, 22-inch minimum size for chinook, no minimum size for other salmon.

During the openings provided for in this section, there are specified closures in WAC 220-56-128 and 220-56-195 and gear and area restrictions at Edmonds underwater park, and the Edmonds, Elliott Bay, Les Davis, and Des Moines public fishing piers as provided for in Chapter 220-56 WAC.

NEW SECTION

WAC 220-56-23500H Possession limits—Bottom fish. Notwithstanding the provisions of WAC 220-56-235, effective May 1, 1994 until further notice, the daily bag limit for rockfish in Catch Record Card Areas 5, 6 and 7 is five fish, and the daily bag limit for rockfish in Catch Record Card Areas 8-1, 8-2, 9, 10, 11, 12 and 13 is three fish.

NEW SECTION

WAC 220-56-24500M Halibut—Bag and possession limits. Notwithstanding the provisions of WAC 220-56-245, effective May 1, 1994, until further notice it is unlawful to fish for or possess more than 1 halibut taken from state or United States waters in any one day. The possession limit is the same as the daily bag limit.

NEW SECTION

WAC 220-56-25500U Halibut—Season and areas. Notwithstanding the provisions of WAC 220-56-255, effective May 1, 1994, until further notice it is unlawful to fish for or halibut taken for personal use except from the following Catch Record Card Areas during the times herein provided:

(1) Areas 1 and 2 - June 2 and June 9.

(2) Area 3 and that portion of Area 4 west of the Bonilla-Tatoosh Line - Tuesday through Saturday, beginning May 3, except that the following area southwest of Cape Flattery is closed to halibut fishing at all times:

Those waters within a line from 48°17'N, 125°10'W to 48°17'N, 125°00'W to 48°05'N, 125°10'W to 48°05'N, 125°00'W to the point of origin.

(3) Area 4 east of the Bonilla-Tatoosh Line and Areas 5 through 13 - Thursday through Tuesday, May 2 through July 5. A halibut catch record card is required for this fishery.

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.

NEW SECTION

WAC 220-56-28500B Shad and sturgeon areas. Notwithstanding the provisions of WAC 220-56-285, effective May 1, 1994, until further notice:

(1) The hand-casted gear boundary marker on the Oregon shore is located approximately 850 feet downstream from the fish ladder entrance, and the gear restriction area runs to the lowermost Bonneville Dam power line crossing.

(2) Those waters inside the south navigation lock at Bonneville Dam from a marker on the westernmost point of Robins Island to a marker on the Oregon mainland shore are closed to fishing.

NEW SECTION

WAC 220-56-30500A Sturgeon—Snake River. Notwithstanding the provisions of WAC 220-56-305, effective May 1, 1994, until further notice it is unlawful to retain sturgeon taken from any waters of the Snake River or tributaries upstream from lower Granite Dam, and those

hooked must be immediately released and returned to the waters.

NEW SECTION

WAC 220-56-31500B Crabs, shrimp, crawfish—Unlawful acts. Notwithstanding the provisions of WAC 220-56-315, effective May 1, 1994, until further notice:

(1) In shrimp district 5 (Hood Canal) it is unlawful to use more than one shrimp pot and one star trap or ring net during the Hood Canal shrimp season.

(2) In Catch Record Card Areas 5 through 13 (Puget Sound east of the Sekiu River) each unit of gear must be attached to its own buoy line and have a separate buoy for each unit.

NEW SECTION

WAC 220-56-38200A Oysters and clams on private tidelands. Notwithstanding the provisions of WAC 220-56-382, effective May 1, 1994, until further notice, WAC 220-56-340 through 220-56-255, 220-56-375 through 220-56-380 and 220-56-385 do not apply to tideland owners or lessees of state tidelands or immediate family members taking or possessing oysters, clams, cockles, borers and mussels for personal use from their own tidelands or leased state tidelands. No written authorization is required for family members.

NEW SECTION

WAC 220-56-40000C Abalone. Notwithstanding the provisions of WAC 220-56-400, effective May 1, 1994, until further notice it is unlawful to harvest or possess abalone taken for personal use from all state waters.

NEW SECTION

WAC 220-56-30700A Shellfish—Closed areas. Notwithstanding the provisions of WAC 220-56-307, effective May 1, 1994, until further notice it is unlawful to harvest or possess shellfish taken for personal use from the Titlow Beach Marine Preserve Area.

NEW SECTION

WAC 220-57-47300A Tilton River. Notwithstanding the provisions of WAC 220-57-473, effective May 1, 1994, until further notice it is unlawful to fish for salmon in the Tilton River except as provided for in this section:

(1) Mainstem - Bag Limit A - June 1 until further notice: Downstream from west fork Tilton River.

(2) North Fork - Bag Limit A - June 1 until further notice: Downstream from markers 400 feet above the 73 road bridge to the Tilton River (approximately lower two miles).

NEW SECTION

WAC 220-57-49500L Washougal River. Notwithstanding the provisions of WAC 220-57-495, effective May 1, 1994, until further notice it is unlawful to fish for salmon in the Washougal River except as provided for in this section:

(1) Closed through May 31st.

(2) Bag limit A - June 1 until further notice - Downstream from bridge at Salmon Falls to mouth.

NEW SECTION

WAC 220-57A-01200A Baker Lake. Notwithstanding the provisions of WAC 220-57A-012, effective April 30, 1994, until further notice it is unlawful to fish for or possess salmon taken from Baker Lake.

NEW SECTION

WAC 220-57A-15200A Shannon Reservoir. Notwithstanding the provisions of WAC 220-57A-152, effective April 30, 1994, until further notice it is unlawful to fish for or possess salmon taken from Shannon Reservoir.

**WSR 94-10-068
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 94-28—Filed May 3, 1994, 1:29 p.m., effective May 5, 1994, 12:01 a.m.]

Date of Adoption: May 3, 1994.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-57-140.

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: No harvestable spring chinook salmon are forecast to return to the Chehalis River in 1994.

Effective Date of Rule: May 5, 1994, 12:01 a.m.

May 3, 1994
Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-57-14000Q Chehalis River. Notwithstanding the provisions of WAC 220-57-140, effective 12:01 a.m. May 5, 1994 through June 30, 1994, it is unlawful to fish for salmon for personal use or to possess salmon taken for personal use from the waters of the Chehalis River.

EMERGENCY

WSR 94-10-011
NOTICE OF PUBLIC MEETINGS
BOARD OF NURSING
HOME ADMINISTRATORS
 [Memorandum—April 19, 1994]

The May 1994 board meeting will be held on May 20, 1994, from 9:00 a.m. to 5:00 p.m. at Wesley Homes Health Center, 1122 South 216th Street, Des Moines, WA 98198, (206) 824-3663.

This is a change from the original board meeting dates filed on January 13, 1994.

WSR 94-10-014
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Memorandum—April 21, 1994]

Following is the schedule(s) for regular meetings to be held by the University of Washington's Bioengineering.

Bioengineering Faculty

Meeting Dates	Location	Time
second Tuesday of the month, Jan. - June and Oct. - Dec.	Harris 322	8:30-10:00 a.m.

Curriculum Committee

Meeting Dates	Location	Time
last Thursday of the Month, exception is Nov. and Dec.	Harris 322	8:30-10:30 a.m.

WSR 94-10-015
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE UNIVERSITY
 [Memorandum—April 13, 1994]

Washington State University hereby gives notice of location for the regular meeting of the board of regents currently set for June 24, 1994. The June meeting of the regents will begin at 9:00 a.m. at WSU Vancouver, 1812 East McLoughlin Boulevard, Vancouver, WA.

WSR 94-10-016
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
HISPANIC AFFAIRS
 [Memorandum—April 25, 1994]

Please accept this letter as a correction to our latest notice of our next public meeting on July 9, 1994. The incorrect address for the Othello Latin Seniors was listed as: 35 East Hemlock, Othello, WA.

The correct address is: 210 South 4th, Othello, WA. The regular commission meeting will begin at 9 a.m. and end at 3:00 p.m.

The public is invited to offer comment throughout the meeting. An agenda can be obtained by calling the commission. Any request for special accommodations can be made by calling Ana Rojas at (206) 753-3159.

Future meetings will take place on: September 24th in Bellingham and December 3rd in Vancouver.

WSR 94-10-017
NOTICE OF PUBLIC MEETINGS
OFFICE OF THE GOVERNOR
 (Clemency and Pardons Board)
 [Memorandum—April 26, 1994]

The Washington State Clemency and Pardons Board hereby files with the code reviser the following changes and additions to its meeting schedule:

The June 3rd regularly scheduled meeting has been moved to May 19th. The meeting is scheduled for 10:00 a.m. in Senate Hearing Room No. 4 located in the John A. Cherberg Building.

A special meeting of the board has been set for May 19th for the purpose of reviewing the Charles Campbell case. This meeting is scheduled for 9:00 a.m. in Senate Hearing Room No. 4 located in the John A. Cherberg Building.

The regularly scheduled September 2nd meeting has been moved from the Governor's Conference Room to Senate Hearing Room No. 4 located in the John A. Cherberg Building. This meeting is scheduled to begin at 9:00 a.m.

WSR 94-10-018
ATTORNEY GENERAL OPINION
Cite as: AGO 1994 No. 6
 [April 19, 1994]

SCHOOLS—BONDS—BUSES—FUNDS—Ability of a school district to issue bonds to finance the acquisition of school buses

1. RCW 28A.530.010 authorizes school districts to issue bonds for certain capital projects. The acquisition of school buses is not a capital project. Therefore, the proceeds of bonds issued pursuant to RCW 28A.530.010 cannot be used to acquire school buses.
2. RCW 28A.530.080 authorizes school districts, under certain circumstances, to issue bonds without a vote of the people. Proceeds of bonds issued pursuant to RCW 28A.530.080 may be deposited in the transportation vehicle fund. One purpose of this fund is to acquire school buses.
3. If the proceeds of bonds issued, without a vote of the people, pursuant to RCW 28A.530.080 are deposited in the transportation vehicle fund, the proceeds may be used to acquire replacement school buses.

MISCELLANEOUS

Requested by:

Honorable Judith A. Billings
 Superintendent of Public Instruction
 Old Capitol Building, MS 47200
 Olympia, WA 98504-7200

WSR 94-10-019

**NOTICE OF PUBLIC MEETINGS
 TRANSPORTATION COMMISSION**

[Memorandum—April 22, 1994]

The May 1994 Washington State Transportation Commission meetings will be held at 1:00 p.m. on Tuesday, May 24, and 9:00 a.m. on Wednesday, May 25, 1994, in the Transportation Commission Room (1D2), Transportation Building, Olympia, Washington. There will be committee meetings at 9:00 a.m., Tuesday, May 24, in the Transportation Building, Rooms 1D2 and 3F21, Olympia, Washington.

The June 1994 Washington State Transportation Commission meetings have been changed from June 15 and 16 and will now be held at 1:00 p.m. on Monday, June 13, and 9:00 a.m. on Tuesday, June 14, 1994, at the Red Lion Inn, 1225 North Wenatchee Avenue, Wenatchee, WA. There will be committee meetings at 9:00 a.m., Monday, June 13, at the Red Lion Inn, 1225 North Wenatchee Avenue, Wenatchee, WA.

WSR 94-10-028

DEPARTMENT OF ECOLOGY

[Filed April 28, 1994, 9:48 a.m.]

**PUBLIC NOTICE OF TENTATIVE DETERMINATION
 TO ISSUE DAIRY WASTE GENERAL DISCHARGE PERMIT
 AND PUBLIC HEARINGS**

The Washington Department of Ecology (ecology) has tentatively determined it will issue a statewide National Pollutant Discharge Elimination System/state dairy waste general discharge permit. The permit will satisfy requirements of the federal Water Pollution Control Act as amended (Title 33 United States Code, Section 1251 et seq.), the State Water Pollution Control Act (RCW 90.48.160 and 90.48.260) and the State Dairy Waste Management Act (chapter 90.64 RCW).

The permit will apply statewide to those commercial dairy farms classified as either a concentrated dairy animal feeding operation under RCW 90.64.010(3) or as a concentrated animal feeding operation under federal Clean Water Act rules (40 CFR 122.12, Appendix B). These farms discharge pollutants directly to surface or ground water or are significant contributors of pollutants. A commercial dairy farm is a facility engaged in the commercial production of milk from dairy cows.

The purpose of the permit is to establish limitations on discharges of manure and wastewater to surface and ground waters of the state. The limitations are necessary to protect existing and future beneficial uses including domestic, industrial and agricultural water supplies, stock watering, fish and shellfish propagation and harvest, wildlife habitat, recreation and commerce and navigation.

Commercial dairy farms requiring permit coverage will need to manage wastewater and manure in accordance with United States Soil Conservation Service specifications. Generally, this will include collecting and storing wastewater and manure in waste storage ponds during the winter months and applying it to crops at agronomic rates. Compliance with the permit will restore beneficial uses in waters of the state that have been degraded due to existing discharges and prevent potential future degradation.

Ecology has prepared a small business economic impact statement (SBEIS) to evaluate the permit in accordance with the Regulatory Fairness Act (chapter 19.85 RCW). The SBEIS estimated the cost of compliance for both eastern and western Washington herd sizes of 100, 200, 400 and 700 mature dairy cattle. Three analyses were employed assuming full, partial and no existing compliance. The annualized cost per cow for compliance was highest for small herd sizes. Compliance costs were higher in western Washington. The cost for compliance was significantly reduced for farms partially or fully in compliance. Federal cost-share programs further reduced the costs.

Interested or potentially affected parties are invited to comment on relevant information, including but not limited to: Whether the permit is appropriate for the proposed category of dischargers, or whether individual permits are necessary; individual dischargers proposed to be covered under the general permit; and characteristics of the discharge for individual facilities or the category of dischargers including effluent quantity, quality and any receiving water impact.

Public hearings on the draft permit will be held at the following locations, dates and times: On June 28, at 1:00 - 3:00 p.m., Big Bend Community College, Student Center Auditorium, Building 1400, Moses Lake, WA 98837, (509) 762-5351; and on June 29, at 1:00 - 3:00 p.m., Washington State University, Cooperative Extension, Allmendinger Center, 7612 Pioneer Way East, Puyallup, WA 98371-4998, (206) 840-4500.

A 52 day public comment period has been established from May 18, 1994, to July 8, 1994, for those wishing to provide comments. Comments received after July 8, 1994, will not be considered. Written comments received at the address below and written and oral comments received at the public hearings will be considered in formulating the final determination on the permit. The permit is expected to be issued on August 10, 1994. Written comments, requests for additional information or a list of commercial dairy farms potentially requiring permit coverage should be directed to: Washington Department of Ecology, Water Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, Attn: Philip A. KauzLoric, (206) 407-6413 or if you have special accommodation needs, contact Ecology's Telecommunications Device for the Deaf at (206) 407-6006.

WSR 94-10-032
ATTORNEY GENERAL OPINION
Cite as: AGO 1994 No. 7
 [April 28, 1994]

COURTS—STATE AGENCIES—TRAVEL AND EXPENSE REGULATIONS—applicability of state travel and expense regulations to judicial branch of state government

1. RCW 43.03.050 and .060, which authorize the Office of Financial Management to prescribe travel and expense reimbursement policies for state agencies, include courts and other agencies in the judicial branch of state government.
2. To the extent it can be justified by varying circumstances, the Office of Financial Management may prescribe different expense reimbursement rates for judicial branch agencies than for other state agencies; however, the mileage rate established under RCW 43.03.060 must be uniform for all employees.

Requested by:
 Honorable Brian Sonntag
 State Auditor
 Legislative Building, MS 40021
 Olympia, WA 98504-0021

WSR 94-10-050
NOTICE OF PUBLIC MEETINGS
COMMUNITY COLLEGES
OF SPOKANE
 [Memorandum—April 28, 1994]

The board of trustees of Community Colleges of Spokane, Washington Community College District 17 have changed their June 1994 regular meeting from June 21 to June 14, 1994. The meeting will be held at 1:30 p.m. at the district boardroom, 2000 North Greene Street, Spokane, WA 99207.

WSR 94-10-051
NOTICE OF PUBLIC MEETINGS
TACOMA COMMUNITY COLLEGE
 [Memorandum—April 26, 1994]

Please be advised of the following time change for the June 16, 1994, board of trustees meeting for Tacoma Community College: June 16, 1994, 3:30 p.m.

This meeting was originally scheduled to begin at 4:00 p.m. The date remains the same: June 16, 1994.

WSR 94-10-052
NOTICE OF PUBLIC MEETINGS
HIGHER EDUCATION
COORDINATING BOARD
 [Memorandum—April 26, 1994]

The Higher Education Coordinating Board announces the following schedule changes:

Board Meetings:

May 19 Board Meeting—Starting time changed from 8:30 a.m. to 1 p.m., SeaTac Marriott.

May 20 Board Work Session—8:30 a.m. to 1 p.m., SeaTac Marriott.

June 16 Board Meeting in Spokane—Rescheduled to June 17.

June 17 Board Meeting—8:30 a.m., SeaTac Radisson.

SPRE Forums: Three forums on activities and plans for the state postsecondary review entity have been rescheduled from May 4, 5 and 6 to the following times and places:

June 13, 7-9 p.m., Auditorium, Lake Washington Technical College, Kirkland.

June 14, 7-9 p.m., Worthington Center, Saint Martin's College, Olympia.

June 15, 7-9 p.m., Sasquatch Room, Spokane Community College, Spokane.

Complete information about these changes is available from the HECB Office in Olympia, (206) 586-5524 (SCAN 234-2210).

WSR 94-10-087
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE
 [Memorandum—May 4, 1994]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, May 19, 1994, 9-11 a.m., in the Bellingham Technical College Building G Conference Center A.

WSR 94-10-088
NOTICE OF PUBLIC MEETINGS
COUNTY ROAD
ADMINISTRATION BOARD
 [Memorandum—April 26, 1994]

Special meeting: June 14, 1994, 3:00-5:00 p.m., Hyatt-Regency Hotel, Bellevue, 900 Bellevue Way N.E.

Individuals requiring reasonable accommodation may request written materials in alternative formats, sign language interpreters, physical accessibility accommodations, or other reasonable accommodation, by contacting Karen Pendleton at (206) 753-5989, hearing and speech impaired persons can call 1-800-833-6384.

MISCELLANEOUS

Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule

Suffixes:

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- S = Supplemental notice
- W = Withdrawal of proposed action
- No suffix means permanent action

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

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1-21-010	AMD-P	94-09-045	16-219-020	AMD	94-09-028	16-316-474	AMD-P	94-09-046
1-21-170	AMD-P	94-09-045	16-219-022	NEW-P	94-05-092	16-316-717	AMD-P	94-09-046
4-25-185	REP	94-02-070	16-219-022	NEW	94-09-028	16-316-727	AMD-P	94-09-046
4-25-186	REP	94-02-070	16-219-025	AMD-P	94-05-092	16-316-800	AMD-P	94-09-046
4-25-187	REP	94-02-070	16-219-025	AMD	94-09-028	16-316-820	AMD-P	94-09-046
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TABLE

Table of WAC Sections Affected

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131-46-045	AMD	94-04-120	132H-160-056	REP	94-04-098	132R-190-020	AMD	94-07-019
131-46-050	AMD	94-04-120	132H-160-059	REP	94-04-098	132R-190-030	AMD	94-07-019
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132F-08-270	REP-P	94-05-097A	132J-116-060	AMD	94-04-052	137-56-100	AMD	94-07-065
132F-08-280	REP-P	94-05-097A	132J-116-070	REP	94-04-052	137-56-110	AMD	94-07-065
132F-08-290	REP-P	94-05-097A	132J-116-080	AMD	94-04-052	137-56-120	AMD	94-07-065
132F-08-300	REP-P	94-05-097A	132J-116-090	AMD	94-04-052	137-56-140	AMD	94-07-065
132F-08-310	REP-P	94-05-097A	132J-116-100	AMD	94-04-052	137-56-150	AMD	94-07-065
132F-08-320	REP-P	94-05-097A	132J-116-110	AMD	94-04-052	137-56-160	AMD	94-07-065
132F-08-330	REP-P	94-05-097A	132J-116-120	AMD	94-04-052	137-56-170	AMD	94-07-065
132F-08-340	REP-P	94-05-097A	132J-116-130	AMD	94-04-052	137-56-175	NEW	94-07-065
132F-08-350	REP-P	94-05-097A	132J-116-140	AMD	94-04-052	137-56-180	AMD	94-07-065
132F-08-360	REP-P	94-05-097A	132J-116-150	AMD	94-04-052	137-56-190	REP	94-07-065
132F-08-400	REP-P	94-05-097A	132J-116-160	AMD	94-04-052	137-56-200	AMD	94-07-065
132F-08-410	REP-P	94-05-097A	132J-116-170	AMD	94-04-052	137-56-210	AMD	94-07-065
132F-08-420	REP-P	94-05-097A	132J-116-180	AMD	94-04-052	137-56-220	AMD	94-07-065
132F-08-430	REP-P	94-05-097A	132J-116-190	AMD	94-04-052	137-56-230	AMD	94-07-065
132F-08-440	REP-P	94-05-097A	132J-116-200	REP	94-04-052	137-56-240	AMD	94-07-065
132F-08-450	REP-P	94-05-097A	132J-116-210	AMD	94-04-052	137-56-250	AMD	94-07-065
132F-08-460	REP-P	94-05-097A	132J-116-220	AMD	94-04-052	148-120-010	NEW-P	94-08-066
132F-08-470	REP-P	94-05-097A	132J-116-240	AMD	94-04-052	148-120-015	NEW-P	94-08-066
132F-08-480	REP-P	94-05-097A	132J-128-010	REP	94-04-053	148-120-100	NEW-P	94-08-066
132F-104-030	AMD-P	94-05-097A	132J-128-020	REP	94-04-053	148-120-120	NEW-P	94-08-066
132F-104-811	AMD-P	94-05-097A	132J-128-030	REP	94-04-053	148-120-200	NEW-P	94-08-066
132F-104-813	AMD-P	94-05-097A	132J-128-040	REP	94-04-053	148-120-205	NEW-P	94-08-066
132F-104-815	AMD-P	94-05-097A	132J-128-050	REP	94-04-053	148-120-210	NEW-P	94-08-066
132F-104-819	AMD-P	94-05-097A	132J-128-060	REP	94-04-053	148-120-220	NEW-P	94-08-066
132F-108-010	NEW-P	94-05-097A	132J-128-070	REP	94-04-053	148-120-225	NEW-P	94-08-066
132F-108-020	NEW-P	94-05-097A	132J-128-080	REP	94-04-053	148-120-230	NEW-P	94-08-066
132F-108-030	NEW-P	94-05-097A	132J-128-090	REP	94-04-053	148-120-234	NEW-P	94-08-066
132F-108-040	NEW-P	94-05-097A	132J-128-100	REP	94-04-053	148-120-236	NEW-P	94-08-066
132F-108-050	NEW-P	94-05-097A	132J-128-110	REP	94-04-053	162-12-100	AMD-W	94-04-087
132F-108-060	NEW-P	94-05-097A	132J-128-120	REP	94-04-053	162-12-110	REP-W	94-04-087
132F-108-070	NEW-P	94-05-097A	132J-128-130	REP	94-04-053	162-12-120	AMD-W	94-04-087
132F-108-080	NEW-P	94-05-097A	132J-128-140	REP	94-04-053	162-12-130	AMD-W	94-04-087
132F-108-090	NEW-P	94-05-097A	132J-128-200	NEW	94-04-053	162-12-135	AMD-W	94-04-087
132F-108-100	NEW-P	94-05-097A	132J-128-210	NEW	94-04-053	162-12-140	AMD-W	94-04-087
132F-108-110	NEW-P	94-05-097A	132J-136-020	REP	94-04-054	162-12-150	AMD-W	94-04-087
132F-108-120	NEW-P	94-05-097A	132J-136-025	REP	94-04-054	162-12-160	AMD-W	94-04-087
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132F-108-140	NEW-P	94-05-097A	132J-136-040	REP	94-04-054	162-12-180	AMD-W	94-04-087
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162-18-030	REP-W	94-04-087	173-60-050	AMD-P	94-05-037	173-224-100	AMD-P	94-02-080
162-18-040	REP-W	94-04-087	173-60-070	AMD-P	94-05-037	173-224-100	AMD	94-10-027
162-18-050	REP-W	94-04-087	173-70-010	REP-P	94-05-037	173-224-120	REP-P	94-02-080
162-18-060	REP-W	94-04-087	173-70-020	REP-W	94-05-037	173-303	AMD-C	94-08-092
162-18-070	REP-W	94-04-087	173-70-030	REP-P	94-05-037	173-320-010	REP-P	94-03-071
162-18-080	REP-W	94-04-087	173-70-040	REP-P	94-05-037	173-320-010	REP	94-07-078
162-18-090	REP-W	94-04-087	173-70-050	REP-P	94-05-037	173-320-020	REP-P	94-03-071
162-18-100	REP-W	94-04-087	173-70-060	REP-P	94-05-037	173-320-020	REP	94-07-078
162-22-010	AMD-W	94-04-087	173-70-070	REP-P	94-05-037	173-320-030	REP-P	94-03-071
162-22-020	AMD-W	94-04-087	173-70-080	REP-P	94-05-037	173-320-030	REP	94-07-078
162-22-030	REP-W	94-04-087	173-70-090	REP-P	94-05-037	173-320-040	REP-P	94-03-071
162-22-040	REP-W	94-04-087	173-70-100	REP-P	94-05-037	173-320-040	REP	94-07-078
162-22-050	AMD-W	94-04-087	173-70-110	REP-P	94-05-037	173-320-050	REP-P	94-03-071
162-22-060	AMD-W	94-04-087	173-70-120	REP-P	94-05-037	173-320-050	REP	94-07-078
162-22-070	AMD-W	94-04-087	173-95-010	REP	94-04-030	173-320-060	REP-P	94-03-071
162-22-080	AMD-W	94-04-087	173-95-020	REP	94-04-030	173-320-060	REP	94-07-078
162-22-090	AMD-W	94-04-087	173-95-030	REP	94-04-030	173-320-070	REP-P	94-03-071
162-22-100	AMD-W	94-04-087	173-95-040	REP	94-04-030	173-320-070	REP	94-07-078
162-26-010	AMD-W	94-04-087	173-95-050	REP	94-04-030	173-320-080	REP-P	94-03-071
162-26-020	AMD-W	94-04-087	173-95-060	REP	94-04-030	173-320-080	REP	94-07-078
162-26-030	AMD-W	94-04-087	173-95-070	REP	94-04-030	173-335-010	REP-P	94-03-071
162-26-040	AMD-W	94-04-087	173-95-080	REP	94-04-030	173-335-010	REP	94-07-078
162-26-050	AMD-W	94-04-087	173-95-090	REP	94-04-030	173-335-020	REP-P	94-03-071
162-26-060	AMD-W	94-04-087	173-95-100	REP	94-04-030	173-335-020	REP	94-07-078
162-26-070	AMD-W	94-04-087	173-95-110	REP	94-04-030	173-335-030	REP-P	94-03-071
162-26-080	AMD-W	94-04-087	173-95-120	REP	94-04-030	173-335-030	REP	94-07-078
162-26-090	AMD-W	94-04-087	173-95-130	REP	94-04-030	173-335-040	REP-P	94-03-071
162-26-100	AMD-W	94-04-087	173-95-140	REP	94-04-030	173-335-040	REP	94-07-078
162-26-110	AMD-W	94-04-087	173-95-150	REP	94-04-030	173-335-050	REP-P	94-03-071
162-26-120	AMD-W	94-04-087	173-95-160	REP	94-04-030	173-335-050	REP	94-07-078
162-26-130	AMD-W	94-04-087	173-180A-010	NEW	94-10-084	173-400	NEW-C	94-08-072
162-26-140	AMD-W	94-04-087	173-180A-020	NEW	94-10-084	173-400	NEW-C	94-10-079
162-30-010	AMD-W	94-04-087	173-180A-030	NEW	94-10-084	173-400-045	NEW-P	94-04-106
162-30-020	AMD-W	94-04-087	173-180A-040	NEW	94-10-084	173-400-101	NEW-P	94-04-105
162-30-030	NEW-W	94-04-087	173-180A-050	NEW	94-10-084	173-400-101	NEW	94-10-042
162-30-035	NEW-W	94-04-087	173-180A-060	NEW	94-10-084	173-400-116	NEW-P	94-04-106
162-30-040	NEW-W	94-04-087	173-180A-070	NEW	94-10-084	173-401	AMD-C	94-08-073
162-30-050	NEW-W	94-04-087	173-180A-080	NEW	94-10-084	173-401-200	AMD-P	94-04-104
162-30-060	NEW-W	94-04-087	173-180A-090	NEW	94-10-084	173-401-510	AMD-P	94-04-104
162-30-070	NEW-W	94-04-087	173-180A-100	NEW	94-10-084	173-401-530	NEW-P	94-04-104
162-30-080	NEW-W	94-04-087	173-180A-110	NEW	94-10-084	173-401-531	NEW-P	94-04-104
162-30-090	NEW-W	94-04-087	173-180A-120	NEW	94-10-084	173-401-532	NEW-P	94-04-104
162-30-100	NEW-W	94-04-087	173-180A-130	NEW	94-10-084	173-401-533	NEW-P	94-04-104
173-19-100	AMD-P	94-03-093	173-180A-140	NEW	94-10-084	173-402-010	REP-P	94-10-078
173-19-120	AMD-P	94-03-092	173-180A-150	NEW	94-10-084	173-402-020	REP-P	94-10-078
173-19-120	AMD	94-10-081	173-180B-010	NEW	94-10-083	173-422-020	AMD	94-05-039
173-19-2401	AMD-C	94-05-038	173-180B-020	NEW	94-10-083	173-422-030	AMD	94-05-039
173-19-2401	AMD	94-07-013	173-180B-030	NEW	94-10-083	173-422-050	AMD	94-05-039
173-19-2602	AMD-P	94-04-107	173-180B-040	NEW	94-10-083	173-422-070	AMD	94-05-039
173-19-2602	AMD	94-10-082	173-180B-050	NEW	94-10-083	173-422-075	AMD	94-05-039
173-19-3303	AMD-P	94-07-120	173-180B-060	NEW	94-10-083	173-422-095	AMD	94-05-039
173-19-3506	AMD-W	94-07-074	173-180B-070	NEW	94-10-083	173-422-130	AMD	94-05-039
173-19-3506	AMD-P	94-10-040	173-180B-080	NEW	94-10-083	173-422-140	REP	94-05-039
173-19-360	AMD-P	94-10-041	173-180B-090	NEW	94-10-083	173-422-160	AMD	94-05-039
173-19-390	AMD	94-03-095	173-180B-100	NEW	94-10-083	173-422-170	AMD	94-05-039
173-19-4203	AMD-P	94-07-119	173-180B-110	NEW	94-10-083	173-440-010	REP-P	94-10-078
173-19-4205	AMD-P	94-03-094	173-180B-120	NEW	94-10-083	173-440-020	REP-P	94-10-078
173-19-4205	AMD	94-10-080	173-180B-130	NEW	94-10-083	173-440-030	REP-P	94-10-078
173-34-010	REP-P	94-03-071	173-180B-140	NEW	94-10-083	173-440-040	REP-P	94-10-078
173-34-010	REP	94-07-078	173-202-020	AMD-E	94-04-108	173-440-100	REP-P	94-10-078
173-34-020	REP-P	94-03-071	173-202-020	AMD-P	94-08-071	173-440-900	REP-P	94-10-078
173-34-020	REP	94-07-078	173-224	AMD-C	94-05-082	173-460-020	AMD	94-03-072
173-34-030	REP-P	94-03-071	173-224-020	AMD-P	94-02-080	173-460-030	AMD	94-03-072
173-34-030	REP	94-07-078	173-224-020	AMD	94-10-027	173-460-040	AMD	94-03-072
173-34-040	REP-P	94-03-071	173-224-030	AMD-P	94-02-080	173-460-050	AMD	94-03-072
173-34-040	REP	94-07-078	173-224-030	AMD	94-10-027	173-460-060	AMD	94-03-072
173-34-050	REP-P	94-03-071	173-224-040	AMD-P	94-02-080	173-460-080	AMD	94-03-072
173-34-050	REP	94-07-078	173-224-040	AMD	94-10-027	173-460-090	AMD	94-03-072
173-58-010	AMD-P	94-05-037	173-224-050	AMD-P	94-02-080	173-460-100	AMD	94-03-072
173-58-020	AMD-P	94-05-037	173-224-050	AMD	94-10-027	173-460-110	AMD	94-03-072
173-58-090	AMD-P	94-05-037	173-224-070	REP-P	94-02-080	173-460-150	AMD	94-03-072
173-60-010	AMD-P	94-05-037	173-224-090	AMD-P	94-02-080	173-460-160	AMD	94-03-072

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180-24-312	AMD-P	94-08-103	194-20-150	PREP	94-08-070	220-47-401	AMD-P	94-09-071
180-24-315	AMD-P	94-08-103	194-20-160	PREP	94-08-070	220-47-411	AMD-P	94-09-071
180-24-320	AMD-P	94-08-103	194-20-170	PREP	94-08-070	220-47-412	AMD-P	94-09-071
180-24-325	AMD-P	94-08-103	194-20-180	PREP	94-08-070	220-48-001	AMD-P	94-03-106
180-24-355	AMD-P	94-08-103	194-20-190	PREP	94-08-070	220-48-005	AMD-P	94-03-106
180-29-130	AMD-P	94-08-104	192-28-145	AMD-P	94-04-124	220-48-011	AMD-P	94-03-106
180-29-135	AMD-P	94-05-088	192-28-145	AMD	94-10-044	220-48-015	AMD-P	94-03-106
180-29-135	AMD-C	94-08-068	192-34-010	NEW	94-07-115	220-48-016	NEW-P	94-03-106
180-29-147	NEW-P	94-05-088	192-34-015	NEW	94-07-115	220-48-017	AMD-P	94-03-106
180-29-147	NEW-C	94-08-068	192-34-020	NEW	94-07-115	220-48-019	AMD-P	94-03-106
180-29-170	AMD-P	94-05-088	192-34-025	NEW	94-07-115	220-48-028	AMD-P	94-03-106
180-29-170	AMD-C	94-08-068	194-22-010	PREP	94-08-070	220-48-031	AMD-P	94-03-106
180-33-025	AMD-P	94-08-105	194-22-020	PREP	94-08-070	220-48-041	AMD-P	94-03-106
180-40-235	AMD	94-03-102	194-22-030	PREP	94-08-070	220-48-051	AMD-P	94-03-106
180-50-115	AMD	94-03-104	194-22-040	PREP	94-08-070	220-48-061	AMD-P	94-03-106
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180-51-050	AMD-P	94-08-067	194-22-070	PREP	94-08-070	220-49-011	AMD-P	94-03-106
180-51-075	AMD	94-03-104	194-22-080	PREP	94-08-070	220-49-012	AMD-P	94-03-106
180-51-105	AMD	94-03-103	194-22-090	PREP	94-08-070	220-49-013	AMD-P	94-03-106
180-78-266	NEW-P	94-05-034	194-22-100	PREP	94-08-070	220-49-014	AMD-P	94-03-106
180-78-266	NEW	94-08-055	194-22-110	PREP	94-08-070	220-49-015	REP-P	94-03-106
180-79-241	AMD-P	94-08-106	194-22-120	PREP	94-08-070	220-49-016	REP-P	94-03-106
180-95-010	AMD	94-03-103	194-22-130	PREP	94-08-070	220-49-017	AMD-P	94-03-106
180-95-020	AMD	94-03-103	194-22-140	PREP	94-08-070	220-49-020	AMD-P	94-03-106
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180-96-015	REP	94-03-101	204-24-050	AMD-P	94-02-082	220-49-025	REP-P	94-03-106
180-96-025	REP	94-03-101	204-24-050	AMD	94-08-069	220-49-026	REP-P	94-03-106
180-96-030	REP	94-03-101	204-30-010	REP	94-05-024	220-49-026	REP-P	94-03-106
180-96-035	AMD	94-03-101	204-30-020	REP	94-05-024	220-49-055	REP-P	94-03-106
180-96-045	AMD	94-03-101	204-30-030	REP	94-05-024	220-49-056	AMD-P	94-03-106
180-96-048	NEW	94-03-101	204-30-040	REP	94-05-024	220-49-057	AMD-P	94-03-106
180-96-050	AMD	94-03-101	204-30-050	REP	94-05-024	220-49-063	AMD-P	94-03-106
180-96-053	NEW	94-03-101	204-30-060	REP	94-05-024	220-49-06300A	NEW-E	94-07-063
180-96-055	REP	94-03-101	204-30-070	REP	94-05-024	220-49-06300A	REP-E	94-07-077
180-96-058	NEW	94-03-101	204-30-080	REP	94-05-024	220-49-06300B	NEW-E	94-07-077
180-96-060	REP	94-03-101	208-04-010	NEW	94-09-010	220-49-064	AMD-P	94-03-106
180-96-065	REP	94-03-101	208-04-020	NEW	94-09-010	220-49-06400A	NEW-E	94-07-063
180-96-070	REP	94-03-101	208-04-030	NEW	94-09-010	220-49-06400A	REP-E	94-07-077
180-96-075	REP	94-03-101	220-12-02000B	NEW-E	94-07-052	220-49-06400B	NEW-E	94-07-077
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182-12-115	AMD-E	94-08-027	220-16-46000A	NEW-E	94-10-043	220-52-019	AMD-P	94-03-106
182-12-122	AMD-E	94-08-027	220-20-021	AMD-P	94-03-106	220-52-01901	AMD-P	94-03-106
182-14-010	NEW-E	94-08-028	220-20-025	AMD-P	94-03-106	220-52-020	AMD-P	94-03-106
182-14-020	NEW-E	94-08-028	220-20-02500B	NEW-E	94-05-002	220-52-030	AMD-P	94-03-106
182-14-030	NEW-E	94-08-028	220-22-030	AMD-P	94-09-071	220-52-040	AMD-P	94-03-106
182-14-040	NEW-E	94-08-028	220-32-05100E	NEW-E	94-04-048	220-52-043	AMD-P	94-03-106
182-14-050	NEW-E	94-08-028	220-32-05500F	NEW-E	94-09-022	220-52-046	AMD-P	94-03-106
182-14-060	NEW-E	94-08-028	220-33-01000U	NEW-E	94-04-101	220-52-050	AMD-P	94-03-106
182-14-070	NEW-E	94-08-028	220-33-01000V	REP-E	94-06-042	220-52-051	AMD-P	94-03-098
182-14-080	NEW-E	94-08-028	220-33-01000V	NEW-E	94-06-042	220-52-051	AMD-P	94-03-106
182-14-090	NEW-E	94-08-028	220-33-01000V	REP-E	94-07-009	220-52-051	AMD	94-07-092
182-14-100	NEW-E	94-08-028	220-33-01000W	NEW-E	94-07-009	220-52-060	AMD-P	94-03-106
194-20-010	PREP	94-08-070	220-33-060	AMD-P	94-03-106	220-52-063	AMD-P	94-03-106
194-20-020	PREP	94-08-070	220-36-021	AMD-P	94-09-070	220-52-066	AMD-P	94-03-106
194-20-030	PREP	94-08-070	220-36-023	AMD-P	94-09-070	220-52-068	AMD-P	94-03-106
194-20-040	PREP	94-08-070	220-40-021	AMD-P	94-09-070	220-52-069	AMD-P	94-03-106
194-20-050	PREP	94-08-070	220-40-027	AMD-P	94-09-070	220-52-070	AMD-P	94-03-106
194-20-060	PREP	94-08-070	220-44-020	AMD-P	94-03-106	220-52-071	AMD-P	94-03-106
194-20-070	PREP	94-08-070	220-44-030	AMD-P	94-03-106	220-52-07100P	NEW-E	94-10-037
194-20-080	PREP	94-08-070	220-44-050	AMD-P	94-10-073	220-52-073	AMD-P	94-03-106
194-20-090	PREP	94-08-070	220-44-05000I	REP-E	94-05-003	220-52-07300R	REP-E	94-03-063
194-20-100	PREP	94-08-070	220-44-05000J	NEW-E	94-05-003	220-52-07300S	NEW-E	94-03-063
194-20-110	PREP	94-08-070	220-44-090	NEW-P	94-03-106	220-52-07300S	REP-E	94-05-055
						220-52-07300T	NEW-E	94-05-055

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220-56-100	AMD-P	94-03-105	220-57-310	AMD-P	94-03-105
220-56-10000A	NEW-E	94-10-043	220-57-31500Y	NEW-E	94-08-014
220-56-105	AMD-P	94-03-105	220-57-31500Y	REP-E	94-10-036
220-56-10500C	NEW-E	94-08-014	220-57-31500Z	NEW-E	94-10-036
220-56-10500C	REP-E	94-10-036	220-57-319	AMD-P	94-03-105
220-56-11500A	NEW-E	94-10-043	220-57-335	AMD-P	94-03-105
220-56-123	NEW-P	94-03-105	220-57-350	AMD-P	94-03-105
220-56-124	AMD-P	94-03-105	220-57-370	AMD-P	94-03-105
220-56-128	AMD-P	94-03-105	220-57-385	AMD-P	94-03-105
220-56-12800I	NEW-E	94-10-043	220-57-400	AMD-P	94-03-105
220-56-190	AMD-P	94-03-105	220-57-415	AMD-P	94-03-105
220-56-19000X	NEW-E	94-10-043	220-57-425	AMD-P	94-03-105
220-56-191	AMD-P	94-03-105	220-57-430	AMD-P	94-03-105
220-56-19100E	NEW-E	94-10-043	220-57-435	AMD-P	94-03-105
220-56-195	AMD-P	94-03-105	220-57-450	AMD-P	94-03-105
220-56-235	AMD-P	94-03-105	220-57-455	AMD-P	94-03-105
220-56-23500H	NEW-E	94-10-043	220-57-465	AMD-P	94-03-105
220-56-240	AMD-P	94-03-105	220-57-473	AMD-P	94-03-105
220-56-245	AMD-P	94-03-105	220-57-47300A	NEW-E	94-10-043
220-56-24500M	NEW-E	94-10-043	220-57-480	AMD-P	94-03-105
220-56-255	AMD-P	94-03-105	220-57-490	AMD-P	94-03-105
220-56-25500U	NEW-E	94-10-043	220-57-495	AMD-P	94-03-105
220-56-285	AMD-P	94-03-105	220-57-49500L	NEW-E	94-10-043
220-56-28500B	NEW-E	94-10-043	220-57-49700H	NEW-E	94-08-014
220-56-305	AMD-P	94-03-105	220-57-50500V	NEW-E	94-08-014
220-56-30500A	NEW-E	94-10-043	220-57-50500V	REP-E	94-10-036
220-56-307	AMD-P	94-03-105	220-57-50500W	NEW-E	94-10-036
220-56-30700A	NEW-E	94-10-043	220-57-51500K	NEW-E	94-08-014
220-56-315	AMD-P	94-03-105	220-57-51500K	REP-E	94-10-036
220-56-31500B	NEW-E	94-10-043	220-57-520	AMD-P	94-03-105
220-56-320	AMD-P	94-03-105	220-57-525	AMD-P	94-03-105
220-56-350	AMD-P	94-03-105	220-57A-012	AMD-P	94-03-105
220-56-35000X	NEW-E	94-07-052	220-57A-01200A	NEW-E	94-10-043
220-56-35000X	REP-E	94-07-076	220-57A-152	AMD-P	94-03-105
220-56-35000Y	NEW-E	94-07-076	220-57A-15200A	NEW-E	94-10-043
220-56-36000H	NEW-E	94-07-003	220-88A-010	NEW-P	94-03-098
220-56-36000H	REP-E	94-08-009	220-88A-010	NEW	94-07-092
220-56-36000I	NEW-E	94-08-009	220-88A-020	NEW-P	94-03-098
220-56-36000I	REP-E	94-09-023	220-88A-020	NEW	94-07-092
220-56-36000J	NEW-E	94-09-023	220-88A-030	NEW-P	94-03-098
220-56-36000J	REP-E	94-10-038	220-88A-030	NEW	94-07-092
220-56-36000K	NEW-E	94-10-038	220-88A-040	NEW-P	94-03-098
220-56-380	AMD-P	94-03-105	220-88A-040	NEW	94-07-092
220-56-38000R	NEW-E	94-07-052	220-88A-050	NEW-P	94-03-098
220-56-38000R	REP-E	94-07-076	220-88A-050	NEW	94-07-092
220-56-38000S	NEW-E	94-07-076	220-88A-060	NEW-P	94-03-098
220-56-382	AMD-P	94-03-105	220-88A-060	NEW	94-07-092
220-56-38200A	NEW-E	94-10-043	220-88A-070	NEW-P	94-03-098
220-56-390	AMD-P	94-03-105	220-88A-070	NEW	94-07-092
220-56-400	AMD-P	94-03-105	220-88A-080	NEW-P	94-03-098
220-56-40000C	NEW-E	94-10-043	220-88A-080	NEW	94-07-092
220-56-405	AMD-P	94-03-105	222-16-010	AMD-E	94-05-046
220-56-410	AMD-P	94-03-105	222-16-010	AMD-E	94-07-053
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220-57-130	AMD-P	94-03-105	222-16-010	AMD-E	94-09-030
220-57-135	AMD-P	94-03-105	222-16-035	AMD-P	94-09-029
220-57-140	AMD-P	94-03-105	222-16-035	AMD-E	94-09-030
220-57-14000Q	NEW-E	94-10-068	222-16-080	AMD-E	94-05-046
220-57-155	AMD-P	94-03-105	222-16-080	AMD-E	94-07-053
220-57-16000T	NEW-E	94-08-049	222-24-030	AMD-E	94-05-046
220-57-16000U	NEW-E	94-10-036	222-30-020	AMD-P	94-09-029
220-57-200	AMD-P	94-03-105	222-30-020	AMD-E	94-09-030
220-57-210	AMD-P	94-03-105	222-30-050	AMD-E	94-05-046
220-57-215	AMD-P	94-03-105	222-30-060	AMD-E	94-05-046
220-57-230	AMD-P	94-03-105	222-30-065	NEW-E	94-05-046
220-57-235	REP-P	94-03-105	222-30-070	AMD-E	94-05-046
220-57-250	AMD-P	94-03-105	222-30-075	NEW-E	94-05-046
220-57-255	AMD-P	94-03-105	222-30-100	AMD-E	94-05-046
220-57-270	AMD-P	94-03-105	222-38-020	AMD-E	94-05-046
220-57-280	AMD-P	94-03-105	222-38-030	AMD-E	94-05-046
220-57-285	AMD-P	94-03-105	223-08-010	AMD-E	94-07-062
220-57-29000P	NEW-E	94-08-014	223-08-010	AMD-P	94-07-097
223-08-072	NEW-E	94-07-062	223-08-072	NEW-E	94-07-062
223-08-072	NEW-P	94-07-097	223-08-148	NEW-E	94-07-062
223-08-148	NEW-E	94-07-062	223-08-148	NEW-P	94-07-097
223-08-162	NEW-E	94-07-062	223-08-162	NEW-E	94-07-062
223-08-162	NEW-P	94-07-097	223-08-162	NEW-P	94-07-097
223-08-165	AMD-E	94-07-062	223-08-165	AMD-E	94-07-062
223-08-165	AMD-P	94-07-097	223-08-165	AMD-P	94-07-097
223-08-171	NEW-E	94-07-062	223-08-171	NEW-E	94-07-062
223-08-171	NEW-P	94-07-097	223-08-171	NEW-P	94-07-097
223-08-252	NEW-E	94-07-062	223-08-252	NEW-E	94-07-062
223-08-252	NEW-P	94-07-097	223-08-252	NEW-P	94-07-097
230-02-030	AMD-P	94-07-083	230-02-030	AMD-P	94-07-083
230-02-125	AMD-P	94-07-083	230-02-125	AMD-P	94-07-083
230-02-161	AMD-P	94-04-024	230-02-161	AMD-P	94-04-024
230-02-161	AMD	94-07-084	230-02-161	AMD	94-07-084
230-04-035	AMD-P	94-04-024	230-04-035	AMD-P	94-04-024
230-04-035	AMD	94-07-084	230-04-035	AMD	94-07-084
230-04-075	AMD-P	94-04-024	230-04-075	AMD-P	94-04-024
230-04-075	AMD	94-07-084	230-04-075	AMD	94-07-084
230-08-015	AMD-P	94-04-024	230-08-015	AMD-P	94-04-024
230-08-015	AMD	94-07-084	230-08-015	AMD	94-07-084
230-08-120	AMD-P	94-07-083	230-08-120	AMD-P	94-07-083
230-08-130	AMD-P	94-07-083	230-08-130	AMD-P	94-07-083
230-08-150	AMD-P	94-07-083	230-08-150	AMD-P	94-07-083
230-08-160	AMD-P	94-07-083	230-08-160	AMD-P	94-07-083
230-08-260	AMD-P	94-07-083	230-08-260	AMD-P	94-07-083
230-12-010	AMD-P	94-04-024	230-12-010	AMD-P	94-04-024
230-12-010	AMD	94-07-084	230-12-010	AMD	94-07-084
230-12-040	AMD-P	94-10-005	230-12-040	AMD-P	94-10-005
230-12-050	AMD-P	94-10-005	230-12-050	AMD-P	94-10-005
230-12-070	AMD-P	94-10-005	230-12-070	AMD-P	94-10-005
230-12-305	AMD-P	94-04-024	230-12-305	AMD-P	94-04-024
230-12-305	AMD	94-07-084	230-12-305	AMD	94-07-084
230-20-064	AMD-P	94-04-024	230-20-064	AMD-P	94-04-024
230-20-064	AMD	94-07-084	230-20-064	AMD	94-07-084
230-20-103	NEW-P	94-10-005	230-20-103	NEW-P	94-10-005
230-20-111	AMD-P	94-04-024	230-20-111	AMD-P	94-04-024
230-20-111	AMD	94-07-084	230-20-111	AMD	94-07-084
230-20-244	NEW-P	94-10-005	230-20-244	NEW-P	94-10-005
230-20-220	AMD-P	94-04-024	230-20-220	AMD-P	94-04-024
230-20-220	AMD	94-07-084	230-20-220	AMD	94-07-084
230-20-230	AMD-P	94-04-024	230-20-230	AMD-P	94-04-024
230-20-230	AMD	94-07-084	230-20-230	AMD	94-07-084
230-20-400	AMD-P	94-04-024	230-20-400	AMD-P	94-04-024
230-20-400	AMD	94-07-084	230-20-400	AMD	94-07-084
230-20-680	AMD-P	94-04-024	230-20-680	AMD-P	94-04-024
230-20-680	AMD	94-07-084	230-20-680	AMD	94-07-084
230-25-160	AMD-P	94-04-024	230-25-160	AMD-P	94-04-024
230-25-160	AMD	94-07-084	230-25-160	AMD	94-07-084
230-25-200	AMD-P	94-07-083	230-25-200	AMD-P	94-07-083
230-30-050	AMD-P	94-07-083	230-30-050	AMD-P	94-07-083
230-30-060	AMD-P	94-04-024	230-30-060	AMD-P	94-04-024
230-30-060	AMD	94-07-084	230-30-060	AMD	94-07-084
230-30-072	AMD-P	94-04-024	230-30-072	AMD-P	94-04-024
230-30-072	AMD	94-07-084	230-30-072	AMD	94-07-084
230-30-102	AMD-P	94-04-024	230-30-102	AMD-P	94-04-024
230-30-102	AMD	94-07-084	230-30-102	AMD	94-07-084
230-30-103	AMD-P	94-04-024	230-30-103	AMD-P	94-04-024
230-30-103	AMD	94-07-084	230-30-103	AMD	94-07-084
230-40-010	AMD-P	94-10-006	230-40-010	AMD-P	94-10-006
230-40-055	AMD-P	94-04-024	230-40-055	AMD-P	94-04-024
230-40-055	AMD	94-07-084	230-40-055	AMD	94-07-084
230-40-120	AMD-P	94-10-006	230-40-120	AMD-P	94-10-006
230-40-225	AMD-P	94-10-006	230-40-225	AMD-P	94-10-006
232-12-131	AMD-P	94-04-118	232-12-131	AMD-P	94-04-118
232-12-131	AMD-W	94-06-036	232-12-131	AMD-W	94-06-036
232-12-131	AMD-P	94-06-037	232-12-131	AMD-P	94-06-037
232-12-166	AMD-P	94-06-043	232-12-166	AMD-P	94-06-043
232-12-166	AMD	94-09-019	232-12-166	AMD	94-09-019
232-12-168	AMD	94-06-014	232-12-168	AMD	94-06-014
232-28-022	REP-P	94-04-055	232-28-022	REP-P	94-04-055
232-28-0220I	NEW-P	94-04-055	232-28-0220I	NEW-P	94-04-055

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
232-28-02202	NEW-P	94-04-057	240-20-046	NEW-P	94-05-100
232-28-02203	NEW-P	94-04-056	240-20-046	NEW-E	94-05-101
232-28-02204	NEW-P	94-04-058	240-20-046	NEW	94-10-030
232-28-02205	NEW-P	94-04-059	240-20-048	NEW-P	94-05-100
232-28-02206	NEW-P	94-04-060	240-20-048	NEW-E	94-05-101
232-28-02210	NEW-P	94-04-061	240-20-048	NEW	94-10-030
232-28-02220	NEW-P	94-04-062	240-20-050	NEW-P	94-05-100
232-28-02230	NEW-P	94-04-063	240-20-050	NEW-E	94-05-101
232-28-02240	NEW-P	94-04-064	240-20-050	NEW	94-10-030
232-28-02250	NEW-P	94-04-065	240-20-052	NEW-P	94-05-100
232-28-02260	NEW-P	94-04-066	240-20-052	NEW-E	94-05-101
232-28-02270	NEW-P	94-04-067	240-20-052	NEW	94-10-030
232-28-02280	NEW-P	94-04-068	240-20-054	NEW-P	94-05-100
232-28-02290	NEW-P	94-04-069	240-20-054	NEW-E	94-05-101
232-28-226	REP-P	94-04-114	240-20-054	NEW	94-10-030
232-28-227	REP-P	94-04-116	240-20-056	NEW-P	94-05-100
232-28-228	REP-P	94-04-115	240-20-056	NEW-E	94-05-101
232-28-236	REP-P	94-05-079	240-20-056	NEW	94-10-030
232-28-237	REP-P	94-05-078	240-20-058	NEW-P	94-05-100
232-28-238	REP-P	94-04-117	240-20-058	NEW-E	94-05-101
232-28-239	NEW	94-04-123	240-20-058	NEW	94-10-030
232-28-240	NEW-P	94-04-114	240-20-060	NEW-P	94-05-100
232-28-241	NEW-P	94-04-115	240-20-060	NEW-E	94-05-101
232-28-242	NEW-P	94-04-116	240-20-060	NEW	94-10-030
232-28-243	NEW-P	94-04-117	240-20-065	NEW-P	94-05-100
232-28-244	NEW-P	94-05-079	240-20-065	NEW-E	94-05-101
232-28-245	NEW-P	94-05-078	240-20-065	NEW	94-10-030
232-28-417	AMD-E	94-04-007	240-20-070	NEW-P	94-05-100
232-28-61940	NEW	94-04-018	240-20-070	NEW-E	94-05-101
232-28-61941	NEW	94-06-012	240-20-070	NEW	94-10-030
232-28-61942	NEW	94-06-013	240-20-075	NEW-P	94-05-100
232-28-61944	NEW-E	94-03-038	240-20-075	NEW-E	94-05-101
232-28-61945	NEW-E	94-04-012	240-20-075	NEW-P	94-10-029
232-28-61945	NEW-P	94-06-038	240-20-075	NEW-E	94-10-031
232-28-61945	NEW	94-09-068	240-20-080	NEW-P	94-05-100
232-28-61946	NEW-P	94-06-039	240-20-080	NEW-E	94-05-101
232-28-61946	NEW	94-09-067	240-20-080	NEW	94-10-030
232-28-61947	NEW-P	94-06-040	240-20-090	NEW-P	94-05-100
232-28-61947	NEW	94-09-066	240-20-090	NEW-E	94-05-101
232-28-61948	NEW-E	94-09-005	240-20-090	NEW	94-10-030
232-28-61949	NEW-E	94-08-048	240-20-110	NEW-P	94-05-100
232-28-61950	NEW-P	94-09-069	240-20-110	NEW-E	94-05-101
236-14	PREP	94-09-047	240-20-110	NEW	94-10-030
240-20-001	NEW-P	94-05-100	240-20-120	NEW-P	94-05-100
240-20-001	NEW-E	94-05-101	240-20-120	NEW-E	94-05-101
240-20-001	NEW	94-10-030	240-20-120	NEW	94-10-030
240-20-010	NEW-P	94-05-100	240-20-130	NEW-P	94-05-100
240-20-010	NEW-E	94-05-101	240-20-130	NEW-E	94-05-101
240-20-010	NEW	94-10-030	240-20-130	NEW	94-10-030
240-20-015	NEW-P	94-05-100	240-20-210	NEW-P	94-05-100
240-20-015	NEW-E	94-05-101	240-20-210	NEW-E	94-05-101
240-20-015	NEW	94-10-030	240-20-210	NEW	94-10-030
240-20-020	NEW-P	94-05-100	240-20-220	NEW-P	94-05-100
240-20-020	NEW-E	94-05-101	240-20-220	NEW-E	94-05-101
240-20-020	NEW	94-10-030	240-20-220	NEW	94-10-030
240-20-025	NEW-P	94-05-100	240-20-230	NEW-P	94-05-100
240-20-025	NEW-E	94-05-101	240-20-230	NEW-E	94-05-101
240-20-025	NEW	94-10-030	240-20-230	NEW	94-10-030
240-20-030	NEW-P	94-05-100	240-20-310	NEW-P	94-05-100
240-20-030	NEW-E	94-05-101	240-20-310	NEW-E	94-05-101
240-20-030	NEW	94-10-030	240-20-310	NEW	94-10-030
240-20-035	NEW-P	94-05-100	240-20-320	NEW-P	94-05-100
240-20-035	NEW-E	94-05-101	240-20-320	NEW-E	94-05-101
240-20-035	NEW	94-10-030	240-20-320	NEW	94-10-030
240-20-040	NEW-P	94-05-100	240-20-330	NEW-P	94-05-100
240-20-040	NEW-E	94-05-101	240-20-330	NEW-E	94-05-101
240-20-040	NEW	94-10-030	240-20-330	NEW	94-10-030
240-20-042	NEW-P	94-05-100	240-20-410	NEW-P	94-05-100
240-20-042	NEW-E	94-05-101	240-20-410	NEW-E	94-05-101
240-20-042	NEW	94-10-030	240-20-410	NEW	94-10-030
240-20-044	NEW-P	94-05-100	240-20-420	NEW-P	94-05-100
240-20-044	NEW-E	94-05-101	240-20-420	NEW-E	94-05-101
240-20-044	NEW	94-10-030	240-20-420	NEW	94-10-030
240-20-430	NEW-P	94-05-100	240-20-430	NEW-E	94-05-101
240-20-430	NEW-E	94-05-101	240-20-430	NEW	94-10-030
240-20-430	NEW	94-10-030	240-20-425	NEW-E	94-04-015
240-20-427	NEW-E	94-04-015	240-20-427	NEW-E	94-04-015
242-02-040	AMD	94-07-033	242-02-040	AMD	94-07-033
242-02-052	AMD	94-07-033	242-02-052	AMD	94-07-033
242-02-072	AMD	94-07-033	242-02-072	AMD	94-07-033
242-02-110	AMD	94-07-033	242-02-110	AMD	94-07-033
242-02-140	AMD	94-07-033	242-02-140	AMD	94-07-033
242-02-210	AMD	94-07-033	242-02-210	AMD	94-07-033
242-02-220	AMD	94-07-033	242-02-220	AMD	94-07-033
242-02-240	AMD	94-07-033	242-02-240	AMD	94-07-033
242-02-250	AMD	94-07-033	242-02-250	AMD	94-07-033
242-02-270	AMD	94-07-033	242-02-270	AMD	94-07-033
242-02-280	AMD	94-07-033	242-02-280	AMD	94-07-033
242-02-310	AMD	94-07-033	242-02-310	AMD	94-07-033
242-02-320	AMD	94-07-033	242-02-320	AMD	94-07-033
242-02-330	AMD	94-07-033	242-02-330	AMD	94-07-033
242-02-340	AMD	94-07-033	242-02-340	AMD	94-07-033
242-02-410	AMD	94-07-033	242-02-410	AMD	94-07-033
242-02-440	AMD	94-07-033	242-02-440	AMD	94-07-033
242-02-510	AMD	94-07-033	242-02-510	AMD	94-07-033
242-02-520	NEW-W	94-07-007	242-02-520	NEW-W	94-07-007
242-02-522	AMD	94-07-033	242-02-522	AMD	94-07-033
242-02-530	AMD	94-07-033	242-02-530	AMD	94-07-033
242-02-540	AMD	94-07-033	242-02-540	AMD	94-07-033
242-02-550	AMD	94-07-033	242-02-550	AMD	94-07-033
242-02-554	AMD	94-07-033	242-02-554	AMD	94-07-033
242-02-558	AMD	94-07-033	242-02-558	AMD	94-07-033
242-02-570	AMD	94-07-033	242-02-570	AMD	94-07-033
242-02-580	AMD	94-07-033	242-02-580	AMD	94-07-033
242-02-620	AMD	94-07-033	242-02-620	AMD	94-07-033
242-02-680	AMD	94-07-033	242-02-680	AMD	94-07-033
242-02-830	AMD	94-07-033	242-02-830	AMD	94-07-033
242-02-850	AMD	94-07-033	242-02-850	AMD	94-07-033
242-02-880	AMD	94-07-033	242-02-880	AMD	94-07-033
242-02-892	NEW-W	94-07-007	242-02-892	NEW-W	94-07-007
242-02-910	AMD	94-07-033	242-02-910	AMD	94-07-033
242-02-920	AMD	94-07-033	242-02-920	AMD	94-07-033
242-04-050	AMD	94-07-033	242-04-050	AMD	94-07-033
245-01-010	NEW	94-04-046	245-01-010	NEW	94-04-046
245-01-020	NEW	94-04-046	245-01-020	NEW	94-04-046
245-01-020	AMD-P	94-06-060	245-01-020	AMD-P	94-06-060
245-01-030	NEW	94-04-046	245-01-030	NEW	94-04-046
245-01-040	NEW	94-04-046	245-01-040	NEW	94-04-046
245-01-050	NEW	94-04-046	245-01-050	NEW	94-04-046
245-01-060	NEW	94-04-046	245-01-060	NEW	94-04-046
245-01-070	NEW	94-04-046	245-01-070	NEW	94-04-046
245-01-080	NEW	94-04-046	245-01-080	NEW	94-04-046
245-01-090	NEW	94-04-046	245-01-090	NEW	94-04-046
245-01-100	NEW	94-04-046	245-01-100	NEW	94-04-046
245-01-110	NEW	94-04-046	245-01-110	NEW	94-04-046
245-01-120	NEW	94-04-046	245-01-120	NEW	94-04-046
245-01-130	NEW	94-04-046	245-01-130	NEW	94-04-046
245-01-140	NEW	94-04-046	245-01-140	NEW	94-04-046
245-01-150	NEW	94-04-046	245-01-150	NEW	94-04-046
245-02-010	NEW-P	94-06-060	245-02-010	NEW-P	94-06-060
245-02-020	NEW-P	94-06-060	245-02-020	NEW-P	94-06-060
245-02-030	NEW-P	94-06-060	245-02-030	NEW-P	94-06-060
245-02-040	NEW-P	94-06-060	245-02-040	NEW-P	94-06-060
245-02-050	NEW-P	94-06-060	245-02-050	NEW-P	94-06-060
246-04-100	NEW-P	94-10-085	246-04-100	NEW-P	94-10-085
246-04-110	NEW-P	94-10-085	246-04-110	NEW-P	94-10-085
246-04-115	NEW-P	94-10-085	246-04-115	NEW-P	94-10-085
246-08-450	AMD	94-04-079	246-08-450	AMD	94-04-079
246-10-102	AMD	94-04-079	246-10-102	AMD	94-04-079
246-10-103	AMD	94-04-079	246-10-103	AMD	94-04-079
246-10-107	AMD	94-04-079	246-10-107	AMD	94-04-079
246-10-109	AMD	94-04-079	246-10-109	AMD	94-04-079
246-10-110	AMD	94-04-079	246-10-110	AMD	94-04-079
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246-10-115	AMD	94-04-079	246-10-115	AMD	94-04-079

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246-10-202	AMD	94-04-079	246-225-020	AMD	94-06-017	246-272-150	REP	94-09-025
246-10-203	AMD	94-04-079	246-227-030	NEW-W	94-06-016	246-272-15501	NEW	94-09-025
246-10-204	AMD	94-04-079	246-227-100	NEW-W	94-06-016	246-272-160	REP	94-09-025
246-10-205	AMD	94-04-079	246-239-020	AMD	94-06-017	246-272-16501	NEW	94-09-025
246-10-304	AMD	94-04-079	246-239-022	NEW	94-06-017	246-272-170	REP	94-09-025
246-10-305	AMD	94-04-079	246-239-030	AMD	94-06-017	246-272-17501	NEW	94-09-025
246-10-401	AMD	94-04-079	246-239-035	NEW	94-06-017	246-272-180	REP	94-09-025
246-10-402	AMD	94-04-079	246-239-050	AMD	94-06-017	246-272-18501	NEW	94-09-025
246-10-403	AMD	94-04-079	246-239-070	AMD	94-06-017	246-272-190	REP	94-09-025
246-10-404	AMD	94-04-079	246-239-080	AMD	94-06-017	246-272-19501	NEW	94-09-025
246-10-501	AMD	94-04-079	246-239-090	AMD	94-06-017	246-272-200	REP	94-09-025
246-10-502	AMD	94-04-079	246-239-100	AMD	94-06-017	246-272-20501	NEW	94-09-025
246-10-503	AMD	94-04-079	246-240-020	AMD	94-06-017	246-272-210	REP	94-09-025
246-10-504	AMD	94-04-079	246-247-001	AMD	94-07-010	246-272-21501	NEW	94-09-025
246-10-604	AMD	94-04-079	246-247-002	NEW	94-07-010	246-272-220	REP	94-09-025
246-10-607	AMD	94-04-079	246-247-010	AMD	94-07-010	246-272-22501	NEW	94-09-025
246-10-701	AMD	94-04-079	246-247-020	AMD	94-07-010	246-272-230	REP	94-09-025
246-10-702	AMD	94-04-079	246-247-030	AMD	94-07-010	246-272-23501	NEW	94-09-025
246-10-704	AMD	94-04-079	246-247-040	AMD	94-07-010	246-272-240	REP	94-09-025
246-10-705	AMD	94-04-079	246-247-050	REP	94-07-010	246-272-24001	NEW	94-09-025
246-10-706	AMD	94-04-079	246-247-060	AMD	94-07-010	246-272-25001	NEW	94-09-025
246-10-707	AMD	94-04-079	246-247-065	NEW	94-07-010	246-272-26001	NEW	94-09-025
246-11-010	AMD	94-04-078	246-247-070	REP	94-07-010	246-272-27001	NEW	94-09-025
246-11-020	AMD	94-04-078	246-247-075	NEW	94-07-010	246-272-28001	NEW	94-09-025
246-11-030	AMD	94-04-078	246-247-080	AMD	94-07-010	246-290-010	AMD-P	94-08-075
246-11-050	AMD	94-04-078	246-247-085	NEW	94-07-010	246-290-020	AMD-P	94-08-075
246-11-060	AMD	94-04-078	246-247-090	REP	94-07-010	246-290-025	NEW-P	94-08-075
246-11-080	AMD	94-04-078	246-247-100	AMD	94-07-010	246-290-030	AMD-P	94-08-075
246-11-090	AMD	94-04-078	246-247-110	NEW	94-07-010	246-290-030	AMD-P	94-08-075
246-11-100	AMD	94-04-078	246-247-120	NEW	94-07-010	246-290-040	AMD-P	94-08-075
246-11-110	AMD	94-04-078	246-247-130	NEW	94-07-010	246-290-060	AMD-P	94-08-075
246-11-130	AMD	94-04-078	246-254-053	AMD-P	94-07-108	246-290-100	AMD-P	94-08-075
246-11-140	AMD	94-04-078	246-254-070	AMD-P	94-07-107	246-290-110	AMD-P	94-08-075
246-11-160	AMD	94-04-078	246-254-080	AMD-P	94-07-107	246-290-110	AMD-P	94-08-075
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246-11-180	AMD	94-04-078	246-254-090	AMD-P	94-07-107	246-290-130	AMD-P	94-08-075
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246-11-230	AMD	94-04-078	246-254-120	AMD-P	94-07-107	246-290-140	AMD-P	94-08-075
246-11-250	AMD	94-04-078	246-254-160	AMD	94-07-010	246-290-140	AMD-P	94-08-075
246-11-260	AMD	94-04-078	246-260-990	REP-P	94-07-121	246-290-230	AMD-P	94-08-075
246-11-270	AMD	94-04-078	246-260-9901	NEW-P	94-07-121	246-290-300	AMD-P	94-08-075
246-11-280	AMD	94-04-078	246-272-001	REP	94-09-025	246-290-310	AMD-P	94-08-075
246-11-290	AMD	94-04-078	246-272-00101	NEW	94-09-025	246-290-320	AMD-P	94-08-075
246-11-300	AMD	94-04-078	246-272-002	REP	94-09-025	246-290-330	AMD-P	94-08-075
246-11-330	AMD	94-04-078	246-272-005	REP	94-09-025	246-290-410	AMD-P	94-08-075
246-11-340	AMD	94-04-078	246-272-00501	NEW	94-09-025	246-290-440	AMD-P	94-08-075
246-11-360	AMD	94-04-078	246-272-010	REP	94-09-025	246-290-480	AMD-P	94-08-075
246-11-370	AMD	94-04-078	246-272-01001	NEW	94-09-025	246-290-632	AMD-P	94-08-075
246-11-380	AMD	94-04-078	246-272-020	REP	94-09-025	246-290-654	AMD-P	94-08-075
246-11-390	AMD	94-04-078	246-272-02001	NEW	94-09-025	246-290-660	AMD-P	94-08-075
246-11-400	AMD	94-04-078	246-272-030	REP	94-09-025	246-290-662	AMD-P	94-08-075
246-11-420	AMD	94-04-078	246-272-03001	NEW	94-09-025	246-290-664	AMD-P	94-08-075
246-11-425	NEW	94-04-078	246-272-040	REP	94-09-025	246-290-666	AMD-P	94-08-075
246-11-430	AMD	94-04-078	246-272-04001	NEW	94-09-025	246-290-670	AMD-P	94-08-075
246-11-440	AMD	94-04-078	246-272-050	REP	94-09-025	246-290-686	AMD-P	94-08-075
246-11-450	AMD	94-04-078	246-272-05001	NEW	94-09-025	246-290-692	AMD-P	94-08-075
246-11-480	AMD	94-04-078	246-272-060	REP	94-09-025	246-290-694	AMD-P	94-08-075
246-11-500	AMD	94-04-078	246-272-070	REP	94-09-025	246-290-696	AMD-P	94-08-075
246-11-510	AMD	94-04-078	246-272-07001	NEW	94-09-025	246-291-001	NEW-P	94-06-008
246-11-530	AMD	94-04-078	246-272-080	REP	94-09-025	246-291-010	NEW-P	94-06-008
246-11-540	AMD	94-04-078	246-272-08001	NEW	94-09-025	246-291-020	NEW-P	94-06-008
246-11-560	AMD	94-04-078	246-272-090	REP	94-09-025	246-291-025	NEW-P	94-06-008
246-11-580	AMD	94-04-078	246-272-09001	NEW	94-09-025	246-291-030	NEW-P	94-06-008
246-11-590	AMD	94-04-078	246-272-09501	NEW	94-09-025	246-291-040	NEW-P	94-06-008
246-11-600	AMD	94-04-078	246-272-100	REP	94-09-025	246-291-050	NEW-P	94-06-008
246-11-610	AMD	94-04-078	246-272-110	REP	94-09-025	246-291-060	NEW-P	94-06-008
246-50-001	PREP	94-09-042	246-272-11001	NEW	94-09-025	246-291-100	NEW-P	94-06-008
246-50-010	PREP	94-09-042	246-272-11501	NEW	94-09-025	246-291-110	NEW-P	94-06-008
246-50-020	PREP	94-09-042	246-272-120	REP	94-09-025	246-291-120	NEW-P	94-06-008
246-50-030	PREP	94-09-042	246-272-12501	NEW	94-09-025	246-291-130	NEW-P	94-06-008
246-50-040	PREP	94-09-042	246-272-130	REP	94-09-025	246-291-140	NEW-P	94-06-008
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246-291-240	NEW-P	94-06-008	246-316-990	AMD-P	94-08-040	246-450-100	REP-P	94-09-026
246-291-250	NEW-P	94-06-008	246-327-001	AMD-P	94-10-047	246-451-001	AMD-P	94-09-026
246-291-260	NEW-P	94-06-008	246-327-010	AMD-P	94-10-047	246-451-010	AMD-P	94-09-026
246-291-270	NEW-P	94-06-008	246-327-025	AMD-P	94-10-047	246-451-020	AMD-P	94-09-026
246-291-300	NEW-P	94-06-008	246-327-030	NEW-P	94-10-047	246-451-030	AMD-P	94-09-026
246-291-310	NEW-P	94-06-008	246-327-035	AMD-P	94-10-047	246-451-040	AMD-P	94-09-026
246-291-320	NEW-P	94-06-008	246-327-045	REP-P	94-10-047	246-451-050	AMD-P	94-09-026
246-291-330	NEW-P	94-06-008	246-327-055	REP-P	94-10-047	246-451-060	AMD-P	94-09-026
246-291-340	NEW-P	94-06-008	246-327-065	AMD-P	94-10-047	246-452-001	REP-P	94-09-026
246-291-350	NEW-P	94-06-008	246-327-077	AMD-P	94-10-047	246-452-010	REP-P	94-09-026
246-291-360	NEW-P	94-06-008	246-327-085	AMD-P	94-10-047	246-452-020	REP-P	94-09-026
246-291-370	NEW-P	94-06-008	246-327-090	AMD-P	94-10-047	246-452-030	REP-P	94-09-026
246-292-001	AMD	94-04-004	246-327-095	AMD-P	94-10-047	246-452-040	REP-P	94-09-026
246-292-010	AMD	94-04-004	246-327-105	AMD-P	94-10-047	246-452-050	REP-P	94-09-026
246-292-020	AMD	94-04-004	246-327-115	AMD-P	94-10-047	246-452-060	REP-P	94-09-026
246-292-030	AMD	94-04-004	246-327-125	AMD-P	94-10-047	246-452-070	REP-P	94-09-026
246-292-040	AMD	94-04-004	246-327-135	AMD-P	94-10-047	246-452-080	REP-P	94-09-026
246-292-050	AMD	94-04-004	246-327-145	AMD-P	94-10-047	246-453-001	AMD-P	94-09-026
246-292-055	NEW	94-04-004	246-327-155	REP-P	94-10-047	246-453-010	AMD-P	94-09-026
246-292-060	AMD	94-04-004	246-327-165	AMD-P	94-10-047	246-453-050	AMD-P	94-09-026
246-292-070	AMD	94-04-004	246-327-175	REP-P	94-10-047	246-453-070	AMD-P	94-09-026
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246-292-080	AMD	94-04-004	246-327-990	AMD-P	94-10-047	246-454-001	AMD-P	94-09-026
246-292-090	AMD	94-04-004	246-331-001	AMD-P	94-10-045	246-454-010	AMD-P	94-09-026
246-292-100	AMD	94-04-004	246-331-010	AMD-P	94-10-045	246-454-020	AMD-P	94-09-026
246-292-110	AMD	94-04-004	246-331-025	AMD-P	94-10-045	246-454-030	AMD-P	94-09-026
246-292-120	REP	94-04-004	246-331-030	NEW-P	94-10-045	246-454-040	REP-P	94-09-026
246-292-130	REP	94-04-004	246-331-035	AMD-P	94-10-045	246-454-050	AMD-P	94-09-026
246-292-140	REP	94-04-004	246-331-045	REP-P	94-10-045	246-454-060	REP-P	94-09-026
246-292-150	REP	94-04-004	246-331-055	REP-P	94-10-045	246-454-070	AMD-P	94-09-026
246-292-160	NEW	94-04-004	246-331-065	AMD-P	94-10-045	246-454-080	AMD-P	94-09-026
246-292-170	NEW	94-04-004	246-331-077	AMD-P	94-10-045	246-454-090	AMD-P	94-09-026
246-292-990	REP	94-04-004	246-331-085	AMD-P	94-10-045	246-454-100	REP-P	94-09-026
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246-316-010	AMD-P	94-08-040	246-331-100	AMD-P	94-10-045	246-454-120	AMD-P	94-09-026
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246-316-045	AMD-P	94-08-040	246-331-135	AMD-P	94-10-045	246-455-040	AMD-P	94-09-007
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246-316-060	AMD-P	94-08-040	246-331-175	REP-P	94-10-045	246-455-070	AMD-P	94-09-007
246-316-070	AMD-P	94-08-040	246-331-185	AMD-P	94-10-045	246-455-080	AMD-P	94-09-007
246-316-080	AMD-P	94-08-040	246-331-990	AMD-P	94-10-045	246-455-090	AMD-P	94-09-007
246-316-090	AMD-P	94-08-040	246-336-001	AMD-P	94-10-046	246-455-100	AMD-P	94-09-007
246-316-100	AMD-P	94-08-040	246-336-010	AMD-P	94-10-046	246-490-100	NEW	94-04-083
246-316-110	AMD-P	94-08-040	246-336-025	AMD-P	94-10-046	246-490-110	NEW	94-04-083
246-316-120	AMD-P	94-08-040	246-336-030	NEW-P	94-10-046	246-520-001	REP	94-05-052
246-316-130	AMD-P	94-08-040	246-336-035	AMD-P	94-10-046	246-520-010	REP	94-05-052
246-316-140	AMD-P	94-08-040	246-336-045	REP-P	94-10-046	246-520-020	REP	94-05-052
246-316-150	AMD-P	94-08-040	246-336-055	REP-P	94-10-046	246-520-030	REP	94-05-052
246-316-160	AMD-P	94-08-040	246-336-065	AMD-P	94-10-046	246-520-040	REP	94-05-052
246-316-170	AMD-P	94-08-040	246-336-077	AMD-P	94-10-046	246-520-050	REP	94-05-052
246-316-180	AMD-P	94-08-040	246-336-085	AMD-P	94-10-046	246-520-060	REP	94-05-052
246-316-190	AMD-P	94-08-040	246-336-095	AMD-P	94-10-046	246-520-070	REP	94-05-052
246-316-200	AMD-P	94-08-040	246-336-100	AMD-P	94-10-046	246-807-115	NEW-P	94-03-053
246-316-210	AMD-P	94-08-040	246-336-105	AMD-P	94-10-046	246-807-115	NEW	94-08-053
246-316-220	AMD-P	94-08-040	246-336-115	AMD-P	94-10-046	246-815-030	AMD	94-05-053
246-316-230	AMD-P	94-08-040	246-336-125	AMD-P	94-10-046	246-815-300	NEW	94-04-005
246-316-240	AMD-P	94-08-040	246-336-135	AMD-P	94-10-046	246-815-990	AMD	94-02-059
246-316-250	AMD-P	94-08-040	246-336-165	AMD-P	94-10-046	246-816-015	NEW-P	94-03-045
246-316-260	AMD-P	94-08-040	246-336-990	AMD-P	94-10-046	246-818-015	NEW-P	94-03-044
246-316-265	NEW-P	94-08-040	246-360	PREP	94-10-058	246-818-015	NEW	94-08-011
246-316-268	NEW-P	94-08-040	246-450-001	REP-P	94-09-026	246-818-020	AMD-P	94-06-046
246-316-270	REP-P	94-08-040	246-450-010	REP-P	94-09-026	246-818-990	REP	94-02-058
246-316-280	AMD-P	94-08-040	246-450-020	REP-P	94-09-026	246-818-991	NEW	94-02-058
246-316-290	AMD-P	94-08-040	246-450-030	REP-P	94-09-026	246-824	PREP	94-10-026
246-316-300	AMD-P	94-08-040	246-450-040	REP-P	94-09-026	246-824-200	NEW-P	94-02-057
246-316-310	AMD-P	94-08-040	246-450-050	REP-P	94-09-026	246-824-210	NEW-P	94-02-057
246-316-320	AMD-P	94-08-040	246-450-060	REP-P	94-09-026	246-824-220	NEW-P	94-02-057
246-316-330	AMD-P	94-08-040	246-450-070	REP-P	94-09-026	246-824-220	NEW	94-06-047

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246-824-230	NEW	94-06-047	246-878-030	NEW	94-08-101	246-922-400	NEW-P	94-08-079
246-824-990	AMD-P	94-05-032	246-878-040	NEW-P	94-02-079	246-922-405	NEW-P	94-08-079
246-824-990	AMD	94-08-078	246-878-040	NEW	94-08-101	246-922-410	NEW-P	94-08-079
246-828-055	NEW-P	94-08-037	246-878-050	NEW-P	94-02-079	246-922-415	NEW-P	94-08-079
246-828-060	AMD-P	94-08-037	246-878-050	NEW	94-08-101	246-922-500	NEW-P	94-05-081
246-828-065	NEW-P	94-08-037	246-878-060	NEW-P	94-02-079	246-922-500	NEW	94-09-008
246-828-070	AMD-P	94-08-037	246-878-060	NEW	94-08-101	246-924-020	AMD-P	94-08-039
246-828-990	AMD	94-08-038	246-878-070	NEW-P	94-02-079	246-924-040	AMD-P	94-08-039
246-830-010	NEW-P	94-06-045	246-878-070	NEW	94-08-101	246-924-050	AMD-P	94-08-039
246-830-030	REP-P	94-05-080	246-878-080	NEW-P	94-02-079	246-924-080	AMD-P	94-08-039
246-830-035	NEW-P	94-05-080	246-878-080	NEW	94-08-101	246-924-095	NEW-P	94-08-039
246-830-255	NEW-P	94-06-045	246-878-090	NEW-P	94-02-079	246-924-095	NEW-E	94-09-024
246-830-280	NEW-P	94-05-080	246-878-090	NEW	94-08-101	246-924-110	AMD-P	94-08-039
246-830-290	NEW-P	94-05-080	246-878-100	NEW-P	94-02-079	246-924-120	AMD-P	94-08-039
246-830-410	AMD-P	94-06-045	246-878-100	NEW	94-08-101	246-924-130	AMD-P	94-08-039
246-830-430	AMD-P	94-06-045	246-878-110	NEW-P	94-02-079	246-924-190	REP-P	94-08-039
246-830-460	NEW-P	94-05-080	246-878-110	NEW	94-08-101	246-924-200	REP-P	94-08-039
246-830-465	NEW-P	94-05-080	246-878-120	NEW-P	94-02-079	246-924-210	REP-P	94-08-039
246-830-470	NEW-P	94-05-080	246-878-120	NEW	94-08-101	246-924-220	REP-P	94-08-039
246-830-475	NEW-P	94-05-080	246-883-030	AMD-P	94-02-078	246-924-230	AMD-P	94-08-039
246-830-480	NEW-P	94-05-080	246-883-030	AMD	94-08-100	246-924-240	AMD-P	94-08-039
246-830-485	NEW-P	94-05-080	246-886-030	AMD	94-02-060	246-924-250	AMD-P	94-08-039
246-838-040	AMD-P	94-05-033	246-887	AMD-C	94-02-089	246-924-260	REP-P	94-08-039
246-838-040	AMD	94-08-050	246-887-100	AMD-P	94-04-111	246-924-270	REP-P	94-08-039
246-838-070	AMD-P	94-05-033	246-887-100	AMD	94-07-105	246-924-280	REP-P	94-08-039
246-838-070	AMD	94-08-050	246-887-100	AMD	94-08-098	246-924-290	AMD-P	94-08-039
246-838-080	AMD-P	94-05-033	246-887-133	NEW	94-08-098	246-924-300	AMD-P	94-08-039
246-838-080	AMD	94-08-050	246-887-140	AMD-P	94-04-111	246-924-310	REP-P	94-08-039
246-838-090	AMD-P	94-05-033	246-887-140	AMD	94-07-105	246-924-320	AMD-P	94-08-039
246-838-090	AMD	94-08-050	246-887-150	AMD-P	94-04-111	246-924-460	REP-P	94-08-039
246-838-110	AMD-P	94-05-033	246-887-150	AMD	94-07-105	246-924-490	NEW-P	94-08-039
246-838-110	AMD	94-08-050	246-887-160	AMD	94-08-098	246-930-010	AMD-P	94-09-027
246-838-180	AMD-P	94-05-033	246-887-170	AMD	94-08-098	246-930-020	AMD-P	94-09-027
246-838-180	AMD	94-08-050	246-889-020	AMD-P	94-04-111	246-930-030	AMD-P	94-09-027
246-838-990	AMD-P	94-05-035	246-889-020	AMD	94-07-105	246-930-040	AMD-P	94-09-027
246-838-990	AMD	94-08-102	246-901-010	NEW-P	94-04-112	246-930-050	AMD-P	94-09-027
246-839-020	AMD	94-07-012	246-901-010	NEW	94-08-097	246-930-060	AMD-P	94-09-027
246-839-020	PREP	94-10-057	246-901-020	AMD-P	94-04-112	246-930-070	AMD-P	94-09-027
246-839-030	AMD	94-07-012	246-901-020	AMD	94-08-097	246-930-075	AMD-P	94-09-027
246-839-040	AMD	94-07-012	246-901-030	AMD-P	94-04-112	246-930-200	AMD-P	94-09-027
246-839-050	AMD	94-07-012	246-901-030	AMD	94-08-097	246-930-210	AMD-P	94-09-027
246-839-060	AMD	94-07-012	246-901-035	NEW-P	94-04-112	246-930-220	AMD-P	94-09-027
246-839-070	AMD	94-07-012	246-901-035	NEW	94-08-097	246-930-300	AMD-P	94-09-027
246-839-080	AMD	94-07-012	246-901-100	AMD-P	94-04-112	246-930-301	AMD-P	94-09-027
246-839-090	AMD	94-07-012	246-901-100	AMD	94-08-097	246-930-310	AMD-P	94-09-027
246-839-300	PREP	94-10-056	246-901-130	AMD-P	94-04-112	246-930-320	AMD-P	94-09-027
246-839-310	PREP	94-10-056	246-901-130	AMD	94-08-097	246-930-330	AMD-P	94-09-027
246-839-320	PREP	94-10-056	246-907-020	AMD-P	94-08-096	246-930-340	AMD-P	94-09-027
246-839-330	PREP	94-10-056	246-907-030	AMD	94-05-036	246-930-410	AMD-P	94-09-027
246-839-340	PREP	94-10-056	246-915-040	AMD	94-05-014	246-930-420	NEW-P	94-09-027
246-839-350	PREP	94-10-056	246-915-050	AMD	94-05-014	246-930-430	NEW-P	94-09-027
246-839-360	PREP	94-10-056	246-915-078	NEW	94-05-014	246-930-490	NEW-P	94-09-027
246-839-365	PREP	94-10-056	246-915-085	NEW	94-05-014	246-930-990	AMD-P	94-09-027
246-843-990	AMD-P	94-05-065	246-915-090	AMD	94-05-014	246-937-020	NEW-E	94-08-051
246-843-990	AMD	94-09-006	246-915-120	AMD	94-05-014	246-937-020	NEW-P	94-08-052
246-847-040	AMD-P	94-10-059	246-915-140	AMD	94-05-014	246-937-030	NEW-E	94-08-051
246-847-050	AMD-P	94-10-059	246-915-160	AMD	94-05-014	246-937-030	NEW-P	94-08-052
246-847-060	AMD-P	94-10-059	246-915-340	NEW	94-05-014	246-937-040	NEW-E	94-08-051
246-847-068	AMD-P	94-10-059	246-917-100	AMD-P	94-08-095	246-937-040	NEW-P	94-08-052
246-847-190	AMD-P	94-10-059	246-917-120	AMD-P	94-08-095	246-937-070	NEW-E	94-08-051
246-851	PREP	94-10-026	246-918-095	NEW-P	94-08-094	246-937-070	NEW-P	94-08-052
246-851-110	AMD	94-04-041	246-918-105	NEW-P	94-08-094	246-937-080	NEW-E	94-08-051
246-851-550	NEW	94-04-041	246-920-115	NEW-P	94-07-011	246-937-080	NEW-P	94-08-052
246-863-020	AMD-P	94-04-113	246-922-032	NEW	94-05-051	246-937-090	NEW-E	94-08-051
246-863-020	AMD	94-08-099	246-922-033	NEW	94-05-051	246-937-090	NEW-P	94-08-052
246-863-030	AMD-P	94-04-113	246-922-100	AMD	94-05-051	246-937-990	NEW-P	94-08-076
246-863-030	AMD	94-08-099	246-922-110	REP	94-05-051	246-937-990	NEW-E	94-08-077
246-865-060	AMD	94-02-077	246-922-120	AMD	94-05-051	250-40	AMD-P	94-09-058
246-878-010	NEW-P	94-02-079	246-922-220	REP	94-05-051	250-40-020	AMD-P	94-09-058
246-878-010	NEW	94-08-101	246-922-250	REP	94-05-051	250-40-040	AMD-P	94-09-058
246-878-020	NEW-P	94-02-079	246-922-260	AMD	94-05-051	250-40-050	AMD-P	94-09-058
246-878-020	NEW	94-08-101	246-922-300	AMD	94-05-051	250-40-070	AMD-P	94-09-058

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250-44-050	AMD-P	94-10-001	275-35-030	AMD-P	94-08-007	284-10-140	NEW-W	94-03-085
250-44-110	AMD-P	94-10-001	275-35-060	AMD-P	94-08-007	284-10-150	NEW-W	94-03-085
250-44-130	AMD-P	94-10-001	275-35-070	AMD-P	94-08-007	284-10-160	NEW-W	94-03-085
250-62-010	NEW-W	94-06-018	275-35-080	AMD-P	94-08-007	284-10-170	NEW-W	94-03-085
250-62-020	NEW-W	94-06-018	275-55-221	NEW-E	94-03-004	284-10-180	NEW-W	94-03-085
250-62-030	NEW-W	94-06-018	275-55-221	NEW-P	94-03-005	284-10-190	NEW-W	94-03-085
250-62-040	NEW-W	94-06-018	275-55-221	NEW	94-06-025	284-10-200	NEW-W	94-03-085
250-62-050	NEW-W	94-06-018	275-56-015	AMD	94-07-020	284-13-110	REP-P	94-05-089
250-62-060	NEW-W	94-06-018	275-56-600	NEW	94-07-020	284-13-110	REP-C	94-08-013
250-62-070	NEW-W	94-06-018	275-56-610	NEW	94-07-020	284-13-110	REP-C	94-10-024
250-62-080	NEW-W	94-06-018	275-56-630	NEW	94-07-020	284-13-120	REP-P	94-05-089
250-62-090	NEW-W	94-06-018	275-56-640	NEW	94-07-020	284-13-120	REP-C	94-08-013
250-62-100	NEW-W	94-06-018	275-56-650	NEW	94-07-020	284-13-120	REP-C	94-10-024
250-62-110	NEW-W	94-06-018	275-56-660	NEW	94-07-020	284-13-130	REP-P	94-05-089
250-62-120	NEW-W	94-06-018	275-56-670	NEW	94-07-020	284-13-130	REP-C	94-08-013
250-62-130	NEW-W	94-06-018	275-56-680	NEW	94-07-020	284-13-130	REP-C	94-10-024
250-62-140	NEW-W	94-06-018	275-56-690	NEW	94-07-020	284-13-140	REP-P	94-05-089
250-62-150	NEW-W	94-06-018	275-56-700	NEW	94-07-020	284-13-140	REP-C	94-08-013
250-62-160	NEW-W	94-06-018	275-56-710	NEW	94-07-020	284-13-140	REP-C	94-10-024
250-62-170	NEW-W	94-06-018	275-56-720	NEW	94-07-020	284-13-150	REP-P	94-05-089
250-62-180	NEW-W	94-06-018	275-59-072	NEW-E	94-03-004	284-13-150	REP-C	94-08-013
250-62-190	NEW-W	94-06-018	275-59-072	NEW-P	94-03-005	284-13-150	REP-C	94-10-024
250-62-200	NEW-W	94-06-018	275-59-072	NEW	94-06-025	284-13-800	NEW-P	94-05-089
250-62-210	NEW-W	94-06-018	275-156-010	AMD-P	94-07-087	284-13-800	NEW-C	94-08-013
250-66-030	AMD-P	94-09-060	275-156-015	AMD-P	94-07-087	284-13-800	NEW-C	94-10-024
250-78-010	AMD-P	94-09-061	275-156-020	AMD-P	94-07-087	284-13-810	NEW-P	94-05-089
250-78-020	AMD-P	94-09-061	275-156-025	AMD-P	94-07-087	284-13-810	NEW-C	94-08-013
250-78-030	AMD-P	94-09-061	275-156-030	AMD-P	94-07-087	284-13-810	NEW-C	94-10-024
250-78-040	AMD-P	94-09-061	284-07-060	AMD	94-04-045	284-13-820	NEW-P	94-05-089
250-78-050	AMD-P	94-09-061	284-07-100	AMD	94-04-045	284-13-820	NEW-C	94-08-013
250-78-060	AMD-P	94-09-061	284-07-110	AMD	94-04-045	284-13-820	NEW-C	94-10-024
250-79-010	NEW-C	94-04-093	284-07-130	AMD	94-04-045	284-13-830	NEW-P	94-05-089
251-23-010	REP-W	94-04-010	284-07-140	AMD	94-04-045	284-13-830	NEW-C	94-08-013
251-23-015	REP-W	94-04-010	284-07-180	AMD	94-04-045	284-13-830	NEW-C	94-10-024
251-23-020	REP-W	94-04-010	284-07-220	AMD	94-04-045	284-30	PREP	94-05-056
251-23-030	REP-W	94-04-010	284-10	NEW-C	94-02-065	284-30-450	PREP	94-05-070
251-23-040	REP-W	94-04-010	284-10	NEW-C	94-03-048	284-43-040	NEW-P	94-10-077
251-23-050	REP-W	94-04-010	284-10	NEW-C	94-08-006	284-44	PREP	94-05-056
251-23-060	REP-W	94-04-010	284-10-010	NEW-E	94-03-084	284-46	PREP	94-05-056
259-04-060	AMD-E	94-07-059	284-10-010	NEW-W	94-03-085	284-54-020	AMD-P	94-09-050
259-04-060	AMD-P	94-07-096	284-10-010	NEW-P	94-04-126	284-54-150	AMD-P	94-09-050
260-12-010	AMD-W	94-09-003	284-10-010	NEW	94-08-060	284-54-200	NEW-P	94-09-050
260-12-090	REP-W	94-09-003	284-10-015	NEW-E	94-03-084	284-54-210	NEW-P	94-09-050
260-24-010	AMD-W	94-09-003	284-10-015	NEW-W	94-03-085	284-54-260	NEW-P	94-09-050
260-24-080	AMD-W	94-09-003	284-10-015	NEW-P	94-04-126	284-54-270	NEW-P	94-09-050
260-24-110	AMD-W	94-09-003	284-10-015	NEW	94-08-060	284-87-040	AMD-P	94-09-049
260-24-120	AMD-W	94-09-003	284-10-020	NEW-E	94-03-084	284-87-090	AMD-P	94-09-049
260-24-140	AMD-W	94-09-003	284-10-020	NEW-W	94-03-085	284-87-100	AMD-P	94-09-049
260-24-150	AMD-W	94-09-003	284-10-020	NEW-P	94-04-126	284-87-010	AMD-P	94-09-049
260-24-170	AMD-W	94-09-003	284-10-020	NEW	94-08-060	284-97-010	PREP	94-05-071
260-24-180	AMD-W	94-09-003	284-10-020	NEW	94-08-060	284-97-020	PREP	94-05-071
260-24-200	AMD-W	94-09-003	284-10-030	NEW-E	94-03-084	284-97-020	PREP	94-05-071
260-24-210	AMD-W	94-09-003	284-10-030	NEW-W	94-03-085	284-97-030	PREP	94-05-071
260-24-285	AMD-W	94-09-003	284-10-030	NEW-P	94-04-126	284-97-040	PREP	94-05-071
260-24-290	AMD-W	94-09-003	284-10-030	NEW	94-08-060	284-97-050	PREP	94-05-071
260-24-315	AMD-W	94-09-003	284-10-030	NEW	94-08-060	284-97-060	PREP	94-05-071
260-24-322	AMD-P	94-05-077	284-10-050	NEW-P	94-04-125	284-97-060	PREP	94-05-071
260-48-324	AMD-P	94-05-076	284-10-050	NEW	94-08-081	284-97-070	PREP	94-05-071
260-48-328	AMD-P	94-05-075	284-10-060	NEW-E	94-03-084	284-97-080	PREP	94-05-071
260-70-010	AMD-W	94-09-003	284-10-060	NEW-W	94-03-085	284-97-100	PREP	94-05-071
260-70-040	AMD	94-04-002	284-10-060	NEW-W	94-03-085	284-97-110	PREP	94-05-071
260-72-020	AMD	94-04-003	284-10-060	NEW-P	94-04-126	284-97-120	PREP	94-05-071
275-27-220	AMD	94-04-092	284-10-060	NEW	94-08-060	284-97-130	PREP	94-05-071
275-27-221	NEW	94-04-092	284-10-070	NEW-E	94-03-084	284-97-140	PREP	94-05-071
275-27-223	AMD	94-04-092	284-10-070	NEW-W	94-03-085	284-97-150	PREP	94-05-071
			284-10-070	NEW-P	94-04-126	284-97-160	PREP	94-05-071
			284-10-070	NEW	94-08-060	296-15-020	AMD-C	94-03-006
			284-10-080	NEW-W	94-03-085	296-15-020	AMD	94-05-042
			284-10-090	NEW-E	94-03-084	296-15-02606	NEW-C	94-03-006
			284-10-090	NEW-W	94-03-085	296-15-02606	NEW	94-05-042
			284-10-090	NEW-P	94-04-126	296-15-030	AMD-C	94-03-006
			284-10-090	NEW	94-08-060	296-15-030	AMD	94-05-042
			284-10-100	NEW-W	94-03-085	296-15-170	AMD-C	94-03-006
			284-10-110	NEW-W	94-03-085	296-15-170	AMD	94-05-042
			284-10-120	NEW-W	94-03-085	296-17-350	AMD-P	94-07-127
			284-10-130	NEW-W	94-03-085	296-17-45005	NEW-P	94-06-055

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296-62-07542	AMD-P	94-10-010	296-155-48533	AMD-P	94-10-010
296-62-07717	AMD-P	94-10-010	296-155-505	AMD-P	94-10-010
296-62-07749	AMD-P	94-10-010	296-155-50505	AMD-P	94-10-010
296-62-07751	AMD-P	94-10-010	296-155-530	AMD-P	94-10-010
296-62-12000	NEW	94-07-086	296-155-545	AMD-P	94-10-010
296-62-12001	NEW-W	94-07-085	296-155-565	AMD-P	94-10-010
296-62-12003	NEW	94-07-086	296-155-575	AMD-P	94-10-010
296-62-12005	NEW	94-07-086	296-155-615	AMD-P	94-10-010
296-62-12007	NEW	94-07-086	296-155-61705	AMD-P	94-10-010
296-62-12009	NEW	94-07-086	296-155-61711	AMD-P	94-10-010
296-62-12011	NEW-W	94-07-085	296-155-61713	AMD-P	94-10-010
296-62-12013	NEW-W	94-07-085	296-155-620	AMD-P	94-10-010
296-62-12015	NEW-W	94-07-085	296-155-625	AMD-P	94-10-010
296-62-12017	NEW-W	94-07-085	296-155-630	AMD-P	94-10-010
296-62-12019	NEW-W	94-07-085	296-155-650	AMD-P	94-10-010
296-62-12021	NEW-W	94-07-085	296-155-675	AMD-P	94-10-010
296-62-12023	NEW-W	94-07-085	296-155-680	AMD-P	94-10-010
296-62-300	AMD-P	94-10-010	296-155-682	AMD-P	94-10-010
296-62-3060	AMD-P	94-10-010	296-155-684	AMD-P	94-10-010
296-62-3120	AMD-P	94-10-010	296-155-691	AMD-P	94-10-010
296-62-40015	AMD-P	94-10-010	296-155-699	AMD-P	94-10-010
296-62-40025	AMD-P	94-10-010	296-155-700	AMD-P	94-10-010
296-104-281	NEW-E	94-04-006	296-155-715	AMD-P	94-10-010
296-104-281	NEW-P	94-05-072	296-155-730	AMD-P	94-10-010
296-116-185	RESCIND	94-05-005	296-155-745	AMD-P	94-10-010
296-116-185	AMD	94-05-006	296-155-74501	AMD-P	94-10-010
296-116-300	AMD-P	94-08-056	296-155-775	AMD-P	94-10-010
296-116-500	NEW-P	94-04-119	296-155-785	AMD-P	94-10-010
296-116-500	NEW	94-07-079	296-155-800	AMD-P	94-10-010
296-155-001	AMD-P	94-10-010	296-155-955	AMD-P	94-10-010
296-155-006	AMD-P	94-10-010	296-306-003	AMD-W	94-10-007
296-155-010	AMD-P	94-10-010	296-306-010	AMD	94-06-068
296-155-012	AMD-P	94-10-010	296-306-012	AMD	94-06-068
296-155-015	AMD-P	94-10-010	296-306-015	AMD	94-06-068
296-155-040	AMD-P	94-10-010	296-306-020	AMD	94-06-068
296-155-100	AMD-P	94-10-010	296-306-025	REP-W	94-10-007
296-155-110	AMD-P	94-10-010	296-306-030	AMD-W	94-10-007
296-155-120	AMD-P	94-10-010	296-306-045	REP-W	94-10-007
296-155-125	AMD-P	94-10-010	296-306-050	REP-W	94-10-007
296-155-140	AMD-P	94-10-010	296-306-055	REP-W	94-10-007
296-155-150	AMD-P	94-10-010	296-306-057	AMD	94-06-068
296-155-160	AMD-P	94-10-010	296-306-060	AMD-W	94-10-007
296-155-174	AMD-P	94-10-010	296-306-061	AMD-E	94-06-044
296-155-200	AMD-P	94-10-010	296-306-061	REP-W	94-10-007
296-155-203	AMD-P	94-10-010	296-306-065	REP-W	94-10-007
296-155-20301	AMD-P	94-10-010	296-306-070	REP-W	94-10-007
296-155-20307	AMD-P	94-10-010	296-306-075	REP-W	94-10-007
296-155-212	AMD-P	94-10-010	296-306-080	REP-W	94-10-007
296-155-215	AMD-P	94-10-010	296-306-084	REP-W	94-10-007
296-155-235	AMD-P	94-10-010	296-306-085	REP-W	94-10-007
296-155-24510	AMD-P	94-10-010	296-306-090	REP-W	94-10-007
296-155-260	AMD-P	94-10-010	296-306-095	REP-W	94-10-007
296-155-280	AMD-P	94-10-010	296-306-100	REP-W	94-10-007
296-155-315	AMD-P	94-10-010	296-306-110	AMD	94-06-068
296-155-325	AMD-P	94-10-010	296-306-115	AMD	94-06-068
296-155-330	AMD-P	94-10-010	296-306-120	AMD	94-06-068
296-155-34920	AMD-P	94-10-010	296-306-125	REP-W	94-10-007
296-155-360	AMD-P	94-10-010	296-306-130	REP-W	94-10-007
296-155-36305	AMD-P	94-10-010	296-306-135	REP-W	94-10-007
296-155-36319	AMD-P	94-10-010	296-306-140	REP-W	94-10-007
296-155-36321	AMD-P	94-10-010	296-306-145	AMD-E	94-06-044
296-155-365	AMD-P	94-10-010	296-306-145	REP-W	94-10-007
296-155-375	AMD-P	94-10-010	296-306-14501	NEW-E	94-06-044
296-155-380	NEW-P	94-10-010	296-306-14503	NEW-E	94-06-044
296-155-400	AMD-P	94-10-010	296-306-14505	NEW-E	94-06-044
296-155-405	AMD-P	94-10-010	296-306-14507	NEW-E	94-06-044
296-155-428	AMD-P	94-10-010	296-306-14509	NEW-E	94-06-044
296-155-429	AMD-P	94-10-010	296-306-14511	NEW-E	94-06-044
296-155-462	AMD-P	94-10-010	296-306-160	AMD	94-06-068
296-155-480	AMD-P	94-10-010	296-306-165	AMD-E	94-06-044
296-155-485	AMD-P	94-10-010	296-306-165	AMD-W	94-10-007
296-155-48523	AMD-P	94-10-010	296-306-170	AMD-E	94-06-044
296-155-48531	AMD-P	94-10-010	296-306-175	AMD-E	94-06-044
296-306-175	AMD-W	94-10-007	296-306-175	AMD-E	94-06-044
296-306-180	AMD-E	94-06-044	296-306-200	AMD	94-06-068
296-306-200	AMD	94-06-068	296-306-25007	AMD	94-06-068
296-306-260	AMD	94-06-068	296-306-260	AMD	94-06-068
296-306-265	AMD	94-06-068	296-306-265	AMD	94-06-068
296-306-300	AMD-W	94-10-007	296-306-300	AMD-W	94-10-007
296-306-400	AMD	94-06-068	296-306-400	AMD	94-06-068
296-350-010	AMD-P	94-10-010	296-350-010	AMD-P	94-10-010
296-350-030	AMD-P	94-10-010	296-350-030	AMD-P	94-10-010
296-350-040	AMD-P	94-10-010	296-350-040	AMD-P	94-10-010
296-350-050	AMD-P	94-10-010	296-350-050	AMD-P	94-10-010
296-350-070	AMD-P	94-10-010	296-350-070	AMD-P	94-10-010
296-350-200	AMD-P	94-10-010	296-350-200	AMD-P	94-10-010
296-350-210	AMD-P	94-10-010	296-350-210	AMD-P	94-10-010
296-350-230	AMD-P	94-10-010	296-350-230	AMD-P	94-10-010
296-350-240	AMD-P	94-10-010	296-350-240	AMD-P	94-10-010
296-350-250	AMD-P	94-10-010	296-350-250	AMD-P	94-10-010
296-350-255	AMD-P	94-10-010	296-350-255	AMD-P	94-10-010
296-350-260	AMD-P	94-10-010	296-350-260	AMD-P	94-10-010
296-350-280	AMD-P	94-10-010	296-350-280	AMD-P	94-10-010
296-350-350	AMD-P	94-10-010	296-350-350	AMD-P	94-10-010
296-350-35010	AMD-P	94-10-010	296-350-35010	AMD-P	94-10-010
296-350-35055	AMD-P	94-10-010	296-350-35055	AMD-P	94-10-010
296-350-400	AMD-P	94-10-010	296-350-400	AMD-P	94-10-010
296-350-450	AMD-P	94-10-010	296-350-450	AMD-P	94-10-010
296-350-460	AMD-P	94-10-010	296-350-460	AMD-P	94-10-010
296-350-470	AMD-P	94-10-010	296-350-470	AMD-P	94-10-010
296-350-500	AMD-P	94-10-010	296-350-500	AMD-P	94-10-010
296-360-005	AMD-P	94-10-010	296-360-005	AMD-P	94-10-010
296-360-040	AMD-P	94-10-010	296-360-040	AMD-P	94-10-010
296-360-050	AMD-P	94-10-010	296-360-050	AMD-P	94-10-010
296-360-080	AMD-P	94-10-010	296-360-080	AMD-P	94-10-010
296-360-090	AMD-P	94-10-010	296-360-090	AMD-P	94-10-010
296-360-140	AMD-P	94-10-010	296-360-140	AMD-P	94-10-010
308-13-150	AMD	94-04-044	308-13-150	AMD	94-04-044
308-13-160	AMD	94-04-044	308-13-160	AMD	94-04-044
308-18-150	AMD-P	94-09-018	308-18-150	AMD-P	94-09-018
308-56A-322	NEW-W	94-08-057	308-56A-322	NEW-W	94-08-057
308-56A-323	NEW-W	94-08-057	308-56A-323	NEW-W	94-08-057
308-62-010	REP	94-08-025	308-62-010	REP	94-08-025
308-62-020	REP-P	94-04-017	308-62-020	REP-P	94-04-017
308-62-020	REP	94-08-025	308-62-020	REP	94-08-025
308-62-030	REP-P	94-04-017	308-62-030	REP-P	94-04-017
308-62-030	REP	94-08-025	308-62-030	REP	94-08-025
308-65-040	AMD-P	94-07-037	308-65-040	AMD-P	94-07-037
308-65-070	AMD-P	94-07-037	308-65-070	AMD-P	94-07-037
308-65-160	AMD-P	94-07-037	308-65-160	AMD-P	94-07-037
308-72-543	NEW-P	94-02-076	308-72-543	NEW-P	94-02-076
308-72-660	AMD-P	94-02-076	308-72-660	AMD-P	94-02-076
308-72-665	NEW-P	94-02-076	308-72-665	NEW-P	94-02-076
308-72-690	AMD-P	94-02-076	308-72-690	AMD-P	94-02-076
308-77-010	AMD-P	94-02-075	308-77-010	AMD-P	94-02-075
308-77-060	AMD-P	94-02-075	308-77-060	AMD-P	94-02-075
308-77-095	AMD-P	94-02-075	308-77-095	AMD-P	94-02-075
308-77-155	NEW-P	94-02-075	308-77-155	NEW-P	94-02-075
308-77-250	AMD-P	94-02-075	308-77-250	AMD-P	94-02-075
308-93-073	AMD-W	94-03-018	308-93-073	AMD-W	94-03-018
308-93-280	AMD-W	94-03-018	308-93-280	AMD-W	94-03-018
308-93-330	AMD-W	94-03-018	308-93-330	AMD-W	94-03-018
308-93-630	REP-W	94-03-018	308-93-630	REP-W	94-03-018
308-128A-020	AMD	94-04-050	308-128A-020	AMD	94-04-050
308-128A-030	AMD	94-04-050	308-128A-030	AMD	94-04-050
308-128A-040	AMD	94-04-050	308-128A-040	AMD	94-04-050
308-128C-040	AMD	94-04-050	308-128C-040	AMD	94-04-050
308-128C-050	AMD	94-04-050	308-128C-050	AMD	94-04-050
308-128D-010	AMD	94-04-050	308-128D-010	AMD	94-04-050
308-128D-030	AMD	94-04-050	308-128D-030	AMD	94-04-050
308-128D-040	AMD	94-04-050	308-128D-040	AMD	94-04-050
308-128D-070	AMD	94-04-050	308-128D-070	AMD	94-04-050
308-128E-011	AMD	94-04-050	308-128E-011	AMD	94-04-050
308-128F-020	AMD	94-04-050	308-128F-020	AMD	94-04-050

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314-10-070	NEW-W	94-08-023	326-40-030	AMD-P	94-08-109	352-65-030	AMD	94-04-076
314-12-142	NEW-W	94-06-021	326-40-040	AMD-S	94-08-110	352-65-040	AMD	94-04-076
314-12-185	NEW-P	94-05-094	326-40-060	AMD	94-07-064	352-65-060	AMD	94-04-076
314-12-185	NEW-W	94-08-029	332-18	AMD-P	94-09-062	352-74-040	AMD-P	94-03-089
314-12-190	NEW-P	94-10-066	332-18-010	AMD-P	94-09-062	352-74-040	AMD-C	94-06-020
314-16-010	REP-P	94-07-125	332-18-01001	NEW-P	94-09-062	352-74-040	AMD	94-08-005
314-16-010	REP	94-10-035	332-18-01002	NEW-P	94-09-062	352-76-010	NEW-P	94-10-070
314-16-050	AMD-P	94-05-096	332-18-01003	NEW-P	94-09-062	352-76-020	NEW-P	94-10-070
314-16-050	AMD	94-08-031	332-18-01004	NEW-P	94-09-062	352-76-030	NEW-P	94-10-070
314-16-111	NEW-P	94-10-067	332-18-01005	NEW-P	94-09-062	352-76-040	NEW-P	94-10-070
314-16-150	AMD-P	94-05-093	332-18-01015	REP-P	94-09-062	352-76-050	NEW-P	94-10-070
314-16-150	AMD	94-08-030	332-18-020	REP-P	94-09-062	352-76-060	NEW-P	94-10-070
314-16-199	NEW-P	94-10-004	332-18-030	REP-P	94-09-062	352-76-070	NEW-P	94-10-070
314-24-230	AMD-P	94-07-124	332-18-040	REP-P	94-09-062	352-76-080	NEW-P	94-10-070
314-24-230	AMD	94-10-034	332-18-050	AMD-P	94-09-062	356-05-477	NEW	94-04-011
314-25-010	NEW-P	94-05-095	332-18-05001	NEW-P	94-09-062	356-05-479	NEW	94-04-011
314-25-010	NEW	94-08-032	332-18-05002	NEW-P	94-09-062	356-06-045	NEW	94-04-011
314-25-020	NEW-P	94-05-095	332-18-05003	NEW-P	94-09-062	356-09	NEW-C	94-04-086
314-25-020	NEW	94-08-032	332-18-05004	NEW-P	94-09-062	356-09-010	REP-W	94-04-010
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314-25-040	NEW	94-08-032	332-18-05008	NEW-P	94-09-062	356-09-050	REP-W	94-04-010
314-25-050	NEW-P	94-10-003	332-18-05009	NEW-P	94-09-062	356-26-030	AMD-E	94-04-085
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314-60-010	AMD	94-03-060	332-18-070	REP-P	94-09-062	356-26-030	AMD	94-10-008
314-60-020	AMD	94-03-060	332-18-080	REP-P	94-09-062	356-26-070	AMD-E	94-04-085
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314-60-110	AMD	94-03-060	332-18-120	AMD-P	94-09-062	356-30-315	NEW	94-04-011
315-02-120	REP	94-03-020	332-18-130	AMD-P	94-09-062	356-30-328	NEW-W	94-04-009
315-04-180	AMD	94-03-020	332-18-140	NEW-P	94-09-062	356-37-080	AMD-P	94-04-084
315-04-180	AMD-P	94-07-116	332-18-150	NEW-P	94-09-062	356-37-080	AMD	94-08-024
315-04-210	AMD	94-03-020	332-24-221	AMD-P	94-08-093	356-37-090	AMD-P	94-04-084
315-04-210	AMD-P	94-07-116	332-26-080	NEW-E	94-09-020	356-37-090	AMD	94-08-024
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315-06-150	REP	94-03-020	332-120-030	AMD	94-06-034	356-56-015	AMD	94-09-012
315-06-160	REP	94-03-020	332-120-040	AMD	94-06-034	356-56-015	AMD-P	94-09-065
315-06-170	AMD	94-03-020	332-120-050	AMD	94-06-034	356-56-021	AMD-P	94-09-065
315-06-180	REP	94-03-020	332-120-060	NEW	94-06-034	356-56-030	AMD-P	94-06-064
315-06-190	AMD	94-03-020	332-120-070	NEW	94-06-034	356-56-030	AMD	94-09-012
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315-10-060	AMD	94-03-020	352-28	AMD	94-10-012	356-56-050	AMD-P	94-09-065
315-10-080	AMD	94-03-020	352-28-005	AMD-P	94-06-049	356-56-105	AMD-P	94-09-065
315-11A-114	NEW	94-03-019	352-28-005	AMD	94-10-012	356-56-115	AMD-P	94-06-064
315-11A-115	NEW	94-03-019	352-28-010	AMD-P	94-06-049	356-56-115	AMD	94-09-012
315-11A-116	NEW	94-03-019	352-28-010	AMD	94-10-012	356-56-115	AMD-P	94-09-065
315-11A-117	NEW	94-03-019	352-32-010	AMD-P	94-03-097	356-56-120	AMD-P	94-09-065
315-11A-117	AMD-P	94-07-116	352-32-010	AMD-C	94-06-010	356-56-205	AMD-P	94-09-065
315-11A-118	NEW-P	94-03-099	352-32-010	AMD	94-08-036	356-56-210	AMD-P	94-09-065
315-11A-118	NEW	94-07-029	352-32-045	AMD-P	94-03-097	356-56-220	AMD-P	94-09-065
315-11A-119	NEW-P	94-03-099	352-32-045	AMD-C	94-06-010	356-56-230	AMD-E	94-03-069
315-11A-119	NEW	94-07-029	352-32-045	AMD	94-08-036	356-56-230	AMD-P	94-06-064
315-11A-120	NEW-P	94-03-099	352-32-210	AMD-P	94-10-069	356-56-230	AMD	94-09-012
315-11A-120	NEW	94-07-029	352-32-250	AMD-P	94-03-097	356-56-550	AMD-P	94-09-065
315-11A-121	NEW-P	94-03-099	352-32-250	AMD-C	94-06-010	359-09-010	AMD	94-06-063
315-11A-121	NEW	94-07-029	352-32-250	AMD	94-08-036	359-09-012	AMD	94-06-063
315-11A-122	NEW-P	94-07-116	352-32-250	AMD-E	94-09-009	359-09-015	AMD	94-06-063
315-11A-123	NEW-P	94-07-116	352-32-250	AMD-P	94-10-048	359-09-020	AMD	94-06-063
315-11A-124	NEW-P	94-07-116	352-32-25001	AMD	94-04-075	359-09-030	AMD	94-06-063
315-11A-125	NEW-P	94-07-116	352-32-252	AMD-P	94-03-097	359-09-040	AMD	94-06-063
315-11A-126	NEW-P	94-07-116	352-32-252	AMD-C	94-06-010	359-09-050	AMD	94-06-063
315-30-030	AMD	94-03-020	352-32-252	AMD	94-08-036	359-39	NEW-C	94-10-009
315-34-040	AMD-P	94-03-099	352-32-255	AMD-P	94-03-097	359-39-010	NEW-P	94-06-065
315-34-040	AMD	94-07-029	352-32-255	AMD-C	94-06-010	359-39-020	NEW-P	94-06-065
326-02-030	AMD-P	94-08-107	352-32-255	AMD	94-08-036	359-39-030	NEW-P	94-06-065
326-02-050	AMD-P	94-08-107	352-32-320	NEW-P	94-03-097	359-39-040	NEW-P	94-06-065
326-20-120	AMD-P	94-08-108	352-32-320	NEW-C	94-06-010	359-39-050	NEW-P	94-06-065
326-20-125	AMD-P	94-08-108	352-32-320	NEW	94-08-036	359-39-090	NEW-P	94-06-065

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371-08-010	AMD-P	94-07-098	388-24-243	REP	94-10-065	388-28-420	REP	94-10-065
371-08-061	NEW-E	94-07-061	388-24-250	REP-P	94-03-051	388-28-425	REP-P	94-07-114
371-08-061	NEW-P	94-07-098	388-24-250	REP	94-06-026	388-28-425	REP	94-10-065
371-08-147	AMD-E	94-07-061	388-24-252	REP-P	94-03-051	388-28-435	REP-P	94-07-114
371-08-147	AMD-P	94-07-098	388-24-252	REP	94-06-026	388-28-435	REP	94-10-065
371-08-162	AMD-E	94-07-061	388-24-253	REP-P	94-03-051	388-28-438	REP-P	94-07-114
371-08-162	AMD-P	94-07-098	388-24-253	REP	94-06-026	388-28-438	REP	94-10-065
371-08-165	AMD-E	94-07-061	388-24-254	REP-P	94-03-051	388-28-439	AMD-P	94-03-055
371-08-165	AMD-P	94-07-098	388-24-254	REP	94-06-026	388-28-439	AMD	94-06-024
371-08-167	NEW-E	94-07-061	388-24-255	REP-P	94-03-051	388-28-439	REP-P	94-07-114
371-08-167	NEW-P	94-07-098	388-24-255	REP	94-06-026	388-28-439	REP	94-10-065
371-08-197	NEW-E	94-07-061	388-24-260	REP-P	94-03-051	388-28-440	REP-P	94-07-114
371-08-197	NEW-P	94-07-098	388-24-260	REP	94-06-026	388-28-440	REP	94-10-065
388-11-065	AMD-P	94-07-081	388-24-265	REP-P	94-03-051	388-28-450	REP-P	94-07-114
388-11-065	AMD	94-10-033	388-24-265	REP	94-06-026	388-28-450	REP	94-10-065
388-11-067	NEW-P	94-07-081	388-24-550	REP-P	94-07-114	388-28-457	REP	94-04-043
388-11-067	NEW	94-10-033	388-24-550	REP	94-10-065	388-28-458	REP	94-04-043
388-11-205	AMD-P	94-07-041	388-26-025	REP-P	94-07-114	388-28-459	REP	94-04-043
388-11-205	AMD-E	94-07-042	388-26-025	REP	94-10-065	388-28-460	REP	94-04-043
388-11-205	AMD	94-10-064	388-26-040	REP-P	94-07-114	388-28-461	REP	94-04-043
388-15-214	AMD-P	94-07-082	388-26-040	REP	94-10-065	388-28-462	REP	94-04-043
388-15-214	AMD	94-10-025	388-26-050	REP-P	94-07-114	388-28-463	REP	94-04-043
388-20-010	REP-P	94-07-114	388-26-050	REP	94-10-065	388-28-464	REP	94-04-043
388-20-010	REP	94-10-065	388-26-055	REP-P	94-07-114	388-28-465	REP	94-04-043
388-22-030	AMD-P	94-04-042	388-26-055	REP	94-10-065	388-28-470	REP	94-04-043
388-22-030	AMD	94-08-022	388-26-060	REP-P	94-07-114	388-28-471	REP	94-04-043
388-24-040	REP-P	94-07-114	388-26-060	REP	94-10-065	388-28-472	REP	94-04-043
388-24-040	REP	94-10-065	388-26-065	REP-P	94-07-114	388-28-473	REP	94-04-043
388-24-042	REP-P	94-07-114	388-26-065	REP	94-10-065	388-28-474	AMD-P	94-05-018
388-24-042	REP	94-10-065	388-26-070	REP-P	94-07-114	388-28-474	REP-P	94-07-114
388-24-044	AMD-P	94-05-017	388-26-070	REP	94-10-065	388-28-474	AMD	94-08-018
388-24-044	REP-P	94-07-114	388-26-080	REP-P	94-07-114	388-28-474	REP	94-10-065
388-24-044	REP	94-10-065	388-26-080	REP	94-10-065	388-28-475	REP-P	94-07-114
388-24-050	REP-P	94-07-114	388-26-105	REP-P	94-07-114	388-28-475	REP	94-10-065
388-24-050	REP	94-10-065	388-26-105	REP	94-10-065	388-28-480	REP-P	94-07-114
388-24-052	REP-P	94-07-114	388-26-120	REP-P	94-07-114	388-28-480	REP	94-10-065
388-24-052	REP	94-10-065	388-26-120	REP	94-10-065	388-28-481	REP-P	94-07-114
388-24-055	REP-P	94-07-114	388-26-145	REP-P	94-07-114	388-28-481	REP	94-10-065
388-24-055	REP	94-10-065	388-26-145	REP	94-10-065	388-28-482	REP-P	94-07-114
388-24-060	REP-P	94-07-114	388-26-149	REP-P	94-07-114	388-28-482	REP	94-10-065
388-24-060	REP	94-10-065	388-26-149	REP	94-10-065	388-28-483	REP-P	94-07-114
388-24-065	REP-P	94-07-114	388-28-005	REP-P	94-07-114	388-28-483	REP	94-10-065
388-24-065	REP	94-10-065	388-28-005	REP	94-10-065	388-28-484	AMD-P	94-05-029
388-24-070	REP-P	94-07-114	388-28-300	REP-P	94-07-114	388-28-484	REP-P	94-07-114
388-24-070	REP	94-10-065	388-28-300	REP	94-10-065	388-28-484	AMD	94-08-020
388-24-074	REP-P	94-07-114	388-28-350	REP-P	94-07-114	388-28-484	REP	94-10-065
388-24-074	REP	94-10-065	388-28-350	REP	94-10-065	388-28-485	REP-P	94-07-114
388-24-090	REP-P	94-07-114	388-28-355	REP-P	94-07-114	388-28-485	REP	94-10-065
388-24-090	REP	94-10-065	388-28-355	REP	94-10-065	388-28-500	REP-P	94-07-114
388-24-108	REP-P	94-07-114	388-28-360	REP-P	94-07-114	388-28-500	REP	94-10-065
388-24-108	REP	94-10-065	388-28-360	REP	94-10-065	388-28-515	REP-P	94-07-114
388-24-109	REP-P	94-07-114	388-28-365	REP-P	94-07-114	388-28-515	REP	94-10-065
388-24-109	REP	94-10-065	388-28-365	REP	94-10-065	388-28-520	REP-P	94-07-114
388-24-111	AMD	94-04-034	388-28-370	REP	94-04-043	388-28-520	REP	94-10-065
388-24-111	REP-P	94-07-114	388-28-370	REP-P	94-07-114	388-28-530	AMD-P	94-05-016
388-24-111	REP	94-10-065	388-28-370	REP	94-10-065	388-28-530	REP-P	94-07-114
388-24-125	REP-P	94-07-114	388-28-380	REP-P	94-07-114	388-28-530	AMD	94-08-016
388-24-125	REP	94-10-065	388-28-380	REP	94-10-065	388-28-530	REP	94-10-065
388-24-200	REP-P	94-07-114	388-28-385	REP-P	94-07-114	388-28-532	REP-P	94-07-114
388-24-200	REP	94-10-065	388-28-385	REP	94-10-065	388-28-532	REP	94-10-065
388-24-207	REP-P	94-07-114	388-28-390	AMD-P	94-05-069	388-28-535	REP-P	94-07-114
388-24-207	REP	94-10-065	388-28-390	REP-P	94-07-114	388-28-535	REP	94-10-065
388-24-210	REP-P	94-07-114	388-28-390	AMD	94-08-015	388-28-555	REP-P	94-07-114
388-24-210	REP	94-10-065	388-28-390	REP	94-10-065	388-28-555	REP	94-10-065
388-24-215	REP-P	94-07-114	388-28-392	REP-P	94-07-114	388-28-560	AMD-P	94-05-019
388-24-215	REP	94-10-065	388-28-392	REP	94-10-065	388-28-560	REP-P	94-07-114
388-24-220	REP-P	94-07-114	388-28-400	REP-P	94-07-114	388-28-560	AMD	94-08-019
388-24-220	REP	94-10-065	388-28-400	REP	94-10-065	388-28-560	REP	94-10-065
388-24-225	REP-P	94-07-114	388-28-410	REP-P	94-07-114	388-28-570	REP-P	94-07-114
388-24-225	REP	94-10-065	388-28-410	REP	94-10-065	388-28-570	REP	94-10-065
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388-28-575	REP	94-10-065	388-33-090	REP	94-10-065	388-33-455	REP-P	94-07-114
388-28-578	REP-P	94-07-114	388-33-095	REP-P	94-07-114	388-33-455	REP	94-10-065
388-28-578	REP	94-10-065	388-33-095	REP	94-10-065	388-33-457	REP-P	94-07-114
388-28-580	REP-P	94-07-114	388-33-115	REP-P	94-07-114	388-33-457	REP	94-10-065
388-28-580	REP	94-10-065	388-33-115	REP	94-10-065	388-33-458	REP-P	94-07-114
388-28-590	REP-P	94-07-114	388-33-120	REP-P	94-07-114	388-33-458	REP	94-10-065
388-28-590	REP	94-10-065	388-33-120	REP	94-10-065	388-33-459	REP-P	94-07-114
388-28-600	AMD-P	94-04-042	388-33-125	REP-P	94-07-114	388-33-459	REP	94-10-065
388-28-600	REP-P	94-07-114	388-33-125	REP	94-10-065	388-33-460	REP-P	94-07-114
388-28-600	AMD	94-08-022	388-33-135	REP-P	94-07-114	388-33-460	REP	94-10-065
388-28-600	REP	94-10-065	388-33-135	REP	94-10-065	388-33-525	REP-P	94-07-114
388-28-650	REP-P	94-07-114	388-33-140	REP-P	94-07-114	388-33-525	REP	94-10-065
388-28-650	REP	94-10-065	388-33-140	REP	94-10-065	388-33-535	REP-P	94-07-114
388-29-001	REP-P	94-06-035	388-33-165	REP-P	94-07-114	388-33-535	REP	94-10-065
388-29-001	REP	94-09-001	388-33-165	REP	94-10-065	388-33-545	REP-P	94-07-114
388-29-005	REP-P	94-06-035	388-33-170	REP-P	94-07-114	388-33-545	REP	94-10-065
388-29-005	REP	94-09-001	388-33-170	REP	94-10-065	388-33-550	REP-P	94-07-114
388-29-010	REP-P	94-06-035	388-33-190	REP-P	94-07-114	388-33-550	REP	94-10-065
388-29-010	REP	94-09-001	388-33-190	REP	94-10-065	388-33-576	REP-P	94-07-114
388-29-020	REP-P	94-06-035	388-33-195	REP-P	94-07-114	388-33-576	REP	94-10-065
388-29-020	REP	94-09-001	388-33-195	REP	94-10-065	388-33-579	REP-P	94-07-114
388-29-080	REP-P	94-06-035	388-33-230	REP-P	94-07-114	388-33-579	REP	94-10-065
388-29-080	REP	94-09-001	388-33-230	REP	94-10-065	388-33-585	REP-P	94-07-114
388-29-100	REP-P	94-06-035	388-33-235	REP-P	94-07-114	388-33-585	REP	94-10-065
388-29-100	REP	94-09-001	388-33-235	REP	94-10-065	388-33-595	REP-P	94-07-114
388-29-110	REP-P	94-06-035	388-33-240	REP-P	94-07-114	388-33-595	REP	94-10-065
388-29-110	REP	94-09-001	388-33-240	REP	94-10-065	388-33-605	REP-P	94-07-114
388-29-112	REP-P	94-06-035	388-33-335	REP-P	94-07-114	388-33-605	REP	94-10-065
388-29-112	REP	94-09-001	388-33-335	REP	94-10-065	388-38-010	REP-P	94-07-114
388-29-125	REP-P	94-06-035	388-33-355	REP-P	94-07-114	388-38-010	REP	94-10-065
388-29-125	REP	94-09-001	388-33-355	REP	94-10-065	388-38-030	REP-P	94-07-114
388-29-130	REP-P	94-06-035	388-33-365	REP-P	94-07-114	388-38-030	REP	94-10-065
388-29-130	REP	94-09-001	388-33-365	REP	94-10-065	388-38-040	REP-P	94-07-114
388-29-150	REP-P	94-06-035	388-33-375	REP-P	94-07-114	388-38-040	REP	94-10-065
388-29-150	REP	94-09-001	388-33-375	REP	94-10-065	388-38-045	REP-P	94-07-114
388-29-160	REP-P	94-06-035	388-33-376	REP-P	94-07-114	388-38-045	REP	94-10-065
388-29-160	REP	94-09-001	388-33-376	REP	94-10-065	388-38-050	REP-P	94-07-114
388-29-180	REP-P	94-06-035	388-33-377	REP-P	94-07-114	388-38-050	REP	94-10-065
388-29-180	REP	94-09-001	388-33-377	REP	94-10-065	388-38-0501	REP-P	94-07-114
388-29-200	REP-P	94-06-035	388-33-382	REP-P	94-07-114	388-38-0501	REP	94-10-065
388-29-200	REP	94-09-001	388-33-382	REP	94-10-065	388-38-110	REP-P	94-07-114
388-29-210	REP-P	94-06-035	388-33-385	REP-P	94-07-114	388-38-110	REP	94-10-065
388-29-210	REP	94-09-001	388-33-385	REP	94-10-065	388-38-120	REP-P	94-07-114
388-29-220	REP-P	94-06-035	388-33-387	REP-P	94-07-114	388-38-120	REP	94-10-065
388-29-220	REP	94-09-001	388-33-387	REP	94-10-065	388-38-150	REP-P	94-07-114
388-29-230	REP-P	94-06-035	388-33-389	REP-P	94-07-114	388-38-150	REP	94-10-065
388-29-230	REP	94-09-001	388-33-389	REP	94-10-065	388-38-172	REP-P	94-07-114
388-29-270	REP-P	94-06-035	388-33-400	REP-P	94-07-114	388-38-172	REP	94-10-065
388-29-270	REP	94-09-001	388-33-400	REP	94-10-065	388-38-200	REP-P	94-07-114
388-29-280	REP-P	94-06-035	388-33-420	REP-P	94-07-114	388-38-200	REP	94-10-065
388-29-280	REP	94-09-001	388-33-420	REP	94-10-065	388-38-220	REP-P	94-07-114
388-29-295	AMD	94-04-035	388-33-425	REP-P	94-07-114	388-38-220	REP	94-10-065
388-29-295	REP-P	94-06-035	388-33-425	REP	94-10-065	388-38-225	REP-P	94-07-114
388-29-295	REP	94-09-001	388-33-430	REP-P	94-07-114	388-38-225	REP	94-10-065
388-33-015	REP-P	94-07-114	388-33-430	REP	94-10-065	388-38-230	REP-P	94-07-114
388-33-015	REP	94-10-065	388-33-440	REP-P	94-07-114	388-38-230	REP	94-10-065
388-33-020	REP-P	94-07-114	388-33-440	REP	94-10-065	388-38-250	REP-P	94-07-114
388-33-020	REP	94-10-065	388-33-442	REP-P	94-07-114	388-38-250	REP	94-10-065
388-33-025	REP-P	94-07-114	388-33-442	REP	94-10-065	388-38-255	REP-P	94-07-114
388-33-025	REP	94-10-065	388-33-444	REP-P	94-07-114	388-38-255	REP	94-10-065
388-33-045	REP-P	94-07-114	388-33-444	REP	94-10-065	388-38-260	REP-P	94-07-114
388-33-045	REP	94-10-065	388-33-446	REP-P	94-07-114	388-38-260	REP	94-10-065
388-33-050	REP-P	94-07-114	388-33-446	REP	94-10-065	388-38-265	REP-P	94-07-114
388-33-050	REP	94-10-065	388-33-447	REP-P	94-07-114	388-38-265	REP	94-10-065
388-33-051	REP-P	94-07-114	388-33-447	REP	94-10-065	388-38-270	REP-P	94-07-114
388-33-051	REP	94-10-065	388-33-448	REP-P	94-07-114	388-38-270	REP	94-10-065
388-33-055	REP-P	94-07-114	388-33-448	REP	94-10-065	388-38-280	REP-P	94-07-114
388-33-055	REP	94-10-065	388-33-449	REP-P	94-07-114	388-38-280	REP	94-10-065
388-33-080	REP-P	94-07-114	388-33-449	REP	94-10-065	388-38-285	REP-P	94-07-114
388-33-080	REP	94-10-065	388-33-450	REP-P	94-07-114	388-38-285	REP	94-10-065
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388-38-295	REP	94-10-065	388-81-050	REP	94-10-065	388-83-032	AMD-P	94-08-044
388-43-120	NEW-E	94-04-032	388-81-052	REP-P	94-07-114	388-83-032	REP	94-10-065
388-43-120	NEW	94-04-037	388-81-052	REP	94-10-065	388-83-033	REP-P	94-07-114
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388-44-020	REP	94-05-045	388-81-055	REP	94-10-065	388-83-033	AMD-P	94-08-044
388-44-035	REP	94-05-045	388-81-060	REP-P	94-07-114	388-83-033	REP	94-10-065
388-44-046	REP	94-05-045	388-81-060	REP	94-10-065	388-83-036	REP-P	94-07-114
388-44-050	REP	94-05-045	388-81-065	REP-P	94-07-114	388-83-036	REP	94-10-065
388-44-110	REP	94-05-045	388-81-065	REP-E	94-08-045	388-83-041	REP-P	94-07-114
388-44-115	REP	94-05-045	388-81-065	REP-P	94-08-046	388-83-041	REP	94-10-065
388-44-120	REP	94-05-045	388-81-065	REP	94-10-065	388-83-046	REP-P	94-07-114
388-44-125	REP	94-05-045	388-81-070	REP-P	94-07-114	388-83-046	REP	94-10-065
388-44-127	REP	94-05-045	388-81-070	REP	94-10-065	388-83-130	REP-P	94-07-114
388-44-140	REP	94-05-045	388-81-100	REP-P	94-07-114	388-83-130	REP	94-10-065
388-44-145	REP	94-05-045	388-81-100	REP	94-10-065	388-83-200	REP-P	94-07-114
388-44-150	REP	94-05-045	388-81-175	REP-P	94-07-114	388-83-200	REP	94-10-065
388-44-160	REP	94-05-045	388-81-200	REP-P	94-07-114	388-83-210	REP-P	94-07-114
388-44-250	REP	94-05-045	388-82-006	REP-P	94-07-114	388-83-210	REP	94-10-065
388-44-280	REP	94-05-045	388-82-006	REP	94-10-065	388-83-220	REP-P	94-07-114
388-44-330	REP	94-05-045	388-82-008	REP-P	94-07-114	388-83-220	REP	94-10-065
388-49-500	AMD-P	94-07-031	388-82-008	REP	94-10-065	388-84-105	REP-P	94-07-114
388-49-535	AMD-P	94-03-041	388-82-010	REP-P	94-07-114	388-84-105	REP	94-10-065
388-49-535	AMD-W	94-06-023	388-82-010	REP	94-10-065	388-84-110	REP-P	94-07-114
388-49-590	AMD-P	94-03-050	388-82-115	REP-P	94-07-114	388-84-110	REP	94-10-065
388-49-590	AMD-C	94-06-027	388-82-115	REP	94-10-065	388-84-115	AMD-P	94-05-026
388-49-590	AMD	94-07-080	388-82-126	REP-P	94-07-114	388-84-115	REP-P	94-07-114
388-53-010	REP	94-04-036	388-82-126	REP	94-10-065	388-84-115	AMD	94-07-132
388-53-050	REP	94-04-036	388-82-130	REP-P	94-07-114	388-84-115	REP	94-10-065
388-59-010	REP	94-04-033	388-82-130	REP	94-10-065	388-84-120	REP-P	94-07-114
388-59-020	REP	94-04-033	388-82-135	REP-P	94-07-114	388-84-120	REP	94-10-065
388-59-030	REP	94-04-033	388-82-135	REP	94-10-065	388-85-105	REP-P	94-07-114
388-59-040	REP	94-04-033	388-82-140	REP-P	94-07-114	388-85-105	REP	94-10-065
388-59-045	REP	94-04-033	388-82-140	AMD-E	94-08-043	388-85-110	REP-P	94-07-114
388-59-048	REP	94-04-033	388-82-140	AMD-P	94-08-044	388-85-110	REP	94-10-065
388-59-050	REP	94-04-033	388-82-140	REP	94-10-065	388-85-115	REP-P	94-07-114
388-59-060	REP	94-04-033	388-82-150	REP-P	94-07-114	388-85-115	REP	94-10-065
388-59-070	REP	94-04-033	388-82-150	AMD-E	94-08-043	388-86-030	AMD-C	94-04-031
388-59-080	REP	94-04-033	388-82-150	AMD-P	94-08-044	388-86-030	AMD-C	94-05-044
388-59-090	REP	94-04-033	388-82-150	REP	94-10-065	388-86-030	AMD-C	94-07-021
388-59-100	REP	94-04-033	388-82-160	REP-P	94-07-114	388-86-030	AMD	94-07-122
388-80-002	REP-P	94-07-114	388-82-160	AMD-E	94-08-043	388-86-040	REP-C	94-05-043
388-80-002	REP	94-10-065	388-82-160	AMD-P	94-08-044	388-86-040	REP	94-07-022
388-80-005	REP-P	94-07-114	388-82-160	REP	94-10-065	388-86-04001	NEW-C	94-05-043
388-80-005	REP	94-10-065	388-83-005	REP-P	94-07-114	388-86-04001	NEW	94-07-022
388-81-005	REP-P	94-07-114	388-83-005	REP	94-10-065	388-86-045	AMD	94-03-052
388-81-005	REP	94-10-065	388-83-006	REP-P	94-07-114	388-86-073	AMD-P	94-04-022
388-81-010	REP-P	94-07-114	388-83-006	REP	94-10-065	388-86-073	AMD-E	94-04-023
388-81-010	REP	94-10-065	388-83-010	REP-P	94-07-114	388-86-073	AMD	94-07-030
388-81-015	REP-P	94-07-114	388-83-010	REP	94-10-065	388-86-090	AMD-P	94-04-022
388-81-015	REP	94-10-065	388-83-012	REP-P	94-07-114	388-86-090	AMD-E	94-04-023
388-81-017	REP-P	94-07-114	388-83-012	REP	94-10-065	388-86-090	AMD	94-07-030
388-81-017	REP	94-10-065	388-83-013	REP-P	94-07-114	388-86-098	AMD-P	94-04-022
388-81-020	REP-P	94-07-114	388-83-013	REP	94-10-065	388-86-098	AMD-E	94-04-023
388-81-020	REP	94-10-065	388-83-014	REP-P	94-07-114	388-86-098	AMD	94-07-030
388-81-025	REP-P	94-07-114	388-83-014	REP	94-10-065	388-87-300	REP-E	94-08-045
388-81-025	REP	94-10-065	388-83-015	REP-P	94-07-114	388-87-300	REP-P	94-08-046
388-81-030	REP-P	94-07-114	388-83-015	REP	94-10-065	388-92-005	REP-P	94-07-114
388-81-030	REP	94-10-065	388-83-017	REP-P	94-07-114	388-92-005	REP	94-10-065
388-81-035	REP-P	94-07-114	388-83-017	REP	94-10-065	388-92-015	REP-P	94-07-114
388-81-035	REP	94-10-065	388-83-020	REP-P	94-07-114	388-92-015	REP	94-10-065
388-81-038	REP-P	94-07-114	388-83-020	REP	94-10-065	388-92-025	REP-P	94-07-114
388-81-038	REP	94-10-065	388-83-025	REP-P	94-07-114	388-92-025	REP	94-10-065
388-81-040	REP-P	94-07-114	388-83-025	REP	94-10-065	388-92-027	REP-P	94-07-114
388-81-040	REP	94-10-065	388-83-026	REP-P	94-07-114	388-92-027	REP	94-10-065
388-81-042	REP-P	94-07-114	388-83-026	REP	94-10-065	388-92-030	REP-P	94-07-114
388-81-042	REP	94-10-065	388-83-029	REP-P	94-07-114	388-92-030	REP	94-10-065
388-81-043	REP-P	94-07-114	388-83-029	REP	94-10-065	388-92-034	REP-P	94-07-114
388-81-043	REP	94-10-065	388-83-031	REP-P	94-07-114	388-92-034	REP	94-10-065
388-81-044	REP-P	94-07-114	388-83-031	REP	94-10-065	388-92-036	REP-P	94-07-114
388-81-044	REP	94-10-065	388-83-03101	REP-P	94-07-114	388-92-036	AMD-E	94-08-041
388-81-047	REP-P	94-07-114	388-83-03101	REP	94-10-065	388-92-036	AMD-P	94-08-042

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-92-036	REP	94-10-065	388-96-217	AMD-P	94-07-109	388-200-1150	NEW	94-10-065
388-92-040	REP-P	94-07-114	388-96-221	AMD-P	94-07-109	388-200-1160	NEW-P	94-07-114
388-92-040	REP	94-10-065	388-96-226	AMD-P	94-07-109	388-200-1160	NEW	94-10-065
388-92-041	AMD-E	94-05-027	388-96-228	AMD-P	94-07-109	388-200-1200	NEW-P	94-07-114
388-92-041	AMD-P	94-05-028	388-96-525	AMD-P	94-07-109	388-200-1200	NEW	94-10-065
388-92-041	REP-P	94-07-114	388-96-533	AMD-P	94-07-109	388-200-1250	NEW-P	94-07-114
388-92-041	AMD	94-07-131	388-96-534	AMD-P	94-07-109	388-200-1250	NEW	94-10-065
388-92-041	REP	94-10-065	388-96-559	AMD-P	94-07-109	388-210-1000	NEW-P	94-07-114
388-92-045	REP-P	94-07-114	388-96-565	AMD-P	94-07-109	388-210-1000	NEW	94-10-065
388-92-045	REP	94-10-065	388-96-585	AMD-P	94-07-109	388-210-1010	NEW-P	94-07-114
388-92-050	REP-P	94-07-114	388-96-704	AMD-P	94-07-109	388-210-1010	NEW	94-10-065
388-92-050	REP	94-10-065	388-96-707	REP-P	94-07-109	388-210-1020	NEW-P	94-07-114
388-93-005	REP-P	94-07-114	388-96-709	AMD-P	94-07-109	388-210-1020	NEW	94-10-065
388-93-005	REP	94-10-065	388-96-710	AMD-P	94-07-109	388-210-1050	NEW-P	94-07-114
388-93-010	REP-P	94-07-114	388-96-719	AMD-P	94-07-109	388-210-1050	NEW	94-10-065
388-93-010	REP	94-10-065	388-96-721	REP-P	94-07-109	388-210-1100	NEW-P	94-07-114
388-93-015	REP-P	94-07-114	388-96-722	AMD-P	94-07-109	388-210-1100	NEW	94-10-065
388-93-015	REP	94-10-065	388-96-727	AMD-P	94-07-109	388-210-1200	NEW-P	94-07-114
388-93-020	REP-P	94-07-114	388-96-735	AMD-P	94-07-109	388-210-1200	NEW	94-10-065
388-93-020	REP	94-10-065	388-96-737	AMD-P	94-07-109	388-210-1220	NEW-P	94-07-114
388-93-025	REP-P	94-07-114	388-96-745	AMD-P	94-07-109	388-210-1220	NEW	94-10-065
388-93-025	REP	94-10-065	388-96-753	NEW-P	94-07-109	388-210-1230	NEW-P	94-07-114
388-93-030	REP-P	94-07-114	388-96-754	AMD-P	94-07-109	388-210-1230	NEW	94-10-065
388-93-030	REP	94-10-065	388-96-763	AMD-P	94-07-109	388-210-1250	NEW-P	94-07-114
388-93-035	REP-P	94-07-114	388-96-774	AMD-P	94-07-109	388-210-1250	NEW	94-10-065
388-93-035	REP	94-10-065	388-96-776	NEW-P	94-07-109	388-210-1300	NEW-P	94-07-114
388-93-040	REP-P	94-07-114	388-96-777	NEW-P	94-07-109	388-210-1300	NEW	94-10-065
388-93-040	REP	94-10-065	388-96-904	AMD-P	94-07-109	388-210-1310	NEW-P	94-07-114
388-93-045	REP-P	94-07-114	388-99-005	REP-P	94-07-114	388-210-1310	NEW	94-10-065
388-93-045	REP	94-10-065	388-99-005	REP	94-10-065	388-210-1320	NEW-P	94-07-114
388-93-050	REP-P	94-07-114	388-99-010	REP-P	94-07-114	388-210-1320	NEW	94-10-065
388-93-050	REP	94-10-065	388-99-010	REP	94-10-065	388-210-1330	NEW-P	94-07-114
388-93-055	REP-P	94-07-114	388-99-011	REP-P	94-07-114	388-210-1330	NEW	94-10-065
388-93-055	REP	94-10-065	388-99-011	REP	94-10-065	388-210-1340	NEW-P	94-07-114
388-93-060	REP-P	94-07-114	388-99-015	REP-P	94-07-114	388-210-1340	NEW	94-10-065
388-93-060	REP	94-10-065	388-99-015	REP	94-10-065	388-210-1350	NEW-P	94-07-114
388-93-065	REP-P	94-07-114	388-99-020	REP-P	94-07-114	388-210-1350	NEW	94-10-065
388-93-065	REP	94-10-065	388-99-020	REP	94-10-065	388-210-1400	NEW-P	94-07-114
388-93-075	REP-P	94-07-114	388-99-030	REP-P	94-07-114	388-210-1400	NEW	94-10-065
388-93-075	REP	94-10-065	388-99-030	REP	94-10-065	388-210-1410	NEW-P	94-07-114
388-93-080	REP-P	94-07-114	388-99-035	REP-P	94-07-114	388-210-1410	NEW	94-10-065
388-93-080	REP	94-10-065	388-99-035	REP	94-10-065	388-210-1420	NEW-P	94-07-114
388-95-300	REP-P	94-07-114	388-99-036	REP-P	94-07-114	388-210-1420	NEW	94-10-065
388-95-300	REP	94-10-065	388-99-036	REP	94-10-065	388-212-1000	NEW-P	94-07-114
388-95-310	REP-P	94-07-114	388-99-040	REP-P	94-07-114	388-212-1000	NEW	94-10-065
388-95-310	REP	94-10-065	388-99-040	REP	94-10-065	388-212-1050	NEW-P	94-07-114
388-95-320	REP-P	94-07-114	388-99-050	REP-P	94-07-114	388-212-1050	NEW	94-10-065
388-95-320	REP	94-10-065	388-99-050	REP	94-10-065	388-212-1100	NEW-P	94-07-114
388-95-335	REP-P	94-07-114	388-99-055	REP-P	94-07-114	388-212-1100	NEW	94-10-065
388-95-335	REP	94-10-065	388-99-055	REP	94-10-065	388-212-1140	NEW-P	94-07-114
388-95-337	AMD-P	94-05-025	388-99-060	REP-P	94-07-114	388-212-1140	NEW	94-10-065
388-95-337	REP-P	94-07-114	388-99-060	REP	94-10-065	388-212-1150	NEW-P	94-07-114
388-95-337	AMD	94-07-130	388-100-001	REP-P	94-07-114	388-212-1150	NEW	94-10-065
388-95-337	REP	94-10-065	388-100-001	REP	94-10-065	388-212-1200	NEW-P	94-07-114
388-95-340	REP-P	94-07-114	388-100-005	REP-P	94-07-114	388-212-1200	NEW	94-10-065
388-95-340	AMD-E	94-08-041	388-100-005	REP	94-10-065	388-212-1250	NEW-P	94-07-114
388-95-340	AMD-P	94-08-042	388-100-010	REP-P	94-07-114	388-212-1250	NEW	94-10-065
388-95-340	REP	94-10-065	388-100-010	REP	94-10-065	388-215-1000	NEW-P	94-07-114
388-95-360	REP-P	94-07-114	388-100-015	REP-P	94-07-114	388-215-1000	NEW	94-10-065
388-95-360	AMD-E	94-08-043	388-100-015	REP	94-10-065	388-215-1025	NEW-P	94-07-114
388-95-360	AMD-P	94-08-044	388-100-020	REP-P	94-07-114	388-215-1025	NEW	94-10-065
388-95-360	REP	94-10-065	388-100-020	REP	94-10-065	388-215-1050	NEW-P	94-07-114
388-95-380	REP-P	94-07-114	388-100-025	REP-P	94-07-114	388-215-1050	NEW	94-10-065
388-95-380	REP	94-10-065	388-100-025	REP	94-10-065	388-215-1060	NEW-P	94-07-114
388-95-390	REP-P	94-07-114	388-100-030	REP-P	94-07-114	388-215-1060	NEW	94-10-065
388-95-390	REP	94-10-065	388-100-030	REP	94-10-065	388-215-1070	NEW-P	94-07-114
388-95-395	REP-P	94-07-114	388-100-035	REP-P	94-07-114	388-215-1070	NEW	94-10-065
388-95-395	REP	94-10-065	388-100-035	REP	94-10-065	388-215-1080	NEW-P	94-07-114
388-95-400	REP-P	94-07-114	388-200-1050	NEW-P	94-07-114	388-215-1080	NEW	94-10-065
388-95-400	REP	94-10-065	388-200-1050	NEW	94-10-065	388-215-1100	NEW-P	94-07-114
388-96-010	AMD-P	94-07-109	388-200-1100	NEW-P	94-07-114	388-215-1100	NEW	94-10-065
388-96-113	AMD-P	94-07-109	388-200-1100	NEW	94-10-065	388-215-1110	NEW-P	94-07-114
388-96-134	AMD-P	94-07-109	388-200-1150	NEW-P	94-07-114	388-215-1110	NEW	94-10-065

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388-265-1750	NEW	94-10-065	388-502-0250	NEW	94-10-065	388-508-0830	NEW-P	94-07-114
388-265-1800	NEW-P	94-07-114	388-503-0305	NEW-P	94-07-114	388-508-0830	NEW	94-10-065
388-265-1800	NEW	94-10-065	388-503-0305	NEW	94-10-065	388-508-0835	NEW-P	94-07-114
388-265-1850	NEW-P	94-07-114	388-503-0310	NEW-P	94-07-114	388-508-0835	NEW	94-10-065
388-265-1850	NEW	94-10-065	388-503-0310	NEW	94-10-065	388-508-0840	NEW-P	94-07-114
388-265-1900	NEW-P	94-07-114	388-503-0320	NEW-P	94-07-114	388-508-0840	NEW	94-10-065
388-265-1900	NEW	94-10-065	388-503-0320	NEW	94-10-065	388-509-0905	NEW-P	94-07-114
388-265-1950	NEW-P	94-07-114	388-503-0350	NEW-P	94-07-114	388-509-0905	NEW	94-10-065
388-265-1950	NEW	94-10-065	388-503-0350	NEW	94-10-065	388-509-0910	NEW-P	94-07-114
388-265-2000	NEW-P	94-07-114	388-503-0370	NEW-P	94-07-114	388-509-0910	NEW	94-10-065
388-265-2000	NEW	94-10-065	388-503-0370	NEW	94-10-065	388-509-0920	NEW-P	94-07-114
388-270-1005	NEW	94-05-045	388-504-0405	NEW-P	94-07-114	388-509-0920	NEW	94-10-065
388-270-1010	NEW	94-05-045	388-504-0405	NEW	94-10-065	388-509-0940	NEW-P	94-07-114
388-270-1025	NEW	94-05-045	388-504-0410	NEW-P	94-07-114	388-509-0940	NEW	94-10-065
388-270-1075	NEW	94-05-045	388-504-0410	NEW	94-10-065	388-509-0960	NEW-P	94-07-114
388-270-1100	NEW	94-05-045	388-504-0420	NEW-P	94-07-114	388-509-0960	NEW	94-10-065
388-270-1110	NEW	94-05-045	388-504-0420	NEW	94-10-065	388-509-0970	NEW-P	94-07-114
388-270-1125	NEW	94-05-045	388-504-0430	NEW-P	94-07-114	388-509-0970	NEW	94-10-065
388-270-1150	NEW	94-05-045	388-504-0430	NEW	94-10-065	388-510-1020	NEW-P	94-07-114
388-270-1200	NEW	94-05-045	388-504-0440	NEW-P	94-07-114	388-510-1020	NEW	94-10-065
388-270-1250	NEW	94-05-045	388-504-0440	NEW	94-10-065	388-510-1030	NEW-P	94-07-114
388-270-1300	NEW	94-05-045	388-504-0450	NEW-P	94-07-114	388-510-1030	NEW	94-10-065
388-270-1400	NEW	94-05-045	388-504-0450	NEW	94-10-065	388-511-1105	NEW-P	94-07-114
388-270-1500	NEW	94-05-045	388-504-0460	NEW-P	94-07-114	388-511-1105	NEW	94-10-065
388-270-1550	NEW	94-05-045	388-504-0460	NEW	94-10-065	388-511-1110	NEW-P	94-07-114
388-270-1600	NEW	94-05-045	388-504-0470	NEW-P	94-07-114	388-511-1110	NEW	94-10-065
388-275-0010	NEW	94-04-033	388-504-0470	NEW	94-10-065	388-511-1115	NEW-P	94-07-114
388-275-0020	NEW	94-04-033	388-504-0480	NEW-P	94-07-114	388-511-1115	NEW	94-10-065
388-275-0030	NEW	94-04-033	388-504-0480	NEW	94-10-065	388-511-1130	NEW-P	94-07-114
388-275-0040	NEW	94-04-033	388-504-0485	NEW-P	94-07-114	388-511-1130	NEW	94-10-065
388-275-0050	NEW	94-04-033	388-504-0485	NEW	94-10-065	388-511-1140	NEW-P	94-07-114
388-275-0060	NEW	94-04-033	388-505-0501	NEW-P	94-07-114	388-511-1140	NEW	94-10-065
388-275-0070	NEW	94-04-033	388-505-0501	NEW	94-10-065	388-511-1150	NEW-P	94-07-114
388-275-0080	NEW	94-04-033	388-505-0505	NEW-P	94-07-114	388-511-1150	NEW	94-10-065
388-275-0090	NEW	94-04-033	388-505-0505	NEW	94-10-065	388-511-1160	NEW-P	94-07-114
388-500-0005	NEW-P	94-07-114	388-505-0510	NEW-P	94-07-114	388-511-1160	NEW	94-10-065
388-500-0005	NEW	94-10-065	388-505-0510	NEW	94-10-065	388-511-1170	NEW-P	94-07-114
388-501-0105	NEW-P	94-07-114	388-505-0520	NEW-P	94-07-114	388-511-1170	NEW	94-10-065
388-501-0105	NEW	94-10-065	388-505-0520	NEW	94-10-065	388-512-1210	NEW-P	94-07-114
388-501-0110	NEW-P	94-07-114	388-505-0530	NEW-P	94-07-114	388-512-1210	NEW	94-10-065
388-501-0110	NEW	94-10-065	388-505-0530	NEW	94-10-065	388-512-1215	NEW-P	94-07-114
388-501-0125	NEW-P	94-07-114	388-505-0540	NEW-P	94-07-114	388-512-1215	NEW	94-10-065
388-501-0125	NEW	94-10-065	388-505-0540	NEW	94-10-065	388-512-1220	NEW-P	94-07-114
388-501-0130	NEW-P	94-07-114	388-505-0560	NEW-P	94-07-114	388-512-1220	NEW	94-10-065
388-501-0130	NEW	94-10-065	388-505-0560	NEW	94-10-065	388-512-1225	NEW-P	94-07-114
388-501-0135	NEW-P	94-07-114	388-505-0570	NEW-P	94-07-114	388-512-1225	NEW	94-10-065
388-501-0135	NEW	94-10-065	388-505-0570	NEW	94-10-065	388-512-1230	NEW-P	94-07-114
388-501-0140	NEW-P	94-07-114	388-505-0580	NEW-P	94-07-114	388-512-1230	NEW	94-10-065
388-501-0140	NEW	94-10-065	388-505-0580	NEW	94-10-065	388-512-1235	NEW-P	94-07-114
388-501-0150	NEW-P	94-07-114	388-505-0590	NEW-P	94-07-114	388-512-1235	NEW	94-10-065
388-501-0150	NEW	94-10-065	388-505-0590	NEW	94-10-065	388-512-1240	NEW-P	94-07-114
388-501-0160	NEW-P	94-07-114	388-505-0595	NEW-P	94-07-114	388-512-1240	NEW	94-10-065
388-501-0160	NEW	94-10-065	388-505-0595	NEW	94-10-065	388-512-1245	NEW-P	94-07-114
388-501-0165	NEW-P	94-07-114	388-506-0610	NEW-P	94-07-114	388-512-1245	NEW	94-10-065
388-501-0165	NEW	94-10-065	388-506-0610	NEW	94-10-065	388-512-1250	NEW-P	94-07-114
388-501-0170	NEW-P	94-07-114	388-506-0620	NEW-P	94-07-114	388-512-1250	NEW	94-10-065
388-501-0170	NEW	94-10-065	388-506-0620	NEW	94-10-065	388-512-1255	NEW-P	94-07-114
388-501-0175	NEW-P	94-07-114	388-506-0630	NEW-P	94-07-114	388-512-1255	NEW	94-10-065
388-501-0175	NEW	94-10-065	388-506-0630	NEW	94-10-065	388-512-1260	NEW-P	94-07-114
388-501-0180	NEW-P	94-07-114	388-507-0710	NEW-P	94-07-114	388-512-1260	NEW	94-10-065
388-501-0180	NEW	94-10-065	388-507-0710	NEW	94-10-065	388-512-1265	NEW-P	94-07-114
388-501-0190	NEW-P	94-07-114	388-507-0720	NEW-P	94-07-114	388-512-1265	NEW	94-10-065
388-501-0190	NEW	94-10-065	388-507-0720	NEW	94-10-065	388-512-1275	NEW-P	94-07-114
388-501-0195	NEW-P	94-07-114	388-507-0730	NEW-P	94-07-114	388-512-1275	NEW	94-10-065
388-502-0205	NEW-P	94-07-114	388-507-0730	NEW	94-10-065	388-512-1280	NEW-P	94-07-114
388-502-0205	NEW	94-10-065	388-507-0740	NEW-P	94-07-114	388-512-1280	NEW	94-10-065
388-502-0210	NEW-P	94-07-114	388-507-0740	NEW	94-10-065	388-513-1305	NEW-P	94-07-114
388-502-0210	NEW	94-10-065	388-508-0805	NEW-P	94-07-114	388-513-1305	NEW	94-10-065
388-502-0220	NEW-P	94-07-114	388-508-0805	NEW	94-10-065	388-513-1310	NEW-P	94-07-114
388-502-0220	NEW	94-10-065	388-508-0810	NEW-P	94-07-114	388-513-1310	NEW	94-10-065
388-502-0230	NEW-P	94-07-114	388-508-0810	NEW	94-10-065	388-513-1315	NEW-P	94-07-114
388-502-0230	NEW	94-10-065	388-508-0820	NEW-P	94-07-114	388-513-1315	NEW	94-10-065
388-502-0250	NEW-P	94-07-114	388-508-0820	NEW	94-10-065	388-513-1320	NEW-P	94-07-114

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-513-1320	NEW	94-10-065	388-521-2160	NEW-P	94-07-114	390-16-315	AMD-P	94-05-097
388-513-1330	NEW-P	94-07-114	388-521-2160	NEW	94-10-065	390-16-324	NEW-P	94-03-087
388-513-1330	NEW	94-10-065	388-521-2170	NEW-P	94-07-114	390-16-324	NEW-W	94-04-121
388-513-1340	NEW-P	94-07-114	388-521-2170	NEW	94-10-065	390-17-071	NEW	94-05-010
388-513-1340	NEW	94-10-065	388-522-2205	NEW-P	94-07-114	390-17-300	AMD-P	94-03-087
388-513-1345	NEW-P	94-07-114	388-522-2205	NEW	94-10-065	390-17-300	AMD-W	94-04-121
388-513-1345	NEW	94-10-065	388-522-2210	NEW-P	94-07-114	390-17-300	AMD	94-07-141
388-513-1350	NEW-P	94-07-114	388-522-2210	NEW	94-10-065	390-17-315	AMD-P	94-03-087
388-513-1350	NEW	94-10-065	388-522-2230	NEW-P	94-07-114	390-17-315	AMD-W	94-04-121
388-513-1360	NEW-P	94-07-114	388-522-2230	NEW	94-10-065	390-17-315	AMD	94-07-141
388-513-1360	NEW	94-10-065	388-523-2305	NEW-P	94-07-114	390-17-320	NEW-P	94-07-035
388-513-1365	NEW-P	94-07-114	388-523-2305	NEW	94-10-065	390-17-405	NEW-P	94-07-142
388-513-1365	NEW	94-10-065	388-523-2320	NEW-P	94-07-114	390-20-148	NEW-P	94-07-035
388-513-1380	NEW-P	94-07-114	388-523-2320	NEW	94-10-065	390-20-052	AMD-P	94-07-035
388-513-1380	NEW	94-10-065	388-524-2405	NEW-P	94-07-114	390-24-030	REP	94-05-010
388-513-1395	NEW-P	94-07-114	388-524-2405	NEW	94-10-065	390-24-031	REP	94-05-010
388-513-1395	NEW	94-10-065	388-524-2420	NEW-P	94-07-114	390-24-160	AMD	94-05-010
388-513-1396	NEW-P	94-07-114	388-524-2420	NEW	94-10-065	390-37-070	AMD	94-05-010
388-513-1396	NEW	94-10-065	388-525-2505	NEW-P	94-07-114	390-37-105	AMD	94-05-010
388-515-1505	NEW-P	94-07-114	388-525-2505	NEW	94-10-065	390-37-142	AMD	94-05-010
388-515-1505	NEW	94-10-065	388-525-2520	NEW-P	94-07-114	392-127-700	REP	94-04-096
388-515-1510	NEW-P	94-07-114	388-525-2520	NEW	94-10-065	392-127-703	REP	94-04-096
388-515-1510	NEW	94-10-065	388-525-2570	NEW-P	94-07-114	392-127-705	REP	94-04-096
388-515-1530	NEW-P	94-07-114	388-525-2570	NEW	94-10-065	392-127-710	REP	94-04-096
388-515-1530	NEW	94-10-065	388-526-2610	NEW-P	94-07-114	392-127-715	REP	94-04-096
388-517-1710	NEW-P	94-07-114	388-526-2610	NEW	94-10-065	392-127-720	REP	94-04-096
388-517-1710	NEW	94-10-065	388-527-2710	NEW-P	94-07-114	392-127-725	REP	94-04-096
388-517-1715	NEW-P	94-07-114	388-527-2710	NEW	94-10-065	392-127-730	REP	94-04-096
388-517-1715	NEW	94-10-065	388-527-2720	NEW-P	94-07-114	392-127-735	REP	94-04-096
388-517-1720	NEW-P	94-07-114	388-527-2720	NEW	94-10-065	392-127-740	REP	94-04-096
388-517-1720	NEW	94-10-065	388-528-2810	NEW-P	94-07-114	392-127-745	REP	94-04-096
388-517-1730	NEW-P	94-07-114	388-528-2810	NEW	94-10-065	392-127-750	REP	94-04-096
388-517-1730	NEW	94-10-065	388-529-2910	NEW-P	94-07-114	392-127-755	REP	94-04-096
388-517-1740	NEW-P	94-07-114	388-529-2910	NEW	94-10-065	392-127-760	REP	94-04-096
388-517-1740	NEW	94-10-065	388-529-2920	NEW-P	94-07-114	392-127-765	REP	94-04-096
388-517-1750	NEW-P	94-07-114	388-529-2920	NEW	94-10-065	392-127-770	REP	94-04-096
388-517-1750	NEW	94-10-065	388-529-2930	NEW-P	94-07-114	392-127-775	REP	94-04-096
388-517-1760	NEW-P	94-07-114	388-529-2930	NEW	94-10-065	392-127-780	REP	94-04-096
388-517-1760	NEW	94-10-065	388-529-2940	NEW-P	94-07-114	392-127-785	REP	94-04-096
388-518-1805	NEW-P	94-07-114	388-529-2940	NEW	94-10-065	392-127-790	REP	94-04-096
388-518-1805	NEW	94-10-065	388-529-2950	NEW-P	94-07-114	392-127-795	REP	94-04-096
388-518-1810	NEW-P	94-07-114	388-529-2950	NEW	94-10-065	392-127-800	REP	94-04-096
388-518-1810	NEW	94-10-065	388-529-2960	NEW-P	94-07-114	392-127-805	REP	94-04-096
388-518-1820	NEW-P	94-07-114	388-529-2960	NEW	94-10-065	392-127-815	REP	94-04-096
388-518-1820	NEW	94-10-065	388-538-110	AMD	94-04-038	392-127-820	REP	94-04-096
388-518-1830	NEW-P	94-07-114	390-05-235	AMD-P	94-07-088	392-127-825	REP	94-04-096
388-518-1830	NEW	94-10-065	390-12-010	AMD	94-05-010	392-127-830	REP	94-04-096
388-518-1840	NEW-P	94-07-114	390-14-040	AMD	94-05-010	392-140-500	NEW-P	94-04-122
388-518-1840	NEW	94-10-065	390-16-011	AMD	94-05-011	392-140-501	NEW-P	94-04-122
388-518-1850	NEW-P	94-07-114	390-16-012	AMD	94-05-011	392-140-503	NEW-P	94-04-122
388-518-1850	NEW	94-10-065	390-16-031	AMD	94-05-011	392-140-504	NEW-P	94-04-122
388-519-1905	NEW-P	94-07-114	390-16-032	AMD	94-05-011	392-140-505	NEW-P	94-04-122
388-519-1905	NEW	94-10-065	390-16-033	AMD	94-05-011	392-140-506	NEW-P	94-04-122
388-519-1910	NEW-P	94-07-114	390-16-041	AMD	94-05-011	392-140-507	NEW-P	94-04-122
388-519-1910	NEW	94-10-065	390-16-050	AMD	94-05-011	392-140-508	NEW-P	94-04-122
388-519-1930	NEW-P	94-07-114	390-16-071	NEW-E	94-07-001	392-140-509	NEW-P	94-04-122
388-519-1930	NEW	94-10-065	390-16-071	NEW-P	94-07-035	392-140-510	NEW-P	94-04-122
388-519-1950	NEW-P	94-07-114	390-16-207	AMD-P	94-07-035	392-140-511	NEW-P	94-04-122
388-519-1950	NEW	94-10-065	390-16-238	NEW-P	94-05-097	392-140-512	NEW-P	94-04-122
388-521-2105	NEW-P	94-07-114	390-16-238	NEW	94-07-141	392-140-516	NEW-P	94-04-122
388-521-2105	NEW	94-10-065	390-16-245	NEW-P	94-05-097	392-140-517	NEW-P	94-04-122
388-521-2110	NEW-P	94-07-114	390-16-245	NEW	94-07-141	392-140-518	NEW-P	94-04-122
388-521-2110	NEW	94-10-065	390-16-300	AMD-P	94-05-097	392-140-519	NEW-P	94-04-122
388-521-2120	NEW-P	94-07-114	390-16-308	AMD-P	94-07-035	392-157-005	NEW	94-04-097
388-521-2120	NEW	94-10-065	390-16-308	AMD-P	94-07-088	392-157-010	NEW	94-04-097
388-521-2130	NEW-P	94-07-114	390-16-308	AMD-W	94-07-089	392-157-015	NEW	94-04-097
388-521-2130	NEW	94-10-065	390-16-309	NEW-E	94-07-001	392-157-020	NEW	94-04-097
388-521-2140	NEW-P	94-07-114	390-16-309	NEW-P	94-07-035	392-157-025	NEW	94-04-097
388-521-2140	NEW	94-10-065	390-16-309	NEW-W	94-08-080	392-157-030	NEW	94-04-097
388-521-2150	NEW-P	94-07-114	390-16-310	AMD-P	94-07-035	392-157-035	NEW	94-04-097
388-521-2150	NEW	94-10-065	390-16-310	AMD-P	94-07-088	392-157-040	NEW	94-04-097
388-521-2155	NEW-P	94-07-114	390-16-310	AMD-W	94-07-089	392-157-045	NEW	94-04-097
388-521-2155	NEW	94-10-065	390-16-311	NEW-P	94-07-142	392-157-050	NEW	94-04-097

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
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392-157-060	NEW	94-04-097	392-320-025	NEW-P	94-04-025
392-157-065	NEW	94-04-097	392-320-025	NEW	94-07-102
392-157-070	NEW	94-04-097	392-320-030	NEW-P	94-04-025
392-157-075	NEW	94-04-097	392-320-030	NEW	94-07-102
392-157-080	NEW	94-04-097	392-320-035	NEW-P	94-04-025
392-157-085	NEW	94-04-097	392-320-035	NEW	94-07-102
392-157-090	NEW	94-04-097	392-320-040	NEW-P	94-04-025
392-157-095	NEW	94-04-097	392-320-040	NEW	94-07-102
392-157-100	NEW	94-04-097	392-320-045	NEW-P	94-04-025
392-157-105	NEW	94-04-097	392-320-045	NEW	94-07-102
392-157-110	NEW	94-04-097	392-320-050	NEW-P	94-04-025
392-157-115	NEW	94-04-097	392-320-050	NEW	94-07-102
392-157-120	NEW	94-04-097	392-320-055	NEW-P	94-04-025
392-157-125	NEW	94-04-097	392-320-055	NEW	94-07-102
392-157-130	NEW	94-04-097	392-320-060	NEW-P	94-04-025
392-157-135	NEW	94-04-097	392-320-060	NEW	94-07-102
392-157-140	NEW	94-04-097	392-330-010	NEW-P	94-08-074
392-157-145	NEW	94-04-097	392-330-020	NEW-P	94-08-074
392-157-150	NEW	94-04-097	392-330-030	NEW-P	94-08-074
392-157-155	NEW	94-04-097	392-330-040	NEW-P	94-08-074
392-157-160	NEW	94-04-097	392-330-050	NEW-P	94-08-074
392-157-165	NEW	94-04-097	392-330-060	NEW-P	94-08-074
392-157-170	NEW	94-04-097	392-330-070	NEW-P	94-08-074
392-157-175	NEW	94-04-097	392-330-080	NEW-P	94-08-074
392-157-180	NEW	94-04-097	415-02-030	AMD-P	94-05-012
392-163-400	AMD-P	94-04-094	415-02-030	AMD	94-09-039
392-163-400	AMD	94-07-103	415-02-110	NEW-P	94-05-012
392-163-405	AMD-P	94-04-094	415-02-110	NEW	94-09-039
392-163-405	AMD	94-07-103	415-100-190	NEW-P	94-07-143
392-163-440	AMD-P	94-04-094	415-104-111	NEW-P	94-05-013
392-163-440	AMD	94-07-103	415-104-111	NEW	94-09-040
392-163-445	AMD-P	94-04-094	415-108-010	AMD-P	94-07-144
392-163-445	AMD	94-07-103	415-108-510	AMD-P	94-07-144
392-163-530	AMD-P	94-04-094	415-108-530	NEW-P	94-07-144
392-163-530	AMD	94-07-103	415-108-540	NEW-P	94-07-144
392-163-580	AMD-P	94-04-094	415-108-550	NEW-P	94-08-087
392-163-580	AMD	94-07-103	415-108-560	NEW-P	94-08-087
392-169-005	NEW	94-04-095	415-108-570	NEW-P	94-08-087
392-169-010	NEW	94-04-095	415-108-580	NEW-P	94-05-013
392-169-015	NEW	94-04-095	415-108-580	NEW	94-09-040
392-169-020	NEW	94-04-095	415-112-015	AMD-P	94-07-144
392-169-022	NEW	94-04-095	415-112-415	AMD-P	94-07-144
392-169-023	NEW	94-04-095	415-112-840	NEW-P	94-05-013
392-169-025	NEW	94-04-095	415-112-840	NEW-P	94-07-144
392-169-030	NEW	94-04-095	415-112-840	NEW	94-09-040
392-169-035	NEW	94-04-095	434-60-210	NEW	94-07-018
392-169-040	NEW	94-04-095	434-60-215	NEW	94-07-018
392-169-045	NEW	94-04-095	434-60-220	NEW	94-07-018
392-169-050	NEW	94-04-095	434-60-230	NEW	94-07-018
392-169-055	NEW	94-04-095	434-60-240	NEW	94-07-018
392-169-057	NEW	94-04-095	434-60-250	NEW	94-07-018
392-169-060	NEW	94-04-095	434-60-260	NEW	94-07-018
392-169-065	NEW	94-04-095	434-60-270	NEW	94-07-018
392-169-070	NEW	94-04-095	434-60-280	NEW	94-07-018
392-169-075	NEW	94-04-095	434-60-290	NEW	94-07-018
392-169-080	NEW	94-04-095	434-60-300	NEW	94-07-018
392-169-085	NEW	94-04-095	434-60-310	NEW	94-07-018
392-169-090	NEW	94-04-095	434-60-320	NEW	94-07-018
392-169-095	NEW	94-04-095	434-60-330	NEW	94-07-018
392-169-100	NEW	94-04-095	434-60-340	NEW	94-07-018
392-169-105	NEW	94-04-095	434-60-350	NEW	94-07-018
392-169-110	NEW	94-04-095	434-120-120	NEW-W	94-10-054
392-169-115	NEW	94-04-095	434-663-001	NEW-W	94-03-081
392-169-120	NEW	94-04-095	434-663-005	NEW-W	94-03-081
392-169-125	NEW	94-04-095	434-663-020	NEW-W	94-03-081
392-320-005	NEW-P	94-04-025	434-663-030	NEW-W	94-03-081
392-320-005	NEW	94-07-102	434-663-050	NEW-W	94-03-081
392-320-010	NEW-P	94-04-025	434-663-060	NEW-W	94-03-081
392-320-010	NEW	94-07-102	434-663-070	NEW-W	94-03-081
392-320-015	NEW-P	94-04-025	434-663-100	NEW	94-04-102
392-320-015	NEW	94-07-102	434-663-200	NEW	94-04-102
392-320-020	NEW-P	94-04-025	434-663-210	NEW	94-04-102
434-663-220	NEW	94-04-102	434-663-230	NEW	94-04-102
434-663-230	NEW	94-04-102	434-663-240	NEW	94-04-102
434-663-240	NEW	94-04-102	434-663-250	NEW	94-04-102
434-663-250	NEW	94-04-102	434-663-260	NEW	94-04-102
434-663-260	NEW	94-04-102	434-663-300	NEW	94-04-102
434-663-300	NEW	94-04-102	434-663-310	NEW	94-04-102
434-663-310	NEW	94-04-102	434-663-320	NEW	94-04-102
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	PROP	94-03-048		PERM	94-03-008
	EMER	94-03-084	logging or tree thinning,		
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