

# Washington State Register

**SEPTEMBER 4, 1996**

**OLYMPIA, WASHINGTON**

**ISSUE 96-17**



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## CITATION

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

## PUBLIC INSPECTION OF DOCUMENTS

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

## REPUBLICATION OF OFFICIAL DOCUMENTS

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## CERTIFICATE

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

DENNIS W. COOPER  
Code Reviser

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## STATE MAXIMUM INTEREST RATE

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

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

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

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# WASHINGTON STATE REGISTER

(ISSN 0164-6389) is published twice each month by the Statute Law Committee, Office of the Code Reviser, Olympia, WA 98504-0552, pursuant to RCW 34.08.020. Subscription rate is \$189.00 per year, sales tax included, postpaid to points in the United States. Periodical postage paid at Olympia, Washington.

POSTMASTER: SEND ADDRESS CHANGES TO:

WASHINGTON STATE REGISTER  
Code Reviser's Office  
Legislative Building  
P.O. Box 40552  
Olympia, WA 98504-0552

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

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# **STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER**

## **1. ARRANGEMENT OF THE REGISTER**

The Register is arranged in the following six sections:

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

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

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

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

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

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

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

## **4. EFFECTIVE DATE OF RULES**

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

## **5. EDITORIAL CORRECTIONS**

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

**1996 - 1997**  
**DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION**

<u>Issue No.</u>	<u>Closing Dates<sup>1</sup></u>			<u>Distribution Date</u>	<u>First Agency Hearing Date<sup>3</sup></u>
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS <sup>2</sup> or 10 p. max. Non-OTS		
<i>For Inclusion in--</i>	<i>File no later than 12:00 NOON--</i>			<i>Count 20 days from--</i>	<i>For hearing on or after</i>
96-16	Jul 10	Jul 24	Aug 7	Aug 21	Sep 10
96-17	Jul 24	Aug 7	Aug 21	Sep 4	Sep 24
96-18	Aug 7	Aug 21	Sep 4	Sep 18	Oct 8
96-19	Aug 21	Sep 4	Sep 18	Oct 2	Oct 22
96-20	Sep 4	Sep 18	Oct 2	Oct 16	Nov 5
96-21	Sep 25	Oct 9	Oct 23	Nov 6	Nov 26
96-22	Oct 9	Oct 23	Nov 6	Nov 20	Dec 10
96-23	Oct 23	Nov 6	Nov 20	Dec 4	Dec 24
96-24	Nov 6	Nov 20	Dec 4	Dec 18, 1996	Jan 7, 1997
97-01	Nov 21	Dec 5	Dec 19, 1996	Jan 2, 1997	Jan 22
97-02	Dec 5	Dec 19, 1996	Jan 2, 1997	Jan 15	Feb 4
97-03	Dec 26, 1996	Jan 8, 1997	Jan 22	Feb 5	Feb 25
97-04	Jan 8	Jan 22	Feb 5	Feb 19	Mar 11
97-05	Jan 22	Feb 5	Feb 19	Mar 5	Mar 25
97-06	Feb 5	Feb 19	Mar 5	Mar 19	Apr 8
97-07	Feb 19	Mar 5	Mar 19	Apr 2	Apr 22
97-08	Mar 5	Mar 19	Apr 2	Apr 16	May 6
97-09	Mar 26	Apr 9	Apr 23	May 7	May 27
97-10	Apr 9	Apr 23	May 7	May 21	Jun 10
97-11	Apr 23	May 7	May 21	Jun 4	Jun 24
97-12	May 7	May 21	Jun 4	Jun 18	Jul 8
97-13	May 21	Jun 4	Jun 18	Jul 2	Jul 22
97-14	Jun 4	Jun 18	Jul 2	Jul 16	Aug 5
97-15	Jun 25	Jul 9	Jul 23	Aug 6	Aug 26
97-16	Jul 9	Jul 23	Aug 6	Aug 20	Sep 9
97-17	Jul 23	Aug 6	Aug 20	Sep 3	Sep 23
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97-20	Sep 3	Sep 17	Oct 1	Oct 15	Nov 4
97-21	Sep 24	Oct 8	Oct 22	Nov 5	Nov 25
97-22	Oct 8	Oct 22	Nov 5	Nov 19	Dec 9
97-23	Oct 22	Nov 5	Nov 19	Dec 3	Dec 23
97-24	Nov 5	Nov 19	Dec 3	Dec 17, 1997	Jan 6, 1998

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

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

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

## **REGULATORY FAIRNESS ACT**

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

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

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

### **Mitigation**

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

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

When:

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

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

When:

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

There is less than minor economic impact on business;

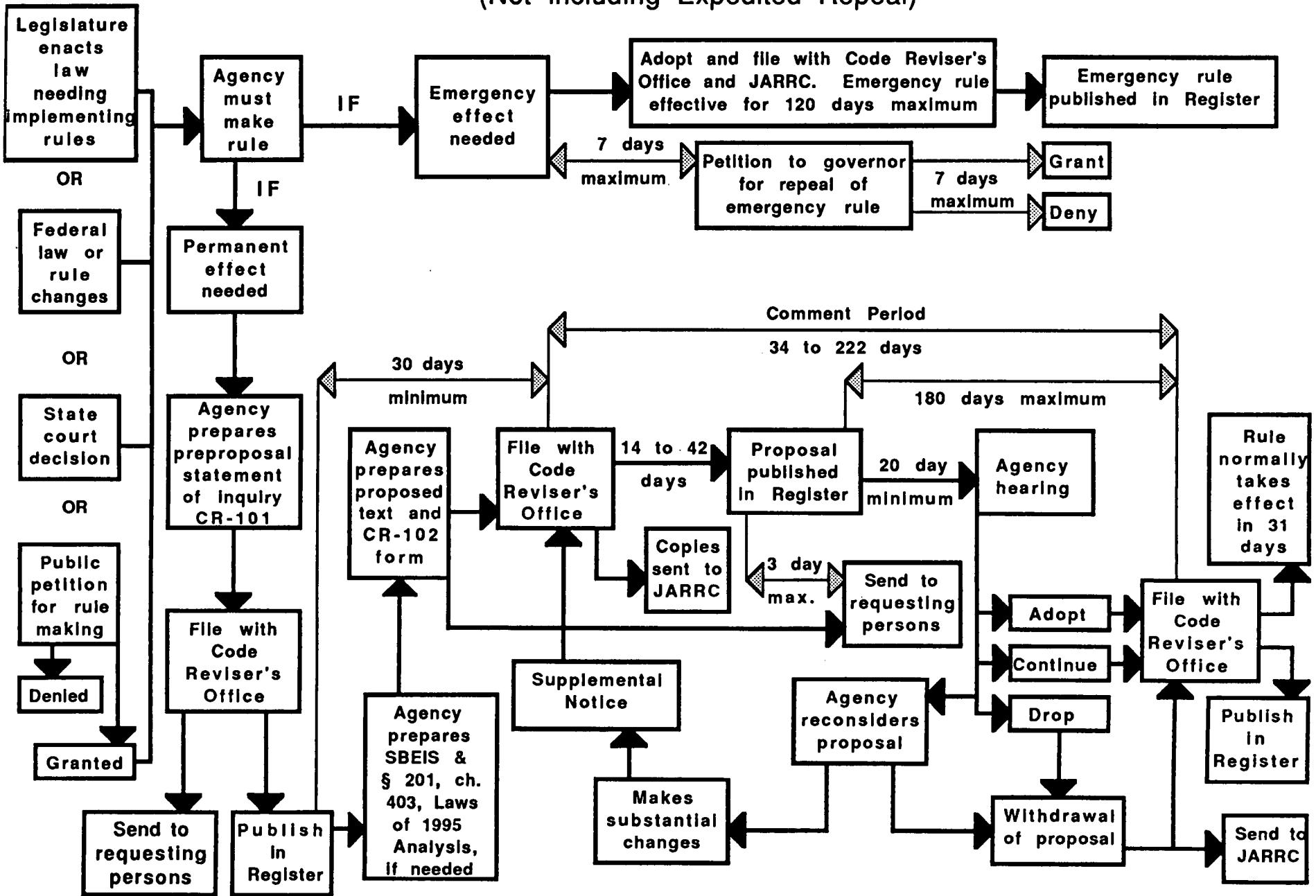
The rule REDUCES costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

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

The rule is pure restatement of state statute.

# RULE-MAKING PROCESS

(Not including Expedited Repeal)



**WSR 96-17-001**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
[Filed August 7, 1996, 1:40 p.m.]

**Subject of Possible Rule Making:** General season and permit hunting regulations; private lands wildlife management areas (PLWMAs) authorization/amendment; pelt sealing; bullfrog classification.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 77.12.020, 77.12.030, 77.12.040, 77.32.220.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Provide recreational opportunity; codify pelt sealing procedure; move bullfrogs from game animal classification to unclassified.

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

**Process for Developing New Rule:** Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dave Brittell, Wildlife Management Program, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2504. Contact by September 20, 1996. Expected Rule Proposal Filing: October 2, 1996.

August 6, 1996  
Evan Jacoby  
Rules Coordinator

**WSR 96-17-005**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
[Filed August 8, 1996, 3:50 p.m.]

**Subject of Possible Rule Making:** Repeal chapter 392-130 WAC.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Repealing chapter 392-130 WAC because legislature has removed authority of subject matter.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** Department of General Administration, Division of Risk Management, Donald C. Johnsen, Local Government Self-Insurance Program Examiner.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Richard M. Wilson, P.O. Box 47200, Olympia, WA 98504-7200, (360) 753-2298, FAX (360) 753-4201.

August 8, 1996  
Judith A. Billings  
Superintendent of  
Public Instruction

**WSR 96-17-028**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**INSURANCE COMMISSIONER'S OFFICE**  
[Insurance Commissioner Matter No. R 96-6—Filed August 13, 1996, 3:58 p.m.]

**Subject of Possible Rule Making:** Minimum standards for termination, denial, or limitation of personal injury protection (PIP) coverage in personal auto insurance policies.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 48.02.060, 48.22.105, 48.30.010(2).

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The Insurance Commissioner has received a significant number of consumer inquiries and complaints related to retrospective termination of PIP benefits after utilization review or independent medical examinations. Members of the public have asked that rules be adopted to set minimum standards for insurance company conduct.

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

**Process for Developing New Rule:** Agency study; and (1) solicitation of written comments and (2) creation of working groups of interested and affected persons or entities. For information, please contact or write to Kacy Brandedberry, P.O. Box 40255, Olympia, WA 98504-0255, phone (360) 664-3790, FAX (360) 586-3535, Internet inscomr@aol. Use of the commissioner's e-mail address is recommended whenever possible.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Brandedberry, P.O. Box 40255, Olympia, WA 98504-0255, phone (360) 664-3790, FAX (360) 586-3535, Internet inscomr@aol.

August 13, 1996  
Deborah Senn  
Insurance Commissioner

**WSR 96-17-031**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
[Filed August 14, 1996, 3:58 p.m.]

**Subject of Possible Rule Making:** Federal child nutrition program.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 28A.235.030 and [28A.235].100 in accordance with chapter 34.05 RCW.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** To encode federal regulations governing these programs to clearly delineate the Office of the Superintendent of Public Instruction's authority. Encode policies necessary to implement the federal regulations.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** The United States Department of Agriculture regulates this subject under the following codes: 7 CFR Parts 210, 215, 220, 225, 226, 227, 235, 240, 245, and 250.

The Office of the Superintendent of Public Instruction adopts and implements these regulations.

**Process for Developing New Rule: Agency study.**

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Betty Marcelynus, Mary Leach, Carol Griffith, phone (360) 753-3580, FAX (360) 664-9397, Office of the Superintendent of Public Instruction, Child Nutrition, P.O. Box 47200, Olympia, WA 98504-7200. Child nutrition will notify all program sponsors in writing of proposed rule.

August 13, 1996  
Judith A. Billings  
Superintendent of  
Public Instruction

**WSR 96-17-037**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF REVENUE**  
[Filed August 16, 1996, 10:17 a.m.]

**Subject of Possible Rule Making:** New section WAC 458-20-262 Farmworker housing exemption from retail sales tax.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** Chapter 117, Laws of 1996 (uncodified) and RCW 82.32.300.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Law requires the department to prescribe the form and manner of an exemption certificate. To clarify what kinds of farmworker housing is eligible for the exemption.

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

**Process for Developing New Rule:** Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments should be submitted by the public meeting date to ensure full consideration, but will be accepted if they are received two weeks before the date of adoption. Written comments may be submitted by mail, FAX, or at the public meeting. Oral comments will be accepted at the public meeting or later public hearing. A preliminary draft of the proposal is available upon request. Written comments on and/or requests for copies of the rule may be directed to Cliff Ellenwood, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 753-4161, FAX (360) 664-0693 or e-mail cliffe@dor.wa.gov.

**Location and Date of Public Meeting:** Evergreen Plaza Building, 711 Capitol Boulevard, 2nd Floor Conference Room, Olympia, WA, on September 25, 1996, at 9:30 a.m.

August 16, 1996  
Claire Hesselholt  
Rules Manager  
Legislation and Policy Division

**WSR 96-17-055**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed August 20, 1996, 10:50 a.m.]

**Subject of Possible Rule Making:** Amendments to the definitions of "criminal act" and "necessary treatment," amending the requirement for certain victims to apply for Medicaid and implementing several housekeeping amendments to various sections of chapters 296-30 and 296-31 WAC.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 7.68.030, 51.04.020(1), 51.04.030.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The definition amendments are needed because staff claim reviews indicate that, on some claims, sufficient evidence of eligibility is not being required and that damaging mental health treatment is occurring. The amendments set the correct standard of evidence and prevent the damaging treatment from taking place. The other amendment reflects a revised statute interpretation.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** No federal agencies or statutes are affected by these rules.

**Process for Developing New Rule:** Agency study; and development through stakeholder work groups.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cletus Nnanabu, CVC, Program Manager, P.O. Box 44520, Olympia, WA 98504-4520, phone (360) 902-5340, FAX (360) 902-5333.

**Other Opportunities for Participation:** (1) CVC Advisory Committee and (2) public hearing (to be scheduled).

August 20, 1996  
Dorette M. Markham  
for Mark O. Brown  
Director

**WSR 96-17-060**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
[Filed August 20, 1996, 11:50 a.m.]

**Subject of Possible Rule Making:** This will repeal chapter 246-321 WAC, Hospice care centers. This chapter duplicates requirements in other Department of Health chapters.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 43.70.040.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** By repealing this chapter we can eliminate duplicative requirements of this chapter with chapters 246-318 and 246-331 WAC.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** No other federal or state agency regulates these facilities.

**Process for Developing New Rule:** We plan to meet with provider groups and associations to clarify the overlap of chapters 246-318 and 246-331 WAC with this rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jennell Prentice, Facilities and Services Licensing, P.O. Box 47852, Olympia, WA 98504-7852, (360) 705-6661, FAX (360) 705-6654.

August 20, 1996  
Bruce Miyahara  
Secretary

**WSR 96-17-061**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
(Board of Hearing and Speech)  
[Filed August 20, 1996, 11:52 a.m.]

**Subject of Possible Rule Making:** ESHB 2309 expanded the professionals regulated under chapter 18.35 RCW, to include certification of speech-language pathologists and audiologists. There are currently no standards of practice in place for these professions, without standards certification is not feasible. Therefore rules must be developed to define the commonly accepted standards for certification of speech-language pathologists.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 18.35.080.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Rules are needed to define the commonly accepted standards for the profession of speech-language pathology. In the newly amended statute, the legislature provides an opportunity for individuals in the profession before June 7, 1996, to waive the examination and grant a certificate to those who meet commonly accepted standards for the profession and who apply for certification by July 1, 1997. To accommodate this statutory provision, rules must be drafted to define "standards of practice."

**Process for Developing New Rule:** The program will work closely with the profession in developing rules. Two public meetings were held to provide an opportunity for public input. The meetings were held in Yakima and Seattle. The program promoted participation from state-wide school districts who employ speech-language pathologists; the University of Washington, Washington State University and Western Washington University; hospitals and clinics throughout the state and professional associations for speech-language pathologists, audiologists and hearing instrument fitter/dispensers. Further input has been requested from members of the public whom attended the public meetings. From these efforts draft language will be developed and shared for on-going direction from interested persons.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Diane Young, Program Manager, Board of Hearing and Speech, 1300 Quince Street, P.O. Box 47869, Olympia, WA 98504-7869, (360) 753-1817, (360) 586-0205, FAX (360) 586-7774.

August 14, 1996

Diane Young

Program Manager

Board of Hearing and Speech

PREPROPOSAL

**WSR 96-17-062**

**PREPROPOSAL STATEMENT OF INQUIRY**

**DEPARTMENT OF HEALTH**

(Board of Hearing and Speech)

[Filed August 20, 1996, 11:53 a.m.]

**Subject of Possible Rule Making:** Legislature expanded the professionals regulated under chapter 18.35 RCW to include hearing instrument fitter/dispensers, speech-language pathologists and audiologists. There is currently a fee structure in place for the licensing of hearing instrument fitter/dispensers. However no such fee exists for certification of speech-language pathologists and audiologists. Hearing instrument fitter/dispenser fees may experience a decrease due to the additional professions.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 18.35.090 and 43.70.250.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** These rules are needed to establish fees for hearing instrument fitter/dispensers, audiologists and speech-language pathologists. These rules will allow the department to collect fees for the cost of the application, renewal, examination and disciplinary processes and therefore support the program. Implementation of these fees will create a self-supporting hearing and speech program.

**Process for Developing New Rule:** The program will work closely with the profession in developing rules. Two public meetings were held to provide an opportunity for public input. The meetings were held in Yakima and Seattle. The program promoted participation from licensed hearing instrument fitter/dispensers; state-wide school districts who employ speech-language pathologists; the University of Washington, Washington State University and Western Washington University; hospitals and clinics throughout the state and professional associations for speech-language pathologists, audiologists and hearing instrument fitter/dispensers. Further input has been requested from members of the public who attended the public meetings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Diane Young, Program Manager, Board of Hearing and Speech, 1300 Quince Street, P.O. Box 47869, Olympia, WA 98504-7869, (360) 753-1817, (360) 586-0205, FAX (360) 586-7774.

August 20, 1996

Bruce Miyahara

Secretary

**WSR 96-17-063**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
[Filed August 20, 1996, 11:54 a.m.]

**Subject of Possible Rule Making:** WAC 246-976-470 through 246-976-890, Emergency medical services—Designation of trauma care facilities, designation standards for trauma rehabilitation services.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 70.168.060 and 70.168.070.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** "Designation" means a formal determination by the department that a hospital or health care facility is capable of providing designated trauma care services as authorized in RCW 70.168.070. These are level I, II, III, IV or V trauma care service, or level I, II, or III pediatric trauma care service, or level I, I-pediatric, II or III trauma-related rehabilitative service. Hospitals designated with a level I, have the authority to provide higher level of trauma care than a hospital with a lower level of designation.

The various levels are differentiated by (a) education requirements of emergency and rehabilitative care providers; (b) response times of these providers to the bedside of the trauma or rehabilitative patient; (c) the equipment in all treatment areas in a trauma care facility or in a trauma rehabilitation service. After a patient has been through the acute trauma care service, the rehabilitative service provides evaluation, treatment, education, and training to help the patient with disabling impairments achieve and maintain functional physical, social, vocational independence.

The WAC revisions proposed for various levels of designation are to resolve several issues: (1) Improve housekeeping problems - structure, grammar, organization and remove duplication or unnecessary repetition of the WAC. (2) Correct some inconsistencies between levels, ensuring that lower levels of designation do not have stricter standards than higher levels, and to make general and pediatric facilities the same where appropriate. (3) Revise equipment and education requirements. (4) Revise "response times" for providers in all levels of care.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** Does not apply.

**Process for Developing New Rule:** Several statutory and other EMS and Trauma Care Committees will participate in drafting WACs. The draft WACs will be mailed for review and input to all impacted committees and all interested parties. The Office of Emergency Medical and Trauma Prevention will be working with Hospital Technical Advisory Committee (TAC), Pediatric TAC, Trauma Rehabilitation (TAC), Public Policy TAC and the Governor's Steering Committee to review the designation rules. Two public WAC development work sessions will be held in January and February 1997; one in eastern Washington and one in western Washington. The final draft of the WAC will be sent out to all parties involved in the process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Janet Griffith, Director, Office of Emergency Medical and Trauma Prevention, Department of Health, P.O. Box 47853, Olympia, WA 98504-7853, (360) 705-6703 or 1-800-458-5281, FAX (360) 705-6706.

August 20, 1996  
Bruce Miyahara  
Secretary

**WSR 96-17-064**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
[Filed August 20, 1996, 11:55 a.m.]

**Subject of Possible Rule Making:** The development of administrative procedures and requirements relating to licensing application forms, renewal periods, late renewal periods and penalties, the reinstatement of licenses and requirements for fees relating to initial issue, renewal, and reissue of a credential.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** SHB 2151 (chapter 19, Laws of 1996 — RCW 43.70.280).

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** 1996 legislation requires that the secretary, in consultation with health profession boards and commissions, establish by rule the administrative procedures, administrative requirements and fees, for initial issuance, renewal and reissuance of professional credentials. The rules will also include procedures and requirements for late renewals and uniform application of late renewal penalties.

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

**Process for Developing New Rule:** We are soliciting input from boards, commissions, committees, councils, associations and other interested individuals through a detailed survey. Public forums will be held for all impacted parties wishing to influence the development of rules. Meetings will be planned for fall 1996.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Diana Ehri, Department of Health, P.O. Box 47860, Olympia, WA 98504-7860, (360) 753-9177, FAX (360) 753-0657.

August 20, 1996  
Bruce Miyahara  
Secretary

**WSR 96-17-077**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF RETIREMENT SYSTEMS**  
[Filed August 20, 1996, 4:57 p.m.]

**Subject of Possible Rule Making:** Additional member contributions rates for members of the Teachers' Retirement System Plan 3.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 41.50.088, 41.34.040.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** When the legislature enacted TRS Plan 3, it placed three different options regarding member contribution rates in statute. The legislature specifically provided for the Employee Retirement Benefits

Board (ERBB) to adopt additional member contribution rate options. Adopting those options is consistent with both the express intent of the legislature and the over-arching purpose of TRS Plan 3 to give more flexibility to members in building their retirement benefit.

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

Process for Developing New Rule: The board will take public testimony at its monthly meetings and solicit input from identified stakeholder groups such as the Washington Education Association.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Paul Neal, Rules Coordinator, Legal/Legislative Affairs, Department of Retirement Systems, Mailstop 48380, P.O. Box 48380, Olympia, WA 98504-8380, phone (360) 586-3368, FAX (360) 753-3166.

August 20, 1996  
Paul Neal  
Rules Coordinator

Process for Developing New Rule: Agency study; and (1) Solicitation of written comments; and (2) creation of working groups of interested and affected persons or entities. For more information, please contact or write to Kacy Bradeberry at P.O. Box 40255, Olympia, WA 98504-0255, phone (360) 664-3790, FAX (360) 586-3535, Internet inscomr@aol. Use of the commissioner's e-mail address is recommended whenever possible.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Bradeberry, P.O. Box 40255, Olympia, WA 98504-0255, phone (360) 664-3790, FAX (360) 586-3535, Internet inscomr@aol. Submit comments by October 15, 1996. Substantive Questions: Bethany Weidner at 664-2532.

August 20, 1996  
Greg J. Scully  
Chief Deputy Commissioner

#### WSR 96-17-085

#### PREPROPOSAL STATEMENT OF INQUIRY INSURANCE COMMISSIONER'S OFFICE

[Insurance Commissioner Matter No. R 96-8—Filed August 21, 1996,  
11:11 a.m.]

Subject of Possible Rule Making: Rules of practice and procedure for contested matters heard before the commissioner.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.44.020 (2)(g), 48.44.050, 48.46.060 (3)(f), and 48.46.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Standards for determining when the benefits provided in a contract are and are not reasonable in relation to the amount charged by health carriers as regulated under RCW 48.44.010(3) and 48.46.020(1).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.44.020 (2)(g), 48.44.050, 48.46.060 (3)(f), and 48.46.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Washington statutes state that the Insurance Commissioner may disapprove a health benefit contract or agreement on the grounds that the benefits are unreasonable in relation to the amount charged. They further state that contracts and agreements shall be submitted for approval to the commissioner and the rates of any such plans shall be reasonable in relation to the benefits. The historical standard for determining when the benefits provided in a contract were reasonable was a fixed "loss ratio" test established in 1981. This standard has been repealed as outdated and no longer meaningful. Many carriers have requested a rule to replace the old standard. While it is possible for regulators to evaluate the reasonableness of contracts filed by health carriers in the absence of a published standard, a formal standard adopted as a rule will make the process of evaluating rate filings more efficient and equitable. Such a standard allows those who submit rate filings to know what to plan for and what to expect; and helps to make the process fair, credible and understandable for all who are affected by the rate decisions; and uniform among health carriers.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Model rules of procedure adopted by the chief administrative law judge are general rules applicable to all agencies. Because of the specialized nature of regulation of insurance, those model rules do not always provide focused procedures for efficient administration of contested matters. The commissioner may consider adopting rules of practice and procedure to provide uniformity, and as a direct result, efficiency in the hearing and disposition of contested cases. Both the regulation of insurance and those persons regulated will benefit from published policies and procedures that provide uniformity and efficiency.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No federal agency regulates this subject.

Process for Developing New Rule: Agency study; and Solicitation of Written Comments Deadline: September 10, 1996. For information concerning the substance of the rules please call Jim Odiorne, at (360) 586-5590.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Bradeberry, P.O. Box 40255, Olympia, WA 98504-0255, phone (360) 664-3790, FAX (360) 586-3535, Internet inscomr@aol.

August 21, 1996  
Deborah Senn  
Insurance Commissioner

**WSR 96-17-086**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**

[Filed August 21, 1996, 11:19 a.m.]

**Subject of Possible Rule Making:** Roller blading or inline skating on the state capitol campus.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 46.08.150.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The rule making is necessary for the safe movement of vehicular and pedestrian traffic on the capitol campus, for the safe enjoyment of the campus by all visitors.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** The Washington State Patrol will be responsible for enforcement of this rule and will be working collaboratively with the Department of General Administration on its development.

**Process for Developing New Rule:** The new WAC will be developed with public participation in addition to findings of agency study of the matter.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Comments and letters of interest may be sent by mail or facsimile to Marygrace Jennings, Rules Coordinator, at P.O. Box 1000, Olympia, WA 98504-1000, E-mail mgjenni@ga.wa.gov, FAX (360) 586-5898. Meeting notices, minutes, and draft language will be provided as requested.

August 20, 1996  
 Marygrace Jennings  
 Rules Coordinator

**WSR 96-17-091**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**NOXIOUS WEED CONTROL BOARD**

[Filed August 21, 1996, 11:47 a.m.]

**Subject of Possible Rule Making:** Chapter 16-750 WAC, State noxious weed list and schedule of monetary penalties.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 17.10.080 and 17.10.010(5).

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The State Noxious Weed Control Board is charged with updating the state noxious weed list on an annual basis, to ensure that it accurately reflects noxious weed control priorities and noxious weed distribution. A new definition of "control" will be considered in order to make the definition more appropriate for aquatic noxious weeds.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** No other state agencies regulate this subject. Federal agencies are subject to federal noxious weed laws that require them to coordinate with state regulations. Federal agencies in Washington are invited to participate in all stages of noxious weed rule making.

**Process for Developing New Rule:** The State Noxious Weed Board annually solicits suggestions from county

programs, state and federal agencies, interest groups, and the general public, by a series of extensive mailings. Comments are welcome in written or oral form. The Noxious Weed Committee of the state board, which includes representation from the Native Plant Society, county weed boards, the public interest, and several scientific advisors, meets twice to review and research the suggestions. Their draft suggestions are sent out again for public comment before the Noxious Weed Committee drafts their final recommendation to the full State Noxious Weed Board. The State Weed Board will then consider these recommendations and draft a final rule-making proposal. Public comment is welcome at all committee and state board meetings. A press release and information mailing is prepared on the recommended changes and a public hearing is scheduled. The State Weed Board makes their final decision after considering the public input received during the hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Laurie Penders, Executive Secretary, Washington State Noxious Weed Control Board, 1851 South Central Place, Suite 211, Kent, WA 98031-7507, phone (206) 872-2972, FAX (206) 872-6320. Contact Laurie for information on preparing a recommended change or for meeting dates and other participation opportunities.

August 21, 1996  
 William E. Brookreson  
 Assistant Director

**WSR 96-17-092**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed August 21, 1996, 11:50 a.m.]

**Subject of Possible Rule Making:** Impairment rating examinations.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 51.04.020, 51.04.030, 51.32.112, 51.32.114, 51.36.015.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** WAC 296-20-01002, 296-20-200, 296-20-210, 296-20-220, and 296-23-265 are unclear and inconsistent with regard to who may perform an impairment rating. Changes are necessary to clarify the language and make the rules consistent.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** No other state or federal agencies regulate impairment rating examinations for Washington state worker's compensation.

**Process for Developing New Rule:** Interested persons may comment during the hearing on the rule or by sending comment as indicated below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carol Britton, R.N., IME Project Manager, Department of Labor and Industries, P.O. Box 44322, Olympia, WA 98504-4322, phone (360) 902-6818, FAX (360) 902-4249, E-mail brit235@Ini.wa.gov.

August 21, 1996  
Dorette M. Markham  
for Mark O. Brown  
Director



**WSR 96-17-006**  
**PROPOSED RULES**  
**INSURANCE COMMISSIONER'S OFFICE**  
[Filed August 8, 1996, 4:59 p.m.]

Continuance of WSR 96-15-085.

Preproposal statement of inquiry was filed as WSR 95-23-100.

Title of Rule: Long-term care partnership.

Other Identifying Information: Insurance Commissioner Matter No. R 95-16.

Summary: Continuation of adoption date.

Date of Intended Adoption: August 13, 1996.

August 8, 1996

Deborah Senn  
Insurance Commissioner

**WSR 96-17-008**  
**PROPOSED RULES**  
**COUNTY ROAD**  
**ADMINISTRATION BOARD**

[Filed August 12, 1996, 11:15 a.m.]

Original Notice.

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

Title of Rule: WAC 136-130-060 Project prioritization in southeast region (SER).

Purpose: Amends WAC 136-130-060 increasing the traffic volume points from 20 to 22 and increasing the local significance points from 10 to 20.

Statutory Authority for Adoption: RCW 36.79.060.

Summary: Amends existing SER RAP project prioritization point system.

Reasons Supporting Proposal: Requested and approved by all county engineers in the southeast region on April 26, 1996.

Name of Agency Personnel Responsible for Drafting and Implementation: Reid Wheeler, Olympia, (360) 753-5989; and Enforcement: Eric Berger, Olympia, (360) 753-5989.

Name of Proponent: County Road Administration Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This amendment will modify the current project prioritization point system in the southeast region as agreed to by the respective county engineers in the region. These modifications should improve the competitiveness of projects within the region.

Proposal Changes the Following Existing Rules: Revises point system.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No effect on small business.

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

Hearing Location: Summit Inn, State Highway 906, Snoqualmie Pass, WA 98068, on October 4, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Karen Pendleton by September 30, 1996, TDD (800) 833-6384, or (360) 753-5989.

Submit Written Comments to: Karen Pendleton, 2404 Chandler Court S.W., Suite 240, Olympia, WA 98504, FAX (360) 586-0386, by September 30, 1996.

Date of Intended Adoption: October 4, 1996.

July 22, 1996

Eric A. Berger  
Executive Director

**AMENDATORY SECTION** (Amending WSR 94-10-020, filed 4/27/94, effective 5/28/94)

**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 Count	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. 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 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)) 22 points for traffic volume, 5 points for traffic accidents. A total of ((40)) 20 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 96-17-010**  
**PROPOSED RULES**  
**GAMBLING COMMISSION**

[Filed August 12, 1996, 11:21 a.m.]

Original Notice.

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

**Title of Rule:** WAC 230-50-815 Deadlines for commission meeting agenda items.

**Purpose:** To clarify the deadlines and requirements for submitting items to be included on the commission's public meeting agenda.

**Statutory Authority for Adoption:** RCW 9.46.070, chapter 34.05 RCW.

**Summary:** Items for inclusion in the commission's monthly public meeting agenda must be received at least fourteen days prior to the regularly scheduled commission meeting.

**Reasons Supporting Proposal:** Formalization of existing policy.

**Name of Agency Personnel Responsible for Drafting:** Carrie Tellefson, Lacey, (360) 438-7654, ext. 374; and **Implementation:** David Shaw, Lacey, (360) 438-7654, ext. 310.

**Name of Proponent:** Washington State Gambling Commission, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** See Purpose, Summary, and Reasons Supporting Proposal above.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule proposal falls under the exemption set forth at RCW 19.85.025(2).

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

**Hearing Location:** Campbell's Resort, 104 West Woodin, Chelan, WA 98816, on October 11, 1996, at 10:00 a.m.

**Assistance for Persons with Disabilities:** Contact Susan Green by October 9, 1996, TDD (360) 438-7638, or (360) 438-7654, ext. 310.

Submit Written Comments to: David Shaw, P.O. Box 42400, Olympia, WA 98504-2400, FAX (360) 438-8652, by October 9, 1996.

**Date of Intended Adoption:** October 11, 1996.

August 12, 1996

Carrie Tellefson

Rules and Policy Coordinator

## NEW SECTION

**WAC 230-50-815 Deadlines for submitting items to be included in the commission meeting agenda — exceptions.** To ensure that the public and the commission has sufficient notice of public agenda items, the following deadline applies regarding submission of such items to the commission for action:

(1) Items for inclusion in the commission's monthly public meeting agenda must be in proper form and received at the commission headquarters' office at least fourteen (14) days prior to the regularly scheduled commission meeting.

(2) The commission meeting agenda will be published and mailed within seven (7) days of the regularly scheduled commission meeting.

(3) All items submitted after the time frame set forth in section one (1) above shall require approval by the commission in order to be included on the commission meeting agenda.

## **WSR 96-17-023**

### **PROPOSED RULES**

### **COMMISSION ON**

### **JUDICIAL CONDUCT**

[Filed August 13, 1996, 3:09 p.m.]

Continuance of WSR 96-05-006.

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

**Title of Rule:** Chapter 292-08 WAC, Agency organization—Confidentiality; and chapter 292-12 WAC, Procedural rules.

**Purpose:** To repeal existing procedural rules as superseded by new rules: Commission on Judicial Conduct rules of procedure.

**Statutory Authority for Adoption:** Article IV, Section 31 of the State Constitution.

**Statute Being Implemented:** Article IV, Section 31 of the State Constitution and chapter 2.64 RCW.

**Summary:** Chapters 292-08 and 292-12 WAC establish current rules of procedure. The proposed action would repeal these rules.

**Reasons Supporting Proposal:** The commission is directed to provide for rules of procedure.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** David Akana, P.O. Box 1817, Olympia, WA 98507, (360) 753-4585.

**Name of Proponent:** Commission on Judicial Conduct, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** The adoption of new procedural rules requires the repeal of existing rules.

**Proposal Changes the Following Existing Rules:** The existing procedural rules would be repealed.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No small business economic impact statement is required for this proposal by chapter 19.85 RCW. The repeal affects rules that are procedural in nature.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The action would repeal existing procedural rules.

**Hearing Location:** Sea-Tac Holiday Inn, 17338 Pacific Highway South, SeaTac, WA 98188, on August 9, 1996, at 11:00 a.m.

**Assistance for Persons with Disabilities:** Contact Kathy Sullivan, TDD (360) 753-4585.

Submit Written Comments to: Commission on Judicial Conduct, P.O. Box 1817, Olympia, WA 98507, FAX (360) 586-2918.

**Date of Intended Adoption:** August 9, 1996.

August 13, 1996

David Akana

Executive Director

**WSR 96-17-033****PROPOSED RULES****INSURANCE COMMISSIONER'S OFFICE**

[Filed August 15, 1996, 3:52 p.m.]

**Continuance of WSR 95-05-091 [96-05-091] and 96-11-046.**

**Title of Rule:** Annual statements of insurers, health care service contractors, and health maintenance organizations to be filed in electronic form.

**Purpose:** Postponement of adoption date.

**Other Identifying Information:** Insurance Commissioner Matter No. R 95-18.

**Date of Intended Adoption:** August 21, 1996.

August 15, 1996

Greg Scully

Chief Deputy Commissioner

**WSR 96-17-034****PROPOSED RULES****SOUTHWEST AIR****POLLUTION CONTROL AUTHORITY**

[Filed August 16, 1996, 8:40 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 95-17-018.

**Title of Rule:** SWAPCA 400 General Regulations for Air Pollution Sources, Sections 400-010, 400-020, 400-030, 400-040, 400-050, 400-052, 400-060, 400-070, 400-074, 400-075, 400-076.

**Purpose:** This rule establishes general emission requirements for all air pollution sources within Southwest Air Pollution Control Authority jurisdiction. These requirements include permitting, monitoring, testing and reporting requirements.

**Statutory Authority for Adoption:** RCW 70.94.141 and 70.94.331.

**Statute Being Implemented:** RCW 70.94.141.

**Summary:** Proposed changes revise sections for update of NSPS applicability dates, new definitions to support changes, and includes provisions for maintenance of equipment. Numerous other minor clarifications are made.

**Reasons Supporting Proposal:** The major changes are necessary to support the Southwest Air Pollution Control Authority adopted Vancouver CO Maintenance Plan and Vancouver Ozone Maintenance Plan and provide consistency with federal requirements.

**Name of Agency Personnel Responsible for Drafting and Implementation:** Paul T. Mairose, 1308 N.E. 134th Street, Vancouver, WA, (360) 574-3058; and Enforcement: Robert D. Elliott, 1308 N.E. 134th Street, Vancouver, WA, (360) 574-3058.

**Name of Proponent:** Southwest Air Pollution Control Authority, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** This regulation provides general requirements for all sources of air pollution within the Southwest Air Pollution Control Authority jurisdiction. The proposed changes include new requirements for areas covered by a federally

approved maintenance plan for CO and Ozone. These requirements are consistent with the maintenance plan and, in general, with those of the Oregon DEQ. A new section is also added to describe requirements for maintenance of equipment. This section expands on the authority provided in chapter 70.94 RCW consistent with the Washington Department of Ecology and other local air authority provisions. Other minor changes were made to the sections to provide consistency and clarification. These changes will not result in major impacts on any existing sources and may in some cases provide a reduction in requirements.

**Proposal Changes the Following Existing Rules:** See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed major changes implement provisions that have already been reviewed and subject to public notice and comment as part of Maintenance Plan development. In addition, this agency is not subject to the small business economic impact provisions of chapter 19.85 RCW.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Pursuant to RCW 70.94.141(1), section 201, chapter 403, Laws of 1995, do not apply to this rule adoption. The Southwest Air Pollution Control Authority is not voluntarily invoking the Laws of 1995.

**Hearing Location:** Southwest Air Pollution Control Authority Office, 1308 N.E. 134th Street, Vancouver, WA 98685, on October 15, 1996, at 3:00 p.m.

**Assistance for Persons with Disabilities:** Contact Mary Allen by October 10, 1996, TDD (360) 574-3058.

**Submit Written Comments to:** Paul Mairose, 1308 N.E. 134th Street, Vancouver, WA 98685, FAX (360) 576-0925, by October 10, 1996.

**Date of Intended Adoption:** October 15, 1996.

August 7, 1996

Paul T. Mairose

for Robert D. Elliott  
Executive Director

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 96-18 issue of the Register.

**WSR 96-17-035****PROPOSED RULES****SOUTHWEST AIR****POLLUTION CONTROL AUTHORITY**

[Filed August 16, 1996, 8:45 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 95-17-018.

**Title of Rule:** SWAPCA 400 General Regulations for Air Pollution Sources, Sections 400-101, 400-105, 400-107, 400-109, 400-110, 400-111, 400-112, 400-113, 400-114, 400-115, 400-116.

**Purpose:** This rule establishes general emission requirements for all air pollution sources within Southwest Air Pollution Control Authority jurisdiction. These requirements include permitting, monitoring, testing and reporting requirements.

PROPOSED

**Statutory Authority for Adoption:** RCW 70.94.141 and 70.94.331.

**Statute Being Implemented:** RCW 70.94.141.

**Summary:** Proposed changes revise sections for update of NSPS applicability dates, provides a new section for maintenance plan areas, and includes provisions for maintenance of equipment. Numerous other minor clarifications are made.

**Reasons Supporting Proposal:** The major changes are necessary to support the Southwest Air Pollution Control Authority adopted Vancouver CO Maintenance Plan and Vancouver Ozone Maintenance Plan and provide consistency with federal requirements.

**Name of Agency Personnel Responsible for Drafting and Implementation:** Paul T. Mairose, 1308 N.E. 134th Street, Vancouver, WA (360) 574-3058; and Enforcement: Robert D. Elliott, 1308 N.E. 134th Street, Vancouver, WA, (360) 574-3058.

**Name of Proponent:** Southwest Air Pollution Control Authority, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** This regulation provides general requirements for all sources of air pollution within the Southwest Air Pollution Control Authority jurisdiction. The proposed changes include new requirements for areas covered by a federally approved maintenance plan for CO and Ozone. These requirements are consistent with the maintenance plan and, in general, with those of the Oregon DEQ. A new section is also added to describe requirements for maintenance of equipment. This section expands on the authority provided in chapter 70.94 RCW consistent with the Washington Department of Ecology and other local air authority provisions. Other minor changes were made to the sections to provide consistency and clarification. These changes will not result in major impacts on any existing sources and may in some cases provide a reduction in requirements.

**Proposal Changes the Following Existing Rules:** See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed major changes implement provisions that have already been reviewed and subject to public notice and comment as part of Maintenance Plan development. In addition, this agency is not subject to the small business economic impact provision of chapter 19.85 RCW.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Pursuant to RCW 70.94.141(1), section 201, chapter 403, Laws of 1995, do not apply to this rule adoption. The Southwest Air Pollution Control Authority is not voluntarily invoking the Laws of 1995.

**Hearing Location:** Southwest Air Pollution Control Authority Office, 1308 N.E. 134th Street, Vancouver, WA 98685, on October 15, 1996, at 3:00 p.m.

**Assistance for Persons with Disabilities:** Contact Mary Allen by October 10, 1996, TDD (360) 574-3058.

**Submit Written Comments to:** Paul Mairose, 1308 N.E. 134th Street, Vancouver, WA 98685, FAX (360) 576-0925, by October 10, 1996.

**Date of Intended Adoption:** October 15, 1996.

August 7, 1996  
Paul T. Mairose  
for Robert D. Elliott  
Executive Director

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 96-18 issue of the Register.

**WSR 96-17-036**  
**PROPOSED RULES**  
**SOUTHWEST AIR**

**POLLUTION CONTROL AUTHORITY**

[Filed August 16, 1996, 8:48 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 95-17-018.

**Title of Rule:** SWAPCA 400 General Regulations for Air Pollution Sources, Sections 400-136, 400-171, 400-190, 400-230, 400-270, 400-290.

**Purpose:** This rule establishes general emission requirements for all air pollution sources within Southwest Air Pollution Control Authority jurisdiction. These requirements include permitting, monitoring, testing and reporting requirements.

**Statutory Authority for Adoption:** RCW 70.94.141 and 70.94.331.

**Statute Being Implemented:** RCW 70.94.141.

**Summary:** Proposed changes revise sections for update of NSPS applicability dates, provides a new section for maintenance plan areas, and includes provisions for maintenance of equipment. Numerous other minor clarifications are made. Includes a new section called Severability, provides for revisions to the public notice procedure and clarifies citations for confidentiality of information.

**Reasons Supporting Proposal:** The major changes are necessary to support the Southwest Air Pollution Control Authority adopted Vancouver CO Maintenance Plan and Vancouver Ozone Maintenance Plan and provide consistency with federal requirements.

**Name of Agency Personnel Responsible for Drafting and Implementation:** Paul T. Mairose, 1308 N.E. 134th Street, Vancouver, WA, (360) 574-3058; and Enforcement: Robert D. Elliott, 1308 N.E. 134th Street, Vancouver, WA, (360) 574-3058.

**Name of Proponent:** Southwest Air Pollution Control Authority, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** This regulation provides general requirements for all sources of air pollution within the Southwest Air Pollution Control Authority jurisdiction. The proposed changes include new requirements for areas covered by a federally approved maintenance plan for CO and Ozone. These requirements are consistent with the maintenance plan and, in general, with those of the Oregon DEQ. A new section is also added to describe requirements for maintenance of equipment. This section expands on the authority provided in chapter 70.94 RCW consistent with the Washington

Department of Ecology and other local air authority provisions. Other minor changes were made to the sections to provide consistency and clarification. These changes will not result in major impacts on any existing sources and may in some cases provide a reduction in requirements.

**Proposal Changes the Following Existing Rules:** See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed major changes implement provisions that have already been reviewed and subject to public notice and comment as part of Maintenance Plan development. In addition, this agency is not subject to the small business economic impact provision of chapter 19.85 RCW.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Pursuant to RCW 70.94.141(1), section 201, chapter 403, Laws of 1995, do not apply to this rule adoption. The Southwest Air Pollution Control Authority is not voluntarily invoking the Laws of 1995.

**Hearing Location:** Southwest Air Pollution Control Authority Office, 1308 N.E. 134th Street, Vancouver, WA 98685, on October 15, 1996, at 3:00 p.m.

**Assistance for Persons with Disabilities:** Contact Mary Allen by October 10, 1996, TDD (360) 574-3058.

Submit Written Comments to: Paul Mairose, 1308 N.E. 134th Street, Vancouver, WA 98685, FAX (360) 576-0925, by October 10, 1996.

Date of Intended Adoption: October 15, 1996.

August 7, 1996  
Paul T. Mairose  
for Robert D. Elliott  
Executive Director

## AMENDATORY SECTION

### **SWAPCA 400-136 Use of Emission Reduction Credits**

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.331 RCW, and 70.94.850 RCW. Original Board adoption as 400-125 4/17/84; renumbered to 400-136 in 93-21-005 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95]

**(1) Permissible use.** An ERC may be used to satisfy the requirements for authorization of a bubble under SWAPCA 400-120, as a part of a determination of "net emissions increase," as an offsetting reduction to satisfy the requirements for new source review per SWAPCA 400-111, 400-112, SWAPCA 400-113(3) or SWAPCA 400-113(6), or to satisfy requirements for PSD review per SWAPCA 400-113(4).

**(2) Surrender of ERC certificate.** When an ERC is used under subsection (1) of this section, the certificate for the ERC must be surrendered to the Authority. If only a portion of the ERC is used, the amended certificate will be returned to the owner.

**(3) Conditions of use.** An ERC may be used only for the contaminant(s) for which it was issued. The Authority may impose additional conditions of use to account for temporal and spatial differences between the emissions unit(s) that generated the ERC and the emissions unit(s) that use the ERC.

**(4) Sale of an ERC.** An ERC may be sold or otherwise transferred to a person other than the person to whom it was originally issued. Within thirty days after the transfer

of ownership, the certificate must be surrendered to the Authority. After receiving the certificate, the Authority shall reissue the certificate to the new owner. The Authority shall update the ERC bank to reflect the availability of ERCs.

**(5) Time of use.** An unused ERC and any unused portion thereof shall expire ten years after the date of original issue. The ten year time period shall restart with each ERC transaction involving the use, lease or sale of emission reduction credits. The emission reduction credits shall be discounted at the applicable ratio, if any, on a one time basis at the time of original issue. Emission reduction credits shall not be discounted each time a transaction is completed.

**(6) Discount due to change in SIP.** If reductions in emissions beyond those identified in the Washington State Implementation Plan are required to meet an ambient air quality standard, if the standard cannot be met through controls on operating sources, and if the plan must be revised, an ERC may be discounted by the Authority after public involvement per SWAPCA 400-171. Any such discount shall not exceed the percentage of additional emission reduction needed to reach attainment.

## AMENDATORY SECTION

### **SWAPCA 400-171 Public Involvement**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. Original Board adoption 93-21-005 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95]

**(1) Applicability.** The Authority shall provide public notice for a preliminary determination of a regulatory order prior to issuance of the final approval or denial of any of the following types of applications or other actions:

(a) Notice of Construction application for any new or modified source or emissions unit that results in a significant increase in emissions (actual or potential to emit) of any pollutant regulated by state or federal law (significant as defined in SWAPCA 400-030). Furthermore, public notice for each regulatory order for a non-significant increase may be provided at the discretion of the Control Officer; or

(b) Any application or other proposed action for which a public hearing is required by PSD rules; or

(c) Any order to determine RACT; or

(d) Any order to establish a compliance schedule or a variance;

(e) The establishment, disestablishment or redesignation of a nonattainment area, or the changing of the boundaries thereof; or

(f) Any order to demonstrate the creditable height of a stack which exceeds the GEP formula height and sixty-five meters, by means of a fluid model or a field study, for the purposes of establishing an emission limitation; or

(g) Any order to authorize a bubble; or

(h) An order issued under SWAPCA 400-091 which establishes limitations on a source's potential to emit for the purpose of opting out of the Title V Air Operating Permit program (SWAPCA 401); or

(i) Any Notice of Construction application or other proposed action made pursuant to this regulation in which there is a substantial public interest according to the discretion of the Control Officer;

except:

**PROPOSED**

(j) Any Notice of Construction application or other proposed action which results in a reduction of emissions from a previously established emission limit in an order issued by the Authority that has previously been subjected to public notice, or other permitting authority, may not require public notice in accordance with this section. This exemption does not apply to those sources opting out of the Title V Air Operating Permit program (SWAPCA 401).

(k) Any Notice of Construction application or other proposed action which does not result in a net emissions increase (actual or potential to emit) unless otherwise required by the Authority.

(l) Public notice for a preliminary determination of a regulatory order may run concurrently with immediate approval to operate provided that a corporate officer of the source submits an affidavit that they understand the liability associated with the action and agree to implement any necessary changes that would have otherwise resulted from the public comment process.

(2) **Public notice.** Public notice shall be made only after all information required by the Authority has been submitted and after applicable preliminary determinations, if any, have been made. Public notice shall include:

(a) Availability for public inspection in at least one location near the proposed project, of the nonproprietary information submitted by the applicant and of any applicable preliminary determinations, including analyses of the effect(s) on air quality.

(b) Publication in a newspaper of general circulation in the area of the proposed project of notice:

(i) Giving a brief description of the proposal;

(ii) Advising of the location of the documents made available for public inspection;

(iii) Advising of a thirty-day period for submitting written comment to the Authority;

(iv) Advising that a public hearing may be held if the Authority determines within a thirty-day period that significant public interest exists.

(c) A copy of the notice shall be sent to the EPA Regional Administrator.

(d) Public participation procedures for Notice of Construction applications that are processed in coordination with an application to issue or modify an operating permit shall be conducted as provided in SWAPCA 401.

(3) **Public comment.** No final decision on any application or action of any of the types described in subsection (1) of this section, shall be made until the public comment period has ended and any comments received have been considered. Unless a public hearing is held, the public comment period shall be the thirty-day period for written comment published as provided above. If a public hearing is held, the public comment period shall extend through the hearing date and thereafter for such period, if any, as the notice of public hearing may specify.

(4) **Public hearings.** The applicant, any interested governmental entity, any group or any person may request a public hearing within the thirty-day period published as above. Any such request shall indicate the interest of the entity filing it and why a hearing is warranted. The Authority may, at the discretion of the Control Officer, hold a public hearing if it determines significant public interest exists.

Any such hearing(s) shall be held upon such notice and at a time(s) and place(s) as the Authority deems reasonable.

(5) **Other requirements of law.** Whenever procedures permitted or mandated by law will accomplish the objectives of public notice and opportunity for comment, such procedures may be used in lieu of the provisions of this section.

(6) **Public information.** Copies of Notices of Construction, regulatory orders, and modifications thereof which are issued hereunder shall be available for public inspection on request at the Authority.

## AMENDATORY SECTION

### SWAPCA 400-190 Requirements for Nonattainment Areas

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. Original Board Adoption 93-21-005 filed 10/7/93, effective 11/8/93]

The development of specific requirements for nonattainment areas shall include consultation with local government in the area and shall include public involvement per SWAPCA 400-171. Requirements for new or modified sources in nonattainment areas are found in SWAPCA 400-110 and SWAPCA 400-112.

## AMENDATORY SECTION

### SWAPCA 400-230 Regulatory Actions & Civil Penalties

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.211 RCW, 70.94.331 RCW, 70.94.332 RCW, 70.94.425 RCW, 70.94.431, and 70.94.435 RCW. Original Board adoption 12/17/68 (Regulation 1 Sec 2 & 3); Amended by Board renumbered to 400-130 12/18/79; Amended by Board renumbered to 400-200 4/17/84; Amended by Board 12/16/86; Amended by Board 1/21/92 92-04-030 filed 1/28/92; 93-21-005 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95]

(1) The Authority shall have the power to issue such orders as necessary to effectuate the purpose of RCW 70.94 as provided in, including but not limited to: RCW 70.94.141, RCW 70.94.152, RCW 70.94.153, and RCW 70.94.332. The Authority may issue orders for establishing limits and controls for sources of emissions to the ambient air or otherwise controlling activities that may violate any ambient air quality regulations, including but not limited to the following:

(a) **Order of Approval.** An Order of Approval may be issued by the Authority to provide approval for a Notice of Construction application. An Order of Approval shall contain the following, as appropriate: reference to applicable regulations, emissions limitations, control and process equipment operating conditions and limits, testing requirements, monitoring and reporting requirements, and other conditions considered necessary by the Authority. An Order of Approval which constitutes the final determination of the Authority, shall be issued within sixty (60) calendar days of a complete application or for those projects subject to public notice, as promptly as possible after the 30 calendar day public notice requirements have been satisfied. An Order of Approval may not identify all applicable regulations. All Orders of Approval may be subject to the public notice and comment procedures set forth in SWAPCA 400-171 (2), (3), and (4).

(b) **Order of Denial.** An Order of Denial may be issued by the Authority in response to a Notice of Construction application that is incomplete, not feasible, proposes

inadequate control technology, or otherwise would result in violation of any ambient air quality regulation, control technology requirement, or emission standards in the area in which the equipment would be located and operated. All Orders of Denial shall be subject to the public notice and comment procedures set forth in SWAPCA 400-171 (2), (3), and (4).

(c) **Order of Violation.** An Order of Violation may be issued by the Authority to document specific regulation(s) alleged to be violated and establish the facts surrounding a violation. An Order of Violation may be prepared by the Authority only after formal written notice has been served on the source as provided in (2) below. The Order of Violation shall not be subject to the public notice and comment period set forth in SWAPCA 400-171.

(d) **Order of Prevention.** An Order of Prevention may be issued by the Authority to a source to prevent installation or construction of an emission unit, performance of an activity, or actions that may otherwise endanger public health that are on site, in the process of being installed, or have been installed, constructed or operated without prior Authority review and approval or actions are being conducted in addition to a previous Authority approval without prior approval. An Order of Prevention shall not be subject to the public notice and comment period set forth in SWAPCA 400-171.

(e) **Consent Order.** A Consent Order may be issued by the Authority to establish emission limits, operation and maintenance limits or controls, monitoring or reporting requirements, testing requirements, or other limits or controls as necessary that are determined by the Authority to be necessary. Actions identified in a Consent Order may be necessary to demonstrate compliance with applicable regulations, provide measures whereby a source may take the necessary steps to achieve compliance, establish a schedule for activities, or provide other information that the Control Officer deems appropriate. The Consent Order shall be agreed to and signed by an appropriate officer of the company or source for which the Consent Order is prepared and the Control Officer, or designee, of the Authority. Installation, construction, modification or operation of a source shall be subject to the New Source Review requirements of SWAPCA 400-110. A Consent Order shall not be subject to the public notice and comment period set forth in SWAPCA 400-171 at the discretion of the Control Officer.

(f) **Compliance Schedule Order.** A Compliance Schedule Order may be issued by the Authority to a source to identify specific actions that must be implemented to establish, maintain, and/or demonstrate compliance with applicable regulations and identify the schedule by which these actions must be completed. All Compliance Schedule Orders shall be subject to the public notice and comment period set forth in SWAPCA 400-171 (2), (3), and (4). Refer to SWAPCA 400-161 for further guidance.

(g) **Order of Discontinuance.** The Authority may issue an Order of Discontinuance for any source that has discontinued operations and/or has not maintained their source registration for emission units. (Refer to SWAPCA 400-100 (2)(d)). An Order of Discontinuance may also be issued to a source that continues to operate in violation of applicable regulations and requirements. Such issuance may require that the source cease operations that result in emissions to

the ambient air that are in violation of applicable regulatory orders, requirements and regulations.

(i) Any source that fails to maintain registration fees (i.e., payment of registration fees by July 31 of each year), may be issued an Order of Discontinuance. The Order of Discontinuance shall identify the source location and emission units and identify the most current registration activity.

(ii) The Order of Discontinuance shall provide for discontinuance of operations at that source or facility and all previous authorizations, orders, agreements or stipulations shall be superseded, directly or indirectly, by the Order of Discontinuance without specific identification in the Order of Discontinuance.

(iii) The Order of Discontinuance shall be subject to the public notice and comment procedures set forth in SWAPCA 400-171 (2), (3), and (4).

(iv) For sources that have ceased doing business in SWAPCA jurisdiction, or the state of Washington, the Authority shall make a reasonable effort to establish contact with the source. If the Authority is unable to establish contact with the source, the Authority shall issue an Order of Discontinuance via certified mail, return receipt requested, to the last known address. Lack of response by the source or return of the notification by the US Postal Service shall be considered de facto evidence that the source has discontinued operations.

(v) The source shall have 30 calendar days from the date of the final regulatory order after public notice in which to pay past due and current registration fees. If the source fails to pay current registration fees, the source or facility shall be considered discontinued and shall be required to submit a Notice of Construction application under the New Source Review procedures of SWAPCA 400-110 prior to resuming or restarting operations.

(vi) Facilities that terminate operations and discontinue paying registration fees, and are later sold with the intent of restart, in whole or in part, shall be subject to the New Source Review requirements of SWAPCA 400-110.

(vii) Sources that continue to operate in violation of established regulatory orders and regulations, the Authority may issue an Order of Discontinuance that is effective immediately.

(h) **Corrective Action Order.** The Authority may issue a Corrective Action Order to any source within its jurisdiction, including an unregistered source, to provide measures to correct or rectify a situation that has immediate or eminent threat to person(s) or the public or that may be in violation or have the potential of being in violation of federal, state and local regulations or may pose a threat to the public health, welfare or enjoyment of personal or public property. The Corrective Action Order may specify specific actions that must be implemented to demonstrate compliance with applicable regulations and identify dates by which these actions must be completed. All actions and dates identified in the Corrective Action Order shall be fully enforceable. Corrective Action Orders shall be issued to correct immediate problems. Corrective Action Orders shall not be subject to the public notice and comment period set forth in SWAPCA 400-171.

(i) **Administrative Order.** An Administrative Order may be issued to a source by the Authority to provide for

implementation of items not addressed above, that are identified by the Control Officer. An Administrative Order may contain emission limits, operating and maintenance limitations and actions, schedules, resolutions by the Board of Directors, provide for establishing attainment or nonattainment boundaries, establish working relationships with other regulatory agencies, establish authority for enforcement of identified actions, and other activities identified by the Authority. All Administrative Orders shall be subject to the public notice and comment procedures set forth in SWAPCA 400-171 (2), (3), and (4).

(j) **Resolutions.** A Resolution may be issued by the Authority as a means to document or record a Board of Directors decision, authorize or approve budget transactions, establish policies, or other actions as determined by the Authority. Resolutions shall not be subject to the public notice and comment procedures set forth in SWAPCA 400-171.

(2) The Authority may take any of the following regulatory actions to enforce its regulations to meet the provisions of RCW 43.21B.300 which is incorporated herein by reference.

(a) **Enforcement Actions by the Authority—Notice of Violation.** At least thirty days prior to the commencement of any formal enforcement action under RCW 70.94.430 and 70.94.431, the Authority shall cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of this regulation, or the rule, regulation, regulatory order or permit requirement alleged to be violated, and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time. In lieu of an order, the Authority may require that the alleged violator or violators appear before it for the purpose of providing the Authority information pertaining to the violation or the charges complained of. Every Notice of Violation shall offer to the alleged violator an opportunity to meet with the Authority prior to the commencement of enforcement action. Enforcement action may be commenced by the Authority by issuance of a regulatory order as provided in SWAPCA 400-230(1).

(b) **Civil Penalties.**

(i) In addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of Chapter 70.94 or 70.120 RCW, or any of the rules in force under such chapters may incur a civil penalty in an amount as set forth in RCW 70.94.431. Each such violation shall be a separate and distinct offense, and in case of a continuing violation, each day's continuance shall be a separate and distinct violation. Any person who fails to take action as specified by an order issued pursuant to this regulation shall be liable for a civil penalty as set forth by RCW 70.94.431 for each day of continued noncompliance.

(ii) Penalties incurred but not paid shall accrue interest, beginning on the ninety-first day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the thirty-first day following final resolution of the appeal. The maximum penalty amounts established in RCW 70.94.431 may be increased

annually to account for inflation as determined by the State Office of the Economic and Revenue Forecast Council.

(iii) Each act of commission or omission which procures, aids, or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalties provided in this section shall be imposed pursuant to RCW 43.21B.300. Section 113 (e)(2) of the 1990 Clean Air Act Amendments provides that the number of "days of violation" is to be counted beginning on the first proven day of violation and continuing every day until the violator demonstrates that it achieved continuous compliance, unless the violator can prove by preponderance of the evidence that there were intervening days on which no violation occurred. This definition applies to all civil and administrative penalties.

(iv) All penalties recovered under this section by the Authority, shall be paid into the treasury of the Authority and credited to its funds.

(v) To secure the penalty incurred under this section, the Authority shall have a lien on any equipment used or operated in violation of its regulations which shall be enforced as provided in RCW 60.36.050. The Authority shall also be authorized to utilize a collection agency for nonpayment of penalties and fees.

(vi) In addition to other penalties provided by this regulation, persons knowingly under-reporting emissions or other information used to set fees, or persons required to pay emission or permit fees who are more than ninety days late with such payments may be subject to a penalty equal to three times the amount of the original fee owed.

(3) **Assurance of Discontinuance.** The Control Officer may accept an assurance of discontinuance as provided in RCW 70.94.435 of any act or practice deemed in violation of this regulation as written and certified to by the source. Any such assurance shall specify a time limit during which discontinuance or corrective action is to be accomplished. Failure to perform the terms of any such assurance shall constitute *prima facie* proof of a violation of its regulations or any order issued thereunder which make the alleged act or practice unlawful for the purpose of securing an injunction or other relief from the Superior Court.

(4) **Restraining Orders & Injunctions.** Whenever any person has engaged in, or is about to engage in, any acts or practices which constitute or will constitute a violation of any provision of its regulations, the Control Officer, after notice to such person and an opportunity to comply, may petition the superior court of the county wherein the violation is alleged to be occurring or to have occurred for a restraining order or a temporary or permanent injunction or another appropriate order.

(5) **Emergency Episodes.** The Authority may issue such orders as authorized by SWAPCA WAC 173-435 via Chapter 70.94 RCW, whenever an air pollution episode forecast is declared.

(6) **Compliance Orders.** The Authority may issue a compliance order in conjunction with a Notice of Violation or when the Control Officer has reason to believe a regulation is being violated, or may be violated. The order shall require the recipient of the Notice of Violation either to take necessary corrective action or to submit a plan for corrective action and a date when such action will be initiated and completed.

**AMENDATORY SECTION****SWAPCA 400-270 Confidentiality of Records and Information**

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.205 RCW, and 70.94.331 RCW. Original Board adoption 10/29/69 (Regulation 2 Sec 2.05); Amended by Board 12/18/79 recodified and removed; new section 95-17-084 filed 8/21/95, effective 9/21/95]

(1) The owner or operator (or person submitting the information) is responsible for clearly identifying the information that is considered proprietary and confidential prior to submittal to the Authority. Information submitted to the Authority that has not been identified as confidential at the time of submittal may not be classified as confidential at a later date.

(2) Confidential information submitted to the Authority by an owner or operator shall be stamped or clearly marked in red ink at the time of submittal. Such information considered to be confidential or proprietary by the owner or operator will be handled as such, and will be maintained by the Authority, to the extent that release of such information may provide unfair economic advantage or compromise processes, products, or formulations to competitors as provided under RCW 70.94.205. Requests for such information under the Freedom of Information Act shall be released only after:

- (a) Legal opinion by the Authority's legal counsel, and
- (b) Notice to the source of the intent to either release or deny the release of information.

(3) Records or other information, other than ambient air quality data or emission data, furnished to or obtained by the Authority, related to processes or production unique to the owner or operator if released to the public or to a competitor, and the owner or operator of such processes or production so certifies, such records or information shall be only for the confidential use of the Authority as provided in RCW 70.94.205, Title 18 USC 1905, Section 114 of the 1990 Federal Clean Air Act Amendments, and 40 CFR 2 "Public Information".

(4) Emissions data furnished to or obtained by the Authority shall be correlated with applicable emission limitations and other control measures and shall be available for public inspection during normal business hours at the office of the Authority.

**NEW SECTION****SWAPCA 400-290 Severability**

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.331 RCW and RCW 43.21B.001 notes. Original Board adoption 12/17/68 (Regulation 1 Sec 2.08); Amended by Board 10/29/69 (Regulation 2 Sec 2.02); Amended by Board 12/18/79 renumbered to 400-175; Amended by Board 4/17/84 removed section:]

The provisions of this regulation are severable. If any provision, meaning phrase, clause, subsection or section, or its application to any person or circumstance is held to be invalid by any court of competent jurisdiction, the application of such provision to other circumstances and the remainder of the regulation to other persons or circumstances will not be affected.

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

**WSR 96-17-041  
PROPOSED RULES  
SOUTHWEST AIR  
POLLUTION CONTROL AUTHORITY**

[Filed August 19, 1996, 9:15 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 96-14-020.

**Title of Rule:** SWAPCA 490 Emission Standards and Controls for Sources Emitting Volatile Organic Compounds.

**Purpose:** This rule establishes requirements for certain source categories in ozone nonattainment areas for control of emissions of volatile organic compounds.

**Statutory Authority for Adoption:** RCW 70.94.141 and 70.94.331.

**Statute Being Implemented:** RCW 70.94.141.

**Summary:** Proposed changes revise the applicability section to include areas within the Southwest Air Pollution Control Authority jurisdiction that are part of a maintenance plan, in addition to the existing ozone nonattainment areas for sources of volatile organic compounds. Other changes are made for language clarification.

**Reasons Supporting Proposal:** These changes are necessary to support the SWAPCA adopted Vancouver Ozone Maintenance Plan and provide consistency with SWAPCA 491.

**Name of Agency Personnel Responsible for Drafting and Implementation:** Paul Mairose, 1308 N.E. 134th Street, Vancouver, (360) 574-3058; and **Enforcement:** Robert D. Elliott, 1308 N.E. 134th Street, Vancouver, (360) 574-3058.

**Name of Proponent:** Southwest Air Pollution Control Authority, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** This regulation provides limits for several categories of volatile organic compounds. The regulation as it currently exists applies only in a designated ozone nonattainment area. The individual source category rules were developed consistent with federally mandated control technology guidelines (CTGs) as required under Title I of the Federal Clear Air Act. As part of the Vancouver Ozone Maintenance Plan, the board of directors approved a provision to apply the current regulation to the maintenance plan area in addition to nonattainment areas. This means that the current rule in effect in the Vancouver AQMA will continue to be in effect as part of the ten-year maintenance demonstrations.

**Proposal Changes the Following Existing Rules:** The proposed rule changes the applicability from just being applicable in ozone nonattainment areas to areas in nonattainment and those areas covered by a federally approved maintenance plan. In addition, administrative

**PROPOSED**

changes were made throughout the regulation to make it specific to the Southwest Air Pollution Control Authority jurisdiction. These latter changes are not substantive and reflect the current Washington regulation.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed changes adopt the existing chapter 173-490 WAC with the exception of making the rule applicable to an area covered by an ozone maintenance plan. In addition, this agency is not subject to the small business economic impact provision of chapter 19.85 RCW.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Pursuant to RCW 70.94.141(1), section 201, chapter 403, Laws of 1995, do not apply to this rule adoption. The Southwest Air Pollution Control Authority is not voluntarily invoking the Laws of 1995.

Hearing Location: Southwest Air Pollution Control Authority Office, 1308 N.E. 134th Street, Vancouver, WA 98685, on October 15, 1996, at 3:00 p.m.

Assistance for Persons with Disabilities: Contact Mary Allen by October 10, 1996, TDD (360) 574-3058.

Submit Written Comments to: Paul Mairose, 1308 N.E. 134th Street, Vancouver, WA 98685, FAX (360) 576-0925, by October 10, 1996.

Date of Intended Adoption: October 15, 1996.

August 6, 1996  
Paul T. Mairose  
for Robert D. Elliott  
Executive Director

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 96-18 issue of the Register.

**WSR 96-17-042**  
**PROPOSED RULES**  
**SOUTHWEST AIR**  
**POLLUTION CONTROL AUTHORITY**

[Filed August 19, 1996, 9:20 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 96-14-021.

**Title of Rule:** SWAPCA 491 Emission Standards and Controls For Sources Emitting Gasoline Vapors.

**Purpose:** This rule establishes requirements for sources emitting gasoline vapors and includes provisions for control of those emissions.

**Statutory Authority for Adoption:** RCW 70.94.141 and 70.94.331.

**Statute Being Implemented:** RCW 70.94.141.

**Summary:** Changes are proposed to update the compliance schedule contained in the rule and to revise the Stage I throughput level for Clark County from 360,000 gallons per year to 200,000 gallons. Other changes are made for language clarification.

**Reasons Supporting Proposal:** These changes are necessary to support the adopted Vancouver Ozone Maintenance Plan and provide consistency with SWAPCA 490. In addition, changes are necessary to clarify and update portions of the rule.

**Name of Agency Personnel Responsible for Drafting and Implementation:** Paul Mairose, 1308 N.E. 134th Street, Vancouver, (360) 574-3058; and Enforcement: Robert D. Elliott, 1308 N.E. 134th Street, Vancouver, (360) 574-3058.

**Name of Proponent:** Southwest Air Pollution Control Authority, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** This regulation provides for control of gasoline vapors at gasoline marketing sources. The changes in the proposed rule eliminate language that is out-of-date as provided in a compliance schedule. The proposed rule is consistent with the existing chapter 173-491 WAC. The proposed changes also include clarification language for installation and testing requirements for Stage I and Stage II installations. The changes also provide clarification on certified equipment in that all Stage I and Stage II control equipment shall be CARB certified and be installed and operated in accordance with that certification. These changes do not incorporate SHB 2376. The changes required under that bill will be addressed under separate rule making. The proposed changes provide consistency between SWAPCA 490 and 491.

**Proposal Changes the Following Existing Rules:** See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed changes adopt the current chapter 173-491 WAC with the exception of revising the out-of-date compliance schedule and providing consistency with the federally enforceable requirements of chapter 173-490 WAC for Stage I in Clark County. This agency is not subject to the small business economic impact provision of chapter 19.85 RCW.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Pursuant to RCW 70.94.141(1), section 201, chapter 403, Laws of 1995, do not apply to this agency. The Southwest Air Pollution Control Authority is not voluntarily invoking the Laws of 1995.

Hearing Location: Southwest Air Pollution Control Authority Office, 1308 N.E. 134th Street, Vancouver, WA 98685, on October 15, 1996, at 3:00 p.m.

Assistance for Persons with Disabilities: Contact Mary Allen by October 10, 1996, TDD (360) 574-3058.

Submit Written Comments to: Paul Mairose, 1308 N.E. 134th Street, Vancouver, WA 98685, FAX (360) 576-0925, by October 10, 1996.

Date of Intended Adoption: October 15, 1996.

August 6, 1996  
Paul T. Mairose  
for Robert D. Elliott  
Executive Director

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 96-18 issue of the Register.

**WSR 96-17-043**  
**PROPOSED RULES**  
**SOUTHWEST AIR**  
**POLLUTION CONTROL AUTHORITY**  
[Filed August 19, 1996, 9:22 a.m.]

August 6, 1996  
Paul T. Mairose  
for Robert D. Elliott  
Executive Director

Original Notice.  
Preproposal statement of inquiry was filed as WSR 96-14-022.

Title of Rule: SWAPCA 492 Oxygenated Fuels.

Purpose: To reduce carbon monoxide emissions from gasoline powered vehicles by requiring the use of oxygenated fuels.

Statutory Authority for Adoption: RCW 70.94.141 and 70.94.331.

Statute Being Implemented: RCW 70.94.141.

Summary: Proposed changes would require the use of oxygenated fuel only as a contingency measure as provided in the Vancouver Carbon Monoxide Maintenance Plan.

Reasons Supporting Proposal: This change is necessary to support the SWAPCA adopted Vancouver Carbon Monoxide Maintenance Plan.

Name of Agency Personnel Responsible for Drafting and Implementation: Paul Mairose, 1308 N.E. 134th Street, Vancouver, (360) 574-3058; and Enforcement: Robert D. Elliott, 1308 N.E. 134th Street, Vancouver, (360) 574-3058.

Name of Proponent: Southwest Air Pollution Control Authority, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** This proposed rule change would establish the current oxygenated gasoline rule as a contingency measure in the event carbon monoxide standards are violated. The current oxygenated fuel program and fees will be eliminated when the Environmental Protection Agency approves the Vancouver Carbon Monoxide Maintenance Plan.

**Proposal Changes the Following Existing Rules:** See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed changes result in removal of regulations and fees and make this rule a contingency measure in the event that carbon monoxide standards are violated. In addition this agency is not subject to the small business economic impact provision of the Administrative Procedure Act (chapter 19.85 [34.05] RCW).

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Pursuant to RCW 70.94.141(1), section 201, chapter 403, Laws of 1995, do not apply to this rules adoption. The Southwest Air Pollution Control Authority is not voluntarily invoking the Laws of 1995.

Hearing Location: Southwest Air Pollution Control Authority Office, 1308 N.E. 134th Street, Vancouver, WA 98685, on October 15, 1996, at 3:00 p.m.

Assistance for Persons with Disabilities: Contact Mary Allen by October 10, 1996, TDD (360) 574-3058.

Submit Written Comments to: Paul Mairose, 1308 N.E. 134th Street, Vancouver, WA 98685, FAX (360) 576-0925, by October 10, 1996.

Date of Intended Adoption: October 15, 1996.

**SWAPCA 492**

**OXYGENATED FUELS**

**SWAPCA**

- 492-010 Policy and purpose
- 492-020 Applicability
- 492-030 Definitions
- 492-040 Compliance requirements
- 492-050 Registration requirements
- 492-060 Labeling requirements
- 492-070 Control area and control period
- 492-080 Enforcement and compliance
- 492-090 Unplanned conditions
- 492-100 Severability

**SWAPCA 492-010 Policy and Purpose**

[Statutory Authority: Chapter 70.94.141 and 70.94.331 RCW; Original adoption WSR 93-16-010 filed 7/22/93, effective 8/22/93]

The purpose of this regulation is to reduce carbon monoxide emissions from gasoline powered motor vehicles, through the wintertime use of oxygenated gasolines in areas that are either known or expected to exceed health-based air quality standards for carbon monoxide.

**AMENDATORY SECTION**

**SWAPCA 492-020 Applicability**

[Statutory Authority: Chapter 70.94.141 and 70.94.331 RCW; Original adoption WSR 93-16-010 filed 7/22/93, effective 8/22/93]

This regulation is only applicable to Clark County when the Carbon Monoxide Maintenance Plan Contingency Measure is triggered as a result of a confirmed violation of the carbon monoxide National Ambient Air Quality Standard (NAAQS) in the Vancouver air quality management area (AQMA). The Vancouver AQMA is described in the Carbon Monoxide Maintenance Plan. When triggered, this regulation shall apply to all gasoline offered for sale in the control area and over the control period defined in section SWAPCA 492-070. This regulation and the discontinuance of the oxygenated fuel requirements shall be effective upon EPA approval of the Vancouver Carbon Monoxide Maintenance Plan.

**AMENDATORY SECTION**

**SWAPCA 492-030 Definitions**

[Statutory Authority: Chapter 70.94.141 and 70.94.331 RCW; Original adoption WSR 93-16-010 filed 7/22/93, effective 8/22/93]

The following words and phrases shall have the following meanings:

(1) "Authority" means the Southwest Air Pollution Control Authority.

(2) "Blender" means a person who owns oxygenated gasoline which is sold or dispensed from an oxygenate blending facility for use in a control area during a control period.

(3) "Control area" means an area in which only oxygenated gasoline under the oxygenated gasoline program may be sold or dispensed. Each control area is a county or group of counties administered by the Authority.

(4) "Control period" means the period during which oxygenated gasoline must be sold or dispensed within the control area which is November 1 through February 29.

(5) "Ecology" or "WDOE" means the Washington State Department of Ecology.

(6) "Gasoline" means any fuel sold for use in motor vehicles equipped with internal combustion engines, and commonly known or sold as gasoline. Blended and oxygenated fuels are considered gasoline.

(7) "Large Volume Blender" means blenders that blend and offer for sale or sell one million gallons or more, but less than 15 million gallons, of oxygenated gasoline per month, on average, during a control period within a control area.

(8) "Medium Volume Blender" means blenders that blend and offer for sale or sell 100 thousand gallons or more, but less than one million gallons, of oxygenated gasoline per month, on average, during a control period within a control area.

(9) "Oxygenate" means any substance which, when added to gasoline, increases the amount of oxygen in the gasoline blend. Lawful use of any combination of these substances requires that they be substantially similar under section 211 (f)(1) of the Federal Clean Air Act (CAA), or be permitted under a waiver granted by the Administrator of the Environmental Protection Agency under the authority of section 211 (f)(4) of the CAA.

(10) "Oxygenated gasoline" means gasoline which contains a measurable amount of oxygenate, generally an alcohol or ether.

(11) "Small Volume Blender" means blenders that blend and offer for sale or sell less than 100 thousand gallons of oxygenated gasoline per month, on average, during a control period within a control area.

(12) "Southwest Air Pollution Control Authority (SWAPCA)" means the regional agency empowered to enforce and implement the Federal Clean Air Act (42 U.S.C. 7410, et seq.) and the Clean Air Washington Act (RCW 70.94) in Clark, Cowlitz, Lewis, Skamania and Wahkiakum Counties of Washington State.

(13) "Very Large Volume Blender" means blenders that blend and offer for sale or sell 15 million gallons or more of oxygenated gasoline per month, on average, during a control period within a control area.

#### **SWAPCA 492-040 Compliance Requirements**

[Statutory Authority: Chapter 70.94.141 and 70.94.331 RCW; Original adoption WSR 93-16-010 filed 7/22/93, effective 8/22/93]

(1) Retail Sales. No gasoline intended as a final product for fueling of motor vehicles within the control area and control period defined in SWAPCA 492-070 shall be offered for sale, sold or dispensed by any person unless the gasoline has at least 2.0% oxygen content by weight.

(2) Average Blend Requirements. Over each two-month interval during the control period, gasoline intended as a final product for fueling of motor vehicles within the Authority's control area defined in SWAPCA 492-070

supplied by blenders to purchasers within the Authority's control area defined in SWAPCA 492-070 shall average at least 2.7% oxygen by weight, and in no case be less than 2.0% oxygen content by weight.

(3) Reports. Blenders shall provide periodic reports, as stipulated in the blenders registration, to the Authority summarizing how the requirements of SWAPCA 492-040(2) were met. With prior approval from the Authority, a credit trading program may be used to comply with these requirements. Such reports shall be on forms provided by the Authority.

#### **SWAPCA 492-050 Registration Requirements**

[Statutory Authority: Chapter 70.94.141 and 70.94.331 RCW; Original adoption WSR 93-16-010 filed 7/22/93, effective 8/22/93; WSR 95-10-003 filed 4/20/95, effective 5/21/95]

(a) Each blender who offers for sale, sells, or dispenses gasoline in the Authority's control area shall register with the Authority each year. Each request for registration shall be on forms supplied by the Authority and shall be accompanied by a fee to compensate for the cost of administering the registration program, including on-site inspections necessary to verify compliance with these requirements. The location of each blender facility shall be included in the information provided by the blender at registration. The fee for a control area shall be based on the volume of oxygenated gasoline sold or offered for sale by the blender in that control area to comply with the provisions of SWAPCA 492-040. Applicable fees are required to be paid in full by October 1 of each year or within 30 days after becoming a blender, whichever occurs later. The following fee table shall apply to blenders:

Small Volume Blender	\$ 500
Medium Volume Blender	\$ 1,000
Large Volume Blender	\$10,000
Very Large Volume Blender	\$25,000

(b) The total annual oxygenated fuel fees collected and retained by the Authority under this program shall not exceed \$40,000. When the total fees submitted by all blenders on October 1 of each year exceeds \$40,000, there shall be a refunding of the excess fees collected by the Authority. The refund provided to each blender shall be derived by prorating the excess fees based on that company's ratio of its volume of oxygenate blended to the total volume of all oxygenate blended. Such refund shall be issued by the Authority by December 1 of each year and is applicable to all types of oxygenates.

#### **SWAPCA 492-060 Labeling Requirements**

[Statutory Authority: Chapter 70.94.141 and 70.94.331 RCW; Original adoption WSR 93-16-010 filed 7/22/93, effective 8/22/93]

In addition to other labeling requirements, fuel dispensing systems delivering oxygenated gasoline shall be conspicuously labeled during the control period and in the control area stated in SWAPCA 492-070 as follows:

"The gasoline dispensed from this pump is oxygenated and will reduce carbon monoxide pollution from motor vehicles."

**AMENDATORY SECTION****SWAPCA 492-070 Control Area and Control Period**

[Statutory Authority: Chapter 70.94.141 and 70.94.331 RCW; Original adoption WSR 93-16-010 filed 7/22/93, effective 8/22/93]

~~Beginning in 1992, the oxygenated gasoline requirements of this regulation shall apply to the following control area during the minimum following control period. The control period may begin earlier if there is a violation of the ambient air quality standard outside of the control period:~~

CONTROL AREA	COUNTIES	CONTROL PERIOD	
		BEGINNING	ENDING
Southwest	Clark	November 1	February 29

**SWAPCA 492-080 Enforcement and Compliance**

[Statutory Authority: Chapter 70.94.141 and 70.94.331 RCW; Original adoption WSR 93-16-010 filed 7/22/93, effective 8/22/93]

(1) Compliance with the requirements of this regulation shall be monitored and enforced by the Authority. Non-compliance shall be subject to the penalties and other remedies provided in 70.94 RCW.

(2) The Authority may designate any appropriate agency of the State to assist in the compliance monitoring of this regulation.

(3) Compliance with the standards set forth in this regulation shall be determined by use of testing methods approved by Ecology or the Authority. The maximum accuracy tolerance of this method shall be limited to +/- 0.3% oxygen by weight, or an equivalent tolerance when measured by volume.

**SWAPCA 492-090 Unplanned Conditions**

[Statutory Authority: Chapter 70.94.141 and 70.94.331 RCW; Original adoption WSR 93-16-010 filed 7/22/93, effective 8/22/93]

An unplanned condition, such as an unforeseen emergency or "act of God", which may interfere with compliance to this regulation, shall be reported to the Authority as soon as possible. The responsible party shall also submit a full written report within ten days to the Authority, including the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence. Compliance with the requirements of SWAPCA 492-090 does not relieve the responsible party from the responsibility to maintain continuous compliance with all the requirements of this regulation nor from the resulting liabilities for failure to comply. The Authority shall consider the circumstances of the unplanned condition, and may use the circumstances when determining enforcement.

**SWAPCA 492-100 Severability**

[Statutory Authority: Chapter 70.94.141 and 70.94.331 RCW; Original adoption WSR 93-16-010 filed 7/22/93, effective 8/22/93]

The provisions of this regulation are severable and if any provision is held invalid, the application of such provi-

sion to the other circumstances and the remainder of this regulation shall not be affected.

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

**WSR 96-17-052  
PROPOSED RULES  
UTILITIES AND TRANSPORTATION  
COMMISSION**

[Filed August 20, 1996, 8:16 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 96-14-096.

**Title of Rule:** Amending the definition of extended area service, WAC 480-120-405. WUTC Docket No. UT-960687.

**Purpose:** Update the definition of mandatory calling by deleting reference to "seven digit" calling, replacing the imminent use of ten digits for local calling.

**Statutory Authority for Adoption:** RCW 80.01.040.

**Statute Being Implemented:** RCW 80.01.040.

**Summary:** See Purpose above.

**Reasons Supporting Proposal:** See Explanation of Rule below.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Steve King, Acting Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA, (360) 753-6451.

**Name of Proponent:** Washington Utilities and Transportation Commission, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** WAC 480-120-405(2) defines mandatory two way local calling service between exchanges that provides the ability to call from one exchange area to another without incurring a toll charge. The purpose of the rule change is to delete the words "seven digit" from the definition of mandatory local calling service between exchanges to accommodate new number plans required by the expanded use of telecommunications services in the region. Ten digit calling will be required in some circumstances. **Effects:** Customers will, in certain areas, be required to revise dialing patterns from seven digits to ten digits for local calling across boundaries.

**Proposal Changes the Following Existing Rules:** See Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No adverse fiscal impact.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The agency is exempt from mandatory application of the requirements of section 201.

**Hearing Location:** 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, on September 25, 1996, at 9:00 a.m.

**Assistance for Persons with Disabilities:** Contact Cheryl Schlenker by September 23, 1996, TDD (360) 586-8203, or (360) 753-6457.

Submit Written Comments to: Steve King, Acting Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, FAX (360) 586-1150, by September 13, 1996.

Date of Intended Adoption: September 25, 1996.

August 15, 1996  
Gloria Papiez  
for Steve King  
Acting Secretary

**AMENDATORY SECTION** (Amending Order R-314, Docket No. U-89-2709-R, filed 1/14/91, effective 2/14/91)

**WAC 480-120-405 Definition of extended area service.** (1) As used in this chapter, "exchange" shall be as defined in WAC 480-120-021.

(2) As used in this chapter, "extended area service" means mandatory, two-way(~~(, seven digit)~~) local calling service between exchanges that provides the ability to call from one exchange to another exchange without incurring a toll charge.

(3) As used in this chapter, "embedded extended area service routes" means those extended area service routes which exist prior to the effective date of WAC 480-120-400 through 480-120-435.

(4) As used in this chapter, "local calling capability" means the percent of the total intrastate intraLATA minutes originating in an exchange that terminates within the local calling area, except where an interLATA extended area service route is proposed, in which case "local calling capability" means the percent of total intrastate minutes originating in an exchange that terminates within the local calling area. In calculating the local calling area, the local exchange company shall treat calling by foreign exchange subscribers as toll calling.

**WSR 96-17-053**  
**WITHDRAWAL OF PROPOSED RULES**  
**COMMISSION ON**  
**JUDICIAL JUSTICE**

[Filed August 20, 1996, 9:16 a.m.]

After continuing the consideration of proposed chapter 292-06 WAC, the Commission on Judicial Conduct withdraws the proposed rules for adoption as administrative rules.

David Akana  
Executive Director

**WSR 96-17-065**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**

[Filed August 20, 1996, 11:56 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-05-059.

Title of Rule: The certificate of need rules (chapter 246-310 WAC) defined the standards, process and criteria that a health facility or service is subject to when applying for a CON.

Purpose: Updates the rules to reflect recent changes to the CON statute and health environment; and clarifies questions about the intent of existing language; and responds to concerns with the existing CON process.

Statutory Authority for Adoption: Chapter 70.38 RCW.

Statute Being Implemented: Chapter 70.38 RCW.

Summary: (1) Implements changes to the CON statute creating new exemptions from CON; authorizing nursing home bed banking; making certain nursing home projects not subject to CON; etc; (2) updates the CON rules by eliminating out-of-date references and clarifies existing language regarding the current method for making decisions on nursing home applications; and (3) improves the CON process by doing such things as changing timelines for submittal of information to ensure ample opportunity for public comment.

Reasons Supporting Proposal: Implements legislative changes; updates out-of-date references; clarifies the intent of existing language; improves the CON process.

Name of Agency Personnel Responsible for Drafting: Lisa Hoffmann Grndl, 1112 S.E. Quince Street, Olympia, 98504, (360) 753-7530; Implementation and Enforcement: Janis Sigman, 1112 S.E. Quince Street, Olympia, 98504, (360) 753-3787.

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: The certificate of need program is responsible for review and approval of application from various types of health care developing projects that are subject to review by statute. The rules assure that program decisions on the construction and development [of] new health care facilities and services which promote access to needed care at a reasonable cost with high quality are information based decisions. The proposed rules modify the circumstances under which nursing home facilities are subject to certificate of need review, the review process to streamline them, remove outdated references and to add new sections which correspond with legislative changes such as nursing home bed banking, exemption for certain types of nursing home replacement projects, etc. The proposed rules will require nursing homes to prepare and submit various pieces of new documentation which demonstrate it meets either alternate *ust* [use] bed banking requirements, replacement requirements, or full facility closure bed banking requirements. Nursing homes that do demonstrate that they meet these criteria, are exempt from going through the more extensive and expensive full certificate of need review.

Proposal Changes the Following Existing Rules: Amends WAC 246-310-010, 246-310-020, 246-310-035, 246-310-050, 246-310-080, 246-310-090, 246-310-100, 246-310-120, 246-310-132, 246-310-135, 246-310-136, 246-310-140, 246-310-150, 246-310-160, 246-310-170, 246-310-180, 246-310-190, 246-310-200, 246-310-230, 246-310-280, 246-310-360, 246-310-370, 246-310-380, 246-310-390, 246-310-410, 246-310-470, 246-310-480, 246-310-490, 246-310-500, 246-316-560, 246-310-570, 246-310-590, 246-310-600, 246-310-610 and 246-310-900, to eliminate outdated references and clarifies existing interpretation of certificate of need statute including: Eliminating references to the hospital

commission and regional health planning councils, clarifies nursing home need as one of several factors for evaluation for nursing home projects in a given planning area. Revises timelines for submitting information to allow adequate public review and comment. Repeals WAC 246-310-070, 246-310-350, and 246-310-400.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

#### Small Business Economic Impact Statement

Is an SBEIS necessary? This rule is not otherwise exempt and the per business cost exceeds the \$50 minor cost threshold so an SBEIS is required.

**Size Distribution of Affected Businesses:** RCW 19.85.020 defines a small business as one that employs less than fifty individuals. To the best of program staff's knowledge, no businesses affected by this rule employs less than fifty individuals. Therefore, there can be no disproportionate cost to small business from this regulation.

**Cost Comparison of Large and Small Businesses:** No cost comparison was performed because all businesses to the best of program staff's knowledge are not small businesses by definition.

**Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses:** Since all businesses to the best of program staff's knowledge are not small businesses, the Department of Health has no obligation to mitigate costs.

**Involvement of Small Businesses in the Development of the Rule:** Although there it has been determined that no small businesses are affected by this rule, multiple opportunities have been provided for individuals to provide comment. Specifically, a workgroup consisting of other state agencies, programs, associations, and stakeholders was formed to assist in the development of the rule revisions. Each new version was distributed to the workgroup for review and comment. In addition, the workgroup had multiple meetings to discuss and negotiate the changes to each version of the rules. The purpose of those meetings was to develop the rules in a participatory fashion and to make the rules as flexible as possible for applicants, yet provide the department with the information necessary to make informed decisions. In addition to the workgroup meetings, four meetings were conducted throughout the state to solicit comments from stakeholders who were not able to attend the workgroup meetings held in Olympia, or Seattle. To prepare for those meetings, copies of draft rules were mailed to approximately six hundred stakeholders. This same process will be used for soliciting comments during the formal public hearing phase.

**Industries Required to Comply with the Rule:** Ninety-three hospitals and approximately two hundred sixty-seven nursing homes will be required to comply with the rules.

A copy of the statement may be obtained by writing to Janis Sigman, P.O. Box 7851, 1112 S.E. Quince Street, Olympia, WA 98504-7851, phone (360) 753-3787, or FAX (360) 664-0398.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. This rule is legislatively significant because it makes significant amendments to a regulatory program.

**Hearing Location:** On September 24, 1996, at 1:00 p.m., at the Evergreen Branch Library, 9512 Evergreen Way, Everett; on September 25, 1996, at 1:00 p.m., at the Atto-

ney General Conference Center, RoweSix, 4224 6th Avenue S.E., Lacey; on September 26, 1996, at 1:00 p.m., at the Hal Holmes Center, 201 North Ruby, Ellensburg; and on September 27, 1996, at 9:00 a.m., at the Deaconess Medical Center, 800 West Fifth Avenue, Spokane.

**Assistance for Persons with Disabilities:** Contact Janis Sigman by September 17, 1996, TDD (800) 833-6388, or (360) 753-3787.

**Submit Written Comments to:** Lisa Hoffmann, 1112 S.E. Quince Street, P.O. Box 47851, Olympia, WA 95804-7851, FAX (360) 664-0398, by September 17, 1996.

**Date of Intended Adoption:** October 28, 1996.

August 20, 1996

Bruce Miyahara  
Secretary

#### AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-310-010 Definitions.** For the purposes of chapter 246-310 WAC, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise.

((1)) "Acute care facilities" means hospitals and ambulatory surgical facilities.

((2)) "Affected persons" means:

((a)) • The applicant;

((b)) • Health care facilities and health maintenance organizations providing services similar to the services under review and located in the health service area;

((c)) • Third-party payers reimbursing health care facilities in the health service area;

((d)) • Any agency establishing rates for health care facilities and health maintenance organizations in the health service area where the proposed project is to be located;

((e)) • Health care facilities and health maintenance organizations which, in the twelve months prior to receipt of the application, have submitted a letter of intent to provide similar services in the same planning area;

((f)) • Any person residing within the geographic area to be served by the applicant; and

((g)) • Any person regularly using health care facilities within the geographic area to be served by the applicant.

((3)) "Alterations," see "construction, renovation, or alteration."

((4)) "Ambulatory care facility" means any place, building, institution, or distinct part thereof not a health care facility as defined in this section and operated for the purpose of providing health services to individuals without providing such services with board and room on a continuous twenty-four-hour basis. The term "ambulatory care facility" includes the offices of private physicians, whether for individual or group practice.

((5)) "Ambulatory surgical facility" means ((a facility, not a part of a hospital, providing surgical treatment to patients not requiring inpatient care in a hospital)) any free-standing entity, including an ambulatory surgery center, that operates primarily for the purpose of performing surgical procedures to treat patients not requiring hospitalization. This term does not include a facility in the offices of private physicians or dentists, whether for individual or group practice, if the privilege of using such facility is not extend-

ed to physicians or dentists outside the individual or group practice.

((6)) "Applicant," ((except as used in WAC 246-310-230,)) means:

• Any person proposing to engage in any undertaking subject to review under the provisions of chapter 70.38 RCW.

((Applicant, as used in WAC 246-310-230, means)) • Any person or individual with a ten percent or greater financial interest in a partnership or corporation or other comparable legal entity engaging in any undertaking subject to review under the provisions of chapter 70.38 RCW.

((7)) "Base year" as used in the kidney dialysis station methodology means the last full calendar year preceding the first year of dialysis station need projections.

"Bed banking" means the process of retaining the rights to nursing home bed allocations which are not licensed as outlined in WAC 246-310-395.

"Bed supply" means within a geographic area the total number of:

- Nursing home beds which are licensed or certificate of need approved but not yet licensed or beds banked under the provisions of RCW 70.38.111 (8)(a) or where the need is deemed met under the provisions of RCW 70.38.115 (13)(b), excluding:

- Those nursing home beds certified as intermediate care facility for the mentally retarded (ICF-MR) the operators of which have not signed an agreement on or before July 1, 1990, with the department of social and health services department of social and health services to give appropriate notice prior to termination of the ICF-MR service;

- New or existing nursing home beds within a CCRC which are approved under the provisions of WAC 246-310-380(5); or

- Nursing home beds within a CCRC which is excluded from the definition of a health care facility per RCW 70.38.025(6); and

- Beds banked under the provisions of RCW 70.38.115 (13)(b) where the need is not deemed met.

- Licensed hospital beds used for long-term care or certificate of need approved hospital beds to be used for long-term care not yet in use, excluding swing-beds.

"Bed-to-population ratio" means the nursing home bed supply per one thousand persons of the estimated or forecasted resident population age sixty-five and older.

"Capital expenditure" means an expenditure, including a force account expenditure (i.e., an expenditure for a construction project undertaken by a nursing home facility as its own contractor), which, under generally accepted accounting principles, is not properly chargeable as an expense of operation or maintenance. The costs of any studies, surveys, designs, plans, working drawings, specifications, and other activities (including staff effort, consulting and other services which, under generally accepted accounting principles, are not properly chargeable as an expense of operation and maintenance) shall be considered capital expenditures. Where a person makes an acquisition under lease or comparable arrangement, or through donation, which would have required certificate of need review if the acquisition had been made by purchase, such acquisition shall be deemed a capital expenditure. Capital expenditures include donations of equipment or facilities to a nursing home facility, which

if acquired directly by such facility, would be subject to review under the provisions of this chapter and transfer of equipment or facilities for less than fair market value if a transfer of the equipment or facilities at fair market value would be subject to such review.

((8)) "Certificate of need" means a written authorization by the secretary's designee for a person to implement a proposal for one or more undertakings.

((9)) "Certificate of need program" means that organizational program of the department responsible for the management of the certificate of need program.

((10)) "Commencement of the project" means whichever of the following occurs first: In the case of a construction project, giving notice to proceed with construction to a contractor for a construction project provided applicable permits have been applied for or obtained within sixty days of such notice; beginning site preparation or development; excavating or starting the foundation for a construction project; or beginning alterations, modification, improvement, extension, or expansion of an existing building. In the case of major medical equipment, installation. In the case of other projects, initiating a health service.

((11)) "Construction, renovation, or alteration" means the erection, building, remodeling, modernization, improvement, extension, or expansion of a physical plant of a health care facility, or the conversion of a building or portion thereof to a health care facility.

((12)) "Continuing care contract" means a contract providing a person, for the duration of that person's life or for a term in excess of one year, shelter along with nursing, medical, health-related, or personal care services. The contract is conditioned on the transfer of property, the payment of an entrance fee to the provider of such services, or the payment of periodic charges for the care and services involved. A continuing care contract is not excluded from this definition because the contract is mutually terminable or because shelter and services are not provided at the same location.

((13)) "Continuing care retirement community (CCRC)" means ((an entity providing shelter and services under a continuing care contract with the entity's members and sponsoring or including a health care facility or a health service)) any of a variety of entities, unless excluded from the definition of health care facility under RCW 70.38.025(6), which provides shelter and services based on continuing care contracts with its residents which:

- Maintains for a period in excess of one year a CCRC contract with a resident which provides or arranges for at least the following specific services:

- Independent living units;
- Nursing home care with no limit on the number of medically needed days;

- Assistance with activities of daily living;
- Services equivalent in scope to either state chore services or Medicaid home health services;

- Continues a contract, if a resident is no longer able to pay for services;

- Offers services only to contractual residents with limited exception during a transition period; and

- Holds the Medicaid program harmless from liability for costs of care, even if the resident depletes his or her personal resources.

((14)) "Days" means calendar days. Days are counted starting the day after the date of the event from which the designated period of time begins to run. If the last day of the period falls on a Saturday, Sunday, or legal holiday observed by the state of Washington, a designated period runs until the end of the first working day following the Saturday, Sunday, or legal holiday.

~~((Working days exclude Saturdays, Sundays, and legal holidays observed by the state of Washington. Working days are counted in the same way as calendar days.)~~

((15)) "Department" means the Washington state department of health.

((16)) "Effective date of facility closure" means:

- The date on which the facility's license was relinquished, revoked or expired; or
- The date the last resident leaves the facility, whichever comes first.

"End-of-the-year incenter patients" means the number of patients receiving incenter kidney dialysis at the end of the calendar year.

"End-stage renal dialysis (ESRD) service areas" means each individual county, designated by the department as the smallest geographic area for which kidney dialysis station need projections are calculated, or other service area documented by patient origin.

"Enhance the quality of life for residents" means, for the purposes of voluntary bed banking, those services or facility modifications which have a direct and immediate benefit to the residents. These shall include, but not be limited to: Resident activity and therapy facilities; family visiting rooms; spiritual rooms and dining areas. These services or facility modifications shall not include those that do not have direct and immediate benefit to the residents, such as: Modifications to staff offices; meeting rooms; and other staff facilities.

"Established ratio" means a bed-to-population ratio of forty-five beds per one thousand persons of the estimated or forecast resident population age sixty-five and older established for planning and policy-making purposes. The department may revise this established ratio using the process outlined in WAC 246-310-370.

"Estimated bed need" means the number of nursing home beds calculated by multiplying the planning area's forecasted resident population by the established ratio for the projection year.

"Estimated bed projection" means the number of nursing home beds calculated by the department state-wide or within a planning area, by the end of the projection period.

"Ex parte contact" means any oral or written communication between any person in the certificate of need program or any other person involved in the decision regarding an application for, or the withdrawal of, a certificate of need and the applicant for, or holder of, a certificate of need, any person acting on behalf of the applicant or holder, or any person with an interest regarding issuance or withdrawal of a certificate of need.

((17)) "Expenditure minimum" means one million dollars for the twelve-month period beginning with July 24, 1983, adjusted annually by the department according to the provisions of WAC 246-310-900.

((18)) "Health care facility" means hospitals, psychiatric hospitals, nursing homes, kidney disease treatment centers

including freestanding dialysis units, ambulatory surgical facilities, continuing care retirement communities, hospices and home health agencies, and includes such facilities when owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations, but does not include Christian Science sanatoriums operated or listed and certified by the First Church of Christ Scientist, Boston, Massachusetts. In addition, the term "health care facility" does not include any nonprofit hospital:

((a)) • Operated exclusively to provide health care services for children;

((b)) • Which does not charge fees for such services; and

((c)) • If not contrary to federal law as necessary to the receipt of federal funds by the state.

((d)) • In addition, the term "health care facility" does not include a continuing care retirement community which:

((e)) • Offers services only to contractual ((members)) residents;

((f)) • Provides its ((members)) residents a contractually guaranteed range of services from independent living through skilled nursing, including some form of assistance with activities of daily living;

((g)) • Contractually assumes responsibility for costs of services exceeding the ((member's)) resident's financial responsibility as stated in contract, so that, with the exception of insurance purchased by the retirement community or its ((members)) residents, no third party, including the Medicaid program, is liable for costs of care even if the ((member)) resident depletes personal resources;

((h)) • Offers continuing care contracts and operates a nursing home continuously since January 1, 1988, or obtained a certificate of need to establish a nursing home;

((i)) • Maintains a binding agreement with the department of social and health services assuring financial liability for services to ((members)) residents, including nursing home services, shall not fall upon the department of social and health services;

((j)) • Does not operate, and has not undertaken, a project resulting in a number of nursing home beds in excess of one for every four living units operated by the continuing care retirement community, exclusive of nursing home beds; and

((k)) • Has undertaken no increase in the total number of nursing home beds after January 1, 1988, unless a professional review of pricing and long-term solvency was obtained by the retirement community within the prior five years and fully disclosed to ((members)) residents.

((l)) "Health maintenance organization" means a public or private organization, organized under the laws of the state, which:

((a)) • Is a qualified health maintenance organization under Title XIII, Section 1310(d) of the Public Health Service Act; or

((b)) • Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: Usual physician services, hospitalization, laboratory, x-ray, emergency and preventive services, and out-of-area coverage;

((c)) • Is compensated (except for copayments) for the provision of the basic health care services listed in ((b)(i))

~~ef))~~ this subsection to enrolled participants by a payment made on a periodic basis without regard to the date the health care services are provided and fixed without regard to the frequency, extent, or kind of health service actually provided; and

- ~~((iii))~~ • Provides physicians' services primarily:
- ~~((A))~~ • Directly through physicians who are either employees or partners of such organization, or

~~((B))~~ • Through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis).

~~((20))~~ "Health service area" means a geographic region appropriate for effective health planning including a broad range of health services.

~~((21))~~ "Health services" means clinically related (i.e., preventive, diagnostic, curative, rehabilitative, or palliative) services and includes alcoholism, drug abuse, and mental health services.

~~((22))~~ "Home health agency" means an entity which is, or ~~((is to be))~~ has declared an intent to become, certified as a provider of home health services in the Medicaid or Medicare program. ~~((The department shall not require a home health agency previously issued a certificate of need as a new health care facility to obtain additional certificate of need approval if the agency has not received Medicare or Medicaid certification by the effective date of these rules.))~~

~~((23))~~ "Hospice" means an entity which is, or ~~((is to be))~~ has declared an intent to become, certified as a provider of hospice services in the Medicaid or Medicare program. ~~((The department shall not require a hospice previously issued a certificate of need as a new health care facility to obtain additional certificate of need approval if the hospice has not received Medicare or Medicaid certification by the effective date of these rules.))~~

~~((24))~~ "Hospital" means any institution, place, building or agency or distinct part thereof which qualifies or is required to qualify for a license under chapter 70.41 RCW, or as a psychiatric hospital licensed under chapter 71.12 RCW.

~~((25))~~ "Inpatient" means a person receiving health care services with board and room in a health care facility on a continuous twenty-four-hour-a-day basis.

~~((26))~~ "Intermediate care facility" means any institution or distinct part thereof certified as an intermediate care facility for participation in the Medicaid (Title XIX of the Social Security Act) program.

~~((27))~~ "Justified home training station" means a kidney dialysis station designated for home hemodialysis and/or peritoneal dialysis training. When no dialysis stations have been designated for home training at a given dialysis treatment center, one station for every six patients trained for home hemodialysis, and one station for every twenty patients for peritoneal dialysis, will be considered a justified home training station. In no case shall all stations at a given dialysis treatment center be designated as justified home training stations. To request justified home training stations at a new dialysis treatment center, the applicant must document that at least six patients are projected to be trained for home hemodialysis or twenty patients for peritoneal dialysis for each such station requested for each of the first five years of projected operations.

"Kidney disease treatment center" means any place, institution, building or agency or a distinct part thereof equipped and operated to provide services, including outpatient dialysis and/or kidney transplantation, to persons who have end-stage renal disease (ESRD).

~~((28))~~ "May" means an act is permitted, but not required.

~~((29))~~ "Licensee" means an entity or individual licensed by the department of health or the department of social and health services. For the purposes of nursing home projects, licensee refers to the operating entity and those persons specifically named in the license application as defined under chapter 388-97 WAC.

"Net estimated bed need" means estimated bed need of a planning area changed by any redistribution as follows:

- Adding nursing home beds being redistributed from another nursing home planning area or areas; or
- Subtracting nursing home beds being redistributed to another nursing home planning area or areas.

"New nursing home bed" means a nursing home bed never licensed by the state or beds banked under the provisions of RCW 70.28.115(13), where the applicant must demonstrate need for the previously licensed nursing home beds. This term does not include beds banked under the provisions of RCW 70.38.111(8).

"Nursing home" means ~~((any home, place, institution, building or agency or distinct part thereof including a nursing unit or a long term care area of a hospital operating or maintaining facilities providing convalescent or chronic care, or both, for a period in excess of twenty four consecutive hours for three or more patients not related by blood or marriage to the operator, who, by reason of illness or infirmity, are unable properly to care for themselves. Convalescent and chronic care may include, but not be limited to, any or all procedures commonly employed in waiting on the sick, such as administration of medicines, preparation of special diets, giving of bedside nursing care, application of dressings and bandages, and carrying out of treatment prescribed by a duly licensed practitioner of the healing arts. Nursing home includes))~~ any ~~((such))~~ entity licensed or required to be licensed under the provisions of chapter 18.51 RCW ~~((and any other intermediate care facility or skilled nursing facility as these terms are defined in this section))~~ or distinct, part long-term care units located in a hospital and licensed under chapter 70.41 RCW.

~~((30))~~ "Obligation," when used in relation to a capital expenditure, means the following has been incurred by or on behalf of a health care facility:

~~((a))~~ • An enforceable contract has been entered into by a health care facility or by a person on behalf of the health care facility for the construction, acquisition, lease, or financing of a capital asset; or

~~((b))~~ • A formal internal commitment of funds by a health care facility for a force account expenditure constituting a capital expenditure; or

~~((c))~~ • In the case of donated property, the date on which the gift is completed in accordance with state law.

~~((31))~~ "Offer," when used in connection with health services, means the health facility provides one or more specific health services.

((32)) "Over the established ratio" means the bed-to-population ratio is greater than the state-wide current established ratio.

"Person" means an individual, a trust or estate, a partnership, a corporation (including associations, joint stock companies, and insurance companies), the state, or a political subdivision or instrumentality of the state, including a municipal corporation or a hospital district.

((33)) "Planning area" means each individual county designated by the department as the smallest geographic area for which nursing home bed need projections are developed, except as follows:

- Clark and Skamania counties shall be one planning area.
- Chelan and Douglas counties shall be one planning area.

"Predevelopment expenditures" means capital expenditures, the total of which exceeds the expenditure minimum, made for architectural designs, plans, drawings, or specifications in preparation for the acquisition or construction of physical plant facilities. "Predevelopment expenditures" exclude any obligation of a capital expenditure for the acquisition or construction of physical plant facilities and any activity which the department may consider the "commencement of the project" as this term is defined in this section.

((34)) "Professional review of continuing care retirement community pricing and long-term solvency" means prospective financial statements, supported by professional analysis and documentation, which:

((a)) • Conform to Principles and Practices Board Statement Number 9 of the Healthcare Financial Management Association, "Accounting and Reporting Issues Related to Continuing Care Retirement Communities"; and

((b)) • Project the financial operations of the continuing care retirement community over a period of ten years or more into the future; and

((c)) • Are prepared and signed by a qualified actuary as defined under WAC 284-05-060 or an independent certified public accountant, or are prepared by management of the continuing care retirement community and reviewed by a qualified actuary or independent certified public accountant who issues a signed examination or compilation report on the prospective financial statements; and

((d)) • Include a finding by management that the intended expansion project of the continuing care retirement project is financially feasible.

((35)) "Project" means all undertakings proposed in a single certificate of need application or for which a single certificate of need is issued.

((36)) "Project completion" for projects requiring construction, means the date the facility is licensed. For projects not requiring construction, project completion means initiating the health service.

"Projection period" means the three-year time interval following the projection year.

"Projection year" for nursing home purposes, means the one-year time interval preceding the projection period. For kidney dialysis station projection purposes, means the base year plus three years.

"Public comment period" means the time interval during which the department shall accept comments regarding a certificate of need application.

"Redistribution" means the shift of nursing home bed allocations between two or more planning areas or the shift of nursing home beds between two or more nursing homes.

"Replacement authorization" means a written authorization by the secretary's designee for a person to implement a proposal to replace existing nursing home beds in accordance with the eligibility requirements in WAC 246-310-044 and notice requirements in WAC 246-310-396.

"Resident population" for purposes of nursing home projects, means the number of residents sixty-five years of age and older living within the same geographic area which:

- Excludes contract holders living within a recognized CCRC;

• With approval for new nursing home beds under the provisions of WAC 246-310-380(5); or

• Excluded from the definition of a health care facility per RCW 70.38.025(6);

- Is calculated using demographic data obtained from:
- The office of financial management; and
- Certificate of need applications and exemption requests previously submitted by a CCRC.

"Secretary" means the secretary of the Washington state department of health or the secretary's designee.

((37)) "Shall" means compliance is mandatory.

((38)) "Skilled nursing facility" means any institution or distinct part thereof certified as a skilled nursing facility for participation in the Medicare (Title XVIII) or Medicaid (Title XIX) program.

((39)) "State health plan" means a document developed in accordance with RCW 70.38.065 and in effect until June 30, 1990, unless superseded by department adopted rules.

((40)) "State Health Planning and Resources Development Act" means chapter 70.38 RCW.

((41)) "State-wide current ratio" means a bed-to-population ratio computed from the most recent state-wide nursing home bed supply and the most recent estimate of the state-wide resident population.

"Swing beds" means up to the first five hospital beds designated by an eligible rural hospital which are available to provide either acute care or nursing home services.

"Tertiary health service" means a specialized service meeting complicated medical needs of people and requires sufficient patient volume to optimize provider effectiveness, quality of service, and improved outcomes of care.

((42)) "Transition period" means the period of time, not exceeding five years, between the date a CCRC is inhabited by a member, and the date it fully meets the requirements of a CCRC.

"Under the established ratio" means the bed-to-population ratio is less than the state-wide current established ratio.

"Undertaking" means any action subject to the provisions of chapter 246-310 WAC.

"Working days" excludes Saturdays, Sundays, and legal holidays observed by the state of Washington. Working days are counted in the same way as calendar days.

AMENDATORY SECTION (Amending Order 244, filed 2/14/92, effective 3/16/92)

**WAC 246-310-020 Applicability of chapter 246-310 WAC.** (1) The following undertakings shall be subject to the provisions of chapter 246-310 WAC, with the exceptions provided for in this section.

(a) The construction, development, or other establishment of a new health care facility:

(i) No new health care facility may be initiated as a health service of an existing health care facility without certificate of need approval as a new health care facility;

(ii) ~~((The extension, on a regular and ongoing basis, of the services of a home health agency or a hospice in a county not previously regularly included in the service area of that home health agency or hospice during the preceding twelve months shall be considered the development of a new home health agency or hospice.))~~ The provision of services by a home health agency or hospice to a county, on a regular and ongoing basis, that was not previously included in the home health agency or hospice service area shall be considered the development of a new home health agency or hospice.

(b) The sale, purchase, or lease of part or all of any existing hospital licensed under chapter 70.41 RCW or a psychiatric hospital licensed under chapter 71.12 RCW;

(c) A change in bed capacity of a health care facility increasing the total number of licensed beds or redistributing beds among acute care, ((skilled)) nursing, ((intermediate)) home care, and boarding home care, as defined under RCW 18.20.020, if the bed redistribution is effective for a period in excess of six months;

(d) Any new tertiary health services offered in or through a health care facility, and not offered on a regular basis by, in, or through such health care facility within the twelve-month period prior to the time the facility will offer such services:

(i) Tertiary services include the following:

(A) Specialty burn services. This is a service designed, staffed, and equipped to care for any burn patient regardless of the severity or extent of the burn. All staff and equipment necessary for any level of burn care are available;

(B) Intermediate care nursery and/or obstetric services level II. Intermediate care nursery is defined in chapter 246-318 WAC. A level II obstetric service is in an area designed, organized, equipped, and staffed to provide a full range of maternal and neonatal services for uncomplicated patients and for the majority of complicated obstetrical problems;

(C) Neonatal intensive care nursery and/or obstetric services level III. Neonatal intensive care nursery is defined in chapter 246-318 WAC. A level III obstetric service is in an area designed, organized, equipped, and staffed to provide services to the few women and infants requiring full intensive care services for the most serious type of maternal-fetal and neonatal illnesses and abnormalities. Such a service provides the coordination of care, communications, transfer, and transportation for a given region. Level III services provide leadership in preparatory and continuing education in prenatal and perinatal care and may be involved in clinical and basic research;

(D) Transplantation of specific solid organs, including, but not limited to, heart, liver, pancreas, lung, small bowel and kidney and including bone marrow. A transplantation service for each solid organ is considered a separate tertiary service;

(E) Open heart surgery and/or elective therapeutic cardiac catheterization including elective percutaneous transluminal coronary angioplasty (PTCA). Open heart surgery includes the care of patients who have surgery requiring the use of a heart-lung bypass machine. Therapeutic cardiac catheterization means passage of a tube or other device into the coronary arteries or the heart chambers to improve blood flow. PTCA means the treatment of a narrowing of a coronary artery by means of inflating a balloon catheter at the site of the narrowing to dilate the artery;

(F) Inpatient physical rehabilitation services level ((III)) I. Level ((III)) I rehabilitation services are services for persons with usually nonreversible, multiple function impairments of a moderate-to-severe complexity resulting in major changes in the patient's lifestyle and requiring intervention by several rehabilitation disciplines. Services are multidisciplinary, including such specialists as a rehabilitation nurse; and physical, occupational, and speech therapists; and vocational counseling; and a physiatrist. The service is provided in a dedicated unit with a separate nurses station staffed by nurses with specialized training and/or experience in rehabilitation nursing. While the service may specialize (i.e., spinal cord injury, severe head trauma, etc.), the service is able to treat all persons within the designated diagnostic specialization regardless of the level of severity or complexity of the impairments and include the requirements as identified in chapter 246-976 WAC relating to level I trauma rehabilitation services;

(G) Specialized inpatient pediatric services. The service is designed, staffed, and equipped to treat complex pediatric cases for more than twenty-four hours. The service has a staff of pediatric specialists and subspecialists.

(ii) The department shall review, periodically revise, and update the list of tertiary services. The department shall change the tertiary services list following the procedures identified in WAC 246-310-035;

(iii) The offering of an inpatient tertiary health service by a health maintenance organization or combination of health maintenance organizations is subject to the provisions under chapter 246-310 WAC unless the offering is exempt under the provisions of RCW 70.38.111.

(e) Any increase in the number of dialysis stations in a kidney disease center;

(f) Any capital expenditure in excess of the expenditure minimum for the construction, renovation, or alteration of a nursing home. However, a capital expenditure, solely for any one or more of the following, which does not substantially affect patient charges, is not subject to certificate of need review:

- (i) Communications and parking facilities;
- (ii) Mechanical, electrical, ventilation, heating, and air conditioning systems;
- (iii) Energy conservation systems;
- (iv) Repairs to, or the correction of, deficiencies in existing physical plant facilities necessary to maintain state licensure, however, other additional repairs, remodeling, or

replacement projects that are not related to one or more deficiency citations and are not necessary to maintain state licensure are not exempt from certificate of need review except as otherwise permitted by (f)(vi) of this subsection or RCW 70.38.115(13);

(v) Acquisition of equipment, including data processing equipment, not for use in the direct provision of health services;

(vi) Construction((~~-,~~)) or renovation at an existing nursing home involving physical plant facilities, including administrative ((and)), dining, kitchen, laundry, and therapy areas, or support facilities, ((not for use in the provision of health services)) by an existing licensee who has operated the beds for at least one year;

(vii) Acquisition of land; ((and))

(viii) Refinancing of existing debt; and

(ix) Nursing home project granted a replacement authorization under WAC 246-310-044.

(g) Any expenditure for the construction, renovation, or alteration of a nursing home or change in nursing home services in excess of the expenditure minimum made in preparation for any undertaking subject to the provisions under chapter 246-310 WAC and any arrangement or commitment made for financing such undertaking;

(h) No person may divide a project in order to avoid review requirements under any of the thresholds specified under this section; and

(i) The department may issue certificates of need authorizing only predevelopment expenditures, without authorizing any subsequent undertaking for which the predevelopment expenditures are made.

(2) No person shall engage in any undertaking subject to certificate of need review unless:

(a) A certificate of need authorizing such undertaking is issued and remains valid; or

(b) An exemption is granted in accordance with the provisions of this chapter.

(3) If a nursing home or portion of a nursing home constructed or established under the authority of a certificate of need granted from the pool of nursing home beds for ethnic minorities according to the provisions of WAC 246-310-135 is sold or leased within ten years to a party not eligible for an award of such beds under the provisions of WAC 246-310-136(2):

(a) The purchaser or lessee may not operate those beds as nursing home beds without first obtaining a certificate of need for new beds; and

(b) The beds that were awarded from the special pool shall be returned to that pool.

**AMENDATORY SECTION** (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-310-035 Tertiary services identification.**  
(1) The criteria in this section shall be used as guidelines when examining services to determine whether the service is considered a tertiary service.

(2) In determining whether a service is a tertiary service the department shall consider the degree to which the service meets the following criteria:

(a) Whether the service is dependent on the skills and coordination of specialties and subspecialties. Including, but not limited to, physicians, nurses, therapists, social workers;

(b) Whether the service requires immediate access to an acute care hospital;

(c) Whether the service is characterized by relatively few providers;

(d) Whether the service is broader than a procedure;

(e) Whether the service has a low use rate;

(f) Whether consensus supports or published research shows that sufficient volume is required to impact structure, process, and outcomes of care; and

(g) Whether the service carries a significant risk or consequence.

(3) ((Annually)) Periodically the department shall request review of proposed changes to the list of tertiary services identified in WAC 246-310-020. The ((annual)) periodic review shall be conducted as follows:

(a) The department shall send notice to all persons who have sent the certificate of need program a written request to be notified of the annual review of tertiary services.

(b) The notice shall contain the following:

(i) Identification of the thirty-day period during which written comments may be received. This thirty-day period shall be called the comment period;

(ii) The criteria listed in this section; and

(iii) The name and address of the person in the department to whom written comments are to be addressed.

(c) The written comments must address whether a service meets or partially meets the criteria in this section.

(d) Within sixty days after the close of the comment period the department shall determine whether to propose any changes to the list of tertiary services in chapter 246-310 WAC. This sixty-day period shall be called the consideration period.

(e) During the consideration period information may be exchanged between the department and persons proposing changes to the list of tertiary services in chapter 246-310 WAC.

(4) The department shall convene a technical work group at least every three years to do the following:

(a) Review the criteria listed in this section to determine whether the criteria appropriately define a tertiary service; and

(b) Propose any necessary changes to the list of tertiary services in WAC 246-310-020.

## NEW SECTION

**WAC 246-310-041 Exemption from requirements for a certificate of need for continuing care retirement communities' nursing home projects.** (1) Provisions for exemptions.

The secretary's designee shall grant an exemption from the requirements for a certificate of need for the construction, development, or other establishment of a nursing home, or the addition of beds to an existing nursing home, that is owned and operated by a continuing care retirement community meeting the eligibility requirements of (a) of this subsection and submitting an application for an exemption meeting the requirements of (b) of this subsection.

(a) Eligibility requirements. To be eligible for an exemption under this section, an applicant entity shall demonstrate that:

(i) Nursing home services will be offered only to contractual residents;

(ii) Residents will be provided a contractually guaranteed range of services from independent living through skilled nursing, including some assistance with daily living activities;

(iii) The facility contractually assumes responsibility for the cost of services exceeding the resident's financial responsibility under the contract, so that no third party, including the Medicaid program, is liable for the costs of care, even if the resident depletes his or her personal resources. This exclusion does not pertain to insurance purchased by the retirement community or its residents;

(iv) The entity has offered continuing care contracts and has operated a nursing home continuously since January 1, 1988, or has obtained a certificate of need to establish a nursing home;

(v) A binding agreement is maintained with the state assuring that financial liability for services to residents, including nursing home services, will not fall upon the state;

(vi) It does not operate, and has not undertaken a project that would result in the ratio of nursing home beds to independent living units exceeding one nursing home bed for every four independent living units, exclusive of nursing home beds; and

(vii) It has obtained a professional review of pricing and long-term solvency of the applicant entity within the prior five years which was fully disclosed to residents.

(b) Requirements for an application for exemption. An application for an exemption from a certificate of need shall meet the following requirements:

(i) The application for an exemption shall be submitted at least thirty days prior to the commencement of construction, submitting an application for nursing home licensure, or commencing operation of a nursing home, whichever occurs first;

(ii) A complete application shall be submitted in such form and manner as has been prescribed by the department. The information which the department prescribes shall include:

(A) All of the information required to make a determination that the applicant entity qualifies in accordance with (a) of this subsection; and

(B) A complete description of the construction, development or other establishment of a nursing home, or the addition of nursing home beds to which the exemption application pertains.

(2) Action on an application for exemption.

(a) Within thirty days after receipt of a complete application for exemption from certificate of need requirements, the department shall send the applicant a written notice whether the exemption has been granted or denied.

(b) The secretary's designee shall deny an exemption if it is determined the applicant has not met the requirements of subsection (1)(a) and (b) of this section. Written notice of the denial shall include the specific reasons for the denial.

(3) Subsequent sale, lease, acquisition, or use of, part or all, of an exempt continuing care retirement community.

Subsequent sale, lease, acquisition or use of exempt continuing care retirement communities shall require prior certificate of need approval to qualify for licensure as a nursing home unless the department determines such sale, lease, acquisition, or use is by a continuing care retirement community that meets the conditions identified in subsection (1)(a) and (b) of this section:

#### NEW SECTION

##### **WAC 246-310-042 Rural hospital and rural health care facility exemptions from certificate of need review.**

(1) Provisions for exemptions of qualified rural hospitals and rural health care facilities.

The secretary's designee shall grant an exemption from the requirement for a certificate of need for an increase in licensed bed capacity to a rural hospital meeting the eligibility requirements of (a) of this subsection and submitting an application for an exemption meeting the requirements of (c) of this subsection. The secretary's designee shall grant an exemption from the requirement for a certificate of need for the construction, development, or other establishment of a new hospital to a rural health care facility meeting the eligibility requirements of (b) of this subsection and submitting an application for an exemption meeting the requirements of (c) of this subsection.

(a) Eligibility requirements for a rural hospital exemption. To be eligible for an exemption from the requirements under this section, a rural hospital, shall demonstrate that:

(i) The applicant hospital meets the definition of a rural hospital as defined by the department;

(ii) The request is being made within three years of the date the beds licensed under chapter 70.41 RCW were reduced;

(iii) The increase in licensed beds will result in no more than had previously been licensed; and

(iv) The rural hospital became a rural primary care hospital under the provisions of Part A Title XVIII of the Social Security Act Section 1820, 42 U.S.C., 1395c et seq. after its licensure reduction.

(b) Eligibility requirements for a rural health care facility exemption. To be eligible for an exemption from the requirements under this section, a rural health care facility, shall demonstrate that:

(i) The applicant facility meets the definition of a rural health care facility under RCW 70.175.100;

(ii) The applicant facility was previously licensed as a hospital under chapter 70.41 RCW;

(iii) The request is being made within three years of the effective date of the rural health care facility license;

(iv) There will be no increase in the number of beds previously licensed under chapter 70.41 RCW and there is no redistribution in the number of beds used for acute care or long-term care;

(v) The rural health care facility has been in continuous operation; and

(vi) The rural health care facility has not been purchased or leased.

(c) Requirements for an application for exemption by a rural hospital or rural health care facility. An application for an exemption from a certificate of need shall meet the following requirements:

(i) The application for a rural hospital exemption shall be submitted at least thirty days prior to the effective date of the hospital license that increases the number of beds at the rural hospital or at the time an application is made to the department to increase the number of licensed beds at the rural hospital, whichever occurs first.

(ii) The application for a rural health care facility exemption shall be submitted at least thirty days prior to the effective date of the hospital license that converts the rural health care facility back to a hospital or at the time an application is made to the department to convert back to a hospital, whichever occurs first;

(iii) A complete application shall be submitted in such form and manner as has been prescribed by the department. The information which the department prescribes shall include:

All of the information required to make a determination that the rural hospital qualifies in accordance with (a) of this subsection or that the rural health care facility qualifies with (b) of this subsection.

(2) Action on an application for exemption by a rural hospital or rural health care facility.

(a) Within thirty days after receipt of a complete application for exemption from certificate of need requirements, the department shall send the applicant a written notice whether the exemption request has been granted or denied.

(b) The secretary's designee shall deny an exemption if it is determined the applicant entity has not met the requirements of subsection (1)(a), (b), or (c) of this section. Written notice of the denial shall include the specific reasons for the denial.

## NEW SECTION

### **WAC 246-310-043 Exemption from requirements for a certificate of need for nursing home bed conversions to alternative use. Provisions for exemptions.**

The secretary's designee shall grant an exemption from the requirements for a certificate of need for the conversion of nursing home beds banked under the provisions of RCW 70.38.111(8) by a nursing home meeting the eligibility requirements of this section and submitting an application for an exemption which demonstrates the eligibility requirements have been met.

(1) Eligibility requirements. To be eligible for an exemption under this section, an applicant shall demonstrate that:

(a) The nursing home voluntarily reduced its licensed capacity to provide one or more alternative services, as identified in RCW 70.38.111(8), to reduce the number of beds per room to one or two in the nursing home, or otherwise enhance the quality of life for residents, as defined in WAC 246-310-010;

(b) The beds to be converted back to nursing home beds are to be licensed in the original facility;

(c) The nursing home has remained in continuous operation and has not been sold or leased during the bed banking time interval;

(d) Notice of intent to bank the nursing home beds was given as required by WAC 246-310-395; and

(e) The bed conversion occurs within four years of the bed banking, unless the department has granted a four year extension under WAC 246-310-580 in which the bed conversion must occur within eight years of the original bed banking.

(2) Nursing homes proposing to establish, construct, or otherwise develop alternative services subject to certificate of need review under the provisions of RCW 70.38.105 shall obtain certificate of need approval prior to providing such services.

## NEW SECTION

### **WAC 246-310-044 Exemption from requirements for a certificate of need for nursing home bed replacements.**

#### **(1) Provisions for exemptions.**

The secretary's designee shall grant a replacement authorization exempting a facility from the requirements for a certificate of need for the replacement of existing nursing home beds under the provisions of RCW 70.38.115 (13)(a) by a nursing home meeting the eligibility requirements of this section and submitting an application, following the notice requirements in WAC 246-310-396, which demonstrates the eligibility requirements have been met.

(2) Nursing home construction or renovation projects for the purpose of replacing nursing home beds within the same planning area, and which meet the eligibility requirements in subsection (3) of this section and the notification requirements in WAC 246-310-396, shall not be subject to certificate of need review. Projects meeting the above requirements would include, but are not limited to:

(a) Replacement of an existing facility at the same location;

(b) Construction of a new nursing home or facilities for the purpose of replacing beds in the same planning area;

(c) Renovation of an existing facility for the purpose of replacing beds; and

(d) Redistribution of all or a portion of existing beds to an existing or new nursing home or facilities in the same planning area.

(3) Eligibility requirements. To be eligible for an exemption under this section, an applicant shall demonstrate that:

(a) The applicant is the existing licensee (as defined in WAC 246-310-010) of all affected facilities and has operated the beds at all affected facilities for at least one year immediately preceding the replacement exemption request fulfilling the requirements as specified in WAC 246-310-396;

(b) The applicant will be the licensee at all affected facilities at the completion of the project except as allowed under the provisions of RCW 70.38.115(14);

(c) The project will not increase the total bed capacity of a planning area; and

(d) The nursing home beds being replaced will not provide nursing home services once the replacement beds are licensed.

(4) Projects must be commenced within two years following replacement authorization with a possibility of one six-month extension provided that substantial and continuing progress had been made toward commencement of the project as referenced in WAC 246-310-580.

**AMENDATORY SECTION** (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-310-050 Applicability determination.** (1) Any person wanting to know whether an action the person is considering is subject to certificate of need requirements (chapter 246-310 WAC) (~~((should))~~) may submit a written request to the certificate of need unit requesting a formal determination of applicability of the certificate of need requirements to the action.

(a) ~~((A copy of a written request for determination of applicability shall be sent simultaneously to the appropriate advisory review agencies.))~~

~~((b)))~~ The written request ~~((shall be in a form prescribed by the department and contain an explicit description of the action. The description))~~ shall include the nature and extent of any construction, changes in services, and the estimated total costs of the action.

(2) The department may request ~~((such))~~ any additional written information ~~((as))~~ that is reasonably necessary to make an applicability determination on the action.

(3) The department shall respond in writing to a request for an applicability determination within thirty days of receipt of ~~((all))~~ the complete information needed for such determination. In the written response, the department shall state the reasons for its determination that the action is or is not subject to certificate of need requirements.

(4) Information or advice given by the department as to whether an action is subject to certificate of need requirements shall not be considered an applicability determination unless it is in written form in response to a written request submitted in accordance with provisions of this section.

(5) A written applicability determination on an action in response to a written request and based on written information shall be binding upon the department: *Provided*, The nature, extent, or cost of the action does not significantly change.

**AMENDATORY SECTION** (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-310-080 Letter of intent.** Any person planning to propose an undertaking subject to certificate of need review shall submit a letter of intent as follows:

(1) ~~((A copy of))~~ The letter of intent shall include the following information:

(a) A description of the ~~((extent of the))~~ services proposed;

(b) The estimated cost of the proposed project;

(c) ~~((A description))~~ An identification of the service area.

~~((d))~~ Any person proposing an undertaking subject to certificate of need review shall send simultaneously a copy of the letter of intent to the regional health council or councils, if any, for the health service area or areas in which the project is to be located and, in the case of a hospital project, to the hospital commission.

~~((e))~~ The letter of intent shall not constitute "notice of intent" with respect to the acquisition of major medical equipment.)

(2) A letter of intent shall be valid for six months after the receipt of the letter by the department. If the applicant does not submit an application for the project as described

in the letter within this time frame, a new letter of intent shall be required before the department accepts an application.

~~((3) In the event that the application proposes a project that is significantly different than that proposed in the letter of intent, the department shall consider the application the letter of intent and no further action shall be taken until the end of the thirty-day letter of intent period.~~

~~((4) Expedited or regular review. Any person proposing an undertaking subject to an expedited or regular review shall submit a letter of intent at least thirty days prior to the submission of the application.~~

~~((5) Concurrent review.~~

(a) Any person proposing undertakings subject to concurrent review shall submit a letter of intent according to the applicable schedule.

~~((b))~~ Within thirty days following the last day of the letter of intent submittal period, the department~~((, after consultation with the advisory review agencies,))~~ shall determine which of the proposed undertakings compete with other proposed undertakings. Two or more undertakings within the same concurrent review cycle may be competing when the proposed ~~((nursing home beds))~~ undertaking would be located in the same county or ~~((nursing home))~~ planning area and/or the undertakings propose nursing home beds to be allocated from the same statewide continuing care retirement community (CCRC) bed pool as defined in WAC 246-310-380. The department shall notify applicants of competing undertakings.

**AMENDATORY SECTION** (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-310-090 Submission and withdrawal of applications.** (1) General.

(a) A person proposing an undertaking subject to review shall submit a certificate of need application in such form and manner and containing such information as the department~~((, after consultation with the advisory review agencies,))~~ has prescribed and published as necessary to such a certificate of need application.

(i) The information, which the department prescribes and publishes as required for a certificate of need application, shall be limited to the information necessary for the department to perform a certificate of need review and shall vary in accordance with and be appropriate to the category of review or the type of proposed project: *Provided however*, That the required information shall include ~~((that which))~~ what is necessary to determine whether the proposed project meets applicable criteria and ~~((plan))~~ standards.

(ii) Information regarding a certificate of need application submitted by an applicant after the department has given "notification of the beginning of review" in the manner prescribed by WAC 246-310-170 shall be submitted in writing to the department~~((, the regional health council, and for hospital projects, to the hospital commission)).~~

(iii) Except as provided in WAC 246-310-326, no information regarding a certificate of need application submitted by an applicant after the conclusion of ~~((a public hearing conducted under the provisions of WAC 246-310-180 or the date of the final action of the appropriate regional health council or the date of the final action of the hospital commission)).~~

~~commission on the application, whichever occurs last,)) the public comment period shall be considered by the department in reviewing and taking action on a certificate of need application. An exception to this rule shall be made when, during its final review period, the department finds an unresolved pivotal issue requires submission of further information by an applicant and the applicant agrees to an extension of the review period in order to resolve this issue as provided for in WAC 246-310-160 (2)(b), 246-310-150 (2)(c), and 246-310-140(4). The department shall furnish copies of its request to the applicant for such additional information to the appropriate advisory review agencies. The department shall give public notice of such request for additional information through the same newspaper in which the "notification of beginning of review" for the project was published. The notice shall identify the project, the nature of the unresolved issue and the information requested of the applicant, and shall state the period of time allowed for receipt of written comments from interested persons.~~

(b) A person submitting a certificate of need application shall ~~((simultaneously))~~ submit ~~((copies))~~ one original and one copy of ((such)) the application to the certificate of need ~~((unit))~~ program of the department ~~((and the appropriate advisory review agencies))~~.

~~((i)) The original and two copies of the application shall be submitted to the certificate of need unit of the department.~~

~~((ii)) At least three and such additional copies of the application as may be required by the regional health council shall be submitted to the appropriate regional health council.~~

~~((iii)) For a hospital project, one copy shall be submitted to the hospital commission.~~

(c) On or before the last day of the applicable screening period for a certificate of need application, as prescribed in subsections (2) and (3) of this section, the department shall send a written notice to the person submitting the application stating whether or not the application has been declared complete. If an application has been found to be incomplete, the notice from the department shall specifically identify the portions of the application ~~((in which))~~ where the information provided has been found to be insufficient or indefinite and request ~~((the))~~ supplemental information needed to complete the application. ~~((The notice from the department shall incorporate the findings as to insufficient or indefinite application information transmitted to the department by the regional health council and the hospital commission.))~~

(d) The department shall not request any supplemental information of a type not prescribed and published as being necessary to a certificate of need application for the type of project being proposed. The department may request clarification of information provided in the application.

(e) A response to the department's request for information to supplement an incomplete application shall be written ~~((and submitted to the same agencies and in the same numbers as required for an application under the provisions of subsection (1)(b) of this section))~~.

## (2) Screening and prereview activities.

(a) The department ~~((and the appropriate advisory review agencies))~~ shall, within a fifteen working-day period for emergency, expedited, and regular reviews, screen the application to determine whether the information provided in the application is complete and as explicit as is necessary for

a certificate of need review. This screening period shall begin on the first day after ~~((which))~~ the department ~~((and the advisory review agencies have each))~~ has received ~~((copies of))~~ the application. In the event that the application is lacking significant information relating to the review criteria, the department may, upon notification, reserve the right to screen the application again upon receipt of the applicant's original response unless the applicant exercises option (c)(iii) of this subsection.

(b) The department shall return an incomplete certificate of need application to the person submitting the application if the department has not received a response to a request for the supplemental information sent in accordance with subsection (1)(c) of this section within forty-five days for emergency, expedited, and regular reviews unless extended by mutual agreement, and within one month for concurrent review after such request was sent.

(c) For emergency, expedited, and regular reviews, a person submitting a response to the department's request for supplemental information to complete a certificate of need application within forty-five days after the request was sent by the department, in accordance with subsection (1)(c) of this section, shall have the right to exercise one of the following options:

(i) Submission of written supplemental information and a written request that ~~((such))~~ the information be screened and the applicant be given opportunity to submit further supplemental information if the department determines that the application is still incomplete;

(ii) Submission of written supplemental information with a written request that review of the certificate of need application begin without the department notifying the applicant as to whether the supplemental information is adequate to complete the application; or

(iii) Submission of a written request that the ~~((incomplete))~~ application be reviewed without supplemental information.

(d) The department shall not accept responses to the department's screening letters later than ten days after the department has given "notification of beginning of review."

(e) For concurrent review a person submitting a response to the department's request for supplemental information to complete a certificate of need application within one month after the request was sent by the department, in accordance with subsection (1)(c) of this section, shall submit written supplemental information or a written request that the incomplete application be reviewed. The review shall begin in accordance with the published schedule.

~~((e)))~~ (f) After receipt of a request for review of a certificate of need application, submitted in accordance with subsection (2)(c)(ii) or (iii) of this section, the department shall give notification of the beginning of review in the manner prescribed for a complete application in WAC 246-310-170.

~~((f)))~~ (g) If a person requests the screening of supplemental information in accordance with subsection (2)(c)(i) of this section, such screening shall be carried out in the same number of days and in the same manner as required for an application in accordance with the provisions of subsection (1)(c) and (2)(a) of this section. The process of submitting and screening supplemental information may be repeated until the department declares the certificate of need applica-

tion complete, the applicant requests that review of the incomplete application begin, or the one hundred twentieth day after the beginning of the first screening period for the application, whichever occurs first. The department shall return an application to the applicant if it is still incomplete on the one hundred twentieth day after the beginning of the first screening period and the applicant has not requested review of such incomplete application.

(3) Withdrawal of applications.

A certificate of need application shall be withdrawn from the certificate of need process if the department receives a written request for withdrawal of the application from the person submitting the application at any time before final action on such application has been taken by the secretary's designee.

(4) Resubmission of applications withdrawn or returned as incomplete.

A submission of a new certificate of need application shall be required for a certificate of need review of any undertaking for which the department has returned an incomplete application in accordance with subsection (2)(b) of this section, or for which a certificate of need application has been withdrawn in accordance with subsection (3) of this section. The content of the application should be updated as necessary before resubmission.

**AMENDATORY SECTION** (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-310-100 Amendment of certificate of need applications.** (1) The following changes to an application may be considered by the department an amendment of an application:

- (a) The addition of a new service or elimination of a service included in the original application.
- (b) The expansion or reduction of a service included in the original application.
- (c) An increase in the bed capacity.
- (d) A change in the capital cost of the project or the method of financing the project.
- (e) A ((substantial)) significant change in the rationale used to justify the project.
- (f) A change in the applicant.

(2) Direct responses to screening questions will not be considered amendments.

(3) Amendments to certificate of need applications shall include information and documentation consistent with the requirements of WAC 246-310-090 (1)(a)(i) and (b).

(4) Application for emergency review. If an applicant ((amends)) changes an application during the screening period, the department((, after consultation with the advisory review agencies,)) shall determine whether the ((amended)) changed application constitutes a new application. An application ((amended)) changed during the review period shall be considered a new application.

(5) An application for expedited or regular review may be ((amended)) changed during the screening period or the ((advisory review)) public comment period.

(a) ((The advisory review agency recommends to the department that a change to an application constitutes an amendment. When the advisory agency recommends an application has been amended, a written justification shall be

submitted to the applicant and the department within five working days after the recommendation is made.)) If an application is changed during the screening period or within the ten-day grace period following the beginning of review, the department shall determine whether the changed application constitutes an amended application. The applicant may submit written information to the department within five working days of receiving the department's determination indicating why the change should not be considered an amendment. ((The applicant shall also submit the written information to the advisory agency.))

(b) The department shall ((determine)) respond within five working days of ((receipt of)) receiving the ((advisory agency recommendation)) applicant's written information concerning ((an amendment)) whether the application changes constitute(s) an amendment ((to an application)).

(c) When an application has been amended, the review period may be extended ((at the written request of the advisory review agency)) for a period not to exceed forty-five days.

(6) An application for concurrent review may be amended according to the following provisions:

(a) The department((, in consultation with the advisory review agency,)) shall determine when an application has been amended.

(b) An amendment may be made through the first forty-five days of the concurrent review process. When the department determines an applicant ((amends)) has amended an application, the review period for all applications reviewed concurrently shall be extended by a single thirty-day period. The forty-five days for amendments shall be divided as follows:

(i) During the first thirty days an applicant or applicants may amend an application one or more times.

(ii) When an amendment has been made to an application in the first thirty days, all applicants may make one final amendment during the remaining fifteen days of the forty-five day period.

(iii) The department shall send written notice to all applicants when an amendment to an application is submitted.

(iv) If no amendment has been made to any application through the thirty-day period, no amendments may be made during the subsequent fifteen-day period.

(c) Any information submitted after the amendment period which has not been requested in writing by the department shall be returned to the person submitting the information and shall not be considered in the review of the application.

**AMENDATORY SECTION** (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-310-110 Categories of review.** (1) In the review of any certificate of need application, one of the following review processes shall be used: Regular review, concurrent review, emergency review, or expedited review((, or administrative review)).

(2) Determination of review process.

The department((, after any necessary consultation with the appropriate advisory review agencies,)) shall determine

which review process will be used in the review of a given certificate of need application.

(a) ((Administrative review:

~~(i) The secretary's designee shall have the authority to review an abbreviated application proposing the obligation of any capital expenditure by or on behalf of a health care facility decreasing the total number of licensed beds or relocating licensed beds from one facility to another, by ten beds or ten percent, whichever is less, in any two year period. Prior to making a determination of administrative review, the secretary's designee shall consult with the advisory review agencies.~~

~~(ii) An abbreviated application shall be submitted in a form acceptable to the secretary's designee in accordance with the provisions of WAC 246-310-090 (1)(b).~~

~~(iii) Such review shall be completed within ten working days after receipt of an application.~~

((b))) Emergency review.

~~(i) ((Beginning January 1, 1981,)) An emergency review may, with the written consent of the appropriate advisory review agencies, be conducted when an immediate capital expenditure is required in order for a health care facility to maintain or restore basic and essential patient services.~~

~~(ii) The department may((, after consulting with the appropriate advisory review agencies,)) determine an application submitted for emergency review does not qualify for such review. Such a determination and notification to the applicant shall be made within five days after receipt of the application. When the department makes a determination that an application is not subject to emergency review procedures, the application will be reviewed under another review process appropriate for the type of undertaking proposed. The department will notify the applicant of the other process under which the application will be reviewed.~~

((c))) (b) Expedited review.

~~((Beginning July 24, 1983,)) An expedited review shall be conducted on a certificate of need application for the following:~~

~~(i) Projects proposed for the correction of deficiencies as described in WAC 246-310-480, except projects for the repair to or correction of deficiencies in the physical plant necessary to maintain state licensure, which are exempt from review by the provisions of WAC 246-310-020, if they do not substantially affect patient charges.~~

~~(ii) ((The replacement of equipment having similar functional capability and not resulting in the offering or development of any new health services.~~

~~((iii))) Demonstration or research projects: *Provided*, That such projects do not involve a change in bed capacity or the provision of a new ((institutional)) tertiary health service.~~

~~((iv))) (iii) Acquisition of an existing health care facility.~~

~~((v))) (iv) Projects limited to predevelopment expenditures.~~

~~((d))) (c) Regular review process.~~

The regular review process shall be used for any application unless the department has determined the emergency, expedited, or concurrent review process will be used in the review of such application. The regular review process will also be used to review applications for projects solely for the purposes listed in WAC 246-310-020 deter-

mined by the department to substantially affect patient charges, unless the project qualifies for an expedited review under subsection (2)((b))) (a)(i) of this section.

~~((e))) (d) Concurrent review process.~~

The concurrent review process shall be used for all applications determined to be competing in accordance with WAC 246-310-120.

**AMENDATORY SECTION** (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-310-120 Concurrent review process.** (1) Projects for which the department may establish concurrent review schedules are identified in RCW 70.38.115(7). An annual concurrent review has been scheduled for competing projects proposing:

~~(a) New nursing homes, not using bed allocations banked under the provisions of RCW 70.38.115(13);~~

~~(b) Nursing home bed additions, not using bed allocations banked under the provisions of RCW 70.38.115(13);~~

~~(c) The redistribution of beds from the following facility and service categories to skilled nursing facility beds:~~

~~(i) Acute care,~~

~~(ii) Boarding home, or~~

~~(iii) Intermediate care for the mentally retarded((, or~~

~~(d) The redistribution of beds from the following facility and service categories to intermediate care facility beds:~~

~~(i) Acute care, or~~

~~(ii) Boarding home, and~~

~~(e) The relocation of nursing home beds from one county or nursing home planning area to another county or nursing home planning area)).~~

(2) Procedures for the concurrent review process shall be as follows:

(a) Submittal of initial applications.

~~(i) Each applicant shall submit ((simultaneously copies of the application to each reviewing agency)) one original and one copy of the application to the department.~~

~~(ii) Each applicant if requested in writing shall provide a copy of his or her application to the applicant of each other competing application.~~

~~(b) Screening of the initial applications.~~

~~(i) The department ((and the appropriate advisory agencies)) shall screen each initial application during the screening period of the applicable concurrent review cycle schedule.~~

~~(ii) The screening period shall begin on the first ((work)) working day following the last day of the initial application submittal period for the applicable concurrent review cycle schedule.~~

~~(iii) The department by, the end of the screening period of the applicable concurrent review cycle schedule, shall send a written request for supplemental information to each applicant.~~

~~(iv) Each applicant, by the end of the final application submittal period, shall respond to the department's written request for supplemental information in one of the following ways:~~

~~(A) Submitting the requested written supplemental information, or~~

~~(B) Submitting a written request that the incomplete application be reviewed without supplemental information.~~

## (c) Reviewing of final applications.

(i) The department shall commence the review of competing applications on the date prescribed for the applicable concurrent review cycle schedule.

(ii) The total number of days in the ~~((advisory)) public comment~~ and final review periods shall not exceed one hundred and thirty-five, unless extended in accordance with subsection (2)(d) of this section.

~~(iii) The ((appropriate advisory review agencies shall submit written findings and recommendations on each competing application to the department within)) public comment period shall be a maximum of ninety days from the beginning of the ((advisory)) review period, unless the ((advisory review)) public comment period is extended in accordance with subsection (2)(d) of this section. The first sixty days of the public comment period is reserved for receiving public comment and conducting a public hearing, if requested. The remaining thirty days shall be reserved for the applicant or applicants to provide rebuttal statements to written or oral statements submitted during the first sixty-day period. Any interested party that:~~

(A) Is located or resides within the applicant's health service area;

(B) Testified or submitted evidence at a public hearing; and

(C) Requested in writing to be informed of the department's decision, shall also be provided the opportunity to provide rebuttal statements to written or oral statements submitted during the first sixty-day period.

(iv) The department shall conclude its final review and the secretary's designee shall take action on a certificate of need application within forty-five days after the end of the ~~((advisory review agencies' review)) public comment~~ period, unless extended in accordance with subsection (2)(d) of this section.

## (d) Extending review of final applications.

(i) The ~~((advisory review)) public comment~~ period shall be extended in accordance with the provisions of WAC 246-310-100~~((6))~~.

(ii) The final review period may be extended by the department under the following provisions:

(A) The department informs each applicant of the competing applications of the existence of an unresolved pivotal issue.

(B) The department may make a written request for additional information from one or more of the applicants of the competing applications.

(C) The department shall specify in the written request a deadline for receipt of written responses.

(D) Each applicant receiving such written request may provide a written response within the specified deadline.

(E) The department may extend the final review period for all competing applications up to thirty days after the receipt of the last response to the department's request for additional information or after the specified deadline, whichever occurs first.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)**WAC 246-310-130 Nursing home concurrent review cycles.** (1) The department shall review concurrently during review cycles established under subsection ~~((6)) (5)~~ of this section the following:

(a) New nursing homes~~((7)) beds not using bed allocations banked under the provisions of RCW 70.38.115(13);~~

~~(b) ((Nursing home bed additions, or~~

~~(e))) Redistribution of beds from the following facility or service categories to skilled nursing care beds:~~

~~(i) Acute care,~~

~~(ii) Boarding home care((, or~~

~~(iii) Intermediate care for the mentally retarded; or~~

~~(d) Redistribution of beds from the following facility or service categories to intermediate care facility beds:~~

~~(i) Acute care, or~~

~~(ii) Boarding home care)).~~

(2) Undertakings ~~((of type A)) by continuing care retirement communities (CCRCs), as defined in ((subsection (3)(b)(i) of)) this section which do not propose or are not operating within a transition period as defined in ((subsection (3)(d) of)) this section during development, and which meet the following conditions, shall be reviewed under the regular review process per WAC 246-310-160:~~

(a) The number of nursing home beds requested in a single undertaking shall not exceed sixty; and

(b) After project completion, the number of nursing home beds, including those with which the CCRC contracts, shall not exceed one bed for each four independent living units within the CCRC. In computing this ratio, only independent living units of the CCRC already existing, and/or scheduled for completion at the same time as the proposed nursing home beds under the same financial feasibility plan, shall be counted.

~~(3) ((For purposes of this section, the following definitions shall be used:~~

~~(a) "Continuing care contract" means a contract to provide a person, for the duration of the person's life or for a term in excess of one year, shelter along with nursing, medical, health related, or personal care services, in exchange for payment of an entrance fee, periodic charges, or both. Continuing care contracts include, but are not limited to, life care agreements and mutually terminable contracts. The living space and services under a continuing care contract may or may not be provided at the same location.~~

~~(b) "Continuing care retirement community (CCRC)" means any of a variety of entities providing shelter and services based on continuing care contracts with its enrollees. CCRCs are categorized as follows:~~

~~(i) "Type A CCRC" means a CCRC meeting the following requirements:~~

~~(A) Maintains for a period in excess of one year a CCRC contract with its enrollees or residents for a contractually guaranteed range of services from independent living through nursing home care, including some form of assistance with activities of daily living;~~

~~(B) Continues a contract if an enrollee or resident is no longer able to pay for services;~~

~~(C) Offers services only to contractual enrollees with limited exception related to use of transition periods; and~~

~~(D) Prohibits Medicaid program liability for costs of care even if the member depletes his or her personal resources.~~

~~(ii) "Type B CCRC" means a CCRC meeting the following requirements:~~

~~(A) Maintains for a period in excess of one year a CCRC contract with its enrollees or residents;~~

~~(B) May provide a range of services beyond nursing home care;~~

~~(C) May terminate a contract if an enrollee or resident is unable to pay for services;~~

~~(D) May admit patients to the nursing home who are not CCRC enrollees or residents; and~~

~~(E) May maintain Medicaid contracts and/or other requirements for third party payment.~~

~~(e) "Enrollee" of a CCRC means an individual who has signed a continuing care contract with a CCRC.~~

~~(d) "Transition period" means a period of time, not exceeding five years, between the date an enrollee becomes the first resident of a type A CCRC and the date it fully meets the requirements of a type A CCRC as contained in the current state health plan.~~

~~(4)) The annual nursing home concurrent review consists of the following cycles:~~

~~(a) One of the annual cycles is reserved for the review of competing applications submitted by or on behalf of:~~

~~(i) ((Type A)) CCRCs applying for nursing home beds available from the statewide CCRC allotment as described in WAC 246-310-380(5); and~~

~~(ii) ((Type A)) CCRCs which propose or are operating within a transition period during development and are not applying for nursing home beds available from any nursing home planning area((; and~~

~~(iii) Type B CCRCs applying for nursing home beds available from the statewide CCRC allotment).~~

~~(b) Two other cycles are established for review of competing applications for nursing home beds needed ((in half of)). The nursing home planning areas((; and~~

~~(e) Until whichever occurs first, December 31, 1990, or issuance of a certificate of need for all or part of those available beds, one cycle is reserved for the review of competing applications submitted for nursing home beds available from the King County AIDS nursing home bed allotment established under WAC 246-310-400)) are divided into two separate groups.~~

~~((5)) (4) The department shall use the following nursing home concurrent review application filing procedures:~~

~~(a) Each applicant shall:~~

~~(i) File the required number of copies of each application as specified in the application information requirements, and~~

~~(ii) Mail or deliver the application so that the department receives it no later than the last day for initial application receipt as prescribed in the schedule for that concurrent review cycle.~~

~~(b) The department shall:~~

~~(i) Only review applications for which a letter of intent, as described in WAC 246-310-080, was mailed or delivered to the department before the last day for receipt of letters of intent as indicated below;~~

~~(ii) Begin screening all applications received during the initial application period on the first working day following the close of that period; and~~

~~(iii) Return to the applicant any application received after the last day of the initial application receipt period.~~

~~((6)) (5) The schedules for the annual nursing home bed concurrent review cycles shall be as follows:~~

~~(a) For those applications described in subsection ((4)) (3)(a) of this section, the concurrent review cycle schedule shall be as follows:~~

~~(i) Period for receipt of letters of intent shall begin on the first working day of June and end on the first working day of July,~~

~~(ii) Period for receipt of initial applications shall begin on the first working day of July and end on the first working day of August,~~

~~(iii) End of initial application completeness screening period is the first working day of September,~~

~~(iv) End of final application receipt period is the first working day of October, and~~

~~(v) Beginning of concurrent review period is October 16 or first working day after that date.~~

~~(b) For competing applications submitted for nursing home beds available for the Chelan/Douglas, Clallam, Clark/Skamania, Cowlitz, Grant, Grays Harbor, Island ((excluding Camano)), Jefferson, King, Kittitas, Klickitat, Okanogan, Pacific, San Juan, Skagit, Spokane, and Yakima nursing home planning areas, the concurrent review cycle schedule shall be as follows:~~

~~(i) Period for receipt of letters of intent shall begin on the first working day of July and end on the first working day of August,~~

~~(ii) Period for receipt of initial applications shall begin on the first working day of August and end on the first working day of September,~~

~~(iii) End of initial application completeness screening period is the first working day of October,~~

~~(iv) End of final application receipt period is the first working day of November, and~~

~~(v) Beginning of concurrent review period is November 16 or first working day after that date.~~

~~(c) For competing applications submitted for nursing home beds available for the Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Kitsap, Lewis, Lincoln, Mason, Pend Oreille, Pierce, Snohomish ((including Camano)), Stevens, Thurston, Wahkiakum, Walla Walla, Whatcom, and Whitman nursing home planning areas, the concurrent review cycle schedule shall be as follows:~~

~~(i) Period for receipt of letters of intent shall begin on the first working day of August and end on the first working day of September,~~

~~(ii) Period for receipt of initial applications shall begin on the first working day of September and end on the first working day of October,~~

~~(iii) End of initial application completeness screening period is the first working day of November,~~

~~(iv) End of final application receipt period is the first working day of December, and~~

~~(v) Beginning of concurrent review period is December 16 or first working day after that date.~~

~~((d) For those applications described in subsection (4)(e) of this section, the concurrent review cycle shall be as follows:~~

- ~~(i) Period for receipt of letters of intent shall begin on February 17, 1989, and end on March 3, 1989;~~
- ~~(ii) Period of receipt of initial applications shall begin on March 6, 1989, and end on March 20, 1989;~~
- ~~(iii) End of initial application completeness screening period is April 3, 1989;~~
- ~~(iv) End of final application receipt period is April 17, 1989;~~
- ~~(v) Beginning of concurrent review period is April 17, 1989;~~
- ~~(vi) End of the advisory review period is June 16, 1989; and~~
- ~~(vii) End of the final review period is July 14, 1989.))~~

**AMENDATORY SECTION** (Amending Order 293, filed 8/4/92 effective 9/4/92)

**WAC 246-310-132 Open heart surgery concurrent review cycle.** (1) The department shall review new open heart surgery services using the concurrent review cycle in this section.

(2) Certificate of need applications shall be submitted and reviewed according to the following schedule and procedures.

(a) Letters of intent shall be submitted between the first working day and last working day of July of each year~~((, beginning in 1992))~~.

(b) Initial applications shall be submitted between the first working day and last working day of August of each year~~((, beginning in 1992))~~.

(c) The department shall screen initial applications for completeness by the last working day of September of each year~~((, beginning in 1992))~~.

(d) Responses to screening questions shall be submitted by the last working day of October of each year~~((, beginning in 1992))~~.

(e) The public review and comment period for applications shall begin on November 16 of each year~~((, beginning in 1992))~~. In the event that November 16 is not a working day in any year, then the public review and comment period shall begin on the first working day after November 16.

(f) The public ~~((review and))~~ comment period shall be limited to ninety days, unless extended according to the provisions of WAC 246-310-120 (2)(d). The first sixty days of the public comment period shall be reserved for receiving public comments and conducting a public hearing, if requested. The remaining thirty days shall be for the applicant or applicants to provide rebuttal statements to written or oral statements submitted during the first sixty-day period. Any interested party that:

(i) Is located or resides within the applicant's health service area;

(ii) Testified or submitted evidence at a public hearing; and

(iii) Requested in writing to be informed of the department's decision, shall also be provided the opportunity to provide rebuttal statements to written or oral statements submitted during the first sixty-day period.

(g) The final review period shall be limited to sixty days, unless extended according to the provisions of WAC 246-310-120 (2)(d).

(3) Any letter of intent or certificate of need application submitted for review in advance of this schedule, or certificate of need application under review as of the effective date of this section, shall be held by the department for review according to the schedule in this section.

**AMENDATORY SECTION** (Amending Order 244, filed 2/14/92, effective 3/16/92)

**WAC 246-310-135 Ethnic minority nursing home bed pool—Procedures.** (1) The department is establishing a pool of two hundred fifty nursing home beds to serve the special needs of ethnic minorities. This pool shall be made up of nursing home beds that have become available on or after March 15, 1991, due to:

(a) Loss of license or reduction in licensed bed capacity of existing nursing homes, if the beds are not otherwise obligated for replacement as evidenced by a certificate of need authorizing such replacement; or

(b) Expiration or surrender of a certificate of need.

(2) Applications for construction or establishment of ethnic minority nursing home beds shall be reviewed in concurrent review cycles published by the department in rules.

(3) The department may award up to one hundred nursing home beds to a qualified applicant or applicants in the first concurrent review, and before those beds are in the ethnic minority bed pool. ~~((The schedule for the first concurrent review is set out in subsection (6) of this section.))~~

(4) A second concurrent review cycle shall not be conducted until at least two hundred beds are in the ethnic minority bed pool, including the number of beds awarded in the first concurrent review. In this review cycle the department shall award at least one hundred beds and may award as many as one hundred fifty beds to a qualified applicant or applicants. In addition, the department may award any beds not awarded in the first concurrent review, provided any decision not to award those beds is not under appeal. The schedule for the second concurrent review shall be published in rule after at least two hundred beds are in the ethnic minority bed pool.

(5) The department shall conduct additional concurrent review cycles to award beds to qualified applicants when fewer than two hundred fifty beds are awarded in the first and second concurrent reviews, or when beds are returned to the ethnic minority bed pool under the provisions of WAC 246-310-020(3). Such additional concurrent reviews shall be conducted according to schedules published in rules. The department shall schedule additional concurrent reviews when the department determines an adequate number of nursing home beds are in the pool to justify such reviews.

~~((6) The first ethnic minority concurrent review cycle shall be conducted according to the following schedule:~~

~~(a) Letters of intent shall be submitted to the department between the first and last working day of March 1992.~~

~~(b) Initial applications shall be submitted to the department between the first and last working day of April 1992.~~

(e) The department shall screen initial applications for completeness by the last working day of May 1992.

(d) Responses to screening questions shall be submitted to the department by the last working day of June 1992.

(e) The public review and comment period for applications shall begin on July 14, 1992, and shall be limited to ninety days, unless extended according to the provisions of WAC 246-310-120 (2)(d).

(f) The final review period shall be limited to sixty days, unless extended according to the provisions of WAC 246-310-120 (2)(d).

(g) Any letters of intent or certificate of need applications submitted for review in advance of this schedule, or any certificate of need applications under review as of the effective date of this section, shall be held for review according to the schedule in this subsection.)

#### AMENDATORY SECTION (Amending Order 244, filed 2/14/92, effective 3/16/92)

**WAC 246-310-136 Ethnic minority nursing home bed pool—Considerations for review of applications.** (1) The department shall consider the following factors in the course of reviewing and making decisions on applications for construction or establishment of nursing home beds for ethnic minorities.

(a) Conformance with applicable review criteria in WAC 246-310-210, 246-310-220, 246-310-230, and 246-310-240;

(b) Which ((of any)) competing applications best meet identified needs, consistent with the purpose of concurrent review as stated in RCW 70.38.115(7).

(c) The relative degree to which the long-term care needs of an ethnic minority among Washington residents are not otherwise being met. This includes consideration of the legislature's finding that certain ethnic minorities have special cultural, language, dietary, and other needs not generally met by existing nursing homes which are intended to serve the general population;

(d) The percentage of low-income persons who would be served by the proposed project; and

(e) The impact of the proposal on the area's total need for nursing home beds.

(2) To be eligible to apply for and receive an award of beds from the ethnic nursing home bed pool, an application must be to construct, develop, or establish a new nursing home or add beds to an existing nursing home that:

(a) Shall be owned and operated by a nonprofit corporation. At least fifty percent of the board of directors of the corporation are members of the ethnic minority the nursing home is intended to serve;

(b) Shall be designed, managed, and administered to serve the special cultural, language, dietary, and other needs of the ethnic minority; and

(c) Shall not discriminate in admissions against persons who are not members of the ethnic minority whose special needs the nursing home is designed to serve.

(3) An applicant not awarded beds in a concurrent review shall not be given preference over other applicants in any subsequent concurrent review on the basis of the prior review and decision when that applicant submits a new application for another review.

#### AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

**WAC 246-310-140 Emergency review process.** (1) The emergency review process shall not exceed fifteen working days from the beginning of the review period.

(2) ((Written findings and written recommendations of the advisory review agencies shall be submitted to the department within ten working days after the beginning of the emergency review period.

(3)) The department shall complete its final review and the secretary's designee shall make his or her decision on an emergency certificate of need application within fifteen working days after the beginning of the review period unless the department extends its final review period in accordance with the provisions of subsection (((4))) (3) of this section.

((4))) (3) If an issue, which is pivotal to the decision of the secretary's designee remains unresolved, the department may make one request for additional information from the person submitting the application. The department may extend its final emergency review period up to but not exceeding ten days after receipt of the applicant's written response to the department's request for information.

#### AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-310-150 Expedited review process.** (1) The expedited review process shall not exceed fifty days from the beginning of the review period unless extended in accordance with the provisions of subsection (2) of this section((: *Provided however, That the appropriate regional health council consents in writing to a thirty day review period. If the regional health council does not consent to a thirty day review period, the expedited review process shall not exceed eighty days from the beginning of the review period.*

(a) If the advisory agencies' review period is thirty days, advisory review agencies shall submit written findings and recommendations to the department within thirty days of the beginning of the review period. If the advisory agencies' review period is sixty days, the advisory review agencies shall submit written findings and recommendations to the department within sixty days of the beginning of the review period)).

(a) The public comment period shall be limited to thirty days. The first twenty days of the public comment period shall be reserved for receiving public comments. The remaining ten days shall be for the applicant or applicants to provide rebuttal statements to written or oral statements submitted during the first twenty-day period. Any interested party that:

(i) Is located or resides within the applicant's health service area;

(ii) Testified or submitted evidence at a public hearing; and

(iii) Requested in writing to be informed of the department's decision, shall also be provided the opportunity to provide rebuttal statements to written or oral statements submitted during the first twenty-day period.

(b) The department shall complete its final review and the secretary's designee shall make his or her decision on a certificate of need application under an expedited review

~~within twenty days of the end of the ((review)) public comment period ((or extended review period of the advisory review agencies)).~~

(2) The review period for an expedited review may be extended according to the following provisions:

(a) ~~((If the regional health council has consented to a thirty day review period, the review period may be extended for up to an additional thirty days upon the written request of the advisory review agency when additional time is needed by the advisory review agency, to complete the review and submit written findings and recommendations to the department and/or up to)) The review period may be extended an additional forty-five days in accordance with WAC 246-310-100. The department may grant further extensions to this review period: Provided, The person submitting the certificate of need application gives written consent to further extension.~~

(b) If an issue, which is pivotal to the decision of the secretary's designee remains unresolved, the department may make one request for additional information from the person submitting the application. The department may extend its final expedited review period up to but not exceeding thirty days after receipt of the applicant's written response to the department's request for information.

(c) The department may extend ~~((either the expedited review period for the advisory review agencies or the department's)) its~~ final review period upon receipt of a written request of the person submitting the application: *Provided however,* That such an extension shall not exceed sixty days.

#### AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-310-160 Regular review process.** (1) The regular review process shall not exceed ninety days from the beginning of the review period and shall be conducted in accordance with this section unless the review period is extended in accordance with the provisions of subsection (2) of this section.

(a) ~~((Within sixty days from the first day of the review period, the advisory review agencies shall submit written findings and recommendations on a certificate of need application to the department unless either of the advisory review agencies has requested and received an extension of this review period from the department.)) The public comment period shall be limited to forty-five days. The first thirty-five days of the public comment period shall be reserved for receiving public comments and conducting a public hearing, if requested. The remaining ten days shall be reserved for the applicant to provide rebuttal statements to written or oral statements submitted during the first thirty-five day period. Any interested party that:~~

(i) Is located or resides within the applicant's health service area;

(ii) Testified or submitted evidence at a public hearing; and

(iii) Requested in writing to be informed of the department's decision, shall also be provided the opportunity to provide rebuttal statements to written or oral statements submitted during the first thirty-five day period.

(b) The department shall complete its final review and the secretary's designee shall make a decision on a certificate of need application within ~~((thirty)) forty-five~~ days of the end of the ~~((review)) public comment period ((or extended review period of the advisory review agencies)).~~

(2) The review period for a regular review may be extended according to the following provisions:

(a) The ~~((advisory agencies' review)) public comment period may be extended for ((up to an additional thirty days upon the written request of either of the advisory review agencies when such additional time is needed to complete the review and submit written findings and recommendations to the department and/or)) up to an additional forty-five days in accordance with WAC 246-310-100. The department may grant further extensions to this review period: Provided, The person submitting the certificate of need application gives written consent to such further extensions.~~

(b) If an issue, which is pivotal to the decision of the secretary's designee remains unresolved, the department may make one request for additional information from the person submitting the application. The department may extend its final review period up to but not exceeding thirty days after receipt of the applicant's written response to the department's request for information.

(c) The department may extend either the ~~((review period for the advisory review agencies)) public comment period~~ or the department's final review period upon receipt of a written request of the person submitting the application: *Provided however,* That such an extension shall not exceed ninety days.

#### AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

#### **WAC 246-310-170 Notification of beginning of review.** (1) Notice required.

The department shall provide written notification of the beginning of the review of a certificate of need application and notification of the beginning of the review of a proposed withdrawal of a certificate of need to affected persons ~~((other than persons residing within the geographic area served or to be served by the applicant, any persons regularly using health care facilities within that geographic area, and third party payers reimbursing health care facilities for services in the health service area in which the project is proposed to be located,))~~ and any other person submitting a written request that the person's name be on the mailing list for such notice. Notification of the beginning of the review of a certificate of need application shall be provided ~~((to persons residing within the geographic area served or to be served by the applicant, to any person regularly using health care facilities within that geographic area, and third party payers reimbursing health care facilities for services in the health service area in which the project is proposed to be located,))~~ through a newspaper of general circulation in the health service area of the project.

(2) Specific notice requirements.

(a) The department shall give "notification of the beginning of review" of an application after the department ~~((and the appropriate advisory review agencies have each))~~ has received ~~((a complete))~~ an application or the applicant's request, submitted in accordance with WAC 246-310-090

(2)(c), that review of the application begin. Such notice shall be given according to the following requirements:

(i) Emergency review.

When an application is being reviewed under the emergency review process, required notices shall be given within five working days following the receipt of a complete application or the applicant's written request that review of the application begin.

(ii) Expedited and regular review.

When an application is being reviewed under the expedited or regular review process, required notices shall be given within five working days of a declaration that the application is complete or the applicant's request that review of the application begin.

(b) The department shall give notification of the beginning of the review of a proposed withdrawal of a certificate of need when the department determines there may be good cause to withdraw a certificate of need.

(c) The notices shall include:

(i) The procedures for receiving copies of applications, supplemental information and department decisions;

(ii) A general description of the project;

((iii)) (iii) In the case of a proposed withdrawal of a certificate of need, the reasons for the proposed withdrawal;

((iv)) (iv) The proposed review schedule;

((v)) (v) The period within which one or more affected persons may request ((the conduct of)) a public hearing ((during the review));

((vi)) (vi) The name and address of the agency to which a request for a public hearing should be sent;

((vii)) (vii) The manner in which notification will be provided of the time and place of any hearing so requested;

((viii)) (viii) Notice that any affected person wishing to receive notification of a meeting on the application called by the department after the end of the ((advisory agencies review)) public comment period shall submit a written request to the department to receive notification of such meetings; and

((ix)) (ix) The period within which any affected person may request notification of the meetings referenced in subsection (2)(c)((viii)) (viii) of this section.

(d) The notices to other affected persons shall be mailed on the same date the notice to the public is mailed to the newspaper for publication.

(3) Beginning of review.

(a) Review of a certificate of need application under the expedited or regular review process shall begin on the day the department sends notification of the beginning of review to the general public and other affected persons unless the department has received a written request from the applicant pursuant to WAC 246-310-090 (2)(c)(iii), in which case review shall begin upon receipt of such request.

(b) Review of certificate of need applications under the concurrent review process shall begin fifteen days after the conclusion of the published time period for the submission of final applications subject to concurrent review.

(c) Review of a certificate of need application under emergency review shall begin on the first day after the date on which the department ((and the appropriate advisory review agencies have)) has determined the application is complete, or ((have each)) has received a written request to

begin review submitted by the applicant in accordance with WAC 246-310-090 (2)(c).

(d) Review of a proposed withdrawal of a certificate of need shall begin on the day the department sends notification of the beginning of review to the general public and to other affected persons.

**AMENDATORY SECTION** (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-310-180 Public hearings.** (1) "Opportunity for a public hearing," as used in this section, shall mean a public hearing will be conducted if a valid request for such a hearing has been submitted by one or more affected persons.

(2) The department shall provide opportunity to affected persons for a public hearing on:

(a) A certificate of need application ((which is)) under review, unless the application is being reviewed according to the emergency or expedited review processes; and

(b) The proposed withdrawal of a certificate of need.

((This requirement for a public hearing shall be satisfied if the appropriate regional health council has provided opportunity for such a public hearing to "affected persons" as this term is defined in WAC 246-310-010. Provided however, That the department has delegated the responsibility for such hearing to the appropriate regional health council, and such regional health council has followed public hearing procedures required under the provisions of this section.))

(3) To be valid, a request for a public hearing on a certificate of need application or on the proposed withdrawal of a certificate of need shall:

(a) Be submitted in writing;

(b) Be received by the ((agency identified in the "notification of beginning of review")) department within fifteen days after the date on which the department's "notification of beginning of review" for the particular certificate of need application or proposed withdrawal of a certificate of need was published in a newspaper of general circulation; and

(c) Include identification of the particular certificate of need application or proposed certificate of need withdrawal for which the public hearing is requested and the full name, complete address, and signature of the person making the request.

(4) The department ((or the regional health council to which the department delegated responsibility for public hearings)) shall give written notice of a public hearing conducted pursuant to this section.

(a) Written notice shall be given to affected persons and the public at least fifteen days prior to the beginning of the public hearing.

(b) The notices shall include: Identification of the certificate of need application or certificate of need on which the public hearing is to be conducted and the date, time, and ((place)) location of the public hearing.

(c) Notice to the general public to be served by the proposed project to which the certificate of need application or certificate of need pertains shall be through a newspaper of general circulation in the health service area of the proposed project. The notices to other affected persons shall

be mailed on the same date the notice to the public is mailed to the newspaper for publication.

(5) In a public hearing on a certificate of need application or on a proposed withdrawal of a certificate of need, any person shall have the right to be represented by counsel and to present oral or written arguments and evidence relevant to the subject matter ((which is the subject)) of the hearing. Any person affected by the matter may conduct reasonable questioning of persons who make relevant factual allegations.

(6) The department ((or regional health council, whoever conducts the hearing,)) shall maintain a verbatim record of a public hearing and shall not impose fees for the hearing.

(7) The department shall not be required to conduct a public hearing on a certificate of need application being reviewed according to the emergency or expedited review procedures.

(8) The department may conduct a public hearing in the absence of a request as identified in subsection (3) of this section, if the department determines it is in the best interest of the public.

#### AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-310-190 Ex parte contacts.** (1) There shall be no ex parte contacts as defined in WAC 246-310-010(((17))) after whichever of the following occurs last:

(a) The conclusion of a public hearing held in accordance with WAC 246-310-180, or

(b) The ((final action of the appropriate regional health council, or

(c) The final action of the hospital commission)) end of the public comment period.

(2) Any of the following communications shall not be considered ex parte contacts:

(a) A communication regarding the procedure or process of the review.

(b) A communication made in a meeting open to the public requested by the department and reasonable notice of the meeting has been given to the applicant, ((the advisory review agencies,)) all applicants in a concurrent review, and all persons having previously requested in writing to be notified of all such meetings or written requests for information concerning a specific application for certificate of need or a specific proposed withdrawal of a certificate of need.

(c) A written request for information made by the department and provided to all persons specified in subsection (2)(b) of this section.

(d) A response to a request made by the department in a meeting held in accordance with subsection (2)(b) of this section or in response to subsection (2)(c) of this section, and submitted to the department and to all persons specified in subsection (2)(b) of this section.

#### AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-310-200 Bases for findings and action on applications.** (1) The findings of the department's review of certificate of need applications and the action of the secretary's designee on such applications shall, with the

exceptions provided for in WAC 246-310-470 and 246-310-480 be based on determinations as to:

(a) Whether the proposed project is needed;

(b) Whether the proposed project will foster containment of the costs of health care;

(c) Whether the proposed project is financially feasible; and

(d) Whether the proposed project will meet the criteria for structure and process of care identified in WAC 246-310-230.

((The decision on a certificate of need application shall be consistent with the state health plan in effect at the time the secretary's designee made the original or reconsidered or remanded decision. A finding of inconsistency shall not be based solely on the fact a proposed project is not specifically referenced in the state health plan.))

((Criteria contained in this section and in WAC 246-310-210, 246-310-220, 246-310-230, and 246-310-240 shall be used by the department in making the required determinations.))

(a) In the use of criteria for making the required determinations, the department shall consider:

((The consistency of the proposed project with ((the applicable regional health plan (RHP) and annual implementation plan (AIP), and the state health plan (SHP))) service or facility standards contained in this chapter;))

((The standards in the state health plan identified to be used for certificate of need review purposes and applicable to the type of project under review;))

((((In the event the standards ((in the state health plan or regional health plan)) contained in this chapter do not address in sufficient detail for a required determination the services or facilities for health services proposed, the department may consider standards not in conflict with ((the state health plan or regional health plan)) those standards in accordance with subsection ((3)) (2)(b) of this section; and

((((iv) The findings and recommendations of the regional health council and the hospital commission (in relation to the immediate and long range financial feasibility of a hospital project as well as the probable impact of such project on the cost of and charges for providing health services by the hospital, including recommendations to approve, conditionally approve, partially approve, or deny an application); and

((v))) (iii) The relationship of the proposed project to the long-range plan (if any) of the person proposing the project.

(b) The department may consider any of the following in its use of criteria for making the required determinations:

(i) Nationally recognized standards from professional organizations;

(ii) Standards developed by professional organizations in Washington state;

(iii) Federal Medicare and Medicaid certification requirements;

(iv) State licensing ((regulations)) requirements;

((v) ((The hospital commission's policies, guidelines and regulations;))

((vi))) Applicable standards developed by other individuals, groups, or organizations with recognized expertise related to a proposed undertaking; and

((vii))) (vi) The written findings and recommendations of individuals, groups, or organizations with recognized

expertise related to a proposed undertaking, with whom the department consults during the review of an application.

(c) At the request of an applicant, the department shall identify the criteria and standards it will use prior to the submission and screening of a certificate of need application: *Provided however,* That when a person requests identification of criteria and standards prior to the submission of an application, the person shall submit such descriptive information on a project as is determined by the department to be reasonably necessary in order to identify the applicable criteria and standards. The department shall respond to such request within fifteen working days of its receipt. In the absence of an applicant's request under this subsection, the department shall identify the criteria and standards it will use during the screening of a certificate of need application. The department shall inform the applicant about any consultation services it will use in the review of a certificate of need application prior to the use of such consultation services.

(d) Representatives of the department or consultants whose services are engaged by the department may make an on-site visit to a health care facility, or other place for which a certificate of need application is under review, or for which a proposal to withdraw a certificate of need is under review when the department deems such an on-site visit is necessary and appropriate to the department's review of a proposed project.

#### AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-310-210 Determination of need.** The determination of need for any project shall be based on the following criteria, except these criteria will not justify exceeding the limitation on increases of nursing home beds provided in WAC 246-310-810.

(1) The population served or to be served has need for the project and other services and facilities of the type proposed are not or will not be sufficiently available or accessible to meet that need. The assessment of the conformance of a project with this criterion shall include, but need not be limited to, consideration of the following:

(a) In the case of a reduction, relocation, or elimination of a service, the need the population presently served has for the service, the extent to which the need will be met adequately by the proposed relocation or by alternative arrangements, and the effect of the reduction, elimination, or relocation of the service on the ability of low-income persons, racial and ethnic minorities, women, handicapped persons, and other underserved groups and the elderly to obtain needed health care;

(b) In the case of health services or facilities proposed to be provided, the efficiency and appropriateness of the use of existing services and facilities similar to those proposed;

(c) In the case of an application by an osteopathic or allopathic facility ((for a certificate of need to construct, expand, or modernize a health care facility, acquire major medical equipment, or add services, the need for that construction, expansion, modernization, acquisition of equipment, or addition of services on the basis of)) the need for and the availability in the community of services and facilities for osteopathic and allopathic physicians and their patients, and the impact on existing and proposed institution-

al training programs for doctors of osteopathy and medicine at the student, internship, and residency training levels; and

(d) In the case of a project not involving health services, the contribution of the project toward overall management and support of such services.

(2) All residents of the service area, including low-income persons, racial and ethnic minorities, women, handicapped persons, and other underserved groups and the elderly are likely to have adequate access to the proposed health service or services. The assessment of the conformance of a project with this criterion shall include, but not be limited to, consideration as to whether the proposed services makes a contribution toward meeting the health-related needs of members of medically underserved groups which have traditionally experienced difficulties in obtaining equal access to health services, particularly those needs identified in the applicable regional health plan, annual implementation plan, and state health plan as deserving of priority. Such consideration shall include an assessment of the following:

(a) The extent to which medically underserved populations currently use the applicant's services in comparison to the percentage of the population in the applicant's service area which is medically underserved, and the extent to which medically underserved populations are expected to use the proposed services if approved;

(b) The past performance of the applicant in meeting obligations, if any, under any applicable federal regulations requiring provision of uncompensated care, community service, or access by minorities and handicapped persons to programs receiving federal financial assistance (including the existence of any unresolved civil rights access complaints against the applicant);

(c) The extent to which Medicare, Medicaid, and medically indigent patients are served by the applicant; and

(d) The extent to which the applicant offers a range of means by which a person will have access to its services (e.g., outpatient services, admission by house staff, admission by personal physician).

(3) ((The resources for the proposed project are not needed for higher priority alternative uses identified in applicable health plans.

((4))) The applicant has substantiated any of the following special needs and circumstances the proposed project is to serve.

(a) The special needs and circumstances of entities such as medical and other health professions schools, multidisciplinary clinics and specialty centers providing a substantial portion of their services or resources, or both, to individuals not residing in the health service areas in which the entities are located or in adjacent health service areas.

(b) The special needs and circumstances of biomedical and behavioral research projects designed to meet a national need and for which local conditions offer special advantages.

(c) The special needs and circumstances of osteopathic hospitals and nonallopathic services.

((5))) (4) The project will not have an adverse effect on health professional schools and training programs. The assessment of the conformance of a project with this criterion shall include consideration of:

(a) The effect of the means proposed for the delivery of health services on the clinical needs of health professional

training programs in the area in which the services are to be provided; and

(b) If proposed health services are to be available in a limited number of facilities, the extent to which the health professions schools serving the area will have access to the services for training purposes.

((6)) (5) The project is needed to meet the special needs and circumstances of enrolled members or reasonably anticipated new members of a health maintenance organization or proposed health maintenance organization and the services proposed are not available from nonhealth maintenance organization providers or other health maintenance organizations in a reasonable and cost-effective manner consistent with the basic method of operation of the health maintenance organization or proposed health maintenance organization. In assessing the availability of health services from these providers, the department shall consider only whether the services from these providers:

(a) Would be available under a contract of at least five years' duration;

(b) Would be available and conveniently accessible through physicians and other health professionals associated with the health maintenance organization or proposed health maintenance organization (for example - whether physicians associated with the health maintenance organization have or will have full staff privileges at a nonhealth maintenance organization hospital);

(c) Would cost no more than if the services were provided by the health maintenance organization or proposed health maintenance organization; and

(d) Would be available in a manner administratively feasible to the health maintenance organization or proposed health maintenance organization.

(6) For nursing home projects including distinct part long-term care units located in a hospital and licensed under chapter 70.41 RCW, the following criterion shall apply in addition to those found in WAC 246-310-380.

(a) In the case of an application for new nursing home beds, the department shall find no need if the state is at or above the state-wide estimated bed need, except as referenced in WAC 246-310-380(6). However, the department may put under review and subsequently approve or deny applications that propose to redistribute nursing home beds to a planning area under the established ratio. The department may also consider applications that propose to add beds in planning areas under the established ratio using beds banked and for which the need for the beds is not deemed met, under the provisions of RCW 70.38.115(13). For the above projects, the need for such projects, shall, in part, be determined using individual planning area estimated bed need numbers.

(b) If the state is below the state-wide estimated bed need or for those projects referenced above, the department shall determine the need for nursing home beds, including distinct part long-term care units located in a hospital licensed under chapter 70.41 RCW, based on:

(i) The availability of other nursing home beds in the planning area to be served; and

(ii) The availability of other services in the planning area to be served. Other services to be considered include, but are not limited to: Assisted living (as defined in chapter 74.39A RCW); boarding home (as defined in chapter 18.20

RCW); enhanced adult residential care (as defined in chapter 74.39A RCW); adult residential care (as defined in chapter 74.39A RCW); adult family homes (as defined in chapter 70.128 RCW); hospice, home health and home care (as defined in chapter 70.127 RCW); personal care services (as defined in chapter 74.09 RCW); and home and community services provided under the community options program entry system waiver (as referenced in chapter 74.39A RCW). The availability of other services shall be based on data which demonstrates that the other services are capable of adequately meeting the needs of the population proposed to be served by the applicant. The following variables should be evaluated in this analysis when available:

(A) The current capacity of nursing homes and other long-term care services;

(B) The occupancy rates of nursing homes and other long-term care services over the previous two-year period;

(C) Proposed residential care projects scheduled to be completed within the same period of time indicated on the nursing home certificate of need application; and

(D) The ability of the other long-term care services to serve all people regardless of payor source.

#### AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

**WAC 246-310-230 Criteria for structure and process of care.** A determination that a project fosters an acceptable or improved quality of health care shall be based on the following criteria.

(1) A sufficient supply of qualified staff for the project, including both health ((manpower)) personnel and management personnel, are available or can be recruited.

(2) The proposed service(s) will have an appropriate relationship, including organizational relationship, to ancillary and support services, and ancillary and support services will be sufficient to support any health services included in the proposed project.

(3) There is reasonable assurance that the project will be in conformance with applicable state licensing requirements and, if the applicant is or plans to be certified under the Medicaid or Medicare program, with the applicable conditions of participation related to those programs.

(4) The proposed project will promote continuity in the provision of health care, not result in an unwarranted fragmentation of services, and have an appropriate relationship to the service area's existing health care system.

(5) There is reasonable assurance that the services to be provided through the proposed project will be provided in a manner that ensures safe and adequate care to the public to be served and in accord with applicable federal and state laws, rules, and regulations. The assessment of the conformance of a project to this criterion shall include but not be limited to consideration as to whether:

(a) The applicant or licensee has no history, in this state or elsewhere, of a criminal conviction which is reasonably related to the applicant's competency to exercise responsibility for the ownership or operation of a health care facility, a denial or revocation of a license to operate a health care facility, a revocation of a license to practice a health profession, or a decertification as a provider of services in

the Medicare or Medicaid program because of failure to comply with applicable federal conditions of participation; or

(b) If the applicant or licensee has such a history, whether the applicant has affirmatively established to the department's satisfaction by clear, cogent and convincing evidence that the applicant can and will operate the proposed project for which the certificate of need is sought in a manner that ensures safe and adequate care to the public to be served and conforms to applicable federal and state requirements.

**AMENDATORY SECTION** (Amending Order 274, filed 5/26/92, effective 6/26/92)

**WAC 246-310-262 Nonemergent interventional cardiology standard.** All nonemergent percutaneous transluminal coronary angioplasty (PTCA) procedures and all other nonemergent interventional cardiology procedures are tertiary services as defined in WAC ((246-310-021)) 246-310-010 and shall be performed in institutions which have an established on-site open heart surgery program capable of performing emergency open heart surgery.

**AMENDATORY SECTION** (Amending Order 367, filed 6/7/93, effective 7/8/93)

**WAC 246-310-280 Kidney disease treatment centers.** (1) To receive approval, a kidney disease treatment center providing hemo or peritoneal dialysis, training, or backup must meet the following standards in addition to applicable review criteria in WAC 246-310-210, 246-310-220, 246-310-230, and 246-310-240.

(2) ((Definitions:

(a) "Base year" means the last full calendar year preceding the first year of dialysis station need projections.

(b) "Projection year" means the base year plus three years.

(c) "End of year incenter patients" means the number of patients receiving incenter dialysis at the end of the calendar year.

(d) "End stage renal dialysis service areas" means each individual county, designated by the department as the smallest geographic area for which dialysis station need projections are calculated, or other service area documented by patient origin.

(e) "Justified home training station" means a dialysis station designated for home hemo dialysis and/or peritoneal dialysis training. When no dialysis stations have been designated for home training at a given dialysis treatment center, one station for every six patients trained for home hemo dialysis, and one station for every twenty patients for peritoneal dialysis, will be considered a justified home training station. In no case shall all stations at a given dialysis treatment center be designated as justified home training stations unless the center can document that at least six patients are projected to be trained for home hemo dialysis or twenty patients for peritoneal dialysis for each dialysis station at the center.

((3))) The number of dialysis stations needed in an ESRD service area shall be determined using the following data of the Northwest Renal Network:

(a) The ESRD service area's total number of incenter dialyses provided for the previous five years.

(b) The number of end of year incenter patients for the ESRD service area for the previous five years.

(c) The number of patients trained for home hemo and peritoneal dialysis for the ESRD service area for the previous five years.

((4))) (3) The number of dialysis stations projected as needed in an ESRD service area shall be determined using the following methodology:

(a) Project the number of incenter dialyses needed in the ESRD service area through a three-year future regression analysis of the previous five years' data.

(b) Project the number of incenter dialyses needed to serve residents of the ESRD service area by projecting the number of end of year incenter patients through a three-year future regression analysis of patient origin adjusted data for the previous five years. Multiply this result by one hundred fifty-six dialyses per year.

(c) Project the number of patients to be trained for home hemo and peritoneal dialysis in the service area through a three-year regression analysis of the previous five years' data.

(d) Determine the number of dialysis stations needed for incenter dialysis by dividing the result of (a) of this subsection by 748.8 (equivalent to eighty percent of a three-patient shift schedule).

(e) Determine the number of dialysis stations needed for incenter dialysis to serve residents of the service area by dividing the result of (b) of this subsection by 748.8 (equivalent to eighty percent of a three-patient shift schedule).

(f) Determine the number of stations needed for home hemo and peritoneal training in the service area by dividing the projected number of home hemo patients to be trained by six and peritoneal patients to be trained by twenty.

(g) Determine the number of dialysis stations needed in a service area by the projection year as the total of:

(i) The result of (e) of this subsection, designated as the number of resident stations;

(ii) The result of (d) of this subsection, minus the result of (e) of this subsection, designated as visitor stations;

(iii) The result of (f) of this subsection, designated as the number of training stations.

(h) To determine the net station need for an ESRD service area, subtract the number calculated in (g) of this subsection from the total number of certificate of need approved stations.

((5))) (4) All kidney disease treatment centers that would stand to lose market share by approval of the applicant's facility, must be operating at 748.8 dialyses per nontraining station per year before additional nontraining stations are approved.

((6))) (5) New incenter kidney disease treatment stations must reasonably project to be operating at 748.8 dialyses per nontraining station per year by the third year of operation.

((7))) (6) The department shall not issue certificates of need approving more than the number of stations identified as being needed in a given ESRD service area unless:

(a) The department finds such additional stations are needed to be located reasonably close to the people they serve; or

(b) Existing nontraining dialysis stations in the treatment facility are operating at nine hundred thirty-six dialyses per year (three-patient shifts); or

(c) The applicant can document a significant change in ESRD treatment practice has occurred, affecting dialysis station utilization in the service area; and

The department finds that an exceptional need exists and explains such approval in writing.

#### AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

##### **WAC 246-310-360 Nursing home bed need method.**

((1)) The department has developed the following projection method for determining the number of new nursing home beds necessary for reasonable and appropriate use.

((2)) The department shall use the following projection method during the projection period.

((a))) For all applications where the need for nursing home beds is not deemed met as identified in RCW 70.38.115(13), the following mathematical calculation will be used as a guideline and represent only one component of evaluating need:

((1)) The department shall calculate the state-wide ((baseline)) and planning area specific estimated bed need for the projection year ((which is:

((i)) The greater of:

((A)) The product of) by multiplying the estimated state-wide and planning area specific resident population for the projection year ((multiplied)) by the ((target)) established ratio; ((or

((B)) Thirty thousand two hundred;

((ii)) Minus thirty-five nursing home beds for a state-wide AIDS nursing home demonstration project to be located in PSA # 4.

((b)) The department shall calculate the baseline projection for each planning area by multiplying the projection year estimated resident population for each planning area by either:

((i)) The target ratio; or

((ii)) If thirty thousand two hundred minus thirty-five is used as the state wide baseline bed need, the bed to population ratio computed using a state wide bed supply of thirty thousand one hundred sixty five and state wide projection year resident population.

((e))) ((2)) The department shall then calculate the projected current supply ratio state-wide and for each planning area((, which is a bed to population ratio)). The current supply ratio shall be computed from the most recent bed supply and the projection year estimate of resident population.

((d)) The department shall rank order each planning area from lowest to highest according to the planning area's projected current supply ratio.

((e))) ((3)) The department shall next determine the areas of the state that will be ((under bedded, adequately bedded, and over bedded)) under the established ratio, or over the established ratio in the projection year by comparing each planning area's projected current supply ratio to the ((target)) established ratio ((and state wide current ratio)).

((f))) ((4)) The department shall compare the most recent state-wide bed supply with the state-wide ((baseline)) estimated bed need.

((f))) ((a)) If the current state-wide bed supply is greater than or equal to the state-wide ((baseline)) estimated bed need, then((:

((A))) calculation of ((planning area)) state-wide need for new beds ends((, and

((B)) Need for new beds in every planning area is determined to be zero)).

((f))) ((b)) If the current state-wide bed supply is less than the state-wide ((baseline)) estimated bed need, the department shall determine the difference between the state-wide ((baseline)) estimated bed need and the state-wide current bed supply, which shall be called state-wide available beds.

((f))) ((i)) If the number of state-wide available beds is large enough, the department shall assign to each ((under bedded)) planning area under the established ratio the number of beds necessary to bring it up to the ((target)) established ratio in the projection year.

((f))) ((ii)) If the number of state-wide available beds is insufficient to assign each ((under bedded)) planning area under the established ratio the number of new beds necessary to bring it up to the ((target)) established ratio, the department shall assign to each ((under bedded)) planning area under the established ratio a proportion of state-wide available beds equal to the ratio of that planning area's bed need to reach the ((target)) established ratio to the total beds required for all ((under bedded)) planning areas under the established ratio to reach the ((target)) established ratio in the projection year.

((f))) ((C)) If after assigning new beds to under bedded planning areas per ((f)(ii)(A)) of this subsection state wide available beds remain, the department shall assign this remainder to under bedded or adequately bedded planning areas as follows:

((I)) Since currently under bedded planning areas have been assigned sufficient beds to reach the target ratio under provisions of ((f)(ii)(A)) of this subsection, for purposes of this step of the calculation the department shall consider each currently under bedded planning area to be adequately bedded and to have a bed supply exactly sufficient to achieve the target ratio in the projection year.

((II)) The department shall determine the number of beds needed to bring all adequately bedded planning areas up to the state wide current ratio.

((III)) If the remainder of state wide available beds is large enough, the departments shall assign adequately bedded planning areas the number of beds each needs to reach the state wide current ratio in the projection year.

((IV)) If the remainder of state wide available beds is insufficient to bring adequately bedded planning areas up to the state wide current ratio, the department shall assign to each adequately bedded planning area a proportion of state-wide available beds equal to the ratio of that planning area's bed need to reach the target ratio to the total beds required for all adequately bedded planning areas to reach the target ratio in the projection year.

((D))) ((iii)) The department shall not assign more new beds to a planning area than the number which, when added to the planning area's bed supply, will raise the planning

area's bed-to-population ratio to the greater of the ((target)) established ratio and the state-wide current ratio.

**AMENDATORY SECTION** (Amending Order 121, filed 12/27/90, effective 1/31/91)

**WAC 246-310-370 Nursing home bed need method revision.** (1) The department shall review the projection method and may make changes in accordance ((to)) with the following ((schedule)) process:

(a) ((By June 30, 1992, the department, in consultation with the department of social and health services and appropriate advisory bodies representing both consumers and providers, shall review the projection method.)

(b) During the first half of the projection year, the department shall amend these rules to change the projection method as necessary.

(c) During January 1993 the department shall calculate the baseline projections for the projection period beginning July 1, 1993.)) The appropriate consumer and provider representatives and the department of social and health services shall be notified of the department's plan to evaluate the projection method and be provided information on the process for participating in the evaluation;

(d) Proposed revisions to the projection method shall be developed in consultation with the responding representatives. An opportunity for public comment on the proposed revisions to the projection method will be provided prior to filing the proposed rules.

(2) When reviewing the projection method the department shall consider the following:

(a) The national bed-to-population ratio and the bed-to-population ratios of other states judged by the aging and adult services administration of the department of social and health services to have reasonable and progressive long-term care policies;

(b) Data and information provided by provider and consumer representatives;

(c) State governmental policy goals for distributing scarce resources between nursing homes and other institutional or community based services;

((e)) (d) The effects of developments in the delivery or financing of long-term care services on nursing home bed need; and

((f)) (e) Progress in developing other long-term care services for the state-wide resident population.

**AMENDATORY SECTION** (Amending Order 179, filed 7/10/91, effective 8/10/91)

**WAC 246-310-380 Nursing home bed need standards.** (1) The department shall use the following rules ((to interpret)) in conjunction with the certificate of need review criteria contained in WAC 246-310-210(1) for applications proposing the following:

(a) Construction, development, or other establishment of a new nursing home;

(b) Increase in the licensed bed capacity of a nursing home or a hospital long-term care unit;

(c) Change in license category of beds from the following to nursing home or hospital long-term care unit beds:

- (i) Acute care, or
- (ii) Boarding home care;

(2) The department shall comply with the following time schedule for developing bed need projections:

(a) By the last working day in January of each year, the department shall recalculate the ((baseline)) estimated bed projection for each planning-area.

(b) By the last working day in January of each year, the department shall provide the aging and adult services administration of the department of social and health services with the ((baseline)) estimated bed need for each planning-area, pending the department's decisions on applications submitted during the previous year's nursing home concurrent review cycles.

(c) By the last working day in January of each year, the department shall rank order planning-areas from lowest to highest by the projected current supply ratio.

(d) By the first working day of June of each year, the department shall calculate the net estimated bed need for each planning-area.

(3) The ((following are the baseline)) estimated bed projections for the projection period, listed by planning ((and service)) area ((and planning area)) will be updated annually and distributed to interested parties. When a planning-area ((baseline)) estimated bed projection is less than the planning-area's bed supply as defined by WAC 246-310-350(4), no beds can be added until the state-wide ((target)) established ratio is reached, except as allowed in ((subsections (4) and (6) of)) this section.

	Baseline projection
(a) PSA # 1	
Clallam	471
Grays Harbor	472
Jefferson	188
Pacific	179
(b) PSA # 2	
Island excluding Camano	394
San Juan	105
Skagit	610
Whatcom	866
(c) PSA # 3	
Snohomish including Camano	2,464
(d) PSA # 4	
King	9,229
AIDS project	35
(e) PSA # 5	
Pierce	3,334
(f) PSA # 6	
Lewis	471
Mason	302
Thurston	993
(g) PSA # 7	
Clark/Skamania	1,286
Cowlitz	526
Klickitat	121
Wahkiakum	27

## (h) PSA # 8

Adams	71
Chelan/Douglas	618
Grant	305
Lincoln	86
Okanogan	235

## (i) PSA # 9

Asotin	151
Benton	403
Columbia	42
Franklin	155
Garfield	22
Kittitas	183
Walla-Walla	399
Yakima	1,392

## (j) PSA # 11

Ferry	31
Pend-Oreille	63
Spokane	2,463
Stevens	185
Whitman	202

## (k) PSA # 13

Kitsap	1,119
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(4) The aging and adult services administration of the department of social and health services may submit any redistribution plans to the department which:

(a) Redistribute baseline bed need among planning areas;

(b) Document the following:

(i) That all involved area agencies on aging support each proposed redistribution; and

(ii) That the redistribution plan was approved by the assistant secretary for aging and adult services of the department of social and health services.

(c) Are received by the department no later than April tenth or the first working day thereafter.

((5))) (4) The department shall limit to three hundred the total number of nursing home beds approved for all ((Type A)) CCRCs which propose or are operating within a transition period.

(a) These three hundred beds available for ((Type A)) CCRCs during transition periods shall be in addition to the net nursing home beds needed in all of the planning-areas.

(b) All nursing home beds approved for ((Type A)) CCRCs which propose or are operating within a transition period shall be counted as beds within this three hundred bed limitation unless and until the CCRC fully complies with all provisions of the ((Type A)) CCRCs performance standards.

((6))) (5) The department shall not issue certificates of need approving more than the net estimated bed need indicated for a given planning-area, unless((:

(a) The department finds such additional beds are needed to be located reasonably close to the people they serve; and

(b)) the department explains such approval in writing.

**AMENDATORY SECTION** (Amending Order 121, filed 12/27/90, effective 1/31/91)

**WAC 246-310-390 Nursing home bed need adjustments.** (1) The department shall use the procedures described in this section to make adjustments to planning area net estimated bed need.

(2) For planning areas for which a nursing home review is scheduled or is ongoing, the department shall use the following procedures to adjust a planning area's net estimated bed need between April tenth or the first working day thereafter and the last working day in January of the following year.

(a) Where an increase in the bed supply of a planning area results in a reduction in net estimated bed need, the department shall use the following procedures:

(i) When a reduction in net estimated bed need occurs prior to the date of beginning of review for the applicable concurrent review cycle, the department shall:

(A) Inform, in writing, all persons from whom the department has received an application and/or a valid letter of intent of the reduction; and

(B) Explain the procedures for withdrawing or amending a certificate of need application.

(ii) When a reduction in net estimated bed need occurs after the date of beginning of review for the applicable concurrent review cycle, the department shall use the need projected at the time the review began in reaching a decision on each affected application.

(b) Where a decrease in the bed supply of a planning area results in the increase in net estimated bed need, the department shall:

(i) Use the following policies:

(A) If such a decrease in the bed supply would ((make)) result in a planning area ((under-bedded)) being under the established ratio, the department shall:

(I) Assign to the planning area only enough beds for the planning area to reach the ((target)) established ratio in the projection year, but not to exceed the number of beds which closed; and

(II) Redistribute any remaining beds to planning areas state-wide through the next scheduled recalculation of ((baseline)) estimated projections for all planning areas.

(B) If such decrease in the bed supply would not make a planning area ((under-bedded)) under the established ratio, the department shall redistribute any remaining beds to planning areas state-wide through the next scheduled recalculation of baseline projections for all planning areas.

(ii) Subject to the provisions of (b)(i) of this subsection, use the following procedures:

(A) When an increase in net estimated bed need can be made prior to the last day on which the department can accept amendments to applications under review, the department shall:

(I) Notify all affected applicants in writing; and

(II) Explain to each affected applicant the procedures for amending a certificate of need application.

(B) When an increase cannot be made prior to the last day on which the department can accept amendments to applications under review, the department shall include the increased net estimated bed need in any subsequent decisions

on each affected application or the next applicable concurrent review cycle, whichever occurs first.

(3) For planning areas for which a nursing home review is not scheduled or ongoing, the department shall use the following procedures to adjust a planning area's net estimated bed need between April tenth or the first working day thereafter and the last working day in January of the following year:

(a) If a decrease in the bed supply would make a planning area (~~under bedded~~) under the established ratio, the department shall:

(i) Assign to the planning area only enough beds for the planning area to reach the (~~target~~) established ratio in the projection year; and

(ii) Redistribute any remaining beds to planning areas state-wide through the next scheduled recalculation of baseline projections for all planning areas.

(b) If such decrease in the bed supply would not (~~make~~) result in a planning area (~~under bedded~~) being under the established ratio, the department shall redistribute any remaining beds to planning areas state-wide through the next scheduled recalculation of baseline projections for all planning areas.

## NEW SECTION

**WAC 246-310-395 Nursing home bed banking for alternative use notice requirements.** In the case of a nursing home licensee, requesting to convert some of the nursing home beds to an alternative use, as defined in RCW 70.38.111(8), or reduce the number of beds per room to two or one or otherwise enhance the quality of life for residents and preserve the right to later convert the original portion of the facility back to skilled nursing care, the nursing home shall give notice of intent to preserve its conversion options to the department of health.

(1) Notice of the nursing home's intent to preserve conversion options shall be given to the department of health no later than thirty days after the effective date of the license modification made by the nursing home licensing authority. Such notices shall be signed by the licensee and include the following:

(a) A description of the alternative service to be provided or a description of how the proposed bed banking will have a direct and immediate benefit to the quality of life of the residents and a listing of the number of beds, by room number;

(b) A projected timeline for implementation; and

(c) In the event the nursing home licensee, as defined by WAC 246-310-010, is not the nursing home owner, the licensee shall provide a written statement indicating the building owner's approval of the bed reduction.

(2) The department shall notify the nursing home, as to whether the proposal meets the requirements of RCW 70.38.111 (8)(a) and if conversion rights are recognized. The nursing home does not forfeit its right to bank beds under this section if the department does not respond within this thirty-day time frame, nor does the nursing home obtain rights that it otherwise would not have under applicable statutes or rules if the department does not respond within the thirty-day time frame.

(3) The licensee shall notify the department of health at the time the alternative service or services commences.

(4) Notice of intent to convert beds back to nursing home bed use shall be given to the department of health and the department of social and health services no later than one year prior to the effective date of the licensure modification made by the nursing home licensing authority reflecting the restored beds unless construction is required to convert the beds back. In the event the beds are not converted back to nursing home beds by the date stated in the original notice of intent, a notice of intent will need to be resubmitted no later than one year prior to the effective date of the licensure modification.

(5) In the event construction is required to convert beds back to nursing home bed use, notice shall be given to the department of health and department of social and health services no later than two years prior to the effective date of licensure modification made by the nursing home licensing authority reflecting the restored beds. The same life and safety code requirements as existed at the time the nursing home voluntarily reduced its licensed beds shall be complied with unless waivers from such requirements were issued, in which case the converted beds shall reflect the conditions or standards that then existed pursuant to the approved waivers. In the event the beds are not converted back to nursing home beds by the date stated in the original notice of intent, a notice of intent will need to be resubmitted no later than two years prior to the effective date of the licensure modification.

(6) Prior to any license modification to convert beds back to nursing home beds under this section, the licensee must demonstrate that the nursing home meets the certificate of need exemption requirements under WAC 246-310-043 or has received certificate of need approval for the capital expenditure associated with the nursing home bed conversion.

## NEW SECTION

**WAC 246-310-396 Nursing home bed banking requirements for full facility closure.** In the case of a nursing home licensee, as defined in WAC 246-310-010 ceasing operation as a nursing home and requesting to retain the nursing home bed allocation, pursuant to RCW 70.38.115(13), the licensee shall give notice to the department of health.

(1) Notice of the nursing home's intent to retain the nursing home bed allocation shall be given to the department of health no later than thirty days after the effective date of the home's closure. Such notices shall be signed by the licensee and include the following:

(a) The name of the facility ceasing operation;  
(b) The number of beds in the bed allocation to be retained;  
(c) Documentation of the effective date of the facility closure;

(d) The name, address, and telephone number of a contact person;

(e) Documentation as to whether the applicant is the licensee who has operated the beds for at least one year immediately preceding the reservation of the beds; and

(f) In the event the nursing home licensee, as defined by WAC 246-310-010, is not the nursing home owner, the

licensee shall provide a written statement indicating the building owners approval of the facility's closure.

(2) Notice shall be in written form addressed to the certificate of need program and signed by an authorized representative of the nursing home.

(3) The department shall respond within thirty days of the notice confirming that the rights to the bed allocation have been retained and the date the retained bed right will expire, provided no certificate of need is issued to replace the beds. The nursing home does not forfeit its right to bank beds under this section if the department does not respond within the thirty-day time frame, nor does the nursing home obtain rights that it otherwise would not have under applicable statutes or rules if the department does not respond within the given time frame.

(4) Certificate of need review shall be required for any party who has reserved the nursing home beds except that the need criteria shall be deemed met when the applicant is the licensee who has operated the beds for at least one year immediately preceding the reservation of the beds, and who is replacing the beds in the same planning area.

#### NEW SECTION

**WAC 246-310-397 Nursing home bed replacement notice requirements.** In the case of a nursing home licensee wanting to replace nursing home beds pursuant to WAC 246-310-044, the nursing home shall give notice of intent to replace the beds to the department of health.

Notice of the nursing home licensee's intent to replace the nursing home beds shall be given to the department a minimum of thirty days prior to initiating the replacement project. Such notices shall be signed by the licensee and include the following:

(1) Documentation that the applicant is the existing licensee at all affected facilities and has operated the beds at all affected facilities for at least one year immediately preceding the replacement exemption request fulfilling the notice requirements of this section;

(2) An affidavit from the applicant that the applicant intends to be the licensee at all affected facilities at the time of project completion. This affidavit shall include a statement that the applicant acknowledges the project can not be completed if the applicant is not the licensee at the time of project completion except as allowed for under the provisions of RCW 70.38.115(14);

(3) In the event the nursing home licensee, as defined by WAC 246-310-010, is not the nursing home owner, the licensee shall document whether the building owner has a secured interest in the beds.

(a) If the building owner does have a secured interest in the beds, the licensee shall provide a written statement, signed by the building owner, indicating approval of the bed replacement. In the event that the licensee is unable to complete the replacement project, as referenced in RCW 70.38.115(14), the building owner shall be permitted to complete the project.

(b) If the building owner does not have a secured interest in the beds, the licensee shall provide documentation showing that the building owner has been notified of the proposed project. In the event that the licensee is unable to complete the replacement project, as referenced in RCW

70.38.115(14), the building owner shall not be permitted to complete the project.

(4) The number of beds currently licensed at each affected facility and the number of licensed beds to be replaced at each affected facility;

(5) Geographic location of both the existing nursing home beds and the proposed replacement beds;

(6) Documentation that the nursing home beds being replaced will not be used for nursing home services once the replacement beds are licensed; and

(7) A projected timeline for completion of the project.

#### AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-310-410 Swing bed review standards.** (1) The department shall use the following rules, in addition to those under WAC 246-310-380 to interpret the certificate of need review criteria contained in WAC 246-310-210, 246-310-220, 246-310-230, and 246-310-240 for applications by hospitals proposing an increase in the number of designated swing beds.

(2) Swing beds are defined as up to the first five hospital beds, so designated by an eligible rural hospital, which are available to provide either acute care or long-term care nursing services as required.

(3) Hospitals proposing swing bed projects shall:

(a) Be located in geographic areas of the state defined by the United States Bureau of the Census as a nonstandardized metropolitan statistical area; and

(b) Have total licensed bed capacity not exceeding ((fifty)) one hundred.

(4) Hospitals shall demonstrate ability to meet minimum Medicare standards of care for rural hospital swing beds.

#### AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-310-470 Review and action on health maintenance organization projects.** (1) Undertakings requiring a certificate of need.

A certificate of need shall be required for any undertaking which, in accordance with WAC 246-310-020, is subject to the provisions of chapter 246-310 WAC, unless an exemption has been granted for such undertaking under the provisions of WAC 246-310-040.

(2) Required approval.

The secretary's designee shall issue a certificate of need for a proposed project if the certificate of need applicant for the proposed project is a health maintenance organization or a health care facility controlled (directly or indirectly) by a health maintenance organization and the department finds the proposed project meets the criteria set forth in WAC 246-310-210((6)) (5).

(3) ((Limitation on denials.

~~The secretary's designee shall not deny a certificate of need to a health maintenance organization or a health care facility controlled (directly or indirectly) by a health maintenance organization solely because a proposed project is not discussed in the applicable regional health plan, annual implementation plan, or state health plan.~~

((4))) Sale, acquisition, or lease of facilities or equipment for which a certificate of need has been issued.

A health care facility (or portion thereof) ((~~or medical equipment~~)) for which a certificate of need has been issued under the provisions of this section shall not be sold or leased and a controlling interest in such facility ((~~or equipment~~)) or in a lease of the facility ((~~or equipment~~)) shall not be acquired unless an exemption or a certificate of need for such sale, lease, or acquisition has been granted by the secretary's designee.

**AMENDATORY SECTION** (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-310-480 Projects proposed for the correction of deficiencies.** (1) For the purposes of this section, "correction of deficiencies" shall mean one or more of the following:

(a) Eliminating or preventing imminent safety hazards as defined by federal, state, or local fire, building, or life safety codes or regulations; or

(b) Complying with state licensing standards; or

(c) Complying with accreditation or certification standards which must be met to receive reimbursement under Titles XVIII or XIX of the Social Security Act.

(2) An application submitted for a project limited to the correction of deficiencies, as defined in subsection (1) of this section, shall be approved unless the department finds((, after consultation with the appropriate regional health council,)) that:

(a) The ((facility or service with respect to which such capital expenditure is proposed is not needed)) applicant was provided sufficient advanced notification of such deficiencies to allow for ongoing correction; or

(b) The ((obligation of such capital expenditure is not consistent with the state health plan in effect)) project would result in the substantial modification or replacement of an existing health care facility and the licensee would not be exempt under WAC 246-310-044.

(3) ((A determination a facility or service is not needed shall be made only if the department finds the facility or service has been identified in the state health plan as not being needed.

((4))) An application submitted for the correction of deficiencies shall be reviewed under the expedited review process, in accordance with WAC 246-310-150, unless it qualifies for emergency review in accordance with WAC 246-310-140.

((5))) (4) An application reviewed under the provisions of this section shall be approved only to the extent the capital expenditure is needed for the correction of the deficiency.

((6))) (5) If the department finds any portion of the project or the project as a whole is not needed for the correction of deficiencies, such portion or entire project shall be reviewed in accordance with WAC 246-310-200, 246-310-210, 246-310-220, 246-310-230, and 246-310-240.

((7))) (6) If the department finds a proposed capital expenditure is needed to correct deficiencies, as defined in subsection (1) of this section, the criteria in WAC 246-310-210 shall not be applied to the consideration of the project.

**AMENDATORY SECTION** (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-310-490 Written findings and actions on certificate of need applications.** (1) Written findings.

(a) The findings of the department's review of a certificate of need application shall be stated in writing and include the basis for the decision of the secretary's designee as to whether a certificate of need is to be issued or denied for the proposed project.

(b) In making its findings and taking action on a certificate of need application, the department shall use all criteria contained in chapter 246-310 WAC applicable to the proposed project.

(i) The written findings shall identify any criterion the department has decided is not applicable to the particular project and give the reason for such decision.

(ii) The secretary's designee may deny a certificate of need if the applicant has not provided the information which is necessary to a determination that the project meets all applicable criteria and which the department has prescribed and published as necessary to a certificate of need review of the type proposed: *Provided however,* That the department has requested such information in a screening letter sent in accordance with WAC 246-310-090 (1)(c).

(c) The department shall make written findings on the extent to which the project meets the criteria set forth in WAC 246-310-210 (1) and (2) when the secretary's designee issues a certificate of need directly related to the provision of health services, or beds((, ~~or major medical equipment~~)): *Provided however,* That no such written finding shall be necessary for projects for the correction of deficiencies of the types described in WAC 246-310-480 and for projects proposed by or on behalf of a health maintenance organization or a health care facility controlled, directly or indirectly, by a health maintenance organization.

(d) When, as a part of concurrent review proceedings, the secretary's designee makes a decision to approve an application or applications and to disapprove other competing applications, he or she shall provide a specific written statement of reasons for determining the approved application or applications to be superior.

(2) Separability of application and action.

When a certificate of need application is for multiple services or multiple components or the proposed project is to be multiphased, the secretary's designee may take individual and different action on separable portions of the proposed project.

(3) Conditional certificate of need.

(a) The secretary's designee in making his or her decision on a certificate of need application may decide to issue a conditional certificate of need if the department finds the project is justified only under specific circumstances: *Provided however,* That conditions shall relate directly to the project being reviewed and to review criteria.

(b) When the department finds a project for which a certificate of need is to be issued does not satisfy the review criteria set forth in WAC 246-310-210 (1) and (2), the secretary's designee may impose a condition or conditions that the applicant take affirmative steps so as to satisfy those review criteria. In evaluating the accessibility of the project,

the current accessibility of the facility as a whole shall be taken into consideration.

(c) The conditions attached to a certificate of need may be released by the secretary's designee upon the request of the health care facility or health maintenance organization for which the certificate of need was issued.

(i) The request must include information needed by the department demonstrating the conditions are no longer valid and the release of such conditions would be consistent with the purpose of chapter 70.38 RCW.

(ii) A request for the removal of a condition must be submitted in accordance with WAC 246-310-090 and will be reviewed in accordance with the regular or expedited review procedures described in WAC 246-310-160 or 246-310-150.

(4) Distribution of written findings and statement of decision.

(a) A copy of the department's written findings and statement of the decision of the secretary's designee on a certificate of need application shall be sent to:

(i) The person submitting the certificate of need application;

((i)) ~~The regional health council for the health service area in which the proposed project is to be located;~~

((ii)) ~~The hospital commission, if the proposed project is for a hospital;~~

((iv)) In the case of a project proposed by a health maintenance organization, the appropriate regional office of the United States Department of Health and Human Services; and

((v)) When the secretary's designee issues a certificate of need for a project which does not satisfy the review criteria set forth in WAC 246-310-210 (1) and (2), the appropriate regional office of the Department of Health and Human Services.

(b) The written findings and statement of the decision of the secretary's designee on a certificate of need application shall be available to others requesting the certificate of need unit to provide access to a copy of such findings and statement.

~~((5) Explanation of inconsistency with the regional health council recommendation or plan.~~

~~The department shall send to the applicant and to the appropriate regional health council a detailed, written statement as to the reasons why a decision the secretary has made on a certificate of need application is inconsistent with any of the following:~~

~~(a) The regional health council's recommendation as to the action to be taken on the certificate of need application;~~

~~(b) The goals and policies of the applicable regional health plan; or~~

~~(c) The priorities of the applicable annual implementation plan.))~~

#### AMENDATORY SECTION (Amending Order 143, filed 2/20/91, effective 3/23/91)

**WAC 246-310-500 Issuance, suspension, denial, revocation, and transfer of a certificate of need.** (1) The secretary's designee shall issue a certificate of need to the applicant.

(a) The secretary's designee shall issue a certificate of need for:

(i) The proposed project, or

(ii) A separable portion of the proposed project.

(b) When the certificate of need is issued for a separable portion of the proposed project, the secretary's designee shall provide written notice to the applicant stating the reasons for the department's action.

(c) The secretary's designee shall issue a certificate of need only when the department finds that the project or the separable portion of the proposed project is consistent with the applicable criteria contained in chapter 246-310 WAC.

(d) In issuing a certificate of need, the secretary's designee shall:

(i) Specify the maximum capital expenditure which may be obligated under the certificate, and

(ii) Prescribe the cost components to be included in determining the capital expenditure which may be obligated under such certificate.

(2) The secretary's designee may issue a conditional certificate of need for a proposed project or a separable portion of the proposed project.

(a) The conditions attached to a certificate of need must directly relate to the project being reviewed.

(b) The conditions must directly relate to criteria contained in chapter 246-310 WAC.

(3) The department shall apply the following provisions when suspending a certificate of need.

(a) The secretary's designee may suspend a certificate of need for cause which shall include, but not be limited to:

(i) Suspicion of fraud,

(ii) Misrepresentation,

(iii) False statements,

(iv) Misleading statements,

(v) Evasion or suppression of material fact in the application for a certificate of need or any of its supporting materials.

(b) The secretary's designee shall issue an order which states the reason for any suspension of a certificate of need to the person to whom the certificate of need had been issued.

(c) A suspension of a certificate of need shall not exceed one hundred twenty calendar days.

(i) Prior to the expiration of the suspension the department shall:

(A) Review the facts and circumstances relevant to the suspension;

(B) Reinstate, amend, or revoke the certificate of need; and,

(ii) Send written notice of its decision on a suspended certificate of need to the person to whom the certificate of need had been issued.

(4) The secretary's designee shall send written notification of denial of a certificate of need to the applicant submitting the certificate of need application stating the reasons for the denial.

(5) When a proposed project or separable portion of the proposed project is denied a certificate of need, the department shall not accept another certificate of need application for the same project or separable portion unless the department determines:

(a) There is a substantial change in existing or proposed health facilities or services in the area to be served by the project; or

(b) There is a substantial change in the need for the facilities or services of the type proposed in the area to be served by the project; or

(c) One year has lapsed since the submission of the application for the certificate of need subject to regular review which was denied or the next scheduled concurrent review cycle permits the submission of applications.

(6) The department shall apply the following provisions in the revocation of a certificate of need.

(a) The secretary's designee may revoke a certificate of need for cause which shall include the following:

- (i) Fraud,
- (ii) Misrepresentation,
- (iii) False statements,
- (iv) Misleading statements, and

(v) Evasion or suppression of material facts in the application of a certificate of need, or in any of its supporting materials.

(b) When the secretary's designee revokes a certificate of need, the secretary's designee shall provide written notice of revocation to the person to whom the certificate of need was issued, including a statement of the reasons for such revocation.

(7) The department shall apply the following procedures in transferring or assigning a certificate of need.

(a) The department shall consider a request to transfer or assign a certificate of need valid only when:

(i) The person to whom the certificate of need was originally issued, or personal representative, where the holder is deceased, submits to the department a written request that the certificate of need be transferred to another person and gives the full name and complete address of the other person; and

(ii) The person to whom the current holder of the certificate of need wishes to transfer the certificate sends an application for such transfer on a form and in such a manner as prescribed and published by the department.

(b) The department shall review applications for transfer or assignment of a certificate of need according to the:

(i) Expedited review procedures in WAC 246-310-150; or

(ii) Regular review procedures in WAC 246-310-160.

(c) The secretary's designee shall base his or her decision to approve or deny an application to transfer or assign a certificate of need on:

(i) The demonstrated ability of the person wishing to acquire the certificate of need to undertake, complete, and operate the project in accordance with the following review criteria:

- (A) WAC 246-310-220 (1) and (3), and
- (B) WAC 246-310-230 (1), (3), and (5).

(ii) The continuing conformance of the project with all other applicable review criteria.

(d) When the person submitting an application to transfer or assign a certificate of need proposes to modify the project description or the maximum capital expenditure, the department shall inform in writing such person that a new or amended certificate of need is required.

(e) When the department denies an application for transfer or assignment of a certificate of need, the department shall inform in writing the person who submitted the application of the reasons for such denial.

(f) The department shall not transfer or assign any certificate of need issued after February 1, 1988, except when:

(i) Prior to completion of the project, death or divorce of one or more persons holding a certificate renders it impossible or impractical to complete the project in the absence of a transfer or assignment; or

(ii) After commencement, a substantial portion of the project has been completed by the original holder of the certificate.

(g) The department shall not transfer or assign a certificate of need under subsections (7)(f)(i) and (ii) of this section when the authorized project is to be relocated.

(h) When the department transfers a certificate of need for a project which has not been commenced, the transferred certificate of need shall have a validity period of two years from the date of issue with the provision for one six-month extension if the holder can demonstrate to the satisfaction of the secretary's designee that substantial and continuing progress towards commencement has been made.

((8) When the secretary's designee fails to issue or deny a certificate of need, the applicant may seek a writ of mandamus from superior court pursuant to chapter 7.16 RCW.))

#### AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-310-560 Provision for reconsideration decision.** (1) Any person or affected person may, for good cause shown, request a public hearing for the purpose of reconsideration of the decision of the secretary's designee on a certificate of need application or withdrawal of a certificate of need.<sup>1</sup>

(2) The department shall conduct a reconsideration hearing if it finds the request is in accord with the following requirements:

(a) The request for a reconsideration hearing shall be written, be received by the department within ((thirty)) twenty-eight days of the department's decision on the certificate of need application or withdrawal of the certificate of need, state in detail the grounds which the person requesting the hearing believes to show good cause, and be signed by the person making the request.

(b) Grounds which the department may deem to show good cause for a reconsideration hearing shall include but not be limited to the following:

(i) Significant relevant information not previously considered by the department which, with reasonable diligence, could not have been presented before the department made its decision;

(ii) Information on significant changes in factors or circumstances relied upon by the department in making its findings and decision; or

(iii) Evidence the department materially failed to follow adopted procedures in reaching a decision.

(3) A reconsideration hearing shall commence within thirty days after receipt of the request for the hearing.

(4) Notification of a public reconsideration hearing on a certificate of need application or withdrawal of a certificate of need shall be sent prior to the date of such hearing by the department to the following:

(a) The person requesting the reconsideration hearing;  
 (b) The person submitting the certificate of need application which is under reconsideration or the holder of the certificate of need;

(c) ((The regional health council for the health service area in which the proposed project is to be offered or developed;))

(d) The hospital commission, if the proposed project is a hospital project;

((e))) Health care facilities and health maintenance organizations located in the health service area where the project is proposed to be located providing services similar to the services under review;

((f)) (d) In the case of a concurrent review, other applicants competing as described in WAC 246-310-080; and to

((g)) (e) Other persons requesting the department to send them such notification.

(5) The department shall, within forty-five days after the conclusion of a reconsideration hearing, make written findings stating the basis of the decision made after such hearing.

(6) The secretary's designee may, upon the basis of the department's findings on a reconsideration hearing, issue or reissue, amend, revoke, or withdraw a certificate of need or impose or modify conditions on a certificate of need for the project about which the reconsideration hearing was conducted.

(7) An applicant requesting a reconsideration hearing under the provisions of this section does not forfeit his or her rights to an adjudicative appeal under the provisions of WAC 246-310-610.

Note: <sup>1</sup>No fee will be charged for a reconsideration hearing.

#### AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-310-570 Circumstances for which an amended certificate of need is required.** (1) An amended certificate of need shall be required for any of the following modifications of a project for which a certificate of need was issued and has been submitted in accordance with subsection (2) of this section:

(a) An addition of a new service;

(b) An expansion of a service beyond that which was included in the certificate of need application on which the issuance of the certificate of need was based;

(c) An increase in the inpatient bed capacity; ((or))

(d) The modification or release of a condition placed on a certificate of need; or

(e) A significant reduction in the scope of a project for which a certificate of need has been issued without a commensurate reduction in the cost of the project, or the project cost increases (as represented in bids on a construction project or final cost estimate or estimates acceptable to the person to whom the certificate of need was issued) when the total of such increases exceeds twelve percent or fifty thousand dollars, whichever is greater, over the maximum capital expenditure specified by the secretary's designee in issuing the certificate of need: *Provided however*, That the review of such reductions or cost increases shall be restricted

to the continued conformance of the project with the criteria contained in WAC 246-310-220 and 246-310-240.

(2) An application to amend a certificate of need shall be submitted and the certificate of need will be issued or denied prior to project completion except for projects involving construction. For projects involving construction, an amendment application may be submitted up to ninety days after project completion provided the applicant meets the following eligibility requirements:

(a) Eligibility requirements for a ninety-day extension to submit an application to amend a certificate of need.

(i) The applicant has submitted quarterly reports and updated the capital expenditures as required in WAC 246-310-590;

(ii) The quarterly progress reports identified that the actual construction costs had exceeded twelve percent or fifty thousand dollars (whichever is greater) of the approved capital expenditure; and

(iii) The department did not notify the applicant in writing that an amended certificate of need was needed.

(b) In the event the applicant has submitted quarterly progress reports as identified in (a)(i) of this subsection and the reports did not reflect that the actual construction costs had exceeded the approved capital expenditure, the applicant would only be eligible for a ninety-day extension if the applicant can document:

(i) All costs in excess of twelve percent or fifty thousand dollars (whichever is greater) of the approved capital expenditure were totally unforeseen as documented by a signed affidavit from the contractor; and

(ii) That all the excess costs were incurred after the submission of the last quarterly progress report preceding the projects' completion.

(3) An application for an amended certificate of need shall be submitted in accordance with the provisions of WAC 246-310-090.

((3))) (4) An application for an amended certificate of need may be reviewed under the expedited review process set forth in WAC 246-310-150.

((4))) (5) The department shall((, after consultation with the appropriate advisory review agencies,)) provide a written determination as to the requirement for an amended certificate of need within twenty-one days after receipt of a request for such determination.

#### AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

**WAC 246-310-580 Validity and extensions.** (1) A certificate of need shall be valid for two years: *Provided*, That one six-month extension may be made if ((it can be substantiated)) the certificate holder can demonstrate that substantial and continuing progress toward commencement of the project has been made.

(2) In the case of a project involving construction, substantial and continuing progress shall include one of the following:

(a) When review and approval by the department of the final plans for construction is required, the submission of working drawings;

(b) When plan approval is not required by the department, receipt of copies of the working drawings for construction; or

(c) In the event working drawings have not been submitted, the applicant must demonstrate that he or she has made continuous progress toward commencement of the project.

(3) A project for which a certificate of need has been issued shall be commenced during the validity period for the certificate of need.

(4) Applications for extensions of the validity period of certificates of need shall be submitted ((simultaneously)) to the department ((and the appropriate advisory review agencies,)) at least one hundred twenty calendar days before the expiration of the certificate of need, and shall contain such information as may be required by the department to determine the extent of progress toward commencement of construction or other action necessary to a project.

(5) An application for an extension of a certificate of need submitted less than one hundred twenty calendar days before the expiration of the certificate of need shall not be reviewed, unless the applicant can demonstrate to the satisfaction of the department unforeseen occurrences during the last one hundred twenty days of the validity period of the certificate of need prevented commencement of construction as previously anticipated by the applicant.

(6) Commencement of the project shall not be undertaken after the expiration of the certificate of need unless a new certificate of need application has been reviewed and a new certificate of need has been issued by the secretary's designee.

(7)(a) In the case of a request by a nursing home to extend its conversion rights to beds banked under the provisions of RCW 70.38.111(8) for an additional four years, the nursing home must meet the following requirements:

(i) The request shall be made ninety days prior to the four-year validity period of the original bed banking request.

(ii) The nursing home shall demonstrate it has complied with the applicable notification requirements under WAC 246-310-395;

(iii) The nursing home has and is currently meeting the exemption requirements in WAC 246-310-043; and

(iv) The nursing home has implemented the alternative service or services identified in the bed banking request. If the service or services have not been implemented, an explanation of why such services have not been implemented and rationale for why the department should grant its extension request.

(b) The department shall notify the nursing home within thirty days of the extension request as to whether an extension of the nursing home's conversion rights is recognized. The nursing home does not forfeit its right to extend its conversion rights under this section if the department does not respond within this time frame, nor does the nursing home obtain rights that it otherwise would not have under applicable statutes or rules if the department does not respond within the time frame.

**AMENDATORY SECTION** (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-310-590 Monitoring of approved projects.**

(1) The department((, in cooperation with the advisory review agencies,)) shall monitor the costs and components of approved projects ((so as)) to assure conformance with certificates of need that have been issued.

(2) The department shall require periodic progress reports from those applicants to whom certificates of need have been issued.

(a) Progress reports shall be required ((at least annually and at no greater frequency than)) quarterly.

(b) Progress reports shall be submitted in the form and manner prescribed and published by the department.

(3) Information required on approved projects may include:

(a) Actual project costs;

(b) Changes in the project;

(c) Financing arrangements, different than approved under the certificate of need;

(d) Project commencement date;

(e) Progress toward completion of construction; and

(f) Project completion date.

(4) The information required on approved projects may vary according to the nature of the projects.

(5) Progress reports on a project for which a particular certificate of need has been issued shall terminate when the project has been completed and the department finds it has received all the information necessary to determine the project has been completed in accordance with the certificate of need which had been issued and the provisions of chapter 246-310 WAC.

**AMENDATORY SECTION** (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-310-600 Withdrawal of a certificate of need.**

(1) The secretary's designee may withdraw a certificate of need if the department determines((, after consultation with the appropriate advisory review agencies,)) that the holder of a certificate is not meeting the timetable specified in the certificate of need application for ((making services or equipment available or)) completing the project and is not making a good-faith effort to meet such timetable.

(2) In reviewing a proposed withdrawal of a certificate of need, the department shall adhere to the provisions of WAC 246-310-170, 246-310-180, 246-310-190, and 246-310-560.

(3) The review period for a proposed withdrawal of a certificate of need shall not exceed ninety days unless extended by the department to allow sufficient time for the conduct of a public hearing pursuant to the provisions of WAC 246-310-180. ((The review period of the appropriate advisory review agencies shall not exceed sixty days unless extended by the department at the written request of the regional health council to allow sufficient time for the conduct of a public hearing pursuant to the provisions of WAC 246-310-180.)) Such extension shall not exceed thirty days.

(4) The findings of the department's review of a proposed withdrawal of a certificate of need shall be stated in writing and include the basis for the decision of the

secretary's designee as to whether the certificate of need is to be withdrawn for a proposed project. A copy of the department's written findings and statement of the decision of the secretary's designee on the proposed withdrawal of a certificate of need shall be sent to:

- (a) The holder of the certificate of need;
- (b) ((The regional health council for the health service area in which the proposed project is to be located;
- (c) The hospital commission, if the proposed project is for a hospital; and
- (d))) In the case of a project proposed by a health maintenance organization, the appropriate regional office of the United States Department of Health and Human Services.

(5) The written findings and statement of the decision of the secretary's designee on the proposed withdrawal of a certificate of need shall be available to others requesting the certificate of need unit to provide access to a copy of such findings and statement.

(6) ((The department shall send to the appropriate regional health council a detailed, written statement as to the reasons why a decision which the secretary's designee has made is inconsistent with any of the following:

- (a) The regional health council's recommendation as to the action to be taken;
- (b) The goals of the applicable regional health plan; or
- (c) The priorities of the applicable annual implementation plan.

((7))) When a certificate of need is for multiple services or multiple components or the proposed project is to be multiphased, the secretary's designee may take individual and different action regarding withdrawal of the certificate of need on separable portions of the certificate of need.

#### AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-310-610 Adjudicative proceeding.** (1) An applicant denied a certificate of need or a certificate holder whose certificate was suspended or revoked has the right to an adjudicative proceeding.

(2) A certificate applicant or holder contesting a department certificate decision shall within twenty-eight days of receipt of the department's decision or reconsidered decision:

(a) File a written application for an adjudicative proceeding by a method showing proof of receipt with the ((Administrative Hearings Unit)) Office of Professional Standards, Department of Health, ((1300 Quince Street S.E.)) 2413 Pacific Avenue, P.O. Box ((47851)) 47872, Olympia, WA 98504-((7851))7872; and

(b) Include in or with the application:

- (i) A specific statement of the issue or issues and law involved;
- (ii) The grounds for contesting the department decision; and

(iii) A copy of the contested department decision.

(3) The proceeding is governed by the Administrative Procedure Act (chapter 34.05 RCW), this chapter, and chapter 246-08 WAC. If a provision in this chapter conflicts with chapter 246-08 WAC, the provision in this chapter governs.

(4) Any health care facility or health maintenance organization that:

- (a) Provides services similar to the services provided by the applicant and under review pursuant to this subsection;
- (b) Is located within the applicant's health service area; and
- (c) Testified or submitted evidence at a public hearing held pursuant to RCW 70.38.115(9), shall be provided an opportunity to present oral or written testimony and argument in a proceeding under RCW 70.38.115 (10)(a) provided that the health care facility or health maintenance organization had, in writing, requested to be informed of the department's decision. If the department desires to settle with the applicant prior to the conclusion of the adjudicative proceeding, the department shall so inform the health care facility or health maintenance organization and afford them the opportunity to comment, in advance, on the proposed settlement.

#### AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-310-900 Capital expenditure minimum adjustment procedures.** These rules and regulations are adopted pursuant to RCW 70.38.025 (6) and (12) for the purpose of establishing the index to be used and procedures for making adjustments to the "expenditure minimum" for capital expenditures ((and to the annual operating costs for new "institutional health services")) which are subject to the requirements of the certificate of need program established under the provisions of chapter 70.38 RCW.

(1) Index to be used. For the purposes of the certificate of need program, the United States Department of Commerce Composite Construction Cost Index shall be used in the annual adjustments of the following:

((a))) The "expenditure minimum" as this term is defined in RCW 70.38.025 and WAC 246-310-010((, and

((b))) The minimum annual operating costs entailed in the provision of new "institutional health services," as this term is defined in RCW 70.38.025 and WAC 246-310-010, which will cause a new institutional health service to be subject to the provisions of chapter 246-310 WAC, the certificate of need rules and regulations)).

(2) Procedure for adjustment.

(a) On or before the first day of each January, the department shall adjust and publish the adjusted expenditure minimum for capital expenditures ((and the adjusted minimum annual operating costs for institutional health services)). Such adjusted minimums shall be in effect during the entire calendar year for which they are established.

(b) The adjustments in the minimums shall be based on the changes which occurred in the Department of Commerce Composite Construction Cost Index during the twelve month period ending the preceding October.

(c) The adjusted minimums shall be published by the department by public notice in one or more newspapers of general circulation within the state and through a written notice sent to ((each health systems agency, the hospital commission,)) each health care facility subject to the requirements of the certificate of need program, and each state-wide organization of such health care facilities((, and the state health coordinating council)).

**AMENDATORY SECTION** (Amending Order 224, filed 12/23/91, effective 1/23/92)

**WAC 246-310-990 Certificate of need review fees.**

(1) An application for a certificate of need under chapter 246-310 WAC shall include payment of a fee consisting of the following:

(a) ((An)) A nonrefundable application processing fee in the amount of seven hundred fifty dollars ((which shall not be refundable));

(b) A review fee based on the project description and the total capital expenditure.

Project Description	Capital Expenditure Range	Review Fee
Additional kidney disease treatment center stations	\$ 0 - \$100,000 100,001 - 250,000 250,001 or more	\$ 4,300 5,700 7,600
Administrative or emergency review	0 - 250,000 250,001 or more	5,400 8,100
Amendment to a certificate of need		5,000
Bed addition of less than 10 beds	0 - 100,000 100,001 - 5,000,000 5,000,001 or more	4,300 5,700 7,600
Bed addition of 10 beds or more	0 - 500,000 500,001 - 5,000,000 5,000,001 or more	8,100 11,900 15,700
Bed redistribution or bed relocation	0 - 100,000 100,001 - 2,000,000 2,000,001 or more	7,000 10,600 13,200
Capital expenditure over the minimum expenditure	Exp. min. 5,000,001 - 10,000,000 10,000,001 or more	7,600 9,600 13,600
Establishment of a new hospital, nursing home, or continuing care retirement community	0 - 2,000,000 2,000,001 or more	10,600 15,700
Establishment of a new home health agency, hospice, ambulatory surgery facility, or kidney disease treatment center	0 - 100,000 100,001 or more	3,700 5,700 7,600
Extension of the certificate of need validity period (projects involving plans review by construction review unit) or extension of nursing home bed banking		150
Extension of the certificate of need validity period (other projects)		900
Replacement of an existing health care facility	1 - 2,000,000 2,000,001 - 5,000,000 5,000,001 or more	5,400 8,100 9,600
Sale, purchase, or lease of part or all of an existing hospital	1 - 5,000,000 5,000,001 or more	7,600 11,500

Substantial change in services, or offering a new tertiary health service	0 - 100,000 100,001 - 2,000,000 2,000,001 or more	8,100 10,600 15,700
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Transfer of a certificate of need 2,700

(c) A nonrefundable two thousand dollar actuarial review fee surcharge for an application sponsored by an existing or proposed continuing care retirement community (CCRC) as defined in WAC 246-310-130 (3)(b).

(2) For purposes of subsection (1)(b) of this section, "total capital expenditure" means the total project costs to be capitalized according to generally accepted accounting principles consistently applied, and includes, but is not limited to, the following:

- (a) Legal fees;
- (b) Feasibility studies;
- (c) Site development;
- (d) Soil survey and investigation;
- (e) Consulting fees;
- (f) Interest expenses during construction;
- (g) Temporary relocation;
- (h) Architect and engineering fees;
- (i) Construction, renovation, or alteration;
- (j) Total costs of leases of capital assets;
- (k) Labor;
- (l) Materials;
- (m) Equipment;
- (n) Sales taxes;
- (o) Equipment delivery; and
- (p) Equipment installation.

(3) Where more than one project description under subsection (1)(b) of this section applies to an application, the applicant shall use the project description and capital expenditure range with the highest review fee in calculating the payment to accompany the application submittal.

(4) The applicant shall accompany the submittal of an amendment to a certificate of need application with a fee consisting of the following:

(a) A nonrefundable processing fee of five hundred dollars;

(b) When the amendment increases the capital expenditure, or results in a project description with a larger review fee, an additional review fee based on the difference between the review fee previously paid when the application was submitted and the review fee applicable to the greater capital expenditure or new project description; and

(c) When the amendment decreases the capital expenditure, or results in a project description with a smaller review fee, the department shall refund to the applicant the difference between the review fee previously paid when the application was submitted and the review fee applicable to the smaller capital expenditure or new project description.

(5) When an application for a certificate of need is returned by the department in accordance with the provisions of WAC 246-310-090 (2)(b) or (e), the department shall refund all review fees paid.

(6) When an applicant submits a written request to withdraw an application before the beginning of review, the department shall refund any review fees paid by the applicant.

(7) When an applicant submits a written request to withdraw an application after the beginning of review, but before the beginning of the ex parte period as determined by the department consistent with WAC 246-310-190, the department shall refund one-half of all review fees paid.

(8) When an applicant submits a written request to withdraw an application after the beginning of the ex parte period as determined by the department consistent with WAC 246-310-190, the department shall not refund any of the review fees paid.

(9) Other certificate of need program fees are:

(a) A nonrefundable two hundred fifty dollar processing fee for each request for an exemption from certificate of need review submitted under the provisions of WAC 246-310-040, 246-310-041, 246-310-042, 246-310-043; and

(b) A nonrefundable two hundred fifty dollar processing fee for each request for an exemption from certificate of need review submitted under the provisions of RCW 70.38.105 (4)(d).

## REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-310-070      Periodic reports on development of proposals.

WAC 246-310-350      Nursing home and continuing care retirement community definitions.

WAC 246-310-400      AIDS long-term care pilot facility review standards.

**WSR 96-17-066**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
 (Board of Pharmacy)  
 [Filed August 20, 1996, 11:57 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 96-11-130.

**Title of Rule:** Chapter 246-904 WAC, Health care entities.

**Purpose:** The proposed rule will implement legislation passed by the 1995 legislation to license health care entities.

**Statutory Authority for Adoption:** RCW 18.64.450.

**Statute Being Implemented:** RCW 18.64.450.

**Summary:** The proposed rule establishes a licensing category for health care entities. This will allow free standing ambulatory centers and kidney dialysis centers to order, purchase, administer and dispense medications to their patients under the supervision of a pharmacist.

**Reasons Supporting Proposal:** Implement legislation and improve health care services provided to patients.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Donald H. Williams, P.O. Box 47863, Olympia, WA 98504, (360) 753-6834.

**Name of Proponent:** Department of Health, governmental.

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

Proposed

**Explanation of Rule, its Purpose, and Anticipated Effects:** This rule will allow free standing ambulatory surgical centers and kidney dialysis centers to obtain a health care entity license. This license will allow the clinics to order, possess, administer and dispense medications to their patients. The rule requires the involvement of a pharmacist in the drug administration/dispensing functions at the facility. The proposed rule should improve health care services provided to patients by having medications readily available for administration or dispensing to the patient. The rule could result in decreased health care costs. The nature of the procedures intended to be performed at a health care entity is now being performed in hospitals. The goal is to perform the same procedures in a health care entity at less cost to all while maintaining the same level of health care services and patient protection that is offered in hospitals.

Proposal does not change existing rules.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

### **Small Business Economic Impact Statement**

In preparing this small business economic impact statement (SBEIS), the department used SIC Code 809 Miscellaneous Health & Allied Services, Not Elsewhere Classified which has a minor impact threshold of \$53.00. The estimated cost to a health care entity exceeds the \$53.00 per year threshold, therefore an SBEIS is required for this rule.

Is an SBEIS necessary? This rule is not exempt and the per business cost exceeds the \$53 minor cost threshold. An SBEIS is required.

**Size Distribution of Affected Business:** RCW 19.85.020 defines a small business as one that employs less than fifty individuals. All businesses surveyed employed less than fifty employees.\* Therefore, all businesses qualify as a small business. There is no disproportionate cost to small business from this regulation.

**Compare the Small Businesses Cost of Compliance with that of the 10% Largest Businesses:** Because all businesses in this industry are small, there is no disproportionate cost impact on small businesses.

**Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses:** Because all businesses in this industry are small, there is no disproportionate cost impact on small businesses and therefore the department has no obligation to mitigate costs. However, the board has mitigated costs to health care entities by not requiring entities to meet the entire licensing rules for hospitals and retail pharmacies. Any further mitigation would not be in the best interest of the citizens of the state and could potentially jeopardize public health.

**Involvement of Small Businesses in the Development of the Rule:** The major components of this rule were mandated by the legislature. The department drafted rules to implement this legislation. Input was obtained from two types of health care entities—an ambulatory surgical center and a kidney dialysis center. This rule has been provided to Department of Health facilities and services licensing and to the Association of Ambulatory Surgical Centers for comment.

**Industries Required to Comply with this Rule:** An estimated one hundred health care facilities could apply for

a license. It should be noted that unless a health care entity elects to possess, order, purchase, dispense or administer legend drugs and controlled substances, they are not required to obtain a license from Department of Health, Board of Pharmacy to conduct business.

\* Facilities surveyed from a listing obtained from Department of Health facilities and services licensing division. This division registers Medicare certified ambulatory surgical centers.

A copy of the statement may be obtained by phoning (360) 753-6834 or FAX (360) 586-4359.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. These rules are significant under section 201, chapter 403, Laws of 1995, because they adopt substantive provisions which subject the violator to penalty or sanctions. The agency has conducted the additional analysis required under section 201.

Hearing Location: Wyndham Hotel, 18118 Pacific Highway South, Seattle, WA, on September 24, 1996, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Lisa Salmi by September 16, 1996, TDD (360) 664-0064, or FAX (360) 586-4359.

Submit Written Comments to: Lisa Salmi, P.O. Box 47863, Olympia, WA 9504 [98504], FAX (360) 586-4359, by September 16, 1996.

Date of Intended Adoption: September 24, 1996.

August 15, 1996  
Donald H. Williams  
Executive Director

## **Chapter 246-904 WAC HEALTH CARE ENTITIES**

### NEW SECTION

**WAC 246-904-010 Definition.** Health care entity - an organization that provides health care services in a setting that is not otherwise licensed by the state. Health care entity includes any of the following which are not part of another licensed facility, including: Outpatient surgery centers, cardiac care centers, or kidney dialysis centers. It does not include an individual practitioner's office or a multipractitioner clinic.

### NEW SECTION

**WAC 246-904-020 New health care entity licensing.** No health care entity shall be issued a license until the facility has submitted an application along with the applicable fees set forth in WAC 246-907-020 through 246-907-030 and has passed an inspection by a Washington state board of pharmacy investigator. The investigator shall determine if the purchase, ordering, storing, compounding, delivering, dispensing and administration of controlled substances and/or legend drugs complies with all applicable state and federal statutes and regulations. Physical requirements for the areas of a health care entity where drugs are stored, compounded, delivered or dispensed shall comply with WAC 246-873-070.

### NEW SECTION

**WAC 296-904-030 Pharmacist in charge.** Every health care entity licensed under this chapter shall designate a pharmacist in charge. The pharmacist in charge may be employed in a full-time capacity or as a pharmacist consultant. The pharmacist in charge must be licensed to practice pharmacy in the state of Washington. The pharmacist in charge designated by a health care entity shall have the authority and responsibility to assure that the area(s) within the health care entity where drugs are stored, compounded, delivered or dispensed are operated in compliance with all applicable state and federal statutes and regulations.

It shall be the responsibility of the pharmacist in charge:

(1) To create and implement policy and procedures relating to:

(a) Purchasing, ordering, storing, compounding, delivering, dispensing or administering of controlled substances or legend drugs.

(b) Accuracy of inventory records, patient medical records as related to the administration of controlled substances and legend drugs, and any other records required to be kept by state and federal regulations.

(c) Adequate security of legend drugs and controlled substances.

(d) Controlling access to controlled substances and legend drugs.

(2) To assure that the Washington state board of pharmacy is in possession of all current policies and procedures identified in subsection (1) of this section.

(3) To execute all forms for the purchase and order of legend drugs and controlled substances.

(4) To verify receipt of all legend drugs and controlled substances purchased and ordered by the health care facility.

**Reviser's note:** The section above was filed by the agency as WAC 296-904-030. However, the other rules for the Department of Health are found in Title 246 WAC. The section above appears to be WAC 246-904-030, but pursuant to the requirements of RCW 34.08.040, it is published in the same form as filed by the agency.

### NEW SECTION

**WAC 246-904-040 Drug procurement, distribution and control.** The procurement, distribution and control of drugs shall be in accordance with WAC 246-873-080.

### NEW SECTION

**WAC 246-904-050 Dispensing of prescription medications from health care entities.** Drugs dispensed to patients of a health care entity must be dispensed in a manner consistent with the requirements of RCW 18.64.246 through 18.64.247, chapters 69.41 and 69.50 RCW, and WAC 246-869-220 through 246-869-240.

### NEW SECTION

**WAC 246-904-060 Labeling.** Drugs dispensed to patients of a health care entity must comply with the labeling requirements of WAC 246-869-210.

NEW SECTION

**WAC 246-904-070 Records.** To the extent applicable, all prescription records shall be maintained in accordance with WAC 246-869-100 and chapter 246-875 WAC et seq.

NEW SECTION

**WAC 246-904-080 Absence of a pharmacist.** Pharmaceutical services shall be available at all times patients are present in the facility. At times when no pharmacist is in the facility, the entity must comply with the requirements of WAC 246-873-050 and 246-873-060.

NEW SECTION

**WAC 246-904-090 Administration.** Administration of drugs to patients of a health care entity shall be in accordance with WAC 246-873-090.

NEW SECTION

**WAC 246-904-100 Closing.** When a health care entity ceases to do business or to provide pharmaceutical services to patients, the entity shall follow the provisions of WAC 246-869-250.

**WSR 96-17-068  
PROPOSED RULES  
DEPARTMENT OF  
SERVICES FOR THE BLIND**

[Filed August 20, 1996, 12:21 p.m.]

Original Notice.

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

Title of Rule: WAC 67-35-020 Application—How to apply.

Purpose: The WAC is amended to make address change.

Statutory Authority for Adoption: Chapter 74.18 RCW.

Summary: The Olympia office of the Department of Services for the Blind relocated, therefore, the address in the WAC should be changed to the new one.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bonnie Jindra, Olympia, (360) 586-0275.

Name of Proponent: Department of Services for the Blind, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Not applicable - address change only.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable - address change only.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not applicable - address change only.

Hearing Location: 1400 South Evergreen Park Drive, Suite 100, Olympia, WA 98504-0933, on September 25, 1996, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Bonnie Jindra by September 18, 1996.

Submit Written Comments to: Bonnie Jindra, P.O. Box 40933, Olympia, WA 98504-0933, FAX (360) 586-7627, by September 10, 1996.

Date of Intended Adoption: September 30, 1996.

August 20, 1996  
Bonnie Jindra  
Assistant Director

**AMENDATORY SECTION** (Amending WSR 89-21-046, filed 10/13/89, effective 11/13/89)

**WAC 67-35-020 Application—How to apply.** The public may obtain additional information about the program, including how to apply for services by contacting the business enterprise program staff at the Department of Services for the Blind, ((~~521 East Legion Way, Mailstop FD-11, Olympia, WA 98504-1422, phone (206) 586-0277~~) P.O. Box 40933, Olympia, WA 98504-0933, phone (360) 586-1224, toll-free 1-800-552-7103. An application for service under the business enterprise program must be made to a vocational rehabilitation counselor located in any office of the department of services for the blind.

**WSR 96-17-069  
PROPOSED RULES  
DEPARTMENT OF LICENSING**

[Filed August 20, 1996, 3:05 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-14-095.

Title of Rule: WAC 308-102-006 Correspondence address and 308-104-018 Changing the address of record.

Purpose: Update agency contact information, detail address of record change procedures.

Statutory Authority for Adoption: RCW 46.01.110 and 46.20.205.

Statute Being Implemented: Chapter 46.29 RCW and RCW 46.20.205, as amended by section 4, chapter 30, Laws of 1996.

Summary: Updates agency contact information for purposes of the financial responsibility laws, details address of record change procedures for purposes of driver licensing and issuance of identification cards.

Reasons Supporting Proposal: Phone number for facsimile transmission (FAX) has changed and must be updated. 1996 legislature amended RCW 46.20.205 to provide for alternative address change procedures.

Name of Agency Personnel Responsible for Drafting: Clark J. Holloway, Highways-Licenses Building, (360) 902-3846; Implementation and Enforcement: Ken Mark, Highways-Licenses Building, (360) 902-3847.

Name of Proponent: Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 308-102-006, gives agency contact information for purposes of compliance with the financial responsi-

bility statutes; and WAC 308-104-018, gives alternative procedures for the agency to update the address of record of driver's license holders and identicard holders.

**Proposal Changes the Following Existing Rules:** WAC 308-102-006 is amended to update the facsimile transmission (FAX) number.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No impact on businesses from the proposal.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Proposal is for procedural rules, and has no significant legislative impact.

**Hearing Location:** Department of Licensing, Highways-Licenses Building, Room 410, Olympia, WA 98504, on September 25, 1996, at 1:30.

**Assistance for Persons with Disabilities:** Contact Department of Licensing by September 24, 1996, TDD (360) 664-8885.

Submit Written Comments to: Department of Licensing, P.O. Box 9030, Olympia, WA 98507, FAX (360) 586-8351, by September 24, 1996.

Date of Intended Adoption: October 1, 1996.

August 20, 1996

Ken Mark

Assistant Director  
by Clark J. Holloway

#### AMENDATORY SECTION (Amending WSR 92-08-045, filed 3/25/92)

**WAC 308-102-006 Correspondence address.** All correspondence shall be addressed to the Department of Licensing, Hearings and Interviews Section, P.O. Box 9030, Olympia, WA 98507-9030, or sent by facsimile transmission (Fax) to ((206) 586-8351) (360) 664-8492, attention Hearings and Interviews Section.

#### NEW SECTION

**WAC 308-104-018 Changing the address of record.** (1) In addition to the form identified in RCW 46.20.205, the department may change a driver's or identicard holder's address of record upon:

(a) The verbal request of the driver or identicard holder, where the department has satisfied itself as to the identity of the person making the request; or

(b) Receipt of written documentation or electronic communication concerning the driver or identicard holder, where such documentation or communication includes an address that differs from the one maintained by department and is:

- (i) Signed by the driver or identicard holder;
- (ii) Filed at the request of the driver or identicard holder; or

- (iii) Filed by a public official or governmental agency.

(2) This section shall not be construed as relieving the driver or identicard holder of the responsibility to notify the department of a change of address as required by RCW 46.20.205. Failure by the department to change a driver's or identicard holder's address of record, where the driver or identicard holder has not notified the department of the change of address with the form identified in RCW 46.20.205, shall not limit the effectiveness of any notice

mailed to the driver or identicard holder at the address of record as previously established by the department.

#### WSR 96-17-076

#### PROPOSED RULES

#### DEPARTMENT OF HEALTH

[Filed August 20, 1996, 4:56 p.m.]

#### Original Notice.

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

#### Title of Rule: WAC 246-907-030 Fees.

**Purpose:** The proposed rule amends the fee section to include a license fee for health care entities, a new licensing category.

**Statutory Authority for Adoption:** RCW 43.70.040.

**Statute Being Implemented:** RCW 43.70.040.

**Summary:** The proposed rule establishes a licensing fee for health care entities, a new licensing category. This will allow free standing ambulatory centers and kidney dialysis centers to obtain a license to order, purchase, administer and dispense medications to their patients under the supervision of a pharmacist.

**Reasons Supporting Proposal:** Implement legislation and rule.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Donald H. Williams, P.O. Box 47863, Olympia, WA 98504, (360) 753-6834.

**Name of Proponent:** Department of Health, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** This rule sets the license fee for health care entities. This rule is needed to implement chapter 246-904 WAC, Health care entities. Health care entities are a new license category within the Department of Health. Upon acquisition of a license, health care entities, free standing ambulatory surgical centers and kidney dialysis centers, will be able to order, possess, administer and dispense medications to their patients.

**Proposal Changes the Following Existing Rules:** This rule amends WAC 246-907-030 Licensing fees, by creating a new license category for health care entities.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

#### Small Business Economic Impact Statement

In preparing this small business economic impact statement (SBEIS), the department used SIC Code 809 Miscellaneous Health & Allied Services, not elsewhere classified which has minor impact threshold of \$53.00. The estimated cost to a health care entity exceeds the \$53.00 per year threshold, therefore an SBEIS is required for this rule.

Is an SBEIS necessary? This rule is not exempt and the per business cost exceeds the \$53 minor cost threshold. An SBEIS is required.

**Size Distribution of Affected Business:** RCW 19.85.020 defines a small business as one that employees less than fifty individuals. All businesses surveyed employed less than fifty employees.\* Therefore, all businesses qualify as a

small business. There is no disproportionate cost to small business from this regulation.

Compare the Small Businesses Cost of Compliance with that of the 10% Largest Businesses: Because all businesses in this industry are small, there is no disproportionate cost impact on small businesses.

**Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses:** Because all businesses in this industry are small, there is no disproportionate cost impact on small businesses and therefore the department has no obligation to mitigate costs. However, the board has mitigated costs to health care entities by not requiring entities to meet the entire licensing rules for hospitals and retail pharmacies. Any further mitigation would not be in the best interest of the citizens of the state and could potentially jeopardize public health.

**Involvement of Small Businesses in the Development of the Rule:** The major components of this rule were mandated by the legislature. The department drafted rules to implement this legislation. Input was obtained from two types of health care entities—an ambulatory surgical center and a kidney dialysis center. This rule has been provided to the Department of Health facilities and services licensing and to the Association of Ambulatory Surgical Centers for comment.

**Industries Required to Comply with this Rule:** An estimated one hundred health care facilities could apply for a license. It should be noted that unless a health care entity elects to possess, order, purchase, dispense or administer legend drugs and controlled substances, they are not required to obtain a license from the Department of Health, Board of Pharmacy to conduct business.

\* Facilities surveyed from a listing obtained from the Department of Health facilities and services licensing division. This division registers Medicare certified ambulatory surgical centers.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. These rules are significant under section 201, chapter 403, Laws of 1995, because they adopt substantive provisions which subject the violator to penalty or sanctions. The agency has conducted the additional analysis required under section 201.

**Hearing Location:** Wyndham Hotel, 18118 Pacific Highway South, Seattle, Washington, on September 24, 1996, at 8:30 a.m.

**Assistance for Persons with Disabilities:** Contact Lisa Salmi by September 16, 1996, TDD (360) 664-0064, or FAX (360) 586-4359.

Submit Written Comments to: Lisa Salmi, P.O. Box 47863, Olympia, WA 98504-7863, FAX (360) 586-4359, by September 16, 1996.

Date of Intended Adoption: September 24, 1996.

August 20, 1996

Bruce Miyahara  
Secretary

**AMENDATORY SECTION** (Amending WSR 94-14-038, filed 6/29/94, effective 7/30/94)

**WAC 246-907-020 Licensing periods.** (1) The following are established by the secretary as the licensing periods for each license specified:

(a) Pharmacist licenses will expire on February 1 of each year.

(b) Pharmacy location, controlled substance registration (pharmacy), pharmacy assistant utilization, and shopkeeper differential hours licenses will expire on June 1 of each year.

(c) All other licenses, including health care entity licenses, registrations, permits, or certifications will expire on October 1 of each year.

(2) Before the expiration date of one of the above-listed authorizations, a renewal notice will be mailed to the last mailing address of record of every authorization holder. The authorization holder is responsible for renewing the authorization prior to the expiration date regardless of whether the renewal notice has been received.

(3) Any license, permit, or registration that is not renewed on or before the expiration date established herein shall expire and shall no longer be valid to practice or conduct the activity for which it is issued. Any license, permit, or registration that has not been renewed by the expiration date shall be renewed only upon payment of the renewal fee and penalty fee as specified in WAC 246-907-030.

**AMENDATORY SECTION** (Amending WSR 94-05-036, filed 2/8/94, effective 3/11/94)

**WAC 246-907-030 Fees.** The following fees shall be charged by the professional licensing division of the department of health:

(a) PHARMACY LOCATION		
Original pharmacy fee		\$275.00
Original pharmacy assistant utilization fee		50.00
Renewal pharmacy fee		200.00
Renewal pharmacy assistant utilization fee		60.00
Penalty pharmacy fee		275.00
(b) VENDOR		
Original fee		60.00
Renewal fee		60.00
Penalty fee		60.00
(c) PHARMACIST		
Exam fee (full exam)		200.00
Reexamination fee (jurisprudence portion)		40.00
Original license fee		100.00
Renewal fee, active and inactive license		105.00
Renewal fee, retired license		20.00
Penalty fee		105.00
Reciprocity fee		250.00
Certification of license status to other states		20.00
Retired license		20.00
Temporary permit		50.00
(d) SHOPKEEPER		
Original fee		25.00
Renewal fee		25.00
Penalty fee		12.50

SHOPKEEPER - with differential hours		(o) PRECURSOR CONTROL PERMIT	
Original fee	25.00	Original fee	50.00
Renewal fee	25.00	Renewal fee	50.00
Penalty fee	12.50		
(e) DRUG MANUFACTURER		(p) LICENSE REISSUE	
Original fee	450.00	Reissue fee	15.00
Renewal fee	450.00		
Penalty fee	450.00		
(f) DRUG WHOLESALER - full line		(q) <u>HEALTH CARE ENTITY</u>	
Original fee	450.00	Original fee	285.00
Renewal fee	450.00	Renewal	200.00
Penalty fee	450.00	Penalty	275.00
(g) DRUG WHOLESALER - OTC only			
Original fee	250.00		
Renewal fee	250.00		
Penalty fee	250.00		
(h) DRUG WHOLESALER - export			
Original fee	450.00		
Renewal fee	450.00		
Penalty	450.00		
(i) PHARMACY ASSISTANT - Level "A"			
Original fee	40.00		
Renewal fee	30.00		
Penalty fee	40.00		
(j) PHARMACY INTERN			
Original registration fee	15.00		
Renewal registration fee	15.00		
(k) CONTROLLED SUBSTANCES ACT (CSA) REGISTRATIONS			
Dispensing registration fee (i.e. pharmacies <u>and health care entities</u> )	65.00		
Dispensing renewal fee (i.e. pharmacies <u>and health care entities</u> )	50.00		
Distributors registration fee (i.e. wholesalers)	90.00		
Distributors renewal fee (i.e. wholesalers)	90.00		
Manufacturers registration fee	90.00		
Manufacturers renewal fee	90.00		
ARNP with prescriptive authorization registration fee	20.00		
ARNP with prescriptive authorization renewal fee	20.00		
Sodium pentobarbital for animal euthanization registration fee	30.00		
Sodium pentobarbital for animal euthanization renewal fee	30.00		
Other CSA registrations	30.00		
(l) LEGEND DRUG SAMPLE - distributor registration fees			
Original fee	275.00		
Renewal fee	200.00		
Penalty fee	200.00		
(m) POISON MANUFACTURER/SELLER - license fees			
Original fee	30.00		
Renewal fee	30.00		
(n) Facility inspection fee	150.00		

**WSR 96-17-081****PROPOSED RULES****DEPARTMENT OF AGRICULTURE**

[Filed August 21, 1996, 9:24 a.m.]

Supplemental Notice to WSR 96-14-108.

Preproposal statement of inquiry was filed as WSR 96-06-053.

Title of Rule: Worker protection standards for agricultural pesticide.

Purpose: To adopt modifications made to federal rules being put into effect by the federal government.

Other Identifying Information: 40 CFR Part 170, Sections 120, 150, 250. Proposing WAC 16-233-125, 16-233-150, and 16-233-250.

Statutory Authority for Adoption: Chapters 17.21, 15.58 RCW.

Statute Being Implemented: Chapters 17.21, 15.58 RCW.

Summary: Adoption of modification of federal worker protection standards.

Reasons Supporting Proposal: Uniformity with existing federal and state laws.

Name of Agency Personnel Responsible for Drafting and Implementation: Ann Wick, 1111 South Washington Street, Olympia, WA, 902-2051; Enforcement: Cliff Weed, 1111 South Washington Street, Olympia, WA, 902-2036.

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

Rule is necessary because of federal law, 40 CFR Part 170, Sections 120, 150, 250.

Explanation of Rule, its Purpose, and Anticipated Effects: Adopt changes to the federal worker protection standard which allow for languages other than English and Spanish and a smaller sign and reduces the amount of time decontamination supplies are required when low toxicity pesticides are used.

Proposal Changes the Following Existing Rules: Modifies rules which are proposed for adoption October 1, 1996.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Adoption of federal modification with no changes. Potentially reduces cost of compliance.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in section 201.

Hearing Location: Hearings will be Held Simultaneously at the Following Locations: Olympia, Department of Information Services, 710 Sleater-Kinney Road S.E., Suite

Q, Olympia, WA 98504-2445; and Wenatchee, North Central Education Service District, 640 South Mission, Wenatchee, WA 98801, through Washington Interactive Television beginning at 6:00 p.m., on September 24, 1996.

**Assistance for Persons with Disabilities:** Contact Catherine Jensen, TDD (360) 902-1966, or (360) 902-1976.

**Submit Written Comments to:** Ann Wick, Washington State Department of Agriculture Pesticide Management Division, P.O. Box 42589, Olympia, WA 98504-2589, FAX (360) 902-2093, by September 24, 1996.

Date of Intended Adoption: October 1, 1996.

August 20, 1996

John Daly  
Assistant Director

#### NEW SECTION

**WAC 16-233-125 Notice of applications—Standards for workers—40 CFR, § 170.120.** (1) Notification to workers of pesticide applications in greenhouses. The agricultural employer shall notify workers of any pesticide application in the greenhouse in accordance with this subsection.

(a) All pesticide applications shall be posted in accordance with subsection (3) of this section.

(b) If the pesticide product labeling has a statement requiring both the posting of treated areas and oral notification to workers, the agricultural employer shall also provide oral notification of the application to the worker in accordance with subsection (4) of this section.

(c) Notice need not be given to a worker if the agricultural employer can assure that one of the following is met:

(i) From the start of the application until the end of the application and during any restricted-entry interval, the worker will not enter, work in, remain in, or pass through the greenhouse; or

(ii) The worker applied (or supervised the application of) the pesticide for which the notice is intended and is aware of all information required by subsection (4)(a) through (c) of this section.

(2) Notification to workers on farms, in nurseries, or in forests of pesticide applications. The agricultural employer shall notify workers of any pesticide application on the farm or in the nursery or forest in accordance with this subsection.

(a) If the pesticide product labeling has a statement requiring both the posting of treated areas and oral notification to workers, the agricultural employer shall post signs in accordance with subsection (3) of this section and shall provide oral notification of the application to the worker in accordance with subsection (4) of this section.

(b) For any pesticide other than those for which the labeling requires both posting and oral notification of applications, the agricultural employer shall give notice of the application to the worker either by the posting of warning signs in accordance with subsection (3) of this section or orally in accordance with subsection (4) of this section, and shall inform the workers as to which method of notification is in effect.

(c) Notice need not be given to a worker if the agricultural employer can assure that one of the following is met:

(i) From the start of the application until the end of the application and during any restricted-entry interval, the

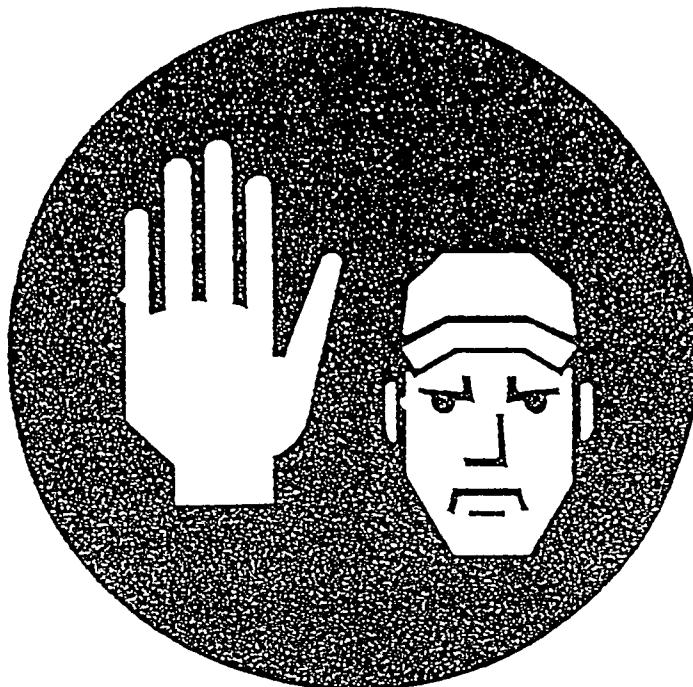
worker will not enter, work in, remain in, or pass through on foot the treated area or any area within one-quarter mile of the treated area; or

(ii) The worker applied (or supervised the application of) the pesticide for which the notice is intended and is aware of all information required by subsection (4)(a) through (c) of this section.

(3) Posted warning signs. The agricultural employer shall post warning signs in accordance with the following criteria:

(a) The warning sign shall have a background color that contrasts with red. The words "DANGER" and "PELIGRO," plus "PESTICIDES" and "PESTICIDAS," shall be at the top of the sign, and the words "KEEP OUT" and "NO ENTRE" shall be at the bottom of the sign. Letters for all words must be clearly legible. A circle containing an upraised hand on the left and a stern face on the right must be near the center of the sign. The inside of the circle must be red, except that the hand and a large portion of the face must be in a shade that contrasts with red. The length of the hand must be at least twice the height of the smallest letters. The length of the face must be only slightly smaller than the hand. Additional information such as the name of the pesticide and the date of application may appear on the warning sign if it does not detract from the appearance of the sign or change the meaning of the required information. A black and white example of a warning sign meeting these requirements, other than the size requirements, follows:

# DANGER PESTICIDES      PELIGRO PESTICIDAS



## KEEP OUT NO ENTRÉ

PROPOSED

BILLING CODE 6560-50-C

(b) The standard sign shall be at least fourteen inches by sixteen inches with letters at least one inch in height. Farms and forests shall use the standard size sign unless a smaller sign is necessary because the treated area is too small to accommodate a sign of this size. In nurseries and green houses, the agricultural employer may, at any time, use a sign smaller than the standard size sign. Whenever a small sign is used on any establishment, there are specific posting distances depending on the size of the lettering and symbol on the sign. If a sign is used with DANGER and PELIGRO in letters at least 7/8 inch in height and the remaining letters at least 1/2 inch in height and a red circle at least three inches in diameter containing an upraised hand and a stern face, the signs shall be no further than fifty feet apart. If a sign is used with DANGER and PELIGRO in letters at least 7/16 inch in height and the remaining letters at least 1/4 inch in height and a red circle at least 1 1/2 inches in diameter containing an upraised hand and a stern face, the signs shall be no further than twenty-five feet apart. A sign with DANGER and PELIGRO in letters less than 7/16 inch in height or with any words in letters less than 1/4 inch in height or a red circle smaller than 1 1/2 inches in diameter containing an upraised hand and a stern face will not satisfy the requirements of the rule. All signs must meet the requirements of (a) of this subsection.

(c) The employer may replace the Spanish portion of the warning sign with a non-English language read by the largest group of workers who do not read English. The replacement sign must be in the same format as the original sign and be visible and legible.

(d) On farms and in forests and nurseries, the signs shall be visible from all usual points of worker entry to the treated area, including at least each access road, each border with any labor camp adjacent to the treated area, and each footpath and other walking route that enters the treated area. When there are no usual points of worker entry, signs shall be posted in the corners of the treated area or in any other location affording maximum visibility.

(e) In greenhouses, the signs shall be posted so they are visible from all usual points of worker entry to the treated area including each aisle or other walking route that enters the treated area. When there are no usual points of worker entry to the treated area, signs shall be posted in the corners of the treated area or in any other location affording maximum visibility.

(f) The signs shall:

(i) Be posted no sooner than twenty-four hours before the scheduled application of the pesticide.

(ii) Remain posted throughout the application and any restricted-entry interval.

(iii) Be removed within three days after the end of the application and any restricted-entry interval and before agricultural-worker entry is permitted, other than entry permitted by WAC 16-233-120.

(g) The signs shall remain visible and legible during the time they are posted.

(h) When several contiguous areas are to be treated with pesticides on a rotating or sequential basis, the entire area may be posted. Worker entry, other than entry permitted by WAC 16-233-120, is prohibited for the entire area while the signs are posted.

(4) Oral warnings. The agricultural employer shall provide oral warnings to workers in a manner that the worker can understand. If a worker will be on the premises during the application, the warning shall be given before the application takes place. Otherwise, the warning shall be given at the beginning of the worker's first work period during which the application is taking place or the restricted-entry interval for the pesticide is in effect. The warning shall consist of:

- (a) The location and description of the treated area.
- (b) The time during which entry is restricted.
- (c) Instructions not to enter the treated area until the restricted-entry interval has expired.

#### NEW SECTION

**WAC 16-233-150 Decontamination—Standards for workers—40 CFR, § 170.150.** (1) Requirement. The agricultural employer must provide decontamination supplies for workers in accordance with this section whenever:

(a) Any worker on the agricultural establishment is performing an activity in the area where a pesticide was applied or a restricted-entry interval (REI) was in effect within the last thirty days; and

(b) The worker contacts anything that has been treated with the pesticide, including, but not limited to soil, water, plants, plant surfaces, and plant parts;

(c) *Exception.* The thirty-day time period established in (a) of this subsection shall not apply if the only pesticides used in the treated area are products with an REI of four hours or less on the label (but not a product without an REI on the label). When workers are in such treated areas, the agricultural employer shall provide decontamination supplies for not less than seven days following the expiration of any applicable REI.

(2) General conditions.

(a) The agricultural employer shall provide workers with adequate water for routine washing and emergency eyeflushing. At all times when the water is available to workers, the employer shall assure that it is of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed.

(b) When water stored in a tank is to be used for mixing pesticides, it shall not be used for decontamination or eyeflushing, unless the tank is equipped with properly functioning valves or other mechanisms that prevent movement of pesticides into the tank.

(c) The agricultural employer shall provide soap and single-use towels in quantities sufficient to meet workers' needs.

(d) To provide for emergency eyeflushing, the agricultural employer shall assure that at least one pint of water is immediately available to each worker who is performing early entry activities permitted by WAC 16-233-120 and for which the pesticide labeling requires protective eyewear. The eyeflush water shall be carried by the early entry worker, or shall be on the vehicle the early entry worker is using, or shall be otherwise immediately accessible.

(3) Location.

(a) The decontamination supplies shall be located together and be reasonably accessible to and not more than one-quarter mile from where workers are working.

(b) For worker activities performed more than one-quarter mile from the nearest place of vehicular access:

(i) The soap, single-use towels, and water may be at the nearest place of vehicular access.

(ii) The agricultural employer may permit workers to use clean water from springs, streams, lakes, or other sources for decontamination at the remote work site, if such water is more accessible than the water located at the nearest place of vehicular access.

(c) The decontamination supplies shall not be maintained in an area being treated with pesticides.

(d) The decontamination supplies shall not be maintained in an area that is under a restricted-entry interval, unless the workers for whom the supplies are provided are performing early entry activities permitted by WAC 16-233-120 and involving contact with treated surfaces and the decontamination supplies would otherwise not be reasonably accessible to those workers.

(4) Decontamination after early entry activities. At the end of any exposure period for workers engaged in early entry activities permitted by WAC 16-233-120 and involving contact with anything that has been treated with the pesticide to which the restricted-entry interval applies, including, but not limited to, soil, water, air, or surfaces of plants, the agricultural employer shall provide, at the site where the workers remove personal protective equipment, soap, clean towels, and a adequate amount of water so that the workers may wash thoroughly. At least ten gallons of water for one employee and twenty gallons of water for two or more employees shall be provided at early entry sites that do not have running water.

## NEW SECTION

**WAC 16-233-250 Decontamination—Standards for pesticide handlers—40 CFR, § 170.250.** (1) Requirement. During any handling activity, the handler employer shall provide for handlers, in accordance with this section, decontamination supplies for washing off pesticides and pesticide residues.

(2) General conditions.

(a) The handler employer shall provide handlers with enough water for routine washing, for emergency eyeflushing, and for washing the entire body in case of an emergency. At all times when the water is available to handlers, the handler employer shall assure that it is of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed. At least ten gallons of water for one employee and twenty gallons of water for two or more employees shall be provided at mixing and loading sites that do not have running water.

(b) When water stored in a tank is to be used for mixing pesticides, it shall not be used for decontamination or eyeflushing, unless the tank is equipped with properly functioning valves or other mechanisms that prevent movement of pesticides into the tank.

(c) The handler employer shall provide soap and single-use towels in quantities sufficient to meet handlers' needs.

(d) The handler employer shall provide one clean change of clothing, such as coveralls, for use in an emergency.

(3) Location. The decontamination supplies shall be located together and be reasonably accessible to and not more than one-quarter mile from each handler during the handling activity.

(a) Exception for mixing sites. For mixing activities, decontamination supplies shall be at the mixing site.

(b) Exception for pilots. Decontamination supplies for a pilot who is applying pesticides aerially shall be in the airplane or at the aircraft loading site.

(c) Exception for handling pesticides in remote areas. When handling activities are performed more than one-quarter mile from the nearest place of vehicular access:

(i) The soap, single-use towels, clean change of clothing, and water may be at the nearest place of vehicular access.

(ii) The handler employer may permit handlers to use clean water from springs, streams, lakes, or other sources for decontamination at the remote work site, if such water is more accessible than the water located at the nearest place of vehicular access.

(d) Decontamination supplies in treated areas. The decontamination supplies shall not be in an area being treated with pesticides or in an area under a restricted-entry interval, unless:

(i) The decontamination supplies are in the area where the handler is performing handling activities;

(ii) The soap, single-use towels, and clean change of clothing are in enclosed containers; and

(iii) The water is running tap water or is enclosed in a container.

(4) Emergency eyeflushing. To provide for emergency eyeflushing, the handler employer shall assure that at least one pint of water is immediately available to each handler who is performing tasks for which the pesticide labeling requires protective eyewear. The eyeflush water shall be carried by the handler, or shall be on the vehicle or aircraft the handler is using, or shall be otherwise immediately accessible.

(5) A plumbed or portable emergency eyewash capable of delivering at least 1.5 liters (0.4 gals.) of water per minute for fifteen minutes shall be provided at all pesticide mixing and loading stations or handler decontamination sites when the label requires protective eyewear for mixing, loading or applying. A plumbed or portable system meeting the above requirements shall be provided at all permanent mixing and loading sites.

(6) Decontamination after handling activities. At the end of any exposure period, the handler employer shall provide at the site where handlers remove personal protective equipment, soap, clean towels, and a sufficient amount of water so that the handlers may wash thoroughly. At least ten gallons of water for one employee and twenty gallons of water for two or more employees shall be provided at mixing and loading sites that do not have running water.

**PROPOSED RULES  
OLYMPIC AIR  
POLLUTION CONTROL AUTHORITY**

[Filed August 21, 1996, 11:05 a.m.]

**Original Notice.**

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

**Title of Rule:** Amending OAPCA Regulation 1 Section 15.09 Vapor Recovery Stage II, and Section 15.11 New Gasoline Dispensing Facilities.

**Purpose:** To amend OAPCA Regulation 1 to reflect changes to chapter 70.94 RCW imposed by SHB 2376 as passed by the 54th legislature in 1996.

**Statutory Authority for Adoption:** RCW 70.94.141.

**Statute Being Implemented:** Chapter 70.94 RCW.

**Summary:** Amending OAPCA Regulation 1 Sections 15.09 and 15.11 to conform with changes to chapter 70.94 RCW as required by SHB 2376.

**Reasons Supporting Proposal:** The 54th legislature passed and the governor signed SHB 2376 which modified the requirements for Stage II vapor recovery at gasoline dispensing facilities.

**Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement:** Robert Moody, 909 Sleater-Kinney Road S.E. #1, 438-8768.

**Name of Proponent:** Olympic Air Pollution Control Authority (OAPCA), governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** The rule specifies the need for Stage II Vapor Recovery, which is the collection of gasoline vapors present during refueling of motor vehicles, only in ozone nonattainment areas as listed by the federal government or those areas that utilize Stage II as a federally approved control measure. The purpose is to allow the removal of Stage II controls in certain areas and under controlled situations. It will allow most or all stations in Clallam, Jefferson, Grays Harbor, Mason, and Pacific counties to remove Stage II and will not require new stations to install Stage II for the purposes of VOC control.

**Proposal Changes the Following Existing Rules:** The existing rule requires dispensing facilities that are new or those existing stations that pump more than 1,200,000 gallons of gasoline annually to install Stage II controls. Additionally it requires those facilities that pump more than 840,000 gallons of gasoline annually to install Stage II controls when upgrading or by December 31, 1998.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This amendment is exempt from RCW 19.85.025(2). This change is required in order to comply with changes under chapter 70.94 RCW.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This amendment is exempt from RCW 34.05.328 (5)(b)(v) as the content is explicitly and specifically dictated by statute.

**Hearing Location:** OAPCA Board Room, 909 Sleater-Kinney Road S.E. #1, Lacey, WA 98503, on October 9, 1996, at 10:15 a.m.

**Assistance for Persons with Disabilities:** Contact Robert Moody by October 4, 1996, TDD (360) 407-6006, or (360) 438-8768 x106.

**Submit Written Comments to:** Robert Moody, 909 Sleater-Kinney Road S.E. #1, Lacey, WA 98503, FAX (360) 491-6308, by October 8, 1996.

**Date of Intended Adoption:** October 9, 1996.

August 21, 1996

Robert Moody  
Air Quality Specialist

**SECTION 15.09 VAPOR RECOVERY STAGE II**

For purposes of attainment or maintenance of the National Ambient Air Quality Standard for ozone s((S))tage II vapor recovery ((is required at all gasoline dispensing facilities as follows:)) may only be required at a service station, or any other gasoline dispensing facility supplying fuel to the general public, in any of the following circumstances:

(a) ((Those facilities that have an annual throughput greater than 1,200,000 gallons of gasoline shall have Stage II vapor recovery by May 1, 1994 or at the time of upgrade, whichever is sooner.)) The facility sells in excess of six hundred thousand gallons (600,000) of gasoline per year and is located in a county, any part of which is designated as nonattainment for ozone under the federal clean air act, 42 USC Section 7407; or

(b) ((Those facilities that have an annual throughput greater than 840,000, but less than or equal to 1,200,000 gallons of gasoline shall have Stage II vapor recovery by December 31, 1998, or at the time of upgrade, whichever is sooner.)) The facility sells in excess of six hundred thousand gallons of gasoline per year and is located in a county where a maintenance plan has been adopted by a local air pollution control authority or the department of ecology that includes gasoline vapor recovery devices as a control strategy; or

(c) ((All gasoline dispensing facilities located in an ozone nonattainment area with an annual gasoline throughput greater than 600,000 gallons shall have Stage II vapor recovery prior to December 31, 1998 or at the time of upgrade, whichever is sooner.)) From the effective date of this section until December 31, 1998, in any facility that sells in excess of one million two hundred thousand gallons (1,200,000) of gasoline per year and is located in an ozone-contributing county. For purposes of this section, an ozone-contributing county means a county in which the emissions have contributed to the formation of ozone in any county where violations of federal ozone standards have been measured, and includes Thurston County; or

(d) After December 31, 1998, in any facility that sells in excess of eight hundred forty thousand (840,000) gallons of gasoline per year and is located in any county, no part of which is designated as nonattainment for ozone under the federal clean air act, 42 USC Section 7407, provided that the department of ecology determines by December 31, 1997, that the use of gasoline vapor control devices in the county is important to achieving or maintaining attainment status in any other county.

## SECTION 15.11 NEW GASOLINE DISPENSING FACILITIES

~~((Those facilities that have more than 10,000 gallons total gasoline storage must install Stage I and Stage II vapor recovery at the time of construction.)) Nothing in section 15.09 shall preclude the Agency from requiring Stage II vapor recovery if it is determined to be BACT for control of air toxics or for the protection of human health and safety.~~

**WSR 96-17-093  
PROPOSED RULES  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed August 21, 1996, 11:55 a.m.]

Supplemental Notice to WSR [96-14-120].

Preproposal statement of inquiry was filed as WSR 96-06-078.

Title of Rule: Chapter 296-306 WAC, Agriculture-pesticides (worker protection standard), see Purpose below.

Purpose: Chapter 296-306 WAC, Safety standards for agriculture, the Department of Labor and Industries and the Department of Agriculture have been working together to jointly adopt the federal environmental protection agency worker protection standard to fulfill the requirements of SHB 2703. The joint adoption is currently in progress. The proposal was filed with the code reviser on July 3, 1996, and hearings were held across the state in August 1996. Recently, the Environmental Protection Agency published additional amendments (Federal Register Volume 61, Number 124, dated June 26, 1996) to their worker protection standard. As a result, the Department of Labor and Industries and the Department of Agriculture are filing supplemental amendments to incorporate these federal changes into the proposal currently in progress. The additional worker protection rules being proposed in this filing are identical to the federal rule except for the chapter and section number designations.

Statutory Authority for Adoption: Chapter 49.17 RCW.  
Statute Being Implemented: RCW 49.17.040, [49.17].050, [49.17].060.

Summary: See Explanation of Rule below.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, 7273 Linderson Way, Tumwater, WA, (360) 902-5530; Implementation and Enforcement: Frank Leuck, 7273 Linderson Way, Tumwater, WA, (360) 902-5495.

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

Rule is necessary because of federal law, Federal Register Volume 61, Number 124, dated June 26, 1996.

Explanation of Rule, its Purpose, and Anticipated Effects: Warning signs. The proposed rule:

- Allows substitution of the language commonly spoken and read by workers for the Spanish portion of the warning sign. The sign must be in the format required by the WPS and be visible and legible. Use of alternative languages is optional and continued use of the English/Spanish sign is always acceptable.
- Allows use of smaller signs provided minimum letter size and posting distances are observed. In nurseries and greenhouses, small signs may be used at any time.

A small sign may be used on farms and forests if the treated area is too small to accommodate the standard sign.

Proposed amendments relating to decontamination.

- Decontamination supplies (soap, water, paper towels) must be available when a worker enters a treated area and will contact a treated surface.
- Decontamination supplies are required for seven days following the REI for low-risk pesticides defined as pesticides with REIs of four hours or less.
- This reduced time period does not apply when two or more pesticides are mixed together, unless all of the pesticides in the mix have REIs of four hours or less.
- For pesticides that have longer REIs, the requirement remains the same, i.e., supplies must be maintained for thirty days.
- Because of the relatively low cost of supplying and maintaining decontamination supplies and the high potential risks which workers face from exposure to pesticides. The EPA (and therefore, the department) is not amending other aspects of the decontamination requirement.

Proposal Changes the Following Existing Rules:

Warning signs: Language substitution on the sign allows agricultural employers to tailor the sign to accommodate a work force whose predominant language is neither English nor Spanish. Allowing smaller signs in nurseries and greenhouses will facilitate posting of treated areas. The posting and lettering requirements for the smaller signs will result in sign sizes of approximately 7 inches by 8 inches and 4 1/2 inches by 5 inches.

Decontamination: Through a screening process the Environmental Protection Agency has determined that certain pesticides with REIs of four hours or less pose low-potential risk, and that the current thirty day decontamination requirement is not appropriate for these pesticides. The Environmental Protection Agency is unwilling to alter the thirty day decontamination requirement for other pesticides. For those pesticides which qualify for the reduced period, employers may still choose to provide decontamination supplies for longer periods of time.

Under a separate proposal, the Department of Labor and Industries' agriculture standard has been rewritten and reorganized to be understandable, easy to read, and easy to use. Under that proposal, chapter 296-306 WAC is being replaced with chapter 296-306A WAC. As a result, sections proposed for amendment in this proposal are being repealed and applicable information moved to and included in the new agriculture standard, chapter 296-306A WAC.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has determined a small business economic impact statement is not required to meet the requirements of the Regulatory Fairness Act, chapter 19.85 RCW, because the proposed amendments do not place more than minor impact on business.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. Significant rule-making criteria does apply to these rule amendments because they do not meet the exempt criteria outlined in RCW 34.05.328 (5)(b).

Hearing Location: In Lacey at the Department of Information Services, 710 Sleater-Kinney Road S.E., Suite

Q, Olympia, WA 98504-2445, (Note: The location for this hearing is in Lacey although the address indicates Olympia), on September 24, 1996, at 6:00 p.m.; and in Wenatchee at the North Central Education Service District Office, 640 South Mission, Wenatchee, WA 98001, on September 24, 1996, at 6:00 p.m. Note: These hearings will be held at the same time. The hearings will be interactively televised between the two locations. This will allow public hearing proceeding interaction between the two locations.

**Assistance for Persons with Disabilities:** Contact Linda Dausener by September 12, 1996, (360) 902-5516.

Submit Written Comments to: Tracy Spencer, Standards Supervisor, Division of Consultation and Compliance, P.O. Box 44620, Olympia, WA 98507-4620, by 5:00 p.m., September 25, 1996. In addition to written comments, the department will accept comments submitted to FAX (360) 902-5529. Comments submitted by FAX must be ten pages or less.

Date of Intended Adoption: September 30, 1996.

August 21, 1996  
Dorette M. Markham  
for Mark O. Brown  
Director

## PART I: PESTICIDES (WORKER PROTECTION STANDARD)

### NEW SECTION

**WAC 296-306A-107 Federal worker protection standards—Washington state department of agriculture.** This chapter contains the federal Environmental Protection Agency worker protection standards as listed in 40 CFR, Part 170. Revisions to the federal language have been incorporated into this chapter in order to be consistent with other requirements of Washington state law. These rules are adopted in conjunction with rules adopted by the Washington state department of agriculture in chapter 16-233 WAC.

### NEW SECTION

**WAC 296-306A-110 Scope and purpose—Worker protection standards—40 CFR, § 170.1.** This part contains standards designed to reduce the risks of illness or injury resulting from workers' and handlers' occupational exposures to pesticides used in the production of agricultural plants on farms or in nurseries, greenhouses, and forests and also to reduce the accidental exposure of workers and other persons to such pesticides. It requires workplace practices designed to reduce or eliminate exposure to pesticides and establishes procedures for responding to exposure-related emergencies.

### NEW SECTION

**WAC 296-306A-11005 Definitions—Worker protection standards—40 CFR, § 170.3.** Terms used in this part have the same meanings they have in the Federal Insecticide, Fungicide, and Rodenticide Act, as amended. In addition, the following terms, when used in this part, shall have the following meanings:

"Agricultural emergency" means a sudden occurrence or set of circumstances which the agricultural employer could not have anticipated and over which the agricultural employ-

er has no control, and which requires entry into a pesticide treated area during a restricted-entry interval, when no alternative practices would prevent or mitigate a substantial economic loss.

"Agricultural employer" means any person who hires or contracts for the services of workers, for any type of compensation, to perform activities related to the production of agricultural plants, or any person who is an owner of or is responsible for the management or condition of an agricultural establishment that uses such workers.

*Note: This definition does not conflict with the definition of employer in WAC 296-306A-012.*

"Agricultural establishment" means any farm, forest, nursery, or greenhouse.

*Note: This applies to all the Standard Industrial Classification (SIC) Codes listed in WAC 296-306A-010.*

"Agricultural plant" means any plant grown or maintained for commercial or research purposes and includes, but is not limited to, food, feed, and fiber plants; trees; turfgrass; flowers, shrubs; ornamentals; and seedlings.

"Animal premise" means the actual structure used to house, cage or confine animals such as: Barns, poultry houses, mink sheds, corrals, or structures used for shelter.

"Chemigation" means the application of pesticides through irrigation systems.

"Commercial pesticide handling establishment" means any establishment, other than an agricultural establishment, that:

- Employs any person, including a self-employed person, to apply on an agricultural establishment, pesticides used in the production of agricultural plants.

- Employs any person, including a self-employed person, to perform on an agricultural establishment, tasks as a crop advisor.

"Crop advisor" means any person who is assessing pest numbers or damage, pesticide distribution, or the status or requirements of agricultural plants and who holds a current Washington state department of agriculture commercial consultant license in the agricultural areas in which they are advising. The term does not include any person who is performing hand labor tasks.

"Early entry" means entry by a worker into a treated area on the agricultural establishment after a pesticide application is complete, but before any restricted-entry interval for the pesticide has expired.

"Farm" means any operation, other than a nursery or forest, engaged in the outdoor production of agricultural plants.

"Forest" means any operation engaged in the outdoor production of any agricultural plant to produce wood fiber or timber products.

"Fumigant" means any pesticide product that is a vapor or gas, or forms a vapor or gas on application, and whose method of pesticidal action is through the gaseous state.

"Greenhouse" means any operation engaged in the production of agricultural plants inside any structure or space that is enclosed with nonporous covering and that is of sufficient size to permit worker entry. This term includes, but is not limited to, polyhouses, mushroom houses, rhubarb houses, and similar structures. It does not include such structures as malls, atriums, conservatories, arboreta, or

office buildings where agricultural plants are present primarily for aesthetic or climatic modification.

"Hand labor" means any agricultural activity performed by hand or with hand tools that causes a worker to have substantial contact with surfaces (such as plants, plant parts, or soil) that may contain pesticide residues. These activities include, but are not limited to, harvesting, detasseling, thinning, weeding, topping, planting, sucker removal, pruning, disbudding, roguing, and packing produce into containers in the field. Hand labor does not include operating, moving, or repairing irrigation or watering equipment or performing the tasks of crop advisors.

"Handler" means any person, including a self-employed person:

- Who is employed for any type of compensation by an agricultural establishment or commercial pesticide handling establishment to which WAC 296-306A-130 applies and who is:

- Mixing, loading, transferring, or applying pesticides.
- Disposing of pesticides or pesticide containers.
- Handling opened containers of pesticides.
- Acting as a flagger.
- Cleaning, adjusting, handling, or repairing the parts of mixing, loading, or application equipment that may contain pesticide residues.
- Assisting with the application of pesticides.
- Entering a greenhouse or other enclosed area after the application and before the inhalation exposure level listed in the labeling has been reached or one of the ventilation criteria established by WAC 296-306A-12015 (3)(c) or in the labeling has been met:
  - ◆ To operate ventilation equipment.
  - ◆ To adjust or remove coverings used in fumigation.
  - ◆ To monitor air levels.
- Entering a treated area outdoors after application of any soil fumigant to adjust or remove soil coverings such as tarpaulins.
- Performing tasks as a crop advisor:
  - ◆ During any pesticide application.
  - ◆ Before the inhalation exposure level listed in the labeling has been reached or one of the ventilation criteria established by WAC 296-306A-12015 (3)(c) or in the labeling has been met.
    - ◆ During any restricted-entry interval.
- The term does not include any person who is only handling pesticide containers that have been emptied or cleaned according to pesticide product labeling instructions or, in the absence of such instructions, have been subjected to triple-rinsing or its equivalent.

"Handler employer" means any person who is self-employed as a handler or who employs any handler, for any type of compensation.

"Immediate family" includes only spouse, children, stepchildren, foster children, parents, stepparents, foster parents, brothers, and sisters.

"Nursery" means any operation engaged in the outdoor production of any agricultural plant to produce cut flowers and ferns or plants that will be used in their entirety in another location. Such plants include, but are not limited to, flowering and foliage plants or trees; tree seedlings; live Christmas trees; vegetable, fruit, and ornamental transplants; and turfgrass produced for sod.

"Owner" means any person who has a present possessory interest (fee, leasehold, rental, or other) in an agricultural establishment covered by this chapter. A person who has both leased such agricultural establishment to another person and granted that same person the right and full authority to manage and govern the use of such agricultural establishment is not an owner for purposes of this part.

"Restricted-entry interval" means the time after the end of a pesticide application during which entry into the treated area is restricted.

"Substantial economic loss" means a loss in profitability greater than that which would be expected based on the experience and fluctuations of crop yields in previous years. Only losses caused by the agricultural emergency specific to the affected site and geographic area are considered. The contribution of mismanagement cannot be considered in determining the loss.

"Treated area" means any area to which a pesticide is being directed or has been directed.

"Worker" means any person, including a self-employed person, who is employed for any type of compensation and who is performing activities relating to the production of agricultural plants on an agricultural establishment to which WAC 296-306A-120 applies. While persons employed by a commercial pesticide handling establishment are performing tasks as crop advisors, they are not workers covered by the requirements of WAC 296-306A-120.

## NEW SECTION

**WAC 296-306A-11010 General duties and prohibited actions—Worker protection standards—40 CFR, § 170.7.** (1) General duties. The agricultural employer or the handler employer, as appropriate, shall:

(a) Assure that each worker subject to WAC 296-306A-120 or each handler subject to WAC 296-306A-130 receives the protections required by this part.

(b) Assure that any pesticide to which WAC 296-306A-130 applies is used in a manner consistent with the labeling of the pesticide, including the requirements of this part.

(c) Provide, to each person who supervises any worker or handler, information and directions sufficient to assure that each worker or handler receives the protections required by this part. Such information and directions shall specify which persons are responsible for actions required to comply with this part.

(d) Require each person who supervises any worker or handler to assure compliance by the worker or handler with the provisions of this part and to assure that the worker or handler receives the protections required by this part.

(2) Prohibited actions. The agricultural employer or the handler employer shall not take any retaliatory action for attempts to comply with this part or any action having the effect of preventing or discouraging any worker or handler from complying or attempting to comply with any requirement of this part.

## NEW SECTION

**WAC 296-306A-11015 Violations of this part—Worker protection standards—40 CFR, § 170.9.** (1) Under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) (FIFRA) section 12 (a)(2)(G) it

is unlawful for any person "to use any registered pesticide in a manner inconsistent with its labeling." When this part is referenced on a label, users must comply with all of its requirements except those that are inconsistent with product-specific instructions on the labeling. For the purposes of this part, the department of labor and industries interprets the term "use" to include:

(a) Preapplication activities, including, but not limited to:

- (i) Arranging for the application of the pesticide;
- (ii) Mixing and loading the pesticide; and

(iii) Making necessary preparations for the application of the pesticide, including responsibilities related to worker notification, training of handlers, decontamination, use and care of personal protective equipment, emergency information, and heat stress management.

(b) Application of the pesticide.

(c) Post-application activities necessary to reduce the risks of illness and injury resulting from handlers' and workers' occupational exposures to pesticide residues during the restricted-entry interval plus thirty days. These activities include, but are not limited to, responsibilities related to worker training, notification, and decontamination.

(d) Other pesticide-related activities, including, but not limited to, providing emergency assistance, transporting or storing pesticides that have been opened, and disposing of excess pesticides, spray mix, equipment wash waters, pesticide containers, and other pesticide-containing materials.

(2) A person who has a duty under this part, as referenced on the pesticide product label, and who fails to perform that duty, violates FIFRA section 12 (a)(2)(G) and is subject to a civil penalty under section 14. A person who knowingly violates section 12 (a)(2)(G) is subject to section 14 criminal sanctions.

(3) FIFRA section 14 (b)(4) provides that a person is liable for a penalty under FIFRA if another person employed by or acting for that person violates any provision of FIFRA. The term "acting for" includes both employment and contractual relationships.

(4) The requirements of this part, including the decontamination requirements, shall not, for the purposes of section 653 (b)(1) of Title 29 of the U.S. Code, be deemed to be the exercise of statutory authority to prescribe or enforce standards or regulations affecting the general sanitary hazards addressed by the OSHA Field Sanitation Standard, 29 CFR 1928.110, or other agricultural, nonpesticide hazards.

## STANDARD FOR WORKERS

### NEW SECTION

**WAC 296-306A-120 Applicability of this section—Standards for workers—40 CFR, § 170.102.** Requirement. Except as provided by WAC 296-306A-12005 and 296-306A-12010, WAC 296-306A-120 applies when any pesticide product is used on an agricultural establishment in the production of agricultural plants.

### NEW SECTION

**WAC 296-306A-12005 Exceptions—Standards for workers—40 CFR, § 170.103.** This section does not apply when any pesticide is applied on an agricultural establishment in the following circumstances:

(1) For mosquito abatement, Mediterranean fruit fly eradication, or similar wide-area public pest control programs sponsored by governmental entities.

(2) On livestock or other animals, or in or about animal premises.

(3) On plants grown for other than commercial or research purposes, which may include plants in habitations, home fruit and vegetable gardens, and home greenhouses.

(4) On plants that are in ornamental gardens, parks, and public or private lawns and grounds that are intended only for aesthetic purposes or climatic modification.

(5) By injection directly into agricultural plants. Direct injection does not include "hack and squirt," "frill and spray," chemigation, soil-incorporation, or soil-injection.

(6) In a manner not directly related to the production of agricultural plants, including, but not limited to, structural pest control, control of vegetation along rights-of-way and in other noncrop areas, and pasture and rangeland use.

(7) For control of vertebrate pests.

(8) As attractants or repellents in traps.

(9) On the harvested portions of agricultural plants or on harvested timber.

(10) For research uses of unregistered pesticides.

### NEW SECTION

**WAC 296-306A-12010 Exemptions—Standards for workers—40 CFR, § 170.104.** The workers listed in this section are exempt from the specified provisions of WAC 296-306A-120.

(1) Owners of agricultural establishments.

(a) The owner of an agricultural establishment is not required to provide to himself/herself or members of his/her immediate family who are performing tasks related to the production of agricultural plants on their own agricultural establishment the protections of:

(i) WAC 296-306A-12020 (3)(e) through (i);

(ii) WAC 296-306A-12020 (3)(e) through (i); as referenced in WAC 296-306A-12020 (4)(b)(iii) and (5);

(iii) WAC 296-306A-12025;

(iv) WAC 296-306A-12030;

(v) WAC 296-306A-12040;

(vi) WAC 296-306A-12045;

(vii) WAC 296-306A-12050;

(viii) WAC 296-306A-12055.

(b) The owner of the agricultural establishment must provide the protections listed in (a)(i) through (viii) of this subsection to other workers and other persons who are not members of his/her immediate family.

(2) Crop advisors.

(a) Provided that the conditions of this section are met, a person who is certified or licensed as a crop advisor by a program acknowledged as appropriate in writing by EPA or a State or Tribal lead agency for pesticide enforcement, and persons performing crop advising tasks under such qualified crop advisor's direct supervision, are exempt from the provisions of:

- (i) WAC 296-306A-12050.
- (ii) WAC 296-306A-12055.

A person is under the direct supervision of a crop advisor when the crop advisor exerts the supervisory controls set out in (b)(iii) and (iv) of this subsection. Direct supervision does not require that the crop advisor be physically present at all times, but the crop advisor must be readily accessible to the employees at all times.

(b) Conditions of exemption.

(i) The certification or licensing program requires pesticide safety training that includes, at least, all the information in WAC 296-306A-13025 (3)(d).

(ii) Applies only when performing crop advising tasks in the treated area.

(iii) The crop advisor must make specific determinations regarding the appropriate PPE, appropriate decontamination supplies, and how to conduct the tasks safely. The crop advisor must convey this information to each person under his direct supervision in a language that the person understands.

(iv) Before entering a treated area, the certified or licensed crop advisor must inform, through an established

practice of communication, each person under his/her direct supervision of the pesticide product and active ingredient(s) applied, method of application, time of application, the restricted entry interval which tasks to undertake, and how to contact the crop advisor.

#### NEW SECTION

**WAC 296-306A-12015 Restrictions associated with pesticide applications—Standards for workers—40 CFR, § 170.110.** (1) Farms and forests. During the application of any pesticide on a farm or in a forest, the agricultural employer shall not allow or direct any person, other than an appropriately trained and equipped handler, to enter or to remain in the treated area.

(2) Nurseries. In a nursery, during any pesticide application described in column A of Table 1 of this section, the agricultural employer shall not allow or direct any person, other than an appropriately trained and equipped handler, to enter or to remain in the area specified in column B of Table 1 of this section. After the application is completed, until the end of any restricted-entry interval, the entry-restricted area is the treated area.

Table 1.—Entry-Restricted Areas in Nurseries During Pesticide Applications

A. During Application of a Pesticide:	B. Workers are Prohibited in:
(1)(a) Applied:	Treated area plus 100 feet in all directions on the nursery
(i) Aerially, or	
(ii) In an upward direction, or	
(iii) Using a spray pressure greater than 150 psi, or	
(b) Applied as a:	
(i) Fumigant, or	
(ii) Smoke, or	
(iii) Mist, or	
(iv) Fog, or	
(v) Aerosol.	
(2)(a) Applied downward using:	Treated area plus 25 feet in all directions on the nursery
(i) A height of greater than 12 inches from the planting medium, or	
(ii) A fine spray, or	
(iii) A spray pressure greater than 40 psi and less than 150 psi.	
(b) Not as in 1 or 2(a) above but for which a respiratory protection device is required for application by the product labeling.	
(3) Applied otherwise.	Treated area
(3) Greenhouses.	of any restricted-entry interval, the agricultural employer shall not allow or direct any worker to enter or to remain in the treated area as specified in column D of Table 2 under (d) of this subsection, except as provided in WAC 296-306A-12020.
(a) When a pesticide application described in column A of Table 2 under (d) of this subsection takes place in a greenhouse, the agricultural employer shall not allow or direct any person, other than an appropriately trained and equipped handler, to enter or to remain in the area specified in column B of Table 2 until the time specified in column C of Table 2 has expired.	(c) When column C of Table 2 under (d) of this subsection specifies that ventilation criteria must be met, ventilation shall continue until the air concentration is measured to be equal to or less than the inhalation exposure level the labeling requires to be achieved. If no inhalation
(b) After the time specified in column C of Table 2 under (d) of this subsection has expired, until the expiration	

exposure level is listed on the labeling, ventilation shall continue until after:

- (i) Ten air exchanges are completed; or
- (ii) Two hours of ventilation using fans or other mechanical ventilating systems; or
- (iii) Four hours of ventilation using vents, windows or other passive ventilation; or

- (iv) Eleven hours with no ventilation followed by one hour of mechanical ventilation; or
  - (v) Eleven hours with no ventilation followed by two hours of passive ventilation; or
  - (vi) Twenty-four hours with no ventilation.
- (d) The following Table 2 applies to (a), (b) and (c) of this subsection.

Table 2.—Greenhouse Entry Restrictions Associated With Pesticide Applications

A. When a Pesticide is Applied:	B. Workers are Prohibited in:	C. Until:	D. After the Expiration of Time in Column C Until the Restricted-Entry Interval Expires, the Entry-Restricted Area is:
(1) As a fumigant	Entire greenhouse plus any adjacent structure that cannot be sealed off from the treated area	The ventilation criteria of (c) of this subsection are met	No entry restrictions after criteria in column C are met
(2) As a:	Entire enclosed area	The ventilation criteria of (c) of this subsection are met	Entire enclosed area is the treated area
(i) Smoke, or (ii) Mist, or (iii) Fog, or (iv) Aerosol			
(3) Not in 1 or 2 above, and for which a respiratory protection device is required for application by the product labeling	Entire enclosed area	The ventilation criteria of (c) of this subsection are met	Treated area
(4) Not in 1, 2, or 3 above, and:  (i) From a height of greater than 12 in. from the planting medium, or (ii) As a fine spray, or (iii) Using a spray pressure greater than 40 psi	Treated area plus 25 feet in all directions in the enclosed area	Application is complete	Treated area
(5) Otherwise	Treated area	Application is complete	Treated area

## NEW SECTION

### **WAC 296-306A-12020 Entry restrictions—Standards for workers—40 CFR, § 170.112.** (1) General restrictions.

(a) After the application of any pesticide on an agricultural establishment, the agricultural employer shall not allow or direct any worker to enter or to remain in the treated area before the restricted-entry interval specified on the pesticide labeling has expired, except as provided in this section.

(b) Entry-restricted areas in greenhouses are specified in column D in Table 2 under WAC 296-306A-12015 (3)(d).

(c) When two or more pesticides are applied at the same time, the restricted-entry interval shall be the longest of the applicable intervals.

(d) The agricultural employer shall assure that any worker who enters a treated area under a restricted-entry interval as permitted by subsections (3), (4), and (5) of this section uses the personal protective equipment specified in the product labeling for early entry workers and follows any other requirements on the pesticide labeling regarding early entry.

(2) Exception for activities with no contact. A worker may enter a treated area during a restricted-entry interval if the agricultural employer assures that both of the following are met:

(a) The worker will have no contact with anything that has been treated with the pesticide to which the restricted-entry interval applies, including, but not limited to, soil, water, air, or surfaces of plants; and

(b) No such entry is allowed until any inhalation exposure level listed in the labeling has been reached or any ventilation criteria established by WAC 296-306A-12015 (3)(c) or in the labeling have been met.

(3) Exception for short-term activities. A worker may enter a treated area during a restricted-entry interval for short-term activities if the agricultural employer assures that the following requirements are met:

(a) No hand labor activity is performed.

(b) The time in treated areas under a restricted-entry interval for any worker does not exceed one hour in any twenty-four-hour period.

(c) No such entry is allowed for the first four hours following the end of the application, and no such entry is allowed thereafter until any inhalation exposure level listed in the labeling has been reached or any ventilation criteria established by WAC 296-306A-12015 (3)(c) or in the labeling have been met.

(d) The personal protective equipment specified on the product labeling for early entry is provided to the worker. Such personal protective equipment shall conform to the following standards:

(i) Personal protective equipment (PPE) means devices and apparel that are worn to protect the body from contact with pesticides or pesticide residues, including, but not limited to, coveralls, chemical-resistant suits, chemical-resistant gloves, chemical-resistant footwear, respiratory protection devices, chemical-resistant aprons, chemical-resistant headgear, and protective eyewear.

(ii) Long-sleeved shirts, short-sleeved shirts, long pants, short pants, shoes, socks, and other items of work clothing are not considered personal protective equipment for the purposes of this section and are not subject to the requirements of this section, although pesticide labeling may require that such work clothing be worn during some activities.

(iii) When "chemical-resistant" personal protective equipment is specified by the product labeling, it shall be made of material that allows no measurable movement of the pesticide being used through the material during use.

(iv) When "waterproof" personal protective equipment is specified by the product labeling, it shall be made of material that allows no measurable movement of water or aqueous solutions through the material during use.

(v) When a "chemical-resistant suit" is specified by the product labeling, it shall be a loose-fitting, one-piece or two-piece, chemical-resistant garment that covers, at a minimum, the entire body except head, hands, and feet.

(vi) When "coveralls" are specified by the product labeling, they shall be a loose-fitting, one-piece or two-piece garment, such as a cotton or cotton and polyester coverall, that covers, at a minimum, the entire body except head, hands, and feet. The pesticide product labeling may specify that the coveralls be worn over a layer of clothing. If a chemical-resistant suit is substituted for coveralls, it need not be worn over a layer of clothing.

(vii) Gloves shall be of the type specified by the product labeling. Gloves or glove linings made of leather, cotton, or other absorbent materials must not be worn for early entry activities unless these materials are listed on the product labeling as acceptable for such use. If chemical-resistant gloves with sufficient durability and suppleness are not obtainable for tasks with roses or other plants with sharp thorns, leather gloves may be worn over chemical-resistant liners. However, once leather gloves have been worn for this use, thereafter they shall be worn only with chemical-resistant liners and they shall not be worn for any other use.

(viii) When "chemical-resistant footwear" is specified by the product labeling, it shall be one of the following types of footwear: Chemical-resistant shoes, chemical-resistant boots, or chemical-resistant shoe coverings worn over shoes or boots. If chemical-resistant footwear with sufficient durability and a tread appropriate for wear in rough terrain is not obtainable for workers, then leather boots may be worn in such terrain.

(ix) When "protective eyewear" is specified by the product labeling, it shall be one of the following types of eyewear: Goggles; face shield; safety glasses with front, brow, and temple protection; or a full-face respirator.

(x) When "chemical-resistant headgear" is specified by the product labeling, it shall be either a chemical-resistant hood or a chemical-resistant hat with a wide brim.

(e) The agricultural employer shall assure that the worker, before entering the treated area, either has read the product labeling or has been informed, in a manner that the worker can understand, of all labeling requirements related to human hazards or precautions, first aid, symptoms of poisoning, personal protective equipment specified for early entry, and any other labeling requirements related to safe use.

(f) The agricultural employer shall assure that:

(i) Workers wear the personal protective equipment correctly for its intended purpose and use personal protective equipment according to manufacturer's instructions.

(ii) Before each day of use, all personal protective equipment is inspected for leaks, holes, tears, or worn places, and any damaged equipment is repaired or discarded.

(iii) Personal protective equipment that cannot be cleaned properly is disposed of in accordance with any applicable federal, state, and local regulations.

(iv) All personal protective equipment is cleaned according to manufacturer's instructions or pesticide product labeling instructions before each day of reuse. In the absence of any such instructions, it shall be washed thoroughly in detergent and hot water.

(v) Before being stored, all clean personal protective equipment is dried thoroughly or is put in a well-ventilated place to dry.

(vi) Personal protective equipment contaminated with pesticides is kept separately and washed separately from any other clothing or laundry.

(vii) Any person who cleans or launders personal protective equipment is informed that such equipment may be contaminated with pesticides, of the potentially harmful effects of exposure to pesticides, and of the correct way(s) to handle and clean personal protective equipment and to protect themselves when handling equipment contaminated with pesticides.

(viii) All clean personal protective equipment is stored separately from personal clothing and apart from pesticide-contaminated areas.

(ix) Each worker is instructed how to put on, use, and remove the personal protective equipment and is informed about the importance of washing thoroughly after removing personal protective equipment.

(x) Each worker is instructed in the prevention, recognition, and first aid treatment of heat-related illness.

(xi) Workers have a clean place(s) away from pesticide-storage and pesticide-use areas for storing personal clothing not in use; putting on personal protective equipment at the start of any exposure period; and removing personal protective equipment at the end of any exposure period.

(g) When personal protective equipment is required by the labeling of any pesticide for early entry, the agricultural employer shall assure that no worker is allowed or directed to perform the early entry activity without implementing, when appropriate, measures to prevent heat-related illness.

(h) During any early entry activity, the agricultural employer shall provide a decontamination site in accordance with WAC 296-306A-12050.

(i) The agricultural employer shall not allow or direct any worker to wear home or to take home personal protective equipment contaminated with pesticides.

(4) Declaration of an agricultural emergency.

(a) The director of the Washington state department of agriculture may declare the existence of circumstances causing an agricultural emergency on a particular establishment or establishments.

(b) The director may declare an agricultural emergency based on the reasonably expected certainty of circumstances occurring based on weather or other forecasts that would create conditions that would normally be anticipated to cause an agricultural emergency.

(c) The agricultural employer may determine if the establishment under his/her control is subject to the agricultural emergency declared by the director.

(d) Emergency repair of equipment that is in use and sited within a pesticide treated area under a restricted-entry interval, such as frost protection devices, shall be considered to be an agricultural emergency. The conditions in WAC 16-228-655 shall be met.

(e) Activities that require immediate response such as fire suppression, relocation of greenhouse plants due to power failure, and similar conditions, shall be considered to be agricultural emergencies. The conditions in WAC 16-228-655 shall be met.

(5) Agricultural activities permitted under an agricultural emergency.

(a) A worker may enter a pesticide treated area under a restricted-entry interval in an agricultural emergency to perform tasks, including hand labor tasks, necessary to mitigate the effects of the agricultural emergency if the agricultural employer assures that all the following requirements are met:

(i) No entry is permitted for the first four hours after the pesticide application or the minimum reentry interval allowed by EPA for that product, whichever is less;

(ii) The personal protective equipment specified on the product labeling for early entry is provided to the worker;

(iii) The agricultural employer shall assure that the worker, before entering the treated area, either has read the product labeling or has been informed, in a manner the worker can understand, of all labeling requirements related to human hazards or precautions, first aid, symptoms of poisoning, personal protective equipment specified for early entry, and any other labeling requirements related to safe use;

(iv) The agricultural employer shall assure that the worker wears the proper PPE and that the PPE is in operable condition and that the worker has been trained in its proper use;

(v) The agricultural employer shall assure that measures have been taken, when appropriate, to prevent heat-related illness;

(vi) A decontamination site has been provided in accordance with EPA regulations;

(vii) The agricultural employer shall not allow or direct any worker to wear home or take home personal protective equipment contaminated with pesticides.

(b) If the agricultural emergency is due to equipment failure, then the agricultural employer shall assure that all the requirements in subsection (1) of this section are met plus the following additional requirement. The only permitted activity until the restricted-entry interval has elapsed is equipment repair that would mitigate the effect of the equipment failure.

(6) Recordkeeping required for agricultural emergencies.

(a) If the employer declares that his/her establishment is affected by an agricultural emergency and that activities regulated by the worker protection standard have been performed, the employer shall keep the following records for seven years from the date of the agricultural emergency:

- (i) Date of the agricultural emergency;
- (ii) Time of the agricultural emergency, start and end;
- (iii) Reason for the agricultural emergency, such as frost, fire, equipment failure, etc.;
- (iv) Crop/site;
- (v) Pesticide(s) - name, EPA number, REI;
- (vi) Name, date, time of entry and exit of early entry person(s);

(vii) Estimated potential of economic loss which would have occurred had no early entry been allowed.

(b) Records shall be completed within twenty-four hours of the early entry exposure and be available to the department and/or department of health and/or medical facility or treating physician if requested by the above or the employee.

(7) Exception to entry restrictions requiring EPA approval. EPA may in accordance with 40 CFR, Part 170.112(e) grant an exception from the requirements of this section. A request for an exception must be submitted to the Director, Office of Pesticide Programs (H-7501C), Environmental Protection Agency, 401 "M" Street SW, Washington, DC 20460 and must be accompanied by two copies of the information specified in 40 CFR, Part 170.112(e).

## NEW SECTION

**WAC 296-306A-12025 Notice of applications—Standards for workers—40 CFR, § 170.120.** (1) Notification to workers of pesticide applications in greenhouses. The agricultural employer shall notify workers of any pesticide application in the greenhouse in accordance with this subsection.

(a) All pesticide applications shall be posted in accordance with subsection (3) of this section.

(b) If the pesticide product labeling has a statement requiring both the posting of treated areas and oral notification to workers, the agricultural employer shall also provide oral notification of the application to the worker in accordance with subsection (4) of this section.

(c) Notice need not be given to a worker if the agricultural employer can assure that one of the following is met:

(i) From the start of the application until the end of the application and during any restricted-entry interval, the worker will not enter, work in, remain in, or pass through the greenhouse; or

(ii) The worker applied (or supervised the application of) the pesticide for which the notice is intended and is aware of all information required by subsection (4)(a) through (c) of this section.

(2) Notification to workers on farms, in nurseries, or in forests of pesticide applications. The agricultural employer shall notify workers of any pesticide application on the farm or in the nursery or forest in accordance with this subsection.

(a) If the pesticide product labeling has a statement requiring both the posting of treated areas and oral notification to workers, the agricultural employer shall post signs in accordance with subsection (3) of this section and shall provide oral notification of the application to the worker in accordance with subsection (4) of this section.

(b) For any pesticide other than those for which the labeling requires both posting and oral notification of applications, the agricultural employer shall give notice of the application to the worker either by the posting of warning signs in accordance with subsection (3) of this section or orally in accordance with subsection (4) of this section, and shall inform the workers as to which method of notification is in effect.

(c) Notice need not be given to a worker if the agricultural employer can assure that one of the following is met:

(i) From the start of the application until the end of the application and during any restricted-entry interval, the worker will not enter, work in, remain in, or pass through on foot the treated area or any area within one-quarter mile of the treated area; or

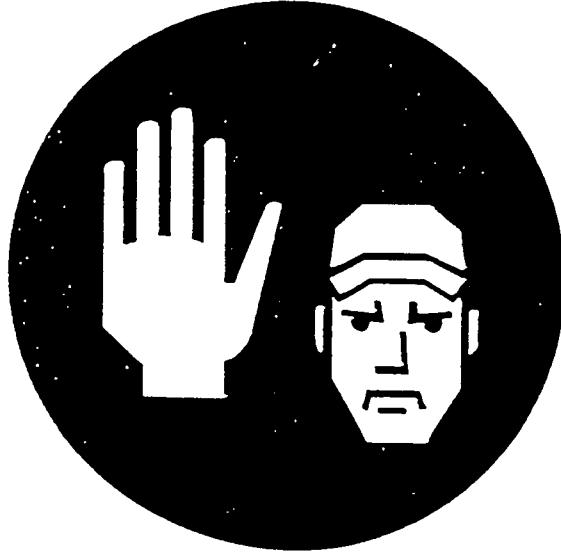
(ii) The worker applied (or supervised the application of) the pesticide for which the notice is intended and is aware of all information required by subsection (4)(a) through (c) of this section.

(3) Posted warning signs. The agricultural employer shall post warning signs in accordance with the following criteria:

(a) The warning sign shall have a background color that contrasts with red. The words "DANGER" and "PELIGRO," plus "PESTICIDES" and "PESTICIDAS," shall be at the top of the sign, and the words "KEEP OUT" and "NO ENTRE" shall be at the bottom of the sign. Letters for all words must be clearly legible. A circle containing an upraised hand on the left and a stern face on the right must be near the center of the sign. The inside of the circle must be red, except that the hand and a large portion of the face must be in a shade that contrasts with red. The length of the hand must be at least twice the height of the smallest letters. The length of the face must be only slightly smaller than the hand. Additional information such as the name of the pesticide and the date of application may appear on the warning sign if it does not detract from the appearance of the sign or change the meaning of the required information. A black and white example of a warning sign meeting these requirements, other than the size requirements, follows:

PROPOSED

# DANGER PESTICIDES      PELIGRO PESTICIDAS



## KEEP OUT NO ENTRE

(b) The standard sign shall be at least fourteen inches by sixteen inches with letters at least one inch in height. Farms and forests shall use the standard size sign unless a smaller sign is necessary because the treated area is too small to accommodate a sign of this size. In nurseries and greenhouses, the agricultural employer may, at any time, use a sign smaller than the standard size sign. Whenever a small sign is used on any establishment, there are specific posting distances depending on the size of the lettering and symbol on the sign. If a sign is used with DANGER and PELIGRO in letters at least 7/8 inch in height and the remaining letters at least 1/2 inch and a red circle at least three inches in diameter containing an upraised hand and a stern face, the signs shall be no further than fifty feet apart. If a sign is used with DANGER and PELIGRO in letters at least 7/16 inch in height and the remaining letters at least 1/4 inch in height

and a red circle at least 1 1/2 inches in diameter containing an upraised hand and stern face, the signs shall be no further than twenty-five feet apart. A sign with DANGER and PELIGRO in letters less than 7/16 inch in height or with any words in letters less than 1/4 inch in height, or a red circle smaller than 1 1/2 inches in diameter containing an upraised hand and a stern face will not satisfy the requirements of the rule. All signs must meet the requirements of (a) of this subsection.

(c) The employer may replace the Spanish portion of the warning sign with a non-English language read by the largest group of workers who do not read English. The replacement sign must be in the same format as the original sign and must be visible and legible.

(d) On farms and in forests and nurseries, the signs shall be visible from all usual points of worker entry to the treated

area, including at least each access road, each border with any labor camp adjacent to the treated area, and each footpath and other walking route that enters the treated area. When there are no usual points of worker entry, signs shall be posted in the corners of the treated area or in any other location affording maximum visibility.

(e) In greenhouses, the signs shall be posted so they are visible from all usual points of worker entry to the treated area including each aisle or other walking route that enters the treated area. When there are no usual points of worker entry to the treated area, signs shall be posted in the corners of the treated area or in any other location affording maximum visibility.

(f) The signs shall:

(i) Be posted no sooner than twenty-four hours before the scheduled application of the pesticide.

(ii) Remain posted throughout the application and any restricted-entry interval.

(iii) Be removed within three days after the end of the application and any restricted-entry interval and before agricultural-worker entry is permitted, other than entry permitted by WAC 296-306A-12020.

(g) The signs shall remain visible and legible during the time they are posted.

(h) When several contiguous areas are to be treated with pesticides on a rotating or sequential basis, the entire area may be posted. Worker entry, other than entry permitted by WAC 296-306A-12020, is prohibited for the entire area while the signs are posted.

(4) Oral warnings. The agricultural employer shall provide oral warnings to workers in a manner that the worker can understand. If a worker will be on the premises during the application, the warning shall be given before the application takes place. Otherwise, the warning shall be given at the beginning of the worker's first work period during which the application is taking place or the restricted-entry interval for the pesticide is in effect. The warning shall consist of:

- (a) The location and description of the treated area.
- (b) The time during which entry is restricted.

(c) Instructions not to enter the treated area until the restricted-entry interval has expired.

#### NEW SECTION

**WAC 296-306A-12030 Providing specific information about applications—Standards for workers—40 CFR, § 170.122.** When workers are on an agricultural establishment and, within the last thirty days, a pesticide covered by this part has been applied on the establishment or a restricted-entry interval has been in effect, the agricultural employer shall display, in accordance with this section, specific information about the pesticide.

(1) Location, accessibility, and legibility. The information shall be displayed in the location specified for the pesticide safety poster in WAC 296-306A-12045(4) and shall be accessible and legible, as specified in WAC 296-306A-12045 (4) and (6).

(2) Timing.

(a) If warning signs are posted for the treated area before an application, the specific application information for that application shall be posted at the same time or earlier.

(b) The information shall be posted before the application takes place, if workers will be on the establishment during application. Otherwise, the information shall be posted at the beginning of any worker's first work period.

(c) The information shall continue to be displayed for at least thirty days after the end of the restricted-entry interval (or, if there is no restricted-entry interval, for at least thirty days after the end of the application) or at least until workers are no longer on the establishment, whichever is earlier.

(3) Required information. The information shall include:

- (a) The location and description of the treated area.
- (b) The product name, EPA registration number, and active ingredient(s) of the pesticide.
- (c) The time and date the pesticide is to be applied.
- (d) The restricted-entry interval for the pesticide.

#### NEW SECTION

**WAC 296-306A-12035 Notice of applications to handler employers—Standards for workers—40 CFR, § 170.124.** Whenever handlers who are employed by a commercial pesticide handling establishment will be performing pesticide handling tasks on an agricultural establishment, the agricultural employer shall provide to the handler employer, or assure that the handler employer is aware of, the following information concerning any areas on the agricultural establishment that the handler may be in (or may walk within one-quarter mile of) and that may be treated with a pesticide or that may be under a restricted-entry interval while the handler will be on the agricultural establishment:

- (1) Specific location and description of any such areas; and
- (2) Restrictions on entering those areas.

#### NEW SECTION

**WAC 296-306A-12040 Pesticide safety training—Standards for workers—40 CFR, § 170.130.** (1) General requirement.

(a) Agricultural employer assurance. The agricultural employer shall assure that each worker, required by this section to be trained, has been trained according to this section during the last five years, counting from the end of the month in which the training was completed.

*Note: In addition to the training required by this section, the agricultural employer shall assure without exception, that all employees are trained in accordance with WAC 296-62-054 through 296-62-05427, Hazard communication.*

(b) Requirement for workers performing early entry activities. Before a worker enters a treated area on the agricultural establishment during a restricted-entry interval to perform early entry activities permitted by WAC 296-306A-12020 and contacts anything that has been treated with the pesticide to which the restricted-entry interval applies, including but not limited to, soil, water, or surfaces of plants, the agricultural employer shall assure that the worker has been trained.

(c) Requirements for other agricultural workers.

(i) Information before entry. Except as provided in (b) of this subsection, before a worker enters any areas on the

agricultural establishment where, within the last thirty days a pesticide to which this part applies has been applied or the restricted-entry interval for such pesticide has been in effect, the agricultural employer shall assure that the worker has been provided the pesticide safety information specified in subsection (3) of this section, in a manner that agricultural workers can understand, such as by providing written materials or oral communication or by other means. The agricultural employer must be able to verify compliance with this requirement.

(ii) Training before the start of a work period. The agricultural employer shall assure that a worker has been trained before the worker enters any areas on the agricultural establishment where, within the last thirty days a pesticide to which this chapter applies has been applied or a restricted-entry interval for such pesticide has been in effect, the agricultural employer shall assure that the worker has been trained.

(2) Exceptions. The following persons need not be trained under this section:

(a) A worker who is currently certified as an applicator of restricted-use pesticides under chapter 17.21 RCW.

(b) A worker who satisfies the training requirements of chapter 17.21 RCW.

(c) A worker who satisfies the handler training requirements of WAC 296-306A-13025(3).

(d) A worker who is certified or licensed as a crop advisor by the Washington state department of agriculture under RCW 15.58.230: *Provided*, That a requirement for such certification or licensing is pesticide safety training that includes all the information set out in WAC 296-306A-13025 (3)(d).

(3) Pesticide safety information. The pesticide safety information required by subsection (1)(c)(i) of this section shall be presented to workers in a manner that the workers can understand. At a minimum, the following information shall be provided:

(a) Pesticides may be on or in plants, soil, irrigation water, or drifting from nearby applications.

(b) Prevent pesticides from entering your body by:

(i) Following directions and/or signs about keeping out of treated or restricted areas.

(ii) Washing before eating, drinking, using chewing gum or tobacco, or using the toilet.

(iii) Wearing work clothing that protects the body from pesticide residues.

(iv) Washing/showering with soap and water, shampoo hair, and put on clean clothes after work.

(v) Washing work clothes separately from other clothes before wearing them again.

(vi) Washing immediately in the nearest clean water if pesticides are spilled or sprayed on the body. As soon as possible, shower, shampoo, and change into clean clothes.

(4) Training programs.

(a) General pesticide safety information shall be presented to workers either orally from written materials or audiovisually. The information must be presented in a manner that the workers can understand (such as through a translator) using nontechnical terms. The presenter also shall respond to workers' questions.

(b) The person who conducts the training shall meet at least one of the following criteria:

- (i) Be currently certified as an applicator of restricted-use pesticides under chapter 17.21 RCW; or

- (ii) Be currently designated as a trainer of certified applicators or pesticide handlers by the Washington state department of agriculture in accordance with chapters 15.58 and 17.21 RCW; or

- (iii) Have completed a pesticide safety train-the-trainer program approved by the Washington state department of agriculture in accordance with chapters 15.58 and 17.21 RCW; or

- (iv) Satisfy the training requirements in WAC 296-306A-13025(3).

- (c) Any person who issues a Washington state department of agriculture-approved Worker Protection Standard worker training card must assure that the worker who receives the training card has been trained in accordance with subsection (4)(d) of this section.

- (d) The training materials shall convey, at a minimum, the following information:

- (i) Where and in what form pesticides may be encountered during work activities.

- (ii) Hazards of pesticides resulting from toxicity and exposure, including acute and chronic effects, delayed effects, and sensitization.

- (iii) Routes through which pesticides can enter the body.

- (iv) Signs and symptoms of common types of pesticide poisoning.

- (v) Emergency first aid for pesticide injuries or poisonings.

- (vi) How to obtain emergency medical care.

- (vii) Routine and emergency decontamination procedures, including emergency eyeflushing techniques.

- (viii) Hazards from chemigation and drift.

- (ix) Hazards from pesticide residues on clothing.

- (x) Warnings about taking pesticides or pesticide containers home.

- (xi) Requirements of this part designed to reduce the risks of illness or injury resulting from workers' occupational exposure to pesticides, including application and entry restrictions, the design of the warning sign, posting of warning signs, oral warnings, the availability of specific information about applications, and the protection against retaliatory acts.

(5) Verification of training.

- (a) Except as provided in subsection (5)(b) of this section, if the agricultural employer assures that a worker possesses a Washington state department of agriculture-approved Worker Protection Standard worker training card, then the requirements of subsection (1) of this section will have been met.

- (b) If the agricultural employer is aware or has reason to know that a Washington state department of agriculture-approved Worker Protection Standard worker training card has not been issued in accordance with this section, or has not been issued to the worker bearing the card, or the training was completed more than five years before the beginning of the current month, a worker's possession of that certificate does not meet the requirements of subsection (1) of this section.

**NEW SECTION**

**WAC 296-306A-12045 Posted pesticide safety information—Standards for workers—40 CFR, § 170.135.** (1) Requirement. When workers are on an agricultural establishment and, within the last thirty days, a pesticide covered by this part has been applied on the establishment or a restricted-entry interval has been in effect, the agricultural employer shall display, in accordance with this section, pesticide safety information.

(2) Pesticide safety poster. A safety poster must be displayed that conveys, at a minimum, the following basic pesticide safety concepts:

(a) Help keep pesticides from entering your body. At a minimum, the following points shall be conveyed:

(i) Avoid getting on your skin or into your body any pesticides that may be on plants and soil, in irrigation water, or drifting from nearby applications.

(ii) Wash before eating, drinking, using chewing gum or tobacco, or using the toilet.

(iii) Wear work clothing that protects the body from pesticide residues (long-sleeved shirts, long pants, shoes and socks, and a hat or scarf).

(iv) Wash/shower with soap and water, shampoo hair, and put on clean clothes after work.

(v) Wash work clothes separately from other clothes before wearing them again.

(vi) Wash immediately in the nearest clean water if pesticides are spilled or sprayed on the body. As soon as possible, shower, shampoo, and change into clean clothes.

(vii) Follow directions about keeping out of treated or restricted areas.

(b) There are federal rules to protect workers and handlers, including a requirement for safety training.

(3) Emergency medical care information.

(a) The name, address, and telephone number of the nearest emergency medical care facility shall be on the safety poster or displayed close to the safety poster.

(b) The agricultural employer shall inform workers promptly of any change to the information on emergency medical care facilities.

(4) Location.

(a) The information shall be displayed in a central location on the farm or in the nursery or greenhouse where it can be readily seen and read by workers.

(b) The information shall be displayed in a location in or near the forest in a place where it can be readily seen and read by workers and where workers are likely to congregate or pass by, such as at a decontamination site or an equipment storage site.

(5) Accessibility. Workers shall be informed of the location of the information and shall be allowed access to it.

(6) Legibility. The information shall remain legible during the time it is posted.

**NEW SECTION**

**WAC 296-306A-12050 Decontamination—Standards for workers—40 CFR, § 170.150.** (1) Requirements. The agricultural employer must provide decontamination supplies for workers in accordance with this section whenever:

(a) Any worker on the agricultural establishment is performing an activity in the area where a pesticide was

applied or a restricted-entry interval (REI) was in effect within the last thirty days; and

(b) The worker contacts anything that has been treated with the pesticide including but not limited to soil, water, plants, plant surfaces, and plant parts;

(c) *Exception.* The thirty-day time period established in (a) of this subsection shall not apply if the only pesticides used in the treated area are products with an REI of four hours or less on the label (but not a product without an REI on the label). When workers are in such treated areas, the agricultural employer shall provide decontamination supplies for not less than seven days following the expiration of any applicable REI.

(2) General conditions.

(a) The agricultural employer shall provide workers with adequate water for routine washing and emergency eyeflushing. At all times when the water is available to workers, the employer shall assure that it is of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed.

(b) When water stored in a tank is to be used for mixing pesticides, it shall not be used for decontamination or eyeflushing, unless the tank is equipped with properly functioning valves or other mechanisms that prevent movement of pesticides into the tank.

(c) The agricultural employer shall provide soap and single-use towels in quantities sufficient to meet workers' needs.

(d) To provide for emergency eyeflushing, the agricultural employer shall assure that at least one pint of water is immediately available to each worker who is performing early entry activities permitted by WAC 296-306A-12020 and for which the pesticide labeling requires protective eyewear. The eyeflush water shall be carried by the early entry worker, or shall be on the vehicle the early entry worker is using, or shall be otherwise immediately accessible.

(3) Location.

(a) The decontamination supplies shall be located together and shall be reasonably accessible to and not more than one-quarter mile from where workers are working.

(b) For worker activities performed more than one-quarter mile from the nearest place of vehicular access:

(i) The soap, single-use towels, and water may be at the nearest place of vehicular access.

(ii) The agricultural employer may permit workers to use clean water from springs, streams, lakes, or other sources for decontamination at the remote work site, if such water is more accessible than the water located at the nearest place of vehicular access.

(c) The decontamination supplies shall not be in an area being treated with pesticides.

(d) The decontamination supplies shall not be maintained in an area that is under a restricted-entry interval, unless the workers for whom the decontamination supplies are provided are performing early entry activities permitted by WAC 296-306A-12020 and involving contact with treated surfaces and the decontamination supplies would otherwise not be reasonably accessible to those workers.

(4) Decontamination after early entry activities. At the end of any exposure period for workers engaged in early entry activities permitted by WAC 296-306A-12020 and

involving contact with anything that has been treated with the pesticide to which the restricted-entry interval applies, including, but not limited to, soil, water, air, or surfaces of plants, the agricultural employer shall provide, at the site where the workers remove personal protective equipment, soap, clean towels, and a adequate amount of water so that the workers may wash thoroughly. At least ten gallons of water for one employee and twenty gallons of water for two or more employees shall be provided at early entry sites that do not have running water.

#### NEW SECTION

##### **WAC 296-306A-12055 Emergency assistance—**

**Standards for workers—**40 CFR, § 170.160. If there is reason to believe that a person who is or has been employed on an agricultural establishment to perform tasks related to the production of agricultural plants has been poisoned or injured by exposure to pesticides used on the agricultural establishment, including, but not limited to, exposures from application, splash, spill, drift, or pesticide residues, the agricultural employer shall:

(1) Make available to that person prompt transportation from the agricultural establishment, including any labor camp on the agricultural establishment, to an appropriate emergency medical facility.

(2) Provide to that person or to treating medical personnel, promptly upon request, any obtainable information on:

(a) Product name, EPA registration number, and active ingredients of any product to which that person might have been exposed.

(b) Antidote, first aid, and other medical information from the product labeling.

(c) The circumstances of application or use of the pesticide on the agricultural establishment.

(d) The circumstances of exposure of that person to the pesticide.

#### **STANDARD FOR PESTICIDE HANDLERS**

#### NEW SECTION

##### **WAC 296-306A-130 Applicability of this section—**

**Standards for pesticide handlers—**40 CFR, § 170.202. (1) Requirement. Except as provided by subsection (2) of this section, WAC 296-306A-130 applies when any pesticide is handled for use on an agricultural establishment.

(2) Exceptions. WAC 296-306A-130 does not apply when any pesticide is handled for use on an agricultural establishment in the following circumstances:

(a) For mosquito abatement, Mediterranean fruit fly eradication, or similar wide-area public pest control programs sponsored by governmental entities.

(b) On livestock or other animals, or in or about animal premises.

(c) On plants grown for other than commercial or research purposes, which may include plants in habitations, home fruit and vegetable gardens, and home greenhouses.

(d) On plants that are in ornamental gardens, parks, and public or private lawns and grounds and that are intended only for aesthetic purposes or climatic modification.

(e) In a manner not directly related to the production of agricultural plants, including, but not limited to, structural

pest control, control of vegetation along rights-of-way and in other noncrop areas, and pasture and rangeland use.

(f) For control of vertebrate pests.

(g) As attractants or repellents in traps.

(h) On the harvested portions of agricultural plants or on harvested timber.

(i) For research uses of unregistered pesticides.

(j) Exemptions. Except as provided by WAC 296-306A-130 and 296-306A-13005, WAC 296-306A-130 applies when a pesticide is handled for an agricultural establishment.

#### NEW SECTION

##### **WAC 296-306A-13005 Exemptions—Standards for handlers—**40 CFR, § 170.204. The handlers listed in this section are exempt from the specified provisions of this part.

(1) Owners of agricultural establishments.

(a) The owner of an agricultural establishment is not required to provide to himself or members of his immediate family who are performing handling tasks on their own agricultural establishment the protections of:

(i) WAC 296-306A-13010 (2) and (3).

(ii) WAC 296-306A-13015.

(iii) WAC 296-306A-13025.

(iv) WAC 296-306A-13030.

(v) WAC 296-306A-13035.

(vi) WAC 296-306A-13040.

(vii) WAC 296-306A-13045 (5) through (7).

(viii) WAC 296-306A-13050.

(ix) WAC 296-306A-13055.

(b) The owner of the agricultural establishment must provide the protections listed in subsection (1)(a)(i) through (ix) of this section to other handlers and other persons who are not members of his immediate family.

(2) Crop advisors.

(a) Provided that the conditions of (b) of this subsection are met, a person who is certified or licensed as a crop advisor by the Washington state department of agriculture under RCW 15.58.230, and persons performing crop advising tasks under such qualified crop advisor's direct supervision, are exempt from the provisions of:

(i) WAC 296-306A-13030.

(ii) WAC 296-306A-13045.

(iii) WAC 296-306A-13050.

(iv) WAC 296-306A-13055.

A person is under the direct supervision of a crop advisor when the crop advisor exerts the supervisory controls set out in (b)(iv) and (v) of this subsection. Direct supervision does not require that the crop advisor be physically present at all times, but the crop advisor must be readily accessible to the employees at all times.

(b) Conditions of exemption.

(i) The certification or licensing program requires pesticide safety training that includes, at least, all the information in WAC 296-306A-13025 (3)(d).

(ii) No entry into the treated area occurs until after application ends.

(iii) Applies only when performing crop advising tasks in the treated area.

(iv) The crop advisor must make specific determinations regarding the appropriate PPE, appropriate decontamination

supplies, and how to conduct the tasks safely. The crop advisor must convey this information to each person under his direct supervision in a language that the person understands.

(v) Before entering a treated area, the certified or licensed crop advisor must inform, through an established practice of communication, each person under his direct supervision of the pesticide products and active ingredient(s) applied, method of application, time of application, the restricted-entry interval, which tasks to undertake, and how to contact the crop advisor.

(c) Applies only when the persons are performing crop advising tasks in the treated area.

(d) The crop advisor must make specific determinations regarding the appropriate PPE, appropriate decontamination supplies, and how to conduct the tasks safely. The crop advisor must convey this information to each person under his direct supervision in a language that the person understands.

#### NEW SECTION

**WAC 296-306A-13010 Restrictions during applications—Standards for pesticide handlers—40 CFR, § 170.210.** (1) Contact with workers and other persons. The handler employer and the handler shall assure that no pesticide is applied so as to contact, either directly or through drift, any worker or other person, other than an appropriately trained and equipped handler.

(2) Handlers handling highly toxic pesticides. The handler employer shall assure that any handler who is performing any handling activity with a product that has the skull and crossbones symbol on the front panel of the label is monitored visually or by voice communication at least every two hours.

(3) Fumigant applications in greenhouses. The handler employer shall assure:

(a) That any handler who handles a fumigant in a greenhouse, including a handler who enters the greenhouse before the acceptable inhalation exposure level or ventilation criteria have been met to monitor air levels or to initiate ventilation, maintains continuous visual or voice contact with another handler.

(b) That the other handler has immediate access to the personal protective equipment required by the fumigant labeling for handlers in the event entry into the fumigated greenhouse becomes necessary for rescue.

#### NEW SECTION

**WAC 296-306A-13015 Providing specific information about applications—Standards for pesticide handlers—40 CFR, § 170.222.** When handlers (except those employed by a commercial pesticide handling establishment) are on an agricultural establishment and, within the last thirty days, a pesticide covered by this part has been applied on the establishment or a restricted-entry interval has been in effect, the handler employer shall display, in accordance with this section, specific information about the pesticide.

(1) Location, accessibility, and legibility. The information shall be displayed in the same location specified for the pesticide safety poster in WAC 296-306A-13040(4) and shall

be accessible and legible, as specified in WAC 296-306A-13040 (5) and (6).

(2) Timing.

(a) If warning signs are posted for the treated area before an application, the specific application information for that application shall be posted at the same time or earlier.

(b) The information shall be posted before the application takes place, if handlers (except those employed by a commercial pesticide handling establishment) will be on the establishment during application. Otherwise, the information shall be posted at the beginning of any such handler's first work period.

(c) The information shall continue to be displayed for at least thirty days after the end of the restricted-entry interval (or, if there is no restricted-entry interval, for at least thirty days after the end of the application) or at least until the handlers are no longer on the establishment, whichever is earlier.

(3) Required information. The information shall include:

(a) The location and description of the treated area.

(b) The product name, EPA registration number, and active ingredient(s) of the pesticide.

(c) The time and date the pesticide is to be applied.

(d) The restricted-entry interval for the pesticide.

#### NEW SECTION

**WAC 296-306A-13020 Notice of applications to agricultural employers—Standards for pesticide handlers—40 CFR, § 170.224.** Before the application of any pesticide on or in an agricultural establishment, the handler employer shall provide the following information to any agricultural employer for the establishment or shall assure that any agricultural employer is aware of:

(1) Specific location and description of the treated area.

(2) Time and date of application.

(3) Product name, EPA registration number, and active ingredient(s).

(4) Restricted-entry interval.

(5) Whether posting and oral notification are required.

(6) Any other product-specific requirements on the product labeling concerning protection of workers or other persons during or after application.

#### NEW SECTION

**WAC 296-306A-13025 Pesticide safety training—Standards for pesticide handlers—40 CFR, § 170.230.** (1) Requirement. Before any handler performs any handling task, the handler employer shall assure that the handler has been trained in accordance with this section during the last five years, counting from the end of the month in which the training was completed.

*Note: In addition to the training required by this section, the agricultural employer shall assure, without exception, that all employees are trained in accordance with WAC 296-62-054 through 296-62-05427, Hazard communication.*

(2) Exceptions. The following persons need not be trained under this section:

(a) A handler who is currently certified as an applicator of restricted-use pesticides under chapter 17.21 RCW.

(b) A handler who is certified or licensed as a crop advisor by the Washington state department of agriculture under RCW 15.58.230: *Provided*, That a requirement for such certification or licensing is pesticide safety training that includes all the information set out in WAC 296-306A-13025 (3)(d).

(3) Training programs.

(a) General pesticide safety information shall be presented to handlers either orally from written materials or audiovisually. The information must be presented in a manner that the handlers can understand (such as through a translator). The presenter also shall respond to handlers' questions.

(b) The person who conducts the training shall meet at least one of the following criteria:

(i) Be currently certified as an applicator of restricted-use pesticides under chapter 17.21 RCW; or

(ii) Be currently designated as a trainer of certified applicators or pesticide handlers by the Washington state department of agriculture under chapters 15.58 or 17.21 RCW; or

(iii) Have completed a pesticide safety train-the-trainer program approved by a state, federal, or tribal agency having jurisdiction.

(c) Any person who issues a Washington state department of agriculture-approved Worker Protection Standard handler training card must assure that the handler who receives the training card has been trained in accordance with (d) of this subsection.

(d) The pesticide safety training materials must convey, at a minimum, the following information:

(i) Format and meaning of information contained on pesticide labels and in labeling, including safety information such as precautionary statements about human health hazards.

(ii) Hazards of pesticides resulting from toxicity and exposure, including acute and chronic effects, delayed effects, and sensitization.

(iii) Routes by which pesticides can enter the body.

(iv) Signs and symptoms of common types of pesticide poisoning.

(v) Emergency first aid for pesticide injuries or poisonings.

(vi) How to obtain emergency medical care.

(vii) Routine and emergency decontamination procedures.

(viii) Need for and appropriate use of personal protective equipment.

(ix) Prevention, recognition, and first-aid treatment of heat-related illness.

(x) Safety requirements for handling, transporting, storing, and disposing of pesticides, including general procedures for spill cleanup.

(xi) Environmental concerns such as drift, runoff, and wildlife hazards.

(xii) Warnings about taking pesticides or pesticide containers home.

(xiii) Requirements of this part that must be followed by handler employers for the protection of handlers and other persons, including the prohibition against applying pesticides in a manner that will cause contact with workers or other persons, the requirement to use personal protective equip-

ment, the provisions for training and decontamination, and the protection against retaliatory acts.

(4) Verification of training.

(a) Except as provided in (b) of this subsection, if the handler employer assures that a handler possesses a Washington state department of agriculture-approved Worker Protection Standard handler training card, then the requirements of subsection (1) of this section will have been met.

(b) If the handler employer is aware or has reason to know that a Washington state department of agriculture-approved Worker Protection Standard handler training card has not been issued in accordance with this section, or has not been issued to the handler bearing the card, or the handler training was completed more than five years before the beginning of the current month, a handler's possession of that card does not meet the requirements of subsection (1) of this section.

NEW SECTION

**WAC 296-306A-13030 Knowledge of labeling and site-specific information—Standards for pesticide handlers—40 CFR, § 170.232.** (1) Knowledge of labeling information.

(a) The handler employer shall assure that before the handler performs any handling activity, the handler either has read the product labeling or has been informed in a manner the handler can understand of all labeling requirements related to safe use of the pesticide, such as signal words, human hazard precautions, personal protective equipment requirements, first-aid instructions, environmental precautions, and any additional precautions pertaining to the handling activity to be performed.

(b) The handler employer shall assure that the handler has access to the product labeling information during handling activities.

(2) Knowledge of site-specific information. Whenever a handler who is employed by a commercial pesticide handling establishment will be performing pesticide handling tasks on an agricultural establishment, the handler employer shall assure that the handler is aware of the following information concerning any areas on the agricultural establishment that the handler may be in (or may walk within one-quarter mile of) and that may be treated with a pesticide or that may be under a restricted-entry interval while the handler will be on the agricultural establishment:

(a) Specific location and description of any such areas; and

(b) Restrictions on entering those areas.

NEW SECTION

**WAC 296-306A-13035 Safe operation of equipment—Standards for pesticide handlers—40 CFR, § 170.234.** (1) The handler employer shall assure that before the handler uses any equipment for mixing, loading, transferring, or applying pesticides, the handler is instructed in the safe operation of such equipment, including, when relevant, chemigation safety requirements and drift avoidance.

(2) The handler employer shall assure that, before each day of use, equipment used for mixing, loading, transferring, or applying pesticides is inspected for leaks, clogging, and

worn or damaged parts, and any damaged equipment is repaired or is replaced.

(3) Before allowing any person to repair, clean, or adjust equipment that has been used to mix, load, transfer, or apply pesticides, the handler employer shall assure that pesticide residues have been removed from the equipment, unless the person doing the cleaning, repairing, or adjusting is a handler employed by the agricultural or commercial pesticide handling establishment. If pesticide residue removal is not feasible, the handler employer shall assure that the person who repairs, cleans, or adjusts such equipment is informed:

(a) That such equipment may be contaminated with pesticides.

(b) Of the potentially harmful effects of exposure to pesticides.

(c) Of the correct way to handle such equipment.

#### NEW SECTION

**WAC 296-306A-13040 Posted pesticide safety information—Standards for pesticide handlers—40 CFR, § 170.235.** (1) Requirement. When handlers (except those employed by a commercial pesticide handling establishment) are on an agricultural establishment and, within the last thirty days, a pesticide covered by this part has been applied on the establishment or a restricted-entry interval has been in effect, the handler employer shall display, in accordance with this section, pesticide safety information.

(2) Pesticide safety poster. A safety poster must be displayed that conveys, at a minimum, the following basic pesticide safety concepts:

(a) Help keep pesticides from entering your body. At a minimum, the following points shall be conveyed:

(i) Avoid getting on your skin or into your body any pesticides that may be on plants and soil, in irrigation water, or drifting from nearby applications.

(ii) Wash before eating, drinking, using chewing gum or tobacco, or using the toilet.

(iii) Wear work clothing that protects the body from pesticide residues (long-sleeved shirts, long pants, shoes and socks, and a hat or scarf).

(iv) Wash/shower with soap and water, shampoo hair, and put on clean clothes after work.

(v) Wash work clothes separately from other clothes before wearing them again.

(vi) Wash immediately in the nearest clean water if pesticides are spilled or sprayed on the body. As soon as possible, shower, shampoo, and change into clean clothes.

(vii) Follow directions about keeping out of treated or restricted areas.

(c) There are federal rules to protect workers and handlers including a requirement for safety training.

(3) Emergency medical care information.

(a) The name, address, and telephone number of the nearest emergency medical care facility shall be on the safety poster or displayed close to the safety poster.

(b) The handler employer shall inform handlers promptly of any change to the information on emergency medical care facilities.

(4) Location.

(a) The information shall be displayed in a central location on the farm or in the nursery or greenhouse where it can be readily seen and read by handlers.

(b) The information shall be displayed in a location in or near the forest in a place where it can be readily seen and read by handlers and where handlers are likely to congregate or pass by, such as at a decontamination site or an equipment storage site.

(5) Accessibility. Handlers shall be informed of the location of the information and shall be allowed access to it.

(6) Legibility. The information shall remain legible during the time it is posted.

**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 296-306A-13045 Personal protective equipment—Standards for pesticide handlers—40 CFR, § 170.240.** (1) Requirement. Any person who performs tasks as a pesticide handler shall use the clothing and personal protective equipment specified on the labeling for use of the product.

(2) Definition.

(a) Personal protective equipment (PPE) means devices and apparel that are worn to protect the body from contact with pesticides or pesticide residues, including, but not limited to, coveralls, chemical-resistant suits, chemical-resistant gloves, chemical-resistant footwear, respiratory protection devices, chemical-resistant aprons, chemical-resistant headgear, and protective eyewear.

(b) Long-sleeved shirts, short-sleeved shirts, long pants, short pants, shoes, socks, and other items of work clothing are not considered personal protective equipment for the purposes of this section and are not subject to the requirements of this section, although pesticide labeling may require that such work clothing be worn during some activities.

(3) Provision. When personal protective equipment is specified by the labeling of any pesticide for any handling activity, the handler employer shall provide the appropriate personal protective equipment in clean and operating condition to the handler.

(a) When "chemical-resistant" personal protective equipment is specified by the product labeling, it shall be made of material that allows no measurable movement of the pesticide being used through the material during use.

(b) When "waterproof" personal protective equipment is specified by the product labeling, it shall be made of material that allows no measurable movement of water or aqueous solutions through the material during use.

(c) When a "chemical-resistant suit" is specified by the product labeling, it shall be a loose-fitting, one-piece or two-piece chemical-resistant garment that covers, at a minimum, the entire body except head, hands, and feet.

(d) When "coveralls" are specified by the product labeling, they shall be a loose-fitting, one-piece or two-piece garment, such as a cotton or cotton and polyester coverall, that covers, at a minimum, the entire body except head, hands, and feet. The pesticide product labeling may specify that the coveralls be worn over another layer of clothing.

(e) Gloves shall be of the type specified by the product labeling. Gloves or glove linings made of leather, cotton, or other absorbent material shall not be worn for handling activities unless such materials are listed on the product labeling as acceptable for such use.

(f) When "chemical-resistant footwear" is specified by the product labeling, one of the following types of footwear must be worn:

- (i) Chemical-resistant shoes.
- (ii) Chemical-resistant boots.
- (iii) Chemical-resistant shoe coverings worn over shoes or boots.

(g) When "protective eyewear" is specified by the product labeling, one of the following types of eyewear must be worn:

- (i) Goggles.
- (ii) Face shield.
- (iii) Safety glasses with front, brow, and temple protection.

(iv) Full-face respirator.

(h) When a "chemical-resistant apron" is specified by the product labeling, an apron that covers the front of the body from mid-chest to the knees shall be worn.

(i) When a respirator is specified by the product labeling, it shall be appropriate for the pesticide product used and for the activity to be performed. The handler employer shall assure that the respirator fits correctly by using the procedures consistent with WAC 296-62-071. If the label does not specify the type of respirator to be used, it shall meet the requirements of WAC 296-62-071. The respiratory protection requirements of the general occupational health standards, WAC 296-62-071, shall apply.

(j) When "chemical-resistant headgear" is specified by the product labeling, it shall be either a chemical-resistant hood or a chemical-resistant hat with a wide brim.

(4) Exceptions to personal protective equipment specified on product labeling.

(a) Body protection.

(i) A chemical-resistant suit may be substituted for "coveralls," and any requirement for an additional layer of clothing beneath is waived.

(ii) A chemical-resistant suit may be substituted for "coveralls" and a chemical-resistant apron.

(b) Boots. If chemical-resistant footwear with sufficient durability and a tread appropriate for wear in rough terrain is not obtainable, then leather boots may be worn in such terrain.

(c) Gloves. If chemical-resistant gloves with sufficient durability and suppleness are not obtainable, then during handling activities with roses or other plants with sharp thorns, leather gloves may be worn over chemical-resistant glove liners. However, once leather gloves are worn for this use, thereafter they shall be worn only with chemical-resistant liners and they shall not be worn for any other use.

(d) Closed systems. If handling tasks are performed using properly functioning systems that enclose the pesticide to prevent it from contacting handlers or other persons, and if such systems are used and are maintained in accordance with that manufacturer's written operating instructions, exceptions to labeling-specified personal protective equipment for the handling activity are permitted as provided in (d)(i) and (ii) of this subsection.

(i) Persons using a closed system to mix or load pesticides with a signal word of DANGER or WARNING may substitute a long-sleeved shirt, long pants, shoes, socks, chemical-resistant apron, and any protective gloves specified on the labeling for handlers for the labeling-specified personal protective equipment.

(ii) Persons using a closed system to mix or load pesticides other than those in (d)(i) of this subsection or to perform other handling tasks may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified personal protective equipment.

(iii) Persons using a closed system that operates under pressure shall wear protective eyewear.

(iv) Persons using a closed system shall have all labeling-specified personal protective equipment immediately available for use in an emergency.

(e) Enclosed cabs. If handling tasks are performed from inside a cab that has a nonporous barrier which totally surrounds the occupants of the cab and prevents contact with pesticides outside of the cab, exceptions to personal protective equipment specified on the product labeling for that handling activity are permitted as provided in (e)(i) through (iv) of this subsection.

(i) Persons occupying an enclosed cab may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified personal protective equipment. If a respiratory protection device is specified on the pesticide product labeling for the handling activity, it must be worn.

(ii) Persons occupying an enclosed cab that has a properly functioning ventilation system which is used and maintained in accordance with the manufacturer's written operating instructions and which is declared in writing by the manufacturer and by the Washington state department of labor and industries to provide respiratory protection equivalent to or greater than a dust/mist filtering respirator may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified personal protective equipment. If a respiratory protection device other than a dust/mist-filtering respirator is specified on the pesticide product labeling, it must be worn.

(iii) Persons occupying an enclosed cab that has a properly functioning ventilation system which is used and maintained in accordance with the manufacturer's written operating instructions and which is declared in writing by the manufacturer and by the Washington state department of labor and industries to provide respiratory protection equivalent to or greater than the vapor-removing or gas-removing respirator specified on pesticide product labeling may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified personal protective equipment. If an air-supplying respirator or a self-contained breathing apparatus (SCBA) is specified on the pesticide product labeling, it must be worn.

(iv) Persons occupying an enclosed cab shall have all labeling-specified personal protective equipment immediately available and stored in a chemical-resistant container, such as a plastic bag. They shall wear such personal protective equipment if it is necessary to exit the cab and contact pesticide-treated surfaces in the treated area. Once personal protective equipment is worn in the treated area, it must be removed before reentering the cab.

(f) Aerial applications.

(i) Use of gloves. Chemical-resistant gloves shall be worn when entering or leaving an aircraft contaminated by pesticide residues. In the cockpit, the gloves shall be kept in an enclosed container to prevent contamination of the inside of the cockpit.

(ii) Open cockpit. Persons occupying an open cockpit shall use the personal protective equipment specified in the product labeling for use during application, except that chemical-resistant footwear need not be worn. A helmet may be substituted for chemical-resistant headgear. A visor may be substituted for protective eyewear.

(iii) Enclosed cockpit. Persons occupying an enclosed cockpit may substitute a long-sleeved shirt, long pants, shoes, and socks for labeling-specified personal protective equipment.

(g) Crop advisors. Crop advisors entering treated areas while a restricted-entry interval is in effect may wear the personal protective equipment specified on the pesticide labeling for early entry activities instead of the personal protective equipment specified on the pesticide labeling for handling activities, provided:

(i) Application has been completed for at least four hours.

(ii) Any inhalation exposure level listed in the labeling has been reached or any ventilation criteria established by WAC 296-306A-12015 (3)(c) or in the labeling have been met.

#### (5) Use of personal protective equipment.

(a) The handler employer shall assure that personal protective equipment is used correctly for its intended purpose and is used according to the manufacturer's instructions.

(b) The handler employer shall assure that, before each day of use, all personal protective equipment is inspected for leaks, holes, tears, or worn places, and any damaged equipment is repaired or discarded.

#### (6) Cleaning and maintenance.

(a) The handler employer shall assure that all personal protective equipment is cleaned according to the manufacturer's instructions or pesticide product labeling instructions before each day of reuse. In the absence of any such instructions, it shall be washed thoroughly in detergent and hot water.

(b) If any personal protective equipment cannot be cleaned properly, the handler employer shall dispose of the personal protective equipment in accordance with any applicable federal, state, and local regulations. Coveralls or other absorbent materials that have been drenched or heavily contaminated with an undiluted pesticide that has the signal word DANGER or WARNING on the label shall be not be reused.

(c) The handler employer shall assure that contaminated personal protective equipment is kept separately and washed separately from any other clothing or laundry.

(d) The handler employer shall assure that all clean personal protective equipment shall be either dried thoroughly before being stored or shall be put in a well ventilated place to dry.

(e) The handler employer shall assure that all personal protective equipment is stored separately from personal clothing and apart from pesticide-contaminated areas.

(f) The handler employer shall assure that when dust/mist filtering respirators are used, the filters shall be replaced:

(i) When breathing resistance becomes excessive.  
(ii) When the filter element has physical damage or tears.

(iii) According to manufacturer's recommendations or pesticide product labeling, whichever is more frequent.

(iv) In the absence of any other instructions or indications of service life, at the end of each day's work period.

(g) The handler employer shall assure that when gas-removing or vapor-removing respirators are used, the gas-removing or vapor-removing canisters or cartridges shall be replaced:

(i) At the first indication of odor, taste, or irritation.  
(ii) According to manufacturer's recommendations or pesticide product labeling, whichever is more frequent.

(iii) In the absence of any other instructions or indications of service life, at the end of each day's work period.

(h) The handler employer shall inform any person who cleans or launders personal protective equipment:

(i) That such equipment may be contaminated with pesticides.

(ii) Of the potentially harmful effects of exposure to pesticides.

(iii) Of the correct way(s) to clean personal protective equipment and to protect themselves when handling such equipment.

(i) The handler employer shall assure that handlers have a clean place(s) away from pesticide storage and pesticide use areas where they may:

(i) Store personal clothing not in use.

(ii) Put on personal protective equipment at the start of any exposure period.

(iii) Remove personal protective equipment at the end of any exposure period.

(j) The handler employer shall not allow or direct any handler to wear home or to take home personal protective equipment contaminated with pesticides.

(7) Heat-related illness. When the use of personal protective equipment is specified by the labeling of any pesticide for the handling activity, the handler employer shall assure that no handler is allowed or directed to perform the handling activity unless appropriate measures are taken, if necessary, to prevent heat-related illness.

## NEW SECTION

**WAC 296-306A-13050 Decontamination—Standards for pesticide handlers—40 CFR, § 170.250.** (1) Requirement. During any handling activity, the handler employer shall provide for handlers, in accordance with this section, decontamination supplies for washing off pesticides and pesticide residues.

(2) General conditions.

(a) The handler employer shall provide handlers with enough water for routine washing, for emergency eye-flushing, and for washing the entire body in case of an emergency. At all times when the water is available to handlers, the handler employer shall assure that it is of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed. At

least ten gallons of water for one employee and twenty gallons of water for two or more employees shall be provided at mixing and loading sites that do not have running water.

(b) When water stored in a tank is to be used for mixing pesticides, it shall not be used for decontamination or eyeflushing, unless the tank is equipped with properly functioning valves or other mechanisms that prevent movement of pesticides into the tank.

(c) The handler employer shall provide soap and single-use towels in quantities sufficient to meet handlers' needs.

(d) The handler employer shall provide one clean change of clothing, such as coveralls for use in an emergency.

(3) Location. The decontamination supplies shall be located together and reasonably accessible to and not more than one-quarter mile from each handler during the handling activity.

(a) Exception for mixing sites. For mixing activities, the decontamination supplies shall be at the mixing site.

(b) Exception for pilots. The decontamination supplies for a pilot who is applying pesticides aerially shall be in the airplane or at the aircraft loading site.

(c) Exception for handling pesticides in remote areas. When handling activities are performed more than one-quarter mile from the nearest place of vehicular access:

(i) The soap, single-use towels, clean change of clothing, and water may be at the nearest place of vehicular access.

(ii) The handler employer may permit handlers to use clean water from springs, streams, lakes, or other sources for decontamination at the remote work site, if such water is more accessible than the water with the decontamination supplies located at the nearest place of vehicular access.

(d) Decontamination supplies in treated areas. The decontamination supplies shall not be in an area being treated with pesticides or in an area under a restricted-entry interval, unless:

(i) The decontamination supplies are in the area where the handler is performing handling activities;

(ii) The soap, single-use towels, and clean change of clothing are in enclosed containers; and

(iii) The water is running tap water or is enclosed in a container.

(4) Emergency eyeflushing. To provide for emergency eyeflushing, the handler employer shall assure that at least one pint of water is immediately available to each handler who is performing tasks for which the pesticide labeling requires protective eyewear. The eyeflush water shall be carried by the handler, or shall be on the vehicle or aircraft the handler is using, or shall be otherwise immediately accessible.

(5) A plumbed or portable emergency eyewash capable of delivering at least 1.5 liters (0.4 gals.) of water per minute for fifteen minutes shall be provided at all pesticide mixing and loading stations or handler decontamination sites when the label requires protective eyewear for mixing, loading or applying. A plumbed or portable system meeting the above requirements shall be provided at all permanent pesticide mixing and loading sites.

(6) Decontamination after handling activities. At the end of any exposure period, the handler employer shall

provide at the site where handlers remove personal protective equipment, soap, clean towels, and a sufficient amount of water so that the handlers may wash thoroughly. At least ten gallons of water for one employee and twenty gallons of water for two or more employees shall be provided at mixing and loading sites that do not have running water.

## NEW SECTION

**WAC 296-306A-13055 Emergency assistance—Standards for pesticide handlers—40 CFR, § 170.260.** If there is reason to believe that a person who is or has been employed by an agricultural establishment or commercial pesticide handling establishment to perform pesticide handling tasks has been poisoned or injured by exposure to pesticides as a result of that employment, including, but not limited to, exposures from handling tasks or from application, splash, spill, drift, or pesticide residues, the handler employer shall:

(1) Make available to that person prompt transportation from the place of employment or the handling site to an appropriate emergency medical facility.

(2) Provide to that person or to treating medical personnel, promptly upon request, any obtainable information on:

(a) Product name, EPA registration number, and active ingredients of any product to which that person might have been exposed.

(b) Antidote, first aid, and other medical information from the product labeling.

(c) The circumstances of handling of the pesticide.

(d) The circumstances of exposure of that person to the pesticide.

**WSR 96-17-011**  
**PERMANENT RULES**  
**GAMBLING COMMISSION**  
[Order 299—Filed August 12, 1996, 11:25 a.m.]

Date of Adoption: August 9, 1996.

Purpose: To authorize the director to enter into agreements with public card room licensees, subject to commission approval, to test regulatory requirements implementing amendments made to RCW 9.46.0281, social card game definition. The rule also provides for the commission to collect deposits to cover the costs of regulating the activity as required by RCW 9.46.070(5).

Citation of Existing Rules Affected by this Order:  
Amending WAC 230-40-999.

Statutory Authority for Adoption: RCW 9.46.0281, 9.46.070 (1), (2), (4)-(8), (11), (12), (14), and (20).

Adopted under notice filed as WSR 96-13-070 on June 18, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 1, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 1, amended 0, repealed 0; Pilot Rule Making: New 1, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

August 12, 1996

Carrie Tellefson

Rules and Policy Coordinator

### NEW SECTION

**WAC 230-40-999 Public card room enhancement program—Pilot study and test.** The 1996 legislature enacted changes to the definition of a social card game, set forth in RCW 9.46.0281. The commission finds it to be in the public interest to conduct a pilot study to test regulatory provisions implementing the 1996 statutory changes. The statutory changes include increasing the number of card tables, authorizing licensed card room operators to act as custodians of player-supported progressive prize contests, and collecting fees through methods other than fees based on a period of time played. Licensees may voluntarily participate in the test subject to the following terms and conditions:

(1) The test shall commence July 1, 1996, and conclude when permanent rules are adopted. By August 1997, commission staff shall report to the commission on the progress of the test and shall submit rules for formal implementation of the public card room enhancement program with the goal of formal implementation by January 1, 1998.

(2) The licensee shall enter into an agreement with the director regarding the terms and conditions of the test for

that particular licensee. If the terms and conditions of the agreement conflict with existing gambling commission rules, the agreement will supersede for the duration of the test;

(3) The terms and conditions of each agreement shall be submitted to the Commission and when approved shall be binding on the licensee.

(4) The licensee must have been operating a class "E-1" through "E-5" card room either before July 1, 1996, or for at least six months before implementing test scope of activities;

(5) The annual preliminary non-refundable license fee deposit required to participate in the test shall be based on amounts necessary to cover the commission's cost to conduct the test. During the test, participants may be assessed additional amounts necessary to recover commission costs. As part of the application to participate, applicants shall make the following deposits:

(a) The deposit for testing an increased number of tables shall be those set forth in WAC 230-04-203 (\$3,160), plus:

(i) Six through ten tables: \$1,200 per table; or

(ii) Eleven through fifteen tables: \$6,000, plus \$1,500 per table;

(b) The deposit for testing player-supported progressive prize contests shall be \$1,020 plus:

(i) One through three prize contest: \$240 per contest; or

(ii) Greater than three contests: \$720 plus \$120 per contest.

(c) The deposit for testing fee collection methods other than fees based on a period of time shall be \$1,020 plus:

(i) One through five tables: \$120 per table;

(ii) Six through ten tables: \$600 plus \$240 per table; or

(iii) Greater than ten tables: \$1,800 plus \$360 per table.

(7) In the event a licensee violates the terms of its agreement or fails to pay assessments within seven days of billing, the director shall have the authority to remove that licensee from participation in the test. Upon removal from the test, the licensee will return to its pre-test scope of activities. Removal from the test shall not be subject to review or appeal.

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

**WSR 96-17-012**  
**PERMANENT RULES**  
**GAMBLING COMMISSION**

[Order 299—Filed August 12, 1996, 11:28 a.m., effective January 1, 1997]

Date of Adoption: August 9, 1996.

Purpose: To formalize commission policy regarding the effective dates of rule-making orders.

Statutory Authority for Adoption: Chapter 34.05 RCW, RCW 9.46.070.

Adopted under notice filed as WSR 96-13-072 on June 18, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or

**Recently Enacted State Statutes:** New 0, amended 0, repealed 0.

**Number of Sections Adopted at Request of a Nongovernmental Entity:** New 0, amended 0, repealed 0.

**Number of Sections Adopted on the Agency's own Initiative:** New 0, amended 0, repealed 0.

**Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures:** New 1, amended 0, repealed 0.

**Number of Sections Adopted using Negotiated Rule Making:** New 0, amended 0, repealed 0; **Pilot Rule Making:** New 0, amended 0, repealed 0; or **Other Alternative Rule Making:** New 0, amended 0, repealed 0.

**Effective Date of Rule:** January 1, 1997.

August 12, 1996

Carrie Tellefson

Rules and Policy Coordinator

PERMANENT

## NEW SECTION

**WAC 230-12-005 Effective dates for commission rule making orders.** Commission rule making orders shall specify effective dates as follows:

(1) Rule making orders passed during the months of January through June shall be effective during the month of July.

(2) Rule making orders passed during the months of July through December shall be effective during the month of January.

(3) The Commission may specify earlier or later effective dates for rule making orders and shall specify its reasons for such adoptions as required by RCW 34.05.350 (emergency rule adoptions) and RCW 34.05.380(3) (establishing effective dates earlier than 30 days after filing).

### **WSR 96-17-013**

### **PERMANENT RULES**

### **COUNTY ROAD**

### **ADMINISTRATION BOARD**

[Filed August 12, 1996, 11:55 a.m.]

**Date of Adoption:** July 12, 1996.

**Purpose:** Language clarification, updating of references, deletion of unnecessary sections.

**Citation of Existing Rules Affected by this Order:** Amending Title 136 WAC.

**Statutory Authority for Adoption:** RCW 36.78.070, 36.79.060.

**Adopted under notice filed as WSR 96-11-052 on May 9, 1996.**

**Number of Sections Adopted in Order to Comply with Federal Statute:** New 0, amended 0, repealed 0; **Federal Rules or Standards:** New 0, amended 0, repealed 0; or **Recently Enacted State Statutes:** New 0, amended 0, repealed 0.

**Number of Sections Adopted at Request of a Nongovernmental Entity:** New 0, amended 0, repealed 0.

**Number of Sections Adopted on the Agency's own Initiative:** New 0, amended 1, repealed 0.

**Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures:** New 0, amended 0, repealed 0.

**Number of Sections Adopted using Negotiated Rule Making:** New 0, amended 0, repealed 0; **Pilot Rule Making:** New 0, amended 0, repealed 0; or **Other Alternative Rule Making:** New 0, amended 0, repealed 0.

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

August 6, 1996

Eric A. Berger

Executive Director

## **Chapter 136-01 WAC ((STANDARD OF GOOD PRACTICE)) ORGANIZATION AND OPERATION OF COUNTY ROAD ADMINISTRATION BOARD**

**AMENDATORY SECTION** (Amending Order 86, filed 6/10/92, effective 7/11/92)

**WAC 136-01-010 Purpose and membership.** The county road administration board is a nine member board, organized under the provision of RCW 36.78.010 through 36.78.110 for the purpose of establishing and administering:

(1) Standards of good practice for county road administration within the counties of the state;

(2) The rural arterial program established by chapter 36.79 RCW; ((and))

(3) The county arterial preservation program established by RCW 46.68.095(4); and

(4) The ferry capital improvement program established by RCW 47.56.725(4).

## **Chapter 136-02 WAC IMPLEMENTATION OF ((SEPA AND CEP GUIDELINES)) STATE ENVIRONMENTAL POLICY ACT**

**AMENDATORY SECTION** (Amending Order 30, filed 8/3/76)

**WAC 136-02-010 Purpose.** This chapter is promulgated pursuant to the directions of chapter 43.21C RCW (SEPA) and chapter ((197-10)) 197-11 WAC ((CEP guidelines interpreting and implementing SEPA)) (SEPA rules). The adoption of this chapter is deemed to be in compliance with the requirements of chapter 43.21C RCW and chapter ((197-10)) 197-11 WAC.

**AMENDATORY SECTION** (Amending Order 30, filed 8/3/76)

**WAC 136-02-020 Statement of exempt activities.** The county road administration board has reviewed its authorized activities and found them all to be exempt under chapter 43.21C RCW and ((CEP guidelines)) SEPA rules, WAC ((197-10-170(4), (7), (8), (11), (12), and (17))) 197-11-800 (13), (15), (18), (19) and (20). This statement is adopted in accordance with ((WAC 197-10-800(4))) RCW 43.21C.135 (1)(a).

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 136-02-030      Implementation of SEPA and CEP guidelines.

**Chapter 136-04 WAC  
ANNUAL CERTIFICATION OF GOOD PRACTICE**

**AMENDATORY SECTION** (Amending Order 31, filed 12/16/77)

**WAC 136-04-010 Purpose.** The county road administration board, hereinafter referred to as the ((board)) CRABoard, is authorized by RCW 36.78.090 through 36.78.100 to transmit to the state treasurer certificates of good practice, hereinafter referred to as certificates, on behalf of the counties which during the preceding calendar year have reasonably complied with provisions of law relating to county road administration and with the standards of good practice as formulated and adopted by the ((board)) CRABoard or to issue conditional certificates. This ((standard of good practice)) section sets forth ((a)) the procedure to be followed by the ((board)) CRABoard in the issuance and revocation of such certificates.

**AMENDATORY SECTION** (Amending Order 72, filed 3/21/90, effective 4/21/90)

**WAC 136-04-020 Inquiry by the ((board)) CRABoard.** The ((county road administration engineer)) executive director shall formulate a questionnaire for use by the counties designed to demonstrate to the ((board their)) CRABoard each county's level of compliance with pertinent laws and regulations. The proposed questionnaire shall be reviewed and approved by the ((board)) CRABoard at its first meeting of each calendar year and may be revised and modified from year to year to reflect changes in statutory and regulatory requirements. The approved questionnaire shall be distributed to all counties no later than fifteen days after said meeting.

**AMENDATORY SECTION** (Amending Order 72, filed 3/21/90, effective 4/21/90)

**WAC 136-04-030 Response by the county.** Each county engineer shall complete the questionnaire, certify as to its accuracy, have it approved by the county legislative authority or the county executive, and shall return it to the ((board)) executive director no later than April ((10)) 1st.

**AMENDATORY SECTION** (Amending Order 72, filed 3/21/90, effective 4/21/90)

**WAC 136-04-040 Review by the ((board)) CRABoard.** The ((county road administration engineer)) executive director shall receive the completed questionnaires and prepare a report for the ((board)) CRABoard regarding the level of each county's compliance with pertinent laws and regulations. The ((board)) CRABoard shall review the ((engineer's)) executive director's report at its second regular meeting of each calendar year.

**AMENDATORY SECTION** (Amending Order 31, filed 12/16/77)

**WAC 136-04-050 Certificate of good practice.** The ((board)) CRABoard shall transmit a certificate to the state treasurer prior to May 1st of each year on behalf of those counties found to be in reasonable compliance with provisions of law relating to county road administration and with the standards of good practice as formulated and adopted by the ((board)) CRABoard.

**AMENDATORY SECTION** (Amending Order 31, filed 12/16/77)

**WAC 136-04-055 Revocation of certificate of good practice.** Whenever the ((board)) CRABoard finds that after issuance of a certificate a county fails to meet the requirements of such certification, the ((board)) CRABoard may revoke the previously issued certificate, or substitute a conditional certificate therefor, in the manner provided in WAC 136-04-080 and 136-04-090.

**AMENDATORY SECTION** (Amending Order 72, filed 3/21/90, effective 4/21/90)

**WAC 136-04-060 Conditional certificate of good practice.** Whenever the ((board)) CRABoard finds that a county has failed to be in reasonable compliance with provisions of law or standards of good practice, the ((board)) CRABoard may transmit to the state treasurer on behalf of such county a conditional certificate, in the manner provided in WAC 136-04-080 and 136-04-090. Any such conditional certificate shall be issued subject to terms and conditions as deemed by the ((board)) CRABoard to be appropriate, and will authorize continued distribution to such county of all or a designated portion of its share of motor vehicle fuel taxes. A copy of such conditional certificate shall be sent to the legislative authority of the county on whose behalf it was issued. One of the conditions of such conditional certificate shall be a review by the ((board)) CRABoard at a subsequent meeting of the situation which caused its issuance.

**AMENDATORY SECTION** (Amending Order 31, filed 12/16/77)

**WAC 136-04-070 Review of conditional certificates.** At a designated subsequent meeting, the ((board)) CRABoard shall receive a report from the ((county road administration engineer)) executive director pursuant to each conditional certificate. The ((board)) CRABoard shall issue a certificate upon finding that the county has complied or is diligently attempting to comply with the terms and conditions of the conditional certificate. If the ((board)) CRABoard finds that the county has not satisfied or diligently attempted to satisfy the terms and conditions of the conditional certificate, it may, in the manner provided in WAC 136-04-080 and 136-04-090:

((a)) (1) Continue such conditional certificate for further review(( ));

((b)) (2) Modify such conditional certificate(( )); or

((c)) (3) Revoke such conditional certificate.

AMENDATORY SECTION (Amending Order 72, filed 3/21/90, effective 4/21/90)

**WAC 136-04-080 Notice of pending revocation or substitution.** The ((board)) CRABoard shall not consider revocation of a certificate or substitution of a conditional certificate or adverse modification of a conditional certificate for any county unless written notice of hearing thereon shall have been given to the legislative authority or county executive at least two weeks prior to the ((board)) CRABoard meeting at which such revocation, substitution or modification is to be considered. Such notice shall include an invitation for representation by the county at such hearing.

AMENDATORY SECTION (Amending Order 72, filed 3/21/90, effective 4/21/90)

**WAC 136-04-090 Hearing on revocation or substitution.** At the time appointed for the hearing, the ((board)) CRABoard shall receive a report from the ((county road administration engineer)) executive director detailing those laws or regulations with which the county is not in reasonable compliance, or those terms and conditions of the conditional certificate which the county has failed to meet. The ((board)) CRABoard shall provide opportunity for presentation of written and/or oral testimony on behalf of the county and may thereupon:

- ((a)) (1) Continue or modify a conditional certificate;
- ((b)) (2) Substitute a conditional certificate for a certificate; or
- ((c)) (3) Revoke either the certificate or conditional certificate.

AMENDATORY SECTION (Amending Order 72, filed 3/21/90, effective 4/21/90)

**WAC 136-04-100 Revocation of certificate.** Upon revocation of a certificate or a conditional certificate by the ((board)) CRABoard, notice thereof shall be given to the state treasurer and to the legislative authority or county executive of the affected county. If any certificate is revoked without a conditional certificate being substituted therefore, the ((board)) CRABoard shall review the affected county's(ies') compliance with pertinent laws and regulations at each subsequent regularly scheduled ((board)) meeting until such time as the ((board)) CRABoard finds that the county has reasonably complied or is diligently attempting to comply with such laws and regulations.

**NEW SECTION**

**WAC 136-04-110 Effect of noncompliance with standards of good practice.** Failure of a county to receive and maintain a certificate of good practice or a conditional certificate of good practice will, upon notification to the state treasurer by the CRABoard, result in the withholding from the county of a part of or its entire share of motor vehicle fuel tax distributable pursuant to RCW 46.68.120.

**Chapter 136-10 WAC****DUTIES OF COUNTY ROAD ENGINEER—  
((COMMISSIONERS)) COUNTY LEGISLATIVE  
AUTHORITY**AMENDATORY SECTION (Amending Order 73, filed 3/21/90, effective 4/21/90)

**WAC 136-10-020 Duties of county legislative authority.** Certain specific powers and duties are set forth in RCW 36.75.040, 36.75.050, 36.80.010, 36.81.121 and 36.81.130. In addition to specific statutory duties the legislative authority shall have the duty to develop written policies regarding county road department operation for the information and guidance of the county road engineer.

AMENDATORY SECTION (Amending Order 73, filed 3/21/90, effective 4/21/90)

**WAC 136-10-030 Duties of the county road engineer.** The various duties and responsibilities of the county road engineer are set forth in chapter 36.80 RCW. In addition to these specifically defined duties the county road engineer shall be guided by written policies regarding county road department operation as promulgated by the county legislative authority.

AMENDATORY SECTION (Amending Order 37, filed 1/24/80)

**WAC 136-11-010 Purpose.** The laws of the state of Washington specify in RCW 36.80.030 that the county road engineer shall have supervision, under the direction of the county legislative authority, of maintaining all county roads of the county. The purpose of ((this standard of good practice)) maintenance management is to recognize that the majority of road maintenance activities can be planned, scheduled and accomplished in a predetermined manner which will result in improved economics of operation, public safety and welfare, and preservation of investment of county roads: *Provided, however, That* ((this standard of good practice)) maintenance management shall not be mandatory and shall not be considered in the issuance of certificates of good practice.

AMENDATORY SECTION (Amending Order 37, filed 1/24/80)

**WAC 136-11-020 Goal.** This ((standard of good practice)) chapter is intended to encourage each county road engineer to apply basic management principles to road maintenance activities and to set forth specific goals and objectives relative to the results to be achieved.

AMENDATORY SECTION (Amending Order 37, filed 1/24/80)

**WAC 136-11-030 Objectives.** For the guidance and information of the county road engineer developing a maintenance management program the following objectives merit serious consideration:

- (1) To provide, annually, opportunities for key personnel to receive initial training or refresher training in the principles of maintenance management.

(2) To develop countywide maintenance standards or levels of service for each major maintenance activity.

(3) To develop standards of performance for individuals and work crews setting forth both the quality and quantity of results anticipated.

(4) To prepare an annual maintenance program for adoption coincident with the annual budget and construction program which is to identify resource requirements in terms of manpower, equipment and materials, and the costs of each.

(5) To schedule, on an annual basis, major maintenance activities based on available budgeted maintenance funds so as to achieve an optimum balance of resources in the available time.

(6) To develop, and annually update, a long range equipment replacement program encompassing all major road department equipment so as to meet the equipment demands of the maintenance program.

(7) To establish an information reporting system capable of compiling data needed to allow comparison of actual performance with established performance standards and budgetary constraints.

(8) To discuss, at least biennially, with appropriate supervisory personnel the data regarding utilization of manpower, equipment and materials so as to assure the lowest attainable unit cost for each maintenance activity.

(9) To provide adequate information to all maintenance personnel regarding goals and objectives of the county's maintenance management program.

(10) To explore and evaluate new techniques, products, equipment and ideas which show promise of significantly improving performance or decreasing cost in any segment of the maintenance management effort.

### Chapter 136-12 WAC

#### STANDARD(S) OF GOOD PRACTICE—VACANCY IN POSITION OF COUNTY ROAD ENGINEER

AMENDATORY SECTION (Amending Order 74, filed 3/21/90, effective 4/21/90)

**WAC 136-12-010 Purpose.** The laws of the state of Washington make detailed provisions in chapter 36.80 RCW, for the employment of a county road engineer in each county. This chapter specifies that he shall be employed full time: *Provided, That in ((eighth and ninth class counties)) counties with a population of less than eight thousand he may be employed on a part-time basis and may be the county engineer of another county; that he shall be a registered and licensed professional civil engineer under the laws of this state; that he shall have supervision, under the direction of the county legislative authority, of all activities related to the county roads of the county, including maintenance; that he shall certify to the legislative authority all bills with respect to county roads; that he shall keep complete public records of all road department activities; that he shall prepare plans and specifications for all construction work on the county road system.* Since it is unavoidable that vacancies will occur from time to time in the position of county road engineer, the following policy has been formulated to cover an interim period.

AMENDATORY SECTION (Amending Order 74, filed 3/21/90, effective 4/21/90)

**WAC 136-12-070 County engineer in ((eighth and ninth class)) counties with a population of less than eight thousand.** When the legislative authority of ((an eighth or ninth class county)) a county with a population of less than eight thousand chooses to employ a county road engineer on a part-time basis the terms of such employment shall be set forth in a contract adopted by resolution of the legislative authority. Such contract shall specify, but need not be limited to: Statement of legal responsibility, salary or wage arrangements, meetings with the legislative authority, travel expenses and relationship with regular employees. A copy of such resolution and contract shall be forwarded to the office of the county road administration board.

When the legislative authority chooses to contract with another county for services such contract shall be approved by resolution of both legislative authorities. Such contract shall specify, but need not be limited to: Statement of legal responsibility, salary or wage arrangements, meetings with the legislative authority, travel expenses and relationship with regular employees. A copy of the contract and both resolutions shall be forwarded to the office of the county road administration board. Any such contract shall be in accordance with the procedures of the Interlocal Cooperation Act, chapter 39.34 RCW.

AMENDATORY SECTION (Amending Order 74, filed 3/21/90, effective 4/21/90)

**WAC 136-12-080 Assistant county engineer in ((eighth and ninth class)) counties with a population of less than eight thousand.** When a legislative authority of ((an eighth or ninth class county)) a county with a population of less than eight thousand chooses to employ a licensed professional civil engineer on a part-time basis or contract with another county for the services of its licensed professional civil engineer, it shall designate by resolution a full-time employee as assistant county engineer. In such cases, the designated assistant county engineer shall perform the day to day supervision of the road department under the county engineer in accordance with policies established by the legislative authority.

AMENDATORY SECTION (Amending Order 75, filed 3/21/90, effective 4/21/90)

**WAC 136-14-030 ((Technique-)) Process.** Each county engineer will be required to develop a priority programming ((technique)) process tailored to meet the overall roadway system development policy determined by his legislative authority. Items to be included and considered in the technique for roads shall include, but need not be limited to the following:

- (1) Traffic volumes;
- (2) Roadway condition;
- (3) Geometrics;
- (4) Matters of significant local importance.

The manner in which these various items are treated may vary from county to county. ((A number of acceptable priority programming techniques have been developed and may be used in whole or in part as a county technique.))

**Examples are:**

1. Advance road programs manual—National Association of County Engineers.
2. Administrative guide to priority programming for county roads—Automotive Safety Foundation, 1962.
3. Priority array for urban arterials—Transportation improvement board.
4. A study of the road system of Benton County—WSU, 1969.)

Bridge priorities shall be established in accordance with WAC 136-20-060. Accident records may be considered where their use will make a legitimate contribution. A description of the priority programming technique to be used shall be submitted by each county engineer to the county road administration board.

The county road administration board, upon request, will provide assistance to counties in the development, evaluation or modification of their priority programming process in order to meet the requirements of this rule.

**AMENDATORY SECTION** (Amending Order 75, filed 3/21/90, effective 4/21/90)

**WAC 136-14-040 Application of ((technique)) process.** The ((technique)) priority programming process for roads shall be applied by the county engineer to all potential arterial projects in the county, and to local access road projects if directed by the legislative authority. The resulting priority array shall be updated not later than June 1 of each odd-numbered year and shall be consulted together with bridge priorities by the legislative authority and county engineer during the preparation of the proposed six-year transportation program as described in chapter 136-15 WAC.

**AMENDATORY SECTION** (Amending Order 75, filed 3/21/90, effective 4/21/90)

**WAC 136-14-050 Certification.** In order to assure that priority arrays were available and were consulted during the preparation of the proposed six-year transportation program each year, the resolution of adoption of such program by each legislative authority shall include assurances to this effect. A copy of the adopting resolution shall be forwarded to the county road administration board together with the six-year transportation program.

**AMENDATORY SECTION** (Amending Order 75, filed 3/21/90, effective 4/21/90)

**WAC 136-14-060 Inventory records.** Each priority programming ((technique)) process will be based, at least in part, on existing road conditions. It is required, therefore, that in each county an adequate road inventory system be maintained. The inventory system shall be updated no later than May 1 of each year to reflect work done and((for)) improvements made during the previous year((,)) in accordance with requirements of chapter 136-60 WAC.

**Chapter 136-15 WAC****PROCEDURES FOR PREPARATION OF SIX-YEAR ((ROAD)) TRANSPORTATION PROGRAMS**

**AMENDATORY SECTION** (Amending Order 68, filed 7/25/88)

**WAC 136-15-010 Purpose.** The laws of the state of Washington (RCW 36.81.121) require the preparation and annual updating of a six-year comprehensive ((road)) transportation program. The program shall be adopted by the county legislative authority before July 1 of each year and shall include all anticipated road and bridge construction projects, capital ferry expenditures, paths and trails projects and any other specified capital outlays for the following six-year period. The purpose of this chapter is to implement these statutory requirements with assurance that the program is based on a realistic assessment of available funding during the program period.

**AMENDATORY SECTION** (Amending Order 68, filed 7/25/88)

**WAC 136-15-020 Contents of six-year program.** Each adopted ((six-year)) program shall designate the six-year time period included, the name of the county, the ((OFM assigned)) county number as assigned by the state office of financial management, the date(s) of the public hearing held to provide public input to the program, the date of the adoption by the legislative authority and the adopting resolution number. The adopted ((six-year)) program for submittal to CRAB shall consist of two parts:

(1) A road fund revenue and expenditure analysis for the six-year time period; and

(2) A program listing of specific projects.

**Chapter 136-16 WAC****((PROCEDURES FOR THE ANNUAL ROAD PROGRAMMING FOR COUNTY ROAD PROJECTS)) STANDARD OF GOOD PRACTICE—ANNUAL ROAD PROGRAM, CONSTRUCTION REPORT, AND DAY LABOR LIMITS**

**AMENDATORY SECTION** (Amending Order 76, filed 3/21/90, effective 4/21/90)

**WAC 136-16-010 Submission of recommended annual road program.** As provided for in RCW 36.81.130, the county road engineer shall submit a recommended annual road program, hereinafter referred to as the annual program, to the county legislative authority on the first meeting in July or at such other time as may be specified pursuant to RCW 36.40.071. The annual program shall include recommendations for all road and bridge construction projects and all road equipment purchases for the ensuing year. The legislative authority shall consider the recommended program and make any revisions deemed necessary.

**AMENDATORY SECTION** (Amending Order 38, filed 7/22/80)

**WAC 136-16-020 Contents of annual program.** The adopted annual program shall include, but not be limited to:

(1) A line item for estimated preliminary engineering costs(( ));  
 (2) A line item for estimated right of way acquisition costs; and

(3) A listing of all proposed construction ((work)) projects for the year ((giving)) including a ((very)) brief description of the work, the name, number and functional classification of the road, an estimate of the total cost of each project, including construction engineering but excluding preliminary engineering and right of way acquisition, and a notation as to whether construction work on each project is to be done by contract or day labor or both.

When a project involves both contract and day labor work the estimate shall be divided to show the estimated cost of each type of work. The sum of all construction costs shall be approximately equal to the amount included in the road fund construction budget for construction work. All construction projects shall be shown, regardless of funding source, including ((any)) all projects previously authorized and under way on which expenditures are anticipated during the program year. Projects previously authorized on which construction work is contemplated within the program year shall also be listed showing the estimated costs of work during the program year. In all cases, the total amount of proposed day labor construction costs, including construction administration and engineering, shall not exceed the day labor limit as computed in WAC 136-16-022.

**AMENDATORY SECTION** (Amending Order 76, filed 3/21/90, effective 4/21/90)

**WAC 136-16-022 Day labor limit.** The statutory day labor limit shall be computed in accordance with RCW 36.77.065 in the following manner:

(1) When the sum of all construction costs is in excess of four million dollars the day labor limit is eight hundred thousand dollars or fifteen percent of said sum, whichever is greater.

(2) When the sum of all construction costs is in excess of one million five hundred thousand dollars and less than four million dollars the day labor limit is five hundred twenty five thousand dollars or twenty percent of said sum, whichever is greater.

(3) When the sum of all construction costs is in excess of five hundred thousand dollars and less than one million five hundred thousand dollars the day labor limit is two hundred and fifty thousand dollars or thirty-five percent of said sum, whichever is greater.

(4) When the sum of all construction costs is less than five hundred thousand dollars the day labor limit shall be two hundred and fifty thousand dollars, unless the legislative authority, by resolution, elects the alternate procedure. When such alternate procedure is chosen, an individual project limit of thirty-five thousand dollars shall apply, and each project shall be administered in accordance with chapter 136-18 WAC.

Determination by the county road administration board that a violation of RCW 36.77.065 has occurred shall be cause for issuance of a conditional certificate of good practice by the board as specified in WAC 136-04-060 on behalf of the county in which the violation occurred. The first condition of such a conditional certificate of good

practice shall be that the county be required, at the next regular or special meeting of the county road administration board, to show cause why a certificate of good practice should not be denied to that county.

**AMENDATORY SECTION** (Amending Regulation 2, filed 12/13/67)

**WAC 136-16-030 Requirements of listing equipment.**

The annual program shall also include a list of all major road equipment purchases contemplated for the year, together with the estimated costs thereof. The total estimated cost of all equipment listed shall be approximately equal to the amount budgeted for equipment purchase in the annual equipment rental and revolving fund budget. The equipment list may include an item for miscellaneous minor equipment in any amount up to 10% of the estimated total cost. The list may also include a list of alternate or additional items of equipment ((totalling)) totaling up to 15% of the basic list cost to allow for unforeseen conditions.

**AMENDATORY SECTION** (Amending Order 76, filed 3/21/90, effective 4/21/90)

**WAC 136-16-042 Modification of program.** The adopted ((final)) annual program may not be changed, revised or increased except by unanimous vote of the members of the legislative authority who are present when the vote is taken. Such modifications shall be by resolution of the legislative authority listing each changed, revised or added project. A copy of each such resolution shall be forwarded to the county road administration board within thirty-days of its adoption.

**AMENDATORY SECTION** (Amending Order 76, filed 3/21/90, effective 4/21/90)

**WAC 136-16-050 Annual construction report.** At any time prior to April 1 of the year following the annual program year, the county road engineer shall submit an annual construction report to the county road administration board in accordance with forms and instructions provided by the county road administration board. The construction report shall show actual expenditures for all construction work including construction administration and engineering done during the previous budget year. Upon receipt of each county's annual construction report, the day labor limit as described in WAC 136-16-022 will again be calculated based upon the actual accomplishments as set forth in the annual construction report. A county which exceeds the day labor limit as computed as part of the annual program or as computed as part of the annual construction report shall be in violation of this standard of good practice.

**Chapter 136-18 WAC**  
**(ADMINISTRATION OF COUNTY CONSTRUCTED**  
**PROJECTS) STANDARD OF GOOD PRACTICE—**  
**DAY LABOR CONSTRUCTION**

**AMENDATORY SECTION** (Amending Order 39, filed 10/29/80)

**WAC 136-18-010 Purpose.** ((The laws of the state of Washington [(RCW 36.77.065)]) provide that)) RCW 36.77.065 provides for the construction ((on)) and improvement of county roads ((may be done)) by contract(([,] and/or day labor[,])), by day labor or a combination of day labor and contract. The purpose of this standard of good practice is to assure that all day labor construction work is accomplished within statutory limitations.

**AMENDATORY SECTION** (Amending Order 39, filed 10/29/80)

**WAC 136-18-020 Definitions.** For purposes of implementing ((the)) statutory requirements ((of RCW)) relative to day labor construction work, the following definitions shall apply:

(1) Construction - the building of a new road facility or improvement of an existing facility to a higher geometric or structural standard.

(2) Day labor construction - construction work performed by personnel carried on the county payroll using county owned, leased or rented equipment.

(3) Authorization date - the date that construction is authorized.

(4) Start of construction - the date that construction work commences.

((6))) (5) End of construction - the date that construction work is completed(([,])).

((6))) (6) Completion date - the date on which a county road project is closed in the accounting records(([,])).

((7))) (7) Estimated construction costs - the county engineer's estimate of the cost of contemplated construction work, not including preliminary engineering and right of way acquisition costs(([,])).

((8))) (8) Estimated project costs - the county engineer's estimate of the cost of engineering, right of way acquisition, and construction(([,])).

((9))) (9) True and complete construction costs - the accounting record of all construction costs attributed to a county road project from the authorization date to the completion date(([,])).

((10))) (10) True and complete project costs - the accounting record of all engineering, right of way acquisition, and construction costs attributed to a county road project from the authorization date to the completion date(([,])).

((11))) (11) Day labor county road project - day labor construction authorized by action of the county legislative authority in those counties where a cumulative dollar limit applies to all day labor construction.

((12))) (12) Special day labor county road project - day labor construction which will result in a facility with independent utility, authorized by action of the county legislative authority in those counties where the total construction budget is less than five hundred thousand

dollars and the legislative authority has by resolution elected to perform day labor construction in an amount not to exceed thirty-five thousand dollars including labor, equipment and materials on any one project. ((The following types of construction will normally have sufficient independent utility to constitute separate projects within the meaning of RCW 36.77.065[.]

Type I[.] ~~Roadway construction - a project which includes units of work or classes of work such as clearing, grading, drainage, base, gravel surfacing, traffic and pedestrian services (except street lighting and electrical traffic control devices), roadside development and ancillary operations.~~

Type II[.] ~~High type surfacing - a project which includes units of work or classes of work such as surfaces of light bituminous, road mix, [travel] [gravel] plant mix[,] pug mill mix, hot plant mix and concrete.~~

Type III[.] ~~Structures - bridges over 20 feet in length, tunnels[,] sea walls, irrigation canals, and livestock crossings[.]~~

Type IV[.] ~~Street lighting and electrical traffic control devices[.]~~

**AMENDATORY SECTION** (Amending Order 39, filed 10/29/80)

**WAC 136-18-030 ((Authorization of projects.))**  
Authorization of day labor projects. Every proposed day labor county road project and special day labor county road project shall be a part of the county's annual construction program as defined in RCW 36.81.130 and WAC 136-16-020. Additions to the program, and/or substitutions in the program, may be made by unanimous action of the county legislative authority at any time as provided in RCW 36.81.130. No construction work shall be done on any project until it has been authorized by resolution of said authority. The resolution shall include (((e)[a])):

(1) A brief description of the project((,-(b)));

(2) A vicinity map showing the location of the project and its limits, provided that in lieu of individual vicinity maps, a single vicinity map showing the location of all projects may be included with the resolution adopting the annual program((,-(e)));

(3) Identification of the project in terms of the officially adopted annual program((,-(d)));

(4) The county road engineer's estimate of construction costs prepared pursuant to the completion of such preliminary engineering; and

(5) Construction plans as shall be necessary and sufficient.

**AMENDATORY SECTION** (Amending Order 35, filed 1/3/79)

**WAC 136-18-060 Day labor project records.** All day labor and special day labor project cost records shall be kept in the manner prescribed by the BARS manual. Records of quantities shall be kept in a manner consistent with original project estimates. The project records shall contain, but shall not be limited to, the following: (((e)))

(1) Dated authorizing resolution((~~b~~));  
 (2) Vicinity map showing project location and limits((~~e~~));  
 (3) County road engineer's estimate((~~d~~));  
 (4) Affidavit of preconstruction publication required by RCW 36.77.070((~~e~~));  
 (5) Documentation of start and end of construction dates((~~f~~));  
 (6) Affidavit of post-construction publication showing true and complete project cost as required by RCW 36.77.070.

AMENDATORY SECTION (Amending Order 39, filed 10/29/80)

**WAC 136-18-070 ((Records)) Special day labor project reporting to CRAB.** Each county engineer shall submit to CRAB a copy of each resolution authorizing a special day labor county road project whose estimated construction cost exceeds 75 percent of the day labor limit. Upon completion of each of these projects, or no later than March 1 of the succeeding year, the county engineer shall furnish to CRAB a copy of the record of true and complete construction costs. On any project where true and complete construction costs have exceeded the statutory day labor limit, the county engineer shall also provide to CRAB an explanation of the circumstances resulting in such over-expenditure.

AMENDATORY SECTION (Amending Order 39, filed 10/29/80)

**WAC 136-18-080 Review of day labor compliance by CRAB.** The ((CRAB engineer)) executive director of the county road administration board shall have authority to investigate cases of apparent violations of day labor limits and ((shall)), for special day labor projects, prepare a listing of all ((special day labor)) such projects for which actual expenditures have exceeded the statutory day labor limit during the previous calendar year for review by the county road administration board at its ((quarterly)) second regular meeting ((in April)) of each calendar year.

AMENDATORY SECTION (Amending Order 27, filed 1/27/76)

**WAC 136-18-090 Action on day labor compliance by CRAB.** Determination by the county road administration board that a violation of RCW ((36.77.060)) 36.77.065 has occurred shall be cause for issuance of a conditional certificate of good practice by the board as specified in WAC 136-04-060 on behalf of the county in which the violation occurred. The first condition of such a conditional certificate of good practice shall be that the county be required, at the next regular or special meeting of the county road administration board, to show cause why a certificate of good practice should not be denied to that county. ((Immediate notification of the board's findings shall be given to the highway commission for further possible action pursuant to RCW 47.08.100.))

**Chapter 136-20 WAC**  
**STANDARD OF GOOD PRACTICE—INSPECTION**  
**OF BRIDGES ON COUNTY ROADS**

AMENDATORY SECTION (Amending Order 83, filed 10/23/91, effective 11/23/91)

**WAC 136-20-020 Inventory.** Each county road engineer shall have available in his office a complete inventory of all bridges on the county road system. The inventory shall list the location of each bridge by the state road log number and appropriate milepoint, and shall include such other information as the engineer deems necessary. In addition, all data required for the state of Washington inventory of bridges and structures (SWIBS) data base system as maintained by the Washington state department of transportation (WSDOT) shall be submitted to the WSDOT ((local programs)) TransAid Service Center bridge engineer on appropriate ((forms)) media furnished or otherwise approved by the WSDOT.

AMENDATORY SECTION (Amending Order 83, filed 10/23/91, effective 11/23/91)

**WAC 136-20-030 Inspection.** Each county road engineer shall be responsible for all routine and special inspections of all bridges on the county road system in accordance with the National Bridge Inspection Standards (NBIS) as promulgated and periodically revised by the WSDOT ((local programs)) TransAid Service Center office. The county road engineer shall note the date of all inspections and any changes since the previous inspection on the SWIBS form and submit all such forms to the WSDOT ((local programs)) TransAid Service Center bridge engineer within ninety days of each inspection.

AMENDATORY SECTION (Amending Order 83, filed 10/23/91, effective 11/23/91)

**WAC 136-20-040 Certification.** Prior to April 1 of each calendar year, WSDOT assistant secretary for ((local programs)) the TransAid Service Center will provide ((CRAB)) the following to the CRABoard:

(1) A listing on a county-by-county basis of all county bridges which have not had a regular SWIBS inspection report submitted within the previous thirty months; and

(2) A listing on a county-by-county basis of all county bridges which have not had a required special inspection report submitted within six months after the required inspection date; and

(3) A listing of all counties which are not in compliance with the requirements of the National Bridge Inspection Standards and the status of efforts toward achieving such compliance.

Any county which is not in compliance with the NBIS or has a bridge or bridges on any of the above listings shall be assumed to be not in compliance with bridge inspection procedures.

AMENDATORY SECTION (Amending Order 36, filed 1/3/79)

**WAC 136-20-050 Failure to comply.** Failure of a county to be shown in compliance with required bridge inspection procedures may be cause for the county road administration board to withhold a certificate of good practice on behalf of that county in accordance with the procedures of chapter 136-04 WAC.

AMENDATORY SECTION (Amending Order 83, filed 10/23/91, effective 11/23/91)

**WAC 136-20-060 Engineer's report.** Each county road engineer shall furnish the county legislative authority with a written resume of the findings of the bridge inspection effort. This resume shall be made available to said authority and shall be consulted during the preparation of the proposed six-year transportation program revision. The resume shall include the county road engineer's recommendations as to replacement, repair or load restriction for each deficient bridge. The resolution of adoption of the six-year transportation program shall include assurances to the effect that the county road engineer's report with respect to deficient bridges was available to said authority during the preparation of the program.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 136-24-010      Budget and accounting system.

AMENDATORY SECTION (Amending Order 79, filed 8/16/90, effective 9/16/90)

**WAC 136-28-010 Purpose.** The National Highway Safety Act of 1966 requires that all states, in cooperation with their various local governments, collect, compile and make reports to the National Highway Safety Bureau of Accident Statistics in each state. In order to implement this requirement the county road administration board has acted to coordinate the activities of the county road engineers and the state patrol. Each county road engineer is ((now requested)) to cooperate in this effort by following the procedure outlined below.

AMENDATORY SECTION (Amending Order 79, filed 8/16/90, effective 9/16/90)

**WAC 136-28-020 Procedure.** The state patrol collects accident reports from all law enforcement agencies and receives accident reports from individual drivers. Periodically, the state patrol will send or deliver to the county engineer's office in each county reports concerning accidents occurring on county roads in that county.

The county engineer will analyze each report and indicate within the appropriate spaces on the report the county number, the county road number, the milepoint and, if applicable, the road number of the intersecting county road at which the accident occurred. The county engineer shall also indicate in the appropriate space as to whether the location is rural or urban.

The coded reports will be returned to the records section of the state patrol within two weeks of receipt.

Should the county engineer determine any accident report location is not on a road contained within the latest county road log, he/she shall return the accident report, uncoded, with a transmittal letter indicating to the best of his/her knowledge the appropriate jurisdiction such as private road, state highway, city street, other state agency, federal agency, etc.

AMENDATORY SECTION (Amending Order 79, filed 8/16/90, effective 9/16/90)

**WAC 136-28-030 Coding detail.** (1) The county number shall be that particular number assigned to each county by the state office of financial management for county identification purposes.

(2) The county road number shall be that particular five-digit number, including both leading and trailing zeros if applicable, assigned to each county road according to the county's latest county road log. No local names or numbers or ((FAS numbers)) other nomenclature shall be used in coding.

(3) The milepoint shall be determined as accurately as practicable from a comparison of information on the accident report with the latest county road log.

(4) Accidents at an intersection with a state highway will be coded by the state department of transportation.

(5) To ensure uniformity, accidents at the intersection of any two county roads shall be coded to a road in the following priority order:

- (a) The road with the higher functional class;
- (b) The road that is the through route;
- (c) The road with the lowest road number.

(6) Accidents on roads and/or intersections with dual city-county or county-county responsibilities shall be coded in general accordance with the procedures outlined herein based on a mutual understanding between the several jurisdictions involved.

AMENDATORY SECTION (Amending Order 84, filed 10/23/91, effective 11/23/91)

**WAC 136-40-030 Adoption and submittal.** Each county legislative authority shall formally adopt~~((, no later than December 31, 1992,))~~ a utility policy regarding accommodation of utilities on county road rights of way that includes all the requirements enumerated in WAC 136-40-020. A copy of such utility policy, including all updates, amendments and modifications as they may from time to time become necessary, shall be forwarded to the county road administration board ~~((by January 31, 1993))~~ within thirty days of adoption.

AMENDATORY SECTION (Amending Order 80, filed 11/6/90, effective 12/7/90)

**WAC 136-40-040 ((Existing policies.)) Conflicts with state and federal requirements.** ~~((Counties with existing utility policies shall not be required to meet the requirements of WAC 136-40-030 unless the existing utility policy (1) has not been formally adopted by the county legislative authority, and/or (2) is not in substantial conformance with the~~

~~content requirements of WAC 136-40-020.) Nothing in this section shall eliminate or modify any requirements, procedures, or authorities of the Washington state department of transportation, the Washington utilities and transportation commission, the Federal Highway Administration or any other state or federal agency.~~

## REPEALER

The following sections of the Washington Administrative Code are repealed:

- |                |  |
|----------------|--|
| WAC 136-40-050 | Updates, amendments, and modifications.        |
| WAC 136-40-060 | Conflicts with state and federal requirements. |

## Chapter 136-60 WAC STANDARD OF GOOD PRACTICE—MAINTENANCE OF COUNTY ROAD LOGS

### AMENDATORY SECTION (Amending Order 64-P, filed 11/19/86)

**WAC 136-60-010 Purpose.** ((Section 1(2) chapter 120, Laws of 1985,)) RCW 46.68.124(2) provides that the county road administration board (CRABoard) shall maintain the county road log for the purpose of computing estimated county road replacement costs and estimated annual maintenance costs for county fuel tax allocations. It further provides that each county shall submit changes, corrections and deletions (i.e., "updates") to the CRABoard which in turn are subject to validation prior to inclusion in the road log maintained by the CRABoard. This WAC chapter describes the manner in which the CRABoard will administer this responsibility.

### AMENDATORY SECTION (Amending Order 64-P, filed 11/19/86)

**WAC 136-60-030 Submittal of annual updates.** Each county shall be responsible for maintaining current information regarding its road log and, no later than May 1 of each year, submit an updated road log ((as of January 1)) for its complete road system with all data elements as of December 31st of the preceding year. This annual update must be on the computer-readable medium written in the computer data base program format as prescribed by the CRABoard. All updates involving changes in control fields must include supporting documentation as required in WAC 136-60-050.

### AMENDATORY SECTION (Amending Order 64-P, filed 11/19/86)

**WAC 136-60-060 Utilization of common computer data base.** Each county shall utilize a common computer data base for the maintenance and updating of its county road log. This data base shall be prescribed by the CRABoard and each county shall be responsible for the purchase and installation of the requisite software on its own ((IBM or IBM-compatible)) DOS-compatible microcomputer.

### AMENDATORY SECTION (Amending Order 56, filed 7/30/84)

**WAC 136-100-010 Purpose.** ((Section 19(5), chapter 49, Laws of 1983 1st ex. sess. (the act);)) RCW 36.79.060 provides that the county road administration board (CRABoard) shall administer the rural arterial program (RAP) established by chapter 36.79 RCW. This chapter describes the manner in which the CRABoard will implement the several provisions of ((the act)) chapter 36.79 RCW.

### AMENDATORY SECTION (Amending Order 56, filed 7/30/84)

**WAC 136-100-020 Adoption of rules.** The CRABoard shall adopt rules ((in accordance with the provisions of the act)) for purposes of administering the RAP regarding the following:

- (1) Apportionment of rural arterial trust account (RATA) funds to regions.
- (2) RAP projects in the six-year program.
- (3) Regional prioritization of RAP projects.
- (4) Preparation of RAP budget and program.
- (5) Eligibility for RATA funds.
- (6) Allocation of RATA funds to approved RAP projects.
- (7) CRAB/County contract.
- (8) Processing of vouchers.
- (9) Audit responsibilities.
- (10) Functional classification.
- (11) Design standards for RAP projects.
- (12) Matching requirements.
- (13) Joint county RAP/Rural UAB projects.
- (14) Emergent projects.
- (15) Reports to the legislature.
- (16) Other matters deemed necessary by the CRABoard.

### AMENDATORY SECTION (Amending Order 56, filed 7/30/84)

**WAC 136-100-030 Major collectors and minor collectors.** The ((act)) statute specifies that rural arterials classified as major collectors and rural arterials classified as minor collectors shall be eligible for RATA funding. In developing project priorities and in approving RAP projects the CRABoard shall prioritize all prospectus applications to determine the priority rating of each proposed project in each region in relation to all other proposed projects in each region ((without regard to their classification as major and minor collectors)).

### AMENDATORY SECTION (Amending Order 56, filed 7/30/84)

**WAC 136-100-040 Delegation of authority.** In order to assure effective and timely administration of the RAP, the CRABoard may delegate authority in specific matters to its executive director. Delegation may be relative to signing of contracts, approval of RAP project vouchers, approval of change of scope of a project and other matters as may be determined by the CRABoard.

AMENDATORY SECTION (Amending Order 56, filed 7/30/84)

**WAC 136-110-010 Purpose.** ((Sections 4 and 5, chapter 49, Laws of 1983 1st ex. sess.)) RCW 36.79.030 and 36.79.040 provides that rural arterial trust account (RATA) funds available for expenditure by the CRABoard shall be apportioned to the five regions for expenditure upon county arterials in rural areas in the following manner:

(1) One-third in the ratio which the land area of the rural areas of each region bears to the total land area of all rural areas of the state;

(2) Two-thirds in the ratio which the mileage of county major and minor collectors in rural areas of each region bears to the total mileage of county major and minor collectors in all rural areas of the state.

This chapter describes how this statutory language will be implemented by the CRABoard.

AMENDATORY SECTION (Amending Order 56, filed 7/30/84)

**WAC 136-110-030 Computation of road mileage ratio.** The ratio which the mileage of county major and minor collectors in rural areas of each region bears to the total mileage of county major and minor collectors in all rural areas of the state shall be computed from information shown in the county road log maintained by the ((secretary of transportation)) CRABoard as of July 1((, 1985 and each two years thereafter)) of each odd-numbered year.

AMENDATORY SECTION (Amending Order 56, filed 7/30/84)

**WAC 136-110-040 Apportionment percentages established.** At the first CRABoard meeting of each biennium the CRABoard shall establish apportionment percentages for the five RAP regions based on the computations described in WAC 136-110-010 ((and)) through 136-110-030. The apportionments so established shall remain in effect for the remainder of the biennium.

AMENDATORY SECTION (Amending Order 56, filed 7/30/84)

**WAC 136-110-050 Apportionment to regions.** The apportionment percentages established in accordance with WAC 136-110-040 shall be used once each quarter by the ((board)) CRABoard to apportion funds credited to the rural arterial trust account (RATA) to the five regions. The funds so apportioned shall be allocated as described in chapter 136-160 WAC by the CRABoard to counties for construction of approved rural arterial projects.

### Chapter 136-120 WAC RAP PROJECTS IN THE SIX-YEAR TRANSPORTATION PROGRAM

AMENDATORY SECTION (Amending Order 56, filed 7/30/84)

**WAC 136-120-010 Purpose.** ((Sections 8 and 10, chapter 49, Laws of 1983 ex. sess.)) RCW 36.79.080 and 36.79.090 require that counties list prospective RAP projects

in their respective six-year transportation programs and that the CRABoard review such programs. This WAC chapter describes the manner in which the CRABoard will implement these provisions in its administration of the RAP program.

AMENDATORY SECTION (Amending Order 56, filed 7/30/84)

**WAC 136-120-020 Six-year program adoption.** ((The)) Each county's six-year transportation program shall be prepared and adopted in accordance with RCW 36.81.121, and one copy forwarded to the CRAB office no later than August 1st of each year.

AMENDATORY SECTION (Amending Order 56, filed 7/30/84)

**WAC 136-120-030 RAP projects in six-year program.** ((The)) Each county's six-year transportation program in each even-numbered year shall include all projects for which the county may request RATA funds during the succeeding biennium. Project cost estimates for prospective RAP projects shall be considered preliminary((,)) and subject to revision until a project application is submitted.

### Chapter 136-130 WAC REGIONAL PRIORITIZATION OF RAP PROJECTS (TO BE APPROVED IN 1984)

AMENDATORY SECTION (Amending Order 56, filed 7/30/84)

**WAC 136-130-010 Purpose.** ((Sections 8 and 10, chapter 49, Laws of 1983 1st ex. sess.)) RCW 36.79.080 and 36.79.090 provide that the CRABoard shall determine the priority of specific improvement projects based upon the rating of each proposed improvement in relation to all other proposed improvements within each region, taking into account, but not limited to, the following five factors:

- (1) Its structural ability to carry loads upon it;
- (2) Its capacity to move traffic at reasonable speeds;
- (3) Its adequacy of alignment and related geometrics;
- (4) Its accident experience; and
- (5) Its fatal accident experience.

This chapter describes how this statutory language will be implemented by the CRABoard.

AMENDATORY SECTION (Amending WSR 94-10-022, filed 4/27/94, effective 5/28/94)

**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)) \$500,000 per project and ((fifty percent)) 50% of the 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)) 40 points for structural condition, ((forty)) 40 points for geometrics, ((ten)) 10 points for traffic volume ((and ten)), 10 points for traffic accidents and ((five)) 5 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 66, filed 10/15/87)

**WAC 136-150-010 Purpose.** ((Language in section 14, chapter 49, Laws of 1983 [1st ex. sess.]) RCW 36.79.140 provides that only those counties that((,))<sub>1</sub> during the preceding twelve months((,))<sub>1</sub> have spent all revenues collected for road purposes only for such purposes, including traffic law enforcement, as are allowed to the state by Article II, section 40 of the state Constitution are eligible to receive funds from the rural arterial trust account (RATA); provided, however, that counties ((of the 7th class)) with a population of 5,000 or more but less than 8,000 shall be exempt from this requirement. This ((WAC)) chapter describes how this statutory language will be implemented by the CRABoard ((beginning with the 1988 county budget year)).

**AMENDATORY SECTION** (Amending Order 66, filed 10/15/87)

**WAC 136-150-020 Implementing the eligibility requirement.** ((The CRABoard will approve RAP projects, and allocate RATA funds to projects, only in eligible counties.)) The CRABoard will ascertain the amount of the total road levy fixed in each county and the amount diverted, if any, for any services to be provided in the unincorporated area of the county in accordance with RCW 36.33.220. The CRABoard will compare the amount actually spent each year for traffic law enforcement with the amount diverted to determine whether or not the county is eligible to receive RATA funds.

**AMENDATORY SECTION** (Amending Order 66, filed 10/15/87)

**WAC 136-150-022 Ascertaining the expenditures for traffic law enforcement.** In those counties where diverted road levy has been budgeted for traffic law enforcement, and which have a RAP project awaiting approval by the CRABoard, the county sheriff will be required to submit a certification showing the actual expenditure for traffic law enforcement in the previous budget year, provided that counties ((of the 7th class)) with a population of 5,000 or more but less than 8,000 shall be exempt from this requirement.

**AMENDATORY SECTION** (Amending Order 66, filed 10/15/87)

**WAC 136-150-023 Identifying eligible counties.** Counties eligible to receive RATA funds shall be:

- (1) Those in which there has been no diversion of the county road levy((,));
- (2) Those in which the actual expenditures for traffic law enforcement have been equal to, or greater than, the amount of diverted road levy budgeted for traffic law enforcement((, and));
- (3) Those ((of the 7th class)) with a population of 5,000 or more but less than 8,000; and

(4) Those expending revenues collected for road purposes only on other governmental services after authorization from the voters of that county under RCW 84.55.050.

**AMENDATORY SECTION** (Amending WSR 94-16-111, filed 8/2/94, effective 9/2/94)

**WAC 136-161-060 RAP program cycle—Total project rating and priority array.** CRAB staff will review all final prospectuses and ensure that:

- (1) All necessary information is included;
- (2) The project is from the pool of preliminary prospectuses;
- (3) The project is eligible for RATA funding;
- (4) The project is on the current, adopted six-year transportation program;
- (5) The project schedule indicates that the construction of the project will begin not later than six years from the date of project approval by the CRABoard; and
- (6) The total project priority rating is mathematically correct and the visual rating scores determined during the CRAB field review are included.

After CRAB staff review, all accepted final prospectuses within each region will be placed in a declining total project rating array in accordance with procedures specified in chapter 136-130 WAC. After review by the CRABoard at its next regular meeting, the priority array for each region will be provided to each county in the region. These arrays will be preliminary only and will be provided to the counties to assist them in their internal budgeting and programming. No notations as to whether a particular project will or will not be funded will be included.

**AMENDATORY SECTION** (Amending WSR 94-16-111, filed 8/2/94, effective 9/2/94)

**WAC 136-161-070 RAP program cycle—Selection and approval of projects for RATA funding.** (1) At its last regular meeting before the beginning of each biennium, the ((CRABoard)) CRABoard will select projects and allocate anticipated RATA funds to projects in each region. The preliminary priority arrays as developed in WAC 136-161-060 will be updated to exclude any county which is ineligible under chapter 136-150 WAC, and projects will be selected from these arrays. Selections will be made in each region in declining priority rank order, provided that:

(a) No county shall be allocated RATA funds in excess of its regional county limit as specified in WAC 136-161-080((,)); and

(b) Any projects which were partially funded in the prior biennium shall, unless otherwise requested by the county, be fully funded before new projects are selected. Ties in total rating points will be broken by the CRABoard in favor of the county having the lesser total amount of previously allocated RATA funds.

(2) The state-wide net amount of RATA funds available for allocation to projects in the project program period will be based on the most recent state fuel tax revenue forecast prepared quarterly by the department of transportation, less estimated administrative costs, and less any amounts set aside for emergent projects as described in WAC 136-161-100. The total amount of RATA funds available for allocation to projects in a region (i.e., "forecasted regional

apportionment amount") will be based on the regional apportionment percentages of the statewide net amount as determined in chapter 136-110 WAC.

(3) For the biennium beginning July 1, 1995, the project program period will be the next four state fiscal years (1996, 1997, 1998 and 1999, beginning July 1, 1995, and ending June 30, 1999). For the biennium beginning July 1, 1997, the project program period will begin July 1, 1999 and end June 30, 2001. For each biennium thereafter, the project program period will be two years in length, beginning and ending two years later than the preceding project program period.

(4) The RATA amounts allocated to projects in the first year of the biennium are limited to 90% of the net amount estimated to be available to each region for the project program period, with the remaining 10% allocated at such time as deemed appropriate by the CRABoard.

(5) Acceptance of the RATA allocation for a project by the full execution of a CRAB/county contract as described in chapter 136-170 WAC constitutes agreement to complete the project in compliance with the scope, design and project limits in the final prospectus. All material changes to the scope, design or project limits must be approved by the CRABoard prior to the commencement of construction.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

**WAC 136-161-100 Use of RATA funds for emergent projects.**

#### AMENDATORY SECTION (Amending WSR 94-16-112, filed 8/2/94, effective 9/2/94)

**WAC 136-170-010 Purpose.** RCW 36.79.050 and 36.79.060 provide for CRABoard administration of the rural arterial program (RAP). This chapter describes the individual project contract between the CRABoard and a county ((~~the~~))~~(CRAB/county contract((~~the~~)))~~ to be used to administer each approved RAP project.

#### AMENDATORY SECTION (Amending WSR 94-16-112, filed 8/2/94, effective 9/2/94)

##### **WAC 136-170-030 Terms of CRAB/county contract.**

(1) For projects for which RATA funds are allocated before July 1, 1995, the CRAB/county contract shall include, but not be limited to, the following provisions:

(a) The contract shall be valid and binding (and the county shall be entitled to receive RATA funds) only if such contract is signed and returned to the CRABoard within forty-five days of its mailing ((~~by~~)~~[to]~~) by the CRABoard.

(b) The county certifies that it is in compliance with the provisions of chapter 136-150 WAC.

(c) The project will be constructed in accordance with the scope, design and project limits as described in the final prospectus and in accordance with the plans and specifications approved by the county engineer.

(d) The county will notify the CRABoard when a construction contract has been awarded and/or when con-

struction has commenced, and when the project has been completed.

(e) The CRABoard will reimburse counties on the basis of monthly progress payment vouchers received and approved on individual projects in the order in which they are received in the CRAB office, subject to the availability of RATA funds apportioned to the region; provided however, that if insufficient RATA funds are available or the legislature fails to appropriate sufficient RATA funds, payment of vouchers may be delayed or denied.

(f) The county will reimburse the RATA in the event a project postaudit reveals improper expenditure of RATA funds.

(2) For projects for which RATA funds are allocated on or after July 1, 1995, the CRAB/county contract shall include, but not be limited to, the following provisions:

(a) The contract shall be valid and binding, and the county shall be entitled to receive RATA funding in accordance with the vouchering/payment process as described in chapter 136-180 WAC, only if the contract is properly signed and returned to the CRABoard within 45 calendar days of its mailing by the CRABoard.

(b) The county certifies that it is in compliance with the provisions of chapter 136-150 WAC.

(c) The project will be constructed in accordance with the scope, design and project limits as described in the final prospectus and in accordance with the plans and specifications approved by the county engineer.

(d) The county will notify the CRABoard when a construction contract has been awarded and/or when construction has commenced, and when the project has been completed.

(e) The CRABoard will reimburse counties on the basis of monthly progress payment vouchers received and approved on individual projects in the order in which they are received in the CRAB office, subject to the availability of RATA funds apportioned to the region; provided however, that if insufficient RATA funds are available or the legislature fails to appropriate sufficient RATA funds, payment of vouchers may be delayed or denied.

(f) The county will reimburse the RATA in the event a project postaudit reveals improper expenditures of RATA funds.

(g) The county may be required to reimburse the RATA in the event of early termination in accordance with the provisions of chapter 136-167 WAC.

(h) The county agrees to amend the contract in cases where:

((~~a~~)) (i) Additional RATA funds have been requested and approved under chapter 136-165 WAC;

((~~b~~)) (ii) Other relief from the original scope, design or project limits has been approved by the CRABoard under chapter 136-165 WAC; or

((~~c~~)) (iii) A project has been terminated without full RATA reimbursement under WAC 136-167-030(2).

(i) The county agrees to provide periodic project development progress reports as requested by the CRABoard.

AMENDATORY SECTION (Amending Order 56, filed 7/30/84)

**WAC 136-180-010 Purpose.** ((Section 17, chapter 49, Laws of 1983 ex. sess.)) RCW 36.79.160 provides that counties shall submit vouchers for payment of the RATA share of the cost of work completed on each RAP project. This ((WAC)) chapter describes the manner in which the CRABoard will implement the provisions ((of the act)) related to payment of vouchers.

AMENDATORY SECTION (Amending Order 56, filed 7/30/84)

**WAC 136-180-030 Voucher approval.** The county constructing each RAP project may submit vouchers monthly as the work progresses and shall submit a final voucher after completion of each RAP project for the payment of the RATA share of the project cost. The ((chairman)) chairperson of the CRABoard or his/her designated agent(s) shall approve such vouchers for payment to the county submitting the voucher.

AMENDATORY SECTION (Amending WSR 94-10-021, filed 4/27/94, effective 5/28/94)

**WAC 136-180-040 Payment of vouchers.** Upon approval of each RAP project voucher by the ((chairman)) chairperson of the CRABoard or his/her designated agent(s), it shall be transmitted to the 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.

AMENDATORY SECTION (Amending Order 60, filed 5/17/85)

**WAC 136-190-010 Purpose.** ((Chapter 49, Laws of 1983, extraordinary session (the act))) RCW 36.79.060 provides that the county road administration board (CRABoard) shall administer the rural arterial program (RAP). This WAC chapter describes the provisions for audit of those RAP projects approved by the CRABoard.

**Chapter 136-200 WAC**  
**FUNCTIONAL CLASSIFICATION FOR THE RAP**  
**PROGRAM**

AMENDATORY SECTION (Amending Order 56, filed 7/30/84)

**WAC 136-200-010 Purpose.** ((Section 2, chapter 49, Laws of 1983 ex. sess.)) RCW 36.79.020 provides that rural arterial trust account (RATA) funds shall be expended for the construction and improvement of county major and minor collectors in rural areas. This ((WAC)) chapter describes ((that)) the manner in which the major and minor collector designations are made. The source document is entitled: *Guidelines: For Amending Urban Boundaries, Functional Classification, and/or Federal Aid Systems*, ((December 1982)) August 1990, by WSDOT, and includes all subsequent amendments.

AMENDATORY SECTION (Amending Order 56, filed 7/30/84)

**WAC 136-200-020 Functional classification.** The Federal Highway Administration (FHWA) has developed a system of functional classification for highways, roads and streets which divides these facilities into groups having similar characteristics of providing mobility and/or land access. All rural roads are presently categorized into ((four)) the following functional classifications: Principal arterials, minor arterials, major and minor collectors, and local roads.

AMENDATORY SECTION (Amending Order 56, filed 7/30/84)

**WAC 136-210-010 Purpose.** ((Section 6, chapter 49, Laws of 1983 1st ex. sess.)) RCW 36.79.060(2) provides that the CRABoard shall adopt ((reasonable)) reasonably uniform design standards for county major and minor collectors that meet the requirements for trucks transporting commodities. This chapter describes how this statutory requirement will be implemented by the CRABoard.

AMENDATORY SECTION (Amending Order 56, filed 7/30/84)

**WAC 136-210-020 Applicable design standards.** Geometric design of all RAP projects including all bridges shall, unless otherwise approved by the CRABoard, be in accordance with the ((local agency guidelines (LAG) manual published by the WSDOT, Division 13, Rural Area Design Standards)) city and county design standards for the construction of urban and rural arterials and collectors as adopted November 30, 1994, in accordance with RCW 35.78.030 and 43.32.020.

AMENDATORY SECTION (Amending Order 56, filed 7/30/84)

**WAC 136-210-030 Deviations from design standards.** Deviation from the specified design standards may be requested by the county engineer in responsible charge of the project when circumstances exist which would make application of adopted standards exceedingly difficult. Whenever a deviation request is to be made on a project, it shall be so noted on the project application submitted in accordance with WAC ((136-160-020)) 136-161-020. Request for deviation shall be made to the ((state aid engineer in accordance with the LAG manual)) WSDOT assistant secretary for transaid.

AMENDATORY SECTION (Amending Order 56, filed 7/30/84)

**WAC 136-210-040 Report of ((state aid engineer)) assistant secretary for transaid.** Whenever the CRABoard meets to approve RAP projects the ((state aid engineer)) assistant secretary for transaid shall provide a written report on his action in response to deviation requests, if any, made on individual projects. Failure of the ((state aid engineer)) assistant secretary for transaid to report in response to a deviation request within thirty days of receipt of such request shall be considered as approval.

AMENDATORY SECTION (Amending Order 56, filed 7/30/84)

**WAC 136-210-050 Project approval with deviation.** After having received the report of the ((state aid engineer)) assistant secretary for transaid in response to deviation requests, the CRABoard shall proceed with RAP project approval in accordance with WAC ((136-160-050)) 136-161-050. Proposed projects for which the deviation request has been denied shall not be approved.

AMENDATORY SECTION (Amending Order 56, filed 7/30/84)

**WAC 136-220-010 Purpose.** ((Section 12, chapter 49, Laws of 1983 1st ex. sess.)) RCW 36.79.120 provides that the CRABoard shall establish matching requirements for counties receiving funds from the rural arterial trust account (RATA). This chapter describes how this statutory requirement will be implemented by the CRABoard.

AMENDATORY SECTION (Amending Order 82, filed 11/6/90, effective 12/7/90)

**WAC 136-220-030 Use of ((RATA funds)) other funds to match ((other)) RATA funds.** A county with an approved RAP project may use ((RATA funds to match)) any ((applicable)) other funds available for such project including federal, other state, private and local funds, provided that the county will be required to use such other funds to match any RATA funds allocated to the project with a minimum of 20% ((matching)) other funds in the PSR and NWR and 10% ((matching)) other funds in the SWR, NER and SER. ((Projects involving federal highway program funds will be administered through the state aid division of WSDOT except that reimbursement of RATA funds will be through the CRABoard.))

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 136-250-010	Purpose.
WAC 136-250-020	Report of road levy revenues.
WAC 136-250-030	Report of expenditures.
WAC 136-250-040	Report of road levy expenditures.
WAC 136-250-050	Report to the legislative transportation committee.

**Chapter 136-300 WAC****((GENERAL)) ADMINISTRATION ((PROCEDURES)) OF THE COUNTY ARTERIAL PRESERVATION PROGRAM**AMENDATORY SECTION (Amending Order 81, filed 11/6/90, effective 12/7/90)

**WAC 136-300-010 Purpose and authority.** ((Section 103(4), chapter 42, Laws of 1990 (the aet.))) RCW 46.68.095(4) provides that the county road administration board (CRABoard) shall administer the county arterial preservation program (CAPP) and the county arterial

preservation account (CAPA) established by this ((aet)) statute. This chapter describes the manner in which the CRABoard will implement the several provisions of the ((aet)) statute.

AMENDATORY SECTION (Amending Order 81, filed 11/6/90, effective 12/7/90)

**WAC 136-300-020 Adoption of rules.** The CRABoard shall adopt rules in accordance with the provisions of the ((aet)) statute for purposes of administering the CAPP regarding the following:

- (1) Distribution of county arterial preservation account (CAPA) funds.
- (2) Pavement management systems.
- (3) Preparation of annual county arterial preservation programs.
- (4) Allowable activities for CAPA funding.
- (5) Accounting and audit provisions.
- (6) Annual CAPP report.

AMENDATORY SECTION (Amending WSR 94-01-116, filed 12/17/93, effective 1/17/94)

**WAC 136-310-010 Certification of county arterial mileage.** (1) Classification. The ((aet)) statute specifies that expenditure of CAPA funds is restricted to paved arterials in the unincorporated area of each county. Arterials are defined as being those county roads:

- (a) In urban areas, classified within the federal functional classification system as arterials ((Federal Functional Classes 12, 13, 14, 15, and 16 or classified as)) or collectors ((Federal Functional Class 17));
- (b) In rural areas, classified within the federal functional classification system as arterials ((Federal Functional Classes 02 and 06 or classified as)), major collectors ((Federal Functional Class 07)) or minor collectors ((Federal Functional Class 08)).

Paved roads are defined as those roads which, at the time of CAPA allocation determination, are hard-surfaced through the application of a bituminous surface treatment (BST), asphaltic concrete pavement (ACP), or portland cement concrete (PCC). Brick or block surfaces shall also be considered as paved.

(2) Source of information. The master county road log as maintained by the CRABoard in accordance with chapter 136-60 WAC shall be the source of official paved road mileages to be used for CAPA distribution.

AMENDATORY SECTION (Amending Order 81, filed 11/6/90, effective 12/7/90)

**WAC 136-310-020 Establishment of allocation percentages.** At its first regular meeting after July 1 of each year, the CRABoard shall establish the next calendar year's allocation percentages for the individual counties based on information contained in the most recently certified master county road log. Each county's allocation percentage shall be computed by the CRABoard as its percentage of paved arterial lane miles of the total state-wide paved county arterial lane miles ((in the state)).

**AMENDATORY SECTION** (Amending Order 81, filed 11/6/90, effective 12/7/90)

**WAC 136-310-050 Eligibility.** ((Beginning May 1, 1990,)) All arterial preservation work and related activities done by each county shall be eligible for CAPA funding provided that:

(1) The county ((read engineer submits the description of)) is determined to be in compliance with the pavement management system ((as required)) requirements as set forth in chapter 136-320 WAC; and

(2) The county road engineer submits the annual CAPA program as required in chapter 136-325 WAC; and

(3) The work is in conformance with the allowable activities as specified in chapter 136-330 WAC.

**Chapter 136-340 WAC**  
**COUNTY ARTERIAL PRESERVATION PROGRAM**  
**ACCOUNTING AND AUDIT PROVISIONS**

**AMENDATORY SECTION** (Amending Order 81, filed 11/6/90, effective 12/7/90)

**WAC 136-340-020 Audit provisions.** ((CAPP)) CAPA audits may be conducted by the state auditor's office and will normally be conducted in conjunction with the audits required by RCW 43.09.260 and 36.80.080. Special audits of specific CAPP activities or projects may be accomplished at the request of the CRABoard. The costs of such special audits shall be the responsibility of the CRABoard.

**AMENDATORY SECTION** (Amending Order 81, filed 11/6/90, effective 12/7/90)

**WAC 136-340-030 Scope of audits.** The audit of any ((CAPP)) CAPP project or activity shall include but not be limited to the review of the county's compliance with:

(1) The provisions of the ((act)) enabling legislation; and

(2) The rules in Title 136 WAC regarding implementation and administration ((of the act,)) with detailed review of the application of CAPA funds and the various reporting requirements. The audit shall also include a review of the financial accounting and reporting of all CAPA funds.

**AMENDATORY SECTION** (Amending Order 81, filed 11/6/90, effective 12/7/90)

**WAC 136-340-040 Noncompliance and questioned costs.** If the audit of a ((CAPP)) CAPP activity or project reveals any area of noncompliance and/or questioned costs, then such exceptions shall be subject to comment by the examiner within the audit report.

**AMENDATORY SECTION** (Amending Order 85, filed 10/23/91, effective 11/23/91)

**WAC 136-400-010 Purpose.** ((Section 1(4), chapter 310, Laws of 1991 (the act,))) RCW 47.56.725(4) provides that the county road administration board (CRABoard) may evaluate requests for ferry capital improvement funds by Pierce, Skagit, Wahkiakum, and Whatcom counties, and, if approved by the board, submit said requests to the legislature

for funding. This chapter describes the manner in which the CRABoard will implement the provisions of the act.

**AMENDATORY SECTION** (Amending Order 85, filed 10/23/91, effective 11/23/91)

**WAC 136-400-060 Technical review committee.** A technical review committee shall be created to review project applications for ferry capital improvement funds composed of the following members or their designees: Executive director of the CRABoard, WSDOT assistant secretary ((WSDOT local programs)) for transaid, a WSDOT marine division engineer, and public works department representatives from each of the four participating counties. The county representatives shall serve as ex officio, nonvoting members of the technical review committee. The technical review committee shall recommend approval of projects that have been submitted in a timely manner and that:

(1) Meet the applicable statutes and the standards of this chapter; and

(2) Adhere to commonly held engineering practices and cost effectiveness.

The technical review committee shall recommend an appropriate local match on a project-by-project basis based upon the availability of local matching funds. Written reports on each project recommended for approval shall be submitted to the ((board)) CRABoard no later than thirty days prior to its regularly ((schedules)) scheduled spring meeting. Technical review committee meetings shall be convened on an "as needed" basis by the executive director of the CRABoard, who shall serve as chairperson.

**AMENDATORY SECTION** (Amending Order 85, filed 10/23/91, effective 11/23/91)

**WAC 136-400-100 Terms of CRAB/county contract.** The CRAB/county contract shall include, but not be limited to, the following provisions:

(1) Such contract shall be valid and binding (and the county shall be entitled to receive ferry capital improvement funds) only if such contract is signed and returned to the CRABoard within forty-five days of its mailing by the CRABoard.

(2) The project will be constructed in accordance with:  
 (a) The information furnished to the CRABoard(( )); and  
 (b) The plans and specifications prepared under the supervision of the county engineer.

(3) The county will notify the CRABoard when a contract has been awarded and when construction has started, and when the project has been completed.

(4) The CRABoard will reimburse counties on the basis of ((monthly)) progress vouchers received and approved on individual projects, subject to the availability of ferry capital improvement funds appropriated by the legislature.

(5) The county will reimburse the CRABoard in the event that a project post audit reveals improper expenditure of ferry capital improvement funds. Said funds will be returned to the county-wide fuel tax account for distribution in accordance with RCW 46.68.120.

**AMENDATORY SECTION** (Amending Order 85, filed 10/23/91, effective 11/23/91)

**WAC 136-400-110 Voucher approval and payment.** The CRABoard shall prepare and distribute to all counties with approved ferry capital improvement projects, voucher forms for use in requesting progress and final payments for each approved ferry capital improvement project.

The county constructing each ferry capital improvement project may submit vouchers monthly as the work progresses and shall submit a final voucher after completion of each project for payment of the approved and funded share of the project cost.

The CRABoard shall approve such vouchers for payment to the county submitting the voucher. ((Upon approval of each ferry capital improvement voucher by the CRABoard it shall be transmitted to the department of transportation for payment to the county submitting the voucher.)) Ferry capital improvement fund warrants shall be transmitted directly to each county submitting a voucher. In the event that project funds remain unspent after the final project payment has been made, the unspent balance will be returned to the county-wide fuel tax account for distribution in accordance with RCW 46.68.120.

**AMENDATORY SECTION** (Amending Order 85, filed 10/23/91, effective 11/23/91)

**WAC 136-400-120 Audit requirements.** Audits of county ferry capital improvement projects may be conducted by the state auditor's office and will normally be conducted in conjunction with the county audits required by RCW 43.09.260 and 36.80.080. Special audits of specific ferry capital improvement projects not required by these statutes may be accomplished at the request, and at the expense, of the CRABoard.

An audit of any county ferry capital improvement project shall include, but not be limited to, a review of the county's compliance with: The provisions of the ((aet)) statute; and these rules. The audit shall also include a review of the financial accounting and reporting of those funds associated with and received for the ferry capital improvement project.

In the event that an exception is noted in the audit report the CRABoard shall evaluate the noted discrepancy. Discrepancies may be cause for the CRABoard to order the payback of improperly expended ferry capital improvement funds as provided in the CRAB/county contract ((WAC 136-400-110)). Any such funds returned by a county to the CRABoard shall be returned to the county-wide fuel tax account for distribution in accordance with RCW 46.68.120.

**WSR 96-17-014  
PERMANENT RULES  
COUNTY ROAD  
ADMINISTRATION BOARD**

[Filed August 12, 1996, 11:57 a.m.]

Date of Adoption: July 12, 1996.

Purpose: Defines and codifies procedures under which the County Road Administration Board will evaluate and act on emergent and emergency requests.

Permanent

Statutory Authority for Adoption: RCW 36.79.060.

Adopted under notice filed as WSR 96-11-051 on May 9, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

August 6, 1996

Eric A. Berger

Executive Director

**Chapter 136-163 WAC  
ALLOCATION OF RATA FUNDS TO EMERGENT  
AND EMERGENCY PROJECTS**

**NEW SECTION**

**WAC 136-163-010 Purpose.** RCW 36.79.140 provides for the authorization of RATA funds for projects of an emergent nature. This chapter describes the manner in which counties may request RATA funds for such projects and the manner in which the CRABoard will respond to such requests.

**NEW SECTION**

**WAC 136-163-020 Definitions.** For the purposes of this chapter, the term "emergent nature" as used in RCW 36.79.140 shall mean both "emergent" and "emergency" projects as follows:

(1) **Emergency project:** Work of both a temporary and permanent nature which restores roads and bridges to the predisaster condition and may include reconstruction to current design standards. This work is the result of a sudden natural or man-made event which results in the destruction or severe damage to RATA-eligible roadway sections or structures such that, in the consideration of public safety and use, the roadway sections or structures must be immediately closed or substantially restricted to normal traffic. Work of an emergency nature is also beyond the scope of work done by a county in repairing damages normally or reasonably expected from seasonal or other natural conditions, and is beyond what would be considered maintenance, regardless of how extensive the maintenance may be.

(2) **Emergent project:** RATA-eligible work necessitated by sudden and unanticipated development, growth, access needs, or legal decisions. This work is not the result of an emergency situation as previously defined. This work, in consideration of good transportation capital facilities management, will also require a county to commit resources

beyond its current six-year transportation program and prior to the next six-year transportation program annual update as provided for in RCW 36.81.121.

#### NEW SECTION

##### **WAC 136-163-030 Limitations and conditions—**

**Emergency projects.** To be eligible for emergency project approval, the county must declare an emergency as provided for in RCW 36.04.180. If there is not yet a state declaration of emergency, the county must also, in consultation with the state military department, emergency management division and the WSDOT, evaluate the probability of receiving a state declaration of emergency. A state declaration of emergency is required as a condition of receiving federal funding for road-related damages via the Emergency Relief Program or FEMA. If such federal funding has been approved or is likely to be approved, the CRABoard may provide up to 100% of a county's required matching funds for such federal funding but only after the approval of the federal funds.

Should such federal funding not be forthcoming, or if the emergency is of such a scope and size that federal funding is clearly improbable, the CRABoard may provide up to 80% or 90% of the estimated eligible damages depending upon the regional limitations as provided for in WAC 136-161-090, with the total project cost limited to the actual expenditures by the county.

#### NEW SECTION

##### **WAC 136-163-040 Limitations and conditions—**

**Emergent projects.** To be eligible for emergent project approval, the project shall be evaluated by the CRAB grant programs engineer, with the participation of the county road engineer, on the same point system as all other projects within the region. The proposed emergent project must rank at or above the regional funding cut off line on the current regional array based upon 100% of the current estimated regional allocation as determined by CRAB.

#### NEW SECTION

##### **WAC 136-163-050 Limitations and conditions—**

**Emergency and emergent projects.** All projects for which RATA funding is being requested under this chapter are subject to the following:

(1) The requesting county has the sole burden of making a clear and conclusive showing that the project is either emergent or emergency as described in WAC 136-163-020 through 136-163-040; and

(2) The requesting county shall clearly demonstrate that the need for the project was unable to be anticipated at the time the current six-year transportation program was developed; and

(3) The requesting county agrees to a reduction in the next biennium's maximum RATA eligibility to the county equal to the RATA that may be provided; however, should that region not have a maximum RATA eligibility for each county, the requesting county agrees to withdraw, amend or delay an existing approved project or portion thereof in an amount equal to the RATA that may be provided for the project.

#### NEW SECTION

##### **WAC 136-163-060 Action by the CRABoard.**

Counties may request consideration and action by the CRABoard at any time, however, the CRABoard will address all such requests at its next regular quarterly meeting. A county may request, and the CRABoard chairperson convene, a special meeting to consider such a request as provided for in WAC 136-01-030.

#### **WSR 96-17-016**

#### **PERMANENT RULES**

#### **POLLUTION CONTROL**

#### **HEARINGS BOARD**

[Filed August 12, 1996, 3:05 p.m.]

Date of Adoption: August 5, 1996.

Purpose: Set forth rules regarding computing of time for appeals, trigger date for commencing the appeal period and judicial notice of matters of law.

Statutory Authority for Adoption: RCW 43.21B.170.

Other Authority: *Den Beste v. Washington*, No. 13967-1-III (Div. III, April 18, 1996).

Adopted under notice filed as WSR 96-13-065 on June 17, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 4, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 4, amended 0, repealed 0.

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

August 12, 1996

Suzanne Skinner

Administrative Appeals Judge

#### NEW SECTION

**WAC 371-08-310 Computation of time.** (1) The time within which any act shall be done, as provided by these rules, shall be computed by excluding the first day and including the last, unless the last day is a Sunday or a legal holiday, and then it is excluded and the next succeeding day which is neither a Sunday nor a legal holiday is included. When the period of time prescribed or allowed is less than seven days, intermediate Sundays and holidays shall be excluded in the computation.

(2) This section also pertains to the period for filing an appeal with the board.

**NEW SECTION**

**WAC 371-08-335 Filing a timely appeal with the board.** (1) An appeal before the board shall be begun by filing a notice of appeal with the board at the environmental hearings office and by serving a copy of the appeal notice on the agency whose decision is being appealed. For the board to acquire jurisdiction both such filing and such service must be timely accomplished.

(2) The notice of appeal shall be filed with the board within thirty days of the date that a copy of the order or decision is mailed to the appealing party. The board's rule governing the computation of time (WAC 371-08-310) shall determine how the thirty-day appeal period is calculated.

(3) An appeal is filed with the board on the date the board actually receives the notice of the appeal, not the date that the notice is mailed. Upon receiving the notice of appeal, the board will acknowledge receipt. The date stamped on the appeal notice shall be *prima facie* evidence of the filing date. The board may thereafter require that additional copies be filed.

**NEW SECTION**

**WAC 371-08-345 Service of the notice of appeal on the agency and other interested parties.** (1) Within thirty days of the date that a copy of the agency's order or decision is mailed to the appellant, the appellant shall also serve a copy of the notice of appeal on the agency whose order or decision is being appealed. Proof of service may be made by certificate or affidavit filed with the board.

(2) A copy of the notice of appeal shall also be served on all other persons named as parties to the appeal. There is no time limit on when such service must be made.

**NEW SECTION**

**WAC 371-08-505 Rules of evidence—Official notice—Matters of law.** The presiding officer, upon request made before or during a hearing, will officially notice:

(1) **Federal law.** The Constitution; congressional acts, resolutions, records, journals and committee reports; decisions of federal courts and administrative agencies; executive orders and proclamations; and all rules, orders and notices published in the *Federal Register*.

(2) **State law.** The Constitution of the state of Washington; acts of the legislature, resolutions, records, journals and committee reports; decisions of Washington state courts and administrative agencies; executive orders and proclamations by the governor; and all rules, orders and notices filed with the code reviser.

(3) **Governmental organization.** Organization, territorial limitations, officers, departments, and general administration of the government of the state of Washington, the United States, the several states and foreign nations.

(4) **Agency organization.** The department, commission or board organization, administration, officers, personnel, and official publications.

(5) **Rules of regional authorities.** Rules or regulations of air pollution control boards or authorities established pursuant to chapter 70.94 RCW, when such rules or regulations are filed with the board pursuant to RCW 43.21B.260.

**WSR 96-17-017  
PERMANENT RULES  
SHORELINES HEARINGS BOARD**

[Filed August 12, 1996, 3:09 p.m.]

Date of Adoption: August 5, 1996.

Purpose: Set forth rules regarding computation of time for appeals and regarding judicial notice of matters of law.

Statutory Authority for Adoption: RCW 90.58.175.

Other Authority: *Den Beste v. Washington*, No. 13967-1-III (Div. III, April 18, 1996).

Adopted under notice filed as WSR 96-13-064 on June 17, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 2, amended 0, repealed 0.

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

August 12, 1996

Suzanne Skinner

Administrative Appeals Judge

**NEW SECTION**

**WAC 461-08-310 Computation of time.** (1) In computing any period of time prescribed or allowed by these rules or applicable statute, the day of the act after which the designated period of time begins to run is not to be included. The time within which any act shall be done, as provided by these rules, shall be computed by excluding the first day and including the last, unless the last day is a Sunday or a legal holiday, and then it is excluded and the next succeeding day which is neither a Sunday nor a legal holiday is included. When the period of time prescribed or allowed is less than seven days, intermediate Sundays and legal holidays shall be excluded in the computation.

(2) This section also pertains to the period for filing with the board any petition for review, petition for rule making, petition for declaratory ruling or any other adjudication which this chapter authorizes.

**NEW SECTION**

**WAC 461-08-520 Rules of evidence—Official notice—Matters of law.** The board and its hearing officers, upon request made before or during a hearing, will officially notice:

(1) **Federal law.** The Constitution; congressional acts, resolutions, records, journals and committee reports; decisions of federal courts and administrative agencies; executive

orders and proclamations; and all rules, orders and notices published in the *Federal Register*.

(2) **State law.** The Constitution of the state of Washington, acts of the legislature, resolutions, records, journals and committee reports; decisions of Washington state courts and administrative agencies; executive orders and proclamations by the governor; and all rules, orders and notices filed with the code reviser.

(3) **Governmental organization.** Organization, territorial limitations, officers, departments, and general administration of the government of the state of Washington, the United States, the several states and foreign nations.

(4) **Agency organization.** The department, commission or board organization, administration, officers, personnel, official publications, and practitioners before its bar.

**WSR 96-17-018**  
**PERMANENT RULES**  
**DEPARTMENT OF TRANSPORTATION**

[Order 164—Filed August 13, 1996, 10:15 a.m.]

Date of Adoption: August 13, 1996.

Purpose: To reflect an increase in the pilot registration fee as authorized by the Washington state legislature.

Citation of Existing Rules Affected by this Order:  
Amending WAC 12-18-020 (being recodified to WAC 468-210-020).

Statutory Authority for Adoption: Chapter 47-68 [47.68] RCW.

Adopted under notice filed as WSR 96-14-024 on June 21, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 1, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

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

August 13, 1996

S. A. Moon  
Deputy Secretary  
for Operations

**AMENDATORY SECTION** (Amending Order 74, filed 12/13/82)

**WAC 12-18-020 Fees.** ((A fee of \$3.00 per year shall be paid for each pilot registration prior to December 31, 1982.)) A fee of (\$5.00) \$8.00 per year shall be paid for each pilot registration after ((December 31, 1982)) August 31, 1996, without regard to the actual date of registration.

Pilot registration fees will be deposited into the search and rescue, safety and education fund created under RCW 47.68.236.

These rules are being recodified from Title 12 WAC to Title 468 WAC as shown below:

Old WAC Number	New WAC Number	Title
12-18-001	468-210-001	Promulgation.
12-18-010	468-210-010	Pilot registration required.
12-18-020	468-210-020	Fees.
12-18-030	468-210-030	Possession of registration.
12-18-040	468-210-040	Seminars and clinics.
12-18-050	468-210-050	Unlicensed pilots.
12-19-010	468-220-010	Display of indicia of registration.
12-20-050	468-230-050	Regulations for the prevention and control of fires and fire hazards of airports and heliports.
12-24-002	468-240-002	Foreword.
12-24-005	468-240-005	Introduction.
12-24-025	468-240-025	General.
12-24-030	468-240-030	Marking of vehicles.
12-24-035	468-240-035	Marking of natural and manmade obstructions.
12-24-040	468-240-040	Flags.
12-24-045	468-240-045	Colors.
12-24-050	468-240-050	Marking overhead lines.
12-24-105	468-240-105	General.
12-24-110	468-240-110	Special day lighting.
12-24-115	468-240-115	Temporary warning lights.
12-24-120	468-240-120	Operation of obstruction lighting.
12-24-125	468-240-125	Inspection of obstruction lighting.
12-24-130	468-240-130	Notification of light failure.
12-24-135	468-240-135	Color of lighting.
12-24-140	468-240-140	Light distribution.
12-24-145	468-240-145	Rated lamp voltage.
12-24-150	468-240-150	Flashing of lights.
12-24-155	468-240-155	Intensity of lighting.
12-24-160	468-240-160	Interference with railway signals.
12-24-165	468-240-165	Obstruction lighting by nonstandard lights.
12-24-170	468-240-170	Obstruction lighting equipment-Specifications and drawings.
12-24-175	468-240-175	Obstruction lighting standards-Towers, poles, and similar obstructions
12-24-180	468-240-180	Obstruction lighting standards-Trees.
12-24-185	468-240-185	Obstruction lighting standards-Transmission lines.
12-24-190	468-240-190	Obstruction lighting standards-Smokestacks and similar obstructions.
12-24-195	468-240-195	Obstruction lighting standards-Prominent buildings

12-24-200	468-240-200	and similar extensive obstructions.
12-24-205	468-240-205	Obstruction lighting standards-Bridges.
12-24-210	468-240-210	Obstruction lighting standards-Water towers, grain elevators, gas holders and similar obstructions.
12-24-215	468-240-215	Obstruction lighting standards-Group of structural hazards.
12-24-350	468-240-350	Appendix rules-General.
12-24-360	468-240-360	Appendix rules-Criteria for determining obstructions to air navigation.
12-24-370	468-240-370	Appendix rules-Operation of moored balloons.
12-24-380	468-240-380	Appendix rules-Illustrations.
12-40-010	468-250-010	Definitions.
12-40-020	468-250-020	Aeronautics division to manage.
12-40-030	468-250-030	Opening and closing of airports.
12-40-040	468-250-040	Controlled operations.
12-40-050	468-250-050	Fees.
12-40-060	468-250-060	Nondiscrimination.
12-40-070	468-250-070	Exclusive grants prohibited.
12-40-080	468-250-080	Representations.
12-40-090	468-250-090	Provisions in agreements.
12-40-100	468-250-100	State/federal agreements controlling.
12-40-110	468-250-110	Grounds for refusal to grant agreement.
12-40-120	468-250-120	Preexisting agreements.
12-40-130	468-250-130	All use at own risk.
12-40-140	468-250-140	Temporary rules.
12-40-150	468-250-150	Accident notification.
12-40-160	468-250-160	Hazard notification.
12-40-170	468-250-170	Littering.

**WSR 96-17-024**  
**PERMANENT RULES**  
**COMMISSION ON**  
**JUDICIAL CONDUCT**

[Filed August 13, 1996, 3:11 p.m., effective September 18, 1996]

Date of Adoption: August 9, 1996.

Purpose: To repeal existing procedural rules as superseded by new rules: Commission on Judicial Conduct rules of procedure.

Citation of Existing Rules Affected by this Order:  
Repealing chapters 292-08 and 292-12 WAC.

Statutory Authority for Adoption: Article IV, Section 31 of the State Constitution.

Adopted under notice filed as WSR 96-05-006 on February 9, 1996; and WSR 96-17-023 on August 13, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or

Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 22.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 22.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: September 18, 1996.

August 9, 1996  
Margo Keller  
Chair

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

WAC 292-08-010	Purpose.
WAC 292-08-020	Function.
WAC 292-08-030	Definitions.
WAC 292-08-040	Organization.
WAC 292-08-050	Confidentiality provisions.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

WAC 292-12-010	Preliminary investigation.
WAC 292-12-020	Initial proceedings.
WAC 292-12-030	Statement of charges.
WAC 292-12-040	Fact-finding hearing.
WAC 292-12-050	Disqualification of fact-finder.
WAC 292-12-060	Procedural rights of judge.
WAC 292-12-070	Guardian ad litem.
WAC 292-12-080	Discovery procedure before fact-finding.
WAC 292-12-090	Amendments to statement of charges or answer.
WAC 292-12-110	Procedure at fact-finding hearing.
WAC 292-12-120	Report of fact-finder.
WAC 292-12-130	Commission decision.
WAC 292-12-140	Additional evidence.
WAC 292-12-150	Supreme court procedures.
WAC 292-12-160	Reinstatement of eligibility.
WAC 292-12-170	Extension of time.
WAC 292-12-180	Service.

**WSR 96-17-029**

**PERMANENT RULES**  
**INSURANCE COMMISSIONER'S OFFICE**

[Filed August 13, 1996, 4:05 p.m.]

Date of Adoption: August 13, 1996.

**Purpose:** These rules effectuate chapter 48.85 RCW, the Long-Term Care Partnership Act. Insurance Commissioner Matter No. R 95-16.

**Citation of Existing Rules Affected by this Order:**  
Amending WAC 284-17-220.

**Statutory Authority for Adoption:** RCW 48.02.060, 48.17.150, 48.20.450, 48.85.030, and 48.85.040.

**Adopted under notice filed as WSR 96-17-006 on August 8, 1996.**

**Number of Sections Adopted in Order to Comply with Federal Statute:** New 0, amended 0, repealed 0; **Federal Rules or Standards:** New 0, amended 0, repealed 0; or **Recently Enacted State Statutes:** New 0, amended 0, repealed 0.

**Number of Sections Adopted at Request of a Nongovernmental Entity:** New 0, amended 0, repealed 0.

**Number of Sections Adopted on the Agency's own Initiative:** New 17, amended 1, repealed 0.

**Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures:** New 0, amended 0, repealed 0.

**Number of Sections Adopted using Negotiated Rule Making:** New 0, amended 0, repealed 0; **Pilot Rule Making:** New 0, amended 0, repealed 0; or **Other Alternative Rule Making:** New 0, amended 0, repealed 0.

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

August 13, 1996

Deborah Senn  
Insurance Commissioner

## Chapter 284-85 WAC LONG-TERM CARE PARTNERSHIP

### NEW SECTION

**WAC 284-85-005 Purpose and authority.** This chapter is adopted pursuant to RCW 48.85.030 and 48.85.040. The purpose of this chapter is to effectuate chapter 48.85 RCW, the Washington Long-Term Care Partnership Act. Pursuant to RCW 48.85.030, this chapter establishes minimum standards and disclosure requirements to be met by insurers, health care service contractors, health maintenance organizations, and fraternal benefit societies with respect to long-term care partnership insurance and long-term care partnership policies, contracts and certificates. In addition, pursuant to RCW 48.85.040, this chapter sets standards and criteria for a consumer education program developed in cooperation with the state department of social and health services and members of the long-term care insurance industry. This program shall be designed to educate consumers as to the need for long-term care, the availability of long-term care insurance, and the availability and eligibility requirements of the asset protection program provided by chapter 48.85 RCW.

Recognizing that the persons most likely to purchase long-term care partnership coverage are particularly sensitive to rate and premium increases, the goals of this chapter are: To ensure that long-term care partnership policies provide value to insureds both when issued and at time of claim; to encourage a competitive marketplace, stable premiums, and low-lapse rates; and to foster a long-term commitment to

long-term care partnership coverage in this state by issuers of the coverage.

### NEW SECTION

**WAC 284-85-010 Applicability and scope.** (1) This chapter applies to all long-term care insurance policies, contracts, certificates, riders, and endorsements delivered or issued for delivery to a resident of this state or that provide coverage to a resident of this state, that claim to provide asset protection under the Washington Long-Term Care Partnership Act, chapter 48.85 RCW.

(2) This chapter shall not apply to Medicare supplement policies regulated under chapter 48.66 RCW and chapter 284-55 or 284-66 WAC; policies or contracts between a continuing care retirement community and its residents; or to long-term care insurance policies that do not claim to provide asset protection under chapter 48.85 RCW.

(3) Policies claiming to provide asset protection under the Washington Long-Term Care Partnership Act that do not meet the requirements of this chapter may not be issued or delivered in this state.

### NEW SECTION

**WAC 284-85-015 Standards for definitions used in this chapter and chapter 48.85 RCW.** The following definitions are applicable to long-term care partnership policies, contracts, certificates, riders, and endorsements and the implementation of chapter 48.85 RCW. No contract may be advertised, solicited, or issued for delivery in this state as a long-term care partnership contract which uses definitions more restrictive or less favorable to an insured than the following:

(1) "Adult day health care" means a program of community-based social and health-related services provided during the day in a community group setting for the purpose of supporting frail, impaired elderly or other disabled adults who can benefit from care in a group setting outside the individual's home.

(2) "Advertising" is defined and described at RCW 48.30.040, 48.30.050, 48.30.080, 48.30.090 and WAC 284-50-030, 284-50-050, 284-50-060, 284-50-070, 284-50-080, 284-50-090, 284-50-100, 284-50-110, 284-50-120, 284-50-130, 284-50-140, 284-50-150, 284-50-160, 284-50-170, 284-50-180, 284-50-190 and 284-50-200. These standards are specifically incorporated in this chapter and shall apply to all long-term care contracts issued pursuant to this chapter and chapter 48.85 RCW.

(3) "Alternative plan of care" means a plan of health care or other care which provides a benefit to an insured and meets the standards of WAC 284-85-030(4).

(4) "Case manager" or "case coordinator" means an individual qualified by training or experience to coordinate the overall medical, personal, and social service needs of the long-term care patient. Such coordination activities shall include but are not limited to: Assessing the individual's condition to determine what services and resources are necessary and by whom they might most appropriately be delivered; coordination of elements of a treatment or care plan and referral to the appropriate medical or social services personnel or agency; control coordination of patient services and continued monitoring of the patient to assess progress

and assure that services are delivered. Such activities shall be conducted in consultation with the insured's attending physician or other primary care provider.

(5) "Case management services" includes, but is not limited to, a comprehensive individualized face-to-face assessment conducted in the insured's place of residence which takes an all-inclusive look at the patient's total needs and resources, and links the patient to a full range of appropriate services using all available funding sources. The assessment is reevaluated at least once every six months. When desired by the insured and when it is determined to be necessary by the case manager, case management services shall include coordination of appropriate services and ongoing monitoring of the delivery of such services. For purposes of this chapter, case management services may, but need not, include deductibles or coinsurance provisions.

(6) "Contract" means long-term care partnership coverage, regardless of the kind of issuer, unless the context clearly indicates otherwise. The term specifically includes any policy, contract, certificate, rider, or endorsement delivered, issued for delivery, or that provides coverage to a resident of this state, if that contract claims to provide asset protection under the Washington Long-Term Care Partnership Act, chapter 48.85 RCW.

(7) "Direct response issuer" means an issuer who, as to a particular contract, is transacting insurance directly with a potential insured without solicitation by, or the intervention of, a licensed insurance agent.

(8) "Estate recovery" refers to the federal and state estate recovery program which requires recovery by the state from the insured's estate after the death of the insured, certain costs of services paid by the state during the lifetime of the insured (see: Chapter 43.20B RCW and chapter 388-527 WAC). The rules of the federal and state estate recovery program change from time to time; the rules in effect at the date of the insured's death will govern the estate recovery process.

(9) "Gatekeeper provision" has the meaning of WAC 284-54-160.

(10) "Guaranteed renewable" means that renewal of a contract may not be declined by an issuer for any reason except for nonpayment of premium; but the insurer may revise rates on a class basis with the prior written agreement of the commissioner.

(11) "Home and community-based care" means services including, but not limited to:

- (a) Home delivered nursing services or therapy;
- (b) Custodial or personal care;
- (c) Day care;
- (d) Home and chore aid services;
- (e) Nutritional services, both in-home and in a communal dining setting;
- (f) Respite care;
- (g) Adult day health care services;
- (h) Community residential services, including but not limited to adult family homes, boarding homes, adult residential care, enhanced adult residential care, and assisted living; or
- (i) Other similar services furnished in a home-like or residential setting.

Such services shall be provided at all levels of care from skilled care to custodial or personal care.

(12) "Institutional care" means care provided in a hospital, nursing home, or other facility certified or licensed by the state primarily affording diagnostic, preventive, therapeutic, rehabilitative, maintenance, or personal care services. Such facility provides twenty-four-hour nursing services on its premises or in facilities available to the institution on a formal prearranged basis.

(13) "Insured" means any beneficiary of a long-term care partnership contract, regardless of the type of issuer.

(14) "Issuer" means any entity that delivers, issues for delivery, or provides coverage to, a resident of this state, any contract that claims to provide asset protection under the Washington Long-Term Care Partnership Act, chapter 48.85 RCW. Issuer as used in this chapter specifically includes insurance companies, fraternal benefit societies, health care service contractors, and health maintenance organizations.

(15) "Long-term care contract" means a contract that is primarily advertised, marketed, or designed to provide coverage for or resulting from long-term care services over a prolonged period of time. Services provided may range from direct skilled medical care performed by trained medical professionals as prescribed by a physician or other primary care provider, or a qualified case manager, in consultation with the patient's attending physician or rehabilitative services or assistance with the basic necessary functions of daily living for people who have lost some or complete capacity to function on their own. This term also includes a contract that provides for payment of benefits based upon cognitive impairment or loss of functional capacity without regard to receipt of specific services.

(16) "Long-term care partnership contract" means a contract of long-term care insurance that claims to provide asset protection under the Washington Long-Term Care Partnership Act, chapter 48.85 RCW to a resident of this state.

(17) "Medicaid eligibility" means that an insured has exhausted the benefits of his or her long-term care partnership contract and it has been determined, in accordance with Medicaid rules, that the insured is eligible for a Medicaid program as determined by the state department of social and health services, or as provided in chapters 388-505 through 388-519 WAC.

(18) "Plan of care" means a written, individualized plan of services approved by the case manager that specifies the type, frequency, and providers of all formal and informal long-term care services required for the insured. Changes in the plan of care shall be documented to show alterations which have been agreed to and are required by a change in the situation or condition of the insured.

(19) "Premium" is defined and described at RCW 48.18.170, 48.18.180, and WAC 284-54-020(8).

## NEW SECTION

**WAC 284-85-030 Minimum standards for long-term care partnership policies.** No long-term care partnership contract may be advertised, solicited, issued for delivery, or provide coverage to a resident of this state if it does not meet the following standards and the standards of chapter 48.85 RCW. These are minimum standards and do not preclude the inclusion of other provisions or benefits which are not inconsistent with these standards. Long-term care

partnership contracts that provide for payment of benefits based on cognitive impairment or loss of functional capacity without regard to receipt of specific services are subject to the standards only of subsections (1), (2), (3), (5), and (6) of this section.

(1) Every long-term care partnership contract shall meet the standards for long-term care policies or contracts in chapters 48.84 and 48.85 RCW and chapter 284-54 WAC, unless specifically provided otherwise.

(2) All long-term care partnership contracts shall provide benefits for nursing home or institutional care.

(a) If the contract provides coverage for only nursing home or institutional care, that fact shall be prominently displayed on the first page of the contract form. Coverage in such policies shall include benefits for care received in alternative types of facilities or institutions if care is provided at a place where the patient incurs room and board charges.

(b) Pursuant to RCW 48.85.030, a long-term care partnership policy that provides coverage for only nursing home or institutional care benefits, shall provide for the written rejection of coverage or eligibility of coverage for home and community-based services as part of the application. A copy of the written rejection shall be made a part of the contract.

(3) Except upon the written rejection of the applicant or insured, every long-term care partnership contract shall include coverage for home and community-based services.

(4) Every long-term care partnership contract shall provide for an alternative plan of care benefit.

(a) This benefit shall be unstructured to allow for flexibility, to include coverage for types of care that might develop after the issue date of the insured's contract, and to allow for different levels of care with no requirement for prior confinement.

(b) This benefit shall not be designed or advertised as a substitute for home or community-based care.

(c) For example, this benefit might include, but need not be limited to, coverage for the following: Care provided in licensed or certified Alzheimer's centers, assisted living facilities, congregate care facilities, or similar arrangements, home-delivered meals or in-home safety devices. An issuer may limit such options by imposing a condition that such care be in a facility regulated by the state only if such class of facility is subject to state regulation.

(d) The alternate plan of care shall be agreeable to the insured's primary care giver, the issuer, and the insured, and shall be part of a plan of care developed by or with the assistance of health care professionals.

(5) Every long-term care partnership contract issued to an applicant age seventy-nine or younger shall provide inflation protection that automatically increases at a rate of no less than five percent annual percentage rate (APR). Inflation protection benefit increases shall continue without regard to an insured's age, claim status or claim history, or the length of time the insured has been insured under the contract.

(6) Every long-term care partnership contract shall provide benefits designed to provide coverage for an extended period of time.

(7) If nonforfeiture benefits are included, such benefits shall not be based on return of premium. All nonforfeiture

benefits shall be consistent with asset protection purpose of long-term care partnership program, as determined by the commissioner.

#### NEW SECTION

**WAC 284-85-040 Standards related to rates.** In order to assure stability of premiums and rates for long-term care partnership contracts, rates shall be designed to remain level over the life of the policy and shall be based on the insured's age at the time of application. Every rate filing of an issuer shall be accompanied by a detailed explanation of how the issuer intends to comply with this section.

(1) Requests for rate increases must be actuarially supported to the satisfaction of the commissioner.

(2) All long-term care partnership contracts of an issuer shall be pooled together for purposes of rate making and may be pooled with the experience of long-term care contracts issued pursuant to chapter 48.84. RCW. Any pooling arrangement shall be approved in advance by the commissioner.

(3) No issuer may reduce or increase the rate of a long-term care partnership contract form except on the written, prior approval of the commissioner.

(4) Rate increases shall be made only on a class basis.

(5) The insured shall be notified in writing of the amount of any rate increase no fewer than sixty days in advance of charging an approved increase in rates and the insured shall be permitted to reduce contract benefits to defray the increased premium and guard against lapsation.

#### NEW SECTION

**WAC 284-85-045 Conversion from group to individual coverage or replacement of coverage.** (1) If the insured is no longer eligible for group long-term care partnership coverage, the insured shall have the option to convert to an individual contract of long-term care insurance or to a long-term care partnership contract. The conversion policy offered shall include substantially similar benefits to the group contract. The insured shall not be required to provide evidence of good health or insurability. Such a transaction shall be treated as a conversion and the premium charged shall be based on either: The insured's original issue age of the long-term care partnership contract being converted, or the insured's attained age, if a credit is provided, either as to benefit or premium.

(2) Except where an individual is no longer eligible for group long-term care partnership coverage, and except as provided at WAC 284-85-055, no issuer may require an insured to convert his or her policy to a new form or benefit level.

(3) Insureds in claim status on the effective date of any conversion provided for by this section may be excluded. An issuer may provide that there will be no difference between the benefits of the prior contract and the benefits of the resulting contract.

NEW SECTION

**WAC 284-85-050 Disclosure and suitability standards.** (1) At no time shall any statement contained in the contract, advertising related to solicitation or preservation of the contract, or representations made by the issuer or its agent, state or have the appearance of representing that the insured will be guaranteed to be automatically eligible for Medicaid or that Medicaid will deliver the same benefits as the insured's long-term care partnership policy.

(2) Every issuer and every agent shall make reasonable efforts to determine whether the issuance of a long-term care partnership policy will duplicate benefits under another disability insurance policy, long-term care insurance contract, or duplicate other sources of coverage such as Medicare supplemental insurance coverage; and shall take reasonable steps to determine that the purchase of the coverage being applied for is suitable for the applicant based on the financial circumstances of the applicant or insured.

(3) Every applicant shall be provided a copy of the long-term care partnership publication which is developed jointly by the commissioner and the department of social and health services no later than when the long-term care partnership application is signed by the applicant.

(4) Every long-term care partnership contract shall state that it is designed to qualify for Medicaid asset protection on the first page of the contract. A similar statement shall be included on every application for a long-term care partnership contract and on any outline or summary of coverage provided to applicants or insureds.

NEW SECTION

**WAC 284-85-055 Termination of participation in the Washington long-term care partnership program.** If an issuer terminates its participation in the Washington long-term care partnership program, the issuer shall cause as little disruption to insured residents of this state as possible. Such issuer shall first obtain written permission of the commissioner to cease the issuance of new long-term care partnership contracts. The issuer shall continue in force the then-existing contracts of insurance or may make arrangements satisfactory to the commissioner for another admitted issuer to assume all of the issuer's in force long-term care partnership policies. Such a transaction shall be subject to the assumption reinsurance rules for transfer of contracts of chapter 284-95 WAC, whereby the ceding issuer remains liable for obligations of the contract, unless issuer first obtains the written agreement of the insured to the transfer.

NEW SECTION

**WAC 284-85-060 Applications for long-term care partnership coverage.** Every application shall be signed by the applicant and agent and shall certify that:

(1) The person received a description of the Washington long-term care partnership, the disclosure pamphlet set forth at WAC 284-85-050(3), including a description of the state's asset recovery program;

(2) The person understands that eligibility for Medicaid upon exhaustion of the benefits of the long-term care partnership policy is neither guaranteed nor automatic;

(3) The person understands that the benefits provided under Medicaid may not be the same as those provided under the long-term care partnership contract;

(4) The person agrees to permit the issuer to release information included in the application to the commissioner, solely for the purpose of data collection in preparation of the commissioner's report to the legislature, which release will advise the person that the issuer will act to preserve confidentiality of all medical information and document eligibility for the asset disregard provisions of Medicaid and the department of social and health services; and

(5) If a person elects to purchase nursing home-only coverage, that the person understands that he or she has voluntarily waived coverage for home and community-based care.

NEW SECTION

**WAC 284-85-070 Advertising standards.** Every issuer of long-term care partnership contracts shall submit its advertising materials to the commissioner no fewer than thirty days prior to use in this state. In addition to the standards of this chapter, all advertising materials are subject to the advertising rules in chapter 284-50 WAC.

NEW SECTION

**WAC 284-85-075 Summary of insurance benefits.** (1) Upon request of an insured, an issuer shall prepare promptly a summary of the total services paid and the total amount of benefits remaining under the contract as of the date of the summary.

(2) A summary of insurance benefits paid and remaining shall be provided to the insured or his or her representative approximately ninety days prior to exhaustion of benefits.

(3) A reasonable fee may be charged for the preparation of a summary if requested more than once in any twelve-month period.

NEW SECTION

**WAC 284-85-080 Consumer education program.** Issuers shall demonstrate to the satisfaction of the commissioner that they have and use procedures to provide notice to each purchaser of long-term care partnership insurance about the state's long-term care consumer education program. The program will include information regarding the need for long-term care, the methods of financing long-term care, the availability of long-term care insurance, the availability and eligibility requirements of the state's asset protection program, and the impact of this state's estate recovery rules.

NEW SECTION

**WAC 284-85-085 Standards for education of agents soliciting long-term care partnership contracts.** Every issuer shall annually certify to the commissioner that each agent appointed by the issuer involved in the solicitation of a long-term care partnership contract or the conversion of a long-term care contract or partnership contract, that each such agent has passed six hours of specialized education specifically related to insurance coverage under the Washington Long-Term Care Partnership Act in every two-year

period beginning with the calendar year 1998, as required at WAC 284-17-220.

#### NEW SECTION

**WAC 284-85-090 Standards for case management services.** In order to assure covered services are used in a cost-effective and beneficial manner, objectivity in claims payment or benefit eligibility decisions, and to effectuate RCW 48.85.030 (2)(b), issuers that employ or contract with case managers shall:

(1) Demonstrate to the satisfaction of the commissioner that it has case management services sufficiently adequate to provide the necessary level of management throughout the state of Washington, that the case manager is able to supply or arrange for the recommended professional services in a plan of care, and that the case manager is able to adequately monitor the quality of services provided.

(2) Employ or contract with case management services that are objectively provided and demonstrate that the services provided are in the best interests of the insured.

(a) Case management services shall recognize the dignity of insureds. An insured or the insured's representative shall be provided sufficient information to make an informed choice of how to receive services, shall be permitted to participate in the development of the plan of care. The insured or the insured's representative shall be permitted access to the case record of the insured upon reasonable request.

(b) Case management services used by the issuer shall provide for a grievance or complaint procedure, the use of which is made known to the insured or the insured's representative.

(c) Each case manager shall exercise reasonable care to keep the insured's medical information confidential.

(d) The plan of care shall be agreed to in advance by the insured or the insured's representative, the issuer, and the insured's physician or primary care provider, and it shall be updated no less frequently than once every six months.

(e) In order to assure compliance with this chapter, the issuer shall make records of the case manager available to the commissioner upon request for purposes of audit.

#### NEW SECTION

**WAC 284-85-100 Recordkeeping.** Issuers shall demonstrate to the satisfaction of the commissioner that they have procedures to provide for the special recordkeeping required by RCW 48.85.030 and this chapter.

#### NEW SECTION

**WAC 284-85-110 Records retention.** Records of all policies issued shall be kept a minimum of ten years after exhaustion of benefits or nonrenewal, revision, death of insured, or other termination of the contract by the issuer.

#### NEW SECTION

**WAC 284-85-900 Chapter not exclusive.** Nothing contained in this chapter shall be construed to limit the authority of the commissioner to regulate a long-term care partnership contract under other sections of Title 48 RCW.

**AMENDATORY SECTION** (Amending Order R 94-14, filed 6/28/94, effective 7/29/94)

**WAC 284-17-220 Continuing education requirement.**

(1) Twenty-four credit hours of approved continuing education must be presented as a prerequisite to each license renewal or reinstatement.

(2)(a) Effective July 1, 1996, the number of required continuing education credit hours will be increased from twenty-four to thirty-two hours for each two-year licensing period.

(b)(i) Effective June 1, 1997, an additional six hours in every two-year period of continuing education credits will be required of agents and brokers engaged in the transaction of long-term care partnership insurance business. The commissioner will prescribe the course of study. Each course for these special lines of insurance shall be approved by the commissioner in advance.

(ii) Effective January 1, 1998, an additional six hours in every two-year period of continuing education credits will be required of agents and brokers engaged in the transaction of long-term care insurance business.

(iii) Agents involved in the transaction of both long-term care and long-term care partnership insurance are required to pass only six total hours of specialized long-term care and long-term care partnership continuing education combined.

(iv) An issuer shall annually certify to the commissioner that its appointed agents have completed the required education. Such reports shall be attached to the annual long-term care partnership report required at RCW 48.85.030 (2)(d).

(c) Each course credit applied toward satisfaction of the continuing education requirement must have been completed within the twenty-four month period immediately preceding the licensee's assigned license renewal date and the credit may not have been used previously to comply with the continuing education requirement.

(3) The course participated in and for which credit is received shall be reported to the commissioner as part of the application for license renewal and shall be subject to verification by audit.

(4) Repeating an approved course for which the licensee has previously claimed credit will not satisfy the continuing education requirement.

(5) The licensee must retain the certificate of completion for three years from the date on the certificate and must present the original of such certificate upon request of or audit by the commissioner.

**WSR 96-17-032**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)  
[Filed August 15, 1996, 11:17 a.m.]

Date of Adoption: August 14, 1996.

Purpose: To correct an error in the text.

Citation of Existing Rules Affected by this Order:  
Amending WAC 388-270-1125.

**Statutory Authority for Adoption:** RCW 74.08.090.  
**Adopted under notice filed as WSR 96-11-127 on May 21, 1996.**

**Number of Sections Adopted in Order to Comply with Federal Statute:** New 0, amended 0, repealed 0; **Federal Rules or Standards:** New 0, amended 0, repealed 0; or **Recently Enacted State Statutes:** New 0, amended 0, repealed 0.

**Number of Sections Adopted at Request of a Nongovernmental Entity:** New 0, amended 0, repealed 0.

**Number of Sections Adopted on the Agency's own Initiative:** New 0, amended 1, repealed 0.

**Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures:** New 0, amended 0, repealed 0.

**Number of Sections Adopted using Negotiated Rule Making:** New 0, amended 0, repealed 0; **Pilot Rule Making:** New 0, amended 0, repealed 0; or **Other Alternative Rule Making:** New 0, amended 0, repealed 0.

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

August 14, 1996

Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending Order 3704, filed 2/9/94, effective 3/12/94)

**WAC 388-270-1125 Determination of intent.** (1) Recipients of public assistance shall notify the department within twenty days of any change in circumstances affecting eligibility or need, including receipt or possession of all income or resources not previously declared to the department. When the department finds that an applicant or recipient has misstated or failed to reveal any material fact affecting eligibility or need, ((it)) the department shall presume that such act was done intentionally.

(2) The department shall secure evidence regarding a misstatement or failure to reveal pertinent facts or circumstances, when((ever)) possible, to determine if the act was committed intentionally. In the absence of further evidence, the presumption is not overcome; however, the ((department)) recipient may rebut such presumption.

**WSR 96-17-040**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**  
[Filed August 19, 1996, 9:10 a.m.]

**Date of Adoption:** August 19, 1996.

**Purpose:** Repeal of agency rules that are no longer needed.

**Citation of Existing Rules Affected by this Order:** Repealing chapters 308-126A, 308-126B, 308-126C and 36-08 WAC, WAC 308-48-140, 308-14-080, 308-14-110, 308-04-001, 308-20-020, 308-20-050, 308-20-060, 308-20-070, 308-20-095, 308-20-100, 308-20-109, 308-20-140, 308-20-175, 308-20-205, 308-20-208, 308-20-510, 308-20-540, and 308-20-545.

**List of Sections Adopted by Expedited Repeal:** WAC 308-14-080 Certification requirements—Permanent and temporary certificates, 308-14-110 Persons practicing as of

the effective date of this chapter, 308-04-001 Appointment of director—Agency documents, 308-20-020 Term of course—Examination eligibility, 308-20-050 Change in ownership of school, 308-20-060 Approved security (surety bond, savings assignment, or irrevocable letter of credit), 308-20-070 Training guidelines, 308-20-095 Examination eligibility of applicants from out-of-state schools, 308-20-100 Recording student hours, 308-20-109 Instructor-trainee credit for training, 308-20-140 Examination application, 308-20-175 Persons licensed in other jurisdictions, 308-20-205 License renewal—Penalties, 308-20-208 Grandfather provisions, 308-20-510 Minimum operator licensing standards, 308-20-540 Application process, and 308-20-545 License issuance.

**Statutory Authority for Adoption:** RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050, 18.39.175.

**Adopted under preproposal statement of inquiry filed as WSR 96-13-021 on June 10, 1996.**

**Number of Sections Adopted in Order to Comply with Federal Statute:** New 0, amended 0, repealed 0; **Federal Rules or Standards:** New 0, amended 0, repealed 0; or **Recently Enacted State Statutes:** New 0, amended 0, repealed 0.

**Number of Sections Adopted at Request of a Nongovernmental Entity:** New 0, amended 0, repealed 0.

**Number of Sections Adopted on the Agency's own Initiative:** New 0, amended 0, repealed 88.

**Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures:** New 0, amended 0, repealed 0.

**Number of Sections Adopted using Negotiated Rule Making:** New 0, amended 0, repealed 0; **Pilot Rule Making:** New 0, amended 0, repealed 0; or **Other Alternative Rule Making:** New 0, amended 0, repealed 88.

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

August 19, 1996

Walt Fahrer  
Rules Coordinator

**WSR 96-17-045**  
**PERMANENT RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Order 96-12—Filed August 19, 1996, 10:55 a.m.]

**Date of Adoption:** August 15, 1996.

**Purpose:** Required by legislation to insure access to fingerprint record information to educational employers and to protect privacy rights of those employees undergoing checks.

**Statutory Authority for Adoption:** RCW 28A.400.303, 28A.400.306, 28A.410.010 and chapter 126, Laws of 1996, SSB 6272.

**Adopted under notice filed as WSR 96-14-093 on July 2, 1996.**

**Number of Sections Adopted in Order to Comply with Federal Statute:** New 0, amended 0, repealed 0; **Federal Rules or Standards:** New 0, amended 0, repealed 0; or **Recently Enacted State Statutes:** New 13, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

August 15, 1996  
Judith A. Billings  
Superintendent of  
Public Instruction

## **Chapter 392-300 WAC** **FINGERPRINT RECORD CHECKS—ACCESS TO** **RECORDS—PRIVACY**

### NEW SECTION

**WAC 392-300-001 Purpose.** Rules and regulations hereinafter set forth are established pursuant to RCW 28A.400.303, 28A.400.306, 28A.410.010 and chapter 126, Laws of 1996, SSB 6272, for the purpose of setting forth practices and procedures relating to access and review of record check information and data bases.

### NEW SECTION

**WAC 392-300-005 Definition—Record check information.** As used in this chapter, "record check information" includes any record of arrest and prosecution (RAP sheet) provided by the Washington state patrol and/or the Federal Bureau of Investigation and any other information obtained by the superintendent of public instruction or designee as a result of the investigation of any data contained in RAP sheets.

### NEW SECTION

**WAC 392-300-010 Definition—Record check data base.** As used in this chapter, "record check data base" means the electronic data base or printed copy equivalent maintained by the superintendent of public instruction or designee that contains:

(1) The names and other identifiable information of individuals checked under RCW 28A.400.303 and 28A.410.090; and

(2) Whether there is any record of arrest and prosecution for the individual.

### NEW SECTION

**WAC 392-300-015 Definition—District employee.** As used in this chapter, "district employee" shall mean any individual currently employed by or being considered for employment by a school district, a school district contractor, an educational service district, or an educational service district contractor.

### NEW SECTION

**WAC 392-300-020 Definition—Applicant.** As used in this chapter, "applicant" means any individual who is applying for an educational certificate or employment under the rules and regulations of the superintendent of public instruction or the state board of education.

### NEW SECTION

**WAC 392-300-025 Access to record check information by district employee or applicant.** All district employees and applicants shall have access to record check information about them maintained by the superintendent of public instruction or designee. Any record of arrest and prosecution (RAP sheet) received from the Washington state patrol or the Federal Bureau of Investigation shall be sent promptly by the superintendent of public instruction to the district employee or applicant undergoing the record check. Any additional information collected by the superintendent of public instruction or designee as a result of the investigation of any data shall be available for inspection and copying by the district employee or applicant to whom it pertains during normal office hours in the office where the information is located. Information that is gathered as part of an ongoing investigation, excluding RAP sheets, shall not be released to the district employee or applicant until the investigation is completed.

### NEW SECTION

**WAC 392-300-030 Office hours.** The individual's record check information shall be available to him or her for inspection and copying during the customary office hours of the agency. For purposes of this chapter, the customary office hours shall be from 8:00 a.m. to noon and from 1:00 p.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

### NEW SECTION

**WAC 392-300-035 Requests for record check information.** In accordance with the requirements of RCW 42.17.290 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, record check information is obtainable by district employees or applicants to whom it pertains when they comply with the following procedures:

A request shall be made in writing. The written request shall be presented to the fingerprint records office of the superintendent of public instruction during customary office hours or may be mailed or faxed to the office. The request shall include the following information:

- (1) The name of the person requesting the record;
- (2) The time of day and the calendar date on which the request was made;
- (3) The nature of the request;
- (4) Height, weight and date of birth of individual fingerprinted; and
- (5) Social Security number of individual fingerprinted (optional).

NEW SECTION

**WAC 392-300-040 Copying.** No fee shall be charged for the inspection of record check information. The superintendent of public instruction may impose a reasonable charge for providing copies of records and for the use by any person of agency equipment to copy records; such charges shall not exceed the amount necessary to reimburse SPI for its actual costs incident to such copying. A record so copied shall not be released until and unless the person requesting the copied record has tendered payment for such copying to the appropriate official. All charges must be paid by money order or check.

NEW SECTION

**WAC 392-300-045 Protection of record check information.** Members of the public and agency personnel not processing record check information shall not be permitted access to any criminal record information.

(1) Record check information and a facility for their inspection will be provided by the fingerprint record office. Such records shall not be removed from the place designated. Records may be copied pursuant to the provisions of WAC 392-300-040.

(2) All record check information shall be maintained in a secure and private environment in order to protect the confidentiality of all district employees or applicants.

(3) All employees of the superintendent of public instruction who have access to criminal record information shall undergo record checks by the Washington state patrol and the Federal Bureau of Investigation.

NEW SECTION

**WAC 392-300-050 Access to record check data base.** School districts, educational service districts, colleges and universities shall establish written policies or procedures to determine which employees are authorized to access the data base. Access to the superintendent of public instruction's record check data base shall be limited to:

(1) Employees of the superintendent of public instruction processing record check information including employees within the fingerprint records section, the office of professional practices, the legal services section, the certification section or their equivalents in case of future agency reorganization.

(2) Authorized employees of school districts.

(3) Authorized employees of educational service districts.

(4) Authorized employees of college or universities with state board of education approved certification programs.

(5) Other authorized individuals as determined by the superintendent of public instruction or designee.

Access to the data base will be controlled by a confidential password issued by the superintendent of public instruction.

NEW SECTION

**WAC 392-300-055 Prohibition of redissemination of fingerprint record information by educational service districts or school districts.** Fingerprint record information is highly confidential and shall not be redisseminated to any

organization or individual by any educational service district or school district.

NEW SECTION

**WAC 392-300-060 Protection of fingerprint record information by educational service districts and school districts.** Educational service districts and school districts shall have policies and procedures to:

(1) Protect the confidentiality of fingerprint record information, including the secure location of RAP sheets;

(2) Limit access to authorized personnel processing or requiring fingerprint record information to make employment decisions; and

(3) Prevent the unlawful redissemination of fingerprint record information.

Noncompliance with these provisions may allow for the recovery of civil damages under applicable federal and state statutes.

**WSR 96-17-056  
PERMANENT RULES  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed August 20, 1996, 10:56 a.m., effective October 15, 1996]

Date of Adoption: August 20, 1996.

Purpose: Chapter 296-27 WAC, Safety standards for record keeping and reporting, state-initiated adopted amendments to current rules are needed to resolve a conflict with the intent of the statute as it pertains to the release of confidential witness statements when these statements are part of an investigative report which are available to the public upon request. Adopted amendments clarify the term "investigative report" and the availability of confidential witness statements to the public when included in an investigative report.

WAC 296-27-15503 Confidential reports within the department's files, state-initiated adopted amendments are made:

- to clarify the department's handling of confidential reports within the intent of OSHA law, and federal and state court decisions on this subject.

WAC 296-27-16001 Definitions, state-initiated adopted amendments are made:

- to add the definition of "investigative report."

Chapter 296-62 WAC, General occupational health standards, state-initiated adopted amendments are made to correct a publication error to the beryllium PEL and to lessen the value requirement for the nitrous oxide PEL to be equivalent to the national consensus standard.

WAC 296-62-07515 Control of chemical agents, state-initiated adopted amendments will not establish additional compliance requirements and are made:

- to correct publication errors for beryllium and beryllium compounds by moving information into the correct columns.
- to increase the permissible exposure limit for nitrous oxide to be identical to the 1995 ACGIH recommended practice. There are no comparable OSHA requirements for nitrous oxide. This

amendment will make the existing standard less stringent.

Chapter 296-78 WAC, Safety standards for sawmills and woodworking operations, federal-initiated adopted amendments are made as a result of OSHA letter dated February 17, 1994, which identified this standard as not at-least-as-effective-as the federal standard. Amendments are adopted to be identical to or at-least-as-effective-as the federal standard.

The following adopted amendments are made to be identical to the federal standard and will establish additional compliance requirements:

**WAC 296-78-56513** Log carriages, federal-initiated adopted amendments are made:

- to require a positive means be provided to prevent unintended movement of a headrig carriage.

**WAC 296-78-71015** Tanks and chemicals, federal-initiated adopted amendments are made:

- to require covers only be removed from that portion of the steaming vats on which workers are working and a portable railing be placed at that point to protect the operators.
- to require that workers not ride or step on logs in steam vats.

**WAC 296-78-750** Chains, wire rope, cables and fiber rope, federal-initiated adopted amendments are made:

- to require installation, inspection, maintenance, repair, and testing of ropes, cables, slings, and chains be done only by persons qualified to do such work.

**WAC 296-78-835** Vehicles, federal-initiated adopted amendments are made:

- to replace existing audible warning signal language with federal language which:
  - require all vehicles be equipped with audible warning signals and, where practicable, with spark arrestors.
  - require all vehicles operated after dark or in reduced visibility be equipped with backup lights.

The following adopted amendments are made to be at-least-as-effective-as the federal standard and will establish additional compliance requirements:

**WAC 296-78-56505** Boats and mechanical devices on waters, federal-initiated adopted amendments are made:

- to add requirements of National Fire Protection Agency (NFPA) standard 302 by incorporation by reference.
- to require pond boat decks be covered with nonslip material.

**WAC 296-78-570** Bandsaws—Saws, federal-initiated adopted amendments are made:

- to require bandsaw guards and inspection doors be securely closed during saw operation.

**WAC 296-78-580** Edgers, federal-initiated adopted amendments are made:

- to add the requirement that rotating powered tailing devices behind edgers operate at a speed not less than the speed of the edger feed rolls.

The following adopted amendments are made to be at-least-as-effective-as the federal standard and will not establish additional compliance requirements:

**WAC 296-78-605** Swing saws, federal-initiated adopted amendments are made:

- to define where existing regulations for whole log cutoff saws are applicable.
- to add a reference to WAC 296-24-16515 for applicable small hand-operated saw requirements.
- to correct a reference number.

**WAC 296-78-620** Miscellaneous woodworking machines—Planers, stickers, molders, matchers, federal-initiated adopted amendments are made:

- to add minimum thickness requirements for metal guards.

**WAC 296-78-635** Jointers, federal-initiated adopted amendments are made:

- to incorporate existing chapter 296-24 WAC requirements which:
  - require jointer knives not extend more than 1/8 inch beyond the cylindrical cutter head.
  - set limits for the size of the opening through which the cutter head operates.
  - establish performance requirements for the cutter head guard.

**WAC 296-78-650** Boring and mortising machines, federal-initiated adopted amendments are made:

- to add a reference to WAC 296-24-16525 for applicable boring and mortising machine requirements.

**WAC 296-78-660** Lathe (pail and barrel), federal-initiated adopted amendments are made:

- to add a reference to WAC 296-24-16531 for applicable pail and barrel lathe requirements.

**WAC 296-78-665** Sanding machines, federal-initiated adopted amendments are made:

- to add a reference to WAC 296-24-16533 for applicable sanding machine requirements.

**WAC 296-78-690** Veneer slicer and cutter, federal-initiated adopted amendments are made:

- to add a reference to WAC 296-24-16535 for applicable veneer slicers and cutters requirements.

**WAC 296-78-70503** Shake and shingle machinery—General, federal-initiated adopted amendments are made:

- to define where existing regulations for track and swing whole log cutoff saws are applicable.
- to incorporate a reference to applicable chapter 296-24 WAC requirements for smaller hand-operated swing saws.

**WAC 296-78-71003** Floor openings, federal-initiated adopted amendments are made:

- to include the word "wall" in the section title. The adopted section title reads, "Floor and wall openings."

**WAC 296-78-71015** Tanks and chemicals, federal-initiated adopted amendments are made:

- to correct references to include chapter 296-62 WAC, General occupational health standards.

**WAC 296-78-71017** Dry kilns, federal-initiated adopted amendments are made:

- to correct a reference to include all ladder requirements in chapter 296-24 WAC, General safety and health standards.

**WAC 296-78-725** Nonionizing radiation, federal-initiated adopted amendments are made:

- to update laser requirements which:
  - require that proof of qualification be in the possession of the laser equipment operator at all times.
  - require antilaser eye protection devices be provided for employees when potentially hazardous exposure to direct or reflected laser radiation exists.
  - require that mechanical or electronic means be used as a detector for guiding the internal alignment of the laser.
  - require employees be kept out of the laser system operation source and target during specified weather conditions.
  - require the laser unit in operation be set above employees heads when possible.
  - require that employees not be exposed to radio frequency/microwave radiation in excess of the permissible exposure limits specified in WAC 296-62-09005.

WAC 296-78-800 Crane rail stops, bumpers and fenders, federal-initiated adopted amendments are made:

- to correct a typographical error.

WAC 296-78-84005 Dry kilns, federal-initiated adopted amendments are made:

- to correct references to include chapter 296-62 WAC, General occupational health standards, for applicable personal protective equipment requirements.

WAC 296-78-84007 Chippers and logs, federal-initiated adopted amendments are made:

- to correct a typographical error in the section title.

State-initiated amendments to chapter 296-78 WAC are made to renumber subsections as a result of the adopted federal-initiated amendments.

Chapter 296-155 WAC, Safety standards for construction, state-initiated adopted amendments are made to correct a WAC reference.

WAC 296-155-429 Lockout and tagging of circuits, state-initiated adopted amendments will not establish additional compliance requirements and are made:

- to correct a WAC reference.

Citation of Existing Rules Affected by this Order: Amending chapter 296-27 WAC, Safety standards for record keeping and reporting, WAC 296-27-15503 Confidential reports within the department's files and 296-27-16001 Definitions; chapter 296-62 WAC, General occupational health standards, WAC 296-62-07515 Control of chemical agents; chapter 296-78 WAC, Safety standards for sawmills and woodworking operations, WAC 296-78-56505 Boats and mechanical devices on waters, 296-78-56513 Log carriages, 296-78-570 Bandsaws—Saws, 296-78-580 Edgers, 296-78-605 Swing saws, 296-78-620 Miscellaneous woodworking machines—Planers, stickers, molders, matchers, 296-78-635 Jointers, 296-78-650 Boring and mortising machines, 296-78-660 Lathe (pail and barrel), 296-78-665 Sanding machines, 296-78-690 Veneer slicer and cutter, 296-78-70503 Shake and shingle machinery—General, 296-78-71003 Floor openings, 296-78-71015 Tanks and chemicals, 296-78-71017 Dry kilns, 296-78-725 Nonionizing radiation, 296-78-750 Chains, wire rope, cables and fiber rope, 296-78-800 Crane rail stops, bumpers and fenders, 296-78-835 Vehicles, 296-

78-84005 Dry kilns and 296-78-84007 Chippers and logs; and chapter 296-155 WAC, Safety standards for construction, WAC 296-155-429 Lockout and tagging of circuits.

Statutory Authority for Adoption: Chapter 49.17 RCW.

Adopted under notice filed as WSR 96-10-085 on May 1, 1996.

Changes Other than Editing from Proposed to Adopted Version: The following section is being amended as follows: Chapter 296-155 WAC, Safety standards for construction, WAC 296-155-429 Lockout and tagging of circuits, the words, "this section" are added after the words "copy of," and the proposed WAC reference is changed to WAC 296-155-429. The adopted note under WAC 296-155-429 (4)(a) reads, "The written procedures may be in the form of a copy of WAC 296-155-429."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 22, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 3, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 2, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 27, repealed 0.

Effective Date of Rule: October 15, 1996.

August 20, 1996  
Mark O. Brown  
Director

#### AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

**WAC 296-27-15503 Special exemptions for confidential reports within the department's files.** Whenever a departmental file contains ((any)) an investigative report or information from ((an independent)) a source ((that has requested that the information contained in the department's file be protected as confidential, such information will not be released without court order)) who furnished such information under an express promise that the identity of such source would be held in confidence, such investigative report or information shall be exempt from disclosure to the extent that disclosure would reveal the identity of the source. If an investigative report can be disclosed in such a way as to conceal its source, the contents of such report may be withheld only to the extent necessary to do so. When such information is withheld, the records officer shall ((clearly identify which information has been)) give a general characterization of the information withheld and the information's source.

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

**WAC 296-27-16001 Definitions.** For the purpose of these inspection rules:

(1) "Department" shall mean the department of labor and industries.

(2) "De minimus violation" is a violation of a standard, where such violation, has no direct relationship to safety or health.

(3) "General violation" is a violation where any accident or occupational illness resulting from such violation probably would not cause death or serious physical harm but which would have a direct or immediate relationship to the safety and health of employees.

(4) "Nonabatement violation" exists when any employer fails to correct a violation(s) for which they have been cited, by the set abatement date.

(5) "Imminent danger violation" is any violation(s) resulting from conditions or practices in any place of employment, which are such that a danger exists which could reasonably be expected to cause death or serious physical harm, immediately or before such danger can be eliminated through the enforcement procedures otherwise provided by the Washington Industrial Safety and Health Act.

(6) "Industrial insurance experience factor" is based on a comparison of the actual incurred losses to the expected losses for the oldest three of the four fiscal years preceding the effective date of premium rates.

(a) An experience factor greater than 1.0000 indicates that an employer's actual incurred losses are greater than expected.

(b) An experience factor of less than 1.0000 indicates that an employer's actual incurred losses are less than expected.

(c) New firms and some firms qualifying for transition rating adjustments are assigned a base experience factor of 1.0000. Self-insured employers will be assigned a modification factor of less than 1.0000.

(7) "Industry" shall mean a group of businesses classified by standard industrial classification (SIC) code according to the type of activity in which they are engaged.

(8) "Investigative report" as used in RCW 49.17.260 shall include any memorandum, document, or report prepared by a departmental employee pertaining to an investigation or inspection performed pursuant to the Washington Industrial Safety and Health Act. However, investigative reports do not include the identity or any information that would reveal the identity of a confidential source who furnished information to the department under an express promise that the identity of such source would be held in confidence.

(9) "Repeat violation" includes any violation of a standard or order when a violation has previously been cited to the same employer when it identifies the same type of hazard.

((9))) (10) "Serious violation" shall be deemed to exist in a workplace if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in

use in such workplace, unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

((10))) (11) "Willful violation" is one involving a voluntary action, done either with an intentional disregard of, or plain indifference to, the requirements of the applicable Washington Administrative Code (WAC) rule(s).

Note: When management has knowledge that resistance to a specific WAC rule or rules exists within its work force, which results in a serious or imminent danger violation, and management fails to institute efforts to overcome that resistance, which are effective in practice, there shall be a rebuttable presumption that such failure constitutes voluntary action. This presumption may be rebutted by the employer's demonstration of good faith efforts to overcome resistance to the specific WAC rule or rules.

((11))) (12) "WISHA" shall mean the Washington Industrial Safety and Health Act.

((12))) (13) "Working hours" shall mean those times that an employer assigns an employee or employees to work at the work place.

((13))) (14) "Work place," "work site," and "job site" may be used interchangeably in the text of this chapter and shall mean any plant, yard, premises, room, or other place where an employee or employees are employed for the performance of labor or service over which the employer has the right of access or control. Work place shall include temporary labor camps.

**AMENDATORY SECTION** (Amending Order 92-15, filed 12/11/92, effective 1/15/93)

**WAC 296-62-07515 Control of chemical agents.** Chemical agents shall be controlled in such a manner that the workers exposure shall not exceed the applicable limits in WAC 296-62-075 through 296-62-07515.

**TABLE 1: LIMITS FOR AIR CONTAMINANTS**  
**Permissible Exposure Limits (PEL)**

Substance	CAS <sup>a</sup> / Number	TWA		STEL <sup>c</sup>		CEILING	Skin Designation
		ppm <sup>a</sup> / mg/m <sup>3</sup> <sup>b</sup>					
Abate, see Temephos	---	---	---	---	---	---	---
Acetaldehyde	75-07-0	100	180	150	270	---	---
Acetic acid	64-19-7	10	25	---	---	---	---
Acetic anhydride	108-24-7	---	---	---	---	5.0	20
Acetone	67-64-1	750	1800	1000	2400	---	---
Acetonitrile	75-05-8	40	70	60	105	---	---
2-Acetylaminofluorene (see WAC 296-62-073)	53-96-3	---	---	---	---	---	---
Acetylene	74-86-2	Simple	Asphyxiant	---	---	---	---
Acetylene dichloride (see 1,2-Dichloroethylene)	---	---	---	---	---	---	---
Acetylene tetrabromide	79-27-6	1.0	14	---	---	---	---
Acetylsalicylic acid (Aspirin)	50-78-2	---	5.0	---	---	---	---
Acrolein	107-02-8	0.1	0.25	0.3	0.8	---	---
Acrylamide	79-06-1	---	0.03	---	---	---	X
Acrylic acid	79-10-7	10	30	---	---	---	X
Acrylonitrile (see WAC 296-62-07341)	107-13-1	---	---	---	---	---	---
Aldrin	309-00-2	---	0.25	---	---	---	X
Allyl alcohol	107-18-6	2.0	5.0	4.0	10	---	X
Allyl Chloride	107-05-1	1.0	3.0	2.0	6.0	---	---
Allyl glycidyl ether (AGE)	106-92-3	5.0	22	10	44	---	---
Allyl propyl disulfide	2179-59-1	2.0	12	3.0	18	---	---
alpha-Alumina (see Aluminum oxide)	1344-28-1	---	---	---	---	---	---
Total dust		---	10	---	---	---	---
Respirable fraction		---	5.0	---	---	---	---
Aluminum, metal and oxide (as Al)	7429-90-5	---	---	---	---	---	---
Total dust		---	10	---	---	---	---
Respirable fraction		---	5.0	---	---	---	---
pyro powders	---	---	5.0	---	---	---	---
welding fumes f/	---	---	5.0	---	---	---	---
soluble salts	---	---	2.0	---	---	---	---
alkyls (NOC)	---	---	2.0	---	---	---	---
Alundum (see Aluminum oxide)	---	---	---	---	---	---	---
4-Aminodiphenyl (see WAC 296-62-073)	92-67-1	---	---	---	---	---	---
2-Aminoethanol (see Ethanolamine)	---	---	---	---	---	---	---
2-Aminopyridine	504-29-0	0.5	2.0	---	---	---	---
Amitrole	61-82-5	---	0.2	---	---	---	---
Ammonia	7664-41-7	25	18	35	27	---	---
Ammonium chloride, fume	12125-02-9	---	10	---	20	---	---
Ammonium sulfamate (Ammate)	7773-06-0	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---
n-Amyl acetate	628-63-7	100	525	---	---	---	---
sec-Amyl acetate	626-38-0	125	650	---	---	---	---
Aniline and homologues	62-53-3	2.0	8.0	---	---	---	X
Anisidine (o, p-isomers)	29191-52-4	0.1	0.5	---	---	---	X
Anitmony and Compounds (as Sb)	7440-36-0	---	0.5	---	---	---	---
ANTU (alpha Naphthyl thiourea)	86-88-4	---	0.3	---	---	---	---

Argon	7440-37-1	Simple	Asphyxiant	---	---	---	---	---
Arsenic, Organic compounds (as As)	7440-38-2	---	0.2	---	---	---	---	---
Arsenic, Inorganic compounds, (as As) (see WAC 296-62-07347 for applications and exclusions)	7440-38-2	---	0.2	---	---	---	---	---
Arsine	7784-42-1	0.05	0.2	---	---	---	---	---
Asbestos (see WAC 296-62-077 through 296-62-07753)	---	---	---	---	---	---	---	---
Asphalt (Petroleum fumes)	8052-42-4	---	5.0	---	---	---	---	---
Atrazine	1912-24-9	---	5.0	---	---	---	---	---
Azinphos methyl	86-50-0	---	0.2	---	---	---	---	X
Barium, soluble compounds (as Ba)	7440-39-3	---	0.5	---	---	---	---	---
Barium Sulfate	7727-43-7	---	---	---	---	---	---	---
Total dust	---	---	10.0	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Benomyl	17804-35-2	---	---	---	---	---	---	---
Total dust	---	0.8	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Benzene, (see WAC 296-62-07523)d/	71-43-2	1.0	---	5.0	---	---	---	---
Benzidine, (see WAC 296-62-073)	92-87-5	---	---	---	---	---	---	---
p-Benzoquimone, (see Quinone)	---	---	---	---	---	---	---	---
Benzo(a) pyrene; (see Coal tar pitch volatiles)	---	---	---	---	---	---	---	---
Benzoyl peroxide	94-36-0	---	5.0	---	---	---	---	---
Benzyl chloride	100-44-7	1.0	5.0	---	---	---	---	---
Beryllium and beryllium compounds (as Be)	7440-41-7	((0.002	0.005	0.025	)	---	0.025	---
		---	<u>0.002</u>	<u>0.005</u>		<u>(30 min.)</u>	<u>0.025</u>	
Biphenyl (see Diphenyl)	---	---	---	---	---	---	---	---
Bismuth telluride, Undoped	1304-82-1	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Bismuth telluride, Se-doped	---	---	5.0	---	---	---	---	---
Borates, tetra, sodium salts:	---	---	---	---	---	---	---	---
Anhydrous	1330-43-4	---	1.0	---	---	---	---	---
Decahydrate	1303-96-4	---	5.0	---	---	---	---	---
Pentahydrate	12179-04-3	---	1.0	---	---	---	---	---
Boron oxide	1303-86-2	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Boron tribromide	10294-33-4	---	---	---	---	1.0	10	---
Boron trifluoride	7637-07-2	---	---	---	---	1.0	3.0	---
Bromacil	314-40-9	1.0	10	---	---	---	---	---
Bromine	7726-95-6	0.1	0.7	0.3	2.0	---	---	---
Bromine pentafluoride	7789-30-2	0.1	0.7	---	---	---	---	---
Bromoform	15-25-2	0.5	5.0	---	---	---	---	X
Butadiene (1,3-butadiene)	106-99-0	10	22	---	---	---	---	---
Butane	106-97-8	800	1,900	---	---	---	---	---
Butanethiol (see Butyl mercaptan)	---	---	---	---	---	---	---	---
2-Butanone (Methyl ethyl ketone)	78-93-3	200	590	300	885	---	---	---

2-Butoxy ethanol (Butyl Cellosolve)	111-76-2	25	120	---	---	---	---	---	X
n-Butyl acetate	123-86-4	150	710	200	950	---	---	---	
sec-Butyl acetate	105-46-4	200	950	---	---	---	---	---	
tert-Butyl acetate	540-88-5	200	950	---	---	---	---	---	
Butyl acrylate	141-32-2	10	55	---	---	---	---	---	
n-Butyl alcohol	71-36-3	---	---	---	---	50	150		X
sec-Butyl alcohol	78-92-2	100	305	---	---	---	---	---	
tert-Butyl alcohol	75-65-0	100	300	150	450	---	---	---	
Butylamine	109-73-9	---	---	---	---	5.0	15		X
tert-Butyl chromate (see CrO <sub>3</sub> )	1189-85-1	---	---	---	---	---	0.1		X
n-Butyl glycidyl ether (BGE)	2426-08-6	25	135	---	---	---	---	---	
n-Butyl lactate	138-22-7	5.0	25	---	---	---	---	---	
Butyl mercaptan	109-79-5	0.5	1.5	---	---	---	---	---	
o-sec-Butylphenol	89-72-5	5.0	30	---	---	---	---	---	X
p-tert-Butyl-toluene	98-51-1	10	60	20	120	---	---	---	
Cadmium oxide fume, (as Cd) (see WAC 296-62-074)	1306-19-0	---	---	---	---	---	---	---	
Cadmium dust and salts (as Cd) (see WAC 296-62-074)	7440-43-9	---	---	---	---	---	---	---	
Calcium arsenate (see WAC 296-62-07347)	---	---	---	---	---	---	---	---	
Calcium carbonate	1317-65-3	---	---	---	---	---	---	---	
Total dust	---	---	10	---	---	---	---	---	
Respirable fraction	---	---	5.0	---	---	---	---	---	
Calcium cyanamide	156-62-7	---	0.5	---	---	---	---	---	
Calcium hydroxide	1305-62-0	---	5.0	---	---	---	---	---	
Calcium oxide	1305-78-8	---	2.0	---	---	---	---	---	
Calcium silicate	1344-95-2	---	---	---	---	---	---	---	
Total dust	---	---	10	---	---	---	---	---	
Respirable fraction	---	---	5.0	---	---	---	---	---	
Calcium sulfate	7778-18-9	---	---	---	---	---	---	---	
Total dust	---	---	10	---	---	---	---	---	
Respirable fraction	---	---	5.0	---	---	---	---	---	
Camphor (synthetic)	76-22-2	---	2.0	---	---	---	---	---	
Caprolactam; Dust	105-60-2	---	---	---	---	---	---	---	
Vapor	---	5.0	20	10	40	---	---	---	
Captafol (Difolatan)	2425-06-1	---	0.1	---	---	---	---	---	X
Captan	133-06-2	---	5.0	---	---	---	---	---	
Carbaryl (Sevin)	63-25-2	---	5.0	---	---	---	---	---	
Carbofuran (Furadon)	1563-66-2	---	0.1	---	---	---	---	---	
Carbon black	1333-86-4	---	3.5	---	---	---	---	---	
Carbon dioxide	124-38-9	5,000	9,000	30,00	54,000	---	---	---	
Carbon disulfide	75-15-0	4.0	12	12	36	---	---	---	X
Carbon monoxide	630-08-0	35	40	---	---	200 m/	229 m/	---	
Carbon tetrabromide	558-13-4	0.1	1.4	0.3	4.0	---	---	---	
Carbon tetrachloride	56-23-5	2.0	12.6	---	---	---	---	---	
Carbonyl chloride (see Phosgene)	---	---	---	---	---	---	---	---	
Carbonyl fluoride	353-50-4	2.0	5.0	5.0	15	---	---	---	
Catechol (Pyrocatechol)	120-80-9	5.0	20	---	---	---	---	---	X
Cellulose (paper fiber) Total dust	9004-34-6	---	---	---	---	---	---	---	
Respirable fraction	---	---	10	---	---	---	---	---	
Cesium hydroxide	21351-79-1	---	2.0	---	---	---	---	---	
Chlordane	57-74-9	---	0.5	---	---	---	---	---	X
Chlorinated camphene	8001-35-2	---	0.5	---	1.0	---	---	---	X
Chlorinated diphenyl oxide	55720-99-5	---	0.5	---	---	---	---	---	

Chlorine	7782-50-5	0.5	1.5	1.0	3.0	1.0	3.0	---
Chlorine dioxide	10049-04-4	0.1	0.3	0.3	0.9	---	---	---
Chlorine trifluoride	7790-91-2	--	--	--	--	0.1	0.4	---
Chloroacetaldehyde	107-20-0	--	--	--	--	1.0	3.0	---
a-Chloroacetophenone (Phenacyl chloride)	532-21-4	0.05	0.3	--	--	--	--	---
Chloroacetyl chloride	79-04-9	0.05	0.2	--	--	--	--	---
Chlorobenzene (Monochlorobenzene)	108-90-7	75	350	--	--	--	--	---
o-Chlorobenzylidene malononitrile (OCBM)	2698-41-1	--	--	--	--	0.05	0.4	X
Chlorobromomethane	74-97-5	200	1,050	--	--	--	--	---
2-Chloro-1, 3-butadiene (see beta-Chloroprene)	--	--	--	--	--	--	--	---
Chlorodifluoromethane	75-45-6	1,000	3,500	--	--	--	--	---
Chlorodiphenyl (42% Chlorine) (PCB)	53469-21-9	--	1.0	--	--	--	--	X
Chlorodiphenyl (54% Chlorine) (PCB)	11097-69-1	--	0.5	--	--	--	--	X
1-Chloro-2, 3-epoxypropane, (see Epichlorhydrin)	--	--	--	--	--	--	--	---
2-Chloroethanol (see Ethylene chlorohydrin)	--	--	--	--	--	--	--	---
Chloroethylene (see vinyl chloride)	--	--	--	--	--	--	--	---
Chloroform (Trichloromethane)	67-66-3	2.0	9.78	--	--	--	--	---
1-Chloro-1-nitropropane	600-25-9	2.0	10	--	--	--	--	---
bis-Chloromethyl ether (see WAC 296-62-073)	542-88-1	--	--	--	--	--	--	---
Chloromethyl methyl ether (see Methyl carbomethyl ether)	107-30-2	--	--	--	--	--	--	---
Chloropentafluoroethane	76-15-3	1,000	6,320	--	--	--	--	---
Chloropicrin	76-06-2	0.1	0.7	--	--	--	--	---
beta-Chloroprene	126-99-8	10	35	--	--	--	--	X
o-Chlorostyrene	2039-87-4	50	285	75	428	--	--	---
o-Chlorotoluene	95-49-8	50	250	--	--	--	--	---
2-Chloro-6-trichloromethyl pyridine (see Nitrapyrin)	1929-82-4	--	--	--	--	--	--	---
Total dust	--	--	10	--	--	--	--	---
Respirable fraction	--	--	5.0	--	--	--	--	X
Chlorpyrifos	2921-88-2	--	0.2	--	--	--	--	0.1
Chromic acid and chromates (as CrO <sub>3</sub> )	Varies	--	--	--	--	--	--	---
Chromium, sol, chromic, chromous salts (as Cr)	7440-47-3	--	0.5	--	--	--	--	---
Chromium (VI) compounds (as Cr)	--	--	0.05	--	--	--	--	---
Chromium Metal and ((insoluble)) insoluble salts	7440-47-3	--	0.5	--	--	--	--	---
Chromyl chloride	14977-61-8	0.025	0.15	--	--	--	--	---
Chrysene: (see Coal tar pitch volatiles)	--	--	--	--	--	--	--	---
Clopidol	2971-90-6	--	--	--	--	--	--	---
Total dust	--	--	10	--	--	--	--	---
Respirable fraction	--	--	5.0	--	--	--	--	---
Coal Dust (less than 5% SiO <sub>2</sub> )	--	--	2.0	--	--	--	--	---
Respirable fraction	--	--	0.1	--	--	--	--	---
Coal dust (greater than or equal to 5% SiO <sub>2</sub> )	--	--	--	--	--	--	--	---
Respirable fraction	--	--	--	--	--	--	--	---
Coal tar pitch volatiles	65996-93-2	--	0.2	--	--	--	--	---

(benzene soluble fraction anthracene, BaP, phenanthrene, acridine, chrysene, pyrene)								
Cobalt, metal fume & dust, (as Co)	7440-48-4	---	0.05	---	---	---	---	---
Cobalt carbonyl (as Co)	10210-68-1	---	0.1	---	---	---	---	---
Cobalt hydrocarbyl (as Co)	16842-03-8	---	0.1	---	---	---	---	---
Coke oven emissions (see WAC 296-62-200)	---	---	---	---	---	---	---	---
Copper fume (as Cu)	7440-50-8	---	0.1	---	---	---	---	---
Dusts and mists (as Cu)	---	---	1.0	---	---	---	---	---
Cotton dust (raw) e/	---	---	1.0	---	---	---	---	---
Corundum, (see Aluminum oxide)	---	---	---	---	---	---	---	---
Crag herbicide (Sesone)	136-78-7	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Cresol (all isomers)	1319-77-3	5.0	22	---	---	---	---	X
Crotonaldehyde	123-73-9;	2.0	6.0	---	---	---	---	---
4170-30-3								
Crufomate	299-86-5	---	5.0	---	---	---	---	---
Cumene	98-82-8	50	245	---	---	---	---	X
Cyanamide	420-04-2	---	2.0	---	---	---	---	---
Cyanide (as CN)		Varies	5.0	---	---	---	---	X
		with Compound						
Cyanogen	460-19-5	10	20	---	---	---	---	---
Cyanogen chloride	506-77-4	---	---	---	---	0.3	0.6	---
Cyclohexane	110-82-7	300	1,050	---	---	---	---	---
Cyclohexanol	108-93-0	50	200	---	---	---	---	X
Cyclohexanone	108-94-1	25	100	---	---	---	---	X
Cyclohexene	110-83-8	300	1,015	---	---	---	---	---
Cyclohexylamine	108-91-8	10	40	---	---	---	---	---
Cyclonite (see RDX)	121-82-4	---	1.5	---	---	---	---	X
Cyclopentadiene	542-92-7	75	200	---	---	---	---	---
Cyclopentane	287-92-3	600	1,720	---	---	---	---	---
Cyhexatin	13121-70-5	---	5.0	---	---	---	---	---
2,4-D (Dichlorophenoxy- acetic acid)	94-75-7	---	10	---	---	---	---	---
DDT (Dichlorodiphenyltri- chloroethane)	50-29-3	---	1.0	---	---	---	---	X
DDVP, Dichlorvos	62-73-7	0.1	1.0	---	---	---	---	X
Decaborane	17702-41-9	0.05	0.3	0.15	0.9	---	---	X
Demeton	8065-48-3	0.01	0.1	---	---	---	---	X
Diacetone alcohol (4-hydroxy-4-methyl-2-pentanone)	123-42-2	50	240	---	---	---	---	---
1, 2-Diaminoethane (see Ethylenediamine)	---	---	---	---	---	---	---	---
Diazinon	333-41-5	---	0.1	---	---	---	---	X
Diazomethane	334-88-3	0.2	0.4	---	---	---	---	---
Diborane	19287-45-7	0.1	0.1	---	---	---	---	---
Dibrom, (see Naled)	---	---	---	---	---	---	---	---
1, 2-Dibromo-3-chloropropane (see WAC 296-62-07345)	96-12-3	---	---	---	---	---	---	---
2-N-Dibutylamino ethanol	102-81-8	2.0	14	---	---	---	---	X
Dibutyl phosphate	107-66-4	1.0	5.0	2.0	10	---	---	---
Dibutyl phthalate	84-74-2	---	5.0	---	---	---	---	---
Dichloroacetylene	7572-29-4	---	---	---	---	0.1	0.4	---
o-Dichlorobenzene	95-50-1	---	---	---	---	50	300	---
p-Dichlorobenzene	106-46-7	75	450	110	675	---	---	---
3, 3'-Dichlorobenzidine (see WAC 296-62-073)	91-94-1	---	---	---	---	---	---	---

Dichlorodifluoromethane	75-71-8	1,000	4,950	---	---	---	---	---
1, 3-Dichloro-5, 5-dimethyl hydantoin	118-52-5	---	0.2	---	0.4	---	---	---
1, 1-Dichloroethane	75-34-3	100	400	---	---	---	---	---
1, 2-Dichloroethane (see Ethylene dichloride)	---	---	---	---	---	---	---	---
1, 2-Dichloroethylene	540-59-0	200	790	---	---	---	---	---
1, 1-Dichloroethylene (see Vinylidene chloride)	---	---	---	---	---	---	---	---
Dichloroethyl ether	111-44-4	5.0	30	10	60	---	---	X
Dichlorofluoromethane	75-43-4	10	40	---	---	---	---	---
Dichlormethane (see Methylene chloride)	---	---	---	---	---	---	---	---
1, 1-Dichloro-1-nitroethane	594-72-9	2.0	10.	10.	---	---	---	---
1, 2-Dichloropropane (see Propylene dichloride)	---	---	---	---	---	---	---	---
Dichloropropene	542-75-6	1.0	5.0	---	---	---	---	X
2, 2-Dichloropropionic acid	75-99-0	1.0	6.0	---	---	---	---	---
Dichlorotetrafluoroethane	76-14-2	1,000	7,000	---	---	---	---	---
Dichlorvos (DDVP)	62-73-7	0.1	1.0	---	---	---	---	X
Dicrotophos	141-66-2	---	0.25	---	---	---	---	X
Dicyclopentadiene	77-73-6	5.0	30	---	---	---	---	---
Dicyclopentadienyl iron Total dust	102-54-5	---	---	---	---	---	---	---
Respirable fraction	---	---	10	---	---	---	---	---
Dieldrin	60-57-1	---	0.25	---	---	---	---	X
Diethanolamine	111-42-2	3.0	15	---	---	---	---	---
Diethylamine	109-89-7	10	30	25	75	---	---	---
2-Diethylaminoethanol	100-37-8	10	50	---	---	---	---	X
Diethylene triamine	111-40-0	1.0	4.0	---	---	---	---	X
Diethyl ether (see Ethyl ether)	---	---	---	---	---	---	---	---
Diethyl ketone	96-22-0	200	705	---	---	---	---	---
Diethyl phthalate	84-66-2	---	5.0	---	---	---	---	---
Difluorodibromomethane	75-61-6	100	860	---	---	---	---	---
Diglycidyl ether (DGE)	2238-07-5	0.1	0.5	---	---	---	---	---
Dihydroxybenzene (see Hydroquinone)	---	---	---	---	---	---	---	---
Diisobutyl ketone	108-83-8	25	150	---	---	---	---	---
Diisopropylamine	108-18-9	5.0	20	---	---	---	---	X
Dimethoxymethane (see Methylal)	---	---	---	---	---	---	---	---
Dimethyl acetamide	127-19-5	10	35	---	---	---	---	X
Dimethylamine	124-40-3	10	18	---	---	---	---	---
4-Dimethylaminoazobenzene (see WAC 296-62-073)	60-11-7	---	---	---	---	---	---	---
Dimethylaminobenzene (see Xyldene)	---	---	---	---	---	---	---	---
Dimethylaniline (N, N-Dimethylaniline)	121-69-7	5.0	25	10	50	---	---	X
Dimethylbenzene (see Xylene)	---	---	---	---	---	---	---	---
Dimethyl-1, 2-dibromo-2, 2-dichloroethyl phosphate (see Naled)	300-76-5	---	3.0	---	---	---	---	X
Dimethylformamide	68-12-2	10	30	---	---	---	---	X
2, 6-Dimethylheptanone (see Diisobutyl ketone)	---	---	---	---	---	---	---	---
1, 1-Dimethylhydrazine	57-14-7	0.5	1.0	---	---	---	---	X
Dimethyl phthalate	131-11-3	---	5.0	---	---	---	---	---
Dimethyl sulfate	77-78-1	0.1	0.5	---	---	---	---	X
Dinitolmide (3, 5-Dinitro-o-toluamide)	148-01-6	---	5.0	---	---	---	---	---

Dinitrobenzene (all isomers)	(alpha) 528-29-0; 0.15 (meta) 99-65-0; (para) 100-25-4	1.0	---	---	---	---	---	X
Dinitro-o-cresol	534-52-1	---	0.2	---	---	---	---	X
Dinitrotoluene	25321-14-6	---	1.5	---	---	---	---	X
Dioxane (Diethylene dioxide)	123-91-1	25	90	---	---	---	---	X
Dioxathion	78-34-2	---	0.2	---	---	---	---	X
Diphenyl (Biphenyl)	92-52-4	0.2	1.0	---	---	---	---	X
Diphenylamine	122-39-4	---	10	---	---	---	---	---
Diphenylmethane diisocyanate (see Methylene bisphenyl isocyanate (MDI))	---	---	---	---	---	---	---	---
Dipropylene glycol methyl ether	34590-94-8	100	600	150	900	---	---	X
Dipropyl ketone	123-19-3	50	235	---	---	---	---	---
Diquat	85-00-7	---	0.5	---	---	---	---	---
Di-sec, Octyl phthalate (Di-2-ethylhexylphthalate)	117-81-7	---	5.0	---	10	---	---	---
Disulfiram	97-77-8	---	2.0	---	---	---	---	---
Disulfoton	298-04-4	---	0.1	---	---	---	---	X
2, 6-Di-tert-butyl-p-cresol	128-37-0	---	10	---	---	---	---	---
Diuron	330-54-1	---	10	---	---	---	---	---
Divinyl benzene	1321-74-0	10	50	---	---	---	---	---
Emery	12415-34-8	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Endosulfan (Thiodan)	115-29-7	---	0.1	---	---	---	---	---
Endrin	72-20-8	---	0.1	---	---	---	---	X
Epichlorhydrin	106-89-8	2.0	8.0	---	---	---	---	X
EPN	2104-64-5	---	0.5	---	---	---	---	X
1, 2-Epoxypropane (see Propylene oxide)	---	---	---	---	---	---	---	---
2, 3-Epoxy-1-propanol (see Glycidol)	---	---	---	---	---	---	---	---
Ethane	---	Simple	Asphyxiant	---	---	---	---	---
Ethanethiol (see Ethyl mercaptan)	---	---	---	---	---	---	---	---
Ethanolamine	141-43-5	3.0	8.0	6.0	15	---	---	---
Ethion	563-12-2	---	0.4	---	---	---	---	X
2-Ethoxyethanol	110-80-5	5.0	19	---	---	---	---	X
2-Ethoxyethyl acetate (Cellosolve acetate)	111-15-9	5.0	27	---	---	---	---	X
Ethyl acetate	141-78-6	400	1,400	---	---	---	---	---
Ethyl acrylate	140-88-5	5.0	20	25	100	---	---	X
Ethyl alcohol (ethanol)	64-17-5	1,000	1,900	---	---	---	---	---
Ethylamine	75-04-07	10	18	---	---	---	---	---
Ethyl amyl ketone (5-Methyl-3-heptanone)	541-85-5	25	130	---	---	---	---	---
Ethyl benzene	100-41-4	100	435	125	545	---	---	---
Ethyl bromide	74-96-4	200	890	250	1,110	---	---	---
Ethyl butyl ketone (3-Heptanone)	106-35-4	50	230	---	---	---	---	---
Ethyl chloride	75-00-3	1,000	2,600	---	---	---	---	---
Ethylene	74-85-1	Simple	Asphyxiant	---	---	---	---	---
Ethylene chlorohydrin	107-07-3	---	---	---	---	1.0	3.0	X
Ethylenediamine	107-15-3	10	25	---	---	---	---	X
Ethylene dibromide	106-93-4	0.1	---	0.5	---	---	---	---
Ethylene dichloride	107-06-2	1.0	4.0	2.0	8.0	---	---	---
Ethylene glycol	107-21-1	---	---	---	---	50	125	---
Ethylene glycol dinitrate	628-96-6	---	---	---	0.1	---	---	X

Ethylene glycol monomethyl ether acetate (Methyl cellosolve acetate)	---	5.0	24	---	---	---	---	---	X
Ethyleneimine (see WAC 296-62-073)	151-56-4	---	---	---	---	---	---	---	X
Ethylene oxide (see WAC 296-62-07353)	75-21-8	1.0	2.0	---	---	---	---	---	---
Ethyl ether	60-29-7	400	1,200	500	1,500	---	---	---	---
Ethyl formate	109-94-4	100	300	---	---	---	---	---	---
Ethyldine chloride (see 1, 1-Dichloroethane)	---	---	---	---	---	---	---	---	---
Ethyldene norbornene	16219-75-3	---	---	---	---	5.0	25	---	---
Ethyl mercaptan	75-08-1	0.5	1.0	---	---	---	---	---	---
n-Ethylmorpholine	100-74-3	5.0	23	---	---	---	---	---	X
Ethyl sec-amyl ketone (5-methyl-3-heptanone)	---	25	130	---	---	---	---	---	---
Ethyl silicate	78-10-4	10	85	---	---	---	---	---	---
Fenamiphos	22224-92-6	---	0.1	---	---	---	---	---	X
Fensulfothion (Dasanit)	115-90-2	---	0.1	---	---	---	---	---	---
Fenthion	55-38-9	---	0.2	---	---	---	---	---	X
Ferbam	14484-64-1	---	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---	---
Ferrovanadium dust	12604-58-9	---	1.0	---	3.0	---	---	---	---
Fluorides (as F)	Varies	---	2.5	---	---	---	---	---	---
Fluorine	7782-41-4	0.1	0.2	---	---	---	---	---	---
Fluorotrichloromethane (see Trichlorofluoro methane)	75-69-4	---	---	---	---	1,000	5,600	---	---
Fonofos	944-22-9	---	0.1	---	---	---	---	---	X
Formaldehyde (see WAC 296-62-07540)	50-00-0	1.0	---	2.0	---	---	---	---	---
Formamide	75-12-7	20	30	30	45	---	---	---	---
Formic acid	64-18-6	5.0	9.0	---	---	---	---	---	---
Furfural	98-01-1	2.0	8.0	---	---	---	---	---	X
Furfuryl alcohol	98-00-0	10	40	15	60	---	---	---	X
Gasoline	8006-61-9	300	900	500	1,500	---	---	---	---
Germanium tetrahydride	7782-65-2	0.2	0.6	---	---	---	---	---	---
Glass, fibrous or dust	---	---	10	---	---	---	---	---	---
Glutaraldehyde	111-30-8	---	---	---	---	0.2	0.8	---	---
Glycerin mist	56-81-5	---	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---	---
Glycidol	556-52-5	25	75	---	---	---	---	---	---
(2, 3-Epoxy-1- propanol)	---	---	---	---	---	---	---	---	---
Glycol monoethyl ether (see 2-Ethoxyethanol)	---	---	---	---	---	---	---	---	---
Grain dust (oat, wheat, barley)	---	---	10	---	---	---	---	---	---
Graphite, natural	7782-42-5	---	---	---	---	---	---	---	---
Respirable dust	---	---	2.5	---	---	---	---	---	---
Graphite, Synthetic	---	---	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---	---
Guthion (see Azinphosmethyl)	---	---	---	---	---	---	---	---	---
Gypsum	13397-24-5	---	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---	---
Hafnium	7440-58-6	---	0.5	---	---	---	---	---	---
Helium	---	Simple	Asphyxiant	---	---	---	---	---	---
Heptachlor	76-44-8	---	0.5	---	---	---	---	---	X
Heptane (n-heptane)	142-82-5	400	1,600	500	2,000	---	---	---	---

2-Heptanone, (see Methyl n-amyl ketone)	---	---	---	---	---	---	---	---
3-Heptanone (see Ethyl butyl ketone)	---	---	---	---	---	---	---	---
Hexachlorobutadiene	87-68-3	0.02	0.24	---	---	---	---	X
Hexachlorocyclopentadiene	77-47-4	0.01	0.1	---	---	---	---	---
Hexachloroethane	67-72-1	1.0	10	---	---	---	---	X
Hexachloronaphthalene	1335-87-1	---	0.2	---	---	---	---	X
Hexafluoroacetone	684-16-2	0.1	0.7	---	---	---	---	X
Hexane	---	---	---	---	---	---	---	---
n-hexane	110-54-3	50	180	---	---	---	---	---
other Isomers	Varies w/compound	500	1,800	1,000	3,600	---	---	---
2-Hexanone (Methyl-n-butyl ketone)	591-78-6	5.0	20	---	---	---	---	---
Hexone (Methyl isobutyl ketone)	108-10-1	50	205	75	300	---	---	---
sec-Hexyl acetate	108-84-9	50	300	---	---	---	---	---
Hexylene Glycol	107-41-5	---	---	---	---	25	125	---
Hydrazine	302-01-2	0.1	0.1	---	---	---	---	X
Hydrogen	---	Simple	Asphyxiant	---	---	---	---	---
Hydrogenated terphenyls	61788-32-7	0.5	5.0	---	---	---	---	---
Hydrogen bromide	10035-10-6	---	---	---	---	3.0	10	---
Hydrogen chloride	7647-01-0	---	---	---	---	5.0	7.0	---
Hydrogen cyanide	74-90-8	---	---	4.7	5.0	---	---	X
Hydrogen fluoride	7664-39-3	---	---	---	---	3.0	2.5	---
Hydrogen peroxide	7722-84-1	1.0	1.4	---	---	---	---	---
Hydrogen selenide (as Se)	7783-07-5	0.05	0.2	---	---	---	---	---
Hydrogen Sulfide	7783-06-4	10	14	15	21	---	---	---
Hydroquinone	123-31-9	---	2.0	---	---	---	---	---
4-Hydroxy-4-methyl-2-pentanone (see Diacetone alcohol)	---	---	---	---	---	---	---	---
2-Hydroxypropyl acrylate	999-61-1	0.5	3.0	---	---	---	---	X
Indene	95-13-6	10	45	---	---	---	---	---
Indium and compounds (as In)	7440-74-6	---	0.1	---	---	---	---	---
Iodine	7553-56-2	---	---	---	---	0.1	1.0	---
Iodoform	75-47-8	0.6	10	---	---	---	---	---
Iron oxide dust and fume (as Fe)	1309-37-1	---	---	---	---	---	---	---
Total particulate	---	---	5.0	---	---	---	---	---
Iron pentacarbonyl (as Fe)	13463-40-6	0.1	0.8	0.2	1.6	---	---	---
Iron salts, soluble (as Fe)	Varies w/compound	---	1.0	---	---	---	---	---
Isoamyl acetate	123-92-2	100	525	---	---	---	---	---
Isoamyl alcohol (primary and secondary)	123-51-3	100	360	125	450	---	---	---
Isobutyl acetate	110-19-0	150	700	---	---	---	---	---
Isobutyl alcohol	78-83-1	50	150	---	---	---	---	---
Isooctyl alcohol	26952-21-6	50	270	---	---	---	---	X
Isophorone	78-59-1	4.0	23	---	---	5.0	25	---
Isophorone diisocyanate	4098-71-9	0.005	0.045	0.02	---	---	---	X
Isopropoxyethanol	109-59-1	25	105	---	---	---	---	---
Isopropyl acetate	108-21-4	250	950	310	1,185	---	---	---
Isopropyl alcohol	67-63-0	400	980	500	1,225	---	---	---
Isopropylamine	75-31-0	5.0	12	10	24	---	---	---
N-Isopropylaniline	768-52-5	2.0	10	---	---	---	---	X
Isopropyl ether	108-20-3	250	1,050	---	---	---	---	---
Isopropyl glycidyl ether (IGE)	4016-14-2	50	240	75	360	---	---	---
Kaolin	---	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Ketene	463-51-4	0.5	0.9	1.5	3.0	---	---	---

Lead inorganic (as Pb) (see WAC 296-62-07521)	7439-92-1	---	0.05	---	---	---	---	---
Lead arsenate (see WAC 296-62-07347)	3687-31-8	---	0.05	---	---	---	---	---
Lead chromate	7758-97-6	---	0.05	---	---	---	---	---
Limestone	1317-65-3							
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Lindane	58-89-9	---	0.5	---	---	---	---	X
Lithium hydride	7580-67-8	---	0.025	---	---	---	---	---
L.P.G. (liquefied petroleum gas)	68476-85-7	1,000	1,800	---	---	---	---	---
Magnesite	546-93-0							
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Magnesium oxide fume	1309-48-4	---	---	---	---	---	---	---
Total particulate	---	---	10	---	---	---	---	---
Malathion	121-75-5							
Total dust	---	---	10	---	---	---	---	X
Maleic anhydride	108-31-6	0.25	1.0	---	---	---	---	---
Manganese and compound (as Mn)	7439-96-5	---	---	---	---	---	5.0	---
Manganese tetroxide and fume (as Mn)	7439-96-5	---	1.0	---	3.0	---	---	---
Manganese cyclopentadienyl tricarbonyl (as Mn)	12079-65-1	---	0.1	---	---	---	---	X
Manganese tetroxide (as Mn)	1317-35-7	---	1.0	---	---	---	---	---
Marble	1317-65-3							
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Mercury (aryl and inorganic) (as Hg)	7439-97-6	---	---	---	---	---	0.1	X
Mercury (organo-alkyl compounds) (as Hg)	7439-97-6	---	0.01	---	0.03	---	---	X
Mercury (vapor) (as Hg)	7439-97-6	---	0.05	---	---	---	---	X
Mesityl oxide	141-79-7	15	60	25	100	---	---	---
Methacrylic acid	79-41-4	20	70	---	---	---	---	X
Methane	---	Simple	Asphyxiant	---	---	---	---	---
Methanethiol (see Methyl mercaptan)	---	---	---	---	---	---	---	---
Methomyl (lannate)	16752-77-5	---	2.5	---	---	---	---	---
Methoxychlor	72-43-5							
Total dust	---	---	10	---	---	---	---	---
2-Methoxyethanol (Methyl cellosolve)	109-86-4	5.0	16	---	---	---	---	X
4-Methoxyphenol	150-76-5	---	5.0	---	---	---	---	---
Methyl acetate	79-20-9	200	610	250	760	---	---	---
Methyl acetylene (propyne)	74-99-7	1,000	1,650	---	---	---	---	---
Methyl acetylene-propadiene mixture (MAPP)	---	1,000	1,800	1,250	2,250	---	---	---
Methyl acrylate	96-33-3	10	35	---	---	---	---	X
Methylacrylonitrile	126-98-7	1.0	3.0	---	---	---	---	X
Methylal (Dimethoxy-methane)	109-87-5	1,000	3,100	---	---	---	---	---
Methyl alcohol (methanol)	67-56-1	200	260	250	325	---	---	X
Methylamine	74-89-5	10	12	---	---	---	---	---
Methyl amyl alcohol (see Methyl isobutyl carbinol)	---	---	---	---	---	---	---	---
Methyl n-amyl ketone (2-Heptanone)	110-43-0	50	235	---	---	---	---	---
N-Methyl aniline (see Monomethyl aniline)	---	---	---	---	---	---	---	---
Methyl bromide	74-83-9	5.0	20	---	---	---	---	X

Methyl butyl ketone (see 2-Hexanone)	---	---	---	---	---	---	---	---	---
Methyl cellosolve (see 2-Methoxyethanol)	109-86-4	5.0	16	---	---	---	---	---	X
Methyl cellosolve acetate (2-Methoxyethyl acetate)	110-49-6	5.0	24	---	---	---	---	---	X
Methyl chloride	74-87-3	50	105	100	210	---	---	---	---
Methyl chloroform (1, 1, 1-trichlorethane)	71-55-6	350	1,900	450	2,450	---	---	---	---
Methyl chloromethyl ether (see WAC 296-62-073)	107-30-2	---	---	---	---	---	---	---	---
Methyl 2-cyanoacrylate	137-05-3	2.0	8.0	4.0	16	---	---	---	---
Methylcyclohexane	108-87-2	400	1,600	---	---	---	---	---	---
Methylcyclohexanol	25639-42-3	50	235	---	---	---	---	---	---
Methylcyclohexanone	583-60-8	50	230	75	345	---	---	X	---
Methylcyclopentadienyl manganese tricarbonyl (as Mn)	12108-13-3	---	0.2	---	---	---	---	---	X
Methyl demeton	8022-00-2	---	0.5	---	---	---	---	---	X
Methylene bisphenyl isocyanate (MDI)	101-68-8	---	---	---	---	0.02	0.2	---	---
4, 4'-Methylene bis (2-chloroaniline (MBOCA)) (see WAC 296-62-073)	101-14-4	0.02	0.22	---	---	---	---	---	X
Methylene bis (4-cyclohexylisocyanate)	5124-30-1	---	---	---	---	0.01	0.11	---	---
Methylene chloride	75-09-2	100	---	500	---	---	---	---	---
4, 4-Methylene dianiline	101-77-9	0.1	0.8	---	---	---	---	---	X
Methyl ethyl ketone (MEK) (see 2-Butanone)	78-93-3	---	---	---	---	---	---	---	---
Methyl ethyl ketone peroxide (MEKP)	1338-23-4	---	---	---	---	0.2	1.5	---	---
Methyl formate	107-31-3	100	250	150	375	---	---	---	---
5-Methyl-3-heptanone (see Ethyl amyl ketone)	---	---	---	---	---	---	---	---	---
Methyl hydrazine (see Monomethyl hydrazine)	60-34-4	---	---	---	---	0.2	0.35	X	---
Methyl iodide	74-88-4	2.0	10	---	---	---	---	---	X
Methyl isoamyl ketone	110-12-3	50	240	---	---	---	---	---	---
Methyl isobutyl carbinol	108-11-2	25	100	40	165	---	---	---	X
Methyl isobutyl ketone (see Hexone)	---	---	---	---	---	---	---	---	---
Methyl isocyanate	624-83-9	0.02	0.05	---	---	---	---	---	X
Methyl isopropyl ketone	563-80-4	200	705	---	---	---	---	---	---
Methyl mercaptan	74-93-1	0.5	1.0	---	---	---	---	---	---
Methyl methacrylate	80-62-6	100	410	---	---	---	---	---	---
Methyl parathion	298-00-0	---	0.2	---	---	---	---	---	X
Methyl propyl ketone (see 2-Pentanone)	---	---	---	---	---	---	---	---	---
Methyl silicate	684-84-5	1.0	6.0	---	---	---	---	---	---
alpha-Methyl styrene	98-83-9	50	240	100	485	---	---	---	---
Methylene bisphenyl isocyanate (MDI)	101-68-8	---	---	---	---	0.02	0.2	---	---
Mevinphos (see Phosdrin)	---	---	---	---	---	---	---	---	---
Metribuzin	21087-64-9	---	5.0	---	---	---	---	---	---
Mica (see Silicates)	---	---	---	---	---	---	---	---	---
Molybdenum (as Mo) Soluble compounds	7439-98-7	---	---	---	---	---	---	---	---
Insoluble compounds	---	---	5.0	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---	---
Monocrotophos (Azodrin)	6923-22-4	---	0.25	---	---	---	---	---	---
Monomethyl aniline	100-61-8	0.5	2.0	---	---	---	---	---	X

Monomethyl hydrazine	---	---	---	---	---	0.2	0.35	---
Morpholine	110-91-8	20	70	30	105	---	---	X
Naled	300-76-5	---	3.0	---	---	---	---	X
Naphtha (Coal tar)	8030-30-6	100	400	---	---	---	---	X
Naphthalene	91-20-3	10	50	15	75	---	---	---
alpha-Naphthylamine (see WAC 296-62-073)	134-32-7	---	---	---	---	---	---	---
beta-Naphthylamine (see WAC 296-62-073)	91-59-8	---	---	---	---	---	---	---
Neon	7440-01-9	Simple	Asphyxiant	---	---	---	---	---
Nickel carbonyl (as Ni)	13463-39-3	0.001	0.007	---	---	---	---	---
Nickle, (as Ni)	7440-02-0	---	1.0	---	---	---	---	---
Metal and insoluble compounds	---	0.1	---	---	---	---	---	---
Soluble compounds	---	0.5	---	---	---	---	---	X
Nicotine	54-11-5	---	10	---	---	---	---	---
Nitrapyrin (see 2-Chloro-6-trichloromethyl pyridine)	1929-82-4	---	5.0	---	---	---	---	---
Total dust	7697-37-2	2.0	5.0	4.0	10	---	---	---
Respirable fraction	10102-43-9	25	30	---	---	---	---	X
Nitric acid	100-01-6	---	3.0	---	---	---	---	X
Nitric oxide	98-95-3	1.0	5.0	---	---	---	---	---
p-Nitroaniline	92-93-3	---	---	---	---	---	---	---
Nitrobenzene	100-00-5	---	0.5	---	---	---	---	X
4-Nitrobiphenyl (see WAC 296-62-073)	---	---	---	---	---	---	---	---
p-Nitrochlorobenzene	55-63-0	100	310	---	---	---	---	---
4-Nitrodiphenyl (see WAC 296-62-073)	7727-37-9	Simple	Asphyxiant	---	---	---	---	---
Nitroethane	10102-44-0	---	---	1.0	1.8	---	---	---
Nitrogen	7783-54-2	10	29	---	---	---	---	---
Nitrogen trifluoride	75-52-5	100	250	---	---	---	---	---
Nitroglycerin	108-03-2	25	90	---	---	---	---	---
Nitromethane	79-46-9	10	35	---	---	---	---	---
1-Nitropropane	62-75-9	---	---	---	---	---	---	---
2-Nitropropane	88-72-2	2.0	11	---	---	---	---	X
N-Nitrosodimethylamine (see WAC 296-62-073)	98-08-2	2.0	11	---	---	---	---	X
Nitrotoluene: o-isomer	99-99-0	2.0	11	---	---	---	---	X
m-isomer	---	---	---	---	---	---	---	X
p-isomer	---	---	---	---	---	---	---	---
Nitrotirchloromethane (see Chloropicrin)	10024-97-2	((30 50))	54))	---	---	---	---	---
Nitrous Oxide (Nitrogen oxide)	111-84-2	200	1,050	---	---	---	---	---
Nonane	2234-13-1	---	0.1	---	0.3	---	---	X
Octachloronaphthalene	111-65-9	300	1,450	375	1,800	---	---	---
Octane	8012-95-1	---	5.0	---	---	---	---	---
Oil mist, mineral (particulate)	20816-12-0	0.0002	0.002	0.0006	0.006	---	---	---
Osmium tetroxide (as Os)	144-62-7	---	1.0	---	2.0	---	---	---
Oxalic acid	7783-41-7	---	---	---	0.05	0.1	---	---
Oxygen difluoride	10028-15-6	0.1	0.2	0.3	0.6	---	---	---
Ozone	8002-74-2	---	2.0	---	---	---	---	---
Paraffin wax fume	4685-14-7	---	0.1	---	---	---	---	X
Paraquat (Respirable dust)	1910-42-5	---	---	---	---	---	---	---
	2074-50-2	---	0.1	---	---	---	---	X
Parathion	56-38-2	---	---	---	---	---	---	---

Particulate polycyclic aromatic hydrocarbons (see coal tar pitch volatiles)	---	---	---	---	---	---	---	---
Particulates not otherwise regulated (see WAC 296-62-07510)	---	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Pentaborane	19624-22-7	0.005	0.01	0.015	0.03	---	---	---
Pentachloronaphthalene	1321-64-8	---	0.5	---	---	---	---	---
Pentachlorophenol	87-86-5	---	0.5	---	---	---	---	X
Pentaerythritol	115-77-5	---	---	---	---	---	---	X
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Pentane	109-66-0	600	1,800	750	2,250	---	---	---
2-Pentanone (methyl propyl ketone)	107-87-9	200	700	250	875	---	---	---
Perchloroethylene (tetrachloroethylene)	127-18-4	25	170	---	---	---	---	---
Perchloromethyl mercaptan	594-42-3	0.1	0.8	---	---	---	---	---
Perchloryl fluoride	7616-94-6	3.0	14	6.0	28	---	---	---
Perlite	---	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Petroleum distillates (Naptha) (Rubber Solvent)	---	100	400	---	---	---	---	---
Phenol	108-95-2	5.0	19	---	---	---	---	X
Phenothiazine	92-84-2	---	5.0	---	---	---	---	X
p-Phenylenediamine	106-50-3	---	0.1	---	---	---	---	X
Phenyl ether (vapor)	101-84-8	1.0	7.0	---	---	---	---	X
Phenyl ether-diphenyl mixture (vapor)	---	1.0	7.0	---	---	---	---	---
Phenylethylene, (see Styrene)	---	---	---	---	---	---	---	---
Phenyl glycidyl ether (PGE)	122-60-1	1.0	6.0	---	---	---	---	---
Phenylhydrazine	100-63-0	5.0	20	10	45	---	---	X
Phenyl mercaptan	108-98-5	0.5	2.0	---	---	---	---	---
Phenylphosphine	638-21-1	---	---	---	---	0.05	0.25	---
Phorate	298-02-2	---	0.05	---	0.2	---	---	X
Phosdrin (Mevinphos)	7786-34-7	0.01	0.1	0.03	0.3	---	---	X
Phosgene (carbonyl chloride)	75-44-5	0.1	0.4	---	---	---	---	---
Phosphine	7803-51-2	0.3	0.4	1.0	1.0	---	---	---
Phosphoric acid	7664-38-2	---	1.0	---	3.0	---	---	---
Phosphorus (yellow)	7723-14-0	---	0.1	---	---	---	---	---
Phosphorous oxychloride	10025-87-3	0.1	0.6	---	---	---	---	---
Phosphorus pentachloride	10026-13-8	0.1	1.0	---	---	---	---	---
Phosphorus pentasulfide	1314-80-3	---	1.0	---	3.0	---	---	---
Phosphorus trichloride	7719-12-2	0.2	1.5	0.5	3.0	---	---	---
Phthalic anhydride	85-44-9	1.0	6.0	---	---	---	---	---
m-Phthalodinitrile	626-17-5	---	5.0	---	---	---	---	---
Picloram	1918-02-1	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Picric acid	88-89-1	---	0.1	---	---	---	---	X
Pindone (see Pival) (2-Pivalyl-1, 3-indandione)	83-26-1	---	0.1	---	---	---	---	---
Piperazine dihydrochloride	142-64-3	---	5.0	---	---	---	---	---
Pival (see Pindone)	---	---	---	---	---	---	---	---
Plaster of Paris	26499-65-0	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---

Platinum (as Pt)	7440-06-4	---	---	---	---	---	---	---
Metal		---	1.0	---	---	---	---	---
Soluble salts		---	0.002	---	---	---	---	---
Polychlorobiphenyls (see Chlorodiphenyls)	---	---	---	---	---	---	---	---
Portland cement	65997-15-1	---	---	---	---	---	---	---
Total dust		---	10	---	---	---	---	---
Respirable fraction		---	5.0	---	---	---	---	---
Potassium hydroxide	1310-58-3	---	---	---	---	---	2.0	---
Propane	74-98-6	1,000	1,800	---	---	---	---	---
Propargyl alcohol	107-19-7	1.0	2.0	---	---	---	---	X
beta-Propiolactone (see WAC 296-62-073)	57-57-8	---	---	---	---	---	---	---
Propionic acid	79-09-4	10	30	---	---	---	---	---
Propoxur (Baygon)	114-26-1	---	0.5	---	---	---	---	---
n-Propyl acetate	109-60-4	200	840	250	1,050	---	---	---
n-Propyl alcohol	71-23-8	200	500	250	625	---	---	X
n-Propyl nitrate	627-13-4	25	105	40	170	---	---	---
Propylene	---	Simple	Asphyxiant	---	---	---	---	---
Propylene dichloride (1, 2-Dichloropropane)	78-87-5	75	350	110	510	---	---	---
Propylene glycol dinitrate	6423-43-4	0.05	0.3	---	---	---	---	X
Propylene glycol monomethyl ether	107-98-2	100	360	150	540	---	---	---
Propylene imine	75-55-8	2.0	5.0	---	---	---	---	X
Propylene oxide	75-56-9	20	50	---	---	---	---	---
Propyne, (see Methyl acetylene)	---	---	---	---	---	---	---	---
Pyrethrum	8003-34-7	---	5.0	---	---	---	---	---
Pyridine	110-86-1	5.0	15	---	---	---	---	---
Quinone	106-51-4	0.1	0.4	---	---	---	---	---
RDX (see Cyclonite)	---	---	1.5	---	---	---	---	X
Resorcinol	108-46-3	10	45	20	90	---	---	---
Rhodium (as Rh)	7440-16-6							
Insoluble compounds,								
Metal fumes and dusts	---	---	0.1	---	---	---	---	---
Soluble compounds, salts	---	---	0.001	---	---	---	---	---
Ronnel	299-84-3	---	10	---	---	---	---	---
Rosin core solder, pyrolysis products (as formaldehyde)	---	---	0.1	---	---	---	---	---
Rotenone	83-79-4	---	5.0	---	---	---	---	---
Rouge								
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Rubber solvent (naphtha)	8002-05-9	100	400	---	---	---	---	---
Selenium compounds (as Se)	7782-49-2	---	0.2	---	---	---	---	---
Selenium hexafluoride (as Se)	7783-79-1	0.05	0.2	---	---	---	---	---
Sesone (see Crag herbicide)	---	---	---	---	---	---	---	---
Silane (see Silicon tetrahydride)	---	---	---	---	---	---	---	---
Silica, amorphous, precipitated and gel	112926-00-8	---	6.0	---	---	---	---	---
Silica, amorphous, diatomaceous earth, containing less than 1% crystalline silica	61790-53-2	---	6.0	---	---	---	---	---
Total dust	---	---	6.0	---	---	---	---	---
Respirable fraction	---	---	3.0	---	---	---	---	---
Silica, crystalline cristobalite, respirable dust	14464-46-1	---	0.05	---	---	---	---	---
Silica, crystalline quartz, respirable dust	14808-60-7	---	0.1 g/ h	---	---	---	---	---

Silica, crystalline tripoli (as quartz), respirable dust	1317-95-9	---	0.1	---	---	---	---	---
Silica, crystalline tridymite, respirable dust	15468-32-3	---	0.05	---	---	---	---	---
Silica, fused, respirable dust	60676-86-0	---	0.1	---	---	---	---	---
Silicates (less than 1% crystalline silica):								
Mica (Respirable dust)	12001-26-2	---	3.0	---	---	---	---	---
Soapstone, Total dust		---	6.0	---	---	---	---	---
Soapstone, Respirable dust		---	3.0	---	---	---	---	---
Talc (containing asbestos): use asbestos limit (see WAC 296-62-07517)								
Talc (containing no asbestos), Respirable dust	14807-96-6	---	2.0	---	---	---	---	---
Tremolite (see WAC 296-62-07517)								
Silicon	7440-21-3							
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Silicon Carbide	409-21-2							
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Silicon tetrahydride	7803-62-5	5.0	7.0	---	---	---	---	---
Silver, metal dust and soluble compounds (as Ag)	7440-22-4	---	0.01	---	---	---	---	---
Soapstone (see Silicates)	---	---	---	---	---	---	---	---
Sodium azide (as HN3) (as NaN3)	26628-22-8	---	---	---	---	0.1	0.3	X
Sodium bisulfite	7631-90-5	---	5.0	---	---	0.1	0.3	X
Sodium-2, 4-dichlorophenoxyethyl sulfate (see Crag herbicide)	---	---	---	---	---	---	---	---
Sodium fluoroacetate	62-74-8	---	0.05	---	0.15	---	---	X
Sodium hydroxide	1310-73-2	---	---	---	---	---	2.0	---
Sodium metabisulfite	7681-57-4	---	5.0	---	---	---	---	---
Starch	9005-25-8	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Stibine	7803-52-3	0.1	0.5	---	---	---	---	---
Stoddard solvent	8052-41-3	100	525	---	---	---	---	---
Strychnine	57-24-9	---	0.15	---	---	---	---	---
Styrene	100-42-5	50	215	100	425	---	---	---
Subtilisins	9014-01-1	---	---	---	0.00006	---	---	---
Sucrose	57-50-1	---	---	---	(60 min.)j/	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Sulfotep (see TEDP)	---	---	---	---	---	---	---	---
Sulfur dioxide	7446-09-5	2.0	5.0	5.0	13	---	---	X
Sulfur hexafluoride	2551-62-4	1,000	6,000	---	---	---	---	---
Sulfuric acid	7664-93-9	---	1.0	---	---	---	---	---
Sulfur monochloride	10025-67-9	---	---	---	---	1.0	6.0	---
Sulfur pentafluoride	5714-22-1	---	---	---	---	0.01	0.1	---
Sulfur tetrafluoride	7783-60-0	---	---	---	---	0.1	0.4	---
Sulfuryl fluoride	2699-79-8	5.0	20	10	40	---	---	---
Sulprofos	35400-43-2	---	1.0	---	---	---	---	---
Systox (see Demeton)	---	---	---	---	---	---	---	---

2, 4, 5-T	93-76-5	---	10	---	---	---	---	---
Talc (see Silicates)	---	---	---	---	---	---	---	---
Tantalum	7440-25-7	---	5.0	---	---	---	---	---
Metal and oxide dusts								
TEDP (Sulfotep)	3689-24-5	---	0.2	---	---	---	---	X
Tellurium and compounds (as Te)	13494-80-9	---	0.1	---	---	---	---	---
Tellurium hexafluoride (as Te)	7783-80-4	0.02	0.2	---	---	---	---	---
Temephos	3383-96-8	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
TEPP	107-49-3	0.004	0.05	---	---	---	---	X
Terphenyls	26140-60-3	---	---	---	---	0.5	5.0	---
1, 1, 1, 2-Tetrachloro-2, 2-difluoroethane	76-11-0	500	4,170	---	---	---	---	---
1, 1, 2, 2-Tetrachloro-1, 2-difluoroethane	76-12-0	500	4,170	---	---	---	---	---
1, 1, 2, 2-Tetrachloroethane	79-34-5	1.0	7.0	---	---	---	---	X
Tetrachloroethylene (see Perchloroethylene)	---	---	---	---	---	---	---	---
Tetrachloromethane (see Carbon tetrachloride)	---	---	---	---	---	---	---	---
Tetrachloronaphthalene	1335-88-2	---	2.0	---	---	---	---	X
Tetraethyl lead (as Pb)	78-00-2	---	0.075	---	---	---	---	X
Tetrahydrofuran	109-99-9	200	590	250	735	---	---	---
Tetramethyl lead (as Pb)	75-74-1	---	0.075	---	---	---	---	X
Tetramethyl succinonitrile	3333-52-6	0.5	3.0	---	---	---	---	X
Tetranitromethane	509-14-8	1.0	8.0	---	---	---	---	---
Tetrasodium pyrophosphate	7722-88-5	---	5.0	---	---	---	---	---
Tetryl (2, 4, 6-trinitrophenyl- methylnitramine)	479-45-8	---	1.5	---	---	---	---	X
Thallium (soluble compounds) (as Tl)	7440-28-0	---	0.1	---	---	---	---	X
4, 4-Thiobis (6-tert-butyl-m-cresol)	96-69-5	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Thioglycolic acid	68-11-1	1.0	4.0	---	---	---	---	X
Thionyl chloride	7719-09-7	---	---	---	---	1.0	5.0	---
Thiram (see WAC 296-62-07519)	137-26-8	---	5.0	---	---	---	---	---
Tin (as Sn)	7440-31-5	---	2.0	---	---	---	---	---
Inorganic compounds (except oxides)								
Tin, Organic compounds (as Sn)	7440-31-5	---	0.1	---	---	---	---	X
Tin Oxide (as Sn)	21651-19-4	---	2.0	---	---	---	---	---
Titanium dioxide	13463-67-7	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Toulene	108-88-3	100	375	150	560	---	---	---
Toluene-2, 4-diisocyanate (TDI)	584-84-9	0.005	0.04	0.02	0.15	---	---	---
m-Toluidine	108-44-1	2.0	9.0	---	---	---	---	X
o-Toluidine	95-53-4	2.0	9.0	---	---	---	---	X
p-Toluidine	106-49-0	2.0	9.0	---	---	---	---	X
Toxaphene (see Chlorinated camphene)	---	---	---	---	---	---	---	---
Tremolite (see Silicates)	---	---	---	---	---	---	---	---
Tributyl phosphate	126-73-8	0.2	2.5	---	---	---	---	---
Trichloroacetic acid	76-03-9	1.0	7.0	---	---	---	---	---
1, 2, 4-Trichlorobenzene	120-82-1	---	---	---	---	5.0	40	---
1, 1, 1-Trichloroethane (see Methyl chloroform)	---	---	---	---	---	---	---	---
1, 1, 2-Trichloroethane	79-00-5	10	45	---	---	---	---	---
Trichloroethylene	79-01-6	50	270	200	1,080	---	---	---

Trichlorofluoromethane	75-69-4	---	---	---	---	1,000	5,600	---
Trichloromethane (see Chloroform)	---	---	---	---	---	---	---	---
Trichloronaphthalene	1321-65-9	---	5.0	---	---	---	---	X
1, 2, 3-Trichloropropane	96-18-4	10	60	---	---	---	---	X
1, 1, 2-Trichloro-1, 2, 2-trifluoroethane	76-13-1	1,000	7,600	1,250	9,500	---	---	---
Tricyclohexyltin hydroxide (see Cyhexatin)	---	---	---	---	---	---	---	---
Triethylamine	121-44-8	10	40	15	60	---	---	---
Trifluorobromomethane	75-63-8	1,000	6,100	---	---	---	---	---
Trimellitic anhydride	552-30-7	0.005	0.04	---	---	---	---	---
Trimethylamine	75-50-3	10	24	15	36	---	---	---
Trimethyl benzene	25551-13-7	25	125	---	---	---	---	---
Trimethyl phosphite	121-45-9	2.0	10	---	---	---	---	---
2, 4, 6-Trinitrophenol (see Picric acid)	---	---	---	---	---	---	---	---
2, 4, 6-Trinitrophenyl- methylnitramine (see Tetryl)	---	---	---	---	---	---	---	---
2, 4, 6-Trinitrotoluene (TNT)	118-96-7	---	0.5	---	---	---	---	X
Triorthocresyl phosphate	78-30-8	---	0.1	---	---	---	---	X
Triphenyl amine	603-34-9	---	5.0	---	---	---	---	---
Triphenyl phosphate	115-86-6	---	3.0	---	---	---	---	---
Tungsten (as W)	7440-33-7	---	---	---	---	---	---	---
Soluble compounds	---	---	1.0	---	3.0	---	---	---
Insoluble compounds	---	---	5.0	---	10	---	---	---
Turpentine	8006-64-2	100	560	---	---	---	---	---
Uranium (as U)	7440-61-1	---	---	---	---	---	---	---
Soluble compounds	---	---	0.05	---	---	---	---	---
Insoluble compounds	---	---	0.2	---	0.6	---	---	---
n-Valeraldehyde	110-62-3	50	175	---	---	---	---	---
Vanadium (as V2O5)	1314-62-1	---	0.05	---	---	---	---	---
Respirable dust and fume								
Vegetable oil mist	---	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Vinyl acetate	108-05-1	10	30	20	60	---	---	---
Vinyl benzene (see Styrene)	---	---	---	---	---	---	---	---
Vinyl bromide	593-60-2	5.0	20	---	---	---	---	---
Vinyl chloride	75-01-4	---	---	---	---	---	---	---
(see WAC 296-62-07329)								
Vinyl cyanid	---	---	---	---	---	---	---	---
(see Acrylonitrile)								
Vinyl cyclohexene dioxide	106-87-6	10	60	---	---	---	---	X
Vinyl toluene	25013-15-4	50	240	---	---	---	---	---
Vinylidene chloride	75-35-4	1.0	4.0	---	---	---	---	---
(1, 1-Dichloroethylene)								
VM & P Naphtha	8032-32-4	300	1,350	400	1,800	---	---	---
Warfarin	81-81-2	---	0.1	---	---	---	---	---
Welding fumes f/ (total particulate)	---	---	5.0	---	---	---	---	---
Wood dust:	---	---	---	---	---	---	---	---
Nonallergenic;								
All soft woods and hard woods except allergenics	---	---	5.0	---	10	---	---	---
Allergenics; (e.g. cedar, mahogany and teak)	---	---	2.5	---	---	---	---	---
Xylenes(Xylol) (o-, m-, p-isomers)	1330-20-7	100	435	150	655	---	---	---
m-Xylene alpha, alpha-diamine	1477-55-0	---	---	---	---	---	0.1	X

Xyldine	1300-73-8	2.0	10	---	---	---	---	---	X
Yttrium	7440-65-5	---	1.0	---	---	---	---	---	---
Zinc chloride fume	7646-85-7	---	1.0	---	2.0	---	---	---	---
Zinc chromate (as Cr03)	Varies w/compound	---	0.05	---	---	---	0.1	---	---
Zinc oxide	1314-13-2								
Total dust	---	---	10	---	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---	---
Zinc oxide fume	1314-13-2	---	5.0	---	10	---	---	---	---
Zinc stearate	557-05-1								
Total dust	---	---	10	---	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---	---
Zirconium compounds (as Zr)	7440-67-2	---	5.0	---	10	---	---	---	---

Notes: a/ Parts of vapor or gas per million parts of contaminated air by volume at 25°C and 760 mm. Hg. pressure (torr.).

b/ Milligrams of substance per cubic meter of air. When a numerical entry for a substance is in the mg/m<sup>3</sup> column and not in the ppm column, then the number in the mg/m<sup>3</sup> column is exact. When numerical entries for a substance are in both the ppm and mg/m<sup>3</sup> columns, then the number in the ppm column is exact and the number in the mg/m<sup>3</sup> column may be rounded off.

c/ Duration is for 15 minutes, unless otherwise noted.

d/ The final benzene standard in WAC 296-62-07523 applies to all occupational exposures to benzene except some sub-segments of industry where exposures are consistently under the action level (i.e., distribution and sale of fuels, sealed containers and pipelines, coke production, oil and gas drilling and production, natural gas processing, and the percentage exclusion for liquid mixtures).

e/ This 8-hour TWA applies to respirable dust as measured by a vertical elutriator cotton dust sampler or equivalent instrument. The time-weighted average applies to the cotton waste processing operations of waste recycling (sorting, blending, cleaning, and willowing) and garetting. See also WAC 296-62-14533 for cotton dust limits applicable to other sectors.

f/ As determined from breathing-zone air samples.

g/ Total dust formula for Silica (as quartz) is:  

$$\frac{30 \text{ mg/m}^3}{\% \text{ SiO}_2 + 3}$$

h/ Both concentration and percent quartz for the application of this limit are to be determined from the fraction passing a size-selector with the following characteristics:

Aerodynamic diameter (unit_density_sphere)	Percent_passing_selector
2	90
2.5	75
3.5	50
5.0	25
10	0

containing less than 1% quartz. If 1% quartz, use quartz limit.

The measurements under this note refer to the use of an AEC (now NRC) instrument. The respirable fraction of coal dust is determined with an MRE the figure corresponding to that of 2.4 mg/m<sup>3</sup> in the table for coal dust is 4.5 mg/m<sup>3</sup>.

Notes: i/ The CAS number is for information only. Enforcement is based on the substance name. For an entry covering more than one metal compound measured as the metal, the CAS number for the metal is given — not CAS numbers for the individual compounds.

j/ Compliance with the subutilisins PEL is assessed by sampling with a high volume sampler (600-800 liters per minute) for at least 60 minutes.

m/ Sampling for the carbon monoxide ceiling shall be averaged over 5 minutes but an instantaneous reading over 1500 ppm shall not be exceeded.

TABLE 2  
TRANSITIONAL LIMITS

The transitional limits listed are in effect until December 31, 1992. These limits require the use of engineering controls, where feasible, the additional protection to achieve the more protective limits listed in Table 1 may be achieved using protective control measures as set forth in WAC 296-62-07501(3).

Substance	PEL ppm	Acceptable Ceiling Concentration		
		mg/m <sup>3</sup>	ppm	
Carbon disulfide	10	---	15	---
Carbon monoxide	50	55	---	---
Carbon tetrachloride	5.0	---	20	---
Chloroform (Trichloromethane)	10	50	50	240
Coal dust-respirable (less than 5% SiO <sub>2</sub> )	---	2.4	---	---
Cobalt metal, dust and fume (as Co)	---	0.1	---	---
Ethylene dichloride	10	---	15	---
Ethylene glycol dinitrate	0.05	0.3	0.2	1.0
Nitrogen dioxide	---	---	5.0	9.0
Nitroglycerin	0.05	0.5	0.2	2.0
Perchloroethylene (Tetra-chloroethylene)	50	---	200	---
Styrene	100	---	200	---

saving devices and a life ring would present a tripping hazard, the life ring may be omitted.

(8)(a) Along docks, walkways, or other fixed installations on or adjacent to open water more than five feet deep, approved life rings with at least ninety feet of one-fourth inch line attached, shall be provided. The life rings shall be spaced at intervals not to exceed two hundred feet and shall be kept in easily visible and readily accessible locations.

(b) When employees are assigned work at other casual locations where exposure to drowning exists, at least one approved life ring with at least ninety feet of line attached, shall be provided in the immediate vicinity of the work assigned.

(c) When work is assigned over water where the vertical drop from the accidental fall would exceed fifty feet, special arrangements shall be made with and approved by the department of labor and industries prior to such assignment.

(d) Lines attached to life rings on fixed locations shall be at least ninety feet in length, at least one-fourth inch in diameter, and have a minimum breaking strength of five hundred pounds. Similar lines attached to life rings on boats shall be at least fifty feet in length.

(e) Life rings must be United States Coast Guard approved thirty-inch size.

(f) Life rings and attached lines shall be maintained to retain at least seventy-five percent of their designed buoyancy and strength.

(g) Log broncs, boomscooters, and boomboats shall not be loaded with personnel or equipment so as to adversely affect their stability or seaworthiness.

(h) Boats shall not be operated at an excessive speed or handled recklessly.

(i) Boat fuel shall be transported and stored in approved containers. Refer to WAC 296-24-58501(19) for definition of approved.

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

**WAC 296-78-56505 Boats and mechanical devices on waters.** (1) The applicable provisions of the Standard for Fire Protection for Motorcraft, NFPA No. 302-1994, shall be complied with. Prior to starting the boat motor, any spilled fuel shall be removed and vapors shall be exhausted from any area in which they may accumulate.

(2) The bilge area shall be kept clean and oil, grease, fuel, or highly combustible materials shall not be allowed to accumulate.

(3) Adequate ventilation equipment shall be provided and used for the bilge area to prevent the accumulation of toxic or explosive gases or vapors.

(4) Adequate ventilation equipment shall be provided and used for the cabin area on enclosed cabin-type boats to prevent an accumulation of harmful gases or vapors.

(5) Deck and cabin lighting shall be provided and used where necessary to provide safe levels of illumination aboard boats. Boats operated during the period from sunset to sunrise, or in conditions of restricted visibility, shall display navigation lights as required by the United States Coast Guard. Searchlights or floodlights shall be provided to facilitate safe navigation and to illuminate working or boarding areas adjacent to the craft.

(6) Decks of pond boats shall be covered with nonslip material. On craft used by workers wearing calked shoes, all areas where the operator or workers must stand or walk shall be made of or be covered with wood or other suitable matting or nonslip material and such covering shall be maintained in good condition.

(7) Each boat shall be provided with a fire extinguisher and life ring with at least fifty feet of one-fourth inch line attached. On log broncs, boom-scooters, or other small boomboats where all occupants are required to wear life

**WAC 296-78-56513 Log carriages.** (1) Carriages upon which employees are required to work shall be solidly decked over.

(2) Dogs. Dogging devices shall be adequate to secure logs, cants, or boards, during sawing operations.

(3) The feed control lever of friction or belt driven carriage feed works shall be arranged to operate away from the saws or carriage track.

(4) A quick action valve, controlled from the sawyer's stand, shall be located in the steam line to any steam operated feed works. The valve shall be tested daily.

(5) Valves in steam feeds shall be closed and locked in a neutral position before the sawyer leaves his station. Leaking steam valves or piping shall not be used on carriage drives.

(6)(a) Where employees ride the headrig carriage, clearance of the rear edge of the carriage shall be either not more than two inches or shall be not less than thirty inches from the side wall of the building. The side wall shall be boarded over smoothly to height of not less than six feet six inches from the setter's platform and for at least the length of the carriage travel. Where the clearance is thirty inches

or more the floor between the back side of the setter's platform and the wall shall be raised to the level of the platform. The clearance between the floor edge and the platform shall not be more than two inches.

(b) Barriers and warning signs. A barrier shall be provided to prevent employees from entering the space necessary for travel of the carriage, with headblocks fully receded, for the full length and extreme ends of carriage runways. Warning signs shall be posted at possible entry points to this area.

(7) Safe access to the head rig shall be provided.

(8) No roof truss or roof timber or other obstruction shall be located within six feet six inches of the upper surface of the setter's platform on any carriage.

(9) Doors which lead onto a passageway at the end or side of the carriage runway shall be provided with a handrail opposite such doorway. Handrail shall not be less than eighteen inches from the carriage run. A warning sign shall be posted on the entrance side of such doorways.

(10) A stop or bumper capable of stopping the loaded carriage at operating speed shall be installed at each end of the carriage run.

(11) Rail sweeps shall be installed in front of the front wheels in the direction of travel. Such sweeps shall extend to within one-fourth inch of the rail.

(12) Where power operated log turners are used, carriage knees shall be provided with goosenecks or other means of protecting the carriage crew from climbing logs.

(13) Employees shall use a stick or wire brush to clear head blocks of debris.

(14) All weakened or broken carriage boards which will not support the load to be imposed with a safety factor of 4, shall be immediately replaced.

(15) Carriage control. A positive means shall be provided to prevent unintended movement of the carriage. This may involve a control locking device, a carriage tie-down, or both.

#### AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-570 Band saws—Saws.** (1) Band head rigs shall be given a thorough daily inspection and any deficiency reported and corrected.

(2) Any band saw found to have developed a crack greater than one-tenth the width of the saw shall be removed from service until the width of the saw is reduced to eliminate the crack, the cracked section is removed, or the development of the crack ((in [is])) is arrested by welding.

(3) Band saws shall not be continued in use of the head rig for which they have been designed after they have been reduced forty percent in width.

(4) Leather gloves, or equivalent hand protection, shall be worn by employees while changing band saws.

(5) All head band saw wheels shall have a minimum rim thickness of five-eighths inch, except for a distance of not to exceed one inch from the front edge of the wheel.

(6) Provisions shall be made for alerting and warning employees before starting band head saws, and measures shall be taken to insure that all persons are in the clear.

(7) No band saw shall be run at a peripheral speed in excess of that recommended by the manufacturer. The manufacturer's recommended maximum speed shall be stamped in plainly legible figures on some portion of the assembly.

(8) A band wheel that has developed a crack in the rim shall be immediately removed from service. If a crack has developed in a spoke the wheel shall be removed from service until repaired.

(9) All band wheels shall be completely encased or guarded on both sides. The exposed part of the saw blade on the uptravel between the two wheels shall be encased, and no portion of the blade exposed, except such part of the cutting edge as is essential for sawing the material at hand.

(10) All band wheel guards shall be constructed of not less than ten U.S. gauge metal, or not less than two inch wood material or equivalent, attached to the frames. Ventilating ports shall not exceed 2 x 4 inches in size. Openings necessary for lubrication or repair of the saw shall have doors or gates of equivalent strength to the remainder of the guard, and such doors or gates shall be securely closed during operation.

(11) Every band mill shall be equipped with a saw catcher, rest or guard of substantial construction.

(12) All band saws other than head mills shall be enclosed or guarded except the working side of the blade between the guide and the table. The guard for the portion of the saw between the sliding guide and the upper saw wheel guard shall be adjusted with the guide.

(13) Each gang ripper of band or straight saw type shall have the cutting edges of the saw guarded by a hood or screen secured to the framework of the machine.

#### AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-580 Edgers.** (1) Edgers shall be guarded by a metal housing of ten gauge sheet metal, ten gauge by one-half inch mesh wire, screen, or by a baffle of not less than two inch wood material.

(2) Openings in end frames shall be enclosed with sheet metal, wire screen or wood and may be hinged or arranged to permit oiling and removal of saws.

(3) The top of the edger shall be guarded to prevent contact by employees or debris being thrown and all chains and gears fully enclosed as required by WAC 296-78-710 of this chapter.

(4) Vertical arbor edgers installed ahead of the main saw shall be so located and guarded that an employee cannot contact any part of the edger saws from his normal operating position.

(5) Edgers shall not be located in the main roll case behind the head saw.

(6) All edgers shall be equipped with pressure feed rolls. The controls shall be installed and located so that from the normal work station the operator can quickly stop the infeed drive without releasing the hold down tension of the pressure rolls.

(7) All edgers shall be provided with a method of preventing or guarding against kickbacks. Finger units or dogs installed at the edger, or hinged steel plates suspended

across the feed table may be used for this purpose. A kickback barricade, in line with the edger, if fenced off may be used.

(8) Pressure and feed rolls on edgers shall be guarded against accidental contact by means of roll covers, bars or strips. The pressure rolls shall not be lifted while stock is being run, or while any person is in line with the feed side of the saws.

(9) Edger men shall not raise feed rolls and reach between saws while edger is in operation.

(10) Edger men shall not put hands on cants being run through the edger.

(11) Live rolls and rotating powered tailing devices in back of edger shall operate at a speed not less than the speed of the edger feed rolls.

(12) Tables in back of edgers shall be kept clear of cants, edgings and unnecessary debris.

#### AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-605 Swing saws.** (1) Manually operated swing cut-off saws of the following types shall be set up, guarded and operated in accordance with WAC 296-24-16515, general safety and health standards:

- Saws into which materials to be cut are fed or positioned and/or held in position by hand pressure during the cutting stroke; and/or

- Saws on which the cutting stroke is propelled by hand pressure; and/or

- Saws on which the operator is within arm's reach of the blade when the operator is standing at the operator's control station and the blade is fully extended to the limit of operating travel.

(2) Operators of hand operated swing saws shall not stand directly in front of saw while making a cut.

(3) Swing cut-off saws which are fed by powered live rolls, conveyor chains and/or belts and which are operated from a remote operator's station (defined as being beyond arm's reach of the blade when the blade is fully extended to the limit of operating travel) shall be set up, guarded and operated in accordance with the following:

(a) Overhead swing cut-off saws shall be guarded by a hood which shall cover the upper half of the cutting edge at least to the depth of the teeth.

((2)) (b) The driving belts on overhead swing cut-off saws, where exposed to contact, shall be provided with guards as required by WAC ((296-78-030)) 296-78-71505.

((3)) (c) Saws shall be completely enclosed when in idle position.

((4)) (d) Power operated swing saws shall have controls so arranged that the operators will not stand directly in front of saw when making cut.

((5)) (e) All swing saws shall be equipped with a counter balance which shall be permanently fastened to the frame of the saw and so arranged or adjusted that it will return the saw beyond the rear edge of the table or roll case without a rebounding motion. Wire rope, chain or nonmetallic rope running to a weight over a sheave shall not be used for attaching counter balance.

((6)) (f) No swing cut-off or trim saw shall be located directly in line with stock coming from an edger.

((7)) (g) Swing limit stops shall be provided and so adjusted that at no time shall the forward swing of the saw extend the cutting edge of the saw beyond a line perpendicular with the edge of the saw table, roll case, guard or barrier.

((8)) (h) Saws that are fed into the cut by means of air, steam, hydraulic cylinders, or other power device or arrangement shall be designed so they can be locked or rendered inoperative.

((9)) (i) Foot treadle operated saws shall be provided with safeguards to prevent accidental contact.

((10)) (j) Swing saws on log decks shall be equipped with a positive stop for the protection of persons who may be on the opposite side of the log haul chute.

((11)) Operators of hand operated swing saws shall not stand directly in front of saw while making cut.

((12)) (k) Tables or roll casings for swing saws shall be provided with stops or lineup rail to prevent material being pushed off on opposite side.

(4) Operators of hand operated swing saws shall not stand directly in front of saw while making cut.

#### AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-620 Miscellaneous woodworking machines—Planers, stickers, molders, matchers.** (1) Each planing, molding, sticking and matching machine shall have all cutting heads, and saws if used, covered by a solid metal guard. If such guard is constructed of sheet metal, the material used shall be not less than one-sixteenth inch in thickness, and if cast iron is used, it shall be not less than three-sixteenths inch in thickness.

(2) Planers, stickers, molding, sticking and matching machines shall be provided with exhaust fans, hoods and dust conveyors to remove the harmful dusts, etc., from the vicinity of the operator. Such hoods may be arranged to serve as guards for cutting heads.

(3) Planers and other machinery or equipment shall not be oiled while in motion, unless provided with guards or other devices to permit oiling without any possibility of contact with moving parts of machinery.

(4) Feed rolls shall be guarded by means of roll covers, bars or strips, attached to the roll frame in such manner as to remain in adjustment for any thickness of lumber.

(5)(a) Levers or controls shall be so arranged or guarded as to prevent accidental operation of machines.

(b) Foot treadle operated machines shall have a treadle guard fastened over the treadle.

(c) Locks, blocks, or other device shall be provided for positive immobilization of machine controls while repairs or adjustments are being made.

(6) Side head hoods shall be of sufficient height to safeguard the head set screw.

(7) Side heads shall not be adjusted while machine is in operation, except when extension adjusting devices are provided.

(8) Side belt and pulley guards shall be kept in place at all times the machine is in motion.

(9) All universal joints shall be enclosed.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-635 Jointers.** (1) Each hand feed jointer or buzz planer with horizontal head shall be provided with an automatic guard over the cutting head both in front of and in back of the guide.

(2) Each jointer or buzz planer with horizontal head shall be equipped with a cylindrical cutting head, the throat of which shall not exceed three-eighths inch in depth or one-half inch in width. The knife projection shall not exceed one-eighth inch beyond the cylindrical body of the head.

(3) The opening in the table shall be kept as small as possible. The clearance between the edge of the rear table and the cutter head shall be not more than one-eighth inch. The table throat opening shall be not more than two and one-half inches when tables are set or aligned with each other for zero cut.

(4) Each jointer or buzz planer with vertical head shall be guarded by an exhaust hood or other approved device which shall completely enclose the revolving head except for a slot sufficiently wide to permit the application of material. The guard shall effectively protect the operator's hand from coming in contact with the revolving knives. The guard shall automatically adjust itself to cover the unused portion of the head and shall remain in contact with the material at all times.

((4))) (5) Push sticks shall be provided and used for feeding stock through hand operated jointers or buzz planers.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-650 Boring and mortising machines.** (1) Boring and mortising machines shall be provided with safety bit chucks without projecting set screws. Automatic machines shall be provided with point of operation guards. When necessary to prevent material from revolving with the bit, clamps or stops shall be provided and used to hold material firmly against the guides.

(2) The requirements of WAC 296-24-16525, general safety and health standards, shall be applicable to boring and mortising machines.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-660 Lathe (pail and barrel).** (1) Each profile, swing-head and back-knife lathe shall have all cutting heads covered by a solid metal guard.

(2) If sheet metal is used, it shall be not less than ten U.S. gauge in thickness. If cast metal is used, it shall be not less than three-sixteenths inch thick, or if aluminum is used, it shall be not less than five-eighths inch thick. The hood of the exhaust system may form part or all of the guard. When so used, the hood shall be constructed of metal of a thickness not less than that specified above.

(3) Pail and barrel lathes shall be guarded in accordance with the specifications for profile and back-knife lathes insofar as they are applicable.

(4) The requirements of WAC 296-24-16531, general safety and health standards, shall be applicable to pail and barrel lathes.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-665 Sanding machines.** (1) Each belt sanding machine shall have both pulleys enclosed in such a manner as to guard the points where the belt runs onto the pulleys. The edges of the unused run of belt shall be enclosed or otherwise guarded from contact by employees.

(2) Each drum sanding machine shall be provided with a guard so arranged as to completely enclose the revolving drum except such portion required for the application of the material to be finished. Guards with hinges to facilitate the insertion of sandpaper may be installed. The exhaust hood may form part or all of this guard. When so used, the hood shall conform to the specifications as given under exhaust systems in WAC 296-78-710.

(3) All standard stationary sanding machines shall be provided with exhaust systems in conformity with the section of this code dealing with exhaust systems.

(4) All portable sanding machines shall be provided with means of removing excessive dust, or employees using equipment shall be provided with such necessary respiratory protective equipment as will conform to the requirements of the general occupational health standards, chapter 296-62 WAC.

(5) The requirements of WAC 296-24-16533, general safety and health standards, shall be applicable to sanding machines.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-690 Veneer slicer and cutter.** (1) Each veneer slicer and each rotary veneer cutter shall have all revolving and other moving knives provided with guards.

(2) The requirements of WAC 296-24-16535, general safety and health standards, shall be applicable to veneer slicers and cutters.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-70503 Shake and shingle machinery—General.** (1) Track or swing cutoff circular saw.

(a) Manually operated track or swing circular cutoff saws of the following types shall be set up, guarded and operated in accordance with WAC 296-24-16515, general safety and health standards:

- Saws into which materials to be cut are fed or positioned and/or held in position by hand pressure during the cutting stroke; and

- Saws on which the cutting stroke is propelled by manual (hand) pressure; and

- Saws on which the operator is within arm's reach of the blade when the blade is fully extended to the limit of operating travel and the operator is standing at the operator's normal control station/location.

**(b) Large track or swing circular cutoff saws into which materials to be cut are fed by powered live rolls, conveyor belts and/or chains and which are operated from a remote operator's control station, defined as beyond arm's reach when the blade is fully extended to the limit of operating travel, shall be set up, guarded and operated in accordance with the following:**

**((i)) A power operated track or swing cutoff circular saw shall have controls so arranged that operators are not positioned directly in front of the saw while making a cut.**

**((b))) ((ii)) All track or swing cutoff circular saws shall be completely encased or guarded when the saw is in the retract position, except for that portion of the guard that must be left open for the operation of the saw.**

**((e))) ((iii)) Track or swing cutoff circular saw guards shall be constructed of sheet metal not less than one-eighth inch thick, or a wood guard of not less than nominal two inch thick wood material, or equivalent.**

Hinged or removable doors or gates will be permitted where necessary to permit adjusting and oiling.

**((d))) ((iv)) The driving belt(s) on the track or swing cutoff circular saw shall be guarded in accordance with the general safety and health standard, WAC 296-24-205 through 296-24-20533.**

**((e))) ((v)) A safety catch shall be provided to prevent the track cutoff saw from leaving the track.**

**(2) Overhead deck splitter - paragraph.**

**(a) Paragraph splitters shall have a shroud incorporated on the upper pressure plate to eliminate the possibility of the splitter moving from the operating area. This shroud shall be constructed of solid design with a minimum width of three inches and a minimum thickness of three-eighths inch.**

**(b) Mechanically operated overhead splitters shall have handles moving opposite the stroke of the piston.**

**(c) When the leading edge of the paragraph splitter is completely extended, the maximum clearance from the deck to the splitting edge shall be two inches.**

**(3) Power splitter saw. Power splitters shall have spreaders behind the saw to prevent materials from squeezing the saw or being thrown back on the operator. The top of the saw shall be completely covered.**

**(4) Knee bolter circular saw.**

**(a) A safety catch shall be provided to prevent the bolter carriage from leaving the track.**

**(b) Bolter saws shall be provided with a canopy guard of sheet metal not less than one-eighth inch thick, or cast iron guard not less than three-sixteenths inch thick or a wood guard of not less than nominal four inch thick wood material or equivalent.**

The bolter canopy guard shall completely enclose the rear portion of the saw. It shall be so arranged and adjusted as to cover the front of the saw; not to exceed twenty inches from the top of the carriage to the bottom of the guard on sixteen inch and eighteen inch block and twenty-six inches on twenty-four inch blocks, of the material being cut.

**(c) Bolter saws shall be provided with wipers of belting or other suitable material. These wipers shall be installed on both sides of the saw in such a manner as to deflect knots, chips, slivers, etc., that are carried by the saw.**

**(d) A positive device shall be provided and used to manually lock and hold the feed table in the neutral position when not in use.**

**(e) That portion of all bolter saws which is below and behind the saw table shall be guarded by the exhaust hood or other device. Hinged or removable doors or gates will be permitted where necessary to permit adjusting and oiling.**

**AMENDATORY SECTION** (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-71003 Floor and wall openings.** (1) All floor and wall openings either temporary or permanent, shall be protected as required by the general safety and health standards, WAC 296-24-750 through 296-24-75011.

(2) The area under floor openings shall, where practical, be fenced off. When this is not practical, the areas shall be plainly marked with yellow lines and telltails shall be installed to hang within five and one-half feet of the ground or floor level.

(3) Where floor openings are used to drop materials from one level to another, audible warning systems shall be installed and used to indicate to employees on the lower level that material is to be dropped.

**AMENDATORY SECTION** (Amending Order 94-16, filed 9/30/94, effective 11/20/94)

**WAC 296-78-71015 Tanks and chemicals.** (1) All open vats and tanks into which workers may fall shall be guarded with standard railings or screen guards in all cases where such guarding is possible with regard to practical operation.

(2) Foundations of elevated tanks shall be accessible for inspections. When the tank platform is more than five feet above the ground a stairway or ladder shall be permanently attached.

(3) Every open tank over five feet in height shall be equipped with fixed standard ladders both inside and out, extending from the bottom to the rim of the tank arranged to be accessible to each other, so far as local conditions permit.

(4) The use of chemicals for treating of lumber for prevention of sap stain or mold or as preservatives, shall conform to the requirements of WAC 296-62-11021, open surface tanks.

**(a) Storage, handling, and use of chemicals. Threshold limits. Employees shall not be exposed to airborne concentration of toxic dusts, vapors, mists or gases that exceed the threshold limit values set forth in chapter 296-24 WAC, Part A-2, general safety and health standards, and chapter 296-62 WAC, Part E, general occupational health standards.**

**(b) Protective equipment. The use of chemicals shall be controlled so as to protect employees from harmful exposure to toxic materials. Where necessary, employees shall be provided with and required to wear such protective equipment as will afford adequate protection against harmful exposure as required by chapter 296-24 WAC, Part A-2, general safety and health standards, and chapter 296-62 WAC, Part E, general occupational health standards.**

**(5)(a) Means shall be provided and used to collect any excess of chemicals used in treating lumber so as to protect**

workers from accidental contact with harmful concentrations of toxic chemicals or fumes.

(b) Dip tanks containing flammable or combustible liquids shall be constructed, maintained and used in accordance with WAC 296-24-405 of the general safety and health standards.

(c) An evacuation plan shall be developed and implemented for all employees working in the vicinity of dip tanks using flammable and/or combustible liquids. A copy of the plan shall be available at the establishment for inspection at all times. Every employee shall be made aware of the evacuation plan and know what to do in the event of an emergency and be evacuated in accordance with the plan. The plan shall be reviewed with employees at least quarterly and documented.

(d) When automatic foam, automatic carbon dioxide or automatic dry chemical extinguishing systems are used, an alarm device shall be activated to alert employees in the dip tank area before and during the activation of the system. The following combinations of extinguishment systems when used in conjunction with the evacuation plan as stated above will be acceptable in lieu of bottom drains:

(i) A dip tank cover with an automatic foam extinguishing system under the cover, or an automatic carbon dioxide system, or an automatic dry chemical extinguishing system, or an automatic water spray extinguishing system;

(ii) An automatic dry chemical extinguishing system with an automatic carbon dioxide system or a second automatic dry chemical extinguishing system or an automatic foam extinguishing system;

(iii) An automatic carbon dioxide system with a second automatic carbon dioxide system or an automatic foam extinguishing system.

(e) The automatic water spray extinguishing systems, automatic foam extinguishing systems, and dip tank covers shall conform with the requirements of WAC 296-24-405. The automatic carbon dioxide systems and dry chemical extinguishing system shall conform with the requirements of WAC 296-24-615 and 296-24-620.

(6) Where workers are engaged in the treating of lumber with chemicals or are required to handle lumber or other materials so treated, the workers shall be provided with, at no cost to the worker, and required to use such protective equipment as will provide complete protection against contact with toxic chemicals or fumes therefrom.

(7) Sanitation requirements. The requirements of WAC 296-24-120 through 296-24-13013 of the general safety and health standards, shall govern sanitation practices.

(8) The sides of steam vats and soaking pits unless otherwise guarded shall extend forty-two inches above the floor level. The floor adjacent thereto shall be of nonslip construction.

(9) Large steam vats or soaking pits, divided into sections, shall be provided with substantial walkways between each section, each walkway to be provided with standard railings which may be removable if necessary.

(10) Covers shall be removed only from that portion of the steaming vats on which workers are working and a portable railing shall be placed at this point to protect the operators.

(11) Workers shall not ride or step on logs in steam vats.

**AMENDATORY SECTION** (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-71017 Dry kilns.** (1) Dry kilns shall be so constructed upon solid foundations that tracks will not sag. Dry kilns shall be provided with suitable walkways. Each kiln shall have doors that operate from the inside and be provided with escape doors of adequate height and width to accommodate an average size man, that also operates from the inside, and shall be located in or near the main door. Escape doors shall swing in the direction of exit. Kiln doors and door carriers shall be fitted with safety devices to prevent the doors or carriers from falling.

(2) Ladders. A fixed ladder, in accordance with the requirements of WAC 296-24-810 through ((296-24-81009)) 296-24-81013 of the general safety and health standards, or other means shall be provided to permit access to the roof. Where controls and machinery are mounted on the roof, a permanent stairway with standard handrail shall be installed in accordance with the requirements of WAC 296-24-765 through 296-24-76523 of the general safety and health standards.

(3) A heated room shall be provided for the use of the kiln operator in inclement weather. He should remain in such room for at least ten minutes after leaving a hot kiln before going to cold outside air.

(4) Where operating pits are used, they shall be well ventilated, drained and lighted. Substantial gratings shall be installed at the kiln floor line. Steam lines shall be provided with insulation wherever exposed to contact by employees. Fans shall be enclosed by standard safeguards.

(5) Mechanical equipment. All belts, pulleys, blowers, and other exposed moving equipment used in or about kilns shall be guarded in accordance with the requirements of WAC 296-24-205 through 296-24-20533 of the general safety and health standards.

**AMENDATORY SECTION** (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-725 Nonionizing radiation.** (1) Only qualified and trained employees shall be assigned to install, operate, adjust, and maintain laser equipment. Proof of qualification of the laser equipment operator shall be available and in possession of operator at all times.

(2) Employees, when working in areas in which a ((potential exposure to direct or reflected laser light greater than 0.005 watts (5 milliwatts) exists, shall be provided with antilaser safety goggles which will protect for the specific wavelength of the laser and be of optical density (O.D.) adequate for the energy involved)) potentially hazardous exposure (see WAC 296-62-09005(4)) to direct or reflected laser radiation exists, shall be provided with antilaser eye protection devices specified in WAC 296-62-09005, general occupational health standards.

(3) Areas in which lasers are used shall be posted with standard laser warning placards.

(4) Beam shutters or caps shall be utilized, or the laser turned off, when laser transmission is not actually required.

When the laser is left unattended for a substantial period of time, such as during lunch hour, overnight, or at change of shifts, the laser shall be turned off or shutters or caps shall be utilized.

(5) The laser beam shall not be directed at employees.

(6) Only mechanical or electronic means shall be used as a detector for guiding the internal alignment of the laser.

(7) The laser equipment shall bear such labels, logos and data placards to indicate maximum output and class designation as required of the manufacturer at time of sale, by I.A.W. Part 1040, CFR Title 21. Such labels, logos, data placards, etc., shall be maintained in a legible condition.

((7)) (8) When it is raining or snowing, or when there is dust or fog in the air, and it is impracticable to cease laser system operation, employees shall be kept out of range of the area of source and target during such weather conditions.

(9) Employees shall not be exposed to light intensities in excess of:

(a) Direct staring: One micro-watt per square centimeter;

(b) Incidental observing: One milliwatt per square centimeter;

(c) Diffused reflected light: Two and one-half watts per square centimeter.

((8)) (10) The laser equipment shall not be modified except by the manufacturer.

(11) Laser unit in operation shall be set up above the heads of the employees, when possible.

(12) Employees shall not be exposed to radio frequency/microwave radiation in excess of the permissible exposure limits specified in WAC 296-62-09005.

#### AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

#### **WAC 296-78-750 Chains, wire rope, cables and fiber rope.** (1) Ropes, cables, slings, and chains.

(a) Safe usage. Ropes, cables, slings, and chains shall be used in accordance with safe use practices recommended by the manufacturer or within safe limits recommended by the equipment manufacturer when used in conjunction with it.

Work by qualified persons. Installation, inspection, maintenance, repair, and testing of ropes, cables, slings, and chains shall be done only by persons qualified to do such work.

(b) Proof testing. The employer shall ensure that before use, each new, repaired, or reconditioned alloy steel chain sling, including all welded components in the sling assembly, shall be proof tested by the sling manufacturer or equivalent entity, in accordance with paragraph 5.2 of the American Society of Testing and Materials Specification A391.65 (ANSI G61.1-1968). The employer shall retain the certificate of the proof test and shall make it available for examination. When a chain sling assembly is made up of segments of proof tested alloy chain and proof tested individual components such as mechanical coupling links, hooks and similar devices; it is not necessary to test the assembled unit, when appropriate test certification of individual components is available and the assembled sling is appropriately tagged by the manufacturer or equal entity. The sling shall not be

used in excess of the rated capacity of the weakest component.

(c) Slings. Slings and their fittings and fastenings, when in use, shall be inspected daily for evidence of overloading, excessive wear, or damage. Slings found to be defective shall be removed from service.

(2) Proper storage shall be provided for slings while not in use.

(3) Protection shall be provided between the sling and sharp unyielding surfaces of the load to be lifted.

(4) Hooks. No open hook shall be used in rigging to lift any load where there is hazard from relieving the tension on the hook from the load or hook catching or fouling.

(5) Ropes or cables. Wire rope or cable shall be inspected when installed and once each day thereafter, when in use. It shall be removed from hoisting or load-carrying service when kinked or when one of the following conditions exist:

(a) When three broken wires are found in one lay of 6 by 6 wire rope.

(b) When six broken wires are found in one lay of 6 by 19 wire rope.

(c) When nine broken wires are found in one lay of 6 by 37 wire rope.

(d) When eight broken wires are found in one lay of 8 by 19 wire rope.

(e) When marked corrosion appears.

(f) Wire rope of a type not described herein shall be removed from service when four percent of the total number of wires composing such rope are found to be broken in one lay.

(g) Condemned. When wire rope, slings or cables deteriorate through rust, wear, broken wires, kinking or other conditions, to the extent there is a reasonable doubt that the necessary safety factor is maintained, the use of such equipment shall be discontinued.

(6) Wire rope removed from service due to defects shall be plainly marked or identified as being unfit for further use on cranes, hoists, and other load-carrying devices.

(7) The ratio between the rope diameter and the drum, block, sheave, or pulley tread diameter shall be such that the rope will adjust itself to the bend without excessive wear, deformation, or injury. In no case shall the safe value of drums, blocks, sheaves, or pulleys be reduced when replacing such items unless compensating changes are made for rope used and for safe loading limits.

(8) Drums, sheaves, and pulleys. Drums, sheaves, and pulleys shall be smooth and free from surface defects liable to injure rope. Drums, sheaves, or pulleys having eccentric bores or cracked hubs, spokes, or flanges shall be removed from service.

(9) Connections. Connections, fittings, fastenings, and other parts used in connection with ropes and cables shall be of the quality, size and strength recommended by the manufacturer for the use intended. These connections shall be installed in accordance with the manufacturer's recommendations.

(10) Socketing, splicing, and seizing.

(a) Socketing, splicing, and seizing of cables shall be performed only by qualified persons.

(b) All eye splices shall be made in a manner recommended by the manufacturer and wire rope thimbles of proper size shall be fitted in the eye, except that in slings the use of thimbles shall be optional.

(11) Wire rope clips attached with U-bolts shall have these bolts on the dead or short end of the rope. The U-bolt nuts shall be retightened immediately after initial load carrying use and at frequent intervals thereafter. The number and spacing of clips shall be as follows:

Improved Plow Steel Diameter of Rope	Number of Clips (Drop Forged)	Required Other Material	Minimum Space Between Clips
3/8 to 5/8"	3	4	3-3/4"
3/4"	4	5	4-1/2"
7/8"	4	5	5-1/4"
1 "	5	6	6 "
1-1/8"	6	6	6-3/4"
1-1/4"	6	7	7-1/2"
1-3/8"	7	7	8-1/4"
1-1/2"	7	8	9 "

(a) When a wedge socket-type fastening is used, the dead or short end of the cable shall be clipped with a U-bolt or otherwise made secure against loosening.

(b) Fittings. Hooks, shackles, rings, pad eyes, and other fittings that show excessive wear or that have been bent, twisted, or otherwise damaged shall be removed from service.

(12) Running lines. Running lines of hoisting equipment located within six feet six inches of the ground or working level shall be boxed off or otherwise guarded, or the operating area shall be restricted.

(13) Preventing abrasion. The reeving of a rope shall be so arranged as to minimize chafing or abrading while in use.

(14) Sheave guards. Bottom sheaves shall be protected by close fitting guards to prevent cable from jumping the sheave.

(15) There shall be not less than two full wraps of hoisting cable on the drums of cranes and hoists at all times of operation.

(16) Where the cables are allowed to pile on the drums of cranes, the drums shall have a flange at each end to prevent the cables from slipping off the drum.

(17) Chains. Chains used in load carrying service shall be inspected before initial use and weekly thereafter.

If at any time any three-foot length of chain is found to have stretched one-third the length of a link it shall be discarded.

(18) Chains shall be spliced in compliance with the requirements of the general safety and health standard, WAC 296-24-29413.

(19) Wherever annealing of chains is attempted, it shall be done in properly equipped annealing furnaces and under the direct supervision of a competent person thoroughly versed in heat treating.

Chain shall be normalized or annealed periodically as recommended by the manufacturer.

(20) Fiber rope.

(a) Frozen fiber rope shall not be used in load carrying service.

(b) Fiber rope that has been subjected to acid shall not be used for load carrying purposes.

(c) Fiber rope shall be protected from abrasion by padding where it is fastened or drawn over square corners or sharp or rough surfaces.

#### AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-800 Crane rail stops, bumpers and fenders.** (1) Rail stops shall be provided at both ends of the crane runway and at ends of the crane bridge. When two trolleys are operated on the same bridge rails, bumpers shall be provided to prevent collision of trolleys.

(2) Bumpers and rail stops shall extend at least as high as the centers of the wheel.

(3) Rail stops shall be fastened to the girders or girders and rails, but not to the rails alone. This does not apply to portable rail stops. Portable rail stops shall not be used as permanent rail stops.

(4) Rail stops shall be built up of plates and angles or be made of cast steel.

(5) Fenders shall be installed which extend below the lowest point of the treads of gantry type crane wheels. They shall be ((f+eff)) of a shape and form that will tend to push or raise an employee's hand, arm or leg off the rail and away from the wheel.

#### AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-835 Vehicles.** (1) Vehicles.

(a) Scope. Vehicles shall include all mobile equipment normally used in sawmill, planing mill, storage, shipping, and yard operations, including log sorting yards.

(b) Lift trucks. Lift truck shall be designed, constructed, maintained and operated in accordance with the requirements of WAC 296-24-230 through 296-24-23035 of the general safety and health standards.

(c) Carriers. Drive chains on lumber carriers shall be adequately guarded to prevent contact at the pinch points.

(d)(i) Lumber carriers shall be so designed and constructed that the operator's field of vision shall not be unnecessarily restricted.

(ii) Carriers shall be provided with ladders or equivalent means of access to the operator's platform or cab.

(e) Lumber hauling trucks.

(i) On trucks where the normal operating position is ahead of the load in the direction of travel, the cab shall be protected by a barrier at least as high as the cab. The barrier shall be capable of stopping the weight of the load capacity of the vehicle if the vehicle were to be stopped suddenly while traveling at its normal operating speed. The barrier shall be constructed in such a manner that individual pieces of a normal load will not go through openings in the barrier.

(ii) Stakes, stake pockets, racks, tighteners, and binders shall provide a positive means to secure the load against any movement during transit.

(iii) Where rollers are used, at least two shall be equipped with locks which shall be locked when supporting loads during transit.

(2) ~~((All vehicles used in a sawmill, lumber yard, factory or other establishment shall be equipped with audible warning signals that shall be maintained in good order at all times.))~~ Warning signals and spark arrestors. All vehicles shall be equipped with audible warning signals and where practicable shall have spark arrestors.

(3) Flywheels, gears, sprockets and chains and other exposed parts that constitute a hazard to workers shall be enclosed in standard guards.

(4) All vehicles operated after dark or in any area of reduced visibility shall be equipped with head lights and backup lights which adequately illuminate the direction of travel for the normal operating speed of the vehicle. The vehicle shall also be equipped with tail lights which are visible enough to give sufficient warning to surrounding traffic at the normal traffic operating speed.

(5) All vehicles operated in areas where overhead hazards exist shall be equipped with an overhead guard for the protection of the operator.

(6) Where vehicles are so constructed and operated that there is a possibility of the operator being injured by backing into objects, a platform guard shall be provided and so arranged as not to hinder the exit of the driver.

(7) Trucks, lift trucks and carriers shall not be operated at excessive rates of speed. When operating on tramways or docks more than six feet above the ground or lower level they shall be limited to a speed of not more than twelve miles per hour. When approaching blind corners they shall be limited to four miles per hour.

(8) Vehicles shall not be routed across principal thoroughfares while employees are going to or from work unless pedestrian lanes are provided.

(a) Railroad tracks and other hazardous crossings shall be plainly posted and traffic control devices (American National Standard D8.1 - 1967 for Railroad-Highway Grade Crossing Protection) should be utilized.

(b) Restricted overhead clearance. All areas of restricted side or overhead clearance shall be plainly marked.

(c) Pickup and unloading points. Pickup and unloading points and paths for lumber packages on conveyors and transfers and other areas where accurate spotting is required, shall be plainly marked and wheel stops provided where necessary.

(d) Aisles, passageways, and roadways. Aisles, passageways, and roadways shall be sufficiently wide to provide safe side clearance. One-way aisles may be used for two-way traffic if suitable turnouts are provided.

(9) Where an operator's vision is impaired by the vehicle or load it is carrying, he shall move only on signal from someone so stationed as to have a clear view in the direction the vehicle is to travel.

(10) Lift trucks shall be equipped, maintained and operated in compliance with the requirements of the general safety and health standard, WAC 296-24-230 through 296-24-23035.

(11) Load limits. No vehicle shall be operated with loads exceeding its safe load capacity.

(12) Vehicles with internal combustion engines shall not be operated in enclosed buildings or buildings with ceilings less than sixteen feet high unless the buildings have ventilation adequate to maintain air quality as required by the general occupational health standard, chapter 296-62 WAC.

(13) Vehicles shall not be refueled while motor is running. Smoking or open flames shall not be allowed in the refueling area.

(14) No employee other than trained operators or mechanics shall start the motor of, or operate any log or lumber handling vehicle.

(15) All vehicles shall be equipped with brakes capable of holding and controlling the vehicle and capacity load upon any grade or incline over which they may operate.

(16) Unloading equipment and facilities.

(a) Machines used for hoisting, unloading, or lowering logs shall be equipped with brakes capable of controlling or holding the maximum load in midair.

(b) The lifting cylinders of all hydraulically operated log handling machines, where the load is lifted by wire rope, shall be equipped with a positive device for preventing the uncontrolled lowering of the load or forks in case of a failure in the hydraulic system.

(c) A limit switch shall be installed on powered log handling machines to prevent the lift arms from traveling too far in the event the control switch is not released in time.

(d) When forklift-type machines are used to load trailers, a means of securing the loading attachment to the fork shall be installed and used.

(e) A-frames and similar log unloading devices shall have adequate height to provide safe clearance for swinging loads and to provide for adequate crotch lines and spreader bar devices.

(f) Log handling machines used to stack logs or lift loads above operator's head shall be equipped with overhead protection.

(g) Unloading devices shall be equipped with a horn or other plainly audible signaling device.

(h) Movement of unloading equipment shall be coordinated by audible or hand signals when operator's vision is impaired or operating in the vicinity of other employees.

Lift trucks regularly used for transporting peeler blocks or cores shall have tusks or a similar type hold down device to prevent the blocks or cores from rolling off the forks.

(17) Where spinners are used on steering wheels, they shall be of the automatic retracting type or shall be built into the wheel in such a manner as not to extend above the plane surface of the wheel. Vehicles equipped with positive antikickback steering are exempted from this requirement.

(18) Mechanical stackers and unstackers shall have all gears, sprockets and chains exposed to the contact of workers, fully enclosed by guards as required by WAC 296-78-710 of this chapter.

(19) Manually operated control switches shall be properly identified and so located as to be readily accessible to the operator. Main control switches shall be so designed that they can be locked in the open position.

(20) Employees shall not stand or walk under loads being lifted or moved. Means shall be provided to positively block the hoisting platform when employees must go beneath the stacker or unstacker hoist.

(21) No person shall ride any lift truck or lumber carrier unless a suitable seat is provided, except for training purposes.

(22) Unstacking machines shall be provided with a stopping device which shall at all times be accessible to at least one employee working on the machine.

(23) Floor of unstacker shall be kept free of broken stickers and other debris. A bin or frame shall be provided to allow for an orderly storage of stickers.

(24) Drags or other approved devices shall be provided to prevent lumber from running down on graders.

(25) Liquified petroleum gas storage and handling. Storage and handling of liquified petroleum gas shall be in accordance with the requirements of WAC 296-24-475 through 296-24-47517 of the general safety and health standards.

(26) Flammable liquids. Flammable liquids shall be stored and handled in accordance with WAC 296-24-330 through 296-24-33019 of the general safety and health standards.

(27) Guarding side openings. The hoistway side openings at the top level of the stacker and unstacker shall be protected by enclosures of standard railings.

(28) Guarding hoistway openings. When the hoist platform or top of the load is below the working platform, the hoistway openings shall be guarded.

(29) Guarding lower landing area. The lower landing area of stackers and unstackers shall be guarded by enclosures that prevent entrance to the area or pit below the hoist platform. Entrances should be protected by electrically interlocked gates which, when open, will disconnect the power and set the hoist brakes. When the interlock is not installed, other positive means of protecting the entrance shall be provided.

(30) Lumber lifting devices. Lumber lifting devices on all stackers shall be designed and arranged so as to minimize the possibility of lumber falling from such devices.

(31) Inspection. At the start of each work shift, equipment operators shall inspect the equipment they will use for evidence of failure or incipient failure. Equipment found to have defects which might affect the operating safety shall not be used until the defects are corrected.

(32) Cleaning pits. Safe means of entrance and exit shall be provided to permit cleaning of pits.

(33) Preventing entry to hazardous area. Where the return of trucks from unstacker to stacker is by mechanical power or gravity, adequate signs, warning devices, or barriers shall be erected to prevent entry into the hazardous area.

#### AMENDATORY SECTION (Amending Order 94-16, filed 9/30/94, effective 11/20/94)

**WAC 296-78-84005 Dry kilns.** (1) Transfer, kiln and dolly tracks shall be properly maintained at all times and shall have a grade of not more than one and one-fourth percent. Bumpers or stops shall be installed at the ends of all tracks capable of stopping a normal load for which the track is installed. A means shall be provided for chocking or blocking cars.

(2) Doors.

(a) Main kiln doors. Main kiln doors shall be provided with a method of holding them open while kiln is being loaded.

(b) Counterweights on vertical lift doors shall be boxed or otherwise guarded.

(c) Means shall be provided to firmly secure main doors, when they are disengaged from carriers and hangers, to prevent toppling.

(3) Kilns whose operation requires inside inspection shall be maintained with not less than eighteen inches clearance between loaded cars and the walls of the kiln. The requirements for personal protective equipment specified in chapter 296-24 WAC, Part A-2, general safety and health standards, and chapter 296-62 WAC, Part E, general occupational health standards, shall be complied with.

(4) Kiln loads shall be equipped or arranged for easy attachment and detachment of transfer cables. Means for stopping kiln cars shall be available at all times.

(5) Cars shall not be moved until tracks are clear and workers are out of the bight of transfer lines.

(6) When kiln or dolly loads of lumber are permitted to coast through or adjacent to any work area, audible warning shall be given.

(7) Stickers shall not be allowed to protrude more than two inches from the sides of kiln stacks.

(8) Yards and storage areas shall be kept reasonably free of debris and unnecessary obstruction. Warning signs shall be conspicuously posted wherever there is danger from moving vehicles or equipment.

#### AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-84007 Chippers and ((logs)) hogs.** (1) Chippers. The feed system to the chipper shall be arranged so the operator does not stand in direct line with the chipper spout (hopper). The chipper spout shall be enclosed to a height or distance of not less than forty inches from the floor or the operator's station. A safety belt and lifeline shall be worn by workers when working at or near the spout unless the spout is guarded. The lifeline shall be short enough to prevent workers from falling into the chipper.

(2) Hog mills shall be provided with feed chutes so designed and arranged that from no position on the rim of the chute shall the distance to the knives or feed roll be less than forty inches. Baffles shall be provided which shall effectively prevent material from being thrown from the mill.

(3) Employees feeding hog mills shall be provided with safety belts and lines, which they shall be required to use at all times, unless otherwise protected from any possibility of falling into the mill.

#### AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

**WAC 296-155-429 Lockout and tagging of circuits.** (1) Controls. Controls that are deactivated during the course of work on energized or deenergized equipment or circuits shall be tagged and padlocked in the open position.

(2) Equipment and circuits. Equipment or circuits that are de-energized shall be rendered inoperative and have tags

and locked padlocks attached at all points where such equipment or circuits can be energized.

(3) Tags. Tags shall be placed to identify plainly the equipment or circuits being worked on.

(4) Lockout and tagging. While any employee is exposed to contact with parts of fixed electric equipment or circuits which have been deenergized, the circuits energizing the parts shall be locked out or tagged or both according to the requirements of this section. The requirements shall be followed in the order in which they are presented (i.e., (a) of this subsection first, then (b) of this subsection).

Note 1: As used in this section, fixed equipment refers to equipment fastened in connected by permanent wiring methods.

Note 2: Lockout and tagging procedures that comply with chapter 296-24 WAC, Part A-4 will also be deemed to comply with this subsection provided that:

1. The procedures address the electrical safety hazards covered by this part; and
2. The procedures also incorporate the requirements of (c)(iv) and (d)(ii) of this subsection.

(a) Procedures. The employer shall maintain a written copy of the procedures outlined in this subsection and shall make it available for inspection by employees and by the director and his/her authorized representative.

Note: The written procedures may be in the form of a copy of this section, WAC ((296-155-975(2))) 296-155-429.

(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.

**WSR 96-17-067**  
**PERMANENT RULES**  
**DEPARTMENT OF HEALTH**

[Filed August 20, 1996, 12:00 p.m.]

Date of Adoption: August 7, 1996.

Purpose: To establish the new voluntary intermediate life technician (ILS) level certification.

Citation of Existing Rules Affected by this Order:  
Amending WAC 246-976-140.

Statutory Authority for Adoption: Chapter 18.71 RCW.  
Adopted under notice filed as WSR 96-14-111 on July 3, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 3, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 3, amended 1, repealed 0.

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

August 20, 1996  
Bruce Miyahara  
Secretary

## NEW SECTION

**WAC 246-976-076 Intermediate life support training—Course content, registration, instructor qualifications.** (1) For initial intermediate life support training, the department shall recognize those sections of the United States Department of Transportation Emergency Medical Technician - Intermediate Course, as amended by the department. The training will include IV therapy and intraosseous infusion, the use of multilumen airway adjuncts, defibrillators and the following medications which can only be administered per the written medical program director protocols:

(a) Epinephrine for anaphylaxis administered by an auto-injector which is commercially preloaded with a measured dose;

(b) Albuterol administered by inhalation;

(c) Dextrose fifty percent and twenty-five percent;

(d) Nitroglycerine administered sublingually and/or spray;

(e) Naloxone.

(2) The department shall establish and publish procedures for agencies conducting intermediate life support training courses, including:

(a) The registration process;

(b) MPD responsibilities, including approval of course content and instructional personnel;

(c) Requirements, functions, and responsibilities of course instructional and administrative personnel;

(d) Necessary administrative forms and information to conduct the course;

(e) Local EMS/TC council endorsement.

(3) Training agencies shall:

(a) Obtain written approval from the department to conduct each course;

(b) Approve or deny applicants for training consistent with requirements for certification, the regional plan, and recommendations of local EMS councils, including:

(i) Age of applicant at least eighteen years at the beginning of the course;

(ii) The applicant for initial training as an intermediate life support technician shall have been a certified EMT for one certification period;

(iii) The MPD may recommend a waiver to the requirement of (b)(ii) of this subsection. The recommendation shall be in writing to the department of health;

(c) Have a written agreement with the clinical facility if it is separate from the academic facility;

(d) Ensure that clinical facilities provide departments or sections, personnel, and policies, including:

(i) Written program approval from the administrator and chief of staff;

(ii) A written agreement to participate in continuing education;

(iii) Supervised clinical experience for students during the clinical portion of the program;

(iv) An orientation program.

(4) Training agencies or local councils may give fire department, prehospital, and law enforcement personnel priority for admittance to the course.

(5) The department shall recognize county agencies established by ordinance and approved by the MPD to coordinate EMS training. Such agencies shall have the same responsibilities for selection of students and training as described in this section for the local EMS/TC councils.

## NEW SECTION

**WAC 246-976-077 Intermediate life support technicians—Continuing medical education.** During each certification period an individual holding certification as intermediate life support technician shall complete a minimum of fifty-nine hours of MPD approved CME, including:

(1) Annually:

(a) Two hours of CPR and airway management, including pediatrics;

(b) One hour of patient medical extrication, including pediatric extrication and immobilization;

(c) One hour of patient assessment, including pediatric assessment;

(2) During the current certification period:

(a) Two hours of approved training in infectious disease prevention with special emphasis on HIV/AIDS and Hepatitis B, to meet the requirements of chapter 70.24 RCW. Training shall be consistent with the curriculum manual *Infectious Disease Prevention for EMS Providers - CME Disease Prevention Manual for Emergency Medical Service Personnel*, published May 1991 by the department, or as

amended by the department; or complete equivalent OSHA/WISHA required infectious disease training;

- (b) Two hours of pediatrics;
- (c) Forty-three additional hours of CME on topics approved by the MPD, including five hours of pharmacology education specific to the approved medications.

**AMENDATORY SECTION** (Amending Order 323, filed 12/23/92, effective 1/23/93)

**WAC 246-976-140 Certification and recertification—**

**General requirements.** (1) The department shall establish and publish procedures for initial certification which include:

- (a) Written and practical examinations for:
  - (i) First responders;
  - (ii) EMTs;
  - (iii) IV technicians;
  - (iv) Airway technicians;
  - (v) Intermediate life support technicians; and
  - (vi) Paramedics;
- (b) The process for administration of written and practical examinations;
- (c) Administrative requirements and the necessary forms.
- (2) The department shall establish and publish procedures for renewal of certification for:
  - (a) The process for ongoing training and evaluation of skills for first responders and EMTs;
  - (b) Written and practical examinations for renewal of certification.
- (3) Applicants for initial certification shall submit to the department:
  - (a) An application for certification of forms provided by the department;
  - (b) Proof of identity: A valid driver's license or other photo identification;
  - (c) Proof of age;
  - (d) Proof of completion of an approved course or courses of instruction for the level of certification sought, as described in this chapter;
  - (e) Proof of completion of four hours of initial HIV/AIDS training, as described in this chapter;
  - (f) Proof of successful completion of approved written and practical examinations within the six months prior to application. Applicants shall be allowed no more than three attempts to successfully complete the written and practical examinations;
  - (g) Proof of active membership, paid or volunteer, in one of the following EMS/TC organizations:
    - (i) Licensed provider of aid or ambulance services, including fire department or district;
    - (ii) Law enforcement agency; or
    - (iii) Other affiliated EMS/TC service;
  - (h) Recommendation by the MPD for certification;
  - (i) Other information required by this chapter.
- (4) Certification shall be effective on the date the department issues the certificate, and shall be valid for a period of three years. The expiration date shall be indicated on the certification card.
- (5) Applicants for renewal of certification shall submit to the department on approved forms:

(a) All the information identified in subsection (3) of this section; except, current certification shall be deemed proof of course completion, age, and initial HIV/AIDS training;

(b) Proof of completion of CME required for the level of certification sought, as defined in this chapter;

(c) Proof of maintenance of skills required for the level of recertification sought, as defined in this chapter;

(d) For first responders and EMTs, proof of successful demonstration of skills, by:

(i) Successful completion of an approved program of ongoing training and evaluation. An applicant changing from the practical examination program to the ongoing training and evaluation program shall do so before a second attempt at the practical examination; or

(ii) Passing an approved practical examination within the six months prior to application. An applicant changing from the ongoing training and evaluation program to the practical examination program shall do so by taking the practical examination prior to the end of the certification period;

(e) For IV technicians, airway technicians, (~~or~~) intermediate life support technicians and paramedics, proof that proficiency of skills has been demonstrated to the satisfaction of the MPD.

(6) Certification of IV technicians, airway technicians, intermediate life support technicians, and paramedics under this chapter shall be valid only:

(a) In the county or counties where approved by an MPD, as indicated on the certification card;

(b) In other counties where formal EMS/TC medical control agreements are in place; or

(c) In other counties when accompanying a patient in transit from a county meeting the criteria in (a) or (b) of this subsection.

**NEW SECTION**

**WAC 246-976-181 Certification and recertification—**

**Intermediate life support technician.** (1) In addition to meeting the requirements of WAC 246-976-140(3), an applicant for initial certification as an intermediate life support technician shall submit to the department documentation of current certification as an EMT or above, with a minimum of three years of active affiliation as an EMT with an EMS/TC provider unless a waiver has been approved by the department under the provisions of WAC 246-976-076(3)(b)(iii).

(2) In addition to meeting the requirements of WAC 246-976-140(5), a currently certified intermediate life support technician applying for recertification shall submit to the department documentation of:

(a) Completion of the skills maintenance requirements for IV technicians described in WAC 246-976-170 (2)(b);

(b) Completion of skills maintenance for use of multilumen airway adjuncts as required by the MPD;

(c) Completion of skills maintenance for use of defibrillators as required by the MPD;

(d) Completion of continuing medical education as defined in WAC 246-976-077.

**WSR 96-17-070**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**  
[Filed August 20, 1996, 3:55 p.m.]

Date of Adoption: August 19, 1996.

Purpose: To delete the provision that groups of retired persons and persons at least age fifty are deemed to have a common bond of association.

Citation of Existing Rules Affected by this Order:  
Amending WAC 208-472-015.

Statutory Authority for Adoption: RCW 31.12.045(1) and [31.12].535.

Adopted under notice filed as WSR 96-14-123 on July 3, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

August 19, 1996  
John L. Bley  
Director

**AMENDATORY SECTION** (Amending WSR 95-09-049, filed 4/17/95, effective 5/18/95)

**WAC 208-472-015 Definitions.** Unless the context clearly requires otherwise, as used in this chapter:

(1) "Affiliate" of an enterprise means a person that controls, is controlled by, or is under common control with, the enterprise. "Control" means twenty-five percent or greater stock ownership.

(2) "Common bond of association" means a current, unifying factor among a group of natural persons, that is based on membership in a bona fide organization whose primary purpose is other than providing eligibility for credit union services. Such an organization must be primarily composed of natural persons who are eligible to participate in the organization's activities. Such an organization also must have clearly defined membership eligibility and must hold regular meetings at least once each year.

((Persons aged fifty or over, retired persons, and)) Matriculating students of an accredited college or university, who are members of an identified organization, other than general members of the applicant's credit union, are deemed to have a common bond of association. The organization need not satisfy the requirements set forth in the prior paragraph.

(3) "Common bond of occupation" means a current, unifying factor among a group of natural persons that is based on employment by or a work-related relationship with an enterprise. The group may include only the following categories of persons:

(a) Employees of the enterprise, and their family members;

(b) Employees of any subsidiaries of the enterprise, and their family members;

(c) Employees of the affiliates of the enterprise, and their family members;

(d) Nonemployee officials of the enterprise, and their family members; and

(e) Natural persons under contract to work regularly for the enterprise, and their family members.

Each of these categories may be included if they are separately identified in the credit union's bylaws.

(4) "Community" means a current unifying factor among a group of natural persons, that is based on residence or employment within a well-defined and relatively limited geographic area, with a relatively limited population, that is recognized by those who live or work there as a neighborhood, community, or rural district.

For example, the city of Seattle and King County do not constitute a community for this purpose, because they do not have a relatively limited population. On the other hand, the city of Chelan and Chelan school district are within a well-defined and relatively limited geographic area, with a relatively limited population, and may constitute a community if they are recognized by those who live or work there as a neighborhood, community or rural district. (These examples are based on circumstances existing on December 1, 1994.)

(5) "Credit union" means a credit union organized and operating under chapter 31.12 RCW.

(6) "Director" means the director of the Washington state department of financial institutions.

(7) "Number of potential members" means the sum of:

(a) The number of actual members of the applicant credit union; and

(b) The number of employees or members (as appropriate) of the group applied for.

(8) "Required number" means:

(a) If the number of employees or members (as appropriate) of the specified group is two thousand one or more, the required number is at least five percent of the number of these individuals (rounded up to the nearest whole number).

(b) If the number of employees or members (as appropriate) of the specified group is from three hundred thirty to two thousand, the required number is at least one hundred of these individuals.

(c) If the number of employees or members (as appropriate) of the specified group is three hundred twenty-nine or less, the required number is at least thirty percent of the number of these individuals (rounded up to the nearest whole number).

**WSR 96-17-071**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**  
[Filed August 20, 1996, 4:00 p.m.]

Date of Adoption: August 19, 1996.

Purpose: To correct internal references.

Citation of Existing Rules Affected by this Order:

Amending WAC 208-436-010, 208-436-020, 208-436-030, 208-436-040, 208-436-050, 208-436-060, 208-436-070, 208-436-080, 208-436-090, 208-440-010, 208-444-010, 208-464-010, 208-464-030, 208-464-050, 208-464-060, 208-464-070, 208-472-020, 208-472-025, 208-472-041, 208-472-045, 208-472-060, 208-472-065, 208-472-070, 208-472-075, 208-480-030, and 208-480-050.

Statutory Authority for Adoption: RCW 42.320.040, 31.12.535.

Adopted under notice filed as WSR 96-14-122 on July 3, 1996.

Changes Other than Editing from Proposed to Adopted Version: The adopted version does not amend WAC 208-440-030 which will be repealed by a separate rule making.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

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Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

August 19, 1996  
John L. Bley  
Director

**AMENDATORY SECTION** (Amending Order 79-1, filed 6/7/79)

**WAC 208-436-010 Application to make investments not otherwise permitted by law.** If any credit union wishes to deposit or invest its capital, deposits, or surplus funds in a manner not specifically permitted to credit unions by chapter 31.12 RCW, the credit union shall, before engaging in the proposed investment practice, make written application to the ((supervisor of savings and loan associations)) director for authority to make the proposed investment. The application shall contain at least the following information:

- (a) The name of the credit union;
- (b) The proposed source or sources of the funds to be deposited or invested;
- (c) A detailed description of the type of deposit or investment the credit union proposes to make, including the names of any natural persons, corporations, financial

institutions or government agencies serving as banker, trustee, management agent, broker, guarantor, seller of securities, or purchaser of securities;

(d) References, if known to the applicant, showing that other state chartered credit unions have been permitted to make the same type of investment or deposit;

(e) Copies of statutes, regulations, rulings, official correspondence or other information showing that federally chartered credit unions ((doing business within the state of Washington)) are permitted to make the type of investment or deposit proposed in the application;

(f) Such other information as the applicant credit union wishes to offer in evidence that the proposed investment or deposit would be a safe and prudent one for the applicant credit union to engage in.

**AMENDATORY SECTION** (Amending Order 79-1, filed 6/7/79)

**WAC 208-436-020 Supplementary application information.** Upon receiving an application from a credit union to engage in an investment or deposit practice pursuant to this chapter, the ((supervisor)) director may request such additional information as he or she deems necessary for the informed disposition of the application. If supplementary application information is requested by the ((supervisor)) director, the application will not be deemed complete until the supplementary information is supplied.

**AMENDATORY SECTION** (Amending Order 79-1, filed 6/7/79)

**WAC 208-436-030 Investments previously approved for other state chartered credit unions.** If the ((supervisor)) director finds that the applicant credit union proposes to make the same type of investment or deposit which one or more other state chartered credit unions have previously received permission to make, the ((supervisor)) director shall grant the application unless he or she finds that the financial position or the state of management of the applicant credit union is such that the proposed investments or deposits would not be sound or prudent investment practices for the applicant credit union, in which case the ((supervisor)) director may instead grant the application conditionally, grant it in modified form, or deny the application.

**AMENDATORY SECTION** (Amending Order 79-1, filed 6/7/79)

**WAC 208-436-040 Investment practice permitted to federally chartered credit unions.** If the ((supervisor)) director finds that the applicant credit union proposes to make the same type of investment or deposit which one or more other federally chartered credit unions ((doing business in the state of Washington)) have previously received permission to make, the ((supervisor)) director shall grant the application unless he or she finds that the financial position or the state of management of the applicant credit union is such that the proposed investments or deposits would not be sound or prudent investment practices for the applicant credit union, in which case the ((supervisor)) director may instead

grant the application conditionally, grant it in modified form, or deny the application.

AMENDATORY SECTION (Amending Order 79-1, filed 6/7/79)

**WAC 208-436-050 Investment practice not previously permitted to any credit union.** If the ((supervisor shall)) director finds that the proposed investment or deposit practice has not previously been permitted to any state chartered or federally chartered credit union ((doing business in Washington, he)), the director shall make inquiry as to whether the proposed investment or deposit practice would be consistent with Washington law and as to whether the proposed investment or deposit practice would be a sound and prudent practice for the applicant credit union. In connection with ((his)) this inquiry, the ((supervisor)) director may consider the general nature and functions of credit unions ((and he may also consider)), as well as the specific financial condition and management of the applicant credit union, as revealed in the application, ((the supervisor's periodic)) examinations, or such other information as ((he)) may ((have)) be at hand. If the ((supervisor)) director finds that the investment or deposit practice as proposed would be contrary to or inconsistent with the laws of the state of Washington, or would not be a sound investment practice, ((he)) the director shall deny the application. If the ((supervisor)) director finds that proposed investment or deposit practice would be a sound and prudent practice for the applicant credit union, ((he)) the director shall grant the application. Alternatively, the ((supervisor)) director may, for cause, grant the application conditionally, grant it in modified form, or deny it in whole or in part.

AMENDATORY SECTION (Amending Order 79-1, filed 6/7/79)

**WAC 208-436-060 ((Supervisor)) Director action on application.** After receiving an application from a credit union to engage in an investment or deposit practice not otherwise permitted by law, and after having considered it as provided in this chapter, the ((supervisor)) director shall grant, grant conditionally, grant in modified form, or deny the application, and shall inform the applicant credit union in writing of ((his)) this action and of the reasons therefor. Any application not acted upon within six months after its receipt by the ((supervisor)) director shall be deemed denied unless the ((supervisor)) director, in writing, informs the applicant credit union that ((he is holding)) the application is being held for further review.

AMENDATORY SECTION (Amending Order 79-1, filed 6/7/79)

**WAC 208-436-070 Engagement in unauthorized investment practice prohibited.** No state chartered credit union shall engage in any investment or deposit practice not authorized by a specific provision of Washington state law or by the ((supervisor)) director in accordance with this chapter. Unless the ((supervisor)) director, in writing, informs an applicant credit union that it may engage in an investment or deposit practice provisionally while ((he

reviews)) the application is being reviewed, no credit union shall make deposits or investments pursuant to an application made under this chapter until it has received written authority to do so as provided herein. Failure of a credit union to comply with the terms of this chapter shall be deemed an unsound credit union practice and a wilful violation of an order of the ((supervisor)) director and may be grounds for appropriate supervisory action against the credit union, its directors or officers.

AMENDATORY SECTION (Amending Order 79-1, filed 6/7/79)

**WAC 208-436-080 Modification or revocation of investment practices previously authorized.** The ((supervisor)) director may find that an investment or deposit practice previously authorized ((by him)) is no longer a safe and prudent practice for credit unions generally to engage in, or has become inconsistent with applicable state or federal law, or has ceased to be a safe and prudent practice in one or more particular credit unions in light of their financial condition or management. Upon such a finding, the ((supervisor)) director may in writing inform the board of directors of any or all of the credit unions engaging in such a practice that the authority to engage in the practice has been revoked or modified. When the ((supervisor)) director so notifies any credit union, its directors and officers shall forthwith take steps to liquidate the investments in question (if authority to engage in the practice has been revoked) or to make such modifications as the ((supervisor)) director requires. The ((supervisor)) director may for cause shown grant a credit union some definite period of time in which to arrange its affairs to comply with the ((supervisor's)) director's orders. Credit unions which continue to engage in investment practices where their authority to do so has been revoked or modified will be treated as if the authority to engage in the practice had never been granted, and their actions may be deemed an unsound credit union practice and a wilful violation of an order of the ((supervisor)) director and may be grounds for appropriate supervisory action against the credit union, its directors or officers.

AMENDATORY SECTION (Amending Order 85-7, filed 2/5/86)

**WAC 208-436-090 Investment limitations—Other requirements.** The ((supervisor, division of savings and loan associations,)) director finds that investments in common trust funds under RCW 31.12.425 (1)(f) present potential serious risks to credit unions and that rules establishing specific procedures for those investments are necessary to protect the safety and soundness of credit unions. These rules are not intended to either endorse or encourage credit union investment in common trust funds. Credit unions investing in common trust funds as authorized by RCW 31.12.425 (1)(f) are therefore subject to the following limitations:

- (1) Prior to making any investment in a common trust fund, the board of directors shall approve an investment policy detailing the maximum investment the credit union may have in common trust funds and specific investment

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guidelines. The policy shall also specify who is to authorize such investments.

(2) A credit union shall not invest an aggregate amount of greater than fifteen percent of its total assets in all such common trust funds.

(3) A credit union shall not invest an aggregate amount greater than five percent of its total assets in common trust funds without the ((supervisor's)) director's prior written approval of its investment policy.

(4) A credit union shall not invest an aggregate amount greater than ten percent of its total assets in common trust funds without the ((supervisor's)) director's prior written approval to make such investment.

(5) A credit union whose aggregate investment in common trust funds exceeds ten percent of its total assets shall establish, by transfer from undivided earnings, a special investment valuation reserve in an amount equal to five percent of the aggregate investment in common trust funds exceeding ten percent of total assets. The special reserve shall be adjusted not less than quarterly based on the aggregate investment in common trust funds amount exceeding ten percent of total assets.

(6) Prior to making any investment in a common trust fund, a credit union shall obtain a prospectus for such fund and determine that all investments, investment activities and deposits of such common trust fund would be legal investments if held by the credit union.

(7) Prior to making any investment in a common trust fund, a credit union shall secure from the investment company marketing the fund a written statement, in addition to any prospectus, specifying that the fund is not engaged in and will not engage in any speculative marketing activity including but not limited to adjusted trading, futures contracts, short sales, and standby commitments, defined as follows:

(a) Adjusted trading means any method of transaction used to defer a loss by selling a security at a price above its current market price and simultaneously purchasing or committing to purchase from that same party another security at a price above its current market price, including interest rate swaps.

(b) Futures contract means a contract for the future delivery of commodities, including certain government securities, sold on commodities exchanges.

(c) Short sale means the sale of a security not owned by the seller.

(d) Standby commitment means a commitment to either buy or sell a security, on or before a future date, at a predetermined price. The seller of the commitment is the party receiving payment for assuming the risk associated with committing either to purchase a security in the future at a predetermined price, or to sell a security in the future at a predetermined price. The seller of the commitment is required to either accept delivery of a security (in the case of a commitment to buy) or make delivery of a security (in the case of a commitment to sell), in either case at the option of the buyer of the commitment.

(8) A credit union's directors, officials, committee members, and employees, and immediate family members of such persons, may not receive consideration in any form in

connection with the making of an investment or deposit in a common trust fund by the credit union.

#### AMENDATORY SECTION (Amending Order 79-2, filed 7/19/79)

**WAC 208-440-010 Credit union financial interest in commercial enterprise.** No credit union shall have any direct financial interest in a commercial enterprise by way of stock or other ownership interest in a commercial corporation, by way of partnership interest or participation in a joint venture in a general business enterprise or by way of exchanging money or services for a share of the proceeds of any commercial business enterprise except as provided below:

(1) Any credit union may make loans to commercial enterprises and investments in commercial enterprises to the extent permitted by statute;

(2) Any credit union may engage in the business of renting, leasing or subleasing portions of the land and building(s), in which the credit union carries on its business, to the extent that such land and buildings are not needed for credit union operations;

(3) The ((supervisor)) director may upon written application grant permission to a credit union to participate in a business enterprise not otherwise authorized by law or by this section, where the ((supervisor)) director is satisfied that the business enterprise is appropriate and adjunct to ordinary credit union operations and would not be contrary to law.

#### AMENDATORY SECTION (Amending Order 83-1, filed 2/9/83)

**WAC 208-444-010 State chartered credit unions—Acceptance of audit instead of examination.** (1) RCW ((31.12.320)) 31.12.545 authorizes the acceptance, in the ((supervisor's)) director's discretion, of independent audit reports ((prepared pursuant to RCW 31.12.200)) in lieu of the examination required thereunder. In order to be considered for acceptance in lieu of an examination ((by the supervisor's staff)), an audit must meet the following conditions:

(a) The audit was performed by accountants who have demonstrated to the ((supervisor)) director extensive knowledge of the examination procedures and techniques utilized by the division of ((savings and loan)) credit unions;

(b) The scope of the audit follow, but is not limited to, the scope of examinations conducted by the division ((of savings and loan)), including a compliance review;

(c) The audit includes a verification of loan and share accounts ((performed in accordance with WAC 419-44-020));

(d) The audit includes a cash reconciliation, including an adequately documented physical cash count, and also includes an affirmative verification of investments and deposits made by the audited credit union;

(e) Verification of the status of funds borrowed by the audited credit union, including promissory notes and certificates;

(f) The audit sets forth such comments as are appropriate in a positive format specifying corrective action recommended and schedule for completing such corrective action;

(g) The audit was performed not less than nine months after and not more than fifteen months after the last examination by the division ((~~of savings and loan~~)) or an audit which was accepted in lieu thereof.

(h) All working papers as well as the accountant's report, internal control report, and any other documents associated with the audit are made available to the ((~~supervisor~~)) director.

(2) Select portions of an audit may be utilized by division ((~~of savings and loan~~)) examiners in conducting a particular examination if:

(a) The date of the audit corresponds reasonably with the date of the examination; and

(b) That portion of the audit being utilized is supported by working papers which substantially correspond to examination work papers utilized ((in)) by the ((~~conduct of~~)) division ((~~of savings and loan examinations~~)).

**AMENDATORY SECTION** (Amending Order 89-1, filed 2/1/89)

**WAC 208-464-010 Purpose.** This chapter is adopted by the ((~~supervisor~~)) director for the purpose of setting guidelines for credit unions to make member business loans. The objective of this chapter is to ensure that member business loans are made in such a way as to minimize the risk inherent in this type of lending. The ((~~supervisor's~~)) director's goal is to provide the basis for a system of member business lending that is consistent with safe and sound credit union practices. ((This chapter does not change the restrictions on loans to nonpersons outlined in RCW 31.12.406(1).))

**AMENDATORY SECTION** (Amending Order 89-1, filed 2/1/89)

**WAC 208-464-030 Policy requirements.** A credit union may make member business loans only in accordance with the following requirements unless prior written approval is obtained from the ((~~supervisor~~)) director:

(1) Written commercial lending policies. Credit unions presently involved in member business loans must adopt specific commercial loan policies within sixty days of the effective date of this chapter and must review them at least once every twelve months and certify in the minutes of the board meeting that the review occurred. Amendments to these policies also must be approved by the board. Other credit unions must adopt similar policies in accordance with this chapter prior to implementing a member business loan program.

These policies and any amendments thereto must be submitted to the ((~~supervisor~~)) director for review at least thirty days prior to the proposed date of implementation of the member business loan program or the amendment. These formal written policies shall at a minimum appropriately address the following:

- (1) The types of business loans that will be made.
- (2) The credit union's market area for business loans.

(3) The maximum amount of the credit union's assets in relationship to reserves that will be invested in member business loans. In no case will this ratio exceed three hundred percent.

(4) The maximum amount of the credit union's assets in relationship to reserves that will be loaned under this program to any one member, not to exceed the amount set in WAC ((419-64-050)) 208-464-050.

(5) The qualifications and experience of personnel involved in making and administering member business loans.

(6) Collateral requirements for these loans which shall include loan-to-value ratios based on type of loan and type of security, title and casualty insurance requirements, and valuation cycles to regularly determine marketability of collateral.

(7) Schedules of interest rates and terms for each category of member business loan and on what basis these will be adjusted.

(8) Procedures for loan monitoring, servicing, and follow-up procedures, including collection activities.

**AMENDATORY SECTION** (Amending Order 89-1, filed 2/1/89)

**WAC 208-464-050 Loans to one borrower.** The aggregate amount of outstanding member business loans to any one borrower shall not exceed twenty percent of the credit union's reserves. If any portion of a member business loan is fully secured by shares in the credit union or a perfected security interest in deposits in another financial institution, such portion shall not be calculated in determining the twenty percent limitation. The ((~~supervisor~~)) director may waive this limitation upon application in writing from a credit union prior to the making of the loan in question. The application for waiver must include the total amount sought, the reason for the waiver request, and other such information as the ((~~supervisor~~)) director may require to evaluate the request.

**AMENDATORY SECTION** (Amending Order 89-1, filed 2/1/89)

**WAC 208-464-060 Allowance for loan losses.** Under RCW 31.12.475, the ((~~supervisor~~)) director may require the write-off of losses or the establishment of such reserves for weak assets as is deemed appropriate by the ((~~supervisor~~)) director. Member business loans may be classified as performing, substandard, doubtful, or loss, depending on various factors not limited to the delinquency of the loan. Insufficient collateral or unreasonable collateral appraisals, inadequate documentation, and uncertain source of repayment are among the primary weaknesses that will be considered grounds for asset classification. Member business loans adversely classified (substandard, doubtful, or loss) shall be reserved as follows:

(1) Loss loans shall be charged off or reserved at one hundred per cent of the outstanding principal balance.

(2) Doubtful loans shall be reserved at fifty per cent of the outstanding principal balance.

(3) Substandard loans shall be reserved at ten per cent of the outstanding principal balance.

The ((supervisor)) director may require establishment of reserves of greater or lesser amounts.

**AMENDATORY SECTION** (Amending Order 89-1, filed 2/1/89)

**WAC 208-464-070 Minimum reserves-to-assets ratio.** Because of the higher risk associated with member business loans, a credit union must have a reserves-to-assets ratio of not lower than four percent to make such loans. The ((supervisor)) director may waive the requirements of this section in writing.

**AMENDATORY SECTION** (Amending WSR 95-09-049, filed 4/17/95, effective 5/18/95)

**WAC 208-472-020 Inclusion of a group with a common bond of occupation.** Except as permitted by WAC ((419-72-041)) 208-472-041, if a credit union wants to include a separate group with a common bond of occupation in its field of membership, it must make application to the director to amend its bylaws in accordance with RCW 31.12.115. The application must be submitted to the director in duplicate and must include the information as required by WAC ((419-72-025)) 208-472-025.

**AMENDATORY SECTION** (Amending WSR 95-09-049, filed 4/17/95, effective 5/18/95)

**WAC 208-472-025 Application to include a separate occupational group.** (1) The application to include a separate group with a common bond of occupation must include at least the following information:

- (a) The name of the applicant credit union;
- (b) Evidence that the applicant's board of directors has complied with the notice and voting requirements of RCW 31.12.115;

- (c) A description of the enterprise including its name, number of employees, and the geographic location of those employees. The categories of persons specified in WAC ((419-72-015(2))) 208-472-015(2) that are included in the group must be separately identified;

- (d) A statement from an officer of the enterprise:
- (i) That the enterprise desires membership for its employees in the applicant; and

- (ii) Whether its employees are currently eligible for membership, based upon such employment, in another state or federally chartered credit union. If the employees of the enterprise are eligible for membership in another credit union based upon such employment, the applicant must make best efforts to provide a statement of nonobjection from the other credit union.

(2) In addition, the application must also include the following information if applicable:

- (a) If the number of potential members of the applicant exceeds one hundred twenty percent of the number of its actual members, then the following information must also be submitted:

- (i) A copy of the applicant's most recent monthly financial statement;

- (ii) A copy of the applicant's plan or other document demonstrating its ability and intent to provide service to the

new group and specific plans relating anticipated growth to capital levels.

(b) If the number of employees of the enterprise exceeds five hundred, then the following must also be submitted:

- (i) An analysis whether the group has sufficient size and resources to form a credit union of its own;

- (ii) Documentation concerning compliance with plans on penetration and service submitted with previously approved applications for inclusion of a group in the applicant's field of membership;

- (iii) Documentation that the applicant has given written notice to all other credit unions headquartered in this state, both state and federally chartered, that have a staffed office in any county in which the offices of the enterprise are located. Credit unions entitled to receive the notice will be given twenty days following receipt of the notice to submit to the department any comments on the application.

(3) If the applicant cannot obtain the letter of nonobjection described in subsection (1)(d) of this section, after having made a best efforts attempt to do so, it must submit documentation that:

- (a) The required number of employees of the enterprise desire membership in the applicant; or

- (b) The other credit union has failed to adequately serve the group after a reasonable period of time, and how the applicant plans to improve this service.

The applicant must supply a copy of the information required in (a) and (b) of this subsection to the other credit union, which will be given sixty days following receipt of such information to submit to the department any comments on the overlap.

This subsection (3) does not apply to overlaps arising out of merger-type transactions between enterprises.

**AMENDATORY SECTION** (Amending WSR 95-09-049, filed 4/17/95, effective 5/18/95)

**WAC 208-472-041 Streamlined procedure for small occupational groups.** (1) Credit unions may apply to the director for approval of an enabling bylaw amendment ("enabling amendment") that enables them to use the streamlined procedure set forth in this section ("SOG procedure") to include small groups with a common bond of occupation ("small occupational groups" or "SOGs") in their field of membership.

(2) The credit union must first apply to the director for approval of an enabling amendment that satisfies the requirements of this section and which complies with RCW 31.12.115. The director shall approve or deny the application in accordance with WAC ((419-72-075)) 208-472-075. Once the application has been approved by the director, the credit union may immediately begin serving SOGs in compliance with this section and the enabling amendment. The enabling amendment may not be amended without the prior approval of the director.

(3) The enabling amendment will in substance permit a credit union to add a SOG to its field of membership if:

- (a) The enterprise is located within twenty-five miles from one of the credit union's service facilities;

- (b) The enterprise has provided a written request to the credit union for service;

(c) The employees of the enterprise do not have credit union service available based on such employment;  
 (d) The number of employees of the enterprise do not exceed one hundred or any larger maximum number as authorized by the director; and

(e) The group is included in the credit union's field of membership as specifically identified in amendments to the credit union's bylaws. Such amendments do not require the director's approval.

(4) The credit union must maintain a control log of SOGs included in its field of membership. The control log must include the board approval of the group, the date of the board approval, the name and location of the enterprise, the number of employees included, and the number of miles to the nearest main or branch office of the enterprise.

(5) The size limit of a SOG is based on the number of employees of the enterprise at the time the bylaws are amended to include the SOG; the size limit does not apply to family members of employees or categories of persons that it may be permissible to include in the group pursuant to the definition of a common bond of occupation in WAC ((419-72-015(2))) 208-472-015(2). Several groups may be included simultaneously using the SOG procedure, however the number of employees in each SOG must be within the SOG size limit.

(6) The director may revoke the ability of a credit union to use the SOG procedure if the director determines that it is being used to circumvent the regular procedure for inclusion of occupational groups in the credit union's field of membership.

AMENDATORY SECTION (Amending WSR 95-09-049, filed 4/17/95, effective 5/18/95)

**WAC 208-472-045 Inclusion of a group with a common bond of association.** If a credit union wants to include a separate group with a common bond of association in its field of membership it must make application to the director to amend its bylaws in accordance with RCW 31.12.115. The application must be submitted to the director in duplicate and must include the information as required by WAC ((419-72-050)) 208-472-050.

AMENDATORY SECTION (Amending WSR 95-09-049, filed 4/17/95, effective 5/18/95)

**WAC 208-472-060 Inclusion of a community group.** If a credit union wants to include in its field of membership a separate group which constitutes a community, it must make application to the director to amend its bylaws in accordance with RCW 31.12.115. The application must be submitted to the director in duplicate and must include the information as required by WAC ((419-72-065)) 208-472-065.

AMENDATORY SECTION (Amending WSR 95-09-049, filed 4/17/95, effective 5/18/95)

**WAC 208-472-065 Application to include a separate community group.** The application to include a community must include at least the following information:

(1) The name of the applicant credit union;

(2) Evidence that the applicant's board of directors has complied with the notice and voting requirements of RCW 31.12.115;

(3) A detailed description of the community, neighborhood or rural district including a map setting forth its geographic boundaries and its current population;

(4) A detailed description of how the proposed community meets the definition set forth in WAC ((419-72-015(3))) 208-472-015(3);

(5) Letters of support from community organizations and/or residents of the area demonstrating their desire to be associated with the applicant and their willingness to support its objectives;

(6) Any other information that demonstrates the community's desire to have the services of a credit union;

(7) A copy of the applicant's most recent monthly financial statement;

(8) A copy of the applicant's plan or other document demonstrating its ability and intent to provide service to the new group and specific plans relating anticipated growth to capital levels. Among other provisions, the plan or other document must include a provision that the applicant will not conduct direct marketing aimed at any occupational or associational group with an office in the community if the group is included in the field of membership of another state or federally chartered credit union. In addition, applicants are encouraged to include provision in the plan or other document for active participation in community activities;

(9) Evidence that the applicant has given written notice to all other credit unions headquartered in the state, both state and federally chartered, that have staffed offices in or within five miles of the boundaries of the community. Credit unions entitled to receive the notice will be given twenty days following receipt of the notice to submit to the department any comments on the application; and

(10) Documentation concerning compliance with plans on penetration and service submitted with previously approved applications for inclusion of a group in the applicant's field of membership.

AMENDATORY SECTION (Amending WSR 95-09-049, filed 4/17/95, effective 5/18/95)

**WAC 208-472-070 Application deemed complete.** An application filed pursuant to this chapter is deemed complete when:

(1) The director has received all of the information required by this chapter;

(2) If the applicant credit union is required to provide notice to other credit unions pursuant to WAC ((419-72-025(2), 419-72-050(2) or 419-72-065(9))) 208-472-025(2), 208-472-050(2) or 208-472-065(9), at least twenty days have passed since the applicant gave the notice to other credit unions; and

(3) If the applicant is required to supply certain information to another credit union pursuant to WAC ((419-72-025(3) or 419-72-050(3))) 208-472-025(3) or 208-472-050(3), at least sixty days have passed since the applicant supplied the required information to the other credit union.

If an incomplete application is received, the director will give written notice to the applicant no later than thirty days

from the date the original application was received that further information is necessary. The applicant will be allowed thirty days after receipt of the notice to provide the requested information.

**AMENDATORY SECTION** (Amending WSR 95-09-049, filed 4/17/95, effective 5/18/95)

**WAC 208-472-075 Approval of application.** The director shall give written approval or denial of an application made in conformance with this chapter within thirty days from the date it is deemed complete. The director's decision will take into consideration the following general criteria and other issues or facts that may be relevant to the application:

(1) Whether the application is consistent with the provisions of chapter 31.12 RCW and this chapter;

(2) Whether the applicant credit union is currently operating in conformance with the provisions of chapter 31.12 RCW, applicable rules in Title ((419)) 208 WAC, and written supervisory orders, directives and agreements;

(3) Whether the proposed new group possesses a common bond of occupation or association, or constitutes a community, as defined in WAC ((419-72-015)) 208-472-015;

(4) If the application involves the inclusion of a group based on a common bond of occupation or association, whether the proposed new group has sufficient size and resources to form a credit union of its own;

(5) Whether the applicant is in a safe and sound condition and possesses the financial and managerial capability to provide credit union service to the proposed group in a safe and sound manner;

(6) Whether the applicant has complied with plans on penetration and service submitted with previously approved applications for inclusion of a group in the applicant's field of membership;

(7) Whether approval of the application might reasonably threaten the viability of another credit union;

(8) Whether the applicant is using the inclusion of the group as a marketing strategy to preempt expansion by other credit unions; and

(9) Whether approval of the application will adversely impact the safety and soundness of the applicant.

The approval of a credit union's application for inclusion of a community group in its field of membership will not preclude approval of another credit union's application to include the same or a portion of the same community group in its field of membership.

**AMENDATORY SECTION** (Amending WSR 92-24-053, filed 11/30/92, effective 12/31/92)

**WAC 208-480-030 Transactions for which a state-certified appraiser is required.** The following transactions require a state-certified appraiser:

(1) All transactions having a transaction value of one million dollars or more.

(2) All transactions having a transaction value of more than fifty thousand dollars, other than those involving appraisals of one-to-four family residential properties, shall require an appraisal prepared by a state-certified appraiser.

(3) All complex one-to-four family residential property appraisals rendered in conjunction with transactions shall require a state-certified appraiser if the transaction value is two hundred fifty thousand dollars or more. A regulated institution may presume that appraisals of one-to-four family residential properties are not complex, unless the institution has readily available information that a given appraisal will be complex. The regulated institution shall be responsible for making the final determination of whether the appraisal is complex. If, during the course of the appraisal, a licensed appraiser identifies factors that would result in the property, form of ownership, or market conditions being considered atypical, then either:

(a) The regulated institution may ask the licensed appraiser to complete the appraisal and have a certified appraiser approve and co-sign the appraisal; or

(b) The institution may engage a certified appraiser to complete the appraisal.

(4) **Valuation requirement.** Secured transactions exempted from appraisal requirements pursuant to WAC ((419-80-020(1))) 208-480-020(1) and not otherwise exempted from this chapter shall be supported by a written estimate of market value, as defined in this chapter, performed by an individual having no direct or indirect interest in the property, and qualified and experienced to perform such estimates of value for the type and amount of credit being considered.

**AMENDATORY SECTION** (Amending WSR 92-24-053, filed 11/30/92, effective 12/31/92)

**WAC 208-480-050 Appraisal standards.** (1) Minimum standards. Where appraisals are required pursuant to this chapter, all such appraisals shall, at a minimum:

(a) Conform to the uniform standards of professional appraisal practice ("USPAP") adopted by the appraisal standards board of the Appraisal Foundation (the complete text of the USPAP is available from the Appraisal Foundation, 1029 Vermont Ave., N.W. Suite 900, Washington, D.C. 20005), except that the departure provision of the USPAP shall not apply;

(b) Be based upon the definition of market value as set forth in WAC ((419-80-010)) 208-480-010;

(c)(i) Be written and presented in a narrative format, or on forms, that satisfy all the requirements of this section; (ii) be sufficiently descriptive to enable the reader to ascertain the estimated market value and the rationale for the estimate; and (iii) provide detail and depth of analysis that shall reflect the complexity of the real estate appraised;

(d) Analyze and report in reasonable detail any prior sales of the property being appraised that occurred within the following time periods:

(i) For one-to-four family residential property, one year preceding the date when the appraisal was prepared; and

(ii) For all other property, three years preceding the date when the appraisal was prepared;

(e) Analyze and report data on current revenues, expenses, and vacancies for the property if it is and will continue to be incoming-producing;

(f) Analyze and report a reasonable marketing period for the subject property;

(g) Analyze and report on current market conditions and trends that will affect projected income or the absorption period, to the extent they affect the value of the subject property;

(h) Analyze and report appropriate deductions and discounts for any proposed construction, or any completed properties that are partially leased, any properties that are partially leased or leased at other than market rents, as of the date of the appraisal, or any tract developments with unsold units;

(i) Include in the certification required by the USPAP an additional statement that the appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan;

(j) Contain sufficient supporting documentation with all pertinent information reported so that the appraiser's logic, reasoning, judgment, and analysis in arriving at a conclusion indicates to the reader the reasonableness of the market value reported;

(k) Include a legal description of the real estate being appraised, in addition to the description required by the USPAP;

(l) Identify and separately value any personal property, fixtures, or intangible items that are not real property but are included in the appraisal, and discuss the impact of their inclusion, or exclusion, on the estimate of market value; and

(m) Follow a reasonable valuation method that addresses the direct sales comparison, income, and cost approaches to market value, reconciles those approaches, and explains the elimination of each approach not used.

(2) Unavailability of information. If information required or deemed pertinent to the completion of an appraisal is unavailable, that fact shall be disclosed and explained in the appraisal.

(3) Additional standards. Nothing contained herein shall prevent a regulated institution from requiring additional appraisal standards if deemed appropriate.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 113.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

August 19, 1996

John L. Bley  
Director

### WSR 96-17-078

#### PERMANENT RULES

#### DEPARTMENT OF TRANSPORTATION

[Filed August 21, 1996, 8:49 a.m.]

Date of Adoption: August 20, 1996.

Purpose: Rules proposed for expedited repeal meet the following criteria: Rule is no longer necessary because of changed circumstances and other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Citation of Existing Rules Affected by this Order:  
Repealing chapter 12-10 WAC.

Adopted under preproposal statement of inquiry filed as WSR 96-13-023 on June 10, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 1.

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

August 20, 1996

S. A. Moon  
Deputy Secretary  
for Operations

### WSR 96-17-072

#### PERMANENT RULES

#### DEPARTMENT OF

#### FINANCIAL INSTITUTIONS

[Filed August 20, 1996, 4:06 p.m.]

Date of Adoption: August 19, 1996.

Purpose: To repeal WAC provisions which are no longer necessary.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 208-418-045, 208-440-030, chapters 50-08, 50-40, 419-04, 419-20, 419-28, and 50-24 WAC.

Statutory Authority for Adoption: RCW 42.320.040.

Adopted under preproposal statement of inquiry filed as WSR 96-14-037, 96-14-038, 96-14-039, 96-14-040 and 96-14-041, all filed on June 26, 1996; and WSR 96-14-071, filed on June 28, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

**WSR 96-17-079****PERMANENT RULES****INSURANCE COMMISSIONER'S OFFICE**

[Insurance Commissioner Matter No. R 95-18 — Filed August 21, 1996,  
9:16 a.m.]

Date of Adoption: August 21, 1996.

Purpose: To enhance intrastate and interstate financial surveillance and consolidate company reporting rules for all insurers, health care service contractors, and health maintenance organizations.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 284-44-345 and 284-46-060; and amending  
WAC 284-07-050 and 284-07-070.

Statutory Authority for Adoption: RCW 48.02.060,  
48.44.050, and 48.46.200.

Adopted under notice filed as WSR 96-17-033 on  
August 15, 1996.

Number of Sections Adopted in Order to Comply with  
Federal Statute: New 0, amended 0, repealed 0; Federal  
Rules or Standards: New 0, amended 0, repealed 0; or  
Recently Enacted State Statutes: New 0, amended 0,  
repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own  
Initiative: New 0, amended 2, repealed 2.

Number of Sections Adopted in Order to Clarify,  
Streamline, or Reform Agency Procedures: New 0, amended  
2, repealed 2.

Number of Sections Adopted using Negotiated Rule  
Making: New 0, amended 0, repealed 0; Pilot Rule Making:  
New 0, amended 0, repealed 0; or Other Alternative Rule  
Making: New 0, amended 0, repealed 0.

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

August 21, 1996

Greg J. Scully

Chief Deputy Commissioner

**AMENDATORY SECTION** (Amending Order R 92-10,  
filed 9/9/92, effective 10/10/92)

**WAC 284-07-050 Annual statement instructions.** (1) For the purpose of this section, the following definitions shall apply:

(a) "Insurer" shall have the same meaning as set forth in RCW 48.01.050. It also includes health care service contractors registered under chapter 48.44 RCW and health maintenance organizations registered under chapter 48.46 RCW.

(b) "Insurance" shall have the same meaning as set forth in RCW 48.01.040. It also includes prepayment of health care services as set forth in RCW 48.44.010(3) and prepayment of comprehensive health care services as set forth in RCW 48.46.020(1).

(2) Each authorized insurer is required ((by RCW 48.05.250)) to file with the commissioner an annual statement for the previous calendar year in the general form and context as ((approved)) promulgated by the National Association of Insurance Commissioners (NAIC) for the kinds of insurance to be reported upon, and ((pursuant to RCW 48.05.400 must)) shall also file a copy thereof with the

NAIC. To effectuate ((these statutes)) RCW 48.05.250, 48.05.400, 48.44.095 and 48.46.080 and to enhance consistency in the accounting treatment accorded various kinds of insurance transactions, the valuation of assets, and related matters, insurers shall adhere to the appropriate Annual Statement Instructions and the Accounting Practices and Procedures Manuals promulgated by the NAIC.

((2))) (3) This section does not relieve an insurer from its obligation to comply with specific requirements of the insurance code or rules thereunder.

**(4) Number of statements:**

(a) For domestic insurers, the statements are to be filed in quadruplicate to assist with public viewing and copying. Three statements must be permanently bound on the left side. The fourth statement must be unbound. Two bound statements and one unbound statement are to be filed in the Olympia office and one bound statement is to be filed in the Seattle office.

(b) For foreign insurers, except for health care service contractors and health maintenance organizations, one statement shall be filed in the Olympia office. For health care service contractors and health maintenance organizations, two left side permanently bound and one unbound statement shall be filed in the Olympia office to assist with public viewing and copying.

(5) Each domestic insurer shall file quarterly reports of its financial condition with the commissioner. Each foreign insurer shall file quarterly reports of its financial condition with the NAIC. The commissioner may require a foreign insurer to file quarterly reports with the commissioner whenever, in the commissioner's discretion, there is a need to more closely monitor the financial activities of the foreign insurer. The reports shall be filed in the commissioner's office not later than the forty-fifth day after the end of the insurer's calendar quarters. Such quarterly reports shall be in the form and content as promulgated by the NAIC for quarterly reporting by insurers, shall be prepared according to appropriate Annual and Quarterly Statement Instructions and the Accounting Practices and Procedures Manuals promulgated by the NAIC and shall be supplemented with additional information required by this title and by the commissioner. The statement is to be completed and filed in the same manner and places as the annual statement. Quarterly reports for the fourth quarter are not required.

(6) As a part of any investigation by the commissioner, the commissioner may require an insurer to file monthly financial reports whenever, in the commissioner's discretion, there is a need to more closely monitor the financial activities of the insurer. Monthly financial statements shall be filed in the commissioner's office no later than the twenty-fifth day of the month following the month for which the financial report is being filed. Such monthly financial reports shall be the internal financial statements of the company. In addition, the commissioner may require these internal financial statements to be accompanied by a schedule converting the financial statements to reflect financial position according to statutory accounting practices and submitted in a form using the same format and designation as the insurer's quarterly financial reports of insurers.

(7) Health care service contractors shall use the Hospital, Medical, Dental Service or Indemnity Corporation's

Statement Form promulgated by the NAIC for their statutory filings.

(8) Each health care service contractor's and health maintenance organization's annual statement shall be accompanied by a monthly enrollment data form (IC-16-HC/IC-15-HMO) and additional data statement form (IC-13A-HC/IC-14-HMO).

(9) An insurer who on December 31, 1996, has not previously filed its annual or quarterly statements with the NAIC, shall comply with this rule for the year ending December 31, 1996, and each year thereafter. To enhance the intrastate and interstate surveillance of the insurer's financial condition earlier application is permitted.

(10) The commissioner may allow a reasonable extension of the time within which such financial statements shall be filed.

**AMENDATORY SECTION** (Amending Order R 93-7, filed 9/1/93, effective 10/2/93)

**WAC 284-07-070 Statements to be filed in electronic form.** (1) For the purpose of this section, the following definition shall apply: "Insurer" shall have the same meaning as set forth in RCW 48.01.050. It also includes health care service contractors registered under chapter 48.44 RCW and health maintenance organizations registered under chapter 48.46 RCW.

(2) Annual statements, quarterly statements, and other financial reports filed by an insurer with the commissioner or the National Association of Insurance Commissioners shall be filed in electronic form as well as on paper.

((2))) (3) Until the commissioner otherwise directs by letter, bulletin, or otherwise, generally or as to one or more companies, "electronic form" means, on a diskette.

((3))) (4) Until the commissioner otherwise directs by letter, bulletin, or otherwise, generally or as to one or more companies, companies that operate only in Washington need not comply with subsection ((1)) (2) of this section.

(5) An insurer who on December 31, 1996, was not subject to this rule or has not previously filed in electronic form to the commissioner or the NAIC, shall comply with this rule for the year ending December 31, 1996, and each year thereafter. To enhance the intrastate and interstate surveillance of the insurer's financial condition earlier filing is permitted.

(6) The requirement under this section applies to the extent that the NAIC has issued a diskette submission directive or has otherwise approved or prescribed an applicable diskette format for the particular class of insurer.

(7) The commissioner may allow a reasonable extension of the time within which such electronic form shall be filed.

#### **REPEALER**

The following section of the Washington Administrative Code is repealed:

**WAC 284-44-345**

Requirement to file annual statement—Form of annual statement—Requirement to file quarterly statements—Authority to require filing of monthly

financial statements—Compliance with NAIC instructions required.

#### **REPEALER**

The following section of the Washington Administrative Code is repealed:

**WAC 284-46-060**

Requirement to file annual statement—Form of annual statement—Requirement to file quarterly statements—Authority to require filing of monthly financial statements—Compliance with NAIC instructions required.

#### **WSR 96-17-087**

**PERMANENT RULES**

**DEPARTMENT OF**

**GENERAL ADMINISTRATION**

[Filed August 21, 1996, 11:20 a.m.]

Date of Adoption: August 23 [21], 1996.

Purpose: Repeal of obsolete WAC that is in conflict with current statute.

Citation of Existing Rules Affected by this Order: Repealing WAC 236-56-100.

Statutory Authority for Adoption: RCW 34.05.354.

Adopted under preproposal statement of inquiry filed as WSR 96-13-037 on June 12, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 1, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

August 21, 1996

Marygrace Jennings  
Rules Coordinator

#### **WSR 96-17-088**

**PERMANENT RULES**

**DEPARTMENT OF**

**GENERAL ADMINISTRATION**

[Filed August 21, 1996, 11:21 a.m.]

Date of Adoption: August 23 [21], 1996.

Purpose: Repeal of obsolete WAC that conflicts with amended statute.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 236-48-095 and 236-48-131.

Statutory Authority for Adoption: RCW 34.05.354.

Adopted under preproposal statement of inquiry filed as  
WSR 96-13-038 on June 12, 1996.

Number of Sections Adopted in Order to Comply with  
Federal Statute: New 0, amended 0, repealed 0; Federal  
Rules or Standards: New 0, amended 0, repealed 0; or  
Recently Enacted State Statutes: New 0, amended 2,  
repealed 0.

Number of Sections Adopted at Request of a Nongovern-  
mental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own  
Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify,  
Streamline, or Reform Agency Procedures: New 0, amended  
0, repealed 0.

Number of Sections Adopted using Negotiated Rule  
Making: New 0, amended 0, repealed 0; Pilot Rule Making:  
New 0, amended 0, repealed 0; or Other Alternative Rule  
Making: New 0, amended 0, repealed 0.

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

August 21, 1996  
Marygrace Jennings  
Rules Coordinator

August 21, 1996  
Marygrace Jennings  
Rules Coordinator

**WSR 96-17-090**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**

[Filed August 21, 1996, 11:23 a.m.]

Date of Adoption: August 23 [21], 1996.

Purpose: Repeal of obsolete WAC implementing a  
statute that was temporary in nature and included a 1977  
expiration date.

Citation of Existing Rules Affected by this Order:  
Repealing chapter 236-24 WAC.

Statutory Authority for Adoption: RCW 34.05.354.

Adopted under preproposal statement of inquiry filed as  
WSR 96-13-040 on June 12, 1996.

Number of Sections Adopted in Order to Comply with  
Federal Statute: New 0, amended 0, repealed 0; Federal  
Rules or Standards: New 0, amended 0, repealed 0; or  
Recently Enacted State Statutes: New 0, amended 0,  
repealed 1.

Number of Sections Adopted at Request of a Nongovern-  
mental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own  
Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify,  
Streamline, or Reform Agency Procedures: New 0, amended  
0, repealed 0.

Number of Sections Adopted using Negotiated Rule  
Making: New 0, amended 0, repealed 0; Pilot Rule Making:  
New 0, amended 0, repealed 0; or Other Alternative Rule  
Making: New 0, amended 0, repealed 0.

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

August 21, 1996  
Marygrace Jennings  
Rules Coordinator

**WSR 96-17-089**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**

[Filed August 21, 1996, 11:22 a.m.]

Date of Adoption: August 23 [21], 1996.

Purpose: Repeal of obsolete WAC relating to responsi-  
bilities since transferred to another agency and superseded by  
subsequent WACs.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 236-50-010.

Statutory Authority for Adoption: RCW 34.05.354.

Adopted under preproposal statement of inquiry filed as  
WSR 96-13-039 on June 12, 1996.

Number of Sections Adopted in Order to Comply with  
Federal Statute: New 0, amended 0, repealed 0; Federal  
Rules or Standards: New 0, amended 0, repealed 0; or  
Recently Enacted State Statutes: New 0, amended 0,  
repealed 1.

Number of Sections Adopted at Request of a Nongov-  
ernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own  
Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify,  
Streamline, or Reform Agency Procedures: New 0, amended  
0, repealed 0.

Number of Sections Adopted using Negotiated Rule  
Making: New 0, amended 0, repealed 0; Pilot Rule Making:  
New 0, amended 0, repealed 0; or Other Alternative Rule  
Making: New 0, amended 0, repealed 0.

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

**WSR 96-17-002**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
**(Fisheries)**

[Order 96-110—Filed August 7, 1996, 5:00 p.m., effective August 11, 1996]

Date of Adoption: August 8 [7], 1996.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-57A-17500C.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: It is anticipated that the harvestable portion of the Lake Washington sockeye salmon run will be taken by that time.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: August 11, 1996, 1 hour after official sunset.

August 8 [7], 1996  
 Larry Peck  
 for Bern Shanks  
 Director

### REPEALER

The following section of the Washington Administrative Code is repealed effective one hour after official sunset August 11, 1996:

WAC 220-57A-17500C    Lake Washington. (96-104)

**WSR 96-17-027**  
**EMERGENCY RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed August 13, 1996, 3:38 p.m.]

Date of Adoption: August 13, 1996.

Purpose: Prevention of introduction of Karnal bunt and protection of the state's wheat, rye, and triticale product industry. Karnal bunt is a plant disease of international

quarantine significance. Its introduction would cause loss of export markets, resulting in grave economic hardship to the Washington grain industry. This emergency rule modifies and continues the existing state emergency rule.

Statutory Authority for Adoption: RCW 17.24.041 and 34.05.350.

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

Reasons for this Finding: An emergency rule instituting a state quarantine on all wheat, rye and triticale seed from areas under federal quarantine for newly discovered Karnal bunt infection was adopted on April 25, 1996. Since that time, test data from the 1996 harvest has caused the United States Department of Agriculture to redefine the boundaries of the federal quarantine area. The emergency rule incorporates the redefined federal quarantine boundaries. Until complete data from the ongoing harvest becomes available, the Washington State Department of Agriculture will not be able to evaluate the need for a permanent rule.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

August 13, 1996  
 William E. Brookreson  
 Acting Director  
 for Jim Jesernig

### **Rules Relating to Wheat Seed, Rye Seed and Triticale Seed Quarantine**

### NEW SECTION

**WAC 16-473-005 Promulgation - Establishing quarantine.** The commercial production of wheat, rye and triticale for food, seed, and feed in the state of Washington is one of the major agricultural industries. The introduction and spread of Karnal bunt, *Tilletia indica*, represents a serious economic threat to the wheat, rye and triticale production industry. The director finds that the regulation of wheat seed, rye seed and triticale seed is necessary to protect the wheat, rye and triticale production industry and mitigate the threat of introduction of Karnal bunt.

NEW SECTION

**WAC 16-473-010 Regulated articles.** (1) Regulated articles include all wheat, rye and triticale intended for or used for planting, hereafter referred to as wheat seed, rye seed and triticale seed. Wheat includes both common wheat Triticum aestivum and durum wheat Triticum durum. Rye means Secale cereale. Triticale is a hybrid of wheat and rye (Triticum aestivum x Secale cereale).

(2) All containers and/or conveyances used to move wheat seed, rye seed and triticale seed.

NEW SECTION

**WAC 16-473-015 Quarantine area.** Quarantine areas are all states, portions of states and/or territories of the United States under a federal Karnal bunt quarantine including but not limited to portions of the states of Arizona, California, New Mexico, and Texas.

NEW SECTION

**WAC 16-473-020 Prohibited acts.** The sale, offering to sell, transporting, distributing and/or planting of wheat seed, rye seed and triticale seed from the quarantine area listed in WAC 16-473-015 is prohibited.

NEW SECTION

**WAC 16-473-025 Permits.** The director may allow, by special permit, the movement of regulated articles listed in WAC 16-473-010 originating from and/or loaded into a conveyance in the areas under quarantine listed in WAC 16-473-015. Such permit shall specify the terms and conditions under which movement is allowed, pursuant to RCW 17.24.041 and RCW 17.24.091. Permits may be requested from the Washington state department of agriculture, plant protection program at telephone number (360) 902-2071.

NEW SECTION

**WAC 16-473-030 Disposition of regulated articles.** Any regulated article listed in WAC 16-473-010 brought into this state in violation of this quarantine must be treated, returned to the quarantine area listed in WAC 16-473-015, or destroyed in a manner prescribed by the director to prevent infestation of the wheat, rye and triticale industry. The action shall be at the expense of the owner or owner's agent without compensation.

NEW SECTION

**WAC 16-473-035 Penalties.** Any person who violates the terms of this quarantine shall be subject to the civil and/or criminal penalties provided for in chapter 17.24 RCW.

**WSR 96-17-047**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
**(Fisheries)**

[Order 96-111—Filed August 19, 1996, 2:35 p.m., effective August 26, 1996, 8:00 p.m.]

Date of Adoption: August 19, 1996.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
 Repealing WAC 220-33-01000E; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: Harvestable numbers of salmon are available. This rule is consistent with actions of the August 8, 1996, Columbia River Compact hearing.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: August 26, 1996, 8:00 p.m.

August 19, 1996  
 Bruce Crawford  
 for Bern Shanks  
 Director

NEW SECTION

**WAC 220-33-01000E Columbia River gill net seasons below Bonneville.** Notwithstanding the provisions of WAC 220-33-010, WAC 220-33-020, and WAC 220-33-030, it is unlawful for a person to take or possess salmon, shad, and sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E except during the times and conditions listed:

Area: Shad Area 2S as defined in WAC 220-33-030  
 Season: 8:00 p.m. August 26 to 6:00 a.m. August 27, 1996;  
 8:00 p.m. August 27 to 6:00 a.m. August 28, 1996;  
 8:00 p.m. August 28 to 6:00 a.m. August 29, 1996.

Gear: 9 inch minimum mesh and 9-1/4 inch maximum mesh.

Allowable sale: Salmon, sturgeon, and shad.

### REPEALER

The following section of the Washington Administrative Code is repealed effective 6:01 a.m. August 29, 1996:

WAC 220-33-01000E Columbia River gillnet seasons below Bonneville. (96-111)

**WSR 96-17-048  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

(Fisheries)

[Order 96-112—Filed August 19, 1996, 2:40 p.m., effective August 29, 1996, 12:01 a.m.]

Date of Adoption: August 19, 1996.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-44-05000Y; and amending WAC 220-44-050.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: These regulations are necessary for conservation and to maintain consistency between state and federal regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: August 29, 1996, 12:01 a.m.

August 19, 1996

Bern Shanks  
Director

### NEW SECTION

**WAC 220-44-05000Z Coastal bottomfish catch limits.** Notwithstanding the provisions of WAC 220-44-050, effective 12:01 a.m. August 29, 1996 until further notice it is unlawful to possess, transport through the waters of the

state or land in any Washington State port bottomfish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 29, 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the following species:

1. The following definitions apply to this section:

a. Cumulative limit - A cumulative limit is the maximum amount of fish that may be taken and retained, possessed or landed per vessel per calendar month, 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.

b. Two-month cumulative limit is the maximum amount of fish that may be taken and retained, possessed or landed per vessel per two, fixed calendar months, without a limit on the number of landings or trips. The fixed two-month periods are January-February, March-April, May-June, July-August, September-October and November-December. No more than sixty percent of any two-month cumulative limit may be taken and retained, possessed or landed per vessel in either calendar month of the fixed, two-month period. The two-month cumulative limit includes all fish harvested by a vessel during the two-month period, whether taken in limited entry or open access fisheries. Once a two-month cumulative limit has been achieved, an operator may begin fishing on the next two-month cumulative limit so long as the fish are not landed until after the beginning of the next two-month cumulative period.

c. 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.

d. 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.

e. 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.

f. Vessel trip - A vessel trip is defined as having occurred upon the initiation of transfer of catch from a fishing vessel.

g. 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.

h. Dressed length - The dressed length of a fish is the distance from the anterior insertion of the first dorsal fin to the tip of the tail.

2. Groundfish limited entry fishery limits. The following limits apply to the groundfish limited entry fishery in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, and 63, and apply to all listed bottomfish species and species complexes taken in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area 29:

- a. **Pacific ocean perch** - Two-month cumulative limit of 10,000 pounds. No minimum size.
- b. **Widow rockfish** - Two-month cumulative limit of 70,000 pounds. No minimum size.
- c. **Shortbelly rockfish** - No minimum size. No maximum poundage.
- 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 ( $48^{\circ}09'30''$  N. latitude) and between Destruction Island ( $47^{\circ}40'00''$  N. latitude) and Leadbetter Point ( $46^{\circ}38'10''$  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. **Sebastes complex** - All species of rockfish except Pacific ocean perch, widow, shortbelly, and thornyhead (*Sebastolobus* spp.)

(1) North of Cape Lookout and south of Cape Lookout if no declaration has been made - Two-month cumulative limit of 70,000 pounds, of which no more than 32,000 pounds may be yellowtail rockfish and no more than 18,000 pounds may be canary rockfish. No minimum size on any species in this category.

(2) South of Cape Lookout - Two-month cumulative limit of 100,000 pounds of which no more than 70,000 pounds may be yellowtail rockfish and no more than 18,000 pounds may be canary rockfish, 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 (360) 249-4628, between the hours of 8:00 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 48 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.

1) There is a maximum two-month cumulative limit for landings from both north and south of Cape Lookout of 100,000 pounds of which no more than 70,000 pounds may be yellowtail rockfish and no more than 18,000 pounds may be canary rockfish.

2) Wholesale fish dealers purchasing more than 42,000 pounds of sebastes complex, 19,200 pounds of yellowtail rockfish or 10,800 pounds of canary rockfish (60% of two-month cumulative allowances) must enter the declaration number on the fish receiving ticket.

f. **DTS Complex - (Sablefish, Dover sole and thornyhead rockfish)** - Two-month cumulative limit of 70,000 pounds, of which not more than 12,000 pounds may be sablefish and not more than 20,000 pounds may be

thornyhead rockfish. Of the thornyhead rockfish, not more than 4,000 pounds may be shortspine thornyhead.

g. **Sablefish** -

(1) **Trawl vessels** - Not more than 500 pounds (round weight) of sablefish per trip may be smaller than 22 inches.

(2) **Non-trawl vessels** - Daily trip limit of 300 pounds (round weight). No minimum size.

(a) Effective noon, September 1, 1996 through noon September 6, 1996 there shall be no vessel trip limit on sablefish, except in any trip no more than 1,500 pounds or 3% of all sablefish on board (whichever is greater) may be less than 22 inches in total length.

(b) Effective noon September 6, 1995 the daily trip limit is 300 pounds (round weight). No minimum size.

(c) Effective noon August 29, 1996 all groundfish fixed gear, both limited entry and open access, must be removed from coastal waters.

(d) Effective noon August 31, 1996 it shall be lawful to set groundfish pot gear.

(e) Effective noon, September 1, 1996 it shall be lawful to set all other groundfish fixed gear.

(f) All non-trawl sablefish landings are prohibited from noon August 29, 1996 through noon September 1, 1996.

(e) A vessel may split a delivery of sablefish taken during the unrestricted fishery into a Puget Sound port after the close of the fishery on September 6 and in excess of the 300 pound trip limit provided that:

(1) The landing is begun and a fish ticket initiated by the close of the fishery at noon, September 6, 1996.

(2) The WDFW Montesano office is contacted by phone at (360) 249-4628 by 5:00 PM September 6, 1996 with the second port of landing, dealer and approximate haul weight of catch to be delivered.

(3) No fishing is conducted between initiating the landing at the first port and delivering to the second port.

(4) the landing at the second (i.e. Puget Sound) port is begun by 6:00 PM on September 7, 1996 (30 hours after the close of the unrestricted fishery).

h. **Pacific Whiting** - No maximum poundage, no minimum size.

i. **Lingcod** - Two-month cumulative limit of 40,000 pounds. Total length minimum size limit of 22 inches. Lingcod total length of 22 inches is equivalent to dressed length of 18 inches. To convert lingcod from dressed weight to round weight, multiply the dressed weight by 1.5. To convert lingcod from dressed, head on (gutted only), weight, multiply the dressed weight by 1.1.

(1) It shall be lawful to land up to 100 pounds of lingcod under 22 inches taken in the trawl fishery only.

3. **Groundfish open access fishery limits**. The following limits apply to the groundfish open access fishery in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, and 63, and apply to all listed species and species complexes taken in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area 29. Notwithstanding the provisions of this subsection, no groundfish open access fishery limit may exceed a groundfish limited entry fishery daily, vessel or cumulative limit:

(1) **Sablefish** - Daily trip limit of 300 pounds (round weight) not to exceed 2100 pounds in any calendar month. No minimum size.

(a) Effective noon August 29, 1996 all groundfish fixed gear, both limited entry and open access, must be removed from coastal waters.

(b) Effective noon August 31, 1996 it shall be lawful to set groundfish pot gear.

(c) Effective noon, September 1, 1996 it shall be lawful to set all other groundfish fixed gear.

(c) All non-trawl sablefish landings are prohibited from noon August 29, 1996 through noon September 1, 1996.

(d) Effective September 1, 1996 daily trip limit of 300 pounds (round weight) not to exceed 2100 pounds in any calendar month. No minimum size.

(2) **Rockfish** - Vessel trip limit of 10,000 pounds. Cumulative limit of 35,000 pounds.

(3) **Lingcod** - cumulative limit of 20,000 pounds. Total length minimum size limit of 22 inches. Lingcod total length of 22 inches is equivalent to dressed length of 18 inches. To convert lingcod from dressed weight to round weight, multiply the dressed weight by 1.5. To convert lingcod from dressed, head on (gutted only), weight, multiply the dressed weight by 1.1.

(4) **Thornyhead rockfish** - Illegal to take, possess, transport or land thornyhead rockfish.

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

(6) The fisher's copy of all fish receiving tickets showing landings of species provided for in this section shall be retained aboard the landing vessel for 90 days after landing.

**Reviser's note:** The 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.

**Reviser's note:** The unnecessary underscoring 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 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 effective 12:01 a.m. August 29, 1996:

WAC 220-44-05000Y      Coastal bottomfish catch limits (96-88)

**WSR 96-17-049**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Fisheries)

[Order 96-113—Filed August 19, 1996, 2:42 p.m., effective August 26, 1996, 7:00 p.m.]

Date of Adoption: August 19, 1996.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-33-01000F; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: Harvestable numbers of salmon are available. This rule is consistent with actions of the August 8, 1996, Columbia River Compact hearing.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: August 26, 1996, 7:00 p.m.

August 19, 1996

Bruce Crawford

for Bern Shanks

Director

## NEW SECTION

**WAC 220-33-01000F Columbia River gillnet seasons below Bonneville.** Notwithstanding the provisions of WAC 220-33-010, WAC 220-33-020, and WAC 220-33-030, it is unlawful for a person to take or possess salmon, shad, and sturgeon taken for commercial purposes from Columbia River Salmon Management and Cath Reporting Areas 1A, 1B, 1C, 1D, and 1E except during the times and conditions listed:

Area: Big Creek Terminal Area

Description: The Big Creek terminal salmon fishing area is Calendar and Big Creeks sloughs east from boundary markers at the west end of Minaker Island, upstream to marker at south bank at mouth of Blind Slough across to a marker on the north bank of Blind Slough, thence west to a marker on Karlson Island, except within a 100 foot radial closure at the mouth of Big Creek.

Season: 7:00 p.m. August 26 to 7:00 p.m. August 28, 1996;

7:00 p.m. September 3 to 7:00 p.m. September 5, 1996.

Gear: 100 fathoms maximum length.

No limit on amount of weight on lead line.

No mesh restriction

Allowable Sale: Salmon and sturgeon

Unlawful to: Transport or possess fish outside the fishing area when adjacent mainstem Columbia River is closed, unless by licensed buyer.

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

#### REPEALER

The following section of the Washington Administrative Code is repealed effective 7:00 p.m. September 5, 1996:

WAC 220-33-01000F Columbia River gillnet seasons below Bonneville

**WSR 96-17-050**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

(Fisheries)

[Order 96-114—Filed August 19, 1996, 2:45 p.m., effective September 1, 1996, 12:01 a.m.]

Date of Adoption: August 19, 1996.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:  
 Repealing WAC 220-56-19100T; and amending WAC 220-56-191.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: As a result of United States/Canada agreement, Canada will reduce its west coast of Vancouver Island troll fishery catch to no more than one million coho, in exchange for Washington Department of Fish and Wildlife's willingness to reduce its harvest of Fraser River sockeye. At least 50% of the west coast Vancouver Island coho savings will be dedicated to increased spawning escapement and the remainder will be utilized to increase coho fishing opportunities. Per contingencies discussed in Pacific Fishery Management Council/North of Falcon process and reviewed in subsequent state/tribal discussions, the recreational fishery in Areas 5 and 6 will operate under a harvest guideline of 50,000 coho, whichever occurs first.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: September 1, 1996, 12:01 a.m.

August 19, 1996

Bern Shanks  
 Director

#### NEW SECTION

**WAC 220-56-19100T Puget Sound salmon—  
 Saltwater seasons and daily catch limits.** Notwithstanding the provisions of WAC 220-56-191, effective September 1, 1996 it is unlawful to fish for or possess salmon taken by angling for personal use in Catch Record Card Areas 5 and 6 except as provided in the sections below:

(1) Catch Record Card Areas 5 and 6 are open for salmon angling, except the waters of Dungeness Bay westerly of a line from Dungeness Spit Light to the number 2 red buoy, and then to the Port Williams boat ramp are closed to salmon angling.

(2) Daily catch limit is 2 salmon, except all chinook must be released immediately.

#### REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. September 30, 1996:

**WAC 220-56-19100T Puget Sound salmon—  
 Saltwater seasons and daily  
 catch limits.**

**WSR 96-17-051**  
**EMERGENCY RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed August 19, 1996, 4:50 p.m.]

Date of Adoption: August 19, 1996.

Purpose: To establish a ginseng management program, recognized by the United States Fish and Wildlife Service, so that cultivated ginseng can be harvested, marketed and exported from Washington state.

Statutory Authority for Adoption: Chapter 15.17 RCW.

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

Reasons for this Finding: This rule must be in place and approved by the United States Fish and Wildlife Service in order for the ginseng industry in the state of Washington to begin exporting after the 1996 harvest. If the ginseng industry is unable to export after the 1996 harvest, they will suffer significant economic loss. Due to the potential economic losses that could occur without this rule in place, the Department of Agriculture is instituting this emergency rule so the public welfare is served and will not be harmed.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal

**Rules or Standards:** New 0, amended 0, repealed 0; or  
**Recently Enacted State Statutes:** New 0, amended 0, repealed 0.

**Number of Sections Adopted at Request of a Nongovernmental Entity:** New 0, amended 0, repealed 0.

**Number of Sections Adopted on the Agency's own Initiative:** New 0, amended 0, repealed 0.

**Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures:** New 0, amended 0, repealed 0.

**Number of Sections Adopted using Negotiated Rule Making:** New 0, amended 0, repealed 0; **Pilot Rule Making:** New 0, amended 0, repealed 0; or **Other Alternative Rule Making:** New 0, amended 0, repealed 0.

**Effective Date of Rule:** Immediately.

August 19, 1996  
 James M. Jesernig  
 Director

### Rules Relating to Ginseng Management

#### NEW SECTION

**WAC 16-695-005 Purpose.** These rules are promulgated under Chapter 34.05 RCW to establish standards and administer a ginseng management program. This program will promote the production and export of cultivated ginseng and prohibit acts detrimental to the survival of the indigenous wild ginseng population. These rules shall regulate the sale and export of ginseng, establish a registration program for dealers and growers, and provide for the certification of cultivated American ginseng by the Washington State Department of Agriculture. These rules are recognized by the United States Fish and Wildlife Service.

#### NEW SECTION

**WAC 16-695-010 Definitions.** The following definitions shall apply:

(1) "Cultivated ginseng" means any part of a ginseng plant that is growing or grown in managed beds under artificial or natural shade and cultivated according to recognized ginseng horticultural practices. Cultivated ginseng includes woodsgrown ginseng.

(2) "Dealer" means anyone who buys ginseng for resale, or grows and sells it for export.

(3) "Dealer registration" means an annual registration issued by the department authorizing a dealer to buy, collect, or otherwise acquire ginseng roots for resale or export from this state.

(4) "Department" means the Washington state department of agriculture.

(5) "Director" means the director of the department of this duly appointed representative.

(6) "Dry weight" means the weight in pounds and ounces of harvested or collected ginseng root that is dried and is no longer viable.

(7) "Out-of-state ginseng" means ginseng that is grown or originated outside the state of Washington.

(8) "Ginseng" means any and all parts of the plant known as American ginseng (*Panax quinquefolius L*) including but not limited to: plants, whole roots, essentially intact roots, root chunks, and slices, seeds, and tissue. This definition does not apply to processed products.

(9) "Green ginseng" means a ginseng root from which the moisture has not been removed by drying.

(10) "Green weight" means the weight in pounds and ounces of freshly harvested or collected ginseng root that is not dried and is still viable.

(11) "Grower" means a person who grows "cultivated," "wild simulated" and or "woodsgrown" ginseng, and sells it to a dealer.

(12) "Grower registration" means an annual registration issued by the department which enables a grower to sell cultivated ginseng that the grower has produced.

(13) "Person" means any individual, firm, partnership, corporation, company, society, association or other business entity, and every officer, agent or employee thereof, agency or organized group of persons whether or not incorporated

(14) "Wild ginseng" means ginseng growing naturally within its native range.

(15) "Wild simulated ginseng" means cultivated ginseng grown in a wooded site where wild ginseng is not established.

(16) "Woodsgrown ginseng" means ginseng grown in managed beds under natural shade.

#### NEW SECTION

**WAC 16-695-015 Collection of wild ginseng.** No grower's or dealer's registration will be issued for the collection, sale or distribution of wild ginseng for the purpose of sale or distribution.

#### NEW SECTION

**WAC 16-695-020 Dealers and growers—Annual registration with the department—Requirements.** Dealer and growers must register with the Washington State Department of Agriculture, and the following requirements apply. (1) No person may act as a dealer without first registering with the department. Registration shall be made annually on a form provided by the department and will expire on December 31 of each year. The department will assign a registration number to each person registered under this subsection.

(2) No person shall act as a grower without first registering with the department. Registration shall be made annually on a form provided by the department and will expire on December 31 of each year. The department will assign a registration number to each person registered under this subsection.

(3) Any persons who acts as a dealer and a grower must register as both.

#### NEW SECTION

**WAC 16-695-025 Grower records.** A grower selling cultivated ginseng shall do all of the following when selling to a dealer:

(a) Provide a record of sale containing all of the following information to a dealer:

- (i) Grower's name and address;
- (ii) Grower's registration number;
- (iii) Ginseng certificate number;
- (iv) Dry weight;
- (v) Year harvested;

- (vi) Date of transaction;
- (b) Certify that the ginseng was grown in Washington State. The certification shall be in the form prescribed by the director;
- (c) Maintain records of all ginseng production and sales;
- (d) Maintain records of the location and dimensions of and all management activities applied to any woodsgrown ginseng beds;

**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 16-695-030 Dealer records.** Dealers shall keep true and accurate records of transactions, including both sales and purchase records, in a format prescribed by the director herein. (1) Purchase records shall include:

- (a) Dealer's name;
- (b) Dealer's registration number;
- (c) Dealer's address;
- (d) Grower/seller name;
- (e) Grower/seller registration number;
- (f) Ginseng weight in pounds and ounces;
- (g) Designation of green or dry ginseng;
- (h) Designation of wild or cultivated ginseng;
- (i) Harvest year of ginseng;
- (j) Date of transaction;

(2) Sales records shall include the following information:

- (a) Dealer's name;
- (b) Dealer's registration number;
- (c) Dealer's address;
- (d) Buyer's name;
- (e) Buyer's registration number;
- (f) Ginseng weight in pounds and ounces;
- (g) Designation of green or dry ginseng;
- (h) Designation of wild or cultivated ginseng;
- (i) Harvest year;
- (j) Date of transaction.

#### NEW SECTION

**WAC 16-695-035 Out-of-state ginseng.** (1) No dealer may purchase, receive or import out-of-state ginseng unless it is accompanied by a valid certificate of origin issued by the state or country of origin. The certificate must include the state or country of origin, the source (wild or cultivated), year of harvest, and dry weight of the out-of-state ginseng.

(2) The dealer shall retain for a period of three years a copy of each written certificate of origin received.

(3) If a dealer receives ginseng not accompanied by a valid certificate of origin, the uncertified ginseng must be returned within 30 days to the state or country of origin. Failure to do so shall render the ginseng illegal for commerce.

#### NEW SECTION

**WAC 16-695-040 Selling and/or shipping of ginseng - certificates.** (1) No person shall sell, ship or export ginseng out-of-state unless it is accompanied by a valid certificate of origin issued by the Washington State Department of Agriculture, which contains the following information:

- (a) State of origin;
- (b) Serial number of certificate;
- (c) Dealer's and grower's state registration number;
- (d) Dealer's and grower's shipment number for that harvest season;
- (e) Year of harvest of ginseng being certified;
- (f) Designation as wild or artificially propagated roots or plants;
- (g) Designation as dried or fresh (green) roots, or live plants;
- (h) Weight of roots or plants (or number of plants) separately expressed both numerically and in writing;
- (i) Verified statement by Washington State Department of Agriculture ginseng official that the ginseng was obtained in that state in accordance with the state law of that harvest year;
- (j) Name and title of the Washington State Department of Agriculture certifying official;
- (k) Date of certification;
- (l) Signature of dealer and Washington State Department of Agriculture official making certification;
- (2) Certificates are issued by the Washington State Department of Agriculture in triplicate. The original is designated for the dealer's use in commerce; the first copy is for the dealer's records; and the second copy is retained by the Washington State Department of Agriculture for reference.
- (3) No person shall export ginseng grown in Washington using an out-of-state issued certificate.
- (4) A certificate is valid for ginseng harvested within the same registration year that the certificate was issued (also see WAC 16-695-050).
- (5) Certificates of origin shall not be issued for wild ginseng.

#### NEW SECTION

**WAC 16-695-045 Maintaining separate lots of ginseng.** Dealers shall maintain separation between lots of out-of-state ginseng and that harvested in Washington until a certificate of origin has been issued for the ginseng harvested in the state.

#### NEW SECTION

**WAC 16-695-050 Dealer and/or grower holding ginseng after March 31 of the year.** Any grower or dealer holding ginseng after March 31 of the year after harvest must notify the Department. The Department will inspect the ginseng and provide an official receipt of the weight of the remaining ginseng. Any future certification of this ginseng will be issued referencing this weight receipt.

#### NEW SECTION

**WAC 16-695-055 Inspection or submission of records.** (1) All records required to be kept under this chapter must be made available to the Washington State Department of Agriculture upon request for audit, inspection, and/or copying.

(2) Pursuant to the authority provided in chapter 15.17 RCW, the department shall not disclose information obtained regarding purchases, sales, or production of an individual American ginseng dealer, except for providing reports to the United States Fish and Wildlife Service. This information is exempt from public disclosure required by chapter 42.17 RCW.

#### NEW SECTION

**WAC 16-695-060 Export procedures.** Valid Federal CITES documents are necessary to export ginseng.

#### NEW SECTION

**WAC 16-695-065 Fees—Hourly, overtime.** Fees shall be charged sufficient to cover the department's cost of implementing this chapter. (1) Ginseng certification activities shall be provided at an hourly and overtime rate. The overtime rate shall apply for service provided subsequent to a regularly scheduled eight-hour week day shift or on Saturdays, Sundays, and state legal holidays. No service will be performed on Thanksgiving Day, Christmas Day or New Years Day, beginning at 5:00 p.m., on the previous day.

(2) Charges shall be for a minimum of one hour. Additional time shall be charged in one-half hour increments.

#### NEW SECTION

**WAC 16-695-070 Schedule of fees and charges.** The following schedule for ginseng certification activities shall apply:

- |                             |         |
|-----------------------------|---------|
| (1) Certificate, each ..... | \$25.00 |
| (2) Hourly rate .....       | \$28.00 |
| (3) Overtime rate .....     | \$42.00 |

(4) Travel time at the appropriate hourly or overtime rate shall be assessed.

(5) Mileage and per diem shall be charged at the rate established by the state office of financial management.

(6) Postage and other miscellaneous costs shall be charged back at actual cost.

(7) Certification activities shall include auditing dealers records of the production, sales and storage of ginseng, and issuing certificates.

#### NEW SECTION

**WAC 16-695-075 Unlawful activities.** A person shall not do any of the following:

- (1) Fail to maintain all required records.
- (2) Buy, otherwise acquire, or possess uncertified ginseng, which is required by this chapter to be certified.
- (3) Export uncertified ginseng from this state.
- (4) Possess ginseng originating from another state without authorization from the state of origin.
- (5) Violate Chapter 15.17 RCW or any rule promulgated thereunder, or any lawful order of the director.
- (6) Knowingly provide incorrect or false information on a registration application, report, certificate of origin, or other document required under this act.
- (7) Provide a purchaser with a record of sale for more ginseng than is actually sold or otherwise exchanged.

**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 16-695-080 Enforcement actions.** (1) The director may take any enforcement action authorized by Chapter 15.17 RCW.

(2) Upon determination that an applicant or registered ginseng dealer or grower has violated this chapter, and after following the notice and hearing requirements and provisions of chapter 34.05 RCW concerning adjudicative proceedings, the director of the department may deny, suspend, or revoke any registration or application for registration.

**WSR 96-17-073  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Wildlife)**

[Order 96-115—Filed August 20, 1996, 4:50 p.m.]

Date of Adoption: August 20, 1996.

Purpose: To repeal Columbia and Snake River Game Reserve.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 232-16-080.

Statutory Authority for Adoption: RCW 77.12.040.

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

Reasons for this Finding: This repealed WAC will eliminate duplicate or conflicting information that is in WAC 232-16-740.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

August 20, 1996

Larry Peck

for Bern Shanks, PhD

Director

**REPEALER**

The following section of the Washington Administrative Code is hereby repealed effective immediately:

WAC 232-16-080      Columbia and Snake River Game Reserve.

**WSR 96-17-074  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

(Wildlife)

[Order 96-116—Filed August 20, 1996, 4:52 p.m.]

Date of Adoption: August 20, 1996.

Purpose: To adopt Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures.

Citation of Existing Rules Affected by this Order:  
Amending WAC 232-16-740.

Statutory Authority for Adoption: RCW 77.12.040.

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

Reasons for this Finding: This regulation is necessary to have closures in effect prior to season openers to protect the resource and until the permanent rule becomes effective.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

August 20, 1996  
Larry Peck  
for Bern Shanks, PhD  
Director

**NEW SECTION**

**WAC 232-16-74000A Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures.** Notwithstanding the provisions of WAC 232-16-740, effective immediately it shall be unlawful to hunt migratory waterfowl, coot and jacksnipe on or within the following described areas:

Section 1. Waters and land below the mean high water mark of Bachelor Island Slough of the Columbia River in Clark County. Bachelor Island Slough is further defined as

those waters starting at the south end of the slough at its confluence with the Columbia river, running north along the eastern shore of Bachelor Island to the confluence with Lake River.

Section 2. Klickitat County - the Columbia River and those lands lying within one-quarter mile of the Columbia River upstream from the railroad bridge at Wishram to the grain elevator at Roosevelt.

Section 3. The Columbia River and those lands lying within one-quarter mile of the Columbia River between the mouth of Glade Creek (river channel marker 57) and the old town site of Patterson (river channel marker 67).

Section 4. The Columbia River and those lands lying within one-quarter mile of the Columbia River between the old Hanford townsite (Wooden Tower) powerline crossing in Section 30, T13N, R28E, to Vernita Bridge (Highway 24).

Section 5. The Columbia River between the public boat launch at Sunland Estates (Wanapum Pool) and a point perpendicular in Kittitas County; upstream to the posted marker 200 yards north of Quilomene Bay and a point perpendicular in Grant County, including islands.

Section 6. The Snake River and those lands within one-quarter mile of the Snake River, between the U.S. Highway 12 bridge near Burbank, upstream to lower Monumental Dam.

Section 7. The Yakima River and those lands lying within one-fourth mile of the Yakima River from the Sunnyside-Mabton Road bridge downstream to the Euclid Road bridge (4 miles).

Section 8. The Yakima River and those lands lying within one-fourth mile of the Yakima River from the Grant Avenue bridge (steel bridge) north of Prosser downstream 2-1/2 miles, to the powerline.

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

**WSR 96-17-075  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

(Wildlife)

[Order 96-117—Filed August 20, 1996, 4:55 p.m., effective October 5, 1996]

Date of Adoption: August 20, 1996.

Purpose: To amend migratory waterfowl regulations.

Citation of Existing Rules Affected by this Order:  
Amending WAC 232-28-420.

Statutory Authority for Adoption: RCW 77.12.040.

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

Reasons for this Finding: To comply with federal age requirement for youth hunters.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal

Rules or Standards: New 0, amended 0, repealed 0; or  
Recently Enacted State Statutes: New 0, amended 0,  
repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: October 5, 1996.

August 20, 1996

Larry Peck  
for Bern Shanks, PhD  
Director

#### NEW SECTION

**WAC 232-28-42000A 1996-97 Migratory waterfowl seasons and regulations.** Notwithstanding the provisions of WAC 232-28-420, for October 5, 1996 Special Youth Hunting Day open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting).

EMERGENCY



**WSR 96-17-003**  
**NOTICE OF PUBLIC MEETINGS**  
**CONVENTION AND TRADE**  
**CENTER**  
[Memorandum—August 5, 1996]

**NOTICE OF CANCELLED PUBLIC MEETING**

The WSCTC design committee meeting, originally scheduled for 11:30 a.m. on August 7, 1996, at the Convention Center, has been CANCELLED.

A regular meeting of the WSCTC board of directors will be held on Wednesday, August 7 at 1:30 p.m. in Room 310 of the Convention Center.

If you have any questions regarding these meetings, please call 447-5000.

**WSR 96-17-004**  
**NOTICE OF PUBLIC MEETINGS**  
**EDMONDS COMMUNITY COLLEGE**  
[Memorandum—August 6, 1996]

The Edmonds Community College board of trustees will not meet during August. The next board meeting is scheduled Tuesday, September 17, 1996, at 4:30 p.m. in the boardroom of the Sno-King Building (SKB 103).

**WSR 96-17-007**  
**NOTICE OF PUBLIC MEETINGS**  
**EXECUTIVE ETHICS BOARD**  
[Memorandum—August 9, 1996]

**SPECIAL MEETING NOTICE**

The Executive Ethics Board will hold a special meeting by telephone conference call on Wednesday, August 14, 1996, beginning at 10:00 a.m. at the Office of the Attorney General, 1125 Washington Street S.E., Conference Room 647W, Olympia, WA 98504-0100. The purpose of the meeting will be to discuss and take action on an advisory opinion request from Jennifer Belcher, Commissioner of Public Lands.

**WSR 96-17-009**  
**RULES COORDINATOR**  
**GAMBLING COMMISSION**  
[Filed August 12, 1996, 11:20 a.m.]

Effective August 13, 1996, David Shaw will act as the Gambling Commission's rules and policy coordinator until further notice.

Frank L. Miller  
Director

**WSR 96-17-015**  
**INTERPRETIVE AND POLICY STATEMENT**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed August 12, 1996, 1:15 p.m.]

**Consultation and Compliance**

WISHA Interim Interpretive Memorandum #96-7-A, "Body Armor as Personal Protective Equipment," provides guidance to WISHA consultation and compliance staff, describing appropriate application of the personal protection equipment standard both to law enforcement and to other employers where body armor may provide appropriate protection.

Contact: Sharon Hubbell or Teri Neely

Mailstop 4648  
(360) 902-5503

Frank Leuck, Assistant Director  
Consultation and Compliance

WISHA Interim Interpretive Memorandum #96-7-B, "Compliance Policy for Hantavirus Related Cases," provides guidance regarding potential compliance activities relating to potential occupational hazards related to hantavirus exposure.

Contact: Sharon Hubbell or Teri Neely

Mailstop 4648  
(360) 902-5503

Frank Leuck, Assistant Director  
Consultation and Compliance

WISHA Interim Interpretive Memorandum #96-7-C, "Asbestos Course Provider Audit Policy," documents the department's auditing practices in relation to asbestos training courses.

Contact: Sharon Hubbell or Teri Neely

Mailstop 4648  
(360) 902-5503

Frank Leuck, Assistant Director  
Consultation and Compliance

WISHA Interim Interpretive Memorandum #96-7-D, "Customized Physician Guidelines for Evaluation of Respirator Users," emphasizes the importance of keeping a broad interpretation of what constitutes a physician "guideline" to determine if an employee is medically eligible to wear a respirator.

Contact: Sharon Hubbell or Teri Neely

Mailstop 4648  
(360) 902-5503

Frank Leuck, Assistant Director  
Consultation and Compliance

WISHA Interim Interpretive Memorandum #96-7-E, "Fall Protection and Grain Inspectors," provides guidance to WISHA compliance and consultation staff relating to fall protection requirements for employees of the Washington State Department of Agriculture who are inspecting grain in railroad cars.

Contact: Sharon Hubbell or Teri Neely

Mailstop 4648  
(360) 902-5503

Frank Leuck, Assistant Director  
Consultation and Compliance

MISCELLANEOUS

**Insurance Services**

Interim Policy 2.60, "Adjudicating the Finality of Time Loss Compensation Orders," provides guidance to adjudicators whenever the adjudicator considers changing the time-loss compensation rate on a claim.

Contact: Linda Norris

Mailstop 4311  
(360) 902-5003

Theresa Whitmarsh, Assistant Director  
Insurance Services

Policy 3.20, "Personal Comfort Injuries," provides adjudication guidance to claim management staff whenever a claim is received for an injury occurring during a personal comfort activity.

Contact: Linda Norris

Mailstop 4311  
(360) 902-5003

Theresa Whitmarsh, Assistant Director  
Insurance Services

Policy 5.12, "Paying Time-Loss Compensation When Employer Also Pays Worker," provides guidance to adjudicators about payment of time loss benefits when the injured worker is also paid by the employer.

Contact: Linda Norris

Mailstop 4311  
(360) 902-5003

Theresa Whitmarsh, Assistant Director  
Insurance Services

Policy 11.10, "Authorizing Home Modifications," this policy outlines requirements to be applied whenever an injured worker or their representative requests a home modification.

Contact: Linda Norris

Mailstop 4311  
(360) 902-5003

Theresa Whitmarsh, Assistant Director  
Insurance Services

Marie Myerchin-Redifer  
Rules Coordinator

**WSR 96-17-019**  
**ATTORNEY GENERAL OPINION**  
**Cite as: AGO 1996 No. 11**  
[August 1, 1996]

**STATE - LANDS - FOREST LAND - LEGISLATURE - BOARD OF NATURAL RESOURCES - COMMISSIONER OF PUBLIC LANDS - DEPARTMENT OF NATURAL RESOURCES - ENABLING ACT - TRUSTS - WASHINGTON TERRITORY - COLLEGES AND UNIVERSITIES - COUNTIES - STATE'S TRUST RESPONSIBILITIES WITH RESPECT TO LANDS GRANTED BY THE UNITED STATES OR PLACED IN TRUST THROUGH STATE LEGISLATION.**

1. The Enabling Act facilitating the admission of Washington into the union (25 Stat. 676) is a limitation on state legislative authority and requires that federal grant lands be held in trust; exercises of legislative authority over federal grant lands will be tested by fiduciary principles.

2. Common law trust principles are instructive with respect to the administration of federal trust lands by the State, but the Legislature's management decisions are accorded a deference not granted a private trustee because of the presumption of constitutionality that applies to exercises of state legislative authority.
3. Federal and state laws of general application (such as the Endangered Species Act) apply to federal grant lands administered by the State.
4. The State's duties as trustee of federal grant lands run separately to each trust; joint administration is permissible where it serves the interests of each trust, so long as each trust is separately accounted for.
5. The State must separately account for each federal land grant trust, and maintain separate funds or accounts to that end.
6. The Legislature may lawfully delegate to the Department of Natural Resources and the Commissioner of Public Lands a role in administering forest lands within the State, including federal grant lands, while simultaneously authorizing the same agency and officer to play a role in regulating such lands.
7. In its administration of federal trust lands, the Department of Natural Resources is not subject to chapters 11.98, 11.100, 11.106 or 11.110 RCW.
8. The Department of Natural Resources has the authority to satisfy the requirements of the Endangered Species Act by entering into a long-term management plan, so long as the plan does not violate the Department's common law or statutory duties regarding the federal grant land trusts.
9. The exercise of discretion by the Department of Natural Resources with respect to administration of federal grant lands will be tested against an abuse of discretion standard; as against a trust beneficiary, principles regarding a trustee's exercise of discretion would apply, while as against a non-beneficiary, principles of administrative law would apply.
10. The management plans of the Department of Natural Resources for administration of federal trust lands need not treat each trust alike or benefit all trusts equally, so long as the Department acting consistently with its fiduciary duties and in the exercise of reasonable judgment determines that, on balance, the plan is in the economic interests of each trust.
11. The management plans of the Department of Natural Resources for administration of federal trust lands may exceed minimum standards imposed by other laws (such as the Endangered Species Act) governing use of those lands, if the Department can show that any reduced short-term economic return reflects a reasonable balance of long-term and short-term interests.
12. The Department of Natural Resources may take into account factors other than the economic well-being of a federal land grant trust, so long as those factors are consistent with ensuring the economic value and productivity of the trust.

13. The Morrill Act (7 U.S.C. § 303 et. seq.) precludes charging the expenses of managing and administering federal lands granted in the Enabling Act for purposes of an agricultural college, against the proceeds derived from the sale of such lands.
14. Forest board transfer lands are held in a trust established by state statute; although the Legislature is free to modify or repeal the laws creating the trust, common law principles governing the administration of private trusts will apply if these principles are not inconsistent with statutory directives.
15. The Legislature is free to enact laws subjecting forest board transfer lands to environmental regulation and other laws of general application.
16. The Department of Natural Resources is subject to common law principles with respect to its administration of forest board transfer lands, except where those principles are inconsistent with statutory law.
17. The forest board transfer lands constitute a single trust, and the Department of Natural Resources is authorized to manage them as an undifferentiated whole; the Department need not separately account for management of lands located in each county.
18. With respect to administration of forest board transfer lands, the Department of Natural Resources is subject to an abuse of discretion standard.

Requested by:

The Honorable Kathleen Drew, Chair  
 Senate Natural Resources Committee  
 John A. Cherberg Building Room 406  
 P.O. Box 40482  
 Olympia, WA 98504-0482

The Honorable Steve Fuhrman, Chair  
 House Natural Resources Committee  
 John L. O'Brien Building Room 333  
 P.O. Box 40600  
 Olympia, WA 98504-0600

3. A county auditor or similar officer lacks authority to decline to record a document presented for recording, and otherwise qualifying to be recorded, based on doubt that the entity purporting to record the document has been lawfully created or constituted.
4. County auditors and recording officers have no duty to record documents purporting to establish "trusts;" such documents are not among those listed in statute as recordable.
5. Conveyance of real estate to a "Massachusetts trust" or other "business trust" does not affect the property tax liability for the real estate.
6. Conveyance of real estate to a private trust, in which the grantors and their family members or other designees are among the beneficiaries of the trust, does not affect the property tax liability for the real estate.
7. Where the owners of real estate transfer title to a trust or business organization without any change in the beneficial ownership of the property, the transfer is not a "sale" as defined in RCW 82.45.010 and is exempt from excise tax.
8. A county auditor or similar officer is prohibited from recording real estate transfer documents until the County Treasurer has affixed a stamp reflecting either that the taxes have been paid or that none are due.
9. A county treasurer or other officer has no authority to require that documents offered for recording be first submitted to the Prosecuting Attorney, the Department of Revenue, or the Attorney General's Office for review and comment, except that a county officer has a reasonable time to consult with the Prosecuting Attorney for advice concerning his or her duties.

Requested by:

The Honorable Jeremy Randolph  
 Lewis County Prosecuting Attorney  
 360 N.W. North Street, MS: PRO01  
 Chehalis, WA 98532-1900

**WSR 96-17-020**  
**ATTORNEY GENERAL OPINION**  
**Cite as: AGO 1996 No. 12**  
[July 31, 1996]

**COUNTIES - COUNTY AUDITOR - COUNTY TREASURER - RECORDING DOCUMENTS - TRUSTS - BUSINESS ORGANIZATIONS - TAXATION - DUTY OF COUNTY AUDITORS AND TREASURERS TO RECORD DOCUMENTS.**

1. Under current Washington case law, a county auditor or similar recording officer has a ministerial duty to record a document purporting on its face to affect title to real estate located within the jurisdiction, if the document is presented for recording and the appropriate fee is tendered.
2. "Non-statutory abatements" are not documents purporting to affect title to real property, and county officers have no duty to record such documents.

**WSR 96-17-021**  
**ATTORNEY GENERAL OPINION**  
**Cite as: AGO 1996 No. 13**  
[August 6, 1996]

**STATE CONSTITUTION - GAMBLING - LOTTERIES - INITIATIVE AND REFERENDUM - VOTE REQUIRED TO AUTHORIZE TRIBAL-SPONSORED ELECTROMECHANICAL GAMING.**

1. Under the Washington State Constitution, article 2, section 24, an initiative authorizing forms of electromechanical gaming not previously authorized would require a sixty percent majority vote to be effective.
2. The Indian Gaming Regulatory Act (25 U.S.C. §§ 2701 et. seq.) does not preempt state authority to set state policy on gambling, or to determine the procedures by which state gambling laws will be adopted and/or modified.

## Requested by:

The Honorable Michael Heavey  
 Senator  
 34th Legislative District  
 P.O. Box 40482  
 Olympia, Washington 98504-0482

**WSR 96-17-022**  
**NOTICE OF PUBLIC MEETINGS**  
**WORKFORCE TRAINING AND**  
**EDUCATION COORDINATING BOARD**

[Memorandum—August 8, 1996]

Hearings to discuss proposed revisions to update "High Skills, High Wages: Washington's Comprehensive Plan for Workforce Training and Education" will be held on the following dates at the locations identified below:

Seattle	Wednesday September 4, 1996	Seattle School District Offices 815 Fourth Avenue North Seattle, WA 98109
Yakima	Thursday September 5, 1996	J. M. Perry Technical Institute 2011 West Washington Avenue Yakima, WA 98903-1239
Spokane	Wednesday September 11, 1996	Spokane Falls Community College 3410 West Fort George Wright Drive Spokane, WA 99204-5288
Mt. Vernon	Monday September 16, 1996	Joint Apprenticeship and Training Center 1710 Anderson Road Mt. Vernon, WA 98273
Vancouver	Wednesday September 18, 1996	Water Resources Education Center 4600 S.E. Columbia Way Vancouver, WA 98660

All hearings are scheduled from 5:00 - 8:00 p.m., or whenever public comment has concluded.

Copies of the draft revised plan will be available at the hearings. Copies may also be requested directly from WTECB by contacting Jan Hills at the address given below or by calling (360) 586-4530. Requested copies will be mailed after September 4, 1996.

Written Comments may be Submitted to: Kyra Kester, Workforce Training and Education Coordinating Board, P.O. Box 43105, Olympia, WA 98504-3105, FAX (360) 664-3669, e-mail wtecb@wln.com.

- Written comments will be accepted until September 20, 1996.
- Final board action is expected at the October 3, 1996, meeting.

The meeting sites are barrier free. People needing special accommodations call Jan Hills at (360) 586-4530 at least ten days in advance. Spanish interpreter services have been arranged for the meetings in Yakima and Mt. Vernon.

**WSR 96-17-025**  
**COMMISSION ON**  
**JUDICIAL CONDUCT**  
 [Filed August 13, 1996, 3:12 p.m.]

Following is a copy of the commission's procedural rules which are designated as Commission on Judicial Conduct Rules of Procedure (CJCRP). The rules have been formatted in a manner similar to court rules and were adopted by the commission at its business meeting on August 9, 1996.

The rules provide for an effective date of September 18, 1996.

David Akana  
 Executive Director

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 96-18 issue of the Register.

**WSR 96-17-026**  
**NOTICE OF PUBLIC MEETINGS**  
**INTERAGENCY COMMITTEE**  
**FOR OUTDOOR RECREATION**

[Memorandum—August 12, 1996]

The Interagency Committee for Outdoor Recreation (IAC) will meet Monday, September 23rd, beginning at 8:30 a.m., and Tuesday, September 24th in Room 175 of the Natural Resources Building in Olympia, Washington.

This meeting is a funding recommendation session for projects for the Washington Wildlife and Recreation Program (WWRP), including the first year of FY 1997-99. Other issues the IAC will consider include the National Recreational Trails Funding Act program, and 1997 agency legislation.

If you plan to participate or have materials for committee review, please submit information to IAC no later than September 5, 1996. This will allow for distribution to committee members in a timely fashion.

IAC public meetings are held in locations accessible to people with disabilities. Arrangements for individuals with hearing or visual impairments can be provided by contacting IAC by September 5 at (360) 902-3000 or TDD (360) 902-1996.

**WSR 96-17-030**  
**NOTICE OF PUBLIC MEETINGS**  
**WASHINGTON STATE LIBRARY**  
 [Memorandum—August 13, 1996]

The Washington State Library Commission will hold the following meetings as listed below:

**WASHINGTON STATE LIBRARY (WSL) COMMISSION BRIEFING MEETING**

DATE:	Thursday, September 12, 1996
TIME:	7:00 p.m.
LOCATION:	Best Western - Sam Hill's Den Dinner Meeting 735 WaNaPa Street Cascade Locks, OR*

**WASHINGTON STATE LIBRARY COMMISSION QUARTERLY  
MEETING**

**DATE:** Friday, September 13, 1996  
**TIME:** 10:00 a.m.  
**LOCATION:** Stevenson Public Library  
 120 N.W. Vancouver Avenue  
 Stevenson, WA  
 (509) 427-5471

For additional information, please do not hesitate to contact Cathy M. Stussy at (360) 753-2914, FAX (360) 586-7575 or e-mail cstussy@wln.com.

- \* Cascade Locks, Oregon is located across the river from Stevenson. Stevenson does not have a facility to accommodate the 7:00 p.m. WSLC briefing meeting or overnight accommodations at state rate.

**WSR 96-17-038  
RULES COORDINATOR  
PIERCE COLLEGE**

[Filed August 16, 1996, 10:45 a.m.]

The following individual has been assigned the task of rules coordinator: Debra Overby, 9401 Farwest Drive S.W., Lakewood, WA 98498-1999, phone (206) 964-6634.

Dr. George A. Delaney  
President

**WSR 96-17-039  
NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF  
NATURAL RESOURCES**  
(Natural Heritage Advisory Council)  
[Memorandum—August 15, 1996]

**NOTICE OF MEETING  
FOR THE  
NATURAL HERITAGE ADVISORY COUNCIL**

1996

The Natural Heritage Advisory Council will meet on the following date: October 9, 1996, at 9:30 a.m. to 5:00 p.m. at the Natural Resources Building, Room 175B, 1111 Washington Street S.E., Olympia, WA.

Regular council business will include consideration of natural area preserve proposals, site proposals for the registry program and NAP management activities.

For further information contact Department of Natural Resources, Washington Natural Heritage Program, Forest Resources Division, 1111 Washington Street S.E., P.O. Box 47016, Olympia, WA 98504-7016, (360) 902-1340.

**WSR 96-17-044  
NOTICE OF PUBLIC MEETINGS  
UNIVERSITY OF WASHINGTON**  
[Memorandum—August 15, 1996]

In accordance with RCW 42.30.075, the University of Washington is providing the following meeting schedule(s) for governing bodies of schools, colleges, departments and programs at the university that maintain regular meeting schedules at the UW Public Records Office.

**School of Fisheries  
Faculty Meeting Schedule**

Following are the 1996-1997 SOF faculty meeting dates. The meetings will be held from 11:30 - 1:00 p.m. in Room 288, Fisheries Center.

October 8, 1996  
 October 22, 1996  
 November 5, 1996  
 November 19, 1996  
 December 3, 1996  
 January 7, 1997  
 January 21, 1997  
 February 4, 1997  
 February 18, 1997  
 March 4, 1997  
 March 18, 1997  
 April 1, 1997  
 April 15, 1997  
 April 29, 1997  
 May 13, 1997  
 May 27, 1997  
 June 10, 1997

**WSR 96-17-046  
POLICY OR INTERPRETIVE STATEMENT  
INTERAGENCY COMMITTEE  
FOR OUTDOOR RECREATION**  
[Filed August 19, 1996, 2:04 p.m.]

At its July 12, 1996, meeting in Vancouver Washington, the Interagency Committee for Outdoor Recreation adopted the following new policies or interpretation of existing policies.

Resolution No.	Subject Description
96-09	Process for Establishing a NRTFA Program
96-10	Revisions to Manual #4: Development Projects: Policies
96-11	1997 Legislative Request
96-12	Streamlining IAC's Planning Program
96-13	1997-99 Operating Budget Request
96-14	1997-99 Capital Budget Request (non-WWRP)
96-15	1997-1007 WWRP Budget Request
96-16	Amendment to WAC 286-13-085(2)
96-17	Defer Comprehensive Amendment to WAC 286-13-085(2)
96-18	LWCF - Redistribution of Funds

These materials may be obtained by contacting Carolyn Hendricks at P.O. Box 40917, Natural Resources Building, 2nd Floor East, 1111 Washington Street S.E., Olympia, WA 98504-0917, (360) 902-3008.

Laura E. Johnson  
Director

MISCELLANEOUS

**WSR 96-17-054**  
**HEALTH CARE POLICY BOARD**

[Filed August 20, 1996, 9:35 a.m.]

**NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT**

The Washington Health Care Policy Board (HCPB) has been asked by the legislature to make recommendations to resolve problems adversely affecting access to and affordability of individual health insurance. At the advice of its Western and Eastern Advisory Forums, the HCPB has directed its staff to further examine the costs and benefits of the following market stabilization approaches:

1. Reinsurance, through a community high risk fund, that would offset carrier losses for individual products using one of two possible models:

- **Dual trigger:** Partial reimbursement (for example, 50% of loss) based on individual claims exceeding some threshold (for example, \$50,000 per claim) for a list of high cost diagnoses.
  - **Blended triple trigger:** Partial reimbursement (for example, 50% of loss) based on individual claims exceeding some threshold (for example, \$50,000 per claim) for a list of high cost diagnoses on the condition that a minimum percent of premiums earned is spent on claims (for example, 85%).
2. Operational adjustment to insurance reforms:
- Enrollees and carriers sign annual contracts;
  - Longer preexisting condition waiting periods for people who drop coverage and reenroll;
  - Periodic open enrollment for the individual market;
  - Incentives, such as premium reductions or enhanced benefits, to stay enrolled;
  - Standardized benefit packages
3. Proposed premium guidelines
- Minimum loss ratios
  - Premium indexing

The HCPB invites public comment on the costs and benefits of the above stabilization approaches. In addition, response to the following questions are being solicited:

1. What percent of carrier losses should be reimbursed through reinsurance?
2. Should carriers be required to devote a minimum percent of earned premiums to claims in order to qualify for reimbursement? If so what percent?
3. What diagnostic categories or conditions should be eligible for reimbursement?
4. What formula should be used to calculate carrier assessments to the community high risk fund? Should the formula be based on premiums earned, number of enrollees, or some other factor?
5. Which carriers should be assessed? Specifically, should stop-loss carriers be assessed?
6. Should carriers that provide individual insurance coverage equal to, or greater than, their total health insurance market share pay an assessment, or only those carriers who don't provide individual coverage proportionate to their presence in the market?
7. If all carriers are assessed, should there be a provision for carriers to file an exemption from participation if they exceed some minimum market share, as in the state of New Jersey?

8. Should all health insurance carriers be required to actively market individual insurance products?

9. What revenue sources, beyond carrier assessments, should be used to support the community high risk fund?

10. Who should administer the reinsurance program? What role, if any, should the Washington State Health Insurance Pool (WSHIP) play?

11. If the reinsurance program is instituted, should the WSHIP continue? What should be offered to current WSHIP enrollees? Should new enrollees be accepted into WSHIP and under what circumstances?

12. Should the reinsurance program be offered in the same manner as stop-loss insurance, and if so, should a premium be charged for coverage?

13. Should only carriers in the individual market be eligible for reimbursement or should all carriers, employers and other purchasers be able to reinsure their health benefits?

14. What incentives might be offered to individuals to maintain continuous coverage? What other mechanisms might reduce "churning"?

15. Should reinsurance be attached to all insurance products or only the model plan? Should other standardized packages be considered? If so, with what benefits and cost-sharing?

16. Are additional guidelines needed in rule or statute regarding insurance rate review and approval? Should rate review be based on minimum loss ratios?

17. Should premiums in the individual market be indexed to small group, large group or basic health plan premiums, and if so, how?

18. What other mechanisms might the HCPB consider to assure better predictability and affordability of individual health insurance premiums?

19. What else might the HCPB consider in its December 1996 recommendations to the governor and legislature regarding the scope, financing and delivery of health care benefit plans?

Please submit comments and responses by September 20, 1996 to Washington Health Care Policy Board, P.O. Box 41185, Olympia, WA 98504-1185, Attention: Tom Ansart, Policy Analyst.

You may FAX comments and responses to (360) 407-0069.

If you have questions about this announcement, please call (360) 407-0039.

**WSR 96-17-057**  
**POLICY STATEMENT**  
**DEPARTMENT OF HEALTH**

[Filed August 20, 1996, 11:44 a.m.]

**NOTICE OF ADOPTION OF POLICY STATEMENT**

Title of Policy: Confidentiality of whistleblower complainants, and waiver when necessary for investigation D20.01

Issuing Entity: Department of Health  
Facilities and Services Licensing Division  
and Health Profession Quality Assurance Division

Subject Matter:	Provides for procedures to implement RCW 43.70.075 which requires that the identity of a whistleblower who complains in good faith to the Department of Health about improper quality of care by a health care provider or in a health care facility shall be kept confidential.	WSR 96-17-059 POLICY STATEMENT <b>DEPARTMENT OF HEALTH</b> [Filed August 20, 1996, 11:46 a.m.]
Effective Date:	July 12, 1996.	NOTICE OF ADOPTION OF POLICY STATEMENT
Contact Person:	Kathy Stout, Director Department of Health Facilities and Services Licensing P.O. Box 7852 2725 Harrison Avenue N.W., Suite 500 Olympia, WA 98504-7852 (360) 705-6652 FAX (360) 705-6654	Title of Policy: Interpretive statements, policy statements, and declaratory orders proposed for adoption or issuance by Secretary Authority Professions A03.01
	Patricia O. Brown, Deputy Director Department of Health Health Policy and Constituent Relations Health Professions Quality Assurance	Issuing Entity: Health Professions Quality Assurance Division, Department of Health
Division	P.O. Box 7860 1300 Quince Street S.E. Olympia, WA 98504-7860 (360) 586-0055 FAX (360) 753-0657	Subject Matter: Establishes procedures for the secretary of health to review all proposed interpretive statements, policy statements and declaratory orders proposed by any secretary authority profession
		Effective Date: July 24, 1996
		Contact Person: Patricia O. Brown, Deputy Director Health Policy and Constituent Relations Health Professions Quality Assurance
Division		Division
		Department of Health 1300 Quince Street S.E. P.O. Box 47860 Olympia, WA 98504-7860 (360) 586-0055

**WSR 96-17-058  
POLICY STATEMENT  
**DEPARTMENT OF HEALTH****  
[Filed August 20, 1996, 11:45 p.m.]

## NOTICE OF ADOPTION OF POLICY STATEMENT

Title of Policy: Interpretive statements, policy statements, and declaratory orders proposed for adoption or issuance by Boards or Commissions A02.01

Issuing Entity: Health Professions Quality Assurance Division, Department of Health

Subject Matter: Establishes procedures for the secretary of health to review all proposed interpretive statements, policy statements and declaratory orders proposed by any board or commission vested with rule-making authority

Effective Date: July 24, 1996

Contact Person: Patricia O. Brown, Deputy Director  
Health Policy and Constituent Relations  
Health Professions Quality Assurance

Division  
Department of Health  
1300 Quince Street S.E.  
P.O. Box 47860  
Olympia, WA 98504-7860  
(360) 586-0055

**WSR 96-17-082  
NOTICE OF PUBLIC MEETINGS  
**FOREST PRACTICES BOARD****  
[Memorandum—August 20, 1996]

NOTICE OF SPECIAL MEETING  
FOREST PRACTICES BOARD

The Washington Forest Practices Board will hold a special board meeting on September 13, 1996. The meeting will convene at 3:00 p.m. in Room 172 of the Natural Resources Building in Olympia, Washington. Some members will participate via conference call. The agenda will be mailed on September 6, 1996.

## BOARD COMMITTEE MEETING NOTICE

The Marbled Murrelet Committee will meet on September 6, 1996, at 12:00 p.m. at the Weyerhaeuser Company in Room 4YW - Federal Way, Washington. No public comment will be taken.

For more information about either meeting contact Forest Practices Board, Recording Secretary, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, phone (360) 902-1413, FAX (360) 902-1784.

**WSR 96-17-084**  
**ATTORNEY GENERAL'S OFFICE**  
[Filed August 21, 1996, 11:10 a.m.]

**NOTICE OF REQUEST FOR**  
**ATTORNEY GENERAL'S OPINION**  
**WASHINGTON ATTORNEY GENERAL**

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the Attorney General's Office of your interest by September 11, 1996. This is not the due date by which comments must be received. However, if you do not notify the Attorney General's Office of your interest in commenting on an opinion request by September 11, 1996, the opinion may be issued before your comments have been received. You may notify the Attorney General's Office of your intention to comment by calling (360) 753-4114, or by writing to the Solicitor General, Office of the Attorney General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you will be provided with a copy of the opinion request in which you are interested; information about the Attorney General's Opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

The Attorney General's Office seeks public input on the following opinion request.

**96-08-03 Request by Mark O. Brown, Director  
Department of Labor and Industries**

Clarification of jurisdictional issues between the Department of Labor and Industries and Indian tribes; *i.e.*, the Industrial Insurance Act under Title 51 RCW, and the Washington Industrial Safety and Health Act under chapter 49.17 RCW.

November 20, 1996  
8:30 a.m. - 5:00 p.m.  
Grant County PUD  
Auditorium  
312 West Third Avenue  
Moses Lake, WA

The public is welcome to attend all meetings. Contact Laurie Penders, Executive Secretary, Washington State Noxious Weed Control Board, (206) 872-2972, if you have any questions.

**WSR 96-17-094**  
**NOTICE OF PUBLIC MEETINGS**  
**NOXIOUS WEED CONTROL BOARD**  
[Memorandum—August 21, 1996]

The Washington State Noxious Weed Control Board 1996 fall meetings will be held as follows:

September 18, 1996  
8:30 a.m. - 5:00 p.m.  
WSU Cooperative Extension  
128 North 2nd Street  
Yakima, WA

October 16, 1996  
8:30 a.m. - 5:00 p.m.  
Natural Resources Building  
Room 172  
1111 South Washington  
Olympia, WA

## 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:**

-C = Continuance of previous proposal  
 -E = Emergency action  
 -P = Proposed action  
 -S = Supplemental notice  
 -W = Withdrawal of proposed action  
 -X = Expedited repeal

Note: These filings will appear in a special  
section of Issue 96-14

No suffix means permanent action

**WAC #** shows the section number under which an agency rule is or  
will be codified in the Washington Administrative Code.

**WSR #** shows the issue of the Washington State Register where the  
document may be found; the last three digits identify the document  
within the issue.

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
4-25-530	PREP	96-05-081	12-10-230	PREP-X	96-13-023
4-25-530	AMD-P	96-09-065	12-10-230	REP	96-17-078
4-25-530	AMD	96-12-060	12-10-240	PREP-X	96-13-023
4-25-722	PREP	96-05-082	12-10-240	REP	96-17-078
4-25-722	AMD-P	96-09-064	12-10-245	PREP-X	96-13-023
4-25-722	AMD	96-12-062	12-10-245	REP	96-17-078
4-25-750	PREP	96-05-083	12-10-260	PREP-X	96-13-023
4-25-750	AMD-P	96-09-066	12-10-260	REP	96-17-078
4-25-750	AMD	96-12-061	12-10-270	PREP-X	96-13-023
4-25-810	PREP	96-05-084	12-10-270	REP	96-17-078
4-25-810	PREP-W	96-10-027	12-10-300	PREP-X	96-13-023
12-10-010	PREP-X	96-13-023	12-10-300	REP	96-17-078
12-10-010	REP	96-17-078	12-10-305	PREP-X	96-13-023
12-10-020	PREP-X	96-13-023	12-10-305	REP	96-17-078
12-10-020	REP	96-17-078	12-10-310	PREP-X	96-13-023
12-10-025	PREP-X	96-13-023	12-10-310	REP	96-17-078
12-10-025	REP	96-17-078	12-10-320	PREP-X	96-13-023
12-10-030	PREP-X	96-13-023	12-10-320	REP	96-17-078
12-10-030	REP	96-17-078	12-10-330	PREP-X	96-13-023
12-10-035	PREP-X	96-13-023	12-10-330	REP	96-17-078
12-10-035	REP	96-17-078	12-10-340	PREP-X	96-13-023
12-10-040	PREP-X	96-13-023	12-10-340	REP	96-17-078
12-10-040	REP	96-17-078	12-10-345	PREP-X	96-13-023
12-10-050	PREP-X	96-13-023	12-10-345	REP	96-17-078
12-10-050	REP	96-17-078	12-10-350	PREP-X	96-13-023
12-10-055	PREP-X	96-13-023	12-10-350	REP	96-17-078
12-10-055	REP	96-17-078	12-10-355	PREP-X	96-13-023
12-10-060	PREP-X	96-13-023	12-10-355	REP	96-17-078
12-10-060	REP	96-17-078	12-10-360	PREP-X	96-13-023
12-10-100	PREP-X	96-13-023	12-10-360	REP	96-17-078
12-10-100	REP	96-17-078	12-10-365	PREP-X	96-13-023
12-10-160	PREP-X	96-13-023	12-10-365	REP	96-17-078
12-10-160	REP	96-17-078	12-10-370	PREP-X	96-13-023
12-10-170	PREP-X	96-13-023	12-10-370	REP	96-17-078
12-10-170	REP	96-17-078	12-10-375	PREP-X	96-13-023
12-10-180	PREP-X	96-13-023	12-10-375	REP	96-17-078
12-10-180	REP	96-17-078	12-10-390	PREP-X	96-13-023
12-10-190	PREP-X	96-13-023	12-10-390	REP	96-17-078
12-10-190	REP	96-17-078	12-10-400	PREP-X	96-13-023
12-10-200	PREP-X	96-13-023	12-10-400	REP	96-17-078
12-10-200	REP	96-17-078	12-10-405	PREP-X	96-13-023
12-10-203	PREP-X	96-13-023	12-10-405	REP	96-17-078
12-10-203	REP	96-17-078	12-10-410	PREP-X	96-13-023
12-10-205	PREP-X	96-13-023	12-10-410	REP	96-17-078
12-10-205	REP	96-17-078	12-10-420	PREP-X	96-13-023
12-10-210	PREP-X	96-13-023	12-10-420	REP	96-17-078
12-10-210	REP	96-17-078	12-10-425	PREP-X	96-13-023
12-10-215	PREP-X	96-13-023	12-10-425	REP	96-17-078
12-10-215	REP	96-17-078	12-10-440	PREP-X	96-13-023

## **Table of WAC Sections Affected**

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
12-10-660	PREP-X	96-13-023	12-24-145	DECOD-P	96-14-024
12-10-660	REP	96-17-078	12-24-145	DECOD	96-17-018
12-10-690	PREP-X	96-13-023	12-24-150	DECOD-P	96-14-024
12-10-690	REP	96-17-078	12-24-150	DECOD	96-17-018
12-10-695	PREP-X	96-13-023	12-24-155	DECOD-P	96-14-024
12-10-695	REP	96-17-078	12-24-155	DECOD	96-17-018
12-10-700	PREP-X	96-13-023	12-24-160	DECOD-P	96-14-024
12-10-700	REP	96-17-078	12-24-160	DECOD	96-17-018
12-10-710	PREP-X	96-13-023	12-24-165	DECOD-P	96-14-024
12-10-710	REP	96-17-078	12-24-165	DECOD	96-17-018
12-10-800	PREP-X	96-13-023	12-24-170	DECOD-P	96-14-024
12-10-800	REP	96-17-078	12-24-170	DECOD	96-17-018
12-10-810	PREP-X	96-13-023	12-24-175	DECOD-P	96-14-024
12-10-810	REP	96-17-078	12-24-175	DECOD	96-17-018
12-10-820	PREP-X	96-13-023	12-24-180	DECOD-P	96-14-024
12-10-820	REP	96-17-078	12-24-180	DECOD	96-17-018
12-10-830	PREP-X	96-13-023	12-24-185	DECOD-P	96-14-024
12-10-830	REP	96-17-078	12-24-185	DECOD	96-17-018
12-10-840	PREP-X	96-13-023	12-24-190	DECOD-P	96-14-024
12-10-840	REP	96-17-078	12-24-190	DECOD	96-17-018
12-10-900	PREP-X	96-13-023	12-24-195	DECOD-P	96-14-024
12-10-900	REP	96-17-078	12-24-195	DECOD	96-17-018
12-18-001	DECOD-P	96-14-024	12-24-200	DECOD-P	96-14-024
12-18-001	DECOD	96-17-018	12-24-200	DECOD	96-17-018
12-18-010	DECOD-P	96-14-024	12-24-205	DECOD-P	96-14-024
12-18-010	DECOD	96-17-018	12-24-205	DECOD	96-17-018
12-18-020	PREP	96-10-041	12-24-210	DECOD-P	96-14-024
12-18-020	AMD-P	96-14-024	12-24-210	DECOD	96-17-018
12-18-020	DECOD-P	96-14-024	12-24-215	DECOD-P	96-14-024
12-18-020	AMD	96-17-018	12-24-215	DECOD	96-17-018
12-18-020	DECOD	96-17-018	12-24-350	DECOD-P	96-14-024
12-18-030	DECOD-P	96-14-024	12-24-350	DECOD	96-17-018
12-18-030	DECOD	96-17-018	12-24-360	DECOD-P	96-14-024
12-18-040	DECOD-P	96-14-024	12-24-360	DECOD	96-17-018
12-18-040	DECOD	96-17-018	12-24-370	DECOD-P	96-14-024
12-18-050	DECOD-P	96-14-024	12-24-370	DECOD	96-17-018
12-18-050	DECOD	96-17-018	12-24-380	DECOD-P	96-14-024
12-19-010	DECOD-P	96-14-024	12-24-380	DECOD	96-17-018
12-19-010	DECOD	96-17-018	12-40-010	DECOD-P	96-14-024
12-20-050	DECOD-P	96-14-024	12-40-010	DECOD	96-17-018
12-20-050	DECOD	96-17-018	12-40-020	DECOD-P	96-14-024
12-24-002	DECOD-P	96-14-024	12-40-020	DECOD	96-17-018
12-24-002	DECOD	96-17-018	12-40-030	DECOD-P	96-14-024
12-24-005	DECOD-P	96-14-024	12-40-030	DECOD	96-17-018
12-24-005	DECOD	96-17-018	12-40-040	DECOD-P	96-14-024
12-24-025	DECOD-P	96-14-024	12-40-040	DECOD	96-17-018
12-24-025	DECOD	96-17-018	12-40-050	DECOD-P	96-14-024
12-24-030	DECOD-P	96-14-024	12-40-050	DECOD	96-17-018
12-24-030	DECOD	96-17-018	12-40-060	DECOD-P	96-14-024
12-24-035	DECOD-P	96-14-024	12-40-060	DECOD	96-17-018
12-24-035	DECOD	96-17-018	12-40-070	DECOD-P	96-14-024
12-24-040	DECOD-P	96-14-024	12-40-070	DECOD	96-17-018
12-24-040	DECOD	96-17-018	12-40-080	DECOD-P	96-14-024
12-24-045	DECOD-P	96-14-024	12-40-080	DECOD	96-17-018
12-24-045	DECOD	96-17-018	12-40-090	DECOD-P	96-14-024
12-24-050	DECOD-P	96-14-024	12-40-090	DECOD	96-17-018
12-24-050	DECOD	96-17-018	12-40-100	DECOD-P	96-14-024
12-24-105	DECOD-P	96-14-024	12-40-100	DECOD	96-17-018
12-24-105	DECOD	96-17-018	12-40-110	DECOD-P	96-14-024
12-24-110	DECOD-P	96-14-024	12-40-110	DECOD	96-17-018
12-24-110	DECOD	96-17-018	12-40-120	DECOD-P	96-14-024
12-24-115	DECOD-P	96-14-024	12-40-120	DECOD	96-17-018
12-24-115	DECOD	96-17-018	12-40-130	DECOD-P	96-14-024
12-24-120	DECOD-P	96-14-024	12-40-130	DECOD	96-17-018
12-24-120	DECOD	96-17-018	12-40-140	DECOD-P	96-14-024
12-24-125	DECOD-P	96-14-024	12-40-140	DECOD	96-17-018
12-24-125	DECOD	96-17-018	12-40-150	DECOD-P	96-14-024
12-24-130	DECOD-P	96-14-024	12-40-150	DECOD	96-17-018
12-24-130	DECOD	96-17-018	12-40-160	DECOD-P	96-14-024
12-24-135	DECOD-P	96-14-024	12-40-160	DECOD	96-17-018
12-24-135	DECOD	96-17-018	12-40-170	DECOD-P	96-14-024
12-24-140	DECOD-P	96-14-024	12-40-170	DECOD	96-17-018
12-24-140	DECOD	96-17-018	16-05-001	NEW-P	96-10-080

**Table of WAC Sections Affected**

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
16-06-170	NEW-P	96-06-082	16-101-530	PREP-X	96-14-009
16-06-170	NEW-C	96-11-119	16-101-540	PREP-X	96-14-009
16-06-170	NEW	96-14-086	16-101-550	PREP-X	96-14-009
16-06-175	NEW-P	96-06-082	16-101-560	PREP-X	96-14-009
16-06-175	NEW-C	96-11-119	16-101-570	PREP-X	96-14-009
16-06-175	NEW	96-14-086	16-101-580	PREP-X	96-14-009
16-06-180	NEW-P	96-06-082	16-101-590	PREP-X	96-14-009
16-06-180	NEW-C	96-11-119	16-101-600	PREP-X	96-14-009
16-06-180	NEW	96-14-086	16-101-610	PREP-X	96-14-009
16-06-185	NEW-P	96-06-082	16-101-620	PREP-X	96-14-009
16-06-185	NEW-C	96-11-119	16-101-630	PREP-X	96-14-009
16-06-185	NEW	96-14-086	16-101-640	PREP-X	96-14-009
16-06-190	NEW-P	96-06-082	16-101-650	PREP-X	96-14-009
16-06-190	NEW-C	96-11-119	16-101-660	PREP-X	96-14-009
16-06-190	NEW	96-14-086	16-101-670	PREP-X	96-14-009
16-06-195	NEW-P	96-06-082	16-101-680	PREP-X	96-14-009
16-06-195	NEW-C	96-11-119	16-101-700	PREP	96-13-093
16-06-195	NEW	96-14-086	16-114-001	PREP-X	96-14-017
16-06-200	NEW-P	96-06-082	16-114-010	PREP-X	96-14-017
16-06-200	NEW-C	96-11-119	16-114-015	PREP-X	96-14-017
16-06-200	NEW	96-14-086	16-114-020	PREP-X	96-14-017
16-06-205	NEW-P	96-06-082	16-114-025	PREP-X	96-14-017
16-06-205	NEW-C	96-11-119	16-114-030	PREP-X	96-14-017
16-06-205	NEW	96-14-086	16-114-040	PREP-X	96-14-017
16-06-210	NEW-P	96-06-082	16-114-045	PREP-X	96-14-017
16-06-210	NEW-C	96-11-119	16-114-050	PREP-X	96-14-017
16-06-210	NEW	96-14-086	16-114-055	PREP-X	96-14-017
16-06-215	NEW-P	96-06-082	16-114-060	PREP-X	96-14-017
16-06-215	NEW-C	96-11-119	16-114-065	PREP-X	96-14-017
16-06-215	NEW	96-14-086	16-114-070	PREP-X	96-14-017
16-06-220	NEW-P	96-06-082	16-114-075	PREP-X	96-14-017
16-06-220	NEW-C	96-11-119	16-114-080	PREP-X	96-14-017
16-06-220	NEW	96-14-086	16-114-085	PREP-X	96-14-017
16-06-225	NEW-P	96-06-082	16-114-090	PREP-X	96-14-017
16-06-225	NEW-C	96-11-119	16-114-095	PREP-X	96-14-017
16-06-225	NEW	96-14-086	16-114-100	PREP-X	96-14-017
16-06-230	NEW-P	96-06-082	16-114-105	PREP-X	96-14-017
16-06-230	NEW-C	96-11-119	16-114-110	PREP-X	96-14-017
16-06-230	NEW	96-14-086	16-114-115	PREP-X	96-14-017
16-06-235	NEW-P	96-06-082	16-114-120	PREP-X	96-14-017
16-06-235	NEW-C	96-11-119	16-114-125	PREP-X	96-14-017
16-06-235	NEW	96-14-086	16-114-130	PREP-X	96-14-017
16-09-001	PREP-X	96-14-072	16-114-135	PREP-X	96-14-017
16-09-010	PREP-X	96-14-072	16-114-140	PREP-X	96-14-017
16-09-020	PREP-X	96-14-072	16-116-001	PREP-X	96-14-012
16-09-030	PREP-X	96-14-072	16-116-010	PREP-X	96-14-012
16-09-040	PREP-X	96-14-072	16-116-020	PREP-X	96-14-012
16-49-001	PREP-X	96-14-011	16-116-030	PREP-X	96-14-012
16-49-010	PREP-X	96-14-011	16-116-040	PREP-X	96-14-012
16-49-020	PREP-X	96-14-011	16-120-001	PREP-X	96-14-014
16-49-030	PREP-X	96-14-011	16-120-005	PREP-X	96-14-014
16-49-040	PREP-X	96-14-011	16-120-010	PREP-X	96-14-014
16-54-082	PREP	96-13-095	16-120-020	PREP-X	96-14-014
16-54-082	AMD-P	96-16-080	16-120-030	PREP-X	96-14-014
16-54-125	PREP	96-13-096	16-120-040	PREP-X	96-14-014
16-54-125	AMD-P	96-16-079	16-120-050	PREP-X	96-14-014
16-86-015	PREP	96-13-095	16-120-060	PREP-X	96-14-014
16-86-015	AMD-P	96-16-080	16-120-070	PREP-X	96-14-014
16-101-410	PREP-X	96-14-009	16-120-080	PREP-X	96-14-014
16-101-420	PREP-X	96-14-009	16-120-090	PREP-X	96-14-014
16-101-430	PREP-X	96-14-009	16-120-100	PREP-X	96-14-014
16-101-440	PREP-X	96-14-009	16-120-110	PREP-X	96-14-014
16-101-450	PREP-X	96-14-009	16-120-120	PREP-X	96-14-014
16-101-455	PREP-X	96-14-009	16-120-130	PREP-X	96-14-014
16-101-460	PREP-X	96-14-009	16-122	PREP	96-13-092
16-101-465	PREP-X	96-14-009	16-124-011	PREP	96-13-091
16-101-470	PREP-X	96-14-009	16-126-001	PREP-X	96-14-014
16-101-475	PREP-X	96-14-009	16-128-001	PREP-X	96-14-016
16-101-480	PREP-X	96-14-009	16-128-010	PREP-X	96-14-016
16-101-490	PREP-X	96-14-009	16-128-020	PREP-X	96-14-016
16-101-500	PREP-X	96-14-009	16-128-030	PREP-X	96-14-016
16-101-510	PREP-X	96-14-009	16-128-040	PREP-X	96-14-016
16-101-520	PREP-X	96-14-009	16-128-050	PREP-X	96-14-016

## Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
16-200-750	AMD	96-15-018A	16-316	PREP	96-07-086
16-200-755	NEW-P	96-10-071	16-316-280	AMD-P	96-07-087
16-200-755	NEW	96-15-018A	16-316-280	AMD-C	96-11-121
16-200-760	AMD-P	96-10-071	16-316-280	AMD	96-14-088
16-200-760	AMD	96-15-018A	16-316-315	AMD-P	96-11-120
16-200-770	AMD-P	96-10-071	16-316-315	AMD	96-14-087
16-200-770	AMD	96-15-018A	16-316-327	AMD-P	96-07-087
16-200-780	REP-P	96-10-071	16-316-327	AMD-C	96-11-121
16-200-780	REP	96-15-018A	16-316-327	AMD	96-14-088
16-200-790	AMD-P	96-10-071	16-316-455	AMD-P	96-11-122
16-200-790	AMD	96-15-018A	16-316-455	AMD	96-14-089
16-200-795	NEW-P	96-10-071	16-316-474	AMD-P	96-11-124
16-200-795	NEW	96-15-018A	16-316-474	AMD	96-14-091
16-200-800	REP-P	96-10-071	16-316-724	AMD-P	96-11-124
16-200-800	REP	96-15-018A	16-316-724	AMD	96-14-091
16-200-805	AMD-P	96-10-071	16-316-921	AMD-P	96-11-123
16-200-805	AMD	96-15-018A	16-316-921	AMD	96-14-090
16-200-810	REP-P	96-10-071	16-319-041	AMD-P	96-03-065
16-200-810	REP	96-15-018A	16-319-041	AMD	96-11-044
16-200-815	AMD-P	96-10-071	16-400-040	AMD-P	96-05-071
16-200-815	AMD	96-15-018A	16-400-040	AMD	96-10-060
16-200-830	AMD-P	96-10-071	16-400-100	AMD-P	96-05-071
16-200-830	AMD	96-15-018A	16-400-100	AMD	96-10-060
16-200-850	REP-P	96-10-071	16-400-210	AMD-P	96-05-071
16-200-850	REP	96-15-018A	16-400-210	AMD	96-10-060
16-200-860	AMD-P	96-10-071	16-409-020	PREP	96-09-090
16-200-860	AMD	96-15-018A	16-409-030	PREP	96-09-090
16-200-865	NEW-P	96-10-071	16-409-060	PREP	96-09-090
16-200-865	NEW	96-15-018A	16-409-065	PREP	96-09-090
16-200-870	REP-P	96-10-071	16-473-005	NEW-E	96-10-036
16-200-870	REP	96-15-018A	16-473-005	NEW-E	96-17-027
16-200-885	NEW-P	96-10-071	16-473-010	NEW-E	96-10-036
16-200-885	NEW	96-15-018A	16-473-010	NEW-E	96-17-027
16-200-887	NEW-P	96-10-071	16-473-015	NEW-E	96-10-036
16-200-887	NEW	96-15-018A	16-473-015	NEW-E	96-17-027
16-233-001	NEW-P	96-14-108	16-473-020	NEW-E	96-10-036
16-233-005	NEW-P	96-14-108	16-473-020	NEW-E	96-17-027
16-233-010	NEW-P	96-14-108	16-473-025	NEW-E	96-10-036
16-233-020	NEW-P	96-14-108	16-473-025	NEW-E	96-17-027
16-233-025	NEW-P	96-14-108	16-473-030	NEW-E	96-10-036
16-233-100	NEW-P	96-14-108	16-473-030	NEW-E	96-17-027
16-233-105	NEW-P	96-14-108	16-473-035	NEW-E	96-10-036
16-233-110	NEW-P	96-14-108	16-473-035	NEW-E	96-17-027
16-233-115	NEW-P	96-14-108	16-529-150	AMD	96-03-151
16-233-120	NEW-P	96-14-108	16-532-010	AMD-P	96-05-086
16-233-125	NEW-P	96-14-108	16-532-010	AMD	96-15-139
16-233-125	NEW-S	96-17-081	16-532-040	PREP	96-02-082
16-233-130	NEW-P	96-14-108	16-532-0402	NEW-P	96-05-086
16-233-135	NEW-P	96-14-108	16-532-0402	NEW	96-15-139
16-233-140	NEW-P	96-14-108	16-532-0404	NEW-P	96-05-086
16-233-145	NEW-P	96-14-108	16-532-0404	NEW	96-15-139
16-233-150	NEW-P	96-14-108	16-532-0406	NEW-P	96-05-086
16-233-150	NEW-S	96-17-081	16-532-0406	NEW	96-15-139
16-233-155	NEW-P	96-14-108	16-532-0408	NEW-P	96-05-086
16-233-200	NEW-P	96-14-108	16-532-0408	NEW	96-15-139
16-233-205	NEW-P	96-14-108	16-532-0410	NEW-P	96-05-086
16-233-210	NEW-P	96-14-108	16-532-0410	NEW	96-15-139
16-233-215	NEW-P	96-14-108	16-532-0412	NEW-P	96-05-086
16-233-220	NEW-P	96-14-108	16-532-0412	NEW	96-15-139
16-233-225	NEW-P	96-14-108	16-532-0414	NEW-P	96-05-086
16-233-230	NEW-P	96-14-108	16-532-0414	NEW	96-15-139
16-233-235	NEW-P	96-14-108	16-540-040	AMD	96-03-150
16-233-240	NEW-P	96-14-108	16-560-06001	AMD	96-07-054
16-233-245	NEW-P	96-14-108	16-695-005	NEW-E	96-17-051
16-233-250	NEW-P	96-14-108	16-695-010	NEW-E	96-17-051
16-233-250	NEW-S	96-17-081	16-695-015	NEW-E	96-17-051
16-233-255	NEW-P	96-14-108	16-695-020	NEW-E	96-17-051
16-300-010	AMD	96-04-058	16-695-025	NEW-E	96-17-051
16-304-110	AMD-P	96-09-091	16-695-030	NEW-E	96-17-051
16-304-110	AMD	96-12-066	16-695-035	NEW-E	96-17-051
16-304-130	AMD-P	96-09-091	16-695-040	NEW-E	96-17-051
16-304-130	AMD	96-12-066	16-695-045	NEW-E	96-17-051
16-316	PREP	96-07-085	16-695-050	NEW-E	96-17-051

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
36-08-310	REP	96-17-040	44-10-150	AMD	96-03-155
36-08-320	PREP-X	96-13-021	44-10-160	AMD	96-03-155
36-08-320	REP	96-17-040	44-10-165	REP	96-03-155
36-08-330	PREP-X	96-13-021	44-10-170	AMD	96-03-155
36-08-330	REP	96-17-040	44-10-180	AMD	96-03-155
36-08-340	PREP-X	96-13-021	44-10-200	AMD	96-03-155
36-08-340	REP	96-17-040	44-10-210	AMD	96-03-155
36-08-350	PREP-X	96-13-021	44-10-220	REP	96-03-155
36-08-350	REP	96-17-040	44-10-221	NEW	96-03-155
36-08-360	PREP-X	96-13-021	44-10-222	NEW	96-03-155
36-08-360	REP	96-17-040	44-10-223	NEW	96-03-155
36-08-370	PREP-X	96-13-021	44-10-230	REP	96-03-155
36-08-370	REP	96-17-040	44-10-300	AMD	96-03-155
36-08-380	PREP-X	96-13-021	44-10-310	AMD	96-03-155
36-08-380	REP	96-17-040	44-10-320	REP	96-03-155
36-08-390	PREP-X	96-13-021	50-08-009	PREP-X	96-14-037
36-08-390	REP	96-17-040	50-08-009	REP	96-17-072
36-08-400	PREP-X	96-13-021	50-08-010	PREP-X	96-14-037
36-08-400	REP	96-17-040	50-08-010	REP	96-17-072
36-08-410	PREP-X	96-13-021	50-08-020	PREP-X	96-14-037
36-08-410	REP	96-17-040	50-08-020	REP	96-17-072
36-08-420	PREP-X	96-13-021	50-08-040	PREP-X	96-14-037
36-08-420	REP	96-17-040	50-08-040	REP	96-17-072
36-08-430	PREP-X	96-13-021	50-08-050	PREP-X	96-14-037
36-08-430	REP	96-17-040	50-08-050	REP	96-17-072
36-08-440	PREP-X	96-13-021	50-08-060	PREP-X	96-14-037
36-08-440	REP	96-17-040	50-08-060	REP	96-17-072
36-08-450	PREP-X	96-13-021	50-08-070	PREP-X	96-14-037
36-08-450	REP	96-17-040	50-08-070	REP	96-17-072
36-08-460	PREP-X	96-13-021	50-08-080	PREP-X	96-14-037
36-08-460	REP	96-17-040	50-08-080	REP	96-17-072
36-08-470	PREP-X	96-13-021	50-08-085	PREP-X	96-14-037
36-08-470	REP	96-17-040	50-08-085	REP	96-17-072
36-08-480	PREP-X	96-13-021	50-08-090	PREP-X	96-14-037
36-08-480	REP	96-17-040	50-08-090	REP	96-17-072
36-08-490	PREP-X	96-13-021	50-08-100	PREP-X	96-14-037
36-08-490	REP	96-17-040	50-08-100	REP	96-17-072
36-08-500	PREP-X	96-13-021	50-08-110	PREP-X	96-14-037
36-08-500	REP	96-17-040	50-08-110	REP	96-17-072
36-08-510	PREP-X	96-13-021	50-08-120	PREP-X	96-14-037
36-08-510	REP	96-17-040	50-08-120	REP	96-17-072
36-08-520	PREP-X	96-13-021	50-08-130	PREP-X	96-14-037
36-08-520	REP	96-17-040	50-08-130	REP	96-17-072
36-08-530	PREP-X	96-13-021	50-08-140	PREP-X	96-14-037
36-08-530	REP	96-17-040	50-08-140	REP	96-17-072
36-08-540	PREP-X	96-13-021	50-08-150	PREP-X	96-14-037
36-08-540	REP	96-17-040	50-08-150	REP	96-17-072
36-08-550	PREP-X	96-13-021	50-08-160	PREP-X	96-14-037
36-08-550	REP	96-17-040	50-08-160	REP	96-17-072
36-08-560	PREP-X	96-13-021	50-08-170	PREP-X	96-14-037
36-08-560	REP	96-17-040	50-08-170	REP	96-17-072
36-08-570	PREP-X	96-13-021	50-08-180	PREP-X	96-14-037
36-08-570	REP	96-17-040	50-08-180	REP	96-17-072
36-08-580	PREP-X	96-13-021	50-08-190	PREP-X	96-14-037
36-08-580	REP	96-17-040	50-08-190	REP	96-17-072
36-08-590	PREP-X	96-13-021	50-08-200	PREP-X	96-14-037
36-08-590	REP	96-17-040	50-08-200	REP	96-17-072
36-12	PREP	96-11-114	50-08-210	PREP-X	96-14-037
44-10-010	AMD	96-03-155	50-08-210	REP	96-17-072
44-10-020	NEW	96-03-155	50-08-220	PREP-X	96-14-037
44-10-030	AMD	96-03-155	50-08-220	REP	96-17-072
44-10-031	NEW	96-03-155	50-08-230	PREP-X	96-14-037
44-10-040	AMD	96-03-155	50-08-230	REP	96-17-072
44-10-050	AMD	96-03-155	50-08-240	PREP-X	96-14-037
44-10-060	AMD	96-03-155	50-08-240	REP	96-17-072
44-10-070	AMD	96-03-155	50-08-250	PREP-X	96-14-037
44-10-080	AMD	96-03-155	50-08-250	REP	96-17-072
44-10-090	AMD	96-03-155	50-08-260	PREP-X	96-14-037
44-10-100	AMD	96-03-155	50-08-260	REP	96-17-072
44-10-110	AMD	96-03-155	50-08-270	PREP-X	96-14-037
44-10-120	AMD	96-03-155	50-08-270	REP	96-17-072
44-10-130	AMD	96-03-155	50-08-280	PREP-X	96-14-037
44-10-140	AMD	96-03-155	50-08-280	REP	96-17-072

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
50-20-150	DECOD	96-04-013	50-30-090	DECOD	96-03-059
50-20-160	AMD	96-04-013	50-30-095	NEW	96-03-059
50-20-160	DECOD	96-04-013	50-30-100	DECOD	96-03-059
50-20-170	REP	96-04-013	50-30-100	AMD	96-03-059
50-20-180	DECOD	96-04-013	50-30-110	DECOD	96-03-059
50-20-190	AMD	96-04-013	50-40-010	REP	96-03-059
50-20-190	DECOD	96-04-013	50-40-010	PREP-X	96-14-041
50-20-200	REP	96-04-013	50-40-010	REP	96-17-072
50-24-010	PREP-X	96-14-040	50-40-020	PREP-X	96-14-041
50-24-010	REP	96-17-072	50-40-020	REP	96-17-072
50-24-020	PREP-X	96-14-040	50-40-040	PREP-X	96-14-041
50-24-020	REP	96-17-072	50-40-040	REP	96-17-072
50-24-030	PREP-X	96-14-040	50-40-050	PREP-X	96-14-041
50-24-030	REP	96-17-072	50-40-050	REP	96-17-072
50-24-040	PREP-X	96-14-040	50-40-060	PREP-X	96-14-041
50-24-040	REP	96-17-072	50-40-060	REP	96-17-072
50-24-050	PREP-X	96-14-040	50-40-070	PREP-X	96-14-041
50-24-050	REP	96-17-072	50-40-070	REP	96-17-072
50-24-060	PREP-X	96-14-040	50-40-990	PREP-X	96-14-041
50-24-060	REP	96-17-072	50-40-990	REP	96-17-072
50-24-070	PREP-X	96-14-040	50-44-020	AMD	96-04-022
50-24-070	REP	96-17-072	50-44-025	NEW	96-04-022
50-24-080	PREP-X	96-14-040	50-60-010	DECOD	96-04-028
50-24-080	REP	96-17-072	50-60-020	DECOD	96-04-028
50-24-090	PREP-X	96-14-040	50-60-030	DECOD	96-04-028
50-24-090	REP	96-17-072	50-60-035	DECOD	96-04-028
50-24-100	PREP-X	96-14-040	50-60-040	DECOD	96-04-028
50-24-100	REP	96-17-072	50-60-042	DECOD	96-04-028
50-24-110	PREP-X	96-14-040	50-60-045	DECOD	96-04-028
50-24-110	REP	96-17-072	50-60-050	DECOD	96-04-028
50-24-120	PREP-X	96-14-040	50-60-060	DECOD	96-04-028
50-24-120	REP	96-17-072	50-60-070	DECOD	96-04-028
50-24-130	PREP-X	96-14-040	50-60-080	DECOD	96-04-028
50-24-130	REP	96-17-072	50-60-08005	DECOD	96-04-028
50-24-140	PREP-X	96-14-040	50-60-08010	DECOD	96-04-028
50-24-140	REP	96-17-072	50-60-08015	DECOD	96-04-028
50-24-150	PREP-X	96-14-040	50-60-08020	DECOD	96-04-028
50-24-150	REP	96-17-072	50-60-08025	DECOD	96-04-028
50-24-990	PREP-X	96-14-040	50-60-08030	DECOD	96-04-028
50-24-990	REP	96-17-072	50-60-08035	DECOD	96-04-028
50-30-005	NEW	96-03-059	50-60-08040	DECOD	96-04-028
50-30-005	DECOD	96-03-059	50-60-085	DECOD	96-04-028
50-30-010	AMD	96-03-059	50-60-090	DECOD	96-04-028
50-30-010	DECOD	96-03-059	50-60-09005	DECOD	96-04-028
50-30-015	NEW	96-03-059	50-60-09010	DECOD	96-04-028
50-30-015	DECOD	96-03-059	50-60-09015	DECOD	96-04-028
50-30-020	AMD	96-03-059	50-60-09020	DECOD	96-04-028
50-30-020	DECOD	96-03-059	50-60-100	DECOD	96-04-028
50-30-025	NEW	96-03-059	50-60-110	DECOD	96-04-028
50-30-025	DECOD	96-03-059	50-60-120	DECOD	96-04-028
50-30-030	AMD	96-03-059	50-60-125	DECOD	96-04-028
50-30-030	DECOD	96-03-059	50-60-130	DECOD	96-04-028
50-30-035	NEW	96-03-059	50-60-140	DECOD	96-04-028
50-30-035	DECOD	96-03-059	50-60-145	DECOD	96-04-028
50-30-040	AMD	96-03-059	50-60-150	DECOD	96-04-028
50-30-040	DECOD	96-03-059	50-60-160	DECOD	96-04-028
50-30-050	AMD	96-03-059	50-60-165	DECOD	96-04-028
50-30-050	DECOD	96-03-059	50-60-170	DECOD	96-04-028
50-30-060	AMD	96-03-059	50-60-190	DECOD	96-04-028
50-30-060	DECOD	96-03-059	50-60-200	DECOD	96-04-028
50-30-065	NEW	96-03-059	50-60-210	DECOD	96-04-028
50-30-065	DECOD	96-03-059	51-32	PREP	96-15-083
50-30-068	NEW	96-03-059	51-32-1118	NEW-E	96-13-047
50-30-068	DECOD	96-03-059	51-32-1119	NEW-E	96-13-047
50-30-070	AMD	96-03-059	51-34	PREP	96-15-083
50-30-070	DECOD	96-03-059	51-34-6308	NEW-E	96-13-047
50-30-075	NEW	96-03-059	51-34-6309	NEW-E	96-13-047
50-30-075	DECOD	96-03-059	55-01-001	REP-P	96-09-102
50-30-080	AMD	96-03-059	55-01-001	REP-W	96-15-008
50-30-080	DECOD	96-03-059	55-01-001	REP	96-15-024
50-30-085	NEW	96-03-059	55-01-010	AMD-E	96-03-104
50-30-085	DECOD	96-03-059	55-01-010	REP-P	96-09-102
50-30-090	AMD	96-03-059	55-01-010	AMD-E	96-11-097

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132N-276-060	AMD	96-12-041	132Z-108-050	NEW-P	96-09-074
132N-276-070	AMD-P	96-07-029	132Z-108-050	NEW	96-14-098
132N-276-070	AMD	96-12-041	132Z-108-060	NEW-P	96-09-074
132N-276-080	AMD-P	96-07-029	132Z-108-060	NEW	96-14-098
132N-276-080	AMD	96-12-041	132Z-108-070	NEW-P	96-09-074
132N-276-090	AMD-P	96-07-029	132Z-108-070	NEW	96-14-098
132N-276-090	AMD	96-12-041	132Z-108-080	NEW-P	96-09-074
132N-276-100	AMD-P	96-07-029	132Z-108-080	NEW	96-14-098
132N-276-100	AMD	96-12-041	132Z-122-010	NEW-P	96-09-074
132N-276-110	AMD-P	96-07-029	132Z-122-010	NEW	96-14-098
132N-276-110	AMD	96-12-041	132Z-122-020	NEW-P	96-09-074
132N-276-120	AMD-P	96-07-029	132Z-122-020	NEW	96-14-098
132N-276-120	AMD	96-12-041	132Z-122-030	NEW-P	96-09-074
132N-276-130	AMD-P	96-07-029	132Z-122-030	NEW	96-14-098
132N-276-130	AMD	96-12-041	132Z-133-010	NEW-P	96-09-074
132N-276-140	AMD-P	96-07-029	132Z-133-010	NEW	96-14-098
132N-276-140	AMD	96-12-041	132Z-134-010	NEW-P	96-09-074
132N-276-150	AMD-P	96-07-029	132Z-134-010	NEW	96-14-098
132N-276-150	AMD	96-12-041	132Z-276-010	NEW-P	96-09-074
132V-11	PREP	96-09-050	132Z-276-010	NEW	96-14-098
132V-15	PREP	96-09-050A	132Z-276-020	NEW-P	96-09-074
132V-15-010	AMD-P	96-12-005	132Z-276-020	NEW	96-14-098
132V-15-010	AMD	96-16-034	132Z-276-030	NEW-P	96-09-074
132V-15-020	AMD-P	96-12-005	132Z-276-030	NEW	96-14-098
132V-15-020	AMD	96-16-034	132Z-276-040	NEW-P	96-09-074
132V-15-030	AMD-P	96-12-005	132Z-276-040	NEW	96-14-098
132V-15-030	AMD	96-16-034	132Z-276-050	NEW-P	96-09-074
132V-15-040	AMD-P	96-12-005	132Z-276-050	NEW	96-14-098
132V-15-040	AMD	96-16-034	132Z-276-060	NEW-P	96-09-074
132V-15-050	AMD-P	96-12-005	132Z-276-060	NEW	96-14-098
132V-15-050	AMD	96-16-034	132Z-276-070	NEW-P	96-09-074
132V-15-060	AMD-P	96-12-005	132Z-276-070	NEW	96-14-098
132V-15-060	AMD	96-16-034	132Z-276-080	NEW-P	96-09-074
132V-15-070	AMD-P	96-12-005	132Z-276-080	NEW	96-14-098
132V-15-070	AMD	96-16-034	132Z-276-090	NEW-P	96-09-074
132V-15-090	AMD-P	96-12-005	132Z-276-090	NEW	96-14-098
132V-15-090	AMD	96-16-034	132Z-276-100	NEW-P	96-09-074
132V-15-100	AMD-P	96-12-005	132Z-276-100	NEW	96-14-098
132V-15-100	AMD	96-16-034	132Z-276-110	NEW-P	96-09-074
132V-15-110	AMD-P	96-12-005	132Z-276-110	NEW	96-14-098
132V-15-110	AMD	96-16-034	132Z-276-120	NEW-P	96-09-074
132V-15-120	AMD-P	96-12-005	132Z-276-120	NEW	96-14-098
132V-15-120	AMD	96-16-034	132Z-276-130	NEW-P	96-09-074
132V-24	PREP	96-09-050B	132Z-276-130	NEW	96-14-098
132V-24-030	AMD-P	96-12-006	132Z-276-140	NEW-P	96-09-074
132V-24-030	AMD	96-16-035	132Z-276-140	NEW	96-14-098
132V-24-040	AMD-P	96-12-006	132Z-300-010	NEW-P	96-09-074
132V-24-040	AMD	96-16-035	132Z-300-010	NEW	96-14-098
132V-24-090	AMD-P	96-12-006	132Z-300-020	NEW-P	96-09-074
132V-24-090	AMD	96-16-035	132Z-300-020	NEW	96-14-098
132V-24-120	AMD-P	96-12-006	132Z-300-030	NEW-P	96-09-074
132V-24-120	AMD	96-16-035	132Z-300-030	NEW	96-14-098
132V-130	PREP	96-09-050C	132Z-300-040	NEW-P	96-09-074
132V-130-010	NEW-P	96-12-007	132Z-300-040	NEW	96-14-098
132V-130-010	NEW	96-16-036	132Z-310-010	NEW-P	96-09-074
132V-130-020	NEW-P	96-12-007	132Z-310-010	NEW	96-14-098
132V-130-020	NEW	96-16-036	132Z-310-020	NEW-P	96-09-074
132V-130-030	NEW-P	96-12-007	132Z-310-020	NEW	96-14-098
132V-130-030	NEW	96-16-036	132Z-310-030	NEW-P	96-09-074
132Z-104-010	NEW-P	96-09-074	132Z-310-030	NEW	96-14-098
132Z-104-010	NEW	96-14-098	132Z-310-040	NEW-P	96-09-074
132Z-104-020	NEW-P	96-09-074	132Z-310-040	NEW	96-14-098
132Z-104-020	NEW	96-14-098	132Z-325-010	NEW-P	96-09-074
132Z-104-030	NEW-P	96-09-074	132Z-325-010	NEW	96-14-098
132Z-104-030	NEW	96-14-098	136-01	AMD-P	96-11-052
132Z-108-010	NEW-P	96-09-074	136-01	AMD	96-17-013
132Z-108-010	NEW	96-14-098	136-01-010	AMD-P	96-11-052
132Z-108-020	NEW-P	96-09-074	136-01-010	AMD	96-17-013
132Z-108-020	NEW	96-14-098	136-02	AMD-P	96-11-052
132Z-108-030	NEW-P	96-09-074	136-02-010	AMD-P	96-11-052
132Z-108-030	NEW	96-14-098	136-02-010	AMD	96-17-013
132Z-108-040	NEW-P	96-09-074	136-02-020	AMD-P	96-11-052

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
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136-16-042	AMD	96-17-013	136-120-010	AMD-P	96-11-052
136-16-050	AMD-P	96-11-052	136-120-010	AMD	96-17-013
136-16-050	AMD	96-17-013	136-120-020	AMD-P	96-11-052
136-18	AMD-P	96-11-052	136-120-020	AMD	96-17-013
136-18	AMD	96-17-013	136-120-030	AMD-P	96-11-052
136-18-010	AMD-P	96-11-052	136-120-030	AMD	96-17-013
136-18-010	AMD	96-17-013	136-130	AMD-P	96-11-052
136-18-020	AMD-P	96-11-052	136-130	AMD	96-17-013
136-18-020	AMD	96-17-013	136-130-010	AMD-P	96-11-052
136-18-030	AMD-P	96-11-052	136-130-010	AMD	96-17-013
136-18-030	AMD	96-17-013	136-130-040	AMD-P	96-11-052
136-18-060	AMD-P	96-11-052	136-130-040	AMD	96-17-013
136-18-060	AMD	96-17-013	136-130-060	AMD-P	96-17-008
136-18-070	AMD-P	96-11-052	136-150-010	AMD-P	96-11-052
136-18-070	AMD	96-17-013	136-150-010	AMD	96-17-013
136-18-080	AMD-P	96-11-052	136-150-020	AMD-P	96-11-052
136-18-080	AMD	96-17-013	136-150-020	AMD	96-17-013
136-18-090	AMD-P	96-11-052	136-150-022	AMD-P	96-11-052
136-18-090	AMD	96-17-013	136-150-022	AMD	96-17-013
136-20	AMD-P	96-11-052	136-150-023	AMD-P	96-11-052
136-20	AMD	96-17-013	136-150-023	AMD	96-17-013
136-20-020	AMD-P	96-11-052	136-161-060	AMD-P	96-11-052
136-20-020	AMD	96-17-013	136-161-060	AMD	96-17-013
136-20-030	AMD-P	96-11-052	136-161-070	AMD-P	96-11-052
136-20-030	AMD	96-17-013	136-161-070	AMD	96-17-013
136-20-040	AMD-P	96-11-052	136-161-100	REP-P	96-11-052
136-20-040	AMD	96-17-013	136-161-100	REP	96-17-013
136-20-050	AMD-P	96-11-052	136-163-010	NEW-P	96-11-051
136-20-050	AMD	96-17-013	136-163-010	NEW	96-17-014
136-20-060	AMD-P	96-11-052	136-163-020	NEW-P	96-11-051
136-20-060	AMD	96-17-013	136-163-020	NEW	96-17-014
136-24-010	REP-P	96-11-052	136-163-030	NEW-P	96-11-051
136-24-010	REP	96-17-013	136-163-030	NEW	96-17-014
136-28-010	AMD-P	96-11-052	136-163-040	NEW-P	96-11-051
136-28-010	AMD	96-17-013	136-163-040	NEW	96-17-014
136-28-020	AMD-P	96-11-052	136-163-050	NEW-P	96-11-051
136-28-020	AMD	96-17-013	136-163-050	NEW	96-17-014
136-28-030	AMD-P	96-11-052	136-163-060	NEW-P	96-11-051
136-28-030	AMD	96-17-013	136-163-060	NEW	96-17-014
136-40-030	AMD-P	96-11-052	136-170-010	AMD-P	96-11-052
136-40-030	AMD	96-17-013	136-170-010	AMD	96-17-013
136-40-040	AMD-P	96-11-052	136-170-030	AMD-P	96-11-052
136-40-040	AMD	96-17-013	136-170-030	AMD	96-17-013
136-40-050	REP-P	96-11-052	136-180-010	AMD-P	96-11-052
136-40-050	REP	96-17-013	136-180-010	AMD	96-17-013
136-40-060	REP-P	96-11-052	136-180-030	AMD-P	96-11-052
136-40-060	REP	96-17-013	136-180-030	AMD	96-17-013
136-60	AMD-P	96-11-052	136-180-040	AMD-P	96-11-052
136-60	AMD	96-17-013	136-180-040	AMD	96-17-013
136-60-010	AMD-P	96-11-052	136-190-010	AMD-P	96-11-052
136-60-010	AMD	96-17-013	136-190-010	AMD	96-17-013
136-60-030	AMD-P	96-11-052	136-200	AMD-P	96-11-052
136-60-030	AMD	96-17-013	136-200	AMD	96-17-013
136-60-060	AMD-P	96-11-052	136-200-010	AMD-P	96-11-052
136-60-060	AMD	96-17-013	136-200-010	AMD	96-17-013
136-100-010	AMD-P	96-11-052	136-200-020	AMD-P	96-11-052
136-100-010	AMD	96-17-013	136-200-020	AMD	96-17-013
136-100-020	AMD-P	96-11-052	136-210-010	AMD-P	96-11-052
136-100-020	AMD	96-17-013	136-210-010	AMD	96-17-013
136-100-030	AMD-P	96-11-052	136-210-020	AMD-P	96-11-052
136-100-030	AMD	96-17-013	136-210-020	AMD	96-17-013
136-100-040	AMD-P	96-11-052	136-210-030	AMD-P	96-11-052
136-100-040	AMD	96-17-013	136-210-030	AMD	96-17-013
136-110-010	AMD-P	96-11-052	136-210-040	AMD-P	96-11-052
136-110-010	AMD	96-17-013	136-210-040	AMD	96-17-013
136-110-030	AMD-P	96-11-052	136-210-050	AMD-P	96-11-052
136-110-030	AMD	96-17-013	136-210-050	AMD	96-17-013
136-110-040	AMD-P	96-11-052	136-220-010	AMD-P	96-11-052
136-110-040	AMD	96-17-013	136-220-010	AMD	96-17-013
136-110-050	AMD-P	96-11-052	136-220-030	AMD-P	96-11-052
136-110-050	AMD	96-17-013	136-220-030	AMD	96-17-013
136-120	AMD-P	96-11-052	136-250-010	REP-P	96-11-052

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<b>WAC #</b>	<b>WSR #</b>	<b>WAC #</b>	<b>WSR #</b>	<b>WAC #</b>	<b>WSR #</b>
154-08-050	REP-P	96-13-100	154-110-020	REP	96-16-020
154-08-050	REP	96-16-020	154-110-030	REP-P	96-13-100
154-12-010	REP-P	96-13-100	154-120-010	REP	96-16-020
154-12-010	REP	96-16-020	154-120-010	REP-P	96-13-100
154-12-015	REP-P	96-13-100	154-120-015	REP	96-16-020
154-12-015	REP	96-16-020	154-120-015	REP-P	96-13-100
154-12-020	REP-P	96-13-100	154-120-015	REP	96-16-020
154-12-020	REP	96-16-020	154-120-020	REP-P	96-13-100
154-12-030	REP-P	96-13-100	154-120-020	REP	96-16-020
154-12-030	REP	96-16-020	154-120-025	REP-P	96-13-100
154-12-040	REP-P	96-13-100	154-120-025	REP	96-16-020
154-12-040	REP	96-16-020	154-120-030	REP-P	96-13-100
154-12-050	REP-P	96-13-100	154-120-030	REP	96-16-020
154-12-050	REP	96-16-020	154-120-035	REP-P	96-13-100
154-12-070	REP-P	96-13-100	154-120-035	REP	96-16-020
154-12-070	REP	96-16-020	154-120-040	REP-P	96-13-100
154-12-075	REP-P	96-13-100	154-120-040	REP	96-16-020
154-12-075	REP	96-16-020	154-120-045	REP-P	96-13-100
154-12-080	REP-P	96-13-100	154-120-045	REP	96-16-020
154-12-080	REP	96-16-020	154-120-050	REP-P	96-13-100
154-12-085	REP-P	96-13-100	154-120-050	REP	96-16-020
154-12-085	REP	96-16-020	154-120-055	REP-P	96-13-100
154-12-086	REP-P	96-13-100	154-120-055	REP	96-16-020
154-12-086	REP	96-16-020	154-130-010	REP-P	96-13-100
154-12-087	REP-P	96-13-100	154-130-010	REP	96-16-020
154-12-087	REP	96-16-020	154-130-020	REP-P	96-13-100
154-12-090	REP-P	96-13-100	154-130-020	REP	96-16-020
154-12-090	REP	96-16-020	154-130-030	REP-P	96-13-100
154-12-110	REP-P	96-13-100	154-130-030	REP	96-16-020
154-12-110	REP	96-16-020	154-140-010	REP-P	96-13-100
154-24-010	REP-P	96-13-100	154-140-010	REP	96-16-020
154-24-010	REP	96-16-020	154-140-020	REP-P	96-13-100
154-28-010	REP-P	96-13-100	154-140-020	REP	96-16-020
154-28-010	REP	96-16-020	154-140-030	REP-P	96-13-100
154-32-010	REP-P	96-13-100	154-140-030	REP	96-16-020
154-32-010	REP	96-16-020	154-150-010	REP-P	96-13-100
154-32-020	REP-P	96-13-100	154-150-010	REP	96-16-020
154-32-020	REP	96-16-020	154-150-020	REP-P	96-13-100
154-36-010	REP-P	96-13-100	154-150-020	REP	96-16-020
154-36-010	REP	96-16-020	154-150-030	REP-P	96-13-100
154-40-010	REP-P	96-13-100	154-150-030	REP	96-16-020
154-40-010	REP	96-16-020	154-150-040	REP-P	96-13-100
154-44-010	REP-P	96-13-100	154-150-040	REP	96-16-020
154-44-010	REP	96-16-020	154-150-050	REP-P	96-13-100
154-48-010	REP-P	96-13-100	154-150-050	REP	96-16-020
154-48-010	REP	96-16-020	154-160-010	REP-P	96-13-100
154-52-010	REP-P	96-13-100	154-160-010	REP	96-16-020
154-52-010	REP	96-16-020	154-160-020	REP-P	96-13-100
154-56-010	REP-P	96-13-100	154-160-020	REP	96-16-020
154-56-010	REP	96-16-020	154-170-010	REP-P	96-13-100
154-60-010	REP-P	96-13-100	154-170-010	REP	96-16-020
154-60-010	REP	96-16-020	154-180-010	REP-P	96-13-100
154-64-010	REP-P	96-13-100	154-180-010	REP	96-16-020
154-64-010	REP	96-16-020	154-180-020	REP-P	96-13-100
154-64-020	REP-P	96-13-100	154-180-020	REP	96-16-020
154-64-020	REP	96-16-020	154-180-030	REP-P	96-13-100
154-64-030	REP-P	96-13-100	154-180-030	REP	96-16-020
154-64-030	REP	96-16-020	154-180-040	REP-P	96-13-100
154-64-040	REP-P	96-13-100	154-180-040	REP	96-16-020
154-64-040	REP	96-16-020	154-180-050	REP-P	96-13-100
154-64-050	REP-P	96-13-100	154-180-050	REP	96-16-020
154-64-050	REP	96-16-020	154-180-060	REP-P	96-13-100
154-64-060	REP-P	96-13-100	154-180-060	REP	96-16-020
154-64-060	REP	96-16-020	154-180-070	REP-P	96-13-100
154-68-010	REP-P	96-13-100	154-180-070	REP	96-16-020
154-68-010	REP	96-16-020	154-190-010	REP-P	96-13-100
154-68-020	REP-P	96-13-100	154-190-010	REP	96-16-020
154-68-020	REP	96-16-020	154-200-010	REP-P	96-13-100
154-110-010	REP-P	96-13-100	154-200-010	REP	96-16-020
154-110-010	REP	96-16-020	154-200-020	REP-P	96-13-100
154-110-015	REP-P	96-13-100	154-200-020	REP	96-16-020
154-110-015	REP	96-16-020	154-200-030	REP-P	96-13-100
154-110-020	REP-P	96-13-100	154-200-030	REP	96-16-020

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
162-12-180	AMD-P	96-08-055	173-14-055	REP-P	96-13-103
162-22	AMD-P	96-08-055	173-14-060	REP-P	96-13-103
162-22-010	AMD-P	96-08-055	173-14-062	REP-P	96-13-103
162-22-020	AMD-P	96-08-055	173-14-064	REP-P	96-13-103
162-22-030	REP-P	96-08-055	173-14-070	REP-P	96-13-103
162-22-040	REP-P	96-08-055	173-14-080	REP-P	96-13-103
162-22-050	AMD-P	96-08-055	173-14-090	REP-P	96-13-103
162-22-060	AMD-P	96-08-055	173-14-100	REP-P	96-13-103
162-22-070	AMD-P	96-08-055	173-14-110	REP-P	96-13-103
162-22-080	AMD-P	96-08-055	173-14-115	REP-P	96-13-103
162-22-090	AMD-P	96-08-055	173-14-120	REP-P	96-13-103
162-22-100	NEW-P	96-08-055	173-14-130	REP-P	96-13-103
162-30	AMD-P	96-08-055	173-14-140	REP-P	96-13-103
162-30-010	AMD-P	96-08-055	173-14-150	REP-P	96-13-103
162-30-020	AMD-P	96-08-055	173-14-155	REP-P	96-13-103
162-30-030	NEW-P	96-08-055	173-14-170	REP-P	96-13-103
162-30-035	NEW-P	96-08-055	173-14-174	REP-P	96-13-103
162-30-040	NEW-P	96-08-055	173-17-010	REP-P	96-13-103
162-30-050	NEW-P	96-08-055	173-17-020	REP-P	96-13-103
162-30-060	NEW-P	96-08-055	173-17-030	REP-P	96-13-103
162-30-070	NEW-P	96-08-055	173-17-040	REP-P	96-13-103
162-30-080	NEW-P	96-08-055	173-17-050	REP-P	96-13-103
162-30-090	NEW-P	96-08-055	173-17-060	REP-P	96-13-103
162-30-100	NEW-P	96-08-055	173-17-070	REP-P	96-13-103
162-36	PREP	96-02-081	173-17-080	REP-P	96-13-103
162-36-001	NEW-P	96-06-087	173-19-010	REP-P	96-13-103
162-36-001	NEW	96-13-045	173-19-020	REP-P	96-13-103
162-36-005	NEW-P	96-06-087	173-19-030	REP-P	96-13-103
162-36-005	NEW	96-13-045	173-19-040	REP-P	96-13-103
162-36-006	NEW-P	96-06-087	173-19-044	REP-P	96-13-103
162-36-006	NEW	96-13-045	173-19-050	REP-P	96-13-103
162-36-010	AMD-P	96-06-087	173-19-060	REP-P	96-13-103
162-36-010	AMD	96-13-045	173-19-061	REP-P	96-13-103
162-36-020	AMD-P	96-06-087	173-19-062	REP-P	96-13-103
162-36-020	AMD	96-13-045	173-19-064	REP-P	96-13-103
162-38	PREP	96-02-081	173-19-070	REP-P	96-13-103
162-38-010	AMD-P	96-06-087	173-19-080	REP-P	96-13-103
162-38-010	AMD	96-13-045	173-19-090	REP-P	96-13-103
162-38-020	REP-P	96-06-087	173-19-100	REP-P	96-13-103
162-38-020	REP	96-13-045	173-19-101	REP-P	96-13-103
162-38-030	REP-P	96-06-087	173-19-102	REP-P	96-13-103
162-38-030	REP	96-13-045	173-19-110	REP-P	96-13-103
162-38-035	AMD-P	96-06-087	173-19-1101	REP-P	96-13-103
162-38-035	AMD	96-13-045	173-19-1102	REP-P	96-13-103
162-38-040	AMD-P	96-06-087	173-19-1103	REP-P	96-13-103
162-38-040	AMD	96-13-045	173-19-1104	REP-P	96-13-103
162-38-050	AMD-P	96-06-087	173-19-1105	REP-P	96-13-103
162-38-050	AMD	96-13-045	173-19-120	REP-P	96-13-103
162-38-060	AMD-P	96-06-087	173-19-1201	REP-P	96-13-103
162-38-060	AMD	96-13-045	173-19-1202	REP-P	96-13-103
162-38-070	AMD-P	96-06-087	173-19-1203	REP-P	96-13-103
162-38-070	AMD	96-13-045	173-19-1204	REP-P	96-13-103
162-38-080	AMD-P	96-06-087	173-19-1205	REP-P	96-13-103
162-38-080	AMD	96-13-045	173-19-130	REP-P	96-13-103
162-38-090	AMD-P	96-06-087	173-19-1301	REP-P	96-13-103
162-38-090	AMD	96-13-045	173-19-140	REP-P	96-13-103
162-38-100	AMD-P	96-06-087	173-19-1401	REP-P	96-13-103
162-38-100	AMD-W	96-13-044	173-19-1402	REP-P	96-13-103
162-38-110	AMD-P	96-06-087	173-19-1403	REP-P	96-13-103
162-38-110	AMD	96-13-045	173-19-1404	REP-P	96-13-103
162-38-120	AMD-P	96-06-087	173-19-1405	REP-P	96-13-103
162-38-120	AMD	96-13-045	173-19-150	REP-P	96-13-103
173-09-010	AMD-P	96-11-136	173-19-1501	REP-P	96-13-103
173-09-010	AMD	96-15-104	173-19-1502	REP-P	96-13-103
173-09-020	AMD-P	96-11-136	173-19-160	REP-P	96-13-103
173-09-020	AMD	96-15-104	173-19-1601	REP-P	96-13-103
173-09-040	NEW-P	96-11-136	173-19-1602	REP-P	96-13-103
173-09-040	NEW	96-15-104	173-19-1603	REP-P	96-13-103
173-14-010	REP-P	96-13-103	173-19-1604	REP-P	96-13-103
173-14-020	REP-P	96-13-103	173-19-1605	REP-P	96-13-103
173-14-030	REP-P	96-13-103	173-19-170	REP-P	96-13-103
173-14-040	REP-P	96-13-103	173-19-1701	REP-P	96-13-103
173-14-050	REP-P	96-13-103	173-19-1702	REP-P	96-13-103

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## **Table of WAC Sections Affected**

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
173-354-600	NEW-W	96-05-020	174-122-010	PREP-X	96-14-007
173-354-620	NEW-W	96-05-020	174-122-020	PREP-X	96-14-007
173-354-640	NEW-W	96-05-020	174-122-030	PREP-X	96-14-007
173-354-660	NEW-W	96-05-020	174-122-040	PREP-X	96-14-007
173-354-670	NEW-W	96-05-020	180-16	PREP	96-16-043
173-354-680	NEW-W	96-05-020	180-16-238	PREP	96-04-070
173-354-700	NEW-W	96-05-020	180-16-238	NEW-P	96-07-046
173-354-720	NEW-W	96-05-020	180-16-238	NEW	96-11-111
173-354-800	NEW-W	96-05-020	180-20	PREP	96-08-060
173-354-900	NEW-W	96-05-020	180-20-005	AMD-P	96-12-089
173-354-990	NEW-W	96-05-020	180-20-035	AMD-P	96-16-096
173-400	PREP	96-12-080	180-20-040	AMD-P	96-16-096
173-400	AMD-C	96-13-081	180-20-045	AMD-P	96-12-089
173-400-030	AMD-P	96-06-036	180-20-045	REP-P	96-16-096
173-400-045	AMD-P	96-06-036	180-20-055	AMD-P	96-16-096
173-400-070	AMD-P	96-06-036	180-20-060	AMD-P	96-16-096
173-400-075	AMD-P	96-06-036	180-20-065	REP-P	96-16-096
173-400-105	AMD-P	96-06-036	180-20-070	AMD-P	96-16-096
173-400-115	AMD-P	96-06-036	180-20-075	AMD-P	96-16-096
173-400-116	AMD-P	96-06-036	180-20-090	AMD-P	96-16-096
173-400-141	AMD-P	96-06-036	180-20-095	AMD-P	96-16-096
173-401	PREP	96-11-134	180-20-101	AMD-P	96-16-096
173-401	PREP-W	96-14-052	180-20-111	AMD-P	96-16-096
173-422	PREP	96-15-134	180-20-115	AMD-P	96-16-096
173-422-030	AMD-P	96-12-023	180-20-120	AMD-P	96-16-096
173-422-050	AMD-P	96-12-023	180-20-130	AMD-P	96-16-096
173-422-060	AMD-P	96-12-023	180-20-145	AMD-P	96-16-096
173-422-070	AMD-P	96-12-023	180-20-150	AMD-P	96-16-096
173-422-170	AMD-P	96-12-023	180-20-155	REP-P	96-16-096
173-422-190	AMD-P	96-12-023	180-20-160	REP-P	96-16-096
173-430	PREP	96-12-081	180-27-056	PREP	96-13-011
173-430-040	AMD-E	96-08-041	180-40	PREP	96-10-003
173-430-040	AMD-E	96-16-013	180-40	PREP	96-16-064
173-430-040	AMD-P	96-16-014	180-40-205	AMD-P	96-12-088
173-430-040	AMD-E	96-16-024	180-40-205	AMD	96-15-098
173-492	PREP	96-11-135	180-40-240	AMD-P	96-08-061
173-492-010	AMD-P	96-14-084	180-40-240	AMD-W	96-09-025
173-492-050	AMD-P	96-14-084	180-40-240	AMD-P	96-12-088
173-492-070	AMD-P	96-14-084	180-40-240	AMD	96-15-098
173-806	PREP	96-06-018	180-40-255	AMD-P	96-08-061
174-120	PREP	96-03-138	180-40-255	AMD-W	96-09-025
174-120-010	REP-P	96-08-066	180-40-255	AMD-P	96-12-088
174-120-010	REP	96-13-086	180-40-255	AMD	96-15-098
174-120-015	NEW-P	96-08-066	180-40-310	AMD-P	96-08-061
174-120-015	NEW	96-13-086	180-40-310	AMD-W	96-09-025
174-120-025	NEW-P	96-08-066	180-40-310	AMD-P	96-12-088
174-120-025	NEW	96-13-086	180-40-310	AMD	96-15-098
174-120-030	REP-P	96-08-066	180-40-315	AMD-P	96-08-061
174-120-030	REP	96-13-086	180-40-315	AMD-W	96-09-025
174-120-035	NEW-P	96-08-066	180-40-315	AMD-P	96-12-088
174-120-035	NEW	96-13-086	180-40-315	AMD	96-15-098
174-120-040	REP-P	96-08-066	180-40-317	NEW-P	96-08-061
174-120-040	REP	96-13-086	180-40-317	NEW-W	96-09-025
174-120-045	NEW-P	96-08-066	180-40-317	NEW-P	96-12-088
174-120-045	NEW	96-13-086	180-40-317	NEW	96-15-098
174-120-050	REP-P	96-08-066	180-40-320	AMD-P	96-08-061
174-120-050	REP	96-13-086	180-40-320	AMD-W	96-09-025
174-120-055	NEW-P	96-08-066	180-40-320	AMD-P	96-12-088
174-120-055	NEW	96-13-086	180-40-320	AMD	96-15-098
174-120-060	REP-P	96-08-066	180-51-050	AMD-P	96-04-071
174-120-060	REP	96-13-086	180-51-050	AMD-C	96-09-010
174-120-065	NEW-P	96-08-066	180-51-050	AMD	96-09-027
174-120-065	NEW	96-13-086	180-75	PREP	96-16-040
174-120-070	REP-P	96-08-066	180-75-047	AMD	96-08-022
174-120-070	REP	96-13-086	180-77	PREP	96-16-042
174-120-075	NEW-P	96-08-066	180-77A	PREP	96-16-047
174-120-075	NEW	96-13-086	180-78	PREP	96-16-044
174-120-080	REP-P	96-08-066	180-78-145	PREP	96-13-051
174-120-080	REP	96-13-086	180-78-145	AMD-P	96-16-048
174-120-085	NEW-P	96-08-066	180-78-160	PREP	96-07-102
174-120-085	NEW	96-13-086	180-78-160	AMD-P	96-12-086
174-120-090	REP-P	96-08-066	180-78-160	AMD	96-16-049
174-120-090	REP	96-13-086	180-78A	PREP	96-16-045

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182-08-220	AMD	96-08-042	192-12-300	PREP	96-03-158
182-08-300	REP-P	96-02-079	192-12-300	AMD-P	96-12-082
182-08-300	REP	96-08-042	192-12-300	AMD	96-16-018
182-12-110	AMD-P	96-02-080	192-12-305	PREP	96-03-158
182-12-110	AMD	96-08-043	192-12-305	REP-P	96-12-082
182-12-111	AMD-P	96-02-080	192-12-305	REP	96-16-018
182-12-111	AMD	96-08-043	192-16-002	AMD-P	96-04-065
182-12-115	AMD-P	96-02-080	192-16-002	AMD	96-11-002
182-12-115	AMD	96-08-043	192-16-024	NEW-P	96-04-065
182-12-117	NEW-P	96-02-080	192-16-024	NEW	96-11-002
182-12-117	NEW	96-08-043	192-16-051	AMD-P	96-04-065
182-12-119	NEW-P	96-02-080	192-16-051	AMD	96-11-002
182-12-119	NEW	96-08-043	192-16-052	NEW-P	96-04-065
182-12-122	REP-P	96-02-080	192-16-052	NEW	96-11-002
182-12-122	REP	96-08-043	192-28-105	PREP	96-03-159
182-12-130	REP-P	96-02-080	192-28-105	AMD-P	96-15-127
182-12-130	REP	96-08-043	192-28-120	PREP	96-03-159
182-12-132	AMD-P	96-02-080	192-28-120	AMD-P	96-15-127
182-12-132	AMD	96-08-043	192-33-001	NEW-E	96-09-004
182-12-145	AMD-P	96-02-080	192-33-001	NEW-E	96-16-016
182-12-145	AMD	96-08-043	192-36-010	NEW-P	96-08-062
182-12-151	REP-P	96-02-080	192-36-010	NEW	96-11-141
182-12-151	REP	96-08-043	192-36-015	NEW-P	96-08-062
182-12-160	REP-P	96-02-080	192-36-015	NEW	96-11-141
182-12-160	REP	96-08-043	192-36-020	NEW-P	96-08-062
182-12-165	REP-P	96-02-080	192-36-020	NEW	96-11-141
182-12-165	REP	96-08-043	192-36-025	NEW-P	96-08-062
182-12-200	AMD-P	96-02-080	192-36-025	NEW	96-11-141
182-12-200	AMD	96-08-043	192-42-060	PREP-X	96-14-042
182-12-215	AMD-P	96-02-080	196-16-005	REP-P	96-07-052
182-12-215	AMD	96-08-043	196-16-005	REP	96-11-086
182-12-220	AMD-P	96-02-080	196-16-007	AMD-P	96-07-052
182-12-220	AMD	96-08-043	196-16-007	AMD	96-11-086
182-25-001	NEW-P	96-09-102	196-16-010	AMD-P	96-07-052
182-25-001	NEW-W	96-15-008	196-16-010	AMD	96-11-086
182-25-001	NEW	96-15-024	196-16-020	AMD-P	96-07-052
182-25-010	NEW-P	96-09-102	196-16-020	AMD	96-11-086
182-25-010	NEW-W	96-15-008	196-16-031	AMD-P	96-07-052
182-25-010	NEW	96-15-024	196-16-031	AMD	96-11-086
182-25-020	NEW-P	96-09-102	196-20-010	AMD-P	96-07-052
182-25-020	NEW-W	96-15-008	196-20-010	AMD	96-11-086
182-25-020	NEW	96-15-024	196-20-020	AMD-P	96-07-052
182-25-030	NEW-P	96-09-102	196-20-020	AMD	96-11-086
182-25-030	NEW-W	96-15-008	196-20-030	AMD-P	96-07-052
182-25-030	NEW	96-15-024	196-20-030	AMD	96-11-086
182-25-040	NEW-P	96-09-102	196-21-010	NEW-P	96-07-052
182-25-040	NEW-W	96-15-008	196-21-010	NEW	96-11-086
182-25-040	NEW	96-15-024	196-21-020	NEW-P	96-07-052
182-25-050	NEW-P	96-09-102	196-21-020	NEW	96-11-086
182-25-050	NEW-W	96-15-008	196-21-030	NEW-P	96-07-052
182-25-050	NEW	96-15-024	196-21-030	NEW	96-11-086
182-25-060	NEW-P	96-09-102	196-24-058	NEW-P	96-07-037
182-25-060	NEW-W	96-15-008	196-24-058	NEW	96-11-085
182-25-060	NEW	96-15-024	204-10-045	PREP	96-14-077
182-25-070	NEW-P	96-09-102	204-29-010	PREP	96-15-084
182-25-070	NEW-W	96-15-008	204-56	PREP	96-06-060
182-25-070	NEW	96-15-024	204-56-085	AMD-P	96-09-080
182-25-080	NEW-P	96-09-102	204-56-085	AMD	96-14-008
182-25-080	NEW-W	96-15-008	204-91A-140	PREP	96-14-076
182-25-080	NEW	96-15-024	204-95-030	PREP	96-15-117
182-25-090	NEW-P	96-09-102	204-95-030	NEW-E	96-15-119
182-25-090	NEW-W	96-15-008	204-95-080	PREP	96-15-117
182-25-090	NEW	96-15-024	204-95-080	NEW-E	96-15-119
182-25-090	NEW	96-15-024	208-08-010	NEW-P	96-06-085
182-25-100	NEW-P	96-09-102	208-08-010	NEW	96-11-035
182-25-100	NEW-W	96-15-008	208-08-020	NEW-P	96-06-085
182-25-100	NEW	96-15-024	208-08-020	NEW	96-11-035
182-25-105	NEW-P	96-09-102	208-08-020	NEW-P	96-06-085
182-25-105	NEW-W	96-15-008	208-08-030	NEW-P	96-11-035
182-25-105	NEW	96-15-024	208-08-030	NEW	96-11-035
182-25-110	NEW-P	96-09-102	208-08-040	NEW-P	96-06-085
182-25-110	NEW-W	96-15-008	208-08-040	NEW	96-11-035
182-25-110	NEW	96-15-024	208-08-050	NEW-P	96-06-085

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208-436-020	AMD-P	96-14-122	208-472-060	RECOD	96-06-011
208-436-020	AMD	96-17-071	208-472-060	AMD-P	96-14-122
208-436-030	RECOD	96-06-011	208-472-065	AMD	96-17-071
208-436-030	AMD-P	96-14-122	208-472-065	RECOD	96-06-011
208-436-030	AMD	96-17-071	208-472-065	AMD-P	96-14-122
208-436-040	RECOD	96-06-011	208-472-065	AMD	96-17-071
208-436-040	AMD-P	96-14-122	208-472-070	RECOD	96-06-011
208-436-040	AMD	96-17-071	208-472-070	AMD-P	96-14-122
208-436-050	RECOD	96-06-011	208-472-070	AMD	96-17-071
208-436-050	AMD-P	96-14-122	208-472-075	RECOD	96-06-011
208-436-050	AMD	96-17-071	208-472-075	AMD-P	96-14-122
208-436-060	RECOD	96-06-011	208-472-075	AMD	96-17-071
208-436-060	AMD-P	96-14-122	208-472-080	RECOD	96-06-011
208-436-060	AMD	96-17-071	208-480-010	RECOD	96-06-011
208-436-070	RECOD	96-06-011	208-480-020	RECOD	96-06-011
208-436-070	AMD-P	96-14-122	208-480-030	RECOD	96-06-011
208-436-070	AMD	96-17-071	208-480-030	AMD-P	96-14-122
208-436-080	RECOD	96-06-011	208-480-030	AMD	96-17-071
208-436-080	AMD-P	96-14-122	208-480-040	RECOD	96-06-011
208-436-080	AMD	96-17-071	208-480-050	RECOD	96-06-011
208-436-090	RECOD	96-06-011	208-480-050	AMD-P	96-14-122
208-436-090	AMD-P	96-14-122	208-480-050	AMD	96-17-071
208-436-090	AMD	96-17-071	208-480-060	RECOD	96-06-011
208-440-010	RECOD	96-06-011	208-480-070	RECOD	96-06-011
208-440-010	AMD-P	96-14-122	208-620-010	NEW	96-04-013
208-440-010	AMD	96-17-071	208-620-020	NEW	96-04-013
208-440-020	RECOD	96-06-011	208-620-030	NEW	96-04-013
208-440-030	RECOD	96-06-011	208-620-040	NEW	96-04-013
208-440-030	PREP-X	96-14-071	208-620-050	NEW	96-04-013
208-440-030	AMD-P	96-14-122	208-620-060	NEW	96-04-013
208-440-030	REP	96-17-072	208-620-070	NEW	96-04-013
208-440-040	RECOD	96-06-011	208-620-080	NEW	96-04-013
208-440-050	RECOD	96-06-011	208-620-090	NEW	96-04-013
208-444-010	RECOD	96-06-011	208-620-100	RECOD	96-04-013
208-444-010	AMD-P	96-14-122	208-620-110	RECOD	96-04-013
208-444-010	AMD	96-17-071	208-620-120	RECOD	96-04-013
208-464-010	RECOD	96-06-011	208-620-130	RECOD	96-04-013
208-464-010	AMD-P	96-14-122	208-620-140	RECOD	96-04-013
208-464-010	AMD	96-17-071	208-620-150	NEW	96-04-013
208-464-020	RECOD	96-06-011	208-620-160	RECOD	96-04-013
208-464-030	RECOD	96-06-011	208-620-170	RECOD	96-04-013
208-464-030	AMD-P	96-14-122	208-620-180	NEW	96-04-013
208-464-030	AMD	96-17-071	208-620-190	RECOD	96-04-013
208-464-040	RECOD	96-06-011	208-620-200	NEW	96-04-013
208-464-050	RECOD	96-06-011	208-620-210	RECOD	96-04-013
208-464-050	AMD-P	96-14-122	208-620-220	NEW	96-04-013
208-464-050	AMD	96-17-071	208-630-005	RECOD	96-03-059
208-464-060	RECOD	96-06-011	208-630-010	RECOD	96-03-059
208-464-060	AMD-P	96-14-122	208-630-015	RECOD	96-03-059
208-464-060	AMD	96-17-071	208-630-020	RECOD	96-03-059
208-464-070	RECOD	96-06-011	208-630-025	RECOD	96-03-059
208-464-070	AMD-P	96-14-122	208-630-030	RECOD	96-03-059
208-464-070	AMD	96-17-071	208-630-035	RECOD	96-03-059
208-464-080	RECOD	96-06-011	208-630-040	RECOD	96-03-059
208-464-090	RECOD	96-06-011	208-630-050	RECOD	96-03-059
208-472-010	RECOD	96-06-011	208-630-060	RECOD	96-03-059
208-472-012	RECOD	96-06-011	208-630-065	RECOD	96-03-059
208-472-015	RECOD	96-06-011	208-630-068	RECOD	96-03-059
208-472-015	AMD-P	96-14-123	208-630-070	RECOD	96-03-059
208-472-015	AMD	96-17-070	208-630-075	RECOD	96-03-059
208-472-020	RECOD	96-06-011	208-630-080	RECOD	96-03-059
208-472-020	AMD-P	96-14-122	208-630-085	RECOD	96-03-059
208-472-020	AMD	96-17-071	208-630-090	RECOD	96-03-059
208-472-025	RECOD	96-06-011	208-630-095	RECOD	96-03-059
208-472-025	AMD-P	96-14-122	208-630-100	RECOD	96-03-059
208-472-025	AMD	96-17-071	208-660-010	RECOD	96-04-028
208-472-041	RECOD	96-06-011	208-660-020	RECOD	96-04-028
208-472-041	AMD-P	96-14-122	208-660-025	NEW-P	96-15-128
208-472-041	AMD	96-17-071	208-660-030	RECOD	96-04-028
208-472-045	RECOD	96-06-011	208-660-035	RECOD	96-04-028
208-472-045	AMD-P	96-14-122	208-660-040	RECOD	96-04-028
208-472-045	AMD	96-17-071	208-660-042	RECOD	96-04-028

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208-680F-020	RECOD	96-05-018	220-24-02000A	REP-E	96-16-051
208-680F-040	RECOD	96-05-018	220-24-02000B	NEW-E	96-16-051
208-680F-040	AMD-P	96-15-129	220-32-05100S	NEW-E	96-04-039
208-680F-050	RECOD	96-05-018	220-32-05100S	REP-E	96-04-039
208-680F-050	AMD-P	96-15-129	220-32-05500V	NEW-E	96-10-015
208-680F-060	RECOD	96-05-018	220-32-05500V	REP-E	96-12-029
208-680F-070	RECOD	96-05-018	220-32-05500W	NEW-E	96-12-029
210-01-020	AMD-P	96-15-122	220-32-05500W	REP-E	96-12-069
210-01-030	AMD-P	96-15-122	220-32-05500X	NEW-E	96-12-069
210-01-120	AMD-P	96-15-122	220-32-05500X	REP-E	96-14-060
212-17-185	REP-E	96-11-068	220-32-05500Y	NEW-E	96-14-060
212-17-185	PREP	96-12-063	220-32-05700S	NEW-E	96-08-064
212-17-185	REP-P	96-15-118	220-32-05700S	REP-E	96-08-064
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212-17-190	PREP	96-12-063	220-32-05700T	REP-E	96-11-092
212-17-190	REP-P	96-15-118	220-33-01000D	NEW-E	96-05-055
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212-17-195	PREP	96-12-063	220-33-01000E	NEW-E	96-17-047
212-17-195	REP-P	96-15-118	220-33-01000E	REP-E	96-17-047
212-17-200	REP-E	96-11-068	220-33-01000F	NEW-E	96-17-049
212-17-200	PREP	96-12-063	220-33-01000F	REP-E	96-17-049
212-17-200	REP-P	96-15-118	220-33-03000J	NEW-E	96-11-032
212-17-203	REP-E	96-11-068	220-33-03000J	REP-E	96-11-032
212-17-203	PREP	96-12-063	220-33-04000B	NEW-E	96-04-026
212-17-203	REP-P	96-15-118	220-33-04000B	REP-E	96-04-026
212-17-205	REP-E	96-11-068	220-36-021	AMD-P	96-09-104
212-17-205	PREP	96-12-063	220-36-021	AMD	96-13-035
212-17-205	REP-P	96-15-118	220-36-023	AMD-P	96-09-104
212-17-210	REP-E	96-11-068	220-36-023	AMD	96-13-035
212-17-210	PREP	96-12-063	220-40-021	AMD-P	96-09-104
212-17-210	REP-P	96-15-118	220-40-021	AMD	96-13-035
212-17-215	AMD-E	96-11-068	220-40-027	AMD-P	96-09-104
212-17-215	PREP	96-12-063	220-40-027	AMD	96-13-035
212-17-215	AMD-P	96-15-118	220-44-030	AMD-P	96-03-154
212-17-21501	NEW-E	96-11-068	220-44-030	AMD	96-11-055
212-17-21501	PREP	96-12-063	220-44-050	AMD-P	96-03-154
212-17-21501	NEW-P	96-15-118	220-44-050	AMD	96-11-055
212-17-21503	NEW-E	96-11-068	220-44-05000W	REP-E	96-11-094
212-17-21503	PREP	96-12-063	220-44-05000X	NEW-E	96-11-094
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212-17-21506	NEW-P	96-15-118	220-44-05000Z	NEW-E	96-17-048
212-17-21509	NEW-E	96-11-068	220-47-304	AMD-P	96-09-105
212-17-21509	PREP	96-12-063	220-47-304	AMD	96-15-101
212-17-21509	NEW-P	96-15-118	220-47-307	AMD-P	96-09-105
212-17-21512	NEW-E	96-11-068	220-47-307	AMD	96-15-101
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212-17-21518	NEW-E	96-11-068	220-47-411	AMD	96-15-101
212-17-21518	PREP	96-12-063	220-47-427	NEW-P	96-09-105
212-17-21518	NEW-P	96-15-118	220-47-427	NEW-S	96-15-137
212-17-21521	NEW-E	96-11-068	220-47-428	NEW-P	96-09-105
212-17-21521	PREP	96-12-063	220-47-428	NEW	96-15-101
212-17-21521	NEW-P	96-15-118	220-48-01500A	NEW-E	96-16-076
212-17-21525	NEW-E	96-11-068	220-49-02000I	NEW-E	96-10-002
212-17-21525	PREP	96-12-063	220-49-02000I	REP-E	96-10-002
212-17-21525	NEW-P	96-15-118	220-52-03000J	NEW-E	96-11-117
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218-04-020	NEW-P	96-13-063	220-52-04600M	NEW-E	96-03-055
218-04-020	NEW	96-16-062	220-52-04600N	NEW-E	96-06-006
218-04-030	NEW-P	96-13-063	220-52-06000A	NEW-E	96-10-046
218-04-030	NEW	96-16-062	220-52-06000A	REP-E	96-15-015
218-04-040	NEW-P	96-13-063	220-52-06000B	NEW-E	96-15-015
218-04-040	NEW	96-16-062	220-52-06000B	REP-E	96-15-049
218-04-050	NEW-P	96-13-063	220-52-07100Y	NEW-E	96-11-007
218-04-050	NEW	96-16-062	220-52-07100Y	REP-E	96-12-043
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220-56-32500I	REP-E	96-13-041	220-57-260	AMD-C	96-05-005
220-56-32500J	NEW-E	96-13-085	220-57-260	AMD-W	96-11-084
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220-56-32500K	NEW-E	96-14-061	220-57-265	AMD-W	96-11-084
220-56-326	NEW	96-05-004	220-57-270	AMD-C	96-05-005
220-56-330	AMD-C	96-05-005	220-57-270	AMD-W	96-11-084
220-56-330	AMD	96-11-078	220-57-27000B	NEW-E	96-11-118
220-56-350	AMD-C	96-05-005	220-57-27000B	REP-E	96-11-118
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220-56-35000M	NEW-E	96-15-055	220-57-29000T	NEW-E	96-12-067
220-56-36000Q	NEW-E	96-07-051	220-57-300	AMD-C	96-05-005
220-56-36000Q	REP-E	96-07-051	220-57-300	AMD-W	96-11-084
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220-56-380	AMD-C	96-05-005	220-57-319	AMD-C	96-05-005
220-56-380	AMD	96-11-078	220-57-319	AMD	96-11-078
220-56-38000D	REP-E	96-08-046	220-57-31900K	NEW-E	96-08-045
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220-56-38000G	NEW-E	96-15-055	220-57-340	AMD-W	96-11-084
220-56-420	AMD-W	96-11-084	220-57-345	AMD-C	96-05-005
220-57-130	AMD-C	96-05-005	220-57-345	AMD-W	96-11-084
220-57-130	AMD	96-11-078	220-57-350	AMD-C	96-05-005
220-57-135	AMD-C	96-05-005	220-57-350	AMD	96-11-078
220-57-135	AMD	96-11-078	220-57-370	AMD-C	96-05-005
220-57-137	AMD-C	96-05-005	220-57-370	AMD	96-11-078
220-57-137	AMD	96-11-078	220-57-385	AMD-C	96-05-005
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220-57-155	AMD	96-11-078	220-57-415	AMD-C	96-05-005
220-57-160	AMD-C	96-05-005	220-57-415	AMD-W	96-11-084
220-57-160	AMD-W	96-11-084	220-57-425	AMD-C	96-05-005
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220-57-16000E	REP-E	96-11-033	220-57-430	AMD-W	96-11-084
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220-57-175	AMD	96-11-078	220-57-455	AMD-C	96-05-005
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220-57-187	NEW-W	96-11-084	220-57-460	AMD	96-11-078
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220-57-210	AMD-C	96-05-005	220-57-495	AMD-C	96-05-005
220-57-210	AMD-W	96-11-084	220-57-495	AMD	96-11-078
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222-21-010	NEW-W	96-03-067	230-04-040	AMD-P	96-03-077
222-21-020	NEW-W	96-03-067	230-04-040	AMD	96-07-075
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222-24-030	AMD-S	96-09-099	230-04-138	AMD-P	96-15-066
222-24-030	AMD	96-12-038	230-04-187	AMD-P	96-05-042
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222-30-050	AMD-S	96-09-099	230-08-080	AMD-P	96-07-072
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222-30-050	AMD-E	96-13-026	230-08-090	AMD-P	96-07-074
222-30-060	AMD-E	96-03-009	230-08-090	AMD-W	96-14-028
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222-30-060	AMD-S	96-09-099	230-08-105	AMD-P	96-07-072
222-30-060	AMD	96-12-038	230-08-105	AMD	96-13-067
222-30-060	AMD-E	96-13-026	230-08-122	AMD-P	96-03-077
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222-30-065	NEW-C	96-04-076	230-08-255	AMD-P	96-03-077
222-30-065	NEW-C	96-05-090	230-08-255	AMD	96-07-075
222-30-065	NEW-S	96-09-099	230-12-005	NEW-P	96-13-072
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222-30-065	NEW-E	96-13-026	230-12-020	AMD-P	96-04-085
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222-30-070	AMD-S	96-09-099	230-12-076	NEW	96-07-075
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222-30-070	AMD-E	96-13-026	230-20-050	AMD	96-07-078
222-30-075	NEW-E	96-03-009	230-20-052	NEW-P	96-03-079
222-30-075	NEW-W	96-03-067	230-20-052	NEW	96-07-078
222-30-075	NEW-E	96-13-026	230-20-055	AMD-P	96-03-080
222-30-100	AMD-E	96-03-009	230-20-055	AMD	96-07-076
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222-38-020	AMD-W	96-03-067	230-20-103	AMD-P	96-03-079
222-38-020	AMD-E	96-13-026	230-20-103	AMD	96-07-078
222-38-030	AMD-E	96-03-009	230-20-104	NEW-P	96-07-072
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222-38-030	AMD-E	96-13-026	230-20-105	NEW-P	96-07-072
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223-08-155	REP-P	96-09-057	230-20-108	NEW-P	96-07-072
223-08-155	REP	96-15-034	230-20-108	NEW	96-13-067
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232-24-120	REP	96-04-027	232-28-61900Q	NEW-E	96-10-070
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232-28-252	AMD	96-12-049	236-24-010	REP	96-17-090
232-28-253	AMD-P	96-06-072	236-24-020	PREP-X	96-13-040
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246-310-041	NEW-P	96-17-065	246-430-030	AMD-P	96-04-081
246-310-042	NEW-P	96-17-065	246-430-030	AMD	96-13-027
246-310-043	NEW-P	96-17-065	246-610-010	PREP-X	96-14-067
246-310-044	NEW-P	96-17-065	246-610-020	PREP-X	96-14-067
246-310-050	AMD-P	96-17-065	246-610-030	PREP-X	96-14-067
246-310-070	REP-P	96-17-065	246-610-040	PREP-X	96-14-067
246-310-080	AMD-P	96-17-065	246-790-010	PREP	96-14-037
246-310-090	AMD-P	96-17-065	246-790-050	PREP	96-14-043
246-310-100	AMD-P	96-17-065	246-790-060	PREP	96-14-043
246-310-110	AMD-P	96-17-065	246-790-070	PREP	96-14-043
246-310-120	AMD-P	96-17-065	246-790-080	PREP	96-14-043
246-310-130	AMD-P	96-17-065	246-790-090	PREP	96-14-043
246-310-132	AMD-P	96-17-065	246-790-100	PREP	96-14-043
246-310-135	AMD-P	96-17-065	246-790-110	PREP	96-14-043
246-310-136	AMD-P	96-17-065	246-790-120	PREP	96-14-043
246-310-140	AMD-P	96-17-065	246-790-130	PREP	96-14-043
246-310-150	AMD-P	96-17-065	246-800	PREP-W	96-09-018
246-310-160	AMD-P	96-17-065	246-806-010	REP-P	96-10-006
246-310-170	AMD-P	96-17-065	246-806-010	REP	96-16-074
246-310-180	AMD-P	96-17-065	246-806-020	REP-P	96-10-006
246-310-190	AMD-P	96-17-065	246-806-020	REP	96-16-074
246-310-200	AMD-P	96-17-065	246-806-030	REP-P	96-10-006
246-310-210	AMD-P	96-17-065	246-806-030	REP	96-16-074
246-310-230	AMD-P	96-17-065	246-806-040	REP-P	96-10-006
246-310-262	AMD-P	96-17-065	246-806-040	REP	96-16-074
246-310-280	AMD-P	96-17-065	246-806-060	REP-P	96-10-006
246-310-350	REP-P	96-17-065	246-806-060	REP	96-16-074
246-310-360	AMD-P	96-17-065	246-806-070	REP-P	96-10-006
246-310-370	AMD-P	96-17-065	246-806-070	REP	96-16-074
246-310-380	AMD-P	96-17-065	246-806-075	REP-P	96-10-006
246-310-390	AMD-P	96-17-065	246-806-075	REP	96-16-074
246-310-395	NEW-P	96-17-065	246-806-080	REP-P	96-10-006
246-310-396	NEW-P	96-17-065	246-806-080	REP	96-16-074
246-310-397	NEW-P	96-17-065	246-806-085	REP-P	96-10-006
246-310-400	REP-P	96-17-065	246-806-085	REP	96-16-074
246-310-410	AMD-P	96-17-065	246-806-090	REP-P	96-10-006
246-310-470	AMD-P	96-17-065	246-806-090	REP	96-16-074
246-310-480	AMD-P	96-17-065	246-806-100	REP-P	96-10-006
246-310-490	AMD-P	96-17-065	246-806-100	REP	96-16-074
246-310-500	AMD-P	96-17-065	246-806-110	REP-P	96-10-006
246-310-560	AMD-P	96-17-065	246-806-110	REP	96-16-074
246-310-570	AMD-P	96-17-065	246-806-120	REP-P	96-10-006
246-310-580	AMD-P	96-17-065	246-806-120	REP	96-16-074
246-310-590	AMD-P	96-17-065	246-806-130	REP-P	96-10-006
246-310-600	AMD-P	96-17-065	246-806-130	REP	96-16-074
246-310-610	AMD-P	96-17-065	246-806-140	REP-P	96-10-006
246-310-900	AMD-P	96-17-065	246-806-140	REP	96-16-074
246-310-990	AMD-P	96-17-065	246-806-160	REP-P	96-10-006
246-316-990	AMD-P	96-09-084	246-806-160	REP	96-16-074
246-316-990	AMD	96-12-027	246-806-170	REP-P	96-10-006
246-318	PREP	96-07-011	246-806-170	REP	96-16-074
246-321	PREP	96-17-060	246-806-180	REP-P	96-10-006
246-327-990	AMD-P	96-09-082	246-806-180	REP	96-16-074
246-327-990	AMD	96-12-026	246-806-190	REP-P	96-10-006
246-328-100	NEW-P	96-11-131	246-806-190	REP	96-16-074
246-328-100	NEW	96-14-070	246-806-990	REP-P	96-10-006

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246-807-330	REP	96-16-074	246-808-155	NEW-P	96-10-006
246-807-340	REP-P	96-10-006	246-808-155	NEW	96-16-074
246-807-340	REP	96-16-074	246-808-160	NEW-P	96-10-006
246-807-350	REP-P	96-10-006	246-808-160	NEW	96-16-074
246-807-350	REP	96-16-074	246-808-165	NEW-P	96-10-006
246-807-360	REP-P	96-10-006	246-808-165	NEW	96-16-074
246-807-360	REP	96-16-074	246-808-170	NEW-P	96-10-006
246-807-370	REP-P	96-10-006	246-808-170	NEW	96-16-074
246-807-370	REP	96-16-074	246-808-180	NEW-P	96-10-006
246-807-380	REP-P	96-10-006	246-808-180	NEW	96-16-074
246-807-380	REP	96-16-074	246-808-185	NEW-P	96-10-006
246-807-390	REP-P	96-10-006	246-808-185	NEW	96-16-074
246-807-390	REP	96-16-074	246-808-190	NEW-P	96-10-006
246-807-395	REP-P	96-10-006	246-808-190	NEW	96-16-074
246-807-395	REP	96-16-074	246-808-201	NEW-P	96-10-006
246-807-396	REP-P	96-10-006	246-808-201	NEW	96-16-074
246-807-396	REP	96-16-074	246-808-215	NEW-P	96-10-006
246-807-400	REP-P	96-10-006	246-808-215	NEW	96-16-074
246-807-400	REP	96-16-074	246-808-301	NEW-P	96-10-006
246-807-410	REP-P	96-10-006	246-808-301	NEW	96-16-074
246-807-410	REP	96-16-074	246-808-320	NEW-P	96-10-006
246-807-420	REP-P	96-10-006	246-808-320	NEW	96-16-074
246-807-420	REP	96-16-074	246-808-330	NEW-P	96-10-006
246-807-430	REP-P	96-10-006	246-808-330	NEW	96-16-074
246-807-430	REP	96-16-074	246-808-340	NEW-P	96-10-006
246-807-440	REP-P	96-10-006	246-808-340	NEW	96-16-074
246-807-440	REP	96-16-074	246-808-350	NEW-P	96-10-006
246-807-450	REP-P	96-10-006	246-808-350	NEW	96-16-074
246-807-450	REP	96-16-074	246-808-360	NEW-P	96-10-006
246-807-460	REP-P	96-10-006	246-808-360	NEW	96-16-074
246-807-460	REP	96-16-074	246-808-370	NEW-P	96-10-006
246-807-470	REP-P	96-10-006	246-808-370	NEW	96-16-074
246-807-470	REP	96-16-074	246-808-380	NEW-P	96-10-006
246-807-480	REP-P	96-10-006	246-808-380	NEW	96-16-074
246-807-480	REP	96-16-074	246-808-390	NEW-P	96-10-006
246-807-500	REP-P	96-10-006	246-808-390	NEW	96-16-074
246-807-500	REP	96-16-074	246-808-400	NEW-P	96-10-006
246-807-510	REP-P	96-10-006	246-808-400	NEW	96-16-074
246-807-510	REP	96-16-074	246-808-410	NEW-P	96-10-006
246-807-520	REP-P	96-10-006	246-808-410	NEW	96-16-074
246-807-520	REP	96-16-074	246-808-505	NEW-P	96-10-006
246-807-530	REP-P	96-10-006	246-808-505	NEW	96-16-074
246-807-530	REP	96-16-074	246-808-510	NEW-P	96-10-006
246-808-001	NEW-P	96-10-006	246-808-510	NEW	96-16-074
246-808-001	NEW	96-16-074	246-808-520	NEW-P	96-10-006
246-808-010	NEW-P	96-10-006	246-808-520	NEW	96-16-074
246-808-010	NEW	96-16-074	246-808-525	NEW-P	96-10-006
246-808-015	NEW-P	96-10-006	246-808-525	NEW	96-16-074
246-808-015	NEW	96-16-074	246-808-530	NEW-P	96-10-006
246-808-020	NEW-P	96-10-006	246-808-530	NEW	96-16-074
246-808-020	NEW	96-16-074	246-808-535	NEW-P	96-10-006
246-808-030	NEW-P	96-10-006	246-808-535	NEW	96-16-074
246-808-030	NEW	96-16-074	246-808-540	NEW-P	96-10-006
246-808-040	NEW-P	96-10-006	246-808-540	NEW	96-16-074
246-808-040	NEW	96-16-074	246-808-545	NEW-P	96-10-006
246-808-101	NEW-P	96-10-006	246-808-545	NEW	96-16-074
246-808-101	NEW	96-16-074	246-808-550	NEW-P	96-10-006
246-808-105	NEW-P	96-10-006	246-808-550	NEW	96-16-074
246-808-105	NEW	96-16-074	246-808-560	NEW-P	96-10-006
246-808-106	NEW-P	96-10-006	246-808-560	NEW	96-16-074
246-808-106	NEW	96-16-074	246-808-565	NEW-P	96-10-006
246-808-115	NEW-P	96-10-006	246-808-565	NEW	96-16-074
246-808-115	NEW	96-16-074	246-808-570	NEW-P	96-10-006
246-808-120	NEW-P	96-10-006	246-808-570	NEW	96-16-074
246-808-120	NEW	96-16-074	246-808-575	NEW-P	96-10-006
246-808-130	NEW-P	96-10-006	246-808-575	NEW	96-16-074
246-808-130	NEW	96-16-074	246-808-580	NEW-P	96-10-006
246-808-135	NEW-P	96-10-006	246-808-580	NEW	96-16-074
246-808-135	NEW	96-16-074	246-808-585	NEW-P	96-10-006
246-808-140	NEW-P	96-10-006	246-808-585	NEW	96-16-074
246-808-140	NEW	96-16-074	246-808-590	NEW-P	96-10-006
246-808-150	NEW-P	96-10-006	246-808-590	NEW	96-16-074

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
246-851-990	AMD-P	96-15-033	246-918-030	AMD	96-03-073
246-861-040	AMD-P	96-04-080	246-918-035	AMD	96-03-073
246-861-040	AMD	96-11-042	246-918-050	AMD	96-03-073
246-869-240	REP	96-03-016	246-918-070	AMD	96-03-073
246-872	PREP	96-15-110	246-918-080	AMD	96-03-073
246-879	PREP	96-15-109	246-918-085	AMD	96-03-073
246-883-020	PREP	96-03-012	246-918-090	AMD	96-03-073
246-883-020	AMD-P	96-11-041	246-918-095	AMD	96-03-073
246-883-020	AMD-C	96-14-109	246-918-110	AMD	96-03-073
246-885-030	NEW-P	96-03-134	246-918-120	AMD	96-03-073
246-885-030	NEW	96-07-012	246-918-130	AMD	96-03-073
246-887-170	PREP	96-10-038	246-918-140	AMD	96-03-073
246-904	PREP	96-11-130	246-918-170	AMD	96-03-073
246-904-010	NEW-E	96-11-103	246-918-180	AMD	96-03-073
246-904-010	NEW-P	96-17-066	246-918-250	AMD	96-03-073
246-904-020	NEW-E	96-11-103	246-918-260	AMD	96-03-073
246-904-020	NEW-P	96-17-066	246-918-310	AMD	96-03-073
246-904-030	NEW-E	96-11-103	246-918-990	AMD	96-03-073
246-904-030	NEW-P	96-17-066	246-919-010	NEW	96-03-073
246-904-040	NEW-E	96-11-103	246-919-020	NEW	96-03-073
246-904-040	NEW-P	96-17-066	246-919-030	NEW	96-03-073
246-904-050	NEW-E	96-11-103	246-919-100	NEW	96-03-073
246-904-050	NEW-P	96-17-066	246-919-110	NEW	96-03-073
246-904-060	NEW-E	96-11-103	246-919-120	NEW	96-03-073
246-904-060	NEW-P	96-17-066	246-919-130	NEW	96-03-073
246-904-070	NEW-E	96-11-103	246-919-140	NEW	96-03-073
246-904-070	NEW-P	96-17-066	246-919-150	NEW	96-03-073
246-904-080	NEW-E	96-11-103	246-919-200	NEW	96-03-073
246-904-080	NEW-P	96-17-066	246-919-200	PREP-X	96-14-045
246-904-090	NEW-E	96-11-103	246-919-210	NEW	96-03-073
246-904-090	NEW-P	96-17-066	246-919-210	PREP-X	96-14-045
246-904-100	NEW-E	96-11-103	246-919-220	NEW	96-03-073
246-904-100	NEW-P	96-17-066	246-919-220	PREP-X	96-14-045
246-907-020	AMD-P	96-17-076	246-919-230	NEW	96-03-073
246-907-030	AMD-P	96-17-076	246-919-230	PREP-X	96-14-045
246-915-030	AMD-E	96-03-050	246-919-240	NEW	96-03-073
246-915-030	AMD-P	96-08-068	246-919-240	PREP-X	96-14-045
246-915-030	AMD	96-13-008	246-919-300	NEW	96-03-073
246-917-020	REP	96-03-073	246-919-305	NEW	96-03-073
246-917-025	REP	96-03-073	246-919-310	NEW	96-03-073
246-917-026	REP	96-03-073	246-919-320	NEW	96-03-073
246-917-030	REP	96-03-073	246-919-330	NEW	96-03-073
246-917-040	REP	96-03-073	246-919-340	NEW	96-03-073
246-917-050	REP	96-03-073	246-919-350	NEW	96-03-073
246-917-060	REP	96-03-073	246-919-355	NEW	96-03-073
246-917-070	REP	96-03-073	246-919-360	NEW	96-03-073
246-917-080	REP	96-03-073	246-919-365	NEW	96-03-073
246-917-090	REP	96-03-073	246-919-370	NEW	96-03-073
246-917-100	REP	96-03-073	246-919-380	NEW	96-03-073
246-917-110	REP	96-03-073	246-919-390	NEW	96-03-073
246-917-120	REP	96-03-073	246-919-395	NEW	96-03-073
246-917-121	REP	96-03-073	246-919-400	NEW	96-03-073
246-917-125	REP	96-03-073	246-919-410	NEW	96-03-073
246-917-126	REP	96-03-073	246-919-420	NEW	96-03-073
246-917-130	REP	96-03-073	246-919-430	NEW	96-03-073
246-917-135	REP	96-03-073	246-919-440	NEW	96-03-073
246-917-140	REP	96-03-073	246-919-450	NEW	96-03-073
246-917-150	REP	96-03-073	246-919-460	NEW	96-03-073
246-917-160	REP	96-03-073	246-919-470	NEW	96-03-073
246-917-170	REP	96-03-073	246-919-480	NEW	96-03-073
246-917-180	REP	96-03-073	246-919-500	NEW	96-03-073
246-917-190	REP	96-03-073	246-919-510	NEW	96-03-073
246-917-200	REP	96-03-073	246-919-600	NEW	96-03-073
246-917-210	REP	96-03-073	246-919-610	NEW	96-03-073
246-917-220	REP	96-03-073	246-919-620	NEW	96-03-073
246-917-300	REP	96-03-073	246-919-700	NEW	96-03-073
246-917-990	REP	96-03-073	246-919-710	NEW	96-03-073
246-918	AMD	96-03-073	246-919-720	NEW	96-03-073
246-918-005	AMD	96-03-073	246-919-730	NEW	96-03-073
246-918-006	AMD	96-03-073	246-919-740	NEW	96-03-073
246-918-007	AMD	96-03-073	246-919-750	NEW	96-03-073
246-918-008	AMD	96-03-073	246-919-760	NEW	96-03-073
246-918-009	AMD	96-03-073	246-919-770	NEW	96-03-073

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246-924-240	PREP	96-16-009	251-12-232	AMD	96-09-055
246-924-250	AMD-P	96-02-086	251-14-110	AMD-P	96-04-053
246-924-250	AMD	96-08-007	251-14-110	AMD-C	96-07-091
246-924-370	PREP	96-16-006	251-14-110	AMD	96-09-055
246-924-470	AMD-P	96-02-086	251-14-130	NEW-P	96-04-053
246-924-470	AMD	96-08-007	251-14-130	NEW-C	96-07-091
246-924-480	PREP	96-16-008	251-14-130	NEW	96-09-055
246-924-500	NEW-P	96-02-086	251-17-010	AMD	96-02-072
246-924-500	NEW	96-08-007	251-17-150	AMD-P	96-08-086
246-924-500	PREP	96-16-009	251-17-150	AMD	96-11-061
246-924-990	AMD-P	96-02-085	251-17-170	AMD	96-02-072
246-924-990	AMD	96-08-006	251-19-105	REP-W	96-02-069
246-924-990	PREP	96-15-071	251-19-105	AMD-P	96-02-071
246-976	PREP	96-17-063	251-19-105	AMD	96-05-026
246-976-010	AMD	96-03-052	251-22-045	AMD-E	96-15-047
246-976-045	NEW	96-03-052	251-22-116	AMD-P	96-08-081
246-976-076	PREP	96-06-049	251-22-116	AMD-C	96-09-089
246-976-076	NEW-P	96-14-111	251-22-116	AMD	96-13-077
246-976-076	NEW	96-17-067	251-22-124	AMD-E	96-15-047
246-976-077	PREP	96-06-049	251-22-167	AMD-P	96-08-081
246-976-077	NEW-P	96-14-111	251-22-167	AMD-C	96-09-089
246-976-077	NEW	96-17-067	251-22-167	AMD	96-13-077
246-976-140	PREP	96-06-049	251-22-195	AMD-P	96-08-081
246-976-140	AMD-P	96-14-111	251-22-195	AMD-C	96-09-089
246-976-140	AMD	96-17-067	251-22-195	AMD	96-13-077
246-976-165	NEW	96-03-052	251-22-197	REP-P	96-08-081
246-976-181	PREP	96-06-049	251-22-197	REP-C	96-09-089
246-976-181	NEW-P	96-14-111	251-22-197	REP	96-13-077
246-976-181	NEW	96-17-067	251-22-200	AMD-P	96-08-081
250-20-021	AMD	96-04-019	251-22-200	AMD-C	96-09-089
250-20-021	PREP	96-07-096	251-22-200	AMD	96-13-077
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250-65	PREP	96-07-095	251-22-250	AMD	96-11-059
250-65-020	AMD-P	96-11-090	251-22-260	AMD-E	96-15-047
250-65-060	AMD-P	96-11-090	251-22-270	AMD-W	96-02-069
250-74-010	PREP-X	96-13-028	251-22-270	AMD-P	96-08-084
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250-74-060	PREP-X	96-13-028	251-22-290	AMD-P	96-08-084
251-04-050	AMD-P	96-08-088	251-22-290	AMD	96-11-059
251-04-050	AMD	96-11-063	251-22-290	AMD-E	96-15-047
251-06-020	AMD-P	96-08-088	260-12	PREP	96-03-142
251-06-020	AMD	96-11-063	260-12	PREP	96-12-084
251-10-030	AMD-P	96-10-065	260-20	PREP	96-03-143
251-10-030	AMD	96-13-078	260-24	PREP	96-06-086
251-12-099	AMD-P	96-04-053	260-24-010	REP-P	96-09-097
251-12-099	AMD-C	96-07-091	260-24-020	REP-P	96-09-097
251-12-099	AMD	96-09-055	260-24-030	REP-P	96-09-097
251-12-100	AMD-P	96-04-053	260-24-040	REP-P	96-09-097
251-12-100	AMD-C	96-07-091	260-24-050	REP-P	96-09-097
251-12-100	AMD	96-09-055	260-24-060	REP-P	96-09-097
251-12-101	REP-P	96-04-053	260-24-070	REP-P	96-09-097
251-12-101	REP-C	96-07-091	260-24-080	REP-P	96-09-097
251-12-101	REP	96-09-055	260-24-090	REP-P	96-09-097
251-12-102	AMD-P	96-04-053	260-24-100	REP-P	96-09-097
251-12-102	AMD-C	96-07-091	260-24-110	REP-P	96-09-097
251-12-102	AMD	96-09-055	260-24-120	REP-P	96-09-097
251-12-104	NEW-P	96-04-053	260-24-130	REP-P	96-09-097
251-12-104	NEW-C	96-07-091	260-24-140	REP-P	96-09-097
251-12-104	NEW	96-09-055	260-24-150	REP-P	96-09-097
251-12-105	NEW-P	96-04-053	260-24-160	REP-P	96-09-097
251-12-105	NEW-C	96-07-091	260-24-170	REP-P	96-09-097
251-12-105	NEW	96-09-055	260-24-180	REP-P	96-09-097
251-12-106	NEW-P	96-04-053	260-24-190	REP-P	96-09-097
251-12-106	NEW-C	96-07-091	260-24-200	REP-P	96-09-097
251-12-106	NEW	96-09-055	260-24-210	REP-P	96-09-097
251-12-180	AMD-P	96-04-053	260-24-220	REP-P	96-09-097
251-12-180	AMD-C	96-07-091	260-24-230	REP-P	96-09-097
251-12-180	AMD	96-09-055	260-24-240	REP-P	96-09-097
251-12-232	AMD-P	96-04-053	260-24-250	REP-P	96-09-097

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
260-48-140	REP-P	96-04-066	260-48-570	NEW	96-10-014
260-48-140	REP	96-10-014	260-48-580	NEW-P	96-04-066
260-48-150	REP-P	96-04-066	260-48-580	NEW	96-10-014
260-48-150	REP	96-10-014	260-48-590	NEW-P	96-04-066
260-48-160	REP-P	96-04-066	260-48-590	NEW	96-10-014
260-48-160	REP	96-10-014	260-48-600	NEW-P	96-04-066
260-48-170	REP-P	96-04-066	260-48-600	NEW	96-10-014
260-48-170	REP	96-10-014	260-48-610	NEW-P	96-04-066
260-48-180	REP-P	96-04-066	260-48-610	NEW	96-10-014
260-48-180	REP	96-10-014	260-48-620	NEW-P	96-04-066
260-48-190	REP-P	96-04-066	260-48-620	NEW	96-10-014
260-48-190	REP	96-10-014	260-48-630	NEW-P	96-04-066
260-48-200	REP-P	96-04-066	260-48-630	NEW	96-10-014
260-48-200	REP	96-10-014	260-48-640	NEW-P	96-04-066
260-48-210	REP-P	96-04-066	260-48-640	NEW	96-10-014
260-48-210	REP	96-10-014	260-48-650	NEW-P	96-04-066
260-48-220	REP-P	96-04-066	260-48-650	NEW	96-10-014
260-48-220	REP	96-10-014	260-48-660	NEW-P	96-04-066
260-48-230	REP-P	96-04-066	260-48-660	NEW	96-10-014
260-48-230	REP	96-10-014	260-48-670	NEW-P	96-04-066
260-48-240	REP-P	96-04-066	260-48-670	NEW	96-10-014
260-48-240	REP	96-10-014	260-48-800	NEW-P	96-04-066
260-48-250	REP-P	96-04-066	260-48-800	NEW	96-10-014
260-48-250	REP	96-10-014	260-48-810	NEW-P	96-04-066
260-48-260	REP-P	96-04-066	260-48-810	NEW	96-10-014
260-48-260	REP	96-10-014	260-48-820	NEW-P	96-04-066
260-48-270	REP-P	96-04-066	260-48-820	NEW	96-10-014
260-48-270	REP	96-10-014	260-48-830	NEW-P	96-04-066
260-48-280	REP-P	96-04-066	260-48-830	NEW	96-10-014
260-48-280	REP	96-10-014	260-48-840	NEW-P	96-04-066
260-48-290	REP-P	96-04-066	260-48-840	NEW	96-10-014
260-48-290	REP	96-10-014	260-48-850	NEW-P	96-04-066
260-48-300	REP-P	96-04-066	260-48-850	NEW	96-10-014
260-48-300	REP	96-10-014	260-48-860	NEW-P	96-04-066
260-48-305	REP-P	96-04-066	260-48-860	NEW	96-10-014
260-48-305	REP	96-10-014	260-48-870	NEW-P	96-04-066
260-48-310	REP-P	96-04-066	260-48-870	NEW	96-10-014
260-48-310	REP	96-10-014	260-48-890	NEW-P	96-04-066
260-48-320	REP-P	96-04-066	260-48-890	NEW	96-10-014
260-48-320	REP	96-10-014	260-48-900	NEW-P	96-04-066
260-48-322	REP-P	96-04-066	260-48-900	NEW	96-10-014
260-48-322	REP	96-10-014	260-48-910	NEW-P	96-04-066
260-48-324	REP-P	96-04-066	260-48-920	NEW-P	96-04-066
260-48-324	REP	96-10-014	260-48-920	NEW	96-10-014
260-48-326	REP-P	96-04-066	260-52	PREP	96-12-085
260-48-326	REP	96-10-014	260-60	PREP	96-03-145
260-48-327	REP-P	96-04-066	260-60-010	REP-P	96-09-098
260-48-327	REP	96-10-014	260-60-010	REP	96-12-008
260-48-328	REP-P	96-04-066	260-60-020	REP-P	96-09-098
260-48-328	REP	96-10-014	260-60-020	REP	96-12-008
260-48-330	REP-P	96-04-066	260-60-030	REP-P	96-09-098
260-48-330	REP	96-10-014	260-60-030	REP	96-12-008
260-48-331	REP-P	96-04-066	260-60-040	REP-P	96-09-098
260-48-331	REP	96-10-014	260-60-040	REP	96-12-008
260-48-340	REP-P	96-04-066	260-60-050	REP-P	96-09-098
260-48-340	REP	96-10-014	260-60-050	REP	96-12-008
260-48-350	REP-P	96-04-066	260-60-060	REP-P	96-09-098
260-48-350	REP	96-10-014	260-60-060	REP	96-12-008
260-48-500	NEW-P	96-04-066	260-60-070	REP-P	96-09-098
260-48-500	NEW	96-10-014	260-60-070	REP	96-12-008
260-48-510	NEW-P	96-04-066	260-60-080	REP-P	96-09-098
260-48-510	NEW	96-10-014	260-60-080	REP	96-12-008
260-48-520	NEW-P	96-04-066	260-60-090	REP-P	96-09-098
260-48-520	NEW	96-10-014	260-60-090	REP	96-12-008
260-48-530	NEW-P	96-04-066	260-60-100	REP-P	96-09-098
260-48-530	NEW	96-10-014	260-60-100	REP	96-12-008
260-48-540	NEW-P	96-04-066	260-60-110	REP-P	96-09-098
260-48-540	NEW	96-10-014	260-60-110	REP	96-12-008
260-48-550	NEW-P	96-04-066	260-60-115	REP-P	96-09-098
260-48-550	NEW	96-10-014	260-60-115	REP	96-12-008
260-48-560	NEW-P	96-04-066	260-60-120	REP-P	96-09-098
260-48-560	NEW	96-10-014	260-60-120	REP	96-12-008
260-48-570	NEW-P	96-04-066	260-60-130	REP-P	96-09-098

**Table of WAC Sections Affected**

<b>WAC #</b>	<b>WSR #</b>	<b>WAC #</b>	<b>WSR #</b>	<b>WAC #</b>	<b>WSR #</b>
260-70-040	REP-P	96-04-067	260-70-590	NEW	96-10-001
260-70-040	REP	96-10-001	260-70-600	NEW-P	96-04-067
260-70-050	REP-P	96-04-067	260-70-610	NEW	96-10-001
260-70-050	REP	96-10-001	260-70-610	NEW-P	96-04-067
260-70-060	REP-P	96-04-067	260-70-620	NEW	96-10-001
260-70-060	REP	96-10-001	260-70-620	NEW-P	96-04-067
260-70-070	REP-P	96-04-067	260-70-620	NEW	96-10-001
260-70-070	REP	96-10-001	260-70-630	NEW-P	96-04-067
260-70-080	REP-P	96-04-067	260-70-640	NEW	96-10-001
260-70-080	REP	96-10-001	260-70-640	NEW-P	96-04-067
260-70-090	REP-P	96-04-067	260-70-640	NEW	96-10-001
260-70-090	REP	96-10-001	260-70-650	NEW-P	96-04-067
260-70-100	REP-P	96-04-067	260-70-650	NEW	96-10-001
260-70-100	REP	96-10-001	260-70-660	NEW-P	96-04-067
260-70-110	REP-P	96-04-067	260-70-660	NEW	96-10-001
260-70-110	REP	96-10-001	260-70-670	NEW-P	96-04-067
260-70-120	REP-P	96-04-067	260-70-670	NEW	96-10-001
260-70-120	REP	96-10-001	260-70-680	NEW-P	96-04-067
260-70-130	REP-P	96-04-067	260-70-680	NEW	96-10-001
260-70-130	REP	96-10-001	260-70-690	NEW-P	96-04-067
260-70-140	REP-P	96-04-067	260-70-690	NEW	96-10-001
260-70-140	REP	96-10-001	260-70-700	NEW-P	96-04-067
260-70-150	REP-P	96-04-067	260-70-700	NEW	96-10-001
260-70-150	REP	96-10-001	260-70-710	NEW-P	96-04-067
260-70-160	REP-P	96-04-067	260-70-710	NEW	96-10-001
260-70-160	REP	96-10-001	260-70-720	NEW-P	96-04-067
260-70-170	REP-P	96-04-067	260-70-720	NEW	96-10-001
260-70-170	REP	96-10-001	260-70-730	NEW-P	96-04-067
260-70-180	REP-P	96-04-067	260-70-730	NEW	96-10-001
260-70-180	REP	96-10-001	275-16-085	PREP	96-14-002
260-70-190	REP-P	96-04-067	275-16-085	AMD-P	96-15-057
260-70-190	REP	96-10-001	275-26-010	AMD-P	96-07-090
260-70-200	REP-P	96-04-067	275-26-010	AMD	96-10-076
260-70-200	REP	96-10-001	275-26-074	NEW-P	96-07-090
260-70-210	REP-P	96-04-067	275-26-074	NEW	96-10-076
260-70-210	REP	96-10-001	275-26-076	NEW-P	96-07-090
260-70-220	REP-P	96-04-067	275-26-076	NEW	96-10-076
260-70-220	REP	96-10-001	275-26-077	NEW-P	96-07-090
260-70-230	REP-P	96-04-067	275-26-077	NEW	96-10-076
260-70-230	REP	96-10-001	275-27	PREP	96-12-015
260-70-240	REP-P	96-04-067	275-27-020	PREP	96-12-034
260-70-240	REP	96-10-001	275-27-026	PREP	96-12-034
260-70-250	REP-P	96-04-067	275-27-030	PREP	96-12-034
260-70-250	REP	96-10-001	275-27-031	PREP	96-12-034
260-70-260	REP-P	96-04-067	275-27-032	PREP	96-12-034
260-70-260	REP	96-10-001	275-27-033	PREP	96-12-034
260-70-270	REP-P	96-04-067	275-27-034	PREP	96-12-034
260-70-270	REP	96-10-001	275-27-035	PREP	96-12-034
260-70-280	REP-P	96-04-067	275-27-036	PREP	96-12-034
260-70-280	REP	96-10-001	275-27-037	PREP	96-12-034
260-70-290	REP-P	96-04-067	275-27-040	PREP	96-12-034
260-70-290	REP	96-10-001	275-27-050	PREP	96-12-034
260-70-300	REP-P	96-04-067	275-27-220	PREP	96-12-016
260-70-300	REP	96-10-001	275-27-221	PREP	96-12-016
260-70-500	NEW-P	96-04-067	275-27-223	PREP	96-12-016
260-70-500	NEW	96-10-001	275-30-020	PREP	96-10-058
260-70-510	NEW-P	96-04-067	275-30-020	AMD-P	96-16-091
260-70-510	NEW	96-10-001	275-46-005	NEW-P	96-14-056
260-70-520	NEW-P	96-04-067	275-46-010	NEW-P	96-14-056
260-70-520	NEW	96-10-001	275-46-020	NEW-P	96-14-056
260-70-530	NEW-P	96-04-067	275-46-030	NEW-P	96-14-056
260-70-530	NEW	96-10-001	275-46-040	NEW-P	96-14-056
260-70-540	NEW-P	96-04-067	275-46-050	NEW-P	96-14-056
260-70-540	NEW	96-10-001	275-46-060	NEW-P	96-14-056
260-70-550	NEW-P	96-04-067	275-46-070	NEW-P	96-14-056
260-70-550	NEW	96-10-001	275-47	PREP	96-15-081
260-70-560	NEW-P	96-04-067	275-56	PREP	96-12-015
260-70-560	NEW	96-10-001	284-02	AMD-C	96-09-002
260-70-570	NEW-P	96-04-067	284-02-010	AMD-P	96-04-087
260-70-570	NEW	96-10-001	284-02-010	AMD	96-09-038
260-70-580	NEW-P	96-04-067	284-02-020	AMD-P	96-04-087
260-70-580	NEW	96-10-001	284-02-020	AMD	96-09-038
260-70-590	NEW-P	96-04-067	284-02-030	AMD-P	96-04-087

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
284-66-142	AMD	96-09-047	286-13-085	AMD	96-15-082
284-66-203	AMD-P	96-04-086	286-13-100	AMD-P	96-04-054
284-66-203	AMD	96-09-047	286-13-100	AMD	96-08-044
284-85	PREP	96-15-044	286-13-110	AMD-P	96-04-054
284-85	NEW-C	96-15-085	286-13-110	AMD	96-08-044
284-85	NEW-C	96-17-006	286-13-115	AMD-P	96-04-054
284-85-005	NEW-P	96-11-144	286-13-115	AMD	96-08-044
284-85-005	NEW	96-17-029	286-26-010	AMD-P	96-04-054
284-85-010	NEW-P	96-11-144	286-26-010	AMD	96-08-044
284-85-010	NEW	96-17-029	286-26-020	AMD-P	96-04-054
284-85-015	NEW-P	96-11-144	286-26-020	AMD	96-08-044
284-85-015	NEW	96-17-029	286-26-030	REP-P	96-04-054
284-85-030	NEW-P	96-11-144	286-26-030	REP	96-08-044
284-85-030	NEW	96-17-029	286-26-080	AMD-P	96-04-054
284-85-040	NEW-P	96-11-144	286-26-080	AMD	96-08-044
284-85-040	NEW	96-17-029	286-26-100	AMD-P	96-04-054
284-85-045	NEW-P	96-11-144	286-26-100	AMD	96-08-044
284-85-045	NEW	96-17-029	286-26-110	NEW-P	96-04-054
284-85-050	NEW-P	96-11-144	286-26-110	NEW	96-08-044
284-85-050	NEW	96-17-029	286-27-010	AMD-P	96-04-054
284-85-055	NEW-P	96-11-144	286-27-010	AMD	96-08-044
284-85-055	NEW	96-17-029	286-27-030	REP-P	96-04-054
284-85-060	NEW-P	96-11-144	286-27-030	REP	96-08-044
284-85-060	NEW	96-17-029	286-27-040	AMD-P	96-04-054
284-85-070	NEW-P	96-11-144	286-27-040	AMD	96-08-044
284-85-070	NEW	96-17-029	286-27-050	AMD-P	96-04-054
284-85-075	NEW-P	96-11-144	286-27-050	AMD	96-08-044
284-85-075	NEW	96-17-029	286-27-055	NEW-P	96-04-054
284-85-080	NEW-P	96-11-144	286-27-055	NEW	96-08-044
284-85-080	NEW	96-17-029	286-27-065	NEW-P	96-04-054
284-85-085	NEW-P	96-11-144	286-27-065	NEW	96-08-044
284-85-085	NEW	96-17-029	286-27-070	REP-P	96-04-054
284-85-090	NEW-P	96-11-144	286-27-070	REP	96-08-044
284-85-090	NEW	96-17-029	286-27-075	NEW-P	96-04-054
284-85-100	NEW-P	96-11-144	286-27-075	NEW	96-08-044
284-85-100	NEW	96-17-029	286-27-080	REP-P	96-04-054
284-85-110	NEW-P	96-11-144	286-27-080	REP	96-08-044
284-85-110	NEW	96-17-029	286-30-010	AMD-P	96-04-054
284-85-900	NEW-P	96-11-144	286-30-010	AMD	96-08-044
284-85-900	NEW	96-17-029	286-30-020	REP-P	96-04-054
286-04-010	AMD-P	96-04-054	286-30-020	REP	96-08-044
286-04-010	AMD	96-08-044	286-30-030	AMD-P	96-04-054
286-04-030	AMD-P	96-04-054	286-30-030	AMD	96-08-044
286-04-030	AMD	96-08-044	286-35	AMD-P	96-04-054
286-04-060	AMD-P	96-04-054	286-35	AMD	96-08-044
286-04-060	AMD	96-08-044	286-35-020	REP-P	96-04-054
286-04-070	AMD-P	96-04-054	286-35-020	REP	96-08-044
286-04-070	AMD	96-08-044	286-35-030	AMD-P	96-04-054
286-04-080	AMD-P	96-04-054	286-35-030	AMD	96-08-044
286-04-080	AMD	96-08-044	286-35-040	AMD-P	96-04-054
286-04-090	AMD-P	96-04-054	286-35-040	AMD	96-08-044
286-04-090	AMD	96-08-044	286-35-050	REP-P	96-04-054
286-13-010	AMD-P	96-04-054	286-35-050	REP	96-08-044
286-13-010	AMD	96-08-044	286-35-060	AMD-P	96-04-054
286-13-020	AMD-P	96-04-054	286-35-060	AMD	96-08-044
286-13-020	AMD	96-08-044	286-35-070	REP-P	96-04-054
286-13-030	AMD-P	96-04-054	286-35-070	REP	96-08-044
286-13-030	AMD	96-08-044	286-40-010	AMD-P	96-04-054
286-13-040	AMD-P	96-04-054	286-40-010	AMD	96-08-044
286-13-040	AMD	96-08-044	286-40-020	AMD-P	96-04-054
286-13-045	NEW-P	96-04-054	286-40-020	AMD	96-08-044
286-13-045	NEW	96-08-044	286-40-030	AMD-P	96-04-054
286-13-060	AMD-P	96-04-054	286-40-030	AMD	96-08-044
286-13-060	AMD	96-08-044	292-04-270	AMD-E	96-03-092
286-13-070	AMD-P	96-04-054	292-06-001	NEW-P	96-04-083
286-13-070	AMD	96-08-044	292-06-001	NEW-W	96-17-053
286-13-080	AMD-P	96-04-054	292-06-005	NEW-P	96-04-083
286-13-080	AMD	96-08-044	292-06-005	NEW-W	96-17-053
286-13-085	AMD-P	96-04-054	292-06-010	NEW-P	96-04-083
286-13-085	AMD	96-08-044	292-06-010	NEW-W	96-17-053
286-13-085	AMD-P	96-11-112	292-06-020	NEW-P	96-04-083
286-13-085	AMD-E	96-11-113	292-06-020	NEW-W	96-17-053
286-13-085	AMD-S	96-12-065	292-06-030	NEW-P	96-04-083

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
292-12-110	REP-P	96-05-006	296-17-440	AMD	96-12-039
292-12-110	REP	96-17-024	296-17-45003	AMD-P	96-05-064
292-12-120	REP-P	96-05-006	296-17-45003	AMD-P	96-05-065
292-12-120	REP	96-17-024	296-17-45003	AMD	96-12-039
292-12-130	REP-P	96-05-006	296-17-501	AMD-P	96-05-064
292-12-130	REP	96-17-024	296-17-501	AMD-P	96-05-065
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296-78-690	AMD	96-17-056	296-150A-016	REP-P	96-15-089
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296-78-70503	AMD	96-17-056	296-150A-024	REP-P	96-15-089
296-78-71003	AMD-P	96-10-085	296-150A-030	REP-P	96-15-089
296-78-71003	AMD	96-17-056	296-150A-035	REP-P	96-15-089
296-78-71015	AMD-P	96-10-085	296-150A-040	REP-P	96-15-089
296-78-71015	AMD	96-17-056	296-150A-045	REP-P	96-15-089
296-78-71017	AMD-P	96-10-085	296-150A-051	REP-P	96-15-089
296-78-71017	AMD	96-17-056	296-150A-055	REP-P	96-15-089
296-78-725	AMD-P	96-10-085	296-150A-060	REP-P	96-15-089
296-78-725	AMD	96-17-056	296-150A-065	REP-P	96-15-089
296-78-750	AMD-P	96-10-085	296-150A-070	REP-P	96-15-089
296-78-750	AMD	96-17-056	296-150A-075	REP-P	96-15-089
296-78-800	AMD-P	96-10-085	296-150A-080	REP-P	96-15-089
296-78-800	AMD	96-17-056	296-150A-085	REP-P	96-15-089
296-78-835	AMD-P	96-10-085	296-150A-090	REP-P	96-15-089
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296-104-025	AMD-P	96-16-063	296-150A-135	REP-P	96-15-089
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296-104-200	AMD-P	96-16-063	296-150A-815	REP-P	96-15-089
296-104-205	PREP	96-09-086	296-150A-820	REP-P	96-15-089
296-104-205	AMD-P	96-16-063	296-150A-825	REP-P	96-15-089
296-104-210	PREP	96-09-086	296-150A-830	REP-P	96-15-089
296-104-210	AMD-P	96-16-063	296-150A-835	REP-P	96-15-089
296-104-215	PREP	96-09-086	296-150A-840	REP-P	96-15-089
296-104-215	AMD-P	96-16-063	296-150A-845	REP-P	96-15-089
296-104-220	PREP	96-09-086	296-150A-850	REP-P	96-15-089
296-104-220	AMD-P	96-16-063	296-150A-855	REP-P	96-15-089
296-104-225	REP-P	96-16-063	296-150A-860	REP-P	96-15-089
296-104-230	PREP	96-09-086	296-150A-865	REP-P	96-15-089
296-104-230	AMD-P	96-16-063	296-150A-870	REP-P	96-15-089
296-104-235	PREP	96-09-086	296-150A-875	REP-P	96-15-089
296-104-235	AMD-P	96-16-063	296-150A-950	REP-P	96-15-089
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296-104-240	AMD-P	96-16-063	296-150B-005	REP-P	96-15-089
296-104-245	PREP	96-09-086	296-150B-010	REP-P	96-15-089
296-104-245	AMD-P	96-16-063	296-150B-015	REP-P	96-15-089
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296-150B-030	REP-P				
296-150B-035	REP-P				
296-150B-040	REP-P				
296-150B-045	REP-P				
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296-305-01003	NEW	96-11-067	296-305-04507	NEW-C	96-03-026
296-305-01005	NEW-C	96-03-026	296-305-04507	NEW	96-11-067
296-305-01005	NEW	96-11-067	296-305-04509	NEW-C	96-03-026
296-305-01007	NEW-C	96-03-026	296-305-04509	NEW	96-11-067
296-305-01007	NEW	96-11-067	296-305-04511	NEW-C	96-03-026
296-305-01009	NEW-C	96-03-026	296-305-04511	NEW	96-11-067
296-305-01009	NEW	96-11-067	296-305-05001	NEW-C	96-03-026
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296-305-01503	NEW-C	96-03-026	296-305-05005	NEW	96-11-067
296-305-01503	NEW	96-11-067	296-305-05007	NEW-C	96-03-026
296-305-01505	NEW-C	96-03-026	296-305-05007	NEW	96-11-067
296-305-01505	NEW	96-11-067	296-305-05009	NEW-C	96-03-026
296-305-01507	NEW-C	96-03-026	296-305-05009	NEW	96-11-067
296-305-01507	NEW	96-11-067	296-305-05011	NEW-C	96-03-026
296-305-01509	NEW-C	96-03-026	296-305-05011	NEW	96-11-067
296-305-01509	NEW	96-11-067	296-305-05013	NEW-C	96-03-026
296-305-01511	NEW-C	96-03-026	296-305-05013	NEW	96-11-067
296-305-01511	NEW	96-11-067	296-305-05501	NEW-C	96-03-026
296-305-01513	NEW-C	96-03-026	296-305-05501	NEW	96-11-067
296-305-01513	NEW	96-11-067	296-305-05503	NEW-C	96-03-026
296-305-01515	NEW-C	96-03-026	296-305-05503	NEW	96-11-067
296-305-01515	NEW	96-11-067	296-305-060	AMD-C	96-03-026
296-305-01517	NEW-C	96-03-026	296-305-060	REP	96-11-067
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296-305-02003	NEW	96-11-067	296-305-06009	AMD-C	96-03-026
296-305-02005	NEW-C	96-03-026	296-305-06009	REP	96-11-067
296-305-02005	NEW	96-11-067	296-305-06011	AMD-C	96-03-026
296-305-02007	NEW-C	96-03-026	296-305-06011	REP	96-11-067
296-305-02007	NEW	96-11-067	296-305-063	AMD-C	96-03-026
296-305-02009	NEW-C	96-03-026	296-305-063	REP	96-11-067
296-305-02009	NEW	96-11-067	296-305-064	AMD-C	96-03-026
296-305-02011	NEW-C	96-03-026	296-305-064	REP	96-11-067
296-305-02011	NEW	96-11-067	296-305-065	AMD-C	96-03-026
296-305-02013	NEW-C	96-03-026	296-305-065	REP	96-11-067
296-305-02013	NEW	96-11-067	296-305-06501	AMD-C	96-03-026
296-305-02015	NEW-C	96-03-026	296-305-06501	AMD	96-11-067
296-305-02015	NEW	96-11-067	296-305-06503	AMD-C	96-03-026
296-305-02017	NEW-C	96-03-026	296-305-06503	AMD	96-11-067
296-305-02017	NEW	96-11-067	296-305-06505	AMD-C	96-03-026
296-305-02019	NEW-C	96-03-026	296-305-06505	AMD	96-11-067
296-305-02019	NEW	96-11-067	296-305-06507	AMD-C	96-03-026
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296-305-02501	NEW-C	96-03-026	296-305-06509	AMD	96-11-067
296-305-02501	NEW	96-11-067	296-305-06511	AMD-C	96-03-026
296-305-030	AMD-C	96-03-026	296-305-06511	AMD	96-11-067
296-305-030	REP	96-11-067	296-305-06513	AMD-C	96-03-026
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296-305-03001	NEW	96-11-067	296-305-06515	AMD-C	96-03-026
296-305-035	AMD-C	96-03-026	296-305-06515	AMD	96-11-067
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296-305-040	REP	96-11-067	296-305-06519	NEW-C	96-03-026
296-305-04001	NEW-C	96-03-026	296-305-06519	NEW	96-11-067
296-305-04001	NEW	96-11-067	296-305-070	AMD-C	96-03-026
296-305-045	AMD-C	96-03-026	296-305-070	REP	96-11-067
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296-305-04501	NEW-C	96-03-026	296-305-07001	AMD	96-11-067
296-305-04501	NEW	96-11-067	296-305-07003	AMD-C	96-03-026
296-305-04503	NEW-C	96-03-026	296-305-07003	AMD	96-11-067
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296-306-09003	REP-P	96-14-121	296-306A-065	NEW-P	96-14-121
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296-306-140	REP-P	96-14-121	296-306A-076	NEW-P	96-14-121
296-306-145	REP-P	96-14-121	296-306A-080	NEW-P	96-14-121
296-306-14501	REP-P	96-14-121	296-306A-08003	NEW-P	96-14-121
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296-306A-05501	NEW-P	96-14-121	296-306A-12055	NEW-S	96-17-093
296-306A-05503	NEW-P	96-14-121	296-306A-130	NEW-P	96-14-120
296-306A-05505	NEW-P	96-14-121	296-306A-130	NEW-S	96-17-093
296-306A-05507	NEW-P	96-14-121	296-306A-13005	NEW-P	96-14-120

## **Table of WAC Sections Affected**

### **Table of WAC Sections Affected**

**Table of WAC Sections Affected**

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
296-306A-50005	NEW-P	96-14-121	308-04-001	REP	96-17-040
296-306A-50007	NEW-P	96-14-121	308-10-010	AMD	96-05-036
296-306A-50009	NEW-P	96-14-121	308-10-020	AMD	96-05-036
296-306A-50011	NEW-P	96-14-121	308-10-025	AMD	96-05-036
296-306A-50013	NEW-P	96-14-121	308-10-030	AMD	96-05-036
296-306A-50015	NEW-P	96-14-121	308-10-040	AMD	96-05-036
296-306A-50017	NEW-P	96-14-121	308-10-045	AMD	96-05-036
296-306A-50019	NEW-P	96-14-121	308-10-067	AMD	96-05-036
296-306A-50021	NEW-P	96-14-121	308-13-005	AMD-P	96-04-009
296-306A-50023	NEW-P	96-14-121	308-13-005	AMD-C	96-04-040
296-306A-50025	NEW-P	96-14-121	308-13-005	AMD	96-10-013
296-306A-50027	NEW-P	96-14-121	308-13-015	AMD-P	96-04-009
296-306A-50029	NEW-P	96-14-121	308-13-015	AMD-C	96-04-040
296-306A-520	NEW-P	96-14-121	308-13-015	AMD	96-10-013
296-306A-52001	NEW-P	96-14-121	308-13-024	AMD-P	96-04-009
296-306A-52003	NEW-P	96-14-121	308-13-024	AMD-C	96-04-040
296-306A-52005	NEW-P	96-14-121	308-13-024	AMD	96-10-013
296-306A-52007	NEW-P	96-14-121	308-13-050	AMD-P	96-04-009
296-306A-52009	NEW-P	96-14-121	308-13-050	AMD-C	96-04-040
296-306A-52011	NEW-P	96-14-121	308-13-050	AMD	96-10-013
296-306A-52013	NEW-P	96-14-121	308-13-110	REP-P	96-04-009
296-306A-52015	NEW-P	96-14-121	308-13-110	REP-C	96-04-040
296-306A-52017	NEW-P	96-14-121	308-13-110	REP	96-10-013
296-306A-52019	NEW-P	96-14-121	308-13-150	PREP	96-04-007
296-306A-52021	NEW-P	96-14-121	308-13-150	AMD-P	96-08-005
296-306A-52023	NEW-P	96-14-121	308-13-150	AMD	96-11-132
296-306A-52025	NEW-P	96-14-121	308-14-080	PREP-X	96-13-021
296-306A-52027	NEW-P	96-14-121	308-14-080	REP	96-17-040
296-306A-52029	NEW-P	96-14-121	308-14-110	PREP-X	96-13-021
296-306A-52031	NEW-P	96-14-121	308-14-110	REP	96-17-040
296-306A-52033	NEW-P	96-14-121	308-20-020	PREP-X	96-13-021
296-306A-52035	NEW-P	96-14-121	308-20-020	REP	96-17-040
296-306A-52037	NEW-P	96-14-121	308-20-050	PREP-X	96-13-021
296-306A-52039	NEW-P	96-14-121	308-20-050	REP	96-17-040
296-306A-52041	NEW-P	96-14-121	308-20-060	PREP-X	96-13-021
296-306A-52043	NEW-P	96-14-121	308-20-060	REP	96-17-040
296-306A-52045	NEW-P	96-14-121	308-20-070	PREP-X	96-13-021
296-306A-52047	NEW-P	96-14-121	308-20-070	REP	96-17-040
296-306A-530	NEW-P	96-14-121	308-20-095	PREP-X	96-13-021
296-306A-53001	NEW-P	96-14-121	308-20-095	REP	96-17-040
296-306A-53003	NEW-P	96-14-121	308-20-100	PREP-X	96-13-021
296-306A-53005	NEW-P	96-14-121	308-20-100	REP	96-17-040
296-306A-53007	NEW-P	96-14-121	308-20-109	PREP-X	96-13-021
296-306A-53009	NEW-P	96-14-121	308-20-109	REP	96-17-040
296-306A-53011	NEW-P	96-14-121	308-20-140	PREP-X	96-13-021
296-306A-53013	NEW-P	96-14-121	308-20-140	REP	96-17-040
296-306A-53015	NEW-P	96-14-121	308-20-175	PREP-X	96-13-021
296-306A-53017	NEW-P	96-14-121	308-20-175	REP	96-17-040
304-12-010	REP	96-04-045	308-20-205	PREP-X	96-13-021
304-12-020	REP	96-04-045	308-20-205	REP	96-17-040
304-12-025	REP	96-04-045	308-20-208	PREP-X	96-13-021
304-12-145	AMD	96-04-045	308-20-208	REP	96-17-040
304-12-290	AMD	96-04-045	308-20-510	PREP-X	96-13-021
304-12-350	REP	96-04-045	308-20-510	REP	96-17-040
304-25-010	REP	96-04-045	308-20-540	PREP-X	96-13-021
304-25-020	REP	96-04-045	308-20-540	REP	96-17-040
304-25-030	REP	96-04-045	308-20-545	PREP-X	96-13-021
304-25-040	REP	96-04-045	308-20-545	REP	96-17-040
304-25-050	REP	96-04-045	308-48-140	PREP-X	96-13-021
304-25-060	REP	96-04-045	308-48-140	REP	96-17-040
304-25-110	REP	96-04-045	308-56A-030	AMD	96-04-004
304-25-120	REP	96-04-045	308-56A-090	AMD	96-03-047
304-25-510	REP	96-04-045	308-56A-210	AMD	96-03-047
304-25-520	REP	96-04-045	308-57	PREP	96-11-104
304-25-530	REP	96-04-045	308-66-110	AMD-P	96-13-042
304-25-540	REP	96-04-045	308-66-120	AMD-P	96-13-042
304-25-550	REP	96-04-045	308-66-150	AMD-P	96-13-042
304-25-555	REP	96-04-045	308-66-155	AMD-P	96-13-042
304-25-560	REP	96-04-045	308-66-160	AMD-P	96-13-042
304-25-570	REP	96-04-045	308-66-170	AMD-P	96-13-042
304-25-580	REP	96-04-045	308-66-180	AMD-P	96-13-042
304-25-590	REP	96-04-045	308-66-190	AMD-P	96-13-042
308-04-001	PREP-X	96-13-021	308-66-200	AMD-P	96-13-042

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
308-93-770	NEW-S	96-11-128	308-126C-110	PREP-X	96-13-021
308-93-770	NEW	96-16-038	308-126C-110	REP	96-17-040
308-94-030	AMD	96-04-004	308-128A	PREP	96-06-084
308-94-035	REP-P	96-09-039	308-128A-010	DECOD	96-05-018
308-94-035	REP	96-13-053	308-128A-020	DECOD	96-05-018
308-96A-035	AMD	96-04-004	308-128A-030	DECOD	96-05-018
308-96A-063	NEW-P	96-16-031	308-128A-040	DECOD	96-05-018
308-96A-064	NEW-P	96-16-031	308-128B	PREP	96-06-084
308-96A-175	AMD-P	96-16-030	308-128B-010	DECOD	96-05-018
308-96A-176	NEW-P	96-16-030	308-128B-020	DECOD	96-05-018
308-96A-505	AMD-P	96-09-040	308-128B-030	DECOD	96-05-018
308-96A-505	AMD	96-13-054	308-128B-050	DECOD	96-05-018
308-102-006	PREP	96-14-095	308-128B-070	DECOD	96-05-018
308-102-006	AMD-P	96-17-069	308-128B-080	DECOD	96-05-018
308-104	PREP	96-14-095	308-128B-090	DECOD	96-05-018
308-104-018	NEW-P	96-17-069	308-128C	PREP	96-06-084
308-124D-040	PREP	96-13-049	308-128C-020	DECOD	96-05-018
308-126A-010	PREP-X	96-13-021	308-128C-030	DECOD	96-05-018
308-126A-010	REP	96-17-040	308-128C-040	DECOD	96-05-018
308-126A-020	PREP-X	96-13-021	308-128C-050	DECOD	96-05-018
308-126A-020	REP	96-17-040	308-128D	PREP	96-06-084
308-126A-030	PREP-X	96-13-021	308-128D-010	DECOD	96-05-018
308-126A-030	REP	96-17-040	308-128D-020	DECOD	96-05-018
308-126A-040	PREP-X	96-13-021	308-128D-030	DECOD	96-05-018
308-126A-040	REP	96-17-040	308-128D-040	DECOD	96-05-018
308-126B-010	PREP-X	96-13-021	308-128D-050	DECOD	96-05-018
308-126B-010	REP	96-17-040	308-128D-060	DECOD	96-05-018
308-126B-020	PREP-X	96-13-021	308-128D-070	DECOD	96-05-018
308-126B-020	REP	96-17-040	308-128D-080	DECOD	96-05-018
308-126B-030	PREP-X	96-13-021	308-128E	PREP	96-06-084
308-126B-030	REP	96-17-040	308-128E-011	DECOD	96-05-018
308-126B-040	PREP-X	96-13-021	308-128F	PREP	96-06-084
308-126B-040	REP	96-17-040	308-128F-010	DECOD	96-05-018
308-126B-050	PREP-X	96-13-021	308-128F-020	DECOD	96-05-018
308-126B-050	REP	96-17-040	308-128F-040	DECOD	96-05-018
308-126B-060	PREP-X	96-13-021	308-128F-050	DECOD	96-05-018
308-126B-060	REP	96-17-040	308-128F-060	DECOD	96-05-018
308-126B-070	PREP-X	96-13-021	308-128F-070	DECOD	96-05-018
308-126B-070	REP	96-17-040	308-129-010	NEW-W	96-08-057
308-126B-080	PREP-X	96-13-021	308-129-010	NEW-P	96-11-102
308-126B-080	REP	96-17-040	308-129-010	NEW	96-14-092
308-126B-090	PREP-X	96-13-021	308-129-011	NEW-E	96-09-056
308-126B-090	REP	96-17-040	308-129-020	NEW-W	96-08-057
308-126B-100	PREP-X	96-13-021	308-129-020	NEW-P	96-11-102
308-126B-100	REP	96-17-040	308-129-020	NEW	96-14-092
308-126B-110	PREP-X	96-13-021	308-129-021	NEW-E	96-09-056
308-126B-110	REP	96-17-040	308-129-030	NEW-W	96-08-057
308-126B-120	PREP-X	96-13-021	308-129-030	NEW-P	96-11-102
308-126B-120	REP	96-17-040	308-129-030	NEW	96-14-092
308-126B-130	PREP-X	96-13-021	308-129-031	NEW-E	96-09-056
308-126B-130	REP	96-17-040	308-129-100	NEW-W	96-08-057
308-126B-140	PREP-X	96-13-021	308-129-100	NEW-P	96-11-102
308-126B-140	REP	96-17-040	308-129-100	NEW	96-14-092
308-126C-010	PREP-X	96-13-021	308-129-101	NEW-E	96-09-056
308-126C-010	REP	96-17-040	308-129-110	NEW-W	96-08-057
308-126C-020	PREP-X	96-13-021	308-129-110	NEW-P	96-11-102
308-126C-020	REP	96-17-040	308-129-110	NEW	96-14-092
308-126C-030	PREP-X	96-13-021	308-129-111	NEW-E	96-09-056
308-126C-030	REP	96-17-040	308-129-120	NEW-W	96-08-057
308-126C-040	PREP-X	96-13-021	308-129-120	NEW-P	96-11-102
308-126C-040	REP	96-17-040	308-129-120	NEW	96-14-092
308-126C-050	PREP-X	96-13-021	308-129-130	NEW-W	96-08-057
308-126C-050	REP	96-17-040	308-129-130	NEW-P	96-11-102
308-126C-060	PREP-X	96-13-021	308-129-130	NEW	96-14-092
308-126C-060	REP	96-17-040	308-129-200	NEW-W	96-08-057
308-126C-070	PREP-X	96-13-021	308-129-210	NEW-W	96-08-057
308-126C-070	REP	96-17-040	308-129-220	NEW-W	96-08-057
308-126C-080	PREP-X	96-13-021	308-129-230	NEW-W	96-08-057
308-126C-080	REP	96-17-040	308-129-230	NEW-P	96-11-102
308-126C-090	PREP-X	96-13-021	308-129-230	NEW	96-14-092
308-126C-090	REP	96-17-040	308-129-240	NEW-W	96-08-057
308-126C-100	PREP-X	96-13-021	308-129-300	NEW-W	96-08-057
308-126C-100	REP	96-17-040	308-129-300	NEW-P	96-11-102

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
315-11A-162	AMD-P	96-12-096	317-21-245	AMD	96-03-070
315-11A-162	AMD	96-15-124	317-21-265	AMD	96-03-070
315-11A-163	NEW-P	96-03-157	317-21-320	AMD	96-03-070
315-11A-163	NEW	96-07-015	317-21-345	AMD	96-03-070
315-11A-163	AMD-E	96-15-087	317-21-500	AMD	96-03-070
315-11A-163	AMD-P	96-15-126	317-21-530	AMD	96-03-070
315-11A-164	NEW-P	96-03-157	317-21-540	AMD	96-03-070
315-11A-164	NEW	96-07-015	317-30	REP-C	96-09-008
315-11A-164	PREP	96-08-071	317-30-010	REP-P	96-03-071
315-11A-164	PREP	96-09-103	317-30-010	REP	96-12-077
315-11A-164	AMD-P	96-12-096	317-30-020	REP-P	96-03-071
315-11A-164	AMD	96-15-124	317-30-020	REP	96-12-077
315-11A-165	NEW-P	96-03-157	317-30-030	REP-P	96-03-071
315-11A-165	NEW	96-07-015	317-30-030	REP	96-12-077
315-11A-166	NEW-P	96-03-157	317-30-040	REP-P	96-03-071
315-11A-166	NEW	96-07-015	317-30-040	REP	96-12-077
315-11A-167	NEW-P	96-03-157	317-30-050	REP-P	96-03-071
315-11A-167	NEW	96-07-015	317-30-050	REP	96-12-077
315-11A-167	AMD-P	96-12-096	317-30-060	REP-P	96-03-071
315-11A-167	AMD	96-15-124	317-30-060	REP	96-12-077
315-11A-168	NEW-P	96-07-104	317-30-070	REP-P	96-03-071
315-11A-168	NEW	96-11-107	317-30-070	REP	96-12-077
315-11A-169	NEW-P	96-07-104	317-30-080	REP-P	96-03-071
315-11A-169	NEW	96-11-107	317-30-080	REP	96-12-077
315-11A-169	AMD-P	96-12-096	317-30-090	REP-P	96-03-071
315-11A-169	AMD	96-15-124	317-30-090	REP	96-12-077
315-11A-170	NEW-P	96-07-104	317-30-100	REP-P	96-03-071
315-11A-170	NEW	96-11-107	317-30-100	REP	96-12-077
315-11A-171	NEW-P	96-07-104	317-30-110	REP-P	96-03-071
315-11A-171	NEW	96-11-107	317-30-110	REP	96-12-077
315-11A-172	NEW-P	96-07-104	317-30-120	REP-P	96-03-071
315-11A-172	NEW	96-11-107	317-30-120	REP	96-12-077
315-11A-173	NEW-P	96-07-104	317-30-130	REP-P	96-03-071
315-11A-173	NEW	96-11-107	317-30-130	REP	96-12-077
315-11A-174	NEW-P	96-12-096	317-30-140	REP-P	96-03-071
315-11A-174	NEW	96-15-124	317-30-140	REP	96-12-077
315-11A-175	NEW-P	96-12-096	317-30-150	REP-P	96-03-071
315-11A-175	NEW	96-15-124	317-30-150	REP	96-12-077
315-11A-176	NEW-P	96-12-096	317-30-900	REP-P	96-03-071
315-11A-176	NEW	96-15-124	317-30-900	REP	96-12-077
315-11A-177	NEW-P	96-12-096	317-31	NEW-C	96-09-008
315-11A-177	NEW	96-15-124	317-31-010	NEW-P	96-03-071
315-11A-178	NEW-P	96-12-096	317-31-010	NEW	96-12-077
315-11A-178	NEW	96-15-124	317-31-020	NEW-P	96-03-071
315-11A-179	NEW-P	96-12-096	317-31-020	NEW	96-12-077
315-11A-179	NEW	96-15-124	317-31-030	NEW-P	96-03-071
315-11A-180	NEW-P	96-15-126	317-31-030	NEW	96-12-077
315-11A-181	NEW-P	96-15-126	317-31-100	NEW-P	96-03-071
315-11A-182	NEW-P	96-15-126	317-31-100	NEW	96-12-077
315-11A-183	NEW-P	96-15-126	317-31-110	NEW-P	96-03-071
315-34	PREP	96-08-004	317-31-110	NEW	96-12-077
315-34-010	AMD-P	96-12-096	317-31-120	NEW-P	96-03-071
315-34-010	AMD	96-15-054	317-31-120	NEW	96-12-077
315-34-020	AMD-P	96-12-096	317-31-130	NEW-P	96-03-071
315-34-020	AMD	96-15-054	317-31-130	NEW	96-12-077
315-34-040	AMD-P	96-12-096	317-31-140	NEW-P	96-03-071
315-34-040	AMD	96-15-054	317-31-140	NEW	96-12-077
315-34-070	NEW-P	96-12-096	317-31-200	NEW-P	96-03-071
315-34-070	NEW	96-15-054	317-31-200	NEW	96-12-077
315-34-080	NEW-P	96-12-096	317-31-210	NEW-P	96-03-071
315-34-080	NEW	96-15-054	317-31-210	NEW	96-12-077
315-34-090	NEW-P	96-12-096	317-31-220	NEW-P	96-03-071
315-34-090	NEW	96-15-054	317-31-220	NEW	96-12-077
315-34-100	NEW-P	96-12-096	317-31-230	NEW-P	96-03-071
315-34-100	NEW	96-15-054	317-31-230	NEW	96-12-077
317-21-020	AMD	96-03-070	317-31-240	NEW-P	96-03-071
317-21-030	AMD	96-03-070	317-31-240	NEW	96-12-077
317-21-120	AMD	96-03-070	317-31-250	NEW-P	96-03-071
317-21-200	AMD	96-03-070	317-31-250	NEW	96-12-077
317-21-205	AMD	96-03-070	317-31-300	NEW-P	96-03-071
317-21-210	AMD	96-03-070	317-31-300	NEW	96-12-077
317-21-215	AMD	96-03-070	317-31-310	NEW-P	96-03-071
317-21-235	AMD	96-03-070	317-31-310	NEW	96-12-077

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
356-30-065	AMD-W	96-02-069	371-08-075	REP	96-15-003
356-30-067	AMD-W	96-02-069	371-08-080	REP-P	96-10-063
356-30-230	AMD	96-02-073	371-08-080	REP	96-15-003
356-30-315	AMD	96-02-073	371-08-085	REP-P	96-10-063
356-30-330	AMD	96-02-073	371-08-085	REP	96-15-003
356-37-020	AMD-P	96-04-052A	371-08-100	REP-P	96-10-063
356-37-020	AMD	96-07-093	371-08-100	REP	96-15-003
356-37-030	AMD-P	96-04-052A	371-08-104	REP-P	96-10-063
356-37-030	AMD	96-07-093	371-08-104	REP	96-15-003
356-37-040	AMD-P	96-04-052A	371-08-106	REP-P	96-10-063
356-37-040	AMD	96-07-093	371-08-106	REP	96-15-003
356-37-050	AMD-P	96-04-052A	371-08-125	REP-P	96-10-063
356-37-050	AMD	96-07-093	371-08-125	REP	96-15-003
356-37-100	AMD-P	96-04-052A	371-08-130	REP-P	96-10-063
356-37-100	AMD	96-07-093	371-08-130	REP	96-15-003
356-37-160	NEW-P	96-04-052A	371-08-140	REP-P	96-10-063
356-37-160	NEW	96-07-093	371-08-140	REP	96-15-003
356-37-170	NEW-P	96-04-052A	371-08-144	REP-P	96-10-063
356-37-170	NEW	96-07-093	371-08-144	REP	96-15-003
356-42-020	AMD-P	96-06-059	371-08-146	REP-P	96-10-063
356-42-020	AMD-C	96-09-054	371-08-146	REP	96-15-003
356-42-020	AMD-C	96-11-057	371-08-147	REP-P	96-10-063
356-42-020	AMD	96-13-074	371-08-147	REP	96-15-003
356-42-045	AMD-P	96-10-066	371-08-148	REP-P	96-10-063
356-42-045	AMD-W	96-13-073	371-08-148	REP	96-15-003
356-42-055	AMD-P	96-04-052A	371-08-150	REP-P	96-10-063
356-42-055	AMD	96-07-093	371-08-150	REP	96-15-003
356-46-080	AMD	96-02-073	371-08-155	REP-P	96-10-063
356-56-115	AMD-P	96-08-089	371-08-155	REP	96-15-003
356-56-115	AMD	96-12-004	371-08-156	REP-P	96-10-063
365-185-010	NEW-E	96-03-045	371-08-156	REP	96-15-003
365-185-010	NEW	96-04-046	371-08-162	REP-P	96-10-063
365-185-020	NEW-E	96-03-045	371-08-162	REP	96-15-003
365-185-020	NEW	96-04-046	371-08-165	REP-P	96-10-063
365-185-030	NEW-E	96-03-045	371-08-165	REP	96-15-003
365-185-030	NEW	96-04-046	371-08-167	REP-P	96-10-063
365-185-040	NEW-E	96-03-045	371-08-167	REP	96-15-003
365-185-040	NEW	96-04-046	371-08-180	REP-P	96-10-063
365-185-050	NEW-E	96-03-045	371-08-180	REP	96-15-003
365-185-050	NEW	96-04-046	371-08-183	REP-P	96-10-063
365-185-060	NEW-E	96-03-045	371-08-183	REP	96-15-003
365-185-060	NEW	96-04-046	371-08-184	REP-P	96-10-063
371-08-001	REP-P	96-10-063	371-08-184	REP	96-15-003
371-08-001	REP	96-15-003	371-08-185	REP-P	96-10-063
371-08-002	REP-P	96-10-063	371-08-185	REP	96-15-003
371-08-002	REP	96-15-003	371-08-186	REP-P	96-10-063
371-08-005	REP-P	96-10-063	371-08-186	REP	96-15-003
371-08-005	REP	96-15-003	371-08-187	REP-P	96-10-063
371-08-010	REP-P	96-10-063	371-08-187	REP	96-15-003
371-08-010	REP	96-15-003	371-08-188	REP-P	96-10-063
371-08-020	REP-P	96-10-063	371-08-188	REP	96-15-003
371-08-020	REP	96-15-003	371-08-189	REP-P	96-10-063
371-08-030	REP-P	96-10-063	371-08-189	REP	96-15-003
371-08-030	REP	96-15-003	371-08-195	REP-P	96-10-063
371-08-032	REP-P	96-10-063	371-08-195	REP	96-15-003
371-08-032	REP	96-15-003	371-08-196	REP-P	96-10-063
371-08-033	REP-P	96-10-063	371-08-196	REP	96-15-003
371-08-033	REP	96-15-003	371-08-197	REP-P	96-10-063
371-08-035	REP-P	96-10-063	371-08-197	REP	96-15-003
371-08-035	REP	96-15-003	371-08-200	REP-P	96-10-063
371-08-040	REP-P	96-10-063	371-08-200	REP	96-15-003
371-08-040	REP	96-15-003	371-08-215	REP-P	96-10-063
371-08-050	REP-P	96-10-063	371-08-215	REP	96-15-003
371-08-050	REP	96-15-003	371-08-220	REP-P	96-10-063
371-08-055	REP-P	96-10-063	371-08-220	REP	96-15-003
371-08-055	REP	96-15-003	371-08-230	REP-P	96-10-063
371-08-061	REP-P	96-10-063	371-08-230	REP	96-15-003
371-08-061	REP	96-15-003	371-08-235	REP-P	96-10-063
371-08-065	REP-P	96-10-063	371-08-235	REP	96-15-003
371-08-065	REP	96-15-003	371-08-240	REP-P	96-10-063
371-08-071	REP-P	96-10-063	371-08-240	REP	96-15-003
371-08-071	REP	96-15-003	371-08-250	REP-P	96-10-063
371-08-075	REP-P	96-10-063	371-08-250	REP	96-15-003

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
371-08-465	NEW-P	96-10-063	388-11-120	AMD-P	96-06-039
371-08-465	NEW	96-15-003	388-11-120	AMD	96-09-036
371-08-470	NEW-P	96-10-063	388-11-140	AMD-P	96-06-039
371-08-470	NEW	96-15-003	388-11-140	AMD	96-09-036
371-08-475	NEW-P	96-10-063	388-11-150	AMD-P	96-06-039
371-08-475	NEW	96-15-003	388-11-150	AMD	96-09-036
371-08-480	NEW-P	96-10-063	388-11-210	AMD-P	96-06-039
371-08-480	NEW	96-15-003	388-11-210	AMD	96-09-036
371-08-485	NEW-P	96-10-063	388-11-215	AMD-P	96-06-039
371-08-485	NEW	96-15-003	388-11-215	AMD	96-09-036
371-08-490	NEW-P	96-10-063	388-11-220	AMD-P	96-06-039
371-08-490	NEW	96-15-003	388-11-220	AMD	96-09-036
371-08-500	NEW-P	96-10-063	388-11-280	NEW-P	96-06-039
371-08-500	NEW	96-15-003	388-11-280	NEW	96-09-036
371-08-505	NEW-P	96-10-063	388-11-285	NEW-P	96-06-039
371-08-505	NEW-S	96-13-065	388-11-285	NEW	96-09-036
371-08-505	NEW	96-17-016	388-11-290	NEW-P	96-06-039
371-08-510	NEW-P	96-10-063	388-11-290	NEW	96-09-036
371-08-510	NEW	96-15-003	388-11-295	NEW-P	96-06-039
371-08-515	NEW-P	96-10-063	388-11-295	NEW	96-09-036
371-08-515	NEW	96-15-003	388-11-300	NEW-P	96-06-039
371-08-520	NEW-P	96-10-063	388-11-300	NEW	96-09-036
371-08-520	NEW	96-15-003	388-11-305	NEW-P	96-06-039
371-08-525	NEW-P	96-10-063	388-11-305	NEW	96-09-036
371-08-525	NEW	96-15-003	388-11-310	NEW-P	96-06-039
371-08-530	NEW-P	96-10-063	388-11-310	NEW	96-09-036
371-08-530	NEW	96-15-003	388-11-315	NEW-P	96-06-039
371-08-535	NEW-P	96-10-063	388-11-315	NEW	96-09-036
371-08-535	NEW	96-15-003	388-11-400	NEW-P	96-06-039
371-08-540	NEW-P	96-10-063	388-11-400	NEW	96-09-036
371-08-540	NEW	96-15-003	388-11-405	NEW-P	96-06-039
371-08-545	NEW-P	96-10-063	388-11-405	NEW	96-09-036
371-08-545	NEW	96-15-003	388-11-410	NEW-P	96-06-039
371-08-550	NEW-P	96-10-063	388-11-410	NEW	96-09-036
371-08-550	NEW	96-15-003	388-11-415	NEW-P	96-06-039
371-08-555	NEW-P	96-10-063	388-11-415	NEW	96-09-036
371-08-555	NEW	96-15-003	388-11-420	NEW-P	96-06-039
371-08-560	NEW-P	96-10-063	388-11-420	NEW	96-09-036
371-08-560	NEW	96-15-003	388-11-425	NEW-P	96-06-039
371-08-565	NEW-P	96-10-063	388-11-425	NEW	96-09-036
371-08-565	NEW	96-15-003	388-11-430	NEW-P	96-06-039
371-08-570	NEW-P	96-10-063	388-11-430	NEW	96-09-036
371-08-570	NEW	96-15-003	388-15	PREP	96-06-009
374-60-030	AMD	96-04-005	388-15	PREP	96-12-015
374-60-120	AMD	96-04-005	388-15-030	AMD-P	96-13-107
388-08-425	AMD-P	96-14-102	388-15-134	PREP	96-09-076
388-08-449	AMD-P	96-14-102	388-15-145	AMD-P	96-06-014
388-08-595	NEW-P	96-14-102	388-15-145	AMD	96-09-035
388-08-605	NEW-P	96-14-102	388-15-196	AMD-P	96-13-107
388-11-010	REP-P	96-06-039	388-15-198	NEW-P	96-13-107
388-11-010	REP	96-09-036	388-15-202	AMD-P	96-13-107
388-11-011	AMD-P	96-06-039	388-15-203	AMD-P	96-13-107
388-11-011	AMD	96-09-036	388-15-204	AMD-P	96-13-107
388-11-015	AMD-P	96-06-039	388-15-206	AMD-P	96-13-107
388-11-015	AMD	96-09-036	388-15-209	AMD-P	96-13-107
388-11-030	REP-P	96-06-039	388-15-219	AMD-P	96-13-107
388-11-030	REP	96-09-036	388-15-610	AMD-P	96-13-107
388-11-032	REP-P	96-06-039	388-15-620	AMD-P	96-13-107
388-11-032	REP	96-09-036	388-15-690	AMD-P	96-13-107
388-11-035	REP-P	96-06-039	388-15-695	AMD-P	96-13-107
388-11-035	REP	96-09-036	388-15-700	AMD-P	96-13-107
388-11-040	REP-P	96-06-039	388-15-705	AMD-P	96-13-107
388-11-040	REP	96-09-036	388-15-710	AMD-P	96-13-107
388-11-045	AMD-P	96-06-039	388-15-715	AMD-P	96-13-107
388-11-045	AMD	96-09-036	388-15-880	AMD-P	96-13-107
388-11-048	AMD-P	96-06-039	388-15-890	AMD-P	96-13-107
388-11-048	AMD	96-09-036	388-15-900	REP-P	96-04-084
388-11-055	REP-P	96-06-039	388-15-900	REP	96-11-045
388-11-055	REP	96-09-036	388-15-905	REP-P	96-04-084
388-11-060	REP-P	96-06-039	388-15-905	REP	96-11-045
388-11-060	REP	96-09-036	388-15-910	REP-P	96-04-084
388-11-065	AMD-P	96-06-039	388-15-910	REP	96-11-045
388-11-065	AMD	96-09-036	388-15-915	REP-P	96-04-084

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
388-73-020	AMD-E	96-07-079	388-76-095	REP	96-14-003
388-73-020	AMD	96-10-032	388-76-100	REP-P	96-06-040
388-73-030	AMD-C	96-03-105	388-76-100	REP	96-14-003
388-73-030	AMD-S	96-05-061	388-76-110	REP-P	96-06-040
388-73-030	RESCIND	96-05-067	388-76-110	REP	96-14-003
388-73-030	AMD-E	96-05-068	388-76-130	REP-P	96-06-040
388-73-030	AMD	96-10-043	388-76-130	REP	96-14-003
388-73-030	AMD-E	96-10-054	388-76-140	REP-P	96-06-040
388-73-036	AMD-S	96-05-061	388-76-140	REP	96-14-003
388-73-036	AMD-E	96-05-068	388-76-155	REP-P	96-06-040
388-73-036	AMD	96-10-043	388-76-155	REP	96-14-003
388-73-036	AMD-E	96-10-054	388-76-160	REP-P	96-06-040
388-73-048	AMD-P	96-06-051	388-76-160	REP	96-14-003
388-73-048	AMD-E	96-07-079	388-76-170	REP-P	96-06-040
388-73-048	AMD	96-10-032	388-76-170	REP	96-14-003
388-73-054	AMD-P	96-06-051	388-76-180	REP-P	96-06-040
388-73-054	AMD-E	96-07-079	388-76-180	REP	96-14-003
388-73-054	AMD	96-10-032	388-76-185	REP-P	96-06-040
388-73-606	AMD-P	96-06-051	388-76-185	REP	96-14-003
388-73-606	AMD-E	96-07-079	388-76-190	REP-P	96-06-040
388-73-606	AMD	96-10-032	388-76-190	REP	96-14-003
388-73-800	AMD-P	96-06-051	388-76-200	REP-P	96-06-040
388-73-800	AMD-E	96-07-079	388-76-200	REP	96-14-003
388-73-800	AMD	96-10-032	388-76-220	REP-P	96-06-040
388-73-803	NEW-P	96-06-051	388-76-220	REP	96-14-003
388-73-803	NEW-E	96-07-079	388-76-240	REP-P	96-06-040
388-73-803	NEW	96-10-032	388-76-240	REP	96-14-003
388-73-805	NEW-P	96-06-051	388-76-250	REP-P	96-06-040
388-73-805	NEW-E	96-07-079	388-76-250	REP	96-14-003
388-73-805	NEW	96-10-032	388-76-260	REP-P	96-06-040
388-73-815	AMD-P	96-06-051	388-76-260	REP	96-14-003
388-73-815	AMD-E	96-07-079	388-76-280	REP-P	96-06-040
388-73-815	AMD	96-10-032	388-76-280	REP	96-14-003
388-73-821	NEW-P	96-06-051	388-76-290	REP-P	96-06-040
388-73-821	NEW-E	96-07-079	388-76-290	REP	96-14-003
388-73-821	NEW	96-10-032	388-76-300	REP-P	96-06-040
388-73-822	NEW-P	96-06-051	388-76-300	REP	96-14-003
388-73-822	NEW-E	96-07-079	388-76-310	REP-P	96-06-040
388-73-822	NEW	96-10-032	388-76-310	REP	96-14-003
388-73-823	NEW-P	96-06-051	388-76-320	REP-P	96-06-040
388-73-823	NEW-E	96-07-079	388-76-320	REP	96-14-003
388-73-823	NEW	96-10-032	388-76-325	REP-P	96-06-040
388-73-825	NEW-P	96-06-051	388-76-325	REP	96-14-003
388-73-825	NEW-E	96-07-079	388-76-330	REP-P	96-06-040
388-73-825	NEW	96-10-032	388-76-330	REP	96-14-003
388-76	AMD-C	96-11-106	388-76-340	REP-P	96-06-040
388-76	AMD-C	96-13-018	388-76-340	REP	96-14-003
388-76	AMD-C	96-13-058	388-76-350	REP-P	96-06-040
388-76-010	REP-P	96-06-040	388-76-350	REP	96-14-003
388-76-010	REP	96-14-003	388-76-360	REP-P	96-06-040
388-76-020	REP-P	96-06-040	388-76-360	REP	96-14-003
388-76-020	REP	96-14-003	388-76-370	REP-P	96-06-040
388-76-030	REP-P	96-06-040	388-76-370	REP	96-14-003
388-76-030	REP	96-14-003	388-76-380	REP-P	96-06-040
388-76-040	REP-P	96-06-040	388-76-380	REP	96-14-003
388-76-040	REP	96-14-003	388-76-390	REP-P	96-06-040
388-76-045	REP-P	96-06-040	388-76-390	REP	96-14-003
388-76-045	REP	96-14-003	388-76-400	REP-P	96-06-040
388-76-050	REP-P	96-06-040	388-76-400	REP	96-14-003
388-76-050	REP	96-14-003	388-76-405	REP-P	96-06-040
388-76-060	REP-P	96-06-040	388-76-405	REP	96-14-003
388-76-060	REP	96-14-003	388-76-410	REP-P	96-06-040
388-76-070	REP-P	96-06-040	388-76-410	REP	96-14-003
388-76-070	REP	96-14-003	388-76-420	REP-P	96-06-040
388-76-080	REP-P	96-06-040	388-76-420	REP	96-14-003
388-76-080	REP	96-14-003	388-76-430	REP-P	96-06-040
388-76-085	REP-P	96-06-040	388-76-430	REP	96-14-003
388-76-085	REP	96-14-003	388-76-435	REP-P	96-06-040
388-76-087	REP-P	96-06-040	388-76-435	REP	96-14-003
388-76-087	REP	96-14-003	388-76-440	REP-P	96-06-040
388-76-090	REP-P	96-06-040	388-76-440	REP	96-14-003
388-76-090	REP	96-14-003	388-76-450	REP-P	96-06-040
388-76-095	REP-P	96-06-040	388-76-450	REP	96-14-003

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
388-76-665	NEW	96-14-003	388-96	PREP	96-07-024
388-76-670	NEW-P	96-06-040	388-96-221	AMD-P	96-11-010
388-76-670	NEW	96-14-003	388-96-221	AMD	96-15-056
388-76-675	NEW-P	96-06-040	388-96-534	AMD-P	96-11-010
388-76-675	NEW	96-14-003	388-96-534	AMD	96-15-056
388-76-680	NEW-P	96-06-040	388-96-585	AMD-P	96-11-010
388-76-680	NEW	96-14-003	388-96-585	AMD	96-15-056
388-76-685	NEW-P	96-06-040	388-96-708	NEW-P	96-11-010
388-76-685	NEW	96-14-003	388-96-708	NEW	96-15-056
388-76-690	NEW-P	96-06-040	388-96-735	AMD-P	96-11-010
388-76-690	NEW	96-14-003	388-96-735	AMD	96-15-056
388-76-695	NEW-P	96-06-040	388-96-745	AMD-P	96-11-010
388-76-695	NEW	96-14-003	388-96-745	AMD	96-15-056
388-76-700	NEW-P	96-06-040	388-96-762	AMD-P	96-11-010
388-76-700	NEW	96-14-003	388-96-762	AMD	96-15-056
388-76-705	NEW-P	96-06-040	388-96-774	AMD-P	96-11-010
388-76-705	NEW	96-14-003	388-96-774	AMD	96-15-056
388-76-710	NEW-P	96-06-040	388-96-776	AMD-P	96-11-010
388-76-710	NEW	96-14-003	388-96-776	AMD	96-15-056
388-76-715	NEW-P	96-06-040	388-96-810	AMD-P	96-11-010
388-76-715	NEW	96-14-003	388-96-810	AMD	96-15-056
388-76-720	NEW-P	96-06-040	388-96-904	AMD-P	96-11-010
388-76-720	NEW	96-14-003	388-96-904	AMD	96-15-056
388-76-725	NEW-P	96-06-040	388-97	PREP	96-14-100
388-76-725	NEW	96-14-003	388-110	NEW-C	96-09-032
388-76-730	NEW-P	96-06-040	388-110	NEW-C	96-10-010
388-76-730	NEW	96-14-003	388-110	NEW-C	96-10-077
388-76-735	NEW-P	96-06-040	388-110-005	NEW-P	96-04-084
388-76-735	NEW	96-14-003	388-110-005	NEW	96-11-045
388-76-740	NEW-P	96-06-040	388-110-010	NEW-P	96-04-084
388-76-740	NEW	96-14-003	388-110-010	NEW	96-11-045
388-76-745	NEW-P	96-06-040	388-110-020	NEW-P	96-04-084
388-76-745	NEW	96-14-003	388-110-020	NEW	96-11-045
388-76-750	NEW-P	96-06-040	388-110-030	NEW-P	96-04-084
388-76-750	NEW	96-14-003	388-110-030	NEW	96-11-045
388-76-755	NEW-P	96-06-040	388-110-040	NEW-P	96-04-084
388-76-755	NEW	96-14-003	388-110-040	NEW	96-11-045
388-76-760	NEW-P	96-06-040	388-110-050	NEW-P	96-04-084
388-76-760	NEW	96-14-003	388-110-050	NEW	96-11-045
388-76-765	NEW-P	96-06-040	388-110-060	NEW-P	96-04-084
388-76-765	NEW	96-14-003	388-110-060	NEW	96-11-045
388-76-770	NEW-P	96-06-040	388-110-070	NEW-P	96-04-084
388-76-770	NEW	96-14-003	388-110-070	NEW	96-11-045
388-76-775	NEW-P	96-06-040	388-110-080	NEW-P	96-04-084
388-76-775	NEW	96-14-003	388-110-080	NEW	96-11-045
388-76-780	NEW-P	96-06-040	388-110-090	NEW-P	96-04-084
388-76-780	NEW	96-14-003	388-110-090	NEW	96-11-045
388-76-785	NEW-P	96-06-040	388-110-100	NEW-P	96-04-084
388-76-785	NEW	96-14-003	388-110-100	NEW	96-11-045
388-76-790	NEW-P	96-06-040	388-110-110	NEW-P	96-04-084
388-76-790	NEW	96-14-003	388-110-110	NEW	96-11-045
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388-86	PREP	96-07-044	388-110-150	NEW-P	96-04-084
388-86	PREP	96-07-045	388-110-150	NEW	96-11-045
388-86	PREP	96-12-015	388-110-170	NEW-P	96-04-084
388-87	PREP	96-07-042	388-110-170	NEW	96-11-045
388-87	PREP	96-07-043	388-110-180	NEW-P	96-04-084
388-87	PREP	96-07-044	388-110-180	NEW	96-11-045
388-87	PREP	96-07-045	388-110-190	NEW-P	96-04-084
388-87-020	PREP	96-08-091	388-110-190	NEW	96-11-045
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388-155-680	NEW	96-10-042	388-235-5050	AMD-P	96-13-066
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392-140-491	AMD	96-05-021	392-140-675	NEW-P	96-15-114
392-140-491	PREP-X	96-14-018	392-140-680	NEW-P	96-15-114
392-140-492	AMD-P	96-02-078	392-140-685	NEW-P	96-15-114
392-140-492	AMD	96-05-021	392-141	PREP	96-09-067
392-140-492	PREP-X	96-14-018	392-141-115	AMD-P	96-11-137
392-140-493	PREP-X	96-14-018	392-141-115	AMD	96-16-010
392-140-494	AMD-P	96-02-078	392-141-125	REP-P	96-11-137
392-140-494	AMD	96-05-021	392-141-125	PREP-X	96-14-018
392-140-494	PREP-X	96-14-018	392-141-125	REP	96-16-010
392-140-495	PREP-X	96-14-018	392-141-135	AMD-P	96-11-137
392-140-496	PREP-X	96-14-018	392-141-135	AMD	96-16-010
392-140-497	AMD-P	96-02-078	392-141-140	AMD-P	96-11-137
392-140-497	AMD	96-05-021	392-141-140	AMD	96-16-010
392-140-497	PREP-X	96-14-018	392-141-151	REP-P	96-11-137
392-140-500	PREP-X	96-14-018	392-141-151	REP	96-16-010
392-140-501	PREP-X	96-14-018	392-141-155	AMD-P	96-11-137
392-140-503	PREP-X	96-14-018	392-141-155	AMD	96-16-010
392-140-504	PREP-X	96-14-018	392-141-160	AMD-P	96-11-137
392-140-505	PREP-X	96-14-018	392-141-160	AMD	96-16-010
392-140-506	PREP-X	96-14-018	392-141-170	AMD-P	96-11-137
392-140-507	PREP-X	96-14-018	392-141-170	AMD	96-16-010
392-140-508	PREP-X	96-14-018	392-141-175	REP-P	96-11-137
392-140-509	PREP-X	96-14-018	392-141-175	PREP-X	96-14-018
392-140-510	PREP-X	96-14-018	392-141-175	REP	96-16-010
392-140-511	PREP-X	96-14-018	392-141-176	REP-P	96-11-137
392-140-512	PREP-X	96-14-018	392-141-176	PREP-X	96-14-018
392-140-516	PREP-X	96-14-018	392-141-176	REP	96-16-010
392-140-517	PREP-X	96-14-018	392-141-185	AMD-P	96-11-137
392-140-518	PREP-X	96-14-018	392-141-185	AMD	96-16-010
392-140-519	PREP-X	96-14-018	392-142	PREP	96-09-068
392-140-525	PREP-X	96-14-018	392-142-155	AMD-P	96-11-138
392-140-527	PREP-X	96-14-018	392-142-155	AMD	96-16-011
392-140-529	PREP-X	96-14-018	392-143	PREP	96-09-069
392-140-530	PREP-X	96-14-018	392-143-010	AMD-P	96-11-139
392-140-531	PREP-X	96-14-018	392-143-010	AMD	96-16-012
392-140-533	PREP-X	96-14-018	392-151	PREP	96-15-048
392-140-535	PREP-X	96-14-018	392-153	PREP	96-11-108
392-140-536	PREP-X	96-14-018	392-162	PREP	96-13-033
392-140-537	PREP-X	96-14-018	392-163	AMD-P	96-16-056
392-140-538	PREP-X	96-14-018	392-163-100	PREP-X	96-14-019
392-140-540	PREP-X	96-14-018	392-163-105	PREP-X	96-14-019
392-140-542	PREP-X	96-14-018	392-163-110	PREP-X	96-14-019
392-140-543	PREP-X	96-14-018	392-163-115	PREP-X	96-14-019
392-140-544	PREP-X	96-14-018	392-163-120	PREP-X	96-14-019
392-140-545	PREP-X	96-14-018	392-163-125	PREP-X	96-14-019
392-140-548	PREP-X	96-14-018	392-163-130	PREP-X	96-14-019
392-140-549	PREP-X	96-14-018	392-163-135	PREP-X	96-14-019
392-140-551	PREP-X	96-14-018	392-163-140	PREP-X	96-14-019
392-140-552	PREP-X	96-14-018	392-163-142	PREP-X	96-14-019
392-140-553	PREP-X	96-14-018	392-163-145	PREP-X	96-14-019
392-140-555	PREP-X	96-14-018	392-163-150	PREP-X	96-14-019
392-140-557	PREP-X	96-14-018	392-163-155	PREP-X	96-14-019
392-140-559	PREP-X	96-14-018	392-163-160	PREP-X	96-14-019
392-140-600	NEW-P	96-15-114	392-163-165	PREP-X	96-14-019
392-140-601	NEW-P	96-15-114	392-163-170	PREP-X	96-14-019
392-140-602	NEW-P	96-15-114	392-163-175	PREP-X	96-14-019
392-140-605	NEW-P	96-15-114	392-163-180	PREP-X	96-14-019
392-140-608	NEW-P	96-15-114	392-163-185	PREP-X	96-14-019
392-140-609	NEW-P	96-15-114	392-163-186	PREP-X	96-14-019
392-140-610	NEW-P	96-15-114	392-163-190	PREP-X	96-14-019
392-140-613	NEW-P	96-15-114	392-163-195	PREP-X	96-14-019
392-140-616	NEW-P	96-15-114	392-163-200	PREP-X	96-14-019
392-140-620	NEW-P	96-15-114	392-163-205	PREP-X	96-14-019
392-140-625	NEW-P	96-15-114	392-163-210	PREP-X	96-14-019
392-140-640	NEW-P	96-15-114	392-163-215	PREP-X	96-14-019

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
392-163-555	PREP-X	96-14-019	392-167A-075	PREP-X	96-14-019
392-163-560	PREP-X	96-14-019	392-167A-080	PREP-X	96-14-019
392-163-565	PREP-X	96-14-019	392-167A-085	PREP-X	96-14-019
392-163-570	PREP-X	96-14-019	392-167A-090	PREP-X	96-14-019
392-163-575	PREP-X	96-14-019	392-193-005	PREP-X	96-14-019
392-163-580	PREP-X	96-14-019	392-193-010	PREP-X	96-14-019
392-163-585	PREP-X	96-14-019	392-193-020	PREP-X	96-14-019
392-163-590	PREP-X	96-14-019	392-193-025	PREP-X	96-14-019
392-163-595	PREP-X	96-14-019	392-193-030	PREP-X	96-14-019
392-163-600	PREP-X	96-14-019	392-193-035	PREP-X	96-14-019
392-163-605	PREP-X	96-14-019	392-193-045	PREP-X	96-14-019
392-163-610	PREP-X	96-14-019	392-193-050	PREP-X	96-14-019
392-163-615	PREP-X	96-14-019	392-193-055	PREP-X	96-14-019
392-163-620	PREP-X	96-14-019	392-193-060	PREP-X	96-14-019
392-163-625	PREP-X	96-14-019	392-196	PREP	96-11-140
392-163-630	PREP-X	96-14-019	392-196-086	AMD-P	96-15-113
392-163-635	PREP-X	96-14-019	392-196-100	AMD-P	96-15-113
392-163-640	PREP-X	96-14-019	392-300-001	NEW-P	96-14-093
392-163-645	PREP-X	96-14-019	392-300-001	NEW	96-17-045
392-163-700	NEW-P	96-16-056	392-300-005	NEW-P	96-14-093
392-163-705	NEW-P	96-16-056	392-300-005	NEW	96-17-045
392-163-710	NEW-P	96-16-056	392-300-010	NEW-P	96-14-093
392-163-715	NEW-P	96-16-056	392-300-010	NEW	96-17-045
392-166-100	PREP-X	96-14-019	392-300-015	NEW-P	96-14-093
392-166-105	PREP-X	96-14-019	392-300-015	NEW	96-17-045
392-166-110	PREP-X	96-14-019	392-300-020	NEW-P	96-14-093
392-166-115	PREP-X	96-14-019	392-300-020	NEW	96-17-045
392-166-120	PREP-X	96-14-019	392-300-025	NEW-P	96-14-093
392-166-125	PREP-X	96-14-019	392-300-025	NEW	96-17-045
392-166-130	PREP-X	96-14-019	392-300-030	NEW-P	96-14-093
392-166-135	PREP-X	96-14-019	392-300-030	NEW	96-17-045
392-166-140	PREP-X	96-14-019	392-300-035	NEW-P	96-14-093
392-166-145	PREP-X	96-14-019	392-300-035	NEW	96-17-045
392-166-150	PREP-X	96-14-019	392-300-040	NEW-P	96-14-093
392-166-155	PREP-X	96-14-019	392-300-040	NEW	96-17-045
392-166-160	PREP-X	96-14-019	392-300-045	NEW-P	96-14-093
392-166-165	PREP-X	96-14-019	392-300-045	NEW	96-17-045
392-166-170	PREP-X	96-14-019	392-300-050	NEW-P	96-14-093
392-166-175	PREP-X	96-14-019	392-300-050	NEW	96-17-045
392-166-180	PREP-X	96-14-019	392-300-055	NEW-P	96-14-093
392-166-185	PREP-X	96-14-019	392-300-055	NEW	96-17-045
392-166-190	PREP-X	96-14-019	392-300-060	NEW-P	96-14-093
392-166-195	PREP-X	96-14-019	392-300-060	NEW	96-17-045
392-166-200	PREP-X	96-14-019	392-310-010	PREP-X	96-14-019
392-166-205	PREP-X	96-14-019	392-310-015	PREP-X	96-14-019
392-166-210	PREP-X	96-14-019	392-310-020	PREP-X	96-14-019
392-166-215	PREP-X	96-14-019	392-310-025	PREP-X	96-14-019
392-166-220	PREP-X	96-14-019	392-320	PREP	96-07-050
392-166-225	PREP-X	96-14-019	392-320-005	AMD-P	96-12-075
392-166-230	PREP-X	96-14-019	392-320-005	AMD	96-15-115
392-166-235	PREP-X	96-14-019	392-320-015	AMD-P	96-12-075
392-166-240	PREP-X	96-14-019	392-320-015	AMD	96-15-115
392-166-245	PREP-X	96-14-019	392-320-025	AMD-P	96-12-075
392-166-250	PREP-X	96-14-019	392-320-025	AMD	96-15-115
392-166-255	PREP-X	96-14-019	392-320-040	AMD-P	96-12-075
392-166-260	PREP-X	96-14-019	392-320-040	AMD	96-15-115
392-166-265	PREP-X	96-14-019	392-320-045	AMD-P	96-12-075
392-166-270	PREP-X	96-14-019	392-320-045	AMD	96-15-115
392-166-275	PREP-X	96-14-019	392-320-050	AMD-P	96-12-075
392-167A-005	PREP-X	96-14-019	392-320-050	AMD	96-15-115
392-167A-010	PREP-X	96-14-019	400-12	PREP	96-16-094
392-167A-015	PREP-X	96-14-019	415	PREP	96-06-079
392-167A-020	PREP-X	96-14-019	415-02-099	REP	96-03-100
392-167A-025	PREP-X	96-14-019	415-04	AMD-P	96-13-100
392-167A-030	PREP-X	96-14-019	415-04	AMD	96-16-020
392-167A-035	PREP-X	96-14-019	415-04-010	AMD-P	96-13-100
392-167A-040	PREP-X	96-14-019	415-04-010	AMD	96-16-020
392-167A-045	PREP-X	96-14-019	415-04-020	AMD-P	96-13-100
392-167A-050	PREP-X	96-14-019	415-04-020	AMD	96-16-020
392-167A-055	PREP-X	96-14-019	415-04-030	NEW-P	96-13-100
392-167A-060	PREP-X	96-14-019	415-04-030	NEW	96-16-020
392-167A-065	PREP-X	96-14-019	415-04-040	NEW-P	96-13-100
392-167A-070	PREP-X	96-14-019	415-04-040	NEW	96-16-020

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
415-508-040	NEW	96-16-020	415-610-020	NEW-P	96-13-100
415-508-050	NEW-P	96-13-100	415-610-020	NEW	96-16-020
415-508-050	NEW	96-16-020	415-610-030	NEW-P	96-13-100
415-512-010	NEW-P	96-13-100	415-610-030	NEW	96-16-020
415-512-010	NEW	96-16-020	415-620-010	NEW-P	96-13-100
415-512-015	NEW-P	96-13-100	415-620-010	NEW	96-16-020
415-512-015	NEW	96-16-020	415-620-015	NEW-P	96-13-100
415-512-020	NEW-P	96-13-100	415-620-015	NEW	96-16-020
415-512-020	NEW	96-16-020	415-620-020	NEW-P	96-13-100
415-512-030	NEW-P	96-13-100	415-620-020	NEW	96-16-020
415-512-030	NEW	96-16-020	415-620-025	NEW-P	96-13-100
415-512-040	NEW-P	96-13-100	415-620-025	NEW	96-16-020
415-512-040	NEW	96-16-020	415-620-030	NEW-P	96-13-100
415-512-050	NEW-P	96-13-100	415-620-030	NEW	96-16-020
415-512-050	NEW	96-16-020	415-620-035	NEW-P	96-13-100
415-512-070	NEW-P	96-13-100	415-620-035	NEW	96-16-020
415-512-070	NEW	96-16-020	415-620-040	NEW-P	96-13-100
415-512-075	NEW-P	96-13-100	415-620-040	NEW	96-16-020
415-512-075	NEW	96-16-020	415-620-045	NEW-P	96-13-100
415-512-080	NEW-P	96-13-100	415-620-045	NEW	96-16-020
415-512-080	NEW	96-16-020	415-620-050	NEW-P	96-13-100
415-512-085	NEW-P	96-13-100	415-620-050	NEW	96-16-020
415-512-085	NEW	96-16-020	415-620-055	NEW-P	96-13-100
415-512-086	NEW-P	96-13-100	415-620-055	NEW	96-16-020
415-512-086	NEW	96-16-020	415-630-010	NEW-P	96-13-100
415-512-087	NEW-P	96-13-100	415-630-010	NEW	96-16-020
415-512-087	NEW	96-16-020	415-630-020	NEW-P	96-13-100
415-512-090	NEW-P	96-13-100	415-630-020	NEW	96-16-020
415-512-090	NEW	96-16-020	415-630-030	NEW-P	96-13-100
415-512-110	NEW-P	96-13-100	415-630-030	NEW	96-16-020
415-512-110	NEW	96-16-020	415-640-010	NEW-P	96-13-100
415-524-010	NEW-P	96-13-100	415-640-010	NEW	96-16-020
415-524-010	NEW	96-16-020	415-640-020	NEW-P	96-13-100
415-528-010	NEW-P	96-13-100	415-640-020	NEW	96-16-020
415-528-010	NEW	96-16-020	415-640-030	NEW-P	96-13-100
415-532-010	NEW-P	96-13-100	415-640-030	NEW	96-16-020
415-532-010	NEW	96-16-020	415-650-010	NEW-P	96-13-100
415-532-020	NEW-P	96-13-100	415-650-010	NEW	96-16-020
415-532-020	NEW	96-16-020	415-650-020	NEW-P	96-13-100
415-536-010	NEW-P	96-13-100	415-650-020	NEW	96-16-020
415-536-010	NEW	96-16-020	415-650-030	NEW-P	96-13-100
415-540-010	NEW-P	96-13-100	415-650-030	NEW	96-16-020
415-540-010	NEW	96-16-020	415-650-040	NEW-P	96-13-100
415-544-010	NEW-P	96-13-100	415-650-040	NEW	96-16-020
415-544-010	NEW	96-16-020	415-650-050	NEW-P	96-13-100
415-548-010	NEW-P	96-13-100	415-650-050	NEW	96-16-020
415-548-010	NEW	96-16-020	415-660-010	NEW-P	96-13-100
415-552-010	NEW-P	96-13-100	415-660-010	NEW	96-16-020
415-552-010	NEW	96-16-020	415-660-020	NEW-P	96-13-100
415-556-010	NEW-P	96-13-100	415-660-020	NEW	96-16-020
415-556-010	NEW	96-16-020	415-670-010	NEW-P	96-13-100
415-560-010	NEW-P	96-13-100	415-670-010	NEW	96-16-020
415-560-010	NEW	96-16-020	415-680-010	NEW-P	96-13-100
415-564-010	NEW-P	96-13-100	415-680-010	NEW	96-16-020
415-564-010	NEW	96-16-020	415-680-020	NEW-P	96-13-100
415-564-020	NEW-P	96-13-100	415-680-020	NEW	96-16-020
415-564-020	NEW	96-16-020	415-680-030	NEW-P	96-13-100
415-564-030	NEW-P	96-13-100	415-680-030	NEW	96-16-020
415-564-030	NEW	96-16-020	415-680-040	NEW-P	96-13-100
415-564-040	NEW-P	96-13-100	415-680-040	NEW	96-16-020
415-564-040	NEW	96-16-020	415-680-050	NEW-P	96-13-100
415-564-050	NEW-P	96-13-100	415-680-050	NEW	96-16-020
415-564-050	NEW	96-16-020	415-680-060	NEW-P	96-13-100
415-564-060	NEW-P	96-13-100	415-680-060	NEW	96-16-020
415-564-060	NEW	96-16-020	415-680-070	NEW-P	96-13-100
415-568-010	NEW-P	96-13-100	415-680-070	NEW	96-16-020
415-568-010	NEW	96-16-020	415-690-010	NEW-P	96-13-100
415-568-020	NEW-P	96-13-100	415-690-010	NEW	96-16-020
415-568-020	NEW	96-16-020	415-695-010	NEW-P	96-13-100
415-610-010	NEW-P	96-13-100	415-695-010	NEW	96-16-020
415-610-010	NEW	96-16-020	415-695-020	NEW-P	96-13-100
415-610-015	NEW-P	96-13-100	415-695-020	NEW	96-16-020
415-610-015	NEW	96-16-020	415-695-030	NEW-P	96-13-100

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
419-36-060	DECOD	96-06-011	434-75-120	AMD-E	96-03-140
419-36-070	DECOD	96-06-011	434-75-120	AMD	96-03-141
419-36-080	DECOD	96-06-011	434-75-120	DECOD	96-03-141
419-36-090	DECOD	96-06-011	434-75-130	AMD-E	96-03-140
419-40-010	DECOD	96-06-011	434-75-130	AMD	96-03-141
419-40-020	DECOD	96-06-011	434-75-130	DECOD	96-03-141
419-40-030	DECOD	96-06-011	434-75-140	AMD-E	96-03-140
419-40-040	DECOD	96-06-011	434-75-140	AMD	96-03-141
419-40-050	DECOD	96-06-011	434-75-140	DECOD	96-03-141
419-44-010	DECOD	96-06-011	434-75-150	AMD-E	96-03-140
419-64-010	DECOD	96-06-011	434-75-150	AMD	96-03-141
419-64-020	DECOD	96-06-011	434-75-150	DECOD	96-03-141
419-64-030	DECOD	96-06-011	434-75-160	AMD-E	96-03-140
419-64-040	DECOD	96-06-011	434-75-160	AMD	96-03-141
419-64-050	DECOD	96-06-011	434-75-160	DECOD	96-03-141
419-64-060	DECOD	96-06-011	434-75-170	REP-E	96-03-140
419-64-070	DECOD	96-06-011	434-75-170	REP	96-03-141
419-64-080	DECOD	96-06-011	434-75-180	AMD-E	96-03-140
419-64-090	DECOD	96-06-011	434-75-180	AMD	96-03-141
419-72-010	DECOD	96-06-011	434-75-180	DECOD	96-03-141
419-72-012	DECOD	96-06-011	434-75-190	AMD-E	96-03-140
419-72-015	DECOD	96-06-011	434-75-190	AMD	96-03-141
419-72-015	PREP	96-09-005	434-75-190	DECOD	96-03-141
419-72-020	DECOD	96-06-011	434-75-200	REP-E	96-03-140
419-72-025	DECOD	96-06-011	434-75-200	REP	96-03-141
419-72-041	DECOD	96-06-011	434-75-210	AMD-E	96-03-140
419-72-045	DECOD	96-06-011	434-75-210	AMD	96-03-141
419-72-050	DECOD	96-06-011	434-75-210	DECOD	96-03-141
419-72-060	DECOD	96-06-011	434-75-220	AMD-E	96-03-140
419-72-065	DECOD	96-06-011	434-75-220	AMD	96-03-141
419-72-070	DECOD	96-06-011	434-75-220	DECOD	96-03-141
419-72-075	DECOD	96-06-011	434-75-230	AMD-E	96-03-140
419-72-080	DECOD	96-06-011	434-75-230	AMD	96-03-141
419-80-010	DECOD	96-06-011	434-75-230	DECOD	96-03-141
419-80-020	DECOD	96-06-011	434-75-240	AMD-E	96-03-140
419-80-030	DECOD	96-06-011	434-75-240	AMD	96-03-141
419-80-040	DECOD	96-06-011	434-75-240	DECOD	96-03-141
419-80-050	DECOD	96-06-011	434-75-250	AMD-E	96-03-140
419-80-060	DECOD	96-06-011	434-75-250	AMD	96-03-141
419-80-070	DECOD	96-06-011	434-75-250	DECOD	96-03-141
434-75-010	AMD-E	96-03-140	434-75-260	AMD-E	96-03-140
434-75-010	AMD	96-03-141	434-75-260	AMD	96-03-141
434-75-010	DECOD	96-03-141	434-75-260	DECOD	96-03-141
434-75-020	AMD-E	96-03-140	434-75-270	AMD-E	96-03-140
434-75-020	AMD	96-03-141	434-75-270	AMD	96-03-141
434-75-020	DECOD	96-03-141	434-75-270	DECOD	96-03-141
434-75-030	AMD-E	96-03-140	434-75-280	AMD-E	96-03-140
434-75-030	AMD	96-03-141	434-75-280	AMD	96-03-141
434-75-030	DECOD	96-03-141	434-75-280	DECOD	96-03-141
434-75-040	AMD-E	96-03-140	434-75-290	AMD-E	96-03-140
434-75-040	AMD	96-03-141	434-75-290	AMD	96-03-141
434-75-040	DECOD	96-03-141	434-75-290	DECOD	96-03-141
434-75-050	AMD-E	96-03-140	434-75-300	REP-E	96-03-140
434-75-050	AMD	96-03-141	434-75-300	REP	96-03-141
434-75-050	DECOD	96-03-141	434-75-300	REP	96-03-141
434-75-050	AMD-E	96-03-140	434-75-310	AMD-E	96-03-140
434-75-050	AMD	96-03-141	434-75-310	AMD	96-03-141
434-75-060	AMD-E	96-03-140	434-75-310	DECOD	96-03-141
434-75-060	AMD	96-03-141	434-75-310	DECOD	96-03-141
434-75-060	DECOD	96-03-141	434-75-320	AMD-E	96-03-140
434-75-070	AMD-E	96-03-140	434-75-320	AMD	96-03-141
434-75-070	AMD	96-03-141	434-75-320	DECOD	96-03-141
434-75-070	DECOD	96-03-141	434-75-330	AMD-E	96-03-140
434-75-080	AMD-E	96-03-140	434-75-330	AMD	96-03-141
434-75-080	AMD	96-03-141	434-75-330	DECOD	96-03-141
434-75-080	DECOD	96-03-141	434-75-340	AMD-E	96-03-140
434-75-090	AMD-E	96-03-140	434-75-340	AMD	96-03-141
434-75-090	AMD	96-03-141	434-75-340	DECOD	96-03-141
434-75-090	DECOD	96-03-141	434-75-350	AMD-E	96-03-140
434-75-100	AMD-E	96-03-140	434-75-350	AMD	96-03-141
434-75-100	AMD	96-03-141	434-75-350	DECOD	96-03-141
434-75-100	DECOD	96-03-141	434-79-010	AMD-E	96-14-085
434-75-110	AMD-E	96-03-140	434-120-100	AMD-P	96-05-089
434-75-110	AMD	96-03-141	434-120-100	AMD	96-10-021
434-75-110	DECOD	96-03-141	434-120-105	AMD-P	96-05-089

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
440-26-130	NEW	96-16-015	458-53-070	AMD	96-05-002
440-26-140	NEW-P	96-13-101	458-53-080	AMD	96-05-002
440-26-140	NEW	96-16-015	458-53-090	AMD	96-05-002
440-26-160	NEW-P	96-13-101	458-53-095	NEW	96-05-002
440-26-160	NEW	96-16-015	458-53-100	AMD	96-05-002
440-26-200	NEW-P	96-13-101	458-53-105	NEW	96-05-002
440-26-200	NEW	96-16-015	458-53-110	REP	96-05-002
440-26-205	NEW-P	96-13-101	458-53-120	REP	96-05-002
440-26-205	NEW	96-16-015	458-53-130	AMD	96-05-002
440-26-210	NEW-P	96-13-101	458-53-135	NEW	96-05-002
440-26-210	NEW	96-16-015	458-53-140	AMD	96-05-002
440-26-220	NEW-P	96-13-101	458-53-141	REP	96-05-002
440-26-220	NEW	96-16-015	458-53-142	REP	96-05-002
440-26-230	NEW-P	96-13-101	458-53-150	REP	96-05-002
440-26-230	NEW	96-16-015	458-53-160	AMD	96-05-002
440-26-240	NEW-P	96-13-101	458-53-163	REP	96-05-002
440-26-240	NEW	96-16-015	458-53-165	REP	96-05-002
440-26-250	NEW-P	96-13-101	458-53-180	REP	96-05-002
440-26-250	NEW	96-16-015	458-53-200	AMD	96-05-002
446-10-090	PREP	96-14-114	458-53-210	AMD	96-05-002
446-20-290	REP-E	96-11-069	458-56-010	PREP-X	96-14-050
446-20-290	PREP	96-11-070	458-56-020	PREP-X	96-14-050
446-20-290	REP-P	96-14-078	458-56-030	PREP-X	96-14-050
446-20-600	NEW-E	96-11-069	458-56-040	PREP-X	96-14-050
446-20-600	PREP	96-11-070	458-56-050	PREP-X	96-14-050
446-20-600	NEW-P	96-14-078	458-56-060	PREP-X	96-14-050
446-20-610	NEW-E	96-11-069	458-56-070	PREP-X	96-14-050
446-20-610	PREP	96-11-070	458-56-080	PREP-X	96-14-050
446-20-610	NEW-P	96-14-078	458-56-090	PREP-X	96-14-050
446-20-620	NEW-E	96-11-069	458-56-100	PREP-X	96-14-050
446-20-620	PREP	96-11-070	458-56-110	PREP-X	96-14-050
446-20-620	NEW-P	96-14-078	458-56-120	PREP-X	96-14-050
446-20-630	NEW-E	96-11-069	458-56-130	PREP-X	96-14-050
446-20-630	PREP	96-11-070	458-56-140	PREP-X	96-14-050
446-20-630	NEW-P	96-14-078	458-56-150	PREP-X	96-14-050
446-65-010	AMD-E	96-14-112	458-56-160	PREP-X	96-14-050
446-65-010	PREP	96-14-113	458-56-170	PREP-X	96-14-050
458-10	PREP	96-15-135	458-56-180	PREP-X	96-14-050
458-20-101	PREP	96-15-136	458-56-190	PREP-X	96-14-050
458-20-104	PREP	96-15-136	458-56-200	PREP-X	96-14-050
458-20-12401	NEW-P	96-06-056	458-56-210	PREP-X	96-14-050
458-20-12401	NEW-P	96-09-087	458-56-220	PREP-X	96-14-050
458-20-12401	NEW-E	96-10-020	458-56-230	PREP-X	96-14-050
458-20-12401	NEW	96-16-086	460-10A	PREP	96-03-121
458-20-13601	PREP	96-08-040	460-10A-035	REP-P	96-07-084
458-20-14601	PREP	96-07-097	460-10A-035	REP	96-11-026
458-20-199	AMD-P	96-06-057	460-10A-050	AMD-P	96-07-084
458-20-199	AMD-C	96-10-040	460-10A-050	AMD	96-11-026
458-20-199	AMD	96-12-024	460-10A-055	REP-P	96-07-084
458-20-211	AMD	96-03-139	460-10A-055	REP	96-11-026
458-20-226	AMD	96-05-080	460-10A-060	AMD-P	96-07-084
458-20-232	PREP-X	96-14-051	460-10A-060	AMD	96-11-026
458-20-262	PREP	96-17-037	460-10A-065	REP-P	96-07-084
458-20-263	PREP	96-14-079	460-10A-065	REP	96-11-026
458-20-263	NEW-E	96-14-080	460-10A-075	REP-P	96-07-084
458-24-010	PREP-X	96-14-049	460-10A-075	REP	96-11-026
458-24-020	PREP-X	96-14-049	460-10A-080	REP-P	96-07-084
458-24-030	PREP-X	96-14-049	460-10A-080	REP	96-11-026
458-24-040	PREP-X	96-14-049	460-10A-090	REP-P	96-07-084
458-24-050	PREP-X	96-14-049	460-10A-090	REP	96-11-026
458-24-060	PREP-X	96-14-049	460-10A-095	REP-P	96-07-084
458-24-070	PREP-X	96-14-049	460-10A-095	REP	96-11-026
458-24-080	PREP-X	96-14-049	460-10A-100	REP-P	96-07-084
458-24-090	PREP-X	96-14-049	460-10A-100	REP	96-11-026
458-40-660	PREP	96-06-058	460-10A-105	REP-P	96-07-084
458-40-660	AMD-P	96-10-075	460-10A-105	REP	96-11-026
458-40-660	AMD	96-14-063	460-10A-110	AMD-P	96-07-084
458-53-010	AMD	96-05-002	460-10A-110	AMD	96-11-026
458-53-020	AMD	96-05-002	460-10A-115	REP-P	96-07-084
458-53-030	AMD	96-05-002	460-10A-115	REP	96-11-026
458-53-040	REP	96-05-002	460-10A-120	REP-P	96-07-084
458-53-050	AMD	96-05-002	460-10A-120	REP	96-11-026
458-53-051	REP	96-05-002	460-10A-125	REP-P	96-07-084
					NEW-S

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
460-20B-035	NEW	96-15-062	461-08-093	REP	96-15-002
460-20B-070	PREP	96-03-117	461-08-095	REP-P	96-10-062
460-20B-070	NEW-P	96-07-059	461-08-095	REP	96-15-002
460-33A-020	PREP	96-03-124	461-08-100	REP-P	96-10-062
460-33A-020	AMD-P	96-07-056	461-08-100	REP	96-15-002
460-33A-020	AMD	96-11-025	461-08-105	REP-P	96-10-062
460-40A-025	PREP	96-03-122	461-08-105	REP	96-15-002
460-40A-025	REP-P	96-07-060	461-08-110	REP-P	96-10-062
460-40A-025	REP	96-11-018	461-08-110	REP	96-15-002
460-42A-010	PREP	96-03-119	461-08-115	REP-P	96-10-062
460-42A-010	REP-P	96-07-067	461-08-115	REP	96-15-002
460-42A-010	REP	96-11-028	461-08-120	REP-P	96-10-062
460-42A-081	AMD-P	96-03-131	461-08-120	REP	96-15-002
460-42A-081	AMD	96-11-016	461-08-125	REP-P	96-10-062
460-44A-503	PREP	96-03-116	461-08-125	REP	96-15-002
460-44A-503	AMD-P	96-12-019	461-08-130	REP-P	96-10-062
460-44A-503	AMD	96-15-063	461-08-130	REP	96-15-002
460-44A-505	PREP	96-03-116	461-08-135	REP-P	96-10-062
460-44A-506	PREP	96-03-116	461-08-135	REP	96-15-002
460-46A-050	AMD-P	96-03-132	461-08-140	REP-P	96-10-062
460-46A-050	AMD	96-11-015	461-08-140	REP	96-15-002
460-60A-015	PREP	96-03-123	461-08-143	REP-P	96-10-062
460-60A-015	AMD-P	96-07-058	461-08-143	REP	96-15-002
460-60A-015	AMD	96-11-022	461-08-144	REP-P	96-10-062
460-60A-020	PREP	96-03-123	461-08-144	REP	96-15-002
460-60A-020	AMD-P	96-07-058	461-08-145	REP-P	96-10-062
460-60A-020	AMD	96-11-022	461-08-145	REP	96-15-002
460-80-160	PREP	96-03-118	461-08-150	REP-P	96-10-062
460-80-160	REP-P	96-07-066	461-08-150	REP	96-15-002
460-80-160	REP	96-11-029	461-08-155	REP-P	96-10-062
461-08-001	REP-P	96-10-062	461-08-155	REP	96-15-002
461-08-001	REP	96-15-002	461-08-156	REP-P	96-10-062
461-08-005	REP-P	96-10-062	461-08-156	REP	96-15-002
461-08-005	REP	96-15-002	461-08-157	REP-P	96-10-062
461-08-010	REP-P	96-10-062	461-08-157	REP	96-15-002
461-08-010	REP	96-15-002	461-08-160	REP-P	96-10-062
461-08-015	REP-P	96-10-062	461-08-160	REP	96-15-002
461-08-015	REP	96-15-002	461-08-167	REP-P	96-10-062
461-08-020	REP-P	96-10-062	461-08-167	REP	96-15-002
461-08-020	REP	96-15-002	461-08-170	REP-P	96-10-062
461-08-025	REP-P	96-10-062	461-08-170	REP	96-15-002
461-08-025	REP	96-15-002	461-08-174	REP-P	96-10-062
461-08-030	REP-P	96-10-062	461-08-174	REP	96-15-002
461-08-030	REP	96-15-002	461-08-175	REP-P	96-10-062
461-08-035	REP-P	96-10-062	461-08-175	REP	96-15-002
461-08-035	REP	96-15-002	461-08-180	REP-P	96-10-062
461-08-040	REP-P	96-10-062	461-08-180	REP	96-15-002
461-08-040	REP	96-15-002	461-08-185	REP-P	96-10-062
461-08-045	REP-P	96-10-062	461-08-185	REP	96-15-002
461-08-045	REP	96-15-002	461-08-190	REP-P	96-10-062
461-08-047	REP-P	96-10-062	461-08-190	REP	96-15-002
461-08-047	REP	96-15-002	461-08-195	REP-P	96-10-062
461-08-050	REP-P	96-10-062	461-08-195	REP	96-15-002
461-08-050	REP	96-15-002	461-08-205	REP-P	96-10-062
461-08-053	REP-P	96-10-062	461-08-205	REP	96-15-002
461-08-053	REP	96-15-002	461-08-210	REP-P	96-10-062
461-08-055	REP-P	96-10-062	461-08-210	REP	96-15-002
461-08-055	REP	96-15-002	461-08-215	REP-P	96-10-062
461-08-060	REP-P	96-10-062	461-08-215	REP	96-15-002
461-08-060	REP	96-15-002	461-08-220	REP-P	96-10-062
461-08-065	REP-P	96-10-062	461-08-220	REP	96-15-002
461-08-065	REP	96-15-002	461-08-221	REP-P	96-10-062
461-08-070	REP-P	96-10-062	461-08-221	REP	96-15-002
461-08-070	REP	96-15-002	461-08-225	REP-P	96-10-062
461-08-075	REP-P	96-10-062	461-08-225	REP	96-15-002
461-08-075	REP	96-15-002	461-08-230	REP-P	96-10-062
461-08-080	REP-P	96-10-062	461-08-230	REP	96-15-002
461-08-080	REP	96-15-002	461-08-235	REP-P	96-10-062
461-08-085	REP-P	96-10-062	461-08-235	REP	96-15-002
461-08-085	REP	96-15-002	461-08-237	REP-P	96-10-062
461-08-090	REP-P	96-10-062	461-08-237	REP	96-15-002
461-08-090	REP	96-15-002	461-08-240	REP-P	96-10-062
461-08-093	REP-P	96-10-062	461-08-240	REP	96-15-002

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #	
461-08-450	NEW-P	96-10-062	468-86-020	NEW-W	96-05-032	
461-08-450	NEW	96-15-002	468-86-030	NEW-W	96-05-032	
461-08-455	NEW-P	96-10-062	468-86-040	NEW-W	96-05-032	
461-08-455	NEW	96-15-002	468-86-050	NEW-W	96-05-032	
461-08-460	NEW-P	96-10-062	468-86-060	NEW-W	96-05-032	
461-08-460	NEW	96-15-002	468-86-070	NEW-W	96-05-032	
461-08-465	NEW-P	96-10-062	468-86-080	NEW-W	96-05-032	
461-08-465	NEW	96-15-002	468-86-090	NEW-W	96-05-032	
461-08-470	NEW-P	96-10-062	468-86-100	NEW-W	96-05-032	
461-08-470	NEW	96-15-002	468-86-110	NEW-W	96-05-032	
461-08-475	NEW-P	96-10-062	468-86-120	NEW-W	96-05-032	
461-08-475	NEW	96-15-002	468-86-130	NEW-W	96-05-032	
461-08-480	NEW-P	96-10-062	468-86-140	NEW-W	96-05-032	
461-08-480	NEW	96-15-002	468-86-150	NEW-W	96-05-032	
461-08-485	NEW-P	96-10-062	468-86-160	NEW-W	96-05-032	
461-08-485	NEW	96-15-002	468-86-170	NEW-W	96-05-032	
461-08-490	NEW-P	96-10-062	468-86-180	NEW-W	96-05-032	
461-08-490	NEW	96-15-002	468-86-190	NEW-W	96-05-032	
461-08-495	NEW-P	96-10-062	468-86-200	NEW-W	96-05-032	
461-08-495	NEW	96-15-002	468-86-210	NEW-W	96-05-032	
461-08-500	NEW-P	96-10-062	468-86-220	NEW-W	96-05-032	
461-08-500	NEW	96-15-002	468-86-230	NEW-W	96-05-032	
461-08-505	NEW-P	96-10-062	468-86-240	NEW-W	96-05-032	
461-08-505	NEW	96-15-002	468-86-260	NEW-W	96-05-032	
461-08-510	NEW-P	96-10-062	468-105-010	NEW	96-03-107	
461-08-510	NEW	96-15-002	468-105-020	NEW	96-03-107	
461-08-515	NEW-P	96-10-062	468-105-030	NEW	96-03-107	
461-08-515	NEW	96-15-002	468-105-040	NEW	96-03-107	
461-08-520	NEW-P	96-10-062	468-105-050	NEW	96-03-107	
461-08-520	NEW-S	96-13-064	468-105-060	NEW	96-03-107	
461-08-520	NEW	96-17-017	468-105-070	NEW	96-03-107	
461-08-525	NEW-P	96-10-062	468-105-080	NEW	96-03-107	
461-08-525	NEW	96-15-002	468-200-020	NEW	96-02-067	
461-08-530	NEW-P	96-10-062	468-200-040	NEW	96-02-067	
461-08-530	NEW	96-15-002	468-200-060	NEW	96-02-067	
461-08-535	NEW-P	96-10-062	468-200-080	NEW	96-02-067	
461-08-535	NEW	96-15-002	468-200-100	NEW	96-02-067	
461-08-540	NEW-P	96-10-062	468-200-110	NEW	96-02-067	
461-08-540	NEW	96-15-002	468-200-120	NEW	96-02-067	
461-08-545	NEW-P	96-10-062	468-200-160	NEW	96-02-067	
461-08-545	NEW	96-15-002	468-200-180	NEW	96-02-067	
461-08-550	NEW-P	96-10-062	468-200-200	NEW	96-02-067	
461-08-550	NEW	96-15-002	468-200-220	NEW	96-02-067	
461-08-555	NEW-P	96-10-062	468-200-230	NEW	96-02-067	
461-08-555	NEW	96-15-002	468-200-240	NEW	96-02-067	
461-08-560	NEW-P	96-10-062	468-200-250	NEW	96-02-067	
461-08-560	NEW	96-15-002	468-200-260	NEW	96-02-067	
461-08-565	NEW-P	96-10-062	468-200-280	NEW	96-02-067	
461-08-565	NEW	96-15-002	468-200-300	NEW	96-02-067	
461-08-570	NEW-P	96-10-062	468-200-320	NEW	96-02-067	
461-08-570	NEW	96-15-002	468-200-340	NEW	96-02-067	
461-08-575	NEW-P	96-10-062	468-200-350	NEW	96-02-067	
461-08-575	NEW	96-15-002	468-200-360	NEW	96-02-067	
461-08-580	NEW-P	96-10-062	468-210-001	RECOD-P	96-14-024	
461-08-580	NEW	96-15-002	468-210-001	RECOD	96-17-018	
461-08-585	NEW-P	96-10-062	468-210-010	RECOD-P	96-14-024	
461-08-585	NEW	96-15-002	468-210-010	RECOD	96-17-018	
468-06	PREP	96-09-013	468-210-020	RECOD-P	96-14-024	
468-06-030	AMD-P	96-12-036	468-210-020	RECOD	96-17-018	
468-06-030	AMD	96-16-004	468-210-030	RECOD-P	96-14-024	
468-06-040	AMD-P	96-12-036	468-210-030	RECOD	96-17-018	
468-06-040	AMD	96-16-004	468-210-040	RECOD-P	96-14-024	
468-06-070	AMD-P	96-12-036	468-210-040	RECOD	96-17-018	
468-06-070	AMD	96-16-004	468-210-050	RECOD-P	96-14-024	
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<b>EMPLOYMENT SECURITY DEPARTMENT</b>		EXRE 96-14-042	
Community and technical college instructors, unemployment insurance benefits	PROP	96-04-065	Financial institutions, department of banks
	PERM	96-11-002	adjudicative hearings
	PREP	96-03-158	satellite facilities
Employer mailing address	PROP	96-12-082	credit unions
	PERM	96-16-018	examination fund
Family independence program employment, training, and education	EXRE	96-14-042	satellite facilities
Overpayments, recovery	PREP	96-03-159	gifts, prizes, and premiums
Shared work program	PROP	96-15-127	public records
Summer youth program	PROP	96-08-062	General administration, department of accessibility design and construction standards for facilities
	PERM	96-11-141	bids and bidding
	EMER	96-09-004	public documents, copying charge
	EMER	96-16-016	state records committee
	PREP	96-16-017	Health, department of laboratory services, duties
			medical quality assurance commission rule process
<b>ENVIRONMENTAL HEARINGS OFFICE</b>		EXRE 96-13-036	
Forest practices appeals board, see <b>FOREST PRACTICES APPEALS BOARD</b>	PROP	96-15-127	plumbing principles
Pollution control hearings board practice and procedure	PROP	96-10-063	radiation protection forms
	PROP	96-13-065	rule-making petition
	PERM	96-15-003	water and wastewater operator certification board
Shorelines hearings board practice and procedure	PERM	96-17-016	water safety teaching stations
	PROP	96-10-062	Higher education coordinating board
	PROP	96-13-064	Pacific Rim language scholarship program
	PERM	96-15-002	Licensing, department of funeral directors, licenses
	PERM	96-17-017	land development program
<b>EVERGREEN STATE COLLEGE, THE</b>		EXRE 96-13-028	
Faculty mid-contract termination, procedures	PREP	96-14-007	Public instruction, superintendent of alien teacher permits
Student conduct code	PREP	96-03-138	conflicts of interest
	PROP	96-08-066	fair start program
	PERM	96-13-086	finance rules
<b>EXECUTIVE ETHICS BOARD</b>		EXRE 96-14-019	
Advisory opinions	MISC	96-12-035	hazardous walking conditions
Ethical standards implementation as relating to executive branch	PREP	96-06-019	schools for 21st century program
	PREP	96-06-020	student retention and retrieval program
	PREP	96-06-021	Revenue, department of gift taxes
	PROP	96-15-093	liquor sales tax
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	PROP	96-15-095	Transportation, department of aeronautics commission
Meetings	MISC	96-01-037	State Environmental Policy Act (SEPA)
	MISC	96-16-033	
Organization and operation	MISC	96-17-007	<b>FAMILY POLICY COUNCIL</b>
Rules coordinator	EMER	96-03-072	Meetings
Use of state resources for private benefit	MISC	96-01-075	MISC 96-01-091
	PERM	96-01-036	
<b>EXPEDITED REPEAL</b>			
Agriculture, department of butter substitutes	EXRE	96-14-013	<b>FINANCIAL INSTITUTIONS, DEPARTMENT OF</b>
egg products	EXRE	96-14-017	Adjudicative proceedings
executive conflict of interest	EXRE	96-14-072	PREP 96-06-085
frozen dairy product standards	EXRE	96-14-010	PERM 96-11-035
ground beef regulation	EXRE	96-14-011	
milk and milk product marketing	EXRE	96-14-014	Agency, institutions acting as agent for another
milk and milk product standards	EXRE	96-14-009	PROP 96-07-040
	EXRE	96-14-015	Banks
poultry and rabbit killing establishments	EXRE	96-14-016	adjudicative hearings
Ecology, department of Lake Washington shoreline region	EXRE	96-14-012	satellite facilities
	EXRE	96-14-031	securities, sales by bank employees
			statement of policy
			semiannual asset charge
			Check cashers and sellers
			licenses
			fees
			small loan endorsement

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common bond of association, definition	PREP	96-09-005		PROP	96-07-055
	PROP	96-14-123		PERM	96-11-024
	<b>PERM</b>	<b>96-17-070</b>	employee plans	PREP	96-03-121
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records and accounts, responsibility	PREP	96-06-084		PREP	96-03-127
	PROP	96-15-129		PROP	96-07-063
Expedited repeal banks	EXRE	96-14-037	promotional shares	PERM	96-11-020
adjudicative hearings	<b>PERM</b>	<b>96-17-072</b>		PROP	96-03-132
satellite facilities	EXRE	96-14-041	selling expenses	PERM	96-11-015
	<b>PERM</b>	<b>96-17-072</b>		PREP	96-03-122
credit unions examination fund	EXRE	96-14-038	small corporate offering registration	PROP	96-07-060
satellite facilities	<b>PERM</b>	<b>96-17-072</b>		PERM	96-11-018
	EXRE	96-14-039		PREP	96-03-120
gifts, prizes, and premiums	<b>PERM</b>	<b>96-17-072</b>		PROP	96-07-083
public records	EXRE	96-14-071		PERM	96-11-027
	<b>PERM</b>	<b>96-17-072</b>			
Gifts, prizes, and premiums	EXRE	96-14-040			
	<b>PERM</b>	<b>96-17-072</b>			
Mortgage brokers and loan originators computerized loan origination by real estate brokers	EXRE	96-14-071	Rules adoption, amendment or repeal, format for petition	PERM	96-03-048
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	EXRE	96-14-071	Shared leave program	EMER	96-15-076
	<b>PERM</b>	<b>96-17-072</b>		PREP	96-15-125
recodification of chapter 50-60 WAC	PREP	96-06-083			
Mortgage broker commission meetings	PROP	96-15-128			
Public records, availability	MISC	96-04-028			
Securities adjudicative proceedings	MISC	96-06-001	<b>FISH AND WILDLIFE, DEPARTMENT OF</b>		
asset backed securities	PROP	96-11-145	Deleterious exotic species	PREP	96-02-084
audited financial statements	EXRE	96-14-040	zebra mussel	PROP	96-06-063
	PERM	96-14-082		PERM	96-15-096
broker-dealers and salespersons registration	<b>PERM</b>	<b>96-17-072</b>	Fish and wildlife commission	MISC	96-03-137
	PREP	96-03-129	meetings		
	PROP	96-07-057	<b>Fishing, commercial</b>		
	PERM	96-11-023	baitfish	EMER	96-10-002
	PREP	96-03-130	seasons		
	PROP	96-07-061	coastal bottomfish	EMER	96-16-076
	PERM	96-11-017	bottom trawl fishery	EMER	96-02-017
	PREP	96-03-123	catch limits	EMER	96-11-094
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	PERM	96-11-022		PERM	96-11-055
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**FOREST PRACTICES APPEALS BOARD**  
Hearings, practice and procedure

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PROP	96-13-106	record-keeping requirements	PERM	96-07-075
PERM	96-15-034	Organization and operation	PROP	96-03-068

**FOREST PRACTICES BOARD**

Marbled murrelet  
critical wildlife habitat

EMER	96-03-009	Pull tabs	PROP	96-10-049
PROP	96-03-067	dispensing device standards	PERM	96-13-069
PROP	96-04-076	progressive pull tabs	PREP	96-15-020
PROP	96-05-090	Quality control testing program	PREP	96-15-022
PROP	96-09-099	Raffles	PROP	96-03-076
PERM	96-12-038	Recreational gambling permits	PERM	96-07-077
PROP	96-13-004		PREP	96-03-085
EMER	96-13-026		PROP	96-05-042
PERM	96-14-081		PERM	96-09-071
MISC	96-02-068	Rule-making orders	PERM	96-11-126
MISC	96-08-075	Rule-making petitions	PROP	96-13-072
MISC	96-13-024	Rules coordinator	PERM	96-17-012
<b>MISC</b>	<b>96-17-082</b>	Social card games	PROP	96-10-050
EMER	96-03-009	Taxation, compliance requirements	PERM	96-13-068
PROP	96-03-067	Tribal casinos	MISC	96-15-019
PROP	96-04-076	hours of operation	MISC	96-17-009
PROP	96-05-090	wagering limits	PREP	96-03-086
PROP	96-09-099		PROP	96-07-073
PERM	96-12-038		PERM	96-11-073
EMER	96-13-026		PROP	96-01-087
PERM	96-14-081		PROP	96-01-087

Meetings

Northern spotted owl  
critical wildlife habitat

EMER	96-03-009	Rule-making orders	PERM	96-17-012
PROP	96-03-067	Rule-making petitions	PROP	96-10-050
PROP	96-04-076	Rules coordinator	PERM	96-13-068
PROP	96-05-090	Social card games	MISC	96-15-019
PROP	96-09-099	Taxation, compliance requirements	MISC	96-17-009
PERM	96-12-038	Tribal casinos	PREP	96-03-086
EMER	96-13-026	hours of operation	PROP	96-07-073
PERM	96-14-081	wagering limits	PERM	96-11-073

**GAMBLING COMMISSION**

Adjudicative proceedings

PROP	96-03-078	Capitol campus design advisory committee	MISC	96-10-028
PERM	96-09-072	meetings	MISC	96-13-012

Amusement games  
locations  
operation

PROP	96-15-066	Expedited repeal	EXRE	96-13-036
PROP	96-03-080	accessibility design and construction	EXRE	96-13-038
PERM	96-07-076	standards for facilities	EXRE	96-13-040
PROP	96-14-028	bids and bidding	PERM	96-17-088
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Bingo  
gift certificates

PROP	96-03-079	public documents, copying charge	EXRE	96-13-037
PERM	96-07-078	state records committee	PERM	96-17-087
PROP	96-11-074		EXRE	96-13-039

Keno bingo

net income requirements

player selection games

record-keeping requirements  
satellite bingo and speed bingo  
transportation to games

PERM	96-07-072	Parking and traffic rules	EMER	96-01-011
PERM	96-13-067	state capitol grounds	PREP	96-06-044
PROP	96-03-068		EMER	96-09-006
PREP	96-15-021		PROP	96-10-019
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PERM	96-07-078	roller blading or in-line skating	PREP	96-17-086
		on state capitol campus		

Card rooms  
jackpot poker  
operation

PREP	96-07-071	Flood and high winds, state of emergency	MISC	96-14-053
PROP	96-03-081	declared	MISC	96-08-011
PROP	96-07-074		MISC	96-03-028

public card room enhancement  
program

PROP	96-13-070	Clemency and pardons board	MISC	96-05-014
EMER	96-13-071	meetings	MISC	96-13-080
<b>PERM</b>	<b>96-17-011</b>			

table time charge

PREP	96-07-071	Flooding, state of emergency declared	MISC	96-01-115
PROP	96-13-070		MISC	96-05-007
EMER	96-13-071		MISC	96-05-008

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PROP	96-05-043	Flood and high winds, state of emergency	MISC	96-05-012
PERM	96-09-070	declared	MISC	96-05-013
PREP	96-03-087		MISC	96-05-023
MISC	96-02-076		MISC	96-05-045

House rules

MISC	96-11-003	Flood and high winds, state of emergency	MISC	96-06-004
<b>PROP</b>	<b>96-17-010</b>	declared		

Nonprofit/charitable organizations  
gambling receipts deposit

PROP	96-04-085	Flood and high winds, state of emergency	MISC	96-05-007
PROP	96-05-041	declared	MISC	96-05-008
PERM	96-09-073		MISC	96-05-012

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Revenue department compliance division, limited role as criminal justice agency established	MISC 96-01-073	Community and family health, division of policy statements work schedules, hours, overtime, and exchange time	MISC 96-04-031 PROP 96-10-006 PERM 96-16-074
Sexual offender treatment providers notification of petition to repeal or amend a rule	MISC 96-02-064	Coordinated quality improvement program	MISC 96-15-070 PROP 96-04-082 PERM 96-09-042
Social and health services, department of administrative investigations child care licensing children's services, accountability	MISC 96-03-027 MISC 96-03-057 MISC 96-03-056	Counselors certification requirements fees  Dental quality assurance commission dentists examination	PREP 96-16-071 PROP 96-01-033
<b>GRAYS HARBOR COLLEGE</b> Meetings	MISC 96-05-037	Emergency medical services intermediate and advanced life support personnel training and certification	PERM 96-01-083
<b>GREEN RIVER COMMUNITY COLLEGE</b> Meetings	MISC 96-03-008	intermediate life technicians personnel training and certification	PERM 96-03-052
<b>HARDWOODS COMMISSION</b> (See COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF)			PREP 96-06-049 PROP 96-14-111 PERM 96-17-067
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<b>HEALTH, DEPARTMENT OF</b> Adjudicative proceedings	PREP 96-06-048 PROP 96-14-069	Hearing and speech, board of fees meetings speech-language pathologists certification standards	MISC 96-14-047
Administrative procedure filing policy and interpretive statements	MISC 96-14-001	Home care fees	PREP 96-17-061
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Nursing care quality assurance commission interpretive statements controlled substance administration epidural anesthesia procedures policy statement finger oximeter checks oral pharyngeal suctioning licensed practical nurses licenses reinstatement supervision	MISC 96-15-030 MISC 96-16-069 MISC 96-15-032 MISC 96-15-031	fees	licenses education requirements fees
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Future teacher conditional scholarship recipient teaching obligation	PREP	96-07-095	Health care services benefits, standards for determining when reasonable in relation to amount charged	PERM	96-17-079
State need grant program	PROP	96-11-090	conscientious objection to participating in specific services	PREP	96-13-097
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Rules coordinator			Rules coordinator	PERM	96-17-006
<b>HIGHLINE COMMUNITY COLLEGE</b>	MISC	96-01-059	<b>JUDICIAL CONDUCT, COMMISSION ON</b>	PERM	96-17-029
Meetings			Ethical standards	PREP	96-11-143
<b>HISPANIC AFFAIRS, COMMISSION ON</b>	MISC	96-01-020	Meetings	PROF	96-04-086
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<b>HORSE RACING COMMISSION</b>	PREP	96-03-143		PERM	96-09-047
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Controlled medication program	PERM	96-12-008	Administrative rules review	PROF	96-06-047
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